

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 81]

Amendments to the Pennsylvania Rules of Professional Conduct; No. 37 Disciplinary Rules; Doc. No. 1

Order

Per Curiam:

And Now, this 6th day of January, 2005, it is ordered, pursuant to Article V, Section 10, of the Constitution of Pennsylvania, that:

The Pennsylvania Rules of Professional Conduct are amended by adding new Rule 1.18 and making an amendment to Rule 1.6 set forth in Annex A hereto.

This Order shall be processed in accordance with Pa.R.J.A. 103(b). New Rule 1.18 shall take effect immediately and shall govern matters thereafter commenced and, insofar as just and practicable, matters then pending.

All comparisons to the Code of Professional Responsibility accompanying the Pennsylvania Rules of Professional Conduct are hereby rescinded.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart A. PROFESSIONAL RESPONSIBILITY

CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

Subchapter A. RULES OF PROFESSIONAL CONDUCT

§ 81.4. Rules of Professional Conduct.

The following are the Rules of Professional Conduct:

CLIENT-LAWYER RELATIONSHIP

Rule 1.6. Confidentiality of Information.

* * * * *

Comment:

* * * * *

Lobbyists

(26) A lawyer who acts as a lobbyist on behalf of a client may disclose information relating to the representation in order to comply with any legal obligation imposed on the lawyer-lobbyist by the legislature, the executive branch or an agency of the Commonwealth which are consistent with the Rules of Professional Conduct. Such disclosure is explicitly authorized to carry out the representation. The Disciplinary Board of the Supreme Court shall retain jurisdiction over any violation of this Rule.

Rule 1.18. Duties to Prospective Clients.

(a) A person who discusses with a lawyer the possibility of forming a client-lawyer relationship with respect to a matter is a prospective client.

(b) Even when no client-lawyer relationship ensues, a lawyer who has had discussions with a prospective client shall not use or reveal information which may be significantly harmful to that person learned in the consultation, except as Rule 1.9 would permit with respect to information of a former client.

(c) A lawyer subject to paragraph (b) shall not represent a client with interests materially adverse to those of a prospective client in the same or a substantially related matter if the lawyer received information from the prospective client that could be significantly harmful to that person in the matter, except as provided in paragraph (d). If a lawyer is disqualified from representation under this paragraph, no lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in such a matter, except as provided in paragraph (d).

(d) When a lawyer has received disqualifying information as defined in paragraph (c), representation is permissible if:

(1) both the affected client and the prospective client have given informed consent, or;

(2) all of the following apply:

(i) the disqualified lawyer took reasonable measures to avoid exposure to more disqualifying information than was reasonably necessary to determine whether to represent the prospective client;

(ii) the disqualified lawyer is screened from any participation in the matter and is apportioned no part of the fee therefrom; and

(iii) written notice is promptly given to the prospective client.

Comment:

(1) Prospective clients, like clients, may disclose information to a lawyer, place documents or other property in the lawyer's custody, or rely on the lawyer's advice. A lawyer's discussions with a prospective client usually are limited in time and depth and leave both the prospective client and the lawyer free (and sometimes required) to proceed no further. Hence, prospective clients should receive some but not all of the protection afforded clients.

(2) Not all persons who communicate information to a lawyer are entitled to protection under this Rule. A person who communicates information, such as an unsolicited e-mail or other communication, to a lawyer, without any reasonable expectation that a client-lawyer relationship will be established is not a "prospective client" within the meaning of paragraph (a). A person who participates in an initial consultation, or communicates information, with the intent to disqualify a lawyer from representing a client with materially adverse interests is not entitled to the protections of paragraphs (b) or (c) of this Rule. A person's intent to disqualify may be inferred from the circumstances.

(3) It is often necessary for a prospective client to reveal information to the lawyer during an initial consultation prior to the decision about formation of a client-lawyer relationship. The lawyer often must learn such

information to determine whether there is a conflict of interest with an existing client and whether the matter is one that the lawyer is willing to undertake. Paragraph (b) prohibits the lawyer from using or revealing significantly harmful information, except as permitted by Rule 1.9, even if the client or lawyer decides not to proceed with the representation. The duty exists regardless of how brief the initial conference may be.

(4) In order to avoid acquiring disqualifying information from a prospective client, a lawyer considering whether or not to undertake a new matter should limit the initial interview to only such information as reasonably appears necessary for that purpose. Where the information indicates that a conflict of interest or other reason for non-representation exists, the lawyer should so inform the prospective client or decline the representation. If the prospective client wishes to retain the lawyer, and if consent is possible under Rule 1.7, then consent from all affected present or former clients must be obtained before accepting the representation.

(5) A lawyer may condition conversations with a prospective client on the person's informed consent that no information disclosed during the consultation will prohibit the lawyer from representing a different client in the matter. See Rule 1.0(e) for the definition of informed consent. If the agreement expressly so provides, the prospective client may also consent to the lawyer's subsequent use of information received from the prospective client.

(6) Even in the absence of an agreement, under paragraph (c) the lawyer is not prohibited from representing a client with interests adverse to those of the prospective client in the same or a substantially related matter unless the lawyer has received from the prospective client information that could be significantly harmful if used in the matter.

(7) Under paragraph (c), the prohibition in this Rule is imputed to other lawyers as provided in Rule 1.10, but, under paragraph (d)(1), imputation may be avoided if the lawyer obtains the informed consent of both the prospective and affected clients. In the alternative, imputation may be avoided if the conditions of paragraph (d)(2) are met and all disqualified lawyers are timely screened and written notice is promptly given to the prospective client. See Rule 1.0(k) (requirements for screening procedures). Paragraph (d)(2)(ii) does not prohibit the screened lawyer from receiving a salary or partnership share established by prior independent agreement, but that lawyer may not receive compensation directly related to the matter in which the lawyer is disqualified.

(8) Notice, including a description of the screened lawyer's prior representation and of the screening procedures employed, generally should be given as soon as practicable after the need for screening becomes apparent.

(9) For the duty of competence of a lawyer who gives assistance on the merits of a matter to a prospective client, see Rule 1.1. For a lawyer's duties when a prospective client entrusts valuables or papers to the lawyer's care, see Rule 1.15.

[Pa.B. Doc. No. 05-139. Filed for public inspection January 21, 2005, 9:00 a.m.]

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 81]

Establishment of the Minor Judiciary Interest on Trust Accounts Program; No. 209; Magisterial Doc. No. 1

Order

Per Curiam:

And Now, this 6th day of January, 2005, it is hereby ordered that:

1. The Order entered in the previously captioned matter dated August 3, 2004, and stayed on August 19, 2004, establishing a Minor Judiciary Interest on Trust Account ("MJ-IOTA") Program, is hereby reinstated.

2. Magisterial district judges and other judicial officials required to establish MJ-IOTA accounts shall establish said accounts in accordance with regulations approved by this Court and promulgated by the IOLTA Board of the Supreme Court of Pennsylvania, as follows in Annex "A."

3. Whereas prior distribution and publication of these regulations would otherwise be required, it has been determined that immediate promulgation is required in the interest of justice and efficient administration.

4. This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective February 1, 2005.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart A. PROFESSIONAL RESPONSIBILITY

CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

Subchapter C. MINOR JUDICIARY INTEREST ON TRUST ACCOUNTS

Preamble: Statement of Purpose

The Minor Judiciary Interest on Trust Accounts Program (the "MJ-IOTA Program") was established by Order of the Supreme Court of Pennsylvania dated August 3, 2004. The judges and justices of all courts created pursuant to Article V, Sections 6 and 7 of the Pennsylvania Constitution are subject to MJ-IOTA. These include Magisterial District Judges, judges of the Philadelphia Municipal Court, judges of the Traffic Court of Philadelphia and judges of the Pittsburgh Magistrates.

The MJ-IOTA Program generates income where formerly there was none. This income aids the citizens of the Commonwealth of Pennsylvania. Interest earned on MJ-IOTA accounts may be used only for educational legal clinical programs and internships administered by law schools located in Pennsylvania, delivery of civil legal assistance to the poor and disadvantaged in Pennsylvania by non-profit corporations described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and for the administration and development of the MJ-IOTA program.

§ 81.302. Definitions.

The following words and phrases when used in these regulations shall have the meanings given to them in this section unless the context clearly indicates otherwise:

AOPC. The Administrative Office of Pennsylvania Courts.

AOPC Magisterial District Judge Case Reporting System. The computerized docket activity tracking and accounting system developed by the AOPC for use by the Magisterial District Judges throughout the state.

Beneficial Owner. The third party whose funds are in the custody of a judicial official.

Board. The Pennsylvania Interest on Lawyer Trust Account Board.

Custodial Account. Any account maintained in a depository institution in which or with respect to which a judicial official holds the funds of a beneficial owner.

Custodial Capacity. The capacity in which the judicial official holds funds of a beneficial owner received by a judicial official in his or her capacity as a judicial official.

Custodial Funds. Funds, whether cash, check, money order, or other negotiable instrument, received by a judicial official in his or her capacity as a judicial official.

Depository Institution. A financial institution in which a member of the minor judiciary holds funds of beneficial owners in a custodial account.

Good Faith. Honesty in fact in the conduct or transaction concerned.

Judicial Official. Each judge and justice of all courts created pursuant to Article V, Sections 6 and 7 of the Pennsylvania Constitution are judicial officials. These include Magisterial District Judges, judges of the Philadelphia Municipal Court, judges of the Traffic Court of Philadelphia and judges of the Pittsburgh Magistrates Court.

MJ-IOTA Account. An un-segregated interest-bearing account with a depository institution for the deposit of qualified funds by a judicial official, the interest from which is beneficially owned by the Board.

