

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CHS. 1910, 1915, 1920 AND 1930]

Order Amending Rules 1910.11, 1910.12, 1915.4-2, 1920.55-2, 1920.55-3 and 1930.4; No. 462 Civil Procedural Rules; Doc. No. 5

Order

Per Curiam:

And Now, this 8th day of August, 2006, Rules 1910.11, 1910.12, 1915.4-2, 1920.55-2, 1920.55-3 and 1930.4 of the Pennsylvania Rules of Civil Procedure are amended as follows.

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

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.11. Office Conference. Subsequent Proceedings. Order.

(a)(1) The office conference shall be conducted by a conference officer.

(2) A conference officer who is a lawyer employed by a judicial district shall not practice family law before a conference officer, permanent hearing officer or permanent or standing master employed by the same judicial district.

Official Note: Conference officers preside at office conferences under [**Support**] Rule 1910.11. Hearing officers preside at hearings under [**Support**] Rule 1910.12. The appointment of masters to hear actions in divorce or for annulment of marriage is authorized by [**Divorce**] Rule 1920.51.

(b) If the defendant fails to appear at the conference before the officer as directed by the court, the conference may proceed without the defendant.

(c) At the conference, the parties shall furnish to the officer true copies of their most recent federal income tax returns, their pay stubs for the preceding six months, verification of child care expenses and proof of medical coverage which they may have or have available to them. In addition, they shall provide copies of their income and expense statements in the form required by Rule 1910.27(c), completed as set forth below.

(1) For cases which can be determined according to the guideline formula, the income and expense statement need show only income and extraordinary expenses.

(2) For cases which are decided according to *Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984), the entire income and expense statement must be completed.

(d) The conference officer may make a recommendation to the parties of an amount of support which is calculated in accordance with the guidelines. If an agreement for

support is reached at the conference, the officer shall prepare a written order substantially in the form set forth in Rule 1910.27(e) and in conformity with the agreement for signature by the parties and submission to the court together with the officer's recommendation for approval or disapproval. The court may enter the order in accordance with the agreement without hearing the parties.

(e) At the conclusion of the conference or promptly thereafter, the conference officer shall prepare a conference summary and furnish copies to the court and to both parties. The conference summary shall state:

(1) the facts upon which the parties agree [,];

(2) the contentions of the parties with respect to facts upon which they disagree [,]; and

(3) the conference officer's recommendation [,]; if any, of

(i) the amount of support and by and for whom the support shall be paid [,]; and

(ii) the effective date of any order.

(f) If an agreement for support is not reached at the conference, the court, without hearing the parties, shall enter an interim order calculated in accordance with the guidelines and substantially in the form set forth in Rule 1910.27(e). [**The order shall state**] Each party shall be provided, either in person at the time of the conference or by mail, with a copy of the interim order and written notice that any party may, within [**ten**] twenty days after the date of receipt or the date of the mailing of [**a copy of**] the interim order, whichever occurs first, file a written demand with the domestic relations section for a hearing before the court.

(g) A demand for a hearing before the court shall not stay the interim order entered under subdivision (f) unless the court so directs.

(h) If no party demands a hearing before the court within the [**ten**] twenty day period, the interim order shall constitute a final order.

(i) If a demand is filed, there shall be a hearing de novo before the court. The domestic relations section shall schedule the hearing and give notice to the parties. The court shall hear the case and enter a final order substantially in the form set forth in Rule 1910.27(e) within sixty days from the date of the written demand for hearing.

(j)(1) Promptly after receipt of the notice of the scheduled hearing, a party may move the court for a separate listing where:

(i) there are complex questions of law, fact or both [,]; or

(ii) the hearing will be protracted [,]; or

(iii) the orderly administration of justice requires that the hearing be listed separately.

(2) If the motion for separate listing is granted, discovery shall be available in accordance with Rule 4001 et seq.

[**(k) No motion for post-trial relief may be filed to the final order of support.**]

Official Note: The rule relating to discovery in domestic relations matters generally is Rule 1930.5.

(k) No motion for post-trial relief may be filed to the final order of support.

Explanatory Comment—1995

Rule 1910