MJ-IOTA Order. The Order of the Supreme Court of Pennsylvania dated August 3, 2004 which established the Minor Judiciary Interest on Trust Account Program.

Qualified Funds. Funds, whether cash, check, money order, or other negotiable instrument received by a judicial official in his or her capacity as a judicial official which, in the good faith judgment of the judicial official, are nominal in amount or are reasonably expected to be held for such a short period of time that sufficient interest income will not be generated to justify the expense of earning interest to benefit the beneficial owner of the funds.

Regulations. These regulations adopted by the Board, and approved by the Supreme Court of Pennsylvania, as they may be amended from time to time.

§ 81.303. Scope.

The MJ-IOTA program applies to each custodial account maintained by, or on behalf of, a judicial official in the performance of his or her official duties.

§ 81.304. Custodial Funds.

(a) Custodial funds must be deposited in a custodial account.

(b) Qualified funds are custodial funds that, in the good faith judgment of the judicial official, are nominal in amount or are reasonably expected to be held for such a short period of time that sufficient interest income will not be generated to justify the expense of earning interest to benefit the beneficial owner of the funds. With few exceptions, custodial funds handled by judicial officials will be qualified funds.

(c) The judicial official, in the exercise of good faith judgment, should apply an economic benefits test to determine whether particular custodial funds are not qualified funds and hence the beneficial owner of the funds should receive interest on those funds.

(1) If the anticipated cost of administering a segregated account for the benefit of the beneficial owner of the funds is more than the interest expected to be generated on the funds, then the funds are qualified funds.

(2) Custodial funds that when considered alone are not large enough to earn interest for the beneficial owner thereof are qualified funds.

(3) Funds which are not expected to be held for a sufficient time to provide interest for the beneficial owner are qualified funds.

(d) Factors which should be used to determine whether custodial funds are qualified funds include:

(1) the cost of establishing and maintaining separate account(s) benefiting beneficial owners;

(2) the account and bank service charges of the depository institution in which the account is maintained;

(3) the minimum deposit requirements of the depository institution in which the account is maintained;

(4) accounting fees incurred in connection with the funds;

(5) tax reporting requirement costs incurred in connection with the funds; and

(6) the length of time the funds are expected to be on deposit and the rate of interest that will be earned on the funds.

(e) Examples of qualified funds include:

(1) funds collected which represent fines and costs that are awaiting payment to the appropriate governmental entity;

(2) funds collected which represent posting of collateral by individuals who plead not guilty to a charged offense, unless those funds are of such a magnitude that the costs of administering a separate account for those funds, including service charges and other charges, will be less than the interest anticipated to be earned;

(3) funds collected which represent posting of bail by or on behalf of an individual awaiting a hearing, unless those funds are of such a magnitude that the costs of administering a separate account for those funds, including service charges and other charges, will be less than the interest anticipated to be earned;

(4) funds collected which represent restitution to victims pending the payment of the funds to the victims; and

(5) funds collected which represent payment of filing fees and other costs pending payment to the appropriate persons or entities.

§ 81.305. Special Provisions Applicable to Custodial Accounts of Magisterial District Judges.

(a) Each magisterial district judge must use the statewide computerized reporting system of the AOPC for reporting all transactions which occur through his or her custodial account. As of the date of these regulations, the AOPC Magisterial District Judge case reporting system is incapable of handling more than one custodial account

per magisterial district judge, meaning that each magisterial district judge may maintain only one custodial account.

(b) Custodial funds received by a magisterial district judge will generally be qualified funds. Magisterial District Judges, however, may determine that particular custodial funds received are not, in fact, qualified funds, applying the criteria set forth in § 81.304.

(c) Each magisterial district judge is permitted to exercise his or her judgment as to whether custodial funds received by that magisterial district judge are qualified funds. If, in the good faith judgment of the magisterial district judge, custodial funds are not qualified funds, the magisterial district judge may request a refund of interest with respect to those custodial funds. See § 81.308—Refunds.

(d) If, in the future, the AOPC magisterial district judge case reporting system permits handling of multiple custodial accounts for each magisterial district judge, the provisions of this section shall no longer apply, although magisterial district judges shall remain subject to the remaining provisions of these regulations.

§ 81.306. Requirements Applicable to MJ-IOTA Accounts.

(a) Unless an exemption has been granted to the judicial official, each judicial official shall establish a MJ-IOTA account at the depository institution of his or her choice. If local county policies and procedures concerning accounts established by the judicial official exist, nothing herein shall be construed as relieving the judicial official of complying with such policies and procedures, except to the extent inconsistent herewith.

(b) In order to qualify as a MJ-IOTA Account, the depository institution must:

(1) Remit monthly any interest earned on the account to the Board, or if that is not possible, remit the interest earned at least quarterly; and

(2) Transmit to the Board with each remittance a statement showing not less than the following information: the name of the account, the account number, the service charges and/or fees deducted, if any, from the account, the amount of interest remitted from the account, and if available, the average daily collected balance in the account for the period reported.

(c) The following additional requirements apply to MJ-IOTA accounts:

(1) The rate of interest paid on MJ-IOTA Accounts shall be not less than the highest rate of interest generally available from the depository institution to depositors generally for accounts with the same minimum balance and other account eligibility requirements.

(2) Under no circumstances may the rate of interest payable on a MJ-IOTA account be less than the rate paid by the depository institution on negotiable order of withdrawal accounts or super negotiable order of withdrawal accounts.

(3) The accounts must continue to be collateralized by the assets of the depository institution in accordance with current practice and Act 72 of 1971.

(d) Depository institutions may impose reasonable service charges for the administration of MJ-IOTA accounts.

(1) A depository institution may deduct service charges such as maintenance fees and transaction charges against

the amount of interest to be paid on the MJ-IOTA account to which service charges apply.

(2) All costs associated with check printing, overdraft charges, charges for a temporary extension of credit and similar bank charges shall not be assessed against funds in or interest earned on a MJ-IOTA account.

(3) All costs for services such as overdrafts on deposited items, stopped payments, certified checks, and wire transfers shall not be assessed against funds in or interest earned on a MJ-IOTA account.

§ 81.307. Exemptions from MJ-IOTA Participation.

(a) The Board may grant exemptions from participation in the MJ-IOTA Program. Exemptions are not automatic. The Board may declare a judicial official exempt from the requirements of maintaining a MJ-IOTA account. Alternatively, a judicial official may submit a written request for exemption. All requests by a judicial official must be made on the judicial official's official letterhead, and all requests must set forth in reasonable detail the basis for the requested exemption.

(b) Exemptions may be granted only with respect to the maintenance of a MJ-IOTA account for qualified funds. The Board is not empowered to handle other types of exemptions. Judicial officials exempt from maintenance of a MJ-IOTA account are reminded that the judicial official remains subject to other requirements pertaining to custodial funds.

(c) Exemptions will be routinely granted in the following situations:

(1) Low balance account: Any custodial account which historically, generally based upon 12 consecutive months of activity, has an average daily balance of three thousand five hundred (\$3,500) Dollars or less will be exempt from being a MJ-IOTA account. The Board may exempt from MJ-IOTA, without application, a low balance account. A judicial official requesting an exemption based on a low balance account must, as a part of the written request for exemption, include an account analysis or written statement that demonstrates the amount of the average daily balance.

(2) Account service charges routinely exceed interest: Some custodial accounts may have an average daily balance of more than \$3,500, but account service charges routinely exceed interest earned on the account. A judicial official requesting an exemption under this subsection, as part of the written request for exemption, must include an account analysis or written statement that clearly shows the interest earned, or the interest that would have been earned, on the account each month for the past 12 months, plus the account service charges imposed on the account for each of the last 12 months. Only account-related service charges will be considered for the purpose of whether an exemption will be granted.

(3) Extreme impracticality: Under limited circumstances it may be unduly burdensome for a judicial official to maintain a MJ-IOTA account. When claiming undue hardship, the judicial official should provide appropriate detail demonstrating undue hardship. An example includes the lack of a depository institution that offers MJ-IOTA accounts in the judicial official's geographical location.

(4) Other compelling and necessitous reasons: A judicial official who demonstrates a compelling and necessitous reason for not complying with MJ-IOTA may request an exemption. A philosophical objection to MJ-IOTA does not constitute a compelling and necessitous reason for an exemption.

(d) If the Board denies a judicial official's request for an exemption from maintenance of a MJ-IOTA account, the judicial official may, within 30 days of written notice of denial from the Board, request in writing a reconsideration of the Board's decision. All requests for reconsideration shall set forth in detail additional facts, if any, not brought before the Board in the request for exemption, as well as the reasons, if any, why an exemption should be granted.

(e) If the Board has determined that a judicial official's custodial account is exempt from MJ-IOTA status, the judicial official may, within 30 days of written notice from the Board that the judicial official is exempt, request in writing a reconsideration of the Board's decision. All requests for reconsideration shall set forth in detail facts, if any, why the judicial official should maintain a MJ-IOTA account, and the manner, if any, in which the Board and the purposes of the MJ-IOTA program will be furthered by the judicial official's maintenance of a MJ-IOTA account.

(f) Notice shall be deemed to have been given to a judicial official under the provisions of this Section upon the deposit by the Board, postage prepaid, with the United States Postal Service of its written determination regarding the exemption, if any, of the judicial official from the MJ-IOTA Program.

(g) The Board may delegate to its staff or to a committee of the Board the authority to determine exemptions from MJ-IOTA or to reconsider exemption denials or determinations.

§ 81.308. Refunds.

(a) Upon application of a judicial official, the Board may return interest paid to it. For example, if a judicial official mistakenly places custodial funds which are not qualified funds in an MJ-IOTA account, interest earned on those funds may be refunded.

(b) At the time of the issuance of these regulations, all custodial funds handled by Magisterial District Judges are anticipated to be qualified funds. Magisterial District Judges occasionally may determine that certain custodial funds maintained in their custodial account do not meet this presumption, and are not qualified funds. Upon application of the Magisterial District Judge, the Board may return interest paid to it applicable to the funds which were not qualified funds.

(c) The following guidelines apply to requests for refund of interest:

(1) All requests by a judicial official must be made on the judicial official's official letterhead, and all requests must set forth in reasonable detail the basis for the requested refund;

(2) The request must be accompanied by verification of the interest paid with respect to the funds mistakenly placed in the MJ-IOTA account. Verification must be made by the depository institution in which the MJ-IOTA account is maintained. As needed for auditing purposes, the Board may request additional documentation;

(3) The request must be made within six months after the beneficial owner's funds have been disbursed from the MJ- IOTA account;

(4) Refunds will be remitted to the beneficial owner and the Board will issue an IRS (Internal Revenue Service) form 1099 to the beneficial owner;

(5) If the depository institution has imposed a service charge with respect to the MJ-IOTA account, only the net amount of interest paid to the Board (i.e., the interest reduced by applicable service charges) will be refunded; and

(6) The Board may impose and deduct a processing charge from the refund.

[Pa.B. Doc. No. 05-140. Filed for public inspection January 21, 2005, 9:00 a.m.]

Title 231—RULES
OF CIVIL PROCEDURE

PART I. GENERAL
[231 PA. CODE Ch. 200]
Damages for Delay

Rule 238. Damages for Delay in an Action for Bodily Injury, Death or Property Damage.

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Addendum to Explanatory Comment

The prime rate set forth in the first edition of the *Wall Street Journal* for a particular year is the basis for calculating damages for delay under Pa.R.C.P. 238. The following list sets forth the prime rate published in the first edition of the *Wall Street Journal* for each of the years specified:

| <i>Date of Publication</i> | <i>Prime Rate Percentage</i> |
|----------------------------|------------------------------|
| January 3, 2005 | 5 1/4 |
| January 2, 2004 | 4 |
| January 2, 2003 | 4 1/4 |
| January 2, 2002 | 4 3/4 |
| January 2, 2001 | 9 1/2 |
| January 3, 2000 | 8 1/2 |
| January 4, 1999 | 7 3/4 |
| January 2, 1998 | 8 1/2 |
| January 2, 1997 | 8 1/4 |
| January 2, 1996 | 8 1/2 |

Official Note: The prime rate for the years 1980 through 1995 may be found in the Addendum to the Explanatory Comment published in the *Pennsylvania Bulletin*, volume 33, page 634 (2/1/03) and on the web site of the Civil Procedural Rules Committee at www.aopc.org.

By the Civil Procedural Rules Committee

R. STANTON WETTICK, Jr.,
Chair

[Pa.B. Doc. No. 05-141. Filed for public inspection January 21, 2005, 9:00 a.m.]

PART I. GENERAL
[231 PA. CODE CH. 2250]

**Amendment of Rule 2253 Governing Joinder of an
Additional Defendant; No. 425 Civil Procedural
Rules; Doc. No. 5**

Order

Per Curiam:

And Now, this 6th day of January, 2005, Pennsylvania Rule of Civil Procedure 2253 is amended to read 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 2250. JOINDER OF ADDITIONAL
DEFENDANTS**

Rule 2253. Time for Filing Praecept or Complaint.

(a) Except as provided by Rule 1041.1(e), neither a praecipe for a writ to join an additional defendant nor a complaint if the joinder is commenced by complaint, shall be filed by the original defendant or an additional defendant later than sixty days after the service upon the original defendant of the initial pleading of the plaintiff or any amendment thereof unless such filing is allowed by **order of the court [upon cause shown] or by the written consent of all parties approved by and filed with the court.** The praecipe for a writ to join an additional defendant or the complaint joining the additional defendant shall be filed within twenty days after notice of the court order or the court approval of the written consent or within such other time as the court shall fix.

* * * * *

(b) Any party may object to a motion to join an additional defendant after the sixty-day period prescribed by subdivision (a) on the ground that the party will be prejudiced by the late joinder. The plaintiff may also object to the late joinder on the ground that the joining party has not shown a reasonable justification for its delay in commencing joinder proceedings.

(c) A person not previously a party who is joined as an additional defendant may object to the joinder by filing preliminary objections asserting prejudice or any other ground set forth in Rule 1028.

Official Note: The person joined may object to the joinder whether the joinder was effected by order or consent.

Explanatory Comment

Rule of Civil Procedure 2253 governs the time for the joinder of an additional defendant.

The former rule is designated as subdivision (a) and revised in three respects. First, the words "upon cause shown" are deleted. However, the requirement reappears in limited form in subdivision (b). Second, there is new language allowing late joinder "by the written consent of all parties approved by and filed with the court." Finally, a new sentence concludes the subdivision by requiring the

filing within twenty days of the praecipe for writ of summons or of the complaint joining the additional defendant.

New subdivision (b) governs the procedure by which a party may object to a proposed late joinder of an additional defendant. Any party may object to the motion to join on the ground of prejudice. However, only the plaintiff may object on the ground of the absence of reasonable justification for the delay in commencing the joinder proceeding. The reasonable justification standard is the same as the cause shown standard of Rule 2253 prior to the present amendment.

New subdivision (c) governs the procedure by which a person not previously a party who has been joined as an additional defendant may object to his or her late joinder. The person joined as an additional defendant may file preliminary objections raising the ground of prejudice and any other ground applicable under Rule 1028 governing preliminary objections.

By the Civil Procedural Rules Committee

R. STANTON WETTICK, Jr.,

Chair

[Pa.B. Doc. No. 05-142. Filed for public inspection January 21, 2005, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CARBON COUNTY

**Amendment of Local Rule of Civil Procedure
205.2(b) Filing Legal Papers with the Prothonotary;
No. 04-1727**

Administrative Order No. 5-2005

And Now, this 6th day of January, 2005, in order to reflect the correct description of the case specific for Medical Professional Liability Actions on the instruction sheet to the Civil Cover Sheet that is required to be attached to all new actions, it is hereby

Ordered and Decreed that, effective immediately, Carbon County *Amends* Local Civil Rule of Procedure CARB.R.C.P.205.2(b) accordingly.

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. Electronically submit to the Administrative Office of Pennsylvania Courts a copy of local rule numbered 205.2(b) for publication on the web site located at www.aopc.org.

5. Forward one (1) copy for publication in the *Carbon County Law Journal*.

6. Forward one (1) copy to the Carbon County Law Library.

7. Keep continuously available for public inspection copies of the Order in the Prothonotary's Office.

By The Court

ROGER N. NANOVIC,
President Judge

Rule 205.2(b)—Filing Legal Papers with the Prothonotary.

Pursuant to this rule, a Civil Cover Sheet marked Form "A," shall be attached to any document commencing an action (whether the action is commenced by Complaint, Writ of Summons, Notice of Appeal, or by Petition) in the Prothonotary's office.

A Motion Cover Sheet, marked Form "B," shall be attached to any motion or petition being filed.

| | | |
|--|--|--|
| Court of Common Pleas of Carbon County | | For Prothonotary Use only (Docket Number) |
| Civil Cover Sheet | | |
| A. PLAINTIFF'S NAME: | | DEFENDANT'S NAME: |
| PLAINTIFF'S ADDRESS & TELEPHONE NUMBER: | | DEFENDANT'S ADDRESS AND TELEPHONE NUMBER: |
| PLAINTIFF'S NAME: | | DEFENDANT'S NAME: |
| PLAINTIFF'S ADDRESS & TELEPHONE NUMBER: | | DEFENDANT'S ADDRESS & TELEPHONE NUMBER: |
| TOTAL NUMBER OF PLAINTIFFS | | TOTAL NUMBER OF DEFENDANTS |
| B. AMOUNT IN CONTROVERSY ____ \$25,000 or less ____ More than \$25,000 | C. COMMENCEMENT OF ACTION ____ 1. Complaint ____ 2. Writ of Summons ____ 3. Notice of Appeal ____ 4. Petition Action | D. CASE PROCESS ____ 5. Arbitration ____ 6. Jury ____ 7. Non Jury ____ 8. Class Action |
| E. TRACK ASSIGNMENT REQUESTED (CHECK ONE) COURT HAS FINAL APPROVAL FOR ALL TRACK ASSIGNMENTS ____ FAST ____ STANDARD ____ COMPLEX If complex, state reasons: | | |
| F. CODE AND CASE TYPE (See instructions) | | G. CODE AND CASE SPECIFIC (See instructions) |
| H. STATUTORY BASIS FOR CAUSE OF ACTION (See instructions) | | |
| I. RELATED PENDING CASES (List by Docket Number—Indicate whether the related cases have been consolidated) | | |
| J. TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant. Papers may be served at the address set forth below. | | |
| NAME OF PLAINTIFF'S/APPELLANT'S ATTORNEY | | ADDRESS |
| PHONE NUMBER | SUPREME COURT IDENTIFICATION NUMBER | E-MAIL ADDRESS: FAX NO. (OPTIONAL—FOR SERVICE): |
| DATE: _____ | | SIGNATURE: _____ |

Form A

Instructions for Completing Civil Cover Sheet

The attorney (or pro se party) filing a case shall complete the form as follows:

A. Parties

i. *Plaintiff(s)/Defendant(s)*

Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency or corporation, use the full name of the agency or corporation. In the event there are more than two plaintiffs and/or two defendants, list the additional parties on a separate sheet of paper. Husband and wife should be listed as separate parties.

ii. *Parties' Addresses and Telephone Numbers*

Enter the address and telephone numbers of the parties at the time of filing of the action. If any party is a corporation, enter the address and telephone number of the registered office of the corporation.

iii. *Number of Plaintiffs/Defendants*

Indicate the total number of plaintiffs and the total number of defendants in the action.

B. Amount in Controversy

Check the appropriate box. Indicate whether an Assessment of Damages Hearing is required.

C. Commencement of Action

Indicate type of document to be filed to initiate the action.

D. Other

Indicate whether the case is an arbitration, jury or non-jury case. Check any other appropriate boxes. If the action will require the entry of an Order approving a minor/incapacitated person's compromise, wrongful death or survival action, check the appropriate box.

E. Track Assignment—COURT HAS FINAL APPROVAL FOR ALL TRACK ASSIGNMENTS

If you are requesting the Complex track, please indicate the reasons for your request.

F. Type of Action—Case Type

Select and insert the applicable case type and code from the first two columns of the following list:

| <i>Code</i> | <i>Case Type</i> | <i>Code</i> | <i>Case Type</i> | <i>Code</i> | <i>Case Specific</i> | <i>Code</i> | <i>Case</i> |
|-------------|-----------------------------|-------------|----------------------|-------------|--------------------------------|-------------|---------------------------------|
| @ | Asbestos Case | 9 | Mandamus | 001 | Assault/Battery | 005 | M V Prop Damage |
| X | Assessment Appeal | # | Miscellaneous | 018 | Class Action | 009 | Negotiable Instrument Partition |
| A | Civil Action | F | Mortgage Foreclosure | 015 | Consumer Credit | 032 | Partition |
| C | Custody | \$ | Municipal Appeal | 019 | Contract—Construction | 002 | Premises Liability |
| 1 | Declaratory Judgment | 7 | Name Change | 011 | Contract—Sale of Goods | 003 | Personal Injury |
| D | Divorce | Q | Quiet Title | 012 | Contract—Other | 027 | Product Liability |
| B | DJ Appeal | R | Replevin | 025 | Defamation | 022 | Prof. Malprac. Liability Actn |
| W | Ejectment | ! | Tax Sale | 035 | Discrimination | 006 | Property Damage (non-veh) |
| N | Eminent Dom./Dec. of Tak. | V | Zoning Appeal | 030 | Employment/Wrongful Disc. | 010 | Recov. Overpaymt. |
| 2 | Eminent Domain/Pet. Viewers | | | 016 | Fraud | 013 | Rent/Lease/Ejectment |
| E | Equity | | | 040 | Indirect Criminal Contempt | 039 | Right to Know |
| L | License Appeal | | | 008 | Insurance—Declar. Judgment | 024 | Stockholder Suit |
| | | | | 034 | Malicious Prosecution | 014 | Title to Real Property |
| | | | | 033 | Mechanic's Lien | 004 | Torts to Land |
| | | | | 042 | Medical Prof. Liability Action | 023 | Toxic Tort-Pers. Injury |
| | | | | 007 | Motor Veh. Accdt. > \$25,000 | 031 | Toxic Waste/Environ. |
| | | | | 037 | Motor. Veh. Accdt. < \$25,000 | 021 | Wast/Contam/Env |

G. Case Specific

Insert applicable case specific and code from the last two columns of the above list.

H. Statutory Basis for Cause of Action

If the action is commenced pursuant to statutory authority ("Petition Action"), the specific statute must be cited.

I. Related Pending Cases

All previously filed related cases must be identified. Indicated whether they have been consolidated by Court Order or Stipulation.

J. Plaintiff's/Appellant's/Petitioner's Attorney—Entry of Appearance

The name of filing party's attorney must be inserted, together with the other required information. Unrepresented filers must provide their name, address, telephone number and signature. Providing the fax number shall authorize the service of legal papers by facsimile transmission. See Pa.R.CP. 440(d)

Form A

CARBON COUNTY COURT OF COMMON PLEAS
CIVIL DIVISION
MOTION COVER SHEET

NO. _____

vs.

FILING OF:

Movant () Respondent ()

TYPE OF FILING (check one):

| | |
|--------------------------|---------------------------------------|
| <input type="checkbox"/> | Assigned Judge |
| <input type="checkbox"/> | Court Action Taken |
| <input type="checkbox"/> | Returned to Attorney for Deficiencies |
| <input type="checkbox"/> | Action Deferred by Court |
| | <i>For Court Use Only</i> |

- () 1. Pretrial Discovery Motion (432)
- () 2. Motion for Discovery in Aid of Execution (480)
- () 3. Preliminary Objections to (576) _____
- () 4. Motion for Summary Judgment (306)
- () 5. Motion for Judgment on Pleadings (294)
- () 6. Motion for Leave to Join Additional Defendant (403)
- () 7. Motion for TRO or Preliminary Injunction (438)
- () 8. Petition to Open or Strike Judgment (498)
- () 9. Motion for Alternative Service (409)
- () 10. Motion for Leave to Amend (465) _____
- () 11. Motion to Consolidate Actions (424)
- () 12. Petition to Compromise Minor's Action (435)
- () 13. Motion for Leave to Withdraw (510)
- () 14. Motion for Reconsideration (441)
- () 15. Motion for Advancement on Trial List (404)
- () 16. Other Motion or Petition (specify): _____

OTHER PARTIES:

Attorney's Name (Typed) _____

Attorney for: _____
() Movant () Respondent

N. B. The numbers after the Motion or Petition above are docket codes used in the Court Computer System. Please be precise when checking your Motion or Petition.

Form B

[Pa.B. Doc. No. 05-143. Filed for public inspection January 21, 2005, 9:00 a.m.]

CUMBERLAND COUNTY**Rules of the Court of Common Pleas; No. 21-95-945 Orphans Court****Order of Court**

And Now, this 29th day of December, 2004, the following Rules of the Court of Common Pleas of Cumberland County, Pennsylvania, are hereby promulgated and adopted for use, effective December 29th, 2004, or thirty (30) days after publication in the *Pennsylvania Bulletin*.

Pursuant to Pa.R.C.P. 239, the Court Administrator is directed to forward seven (7) certified copies of this order to the Administrative Office of Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* together with a diskette, formatted in Microsoft Word reflecting the text in the hard copy version, one (1) copy to the Supreme Court Orphans Court Procedural Rules Committee and/or the Supreme Court Domestic Relations Committee, and one (1) copy to the *Cumberland Law Journal*.

By the Court

GEORGE E. HOFFER,
President Judge

RULES OF THE COURT OF COMMON PLEAS**ORPHAN'S COURT DIVISION**

Integrated with Pennsylvania Supreme Court
Orphan's Court Rules

Supreme Court Rules in bold type

Local Rules in regular type

RULE 1. JUDGES—LOCAL RULES**Rule 1.1. Powers of Judges**

Rule 1.1-1. [No revision required]

Rule 1.2. Local Rules

LOCAL RULES OF COURT

Rule 1.2-1. [No revision required]

COURT OFFICE AND RECORDS

Rule 1.2-2. [No revision required]

COURT CALENDAR

Rule 1.2-3. [No revision required]

SURETIES

Rule 1.2-4. [No revision required]

RULE 2. CONSTRUCTION AND APPLICATION OF RULES**Rule 2.1. Construction of Rules**

CONSTRUCTION OF LOCAL RULES

Rule 2.1-1. [No revision required]

FOOTNOTES

Rule 2.1-2. [No revision required]

Rule 2.2. Waiver of Time Limitation

Rule 2.2-1. [No revision required]

Rule 2.3. Definitions

DEFINITIONS

Rule 2.3-1.

* * * * *

"Exception" means a disagreement with any order, decree, adjudication, confirmation or other decision of the Court which would become a final appealable order under Pa.R.A.P. 341(b) or Pa.R.A.P. 342 following disposition of the Exceptions.

* * * * *

"PEF Code" means the "Probate, Estates and Fiduciaries Code," 20 Pa.C.S. §§ 101, et seq.

* * * * *

Note: The Court may disregard any misnomer of an Exception or Objection, and no such misnomer shall be grounds for dismissal. See Pa.O.C. Rule 2.1 and Pa.R.C.P. 126.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

RULE 3. PLEADING AND PRACTICE**Rule 3.1. Conformity to Equity Practice in General DECREEs**

Rule 3.1-1.

All decrees entered in the Orphans' Court Division shall be final, unless Exceptions shall be filed as permitted or prescribed by Pa.O.C. Rule 7.1.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

Rule 3.2. Petition, Answer and Reply

PETITION AND ANSWER

Rule 3.2-1. [No revision required, except in Note]

Note: See PEF Code § 761, and C.C.R.P. 206-1 to 209-2, inclusive.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

Rule 3.3. Averment of Incapacity

Rule 3.3-1. [No revision required]

Rule 3.4. Form of Petition. Exhibits. Consents

Rule 3.4-1. [No revision required, except in Note]

Note: No local rule required. For requirement that form of decree shall be affixed to the front of the petition, see C.C.R.P. 206-3

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

Rule 3.5. Mode of Proceeding on Petition

DISPOSITION

Rule 3.5-1. [No revision required]

Rule 3.6. Depositions, Discovery, Production of Documents and Perpetuation of Testimony

Rule 3.6-1. [No revision required, except in Note]

Note: No local rule required. See PEF Code § 774 and § 775, and C.C.R.P. 209-1 and 209-2.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

RULE 4. COMPUTATION OF TIME

Rule 4.1. Generally

Rule 4.1-1. [No revision required]

Rule 4.2. Publication for Successive Weeks

Rule 4.2-1. [No revision required]

Rule 4.3. Computation of Months

Rule 4.3-1. [No revision required]

RULE 5. NOTICE

Rule 5.1. Method

Rule 5.1-1. [No revision required, except in Note]

Note: No local rule required. See PEF Code § 765 and § 768. For the legal periodical, see, C.C.R.P. 335. See also C.C.R.P. 1009-1.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

Rule 5.2. Method; Person Under Incapacity

METHOD; WHEN NO FIDUCIARY

Rule 5.2-1. [No revision required]

Rule 5.3. Time for Notice

Rule 5.3-1. [No revision required]

Rule 5.4. Return of Notice

Rule 5.4-1. [No revision required]

Rule 5.5. Charities; Notice to the Attorney General

Rule 5.5-1. [No revision required]

Rule 5.6. Notice to Beneficiaries and Intestate Heirs

Text of rule applying to decedents dying on or after July 1, 1992 and before Jan. 1, 1999.

Rule 5.6-1. [RESERVED; applying to decedents dying on or after July 1, 1992 and before Jan. 1, 1999.]

Note: No local rule required. With respect to subdivision (a)(7) of Pa.O.C. Rule 5.6, it is suggested that "other intestate heirs" be determined as of decedent's date of death as if decedent died intestate. Accordingly, only such intestate heirs would be entitled to notice. See *Holtz Estate*, 13 Cumb. L.J. 124 (1963). In the event any intestate heirs are unknown, it is suggested that the manner of giving notice shall be as the Court directs. See Pa.O.C. Rule 5.1(d).

Adopted February 1, 1993, effective March 30, 1993. (*Originally included as part of local rules, but currently omitted)

Rule 5.6. Notice to Beneficiaries and Intestate Heirs

Text of rule applying to decedents dying on or after Jan. 1, 1999.

Rule 5.6-1. [RESERVED; applying to decedents dying on or after Jan. 1, 1999.]

Note: No local rule required.

Adopted December 29, 2004, effective December 29, 2004.

Rule 5.7. Form of Notice and Certification of Notice to Beneficiaries and Intestate Heirs

Rule 5.7-1. [RESERVED]

Note: No local rule required.

Adopted December 29, 2004, effective December 29, 2004.

RULE 6. ACCOUNTS AND DISTRIBUTION

Rule 6.1. Form

FORM

Rule 6.1-1.

* * * * *

(f) Every account filed with the Clerk shall be signed by each accountant, unless special leave of court is obtained, and shall be verified by at least one accountant.

Adopted May 15, 1990, effective July 1, 1990; subparagraph (f) amended February 1, 1993, effective March 30, 1993. (*Originally included as part of local rules, but currently omitted)

* * * * *

Rule 6.2. Form. Separate Accounts for Minors

Rule 6.2-1. [No revision required]

Rule 6.3. Notice to Parties in Interest

NOTICE—CERTIFICATION

Rule 6.3-1.

No account presented shall be confirmed, nor any decree of distribution made, unless the accountant or attorney shall certify that written notice of the time of presentation of the account and proposed statement of distribution and the character thereof has been given for at least twenty days prior to the date fixed for confirmation in accordance with and as required by Section 3503 of the PEF Code.

Note: See PEF Code § 3503, as amended effective Dec. 16, 1992.

Adopted May 15, 1990, effective July 1, 1990; amended February 1, 1993, effective March 30, 1993 (* Originally included as part of local rules, but currently omitted); amended December 29, 2004, effective December 29, 2004.

Rule 6.4. Time for Filing

DEADLINE FOR FILING ACCOUNTS

Rule 6.4-1.

Accounts of personal representatives to be confirmed shall be filed not later than 4:30 p.m. (prevailing time) of the fifth Friday preceding the date fixed for confirmation of said accounts.

Note: See C.C.O.C.R. 1.2-3.

Adopted May 15, 1990, effective July 1, 1990; amended February 1, 1993, effective March 30, 1993 (***Originally included as part of local rules, but currently omitted**); amended December 29, 2004, effective December 29, 2004.

Rule 6.5. Repealed

Repealed

Adopted May 15, 1990, effective July 1, 1990; repealed February 1, 1993, effective March 30, 1993. (***Originally included as part of local rules, but currently omitted**)

Rule 6.6. Filing With the Clerk of the Orphans' Court

ADVERTISING

Rule 6.6-1.

The Clerk shall advertise all accounts and accompanying statements of proposed distributions, if any, in the Cumberland Law Journal and in one newspaper of general circulation published within the county at least once a week during the two weeks immediately preceding the time for presentment of the accounts to the Court. Said advertisements shall set forth the name and the capacity of the respective accountants and shall set forth the time and place that said accounts shall be submitted to the Court for confirmation.

Note: See PEF Code § 745, as amended.

Adopted May 15, 1990, effective July 1, 1990; amended February 1, 1993, effective March 30, 1993. (***Originally included as part of local rules, but currently omitted**)

Rule 6.7. Filing Copy with the Department of Revenue

Rule 6.7-1. [No revision required, except as noted]

Rule 6.8. Filing Copy with the United States Veterans' Administration

Rule 6.8-1. [No revision required, except as noted]

Rule 6.9. Statement of Proposed Distribution

FILING—TIME AND PLACE

Rule 6.9-1. [No revision required, except in Note]

Note: See C.C.O.C.R. 6.1-1 and Pa.O.C. Rule 6.6.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

CONTENTS

Rule 6.9-2. [No revision required]

STATEMENT OF PROPOSED DISTRIBUTION

Rule 6.9-3. [No revision required]

Rule 6.10. Objections to Accounts and Statements of Proposed Distribution

FILING AND SERVICE

Rule 6.10-1. [No revision required]

DISPOSITION OF OBJECTIONS

Rule 6.10-2. [No revision required]

Rule 6.11. Confirmation of Accounts. Awards

CONFIRMATION

Rule 6.11-1. [No revision required]

SMALL ESTATES

Rule 6.11-2. [No revision required]

Rule 6.12. Status Report of Personal Representative

Rule 6.12-1. [No revision required]

RULE 7. EXCEPTIONS

Rule 7.1. Exceptions

[Repealed]

Adopted May 15, 1990, effective July 1, 1990; repealed December 29, 2004, effective December 29, 2004.

EXCEPTIONS—FORMS

Rule 7.1-1. [No revision required, except as noted]

EXCEPTIONS—FILING

Rule 7.1-2.

Exceptions shall be filed with the Clerk.

Adopted May 15, 1990, effective July 1, 1990; repealed in part and amended in part December 29, 2004, effective December 29, 2004.

RULE 8. AUDITORS AND MASTERS

Rule 8.1. Notice of Hearings

NOTICE OF HEARINGS

Rule 8.1-1.

On appointment, the auditor shall schedule a hearing and give notice thereof to all parties in interest at least twenty days prior to the hearing.

Note: Notwithstanding Pa.O.C. Rule 8.1, see Pa.O.C. Rule 5.1.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

MASTERS

Rule 8.1-2. [No revision required]

Rule 8.2. Filing of Report

WHERE FILED

Rule 8.2-1. [No revision required]

Rule 8.3. Form of Auditor's Report

Rule 8.3-1. [No revision required]

Rule 8.4. Form of Master's Report

Rule 8.4-1. [No revision required]

Rule 8.5. Transcript of Testimony

Rule 8.5-1. [No revision required]

Rule 8.6. Notice of Filing Report

NOTICE OF COMPLETION OF REPORT

Rule 8.6-1. [No revision required, except in Note]

Note: Notwithstanding Pa.O.C. Rule 8.6, see Pa.O.C. Rule 5.1.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

Rule 8.7. Confirmation of Report

CONFIRMATION

Rule 8.7-1. [No revision required, except as noted]

OBJECTIONS

Rule 8.7-2.

Objections to the auditor's report shall be filed with the Clerk within twenty days after receipt of the notice of

filing of said report. Objections shall be specific as to the basis of the Objection whether as to the findings of fact or conclusions of law, or both.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

DISPOSITION OF OBJECTIONS

Rule 8.7-3. [No revision required, except as noted]

Rule 8.8. Security for Expenses and Fees

Rule 8.8-1. [No revision required]

RULE 9. OFFICIAL EXAMINERS

Rule 9.1. Appointment of Official Examiners

APPOINTMENT OF OFFICIAL EXAMINERS

Rule 9.1-1.

Rules pertaining to masters shall extend to official examiners.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

RULE 10. REGISTER OF WILLS

Rule 10.1. Procedure and Forms

GENERAL RULE—PETITIONS

Rule 10.1-1.

Proceedings before the Register, including adverse letters proceedings and proceedings for the admission of lost wills, unless specifically governed by another provision of these Rules, shall be by Petition as provided herein.

(a) A petition shall set forth:

- (1) the caption;
- (2) a heading indicating briefly the purpose of the petition;
- (3) a concise statement of the facts relied upon to justify the relief desired, together with the citation of any Act of Assembly relied upon; and
- (4) a prayer for the relief desired.

(b) The petitioner shall attach to the petition:

- (1) a form of the order or decree, as applicable; and
- (2) such exhibits, consents or approvals as may be required by Act of Assembly or by local rule.

(c) If the petitioner is unable to attach any necessary exhibit, consent or approval, he shall so state in his petition, together with the reason for his inability.

(d) The petitioner, at petitioner's expense, shall be responsible for the furnishing of a stenographer and the preparation of a stenographic record of any hearing conducted pursuant to the petition.

Adopted December 29, 2004, effective December 29, 2004.

FORMS

Rule 10.1-2.

Forms with respect to probate and the grant of letters testamentary and letters of administration shall be in substantial conformity with the approved forms under Pa.O.C. Rule 10.1, and in the absence thereof shall be as set forth in Appendix A and identified as follows:

- (a) Petition for Probate and Grant of Letters.
- (b) Petition for Grant of Letters of Administration.
- (c) Certificate of Grant of Letters (Will).

- (d) Certificate of Grant of Letters (Intestacy).
- (e) Bond and Surety for Personal Representative.
- (f) Short Certificate (Letters Testamentary).
- (g) Short Certificate (Letters of Administration).
- (h) Oath of Subscribing Witness.
- (i) Oath of Non-Subscribing Witness.
- (j) Oath of Witness to Will Executed by Mark.
- (k) Renunciation.

Adopted December 29, 2004, effective December 29, 2004.

PETITIONS—CERTIFICATION OF RECORD

Rule 10.1-3.

When a record is certified to the Court by the Register, or it is desired that the Court direct the Register to certify the record, or if an appeal is taken, a petition shall be promptly presented to the Court to fix a date for a hearing which shall set forth:

- (a) the nature of the proceedings before the Register;
- (b) the basis for the certification, requested certification or appeal; and
- (c) the names of all parties in interest, including any not a party of record.

Note: See PEF Code § 907.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

PETITIONER

Rule 10.1-4.

When the record has been certified by the Register, the petition required by Rule 10.1-3 may be presented by any party in interest.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

CITATION

Rule 10.1-5.

Upon allowance of the petition filed pursuant to Rule 10.1-3, a citation shall be awarded directing all parties in interest, including those not represented on the record, to show cause why the matter certified should not be determined on the hearing date or why the Register should not be directed to certify the record to the Court or why the appeal should not be sustained and the judicial act or proceeding complained of be set aside, all of which shall be returnable fifteen days after service.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

DISPOSITION

Rule 10.1-6.

If no answer is filed in response to the petition filed pursuant to Rule 10.1-3, upon proof of service of the citation the Court may grant the requested relief. If an answer is filed, the Clerk shall notify the Court, which shall fix a time for hearing.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

Rule 10.2. Appeals from the Register of Wills

FORM OF APPEAL

Rule 10.2-1.

Appeals taken from the judicial act or proceedings of the Register shall be addressed to the Court, but filed in duplicate with the Register and shall set forth the information insofar as appropriate required under C.C.O.C.R. 10.1-3.

Note: See PEF Code § 908, as amended.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

[Repealed]

Adopted May 15, 1990, effective July 1, 1990; repealed December 29, 2004, effective December 29, 2004.

INHERITANCE TAX APPEALS

Rule 10.2-2.

The practice and procedure in inheritance tax appeals shall be governed insofar as appropriate by the requirements of C.C.O.C.R. 10.1-3 to 10.1-6, inclusive.

Note: See 72 P. S. § 9176 and § 9186.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

**APPENDIX A
FORMS UNDER C.C.O.C.R. 10.1-2
PETITION FOR PROBATE AND GRANT OF LETTERS**

Estate of _____
also known as _____
_____, Deceased.
Social Security No. _____

No. _____
To:
Register of Wills for the
County of Cumberland in the
Commonwealth of Pennsylvania

The petition of the undersigned respectfully represents that:

Your petitioner(s), who is/are 18 years of age or older, and the execut _____ named in the last will of the above decedent, dated _____, 20 _____ and codicil(s) dated _____

(state relevant circumstances, e.g. renunciation, death of executor, etc.)

Decedent was domiciled at death in _____ County, Pennsylvania, with h last family or principal residence at

(list street, number and municipality)

Decedent, then _____ years of age, died _____, 20 _____, at _____.

Except as follows, decedent did not marry, was not divorced and did not have a child born or adopted after execution of the will offered for probate; was not the victim of a killing and was never adjudicated incompetent:

Decedent at death owned property with estimated values as follows:

| | | |
|--------------------------------------|-----------------------------------|----------|
| (If domiciled in Pa.) | All personal property | \$ _____ |
| (If not domiciled in Pa.) | Personal property in Pennsylvania | \$ _____ |
| (If not domiciled in Pa.) | Personal property in County | \$ _____ |
| Value of real estate in Pennsylvania | | \$ _____ |

situated as follows: _____

WHEREFORE, petitioner(s) respectfully request(s) the probate of the last will and codicil(s) presented herewith and the grant of letters _____ thereon.
(testamentary; administration c.t.a.; administration d.b.n.c.t.a.)

| | |
|-------------------------------|-------------------------------|
| Signature(s) of Petitioner(s) | Residence(s) of Petitioner(s) |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

OATH OF PERSONAL REPRESENTATIVE

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF CUMBERLAND

}

SS:

The petitioner(s) above-named swear(s) or affirm(s) that the statements in the foregoing petition are true and correct to the best of the knowledge and belief of petitioner(s) and that as personal representative(s) of the above decedent petitioner(s) will well and truly administer the estate according to law.

Sworn to or affirmed and subscribed
Before me this _____ day of _____, 20 _____

{

Register

No. _____

Estate of _____, Deceased

DECREE OF PROBATE AND GRANT OF LETTERS

AND NOW _____ 20 _____, in consideration of the petition on the reverse side hereof, satisfactory proof having been presented before me, IT IS DECREED that the instrument(s), dated

_____, described therein be admitted to probate filed of record as the last will of _____;

and Letters are hereby granted to _____

Register of Wills

FEES

Probate, Letters, Etc. \$ _____
Will \$ _____
Renunciation \$ _____
Short Certificates () \$ _____
JCP \$ _____
Automation Fee \$ _____
Bond \$ _____
Total \$ _____
Filed _____ 20 _____

Attorney (Sup. Ct. I.D. No.)

Address

Phone

PETITION FOR GRANT OF LETTERS OF ADMINISTRATION

Estate of _____
also known as _____
_____, Deceased.
Social Security No. _____

No. _____

To:

Register of Wills for the
County of Cumberland in the
Commonwealth of Pennsylvania

The petition of the undersigned respectfully represents that:

Your petitioner(s), who is/are 18 years of age or older, appl _____ for letters of administra-
tion _____ on the estate of the above decedent.
(d.b.n.; pendente lite; durante absentia; durante minoritate)

Decedent was domiciled at death in _____ County, Pennsylvania, with h _____ last family or principal
residence at _____
(list street, number and municipality)

Decedent, then _____ years of age, died _____, 20 _____, at _____

Decedent at death owned property with estimated values as follows:

(If domiciled in Pa.) All personal property \$ _____
(If not domiciled in Pa.) Personal property in Pennsylvania \$ _____
(If not domiciled in Pa.) Personal property in County \$ _____
Value of real estate in Pennsylvania \$ _____

situated as follows: _____

Petitioner ___ after a proper search ha ___ ascertained that decedent left no will and was survived by the following spouse (if any) and heirs:

| Name | Relationship | Residence |
|------|--------------|-----------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

THEREFORE, petitioner(s) respectfully request(s) the grant of letters of administration in the appropriate form to the undersigned.

| Signature(s) of Petitioner(s) | Residence(s) of Petitioner(s) |
|-------------------------------|-------------------------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

OATH OF PERSONAL REPRESENTATIVE

COMMONWEALTH OF PENNSYLVANIA }
COUNTY OF CUMBERLAND } SS:

The petitioner(s) above-named swear(s) or affirm(s) that the statements in the foregoing petition are true and correct to the best of the knowledge and belief of petitioner(s) and that as personal representative(s) of the above decedent petitioner(s) will well and truly administer the estate according to law.

Sworn to or affirmed and subscribed }
Before me this _____ day of } _____
_____, 20 _____ } _____
_____ } _____

Register

No. _____

Estate of _____, Deceased

GRANT OF LETTERS OF ADMINISTRATION

AND NOW _____ 20____, in consideration of the petition on the reverse side hereof, satisfactory proof having been presented before me,
IT IS DECREED that _____
is/are entitled to Letters of Administration, and in accord with such finding, Letters of Administration _____ are hereby granted to _____
_____ in the estate of _____

Register of Wills

FEES

| | | |
|------------------------------|----------|------------------------------|
| Probate, Letters, Etc. | \$ _____ | _____ |
| Will | \$ _____ | Attorney (Sup. Ct. I.D. No.) |
| Renunciation | \$ _____ | _____ |
| Short Certificates () | \$ _____ | Address |
| JCP | \$ _____ | _____ |
| Automation Fee | \$ _____ | _____ |
| Bond | \$ _____ | _____ |
| Total _____ | \$ _____ | _____ |
| Filed _____ 20 ____ | | Phone _____ |

BOND AND SURETY FOR PERSONAL REPRESENTATIVE

Estate of _____ No. _____

Also known as _____

_____, Deceased

KNOW ALL BY THESE PRESENTS, that _____ As principal(s) and _____ as surety (sureties) are held and firmly bound unto the Commonwealth of Pennsylvania in the sum of _____ dollars (\$ _____) to be paid to the Commonwealth, for which payment we do bind ourselves, jointly and severally, our heirs, executors, administrators and successors, the condition of this obligation being that if _____ as (state fiduciary capacity) of the estate of _____, deceased, or any of them, shall well and truly administer the estate according to law, then this obligation shall be void as to the personal representative or representatives who shall so administer the estate and his or their surety or sureties; but otherwise it shall remain in full force.

Signed and sealed this _____ day of _____, 20____, each intending to be legally bound hereby.

Signature of Personal Representative

Signature of Personal Representative

Signature of Personal Representative

_____ (Seal)

Signature of Bonding Agency

OATH OF SUBSCRIBING WITNESS

Estate of _____ No. _____

Also known as _____

_____, Deceased

(each) a subscribing witness to the will/codicil presented herewith, (each) being duly qualified according to law, depose(s) and say(s) that _____ present and saw _____, the testat _____, sign the same and that _____ signed as a witness at the request of the testat ___ in h _____ presence and (in the presence of each other) (in the presence of the other subscribing witness(es)).

Sworn to or affirmed and subscribed
Before me this _____ day of
_____, 20 _____

(Name)

(Address)

Register

Deputy

(Name)

(Address)

OATH OF NON-SUBSCRIBING WITNESS

Estate of _____ No. _____

Also known as _____
_____, Deceased

(each) a subscriber hereto, (each) being duly qualified according to law, depose(s) and say(s) that _____ familiar with the signature of _____, testat _____ of (one of the subscribing witnesses to) the codicil/will presented herewith and that _____ believe/ believes the signature on the codicil/will is in the handwriting of _____ to the best of _____ knowledge and belief.

(Name)

Sworn to or affirmed and subscribed
Before me this _____ day of
_____, 20 _____

(Address)

Register

Deputy

(Name)

(Address)

OATH OF WITNESS TO WILL EXECUTED BY MARK

_____, (each) a subscribing witness to the will/codicil presented herewith, (each) being duly qualified according to law, depose(s) and say(s) that: testat _____ was unable to sign h _____ name thereto; testat _____'s name was subscribed thereto in testat _____ presence; testat _____ made h _____ mark thereon; testat _____ and deponent(s) was (were) present when testat _____'s name was subscribed and when testat _____ made h _____ mark; and testat _____ was present when the undersigned signed the will/codicil as witness(es).

Sworn to or affirmed and subscribed
Before me this _____ day of
_____, 20 _____

(Name)

(Address)

Register

Deputy

(Name)

(Address)

RENUNCIATION

Estate of _____ No. _____

Also known as _____

_____, deceased

To the Register of Wills of Cumberland County, Pennsylvania

The undersigned _____
(Name) (Relationship) (Capacity)
of the above decedent, hereby renounce(s) the right to administer the estate and respectfully request(s) that
Letters _____
be issued to _____.

Witness my/our hand(s) this _____ day of _____, 20 _____.

Affirmed and subscribed before me this
_____ day of _____, _____

(Signature)

Notary Public

(Address)

My Commission Expires:

(Signature)

Or

(Address)

Affirmed and subscribed before me this
_____ day of _____, _____

(Signature)

Register of Wills

Deputy

(Address)

(Signature and seal of Notary or other official
qualified to administer oaths. Show date of
expiration of Notary's commission)

RULE 11. JURY TRIALS

Rule 11.1. Selection of Jurors

LISTING FOR TRIAL

Rule 11.1-1. [No revision required, except in Note]

Note: See Pa.O.C. Rule 3.1, Pa.R.C.P. 1513, and PEF Code § 777 and § 778. See also C.C.R.P. 3 and 214-1 to 214-3, inclusive.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

Rule 11.2. Conduct of a Trial

Rule 11.1-2. [No revision required]

RULE 12. SPECIAL PETITIONS

Rule 12.1. Family Exemption

ADDITIONAL CONTENTS OF PETITION

Rule 12.1-1.

* * * * *

(c) if petitioner is the surviving spouse, the date and place of the marriage; and if a common law marriage is asserted, all averments necessary to establish the validity of the marriage;

* * * * *

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

EXEMPTION CLAIMED IN PERSONALTY—APPRAISAL

Rule 12.1-2.

No appraisal shall be required when the exemption is claimed from cash, financial institution deposits, listed securities or any other personalty at valuations agreed upon by all parties in interest. When the exemption is claimed from other personalty, the petitioner shall submit an appraisal from a qualified appraiser.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

EXEMPTION CLAIMED IN REALTY—APPRAISALS

Rule 12.1-3.

No appraisal shall be required when the exemption is claimed from realty at a valuation agreed upon by all parties in interest. When appraisals of realty from which the exemption is claimed are necessary, the Court shall appoint two qualified appraisers who shall file their appraisals within thirty days after their appointment.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

NOTICE

Rule 12.1-4.

Notice of the filing of the petition together with a copy thereof and of the date fixed by the Court for confirmation, if known, shall be given to the personal representative, if any, and to every other party in interest. If appraisers have been appointed, additional notice shall be given after the appraisals have been filed together with a copy of the appraisals. The final notice hereunder shall include a statement that the setting apart of the property will be requested and may be allowed by the Court at a stated time not less than ten days from the date of giving the notice, if applicable, from the date of the last publication thereof, unless Objections are filed.

Note: See Pa.O.C. Rule 6.3.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

OBJECTIONS

Rule 12.1-5.

(a) **Voluntary Distribution.** When the personal representative, at his own risk, delivers assets of the estate in satisfaction or on account of the exemption, he shall set forth the same as a credit in the account. The same may be the subject of Objection by any party in interest.

Note: See Pa.O.C. Rule 6.3.

(b) **When Petition Filed.** When the exemption is sought by petition, questions as to the value or allowance, or both, may be raised only by Objections filed.

(c) **Higher Bid.** Objections which relate only to value will be dismissed unless a bona fide higher bid for the property is filed with the Objections, or for good cause.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

FINAL DECREE

Rule 12.1-6. [No revision required]

Rule 12.2. Allowance to Surviving Spouse of Intestate

ADDITIONAL CONTENTS OF PETITION

Rule 12.2-1. [No revision required]

APPRAISALS; NOTICE; OBJECTIONS; FINAL DECREE

Rule 12.2-2. [No revision required, except in Note]

Note: See PEF Code § 2110.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

Rule 12.3. Revocation, Vacating and Extension of Time for Filing of Surviving Spouse's Election

EXTENSION OF TIME—CONTENTS OF PETITION

Rule 12.3-1. [No revision required]

EXTENSION OF TIME—PRACTICE AND PROCEDURE

Rule 12.3-2. [No revision required, except in Note]

Note: See PEF Code § 2210(b) and C.C.O.C.R. 3.2-1.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

Rule 12.4. Appointment of a Guardian Ad Litem or a Trustee Ad Litem

Rule 12.4-1. [No revision required]

Rule 12.5. Appointment of a Guardian for the Estate or Person of a Minor

APPEARANCE IN COURT—MINOR OVER FOURTEEN

Rule 12.5-1. [No revision required]

STATEMENT OF GUARDIAN

Rule 12.5-2. [No revision required, except in Note]

Note: See PEF Code § 5111 to § 5113, inclusive.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

SMALL ESTATES OF MINORS

Rule 12.5-3.

(a)

* * * * *

(2) the name of an insured financial institution in Cumberland County as the suggested depository.

* * * * *

Note: See PEF Code § 5101 to § 5103, inclusive.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

ALLOWANCES FROM MINOR'S ESTATE

Rule 12.5-4. [No revision required]

Rule 12.6. Appointment of a Trustee

EXHIBITS TO PETITION

Rule 12.6-1. [No revision required]

Rule 12.7. Discharge of a Fiduciary and Surety

CONTENTS OF PETITION FOR DISCHARGE

Rule 12.7-1. [No revision required]

FORM OF PETITION FOR DISCHARGE—SMALL ESTATES

Rule 12.7-2. [No revision required]

Rule 12.8. Partition

Rule 12.8-1. [No revision required, except in Note]

Note: No local rule required. However, by definition, “[s]ubdivision” includes partition by the court for distribution to heirs or devisees. See “Pennsylvania Municipalities Planning Code,” 53 P. S. § 10107.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

Rule 12.9. Public Sale of Real Property

ADDITIONAL CONTENTS OF PETITION FOR PUBLIC SALE

Rule 12.9-1.

* * * * *

(c) *Public Sale by Guardian. . .*

(1) the age of the minor or the incapacitated person;

(2) the names of the minor's or incapacitated person's next of kin, and the notice given to them of the presentation of the petition;

(3) the nature and extent of the interest of the minor or incapacitated person, of the guardian and of third persons in the real property; and

(4) sufficient facts to enable the Court to determine that the sale is in the best interests of the minor or the incapacitated person.

Note: For sale by personal representative and generally, see PEF Code § 3351 and § 3352 to § 3355, inclusive. For sale by trustee, see PEF Code § 7133. For sale by guardian of a minor, see PEF Code § 5155. For sale by guardian of an incapacitated person, see PEF Code § 5521. For public sale of personal property, the requirements of C.C.O.C.R. 12.10-1, et seq. shall govern to the extent appropriate.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

EXHIBITS TO PETITION

Rule 12.9-2. [No revision required]

NOTICE AND CONFIRMATION OF PUBLIC SALE; ADDITIONAL SECURITY

Rule 12.9-3. [No revision required]

Rule 12.10. Private Sale of Real Property or Options Therefor

ADDITIONAL REQUIREMENTS FOR PETITION FOR PRIVATE SALE, EXCHANGE OR GRANTING OF OPTIONS

Rule 12.10-1. [No revision required]

EXHIBITS TO PETITION

Rule 12.10-2. [No revision required]

NOTICE—CONFIRMATION

Rule 12.10-3. [No revision required]

PETITION TO FIX OR WAIVE ADDITIONAL SECURITY

Rule 12.10-4. [No revision required, except in Note]

Note: See PEF Code § 3351 and § 7141.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

Rule 12.11. Mortgage or Lease of Real Property

MORTGAGE OR LEASE OF REAL PROPERTY; ADDITIONAL REQUIREMENTS

Rule 12.11-1. [No revision required]

Rule 12.12. Inalienable Property

ADDITIONAL REQUIREMENTS FOR PETITION UNDER CHAPTER 83 OF THE PEF CODE

Rule 12.12-1. [No revision required]

Rule 12.13. Designation of a Successor Custodian

DESIGNATION OF A SUCCESSOR CUSTODIAN

Rule 12.13-1. [No revision required, except in Note]

Note: No local rule required. See C.C.O.C.R. 12.5-1, et seq. However, the Pennsylvania Uniform Gifts to Minors Act became known as the Pennsylvania Uniform Transfers to Minors Act, effective December 16, 1992.

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

Rule 12.14. Confirmation of Appointment

Rule 12.14-1. [No revision required]

Rule 12.15. Cemetery Companies and Non-Profit Corporations Incorporated for Charitable Purposes

Rule 12.15-1. [Reserved]

Note: No local rule required.

Adopted December 29, 2004, effective December 29, 2004.

Rule 13. Distribution—Special Situations**Rule 13.1. Representation by Counsel**

Rule 13.1-1. [No revision required]

Rule 13.2-1. [No revision required]

Rule 13.3-1. [No revision required]

RULE 14. GUARDIANSHIP OF INCAPACITATED PERSONS**Rule 14.1. Local Rules**

Rule 14.1-1. [No revision required]

Rule 14.2. Adjudication of Incapacity and Appointment of a Guardian of the Person and/or Estate of an Incapacitated Person

[Repealed, except in Note]

Note: See PEF Code § 5511, § 5512 and § 5512.1.

Adopted May 15, 1990, effective July 1, 1990; repealed in part and amended in part December 29, 2004, effective December 29, 2004.

WRITTEN CONSENT

Rule 14.2-1.

The proposed guardian's written consent to the appointment shall be attached to the petition.

Note: See Pa.O.C. Rule 12.5(c).

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

[Repealed, except in Note]

Note: See PEF Code § 5511.

Adopted May 15, 1990, effective July 1, 1990; repealed in part and amended in part December 29, 2004, effective December 29, 2004.

Rule 14.3. Review Hearing

[Repealed]

Adopted May 15, 1990, effective July 1, 1990; repealed December 29, 2004, effective December 29, 2004.

Rule 14.3-1. [Reserved]

Note: No local rule required.

Adopted May 15, 1990, effective July 1, 1990; repealed in part and amended in part December 29, 2004, effective December 29, 2004.

Rule 14.4. Proceedings Relating to Real Estate

Rule 14.4-1. [No revision required]

Rule 14.5. Form of Citation and Notice

Rule 14.5-1. [Reserved]

Note: No local rule required.

Adopted December 29, 2004, effective December 29, 2004.

RULE 15. ADOPTIONS**Rule 15.1. Local Rules****PRACTICE AND PROCEDURE**

Rule 15.1-1

All reports and petitions relating to adoption shall be filed with the Register or Clerk and shall be in such form as is designated from time to time by the Court. After such report or petition has been fully indexed as set forth in C.C.O.C.R. 15.7-1, the same shall be placed in a file retained in the custody of the Clerk with notification of

the petition being forwarded to the Court Administrator for assignment to a judge. Once assignment has been made, the Clerk shall directly deliver the file to the hearing judge. Upon the completion of any proceedings relative to adoption, the file shall be returned to the custody of the Clerk and all documents in connection therewith shall be handled in the manner set forth in C.C.O.C.R. 15.7-1.

All reports, petitions, orders or other necessary documents shall be filed with the Clerk and shall be in such form as is designated from time to time by the Court. After such documents have been filed and fully indexed as set forth in C.C.O.C.R. 15.7-1, the Clerk shall place those documents in the indexed file. If the file is in the custody of the hearing judge, after clocking in the documents the Clerk shall directly deliver them to the hearing judge to be placed in the file.

Note: See PEF Code § 711.

Adopted May 15, 1990, effective July 1, 1990; amended June 1, 1999, effective August 1, 1999; amended December 29, 2004, effective December 29, 2004.

Rule 15.2. Voluntary Relinquishment to Agency

Rule 15.2-1. [No revision required]

Rule 15.3. Voluntary Relinquishment to Adult Intending to Adopt Child

Rule 15.3-1. [No revision required]

Rule 15.4. Involuntary Termination of Parental Rights

Rule 15.4-1. [No revision required]

Rule 15.5. Adoption**ADOPTION**

Rule 15.5-1. [No revision required]

Rule 15.6. Notice; Method and Time

Rule 15.6-1. [No revision required]

Rule 15.7. Impounding; Docket Entries; Reports; Privacy**IMPOUNDING; DOCKET ENTRIES; REPORTS; PRIVACY**

Rule 15.7-1. [No revision required, except in Note]

Note: See 23 Pa.C.S. § 2905 to § 2910, inclusive, and C.C.O.C.R. 1.2-2(c).

Adopted May 15, 1990, effective July 1, 1990; amended December 29, 2004, effective December 29, 2004.

RULE 16. PROCEEDINGS PURSUANT TO SECTION 3206 OF THE ABORTION CONTROL ACT

Headings for Pa.O.C. Rules 16.1 to 16.6, inclusive, and Rules 16.10 to 16.12, inclusive, are intentionally omitted (Rules 16.7 and 16.8 rescinded March 31, 1994).

Rules 16.1-1 to 16.6-1, inclusive, and Rules 16.10-1 to 16.12-1, inclusive [Reserved]

Note: No local rules required.

Adopted December 29, 2004, effective December 29, 2004.

RULE 17. SHORT TITLE**Rule 17-1. [No revision required]**

[Pa.B. Doc. No. 05-144. Filed for public inspection January 21, 2005, 9:00 a.m.]

SUPREME COURT**Act 207-2004; No. 269 Judicial Administration;
Doc. No. 1****Order***Per Curiam:*

And Now, this 6th day of January, 2005, in accordance with Act 207 of 2004 which changes the title of "district justice" to "magisterial district judge," it is hereby *Ordered*: Pursuant to the authority set forth by Article V, Section 10(c) of the Constitution of Pennsylvania and the general supervisory and administrative authority of the Supreme Court of Pennsylvania set forth by 42 Pa.C.S. Section 1701, et seq., (Judicial Code), that all references in any court rule, court order, court form (including citation), automated statewide court case management system (i.e. PACMS, CPCMS and DJS) or any other legal authority, except as provided for in Act 207, to "district justice" shall be deemed a reference to "magisterial district judge." This Order is effective January 29, 2005.

[Pa.B. Doc. No. 05-145. Filed for public inspection January 21, 2005, 9:00 a.m.]

**Reestablishment of the Magisterial Districts Within
the Fifth Judicial District; No. 214 Magisterial
Doc. No. 1****Order***Per Curiam:*

And Now, this 4th day of January, 2005, upon consideration of the Petition to Revise Magisterial Districts 05-2-25 and 05-2-43 of the Fifth Judicial District (Allegheny County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition is hereby granted. This Order is effective January 31, 2005.

Said Magisterial Districts shall be as follows:

| | |
|---|--|
| Magisterial District 05-2-25: District Justice Mary P. Murray | Borough of Coraopolis, Crescent Township, Moon Township and Neville Township |
| Magisterial District 05-2-43: District Justice Carla Swearingen | Ward 28 of the City of Pittsburgh (Crafton Heights, Broadhead Manor, and Westgate) and Robinson Township. |

[Pa.B. Doc. No. 05-146. Filed for public inspection January 21, 2005, 9:00 a.m.]

**Schedule of Holidays for Year 2006 for Staffs of
the Appellate Courts and the Administrative Of-
fice of Pennsylvania Courts; No. 268 Judicial
Administration; Doc. No. 1****Order***Per Curiam:*

And Now, this 4th day of January, 2005, it is hereby ordered that the following paid holidays for calendar year 2006 will be observed on the dates specified below by all employees of the appellate courts and the Administrative Office of Pennsylvania Courts:

| | |
|-------------------|-----------------------------|
| January 2, 2006 | New Year's Day (Observed) |
| January 16, 2006 | Martin Luther King, Jr. Day |
| February 20, 2006 | Presidents' Day |
| April 14, 2006 | Good Friday |
| May 29, 2006 | Memorial Day (Observed) |
| July 4, 2006 | Independence Day |
| September 4, 2006 | Labor Day |
| October 9, 2006 | Columbus Day (Observed) |
| November 7, 2006 | Election Day |
| November 10, 2006 | Veterans Day (Observed) |
| November 23, 2006 | Thanksgiving Day |
| November 24, 2006 | Day After Thanksgiving |
| December 25, 2006 | Christmas Day |

[Pa.B. Doc. No. 05-147. Filed for public inspection January 21, 2005, 9:00 a.m.]

**Sessions of the Supreme Court of Pennsylvania
for the Year 2006; No. 162 Appellate Court
Rules; Doc. No. 1****Order***Per Curiam:*

And Now, this 4th day of January, 2005 it is ordered that the argument/administrative sessions of the Supreme Court of Pennsylvania shall be held in the year 2006 as follows:

| | |
|--|--------------------------------------|
| Pittsburgh (Administrative Session) | January 10 |
| Philadelphia (Administrative Session) | February 7 |
| Pittsburgh | February 27 through March 3 |
| Philadelphia | April 3 through April 7 |
| Harrisburg | May 8 through May 12 |
| Pittsburgh (Administrative Session) | June 1 |
| Pittsburgh | September 11 through September 15 |
| Philadelphia | October 16 through October 20 |
| Harrisburg | December 4 through December 8 |

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

[Pa.B. Doc. No. 05-148. Filed for public inspection January 21, 2005, 9:00 a.m.]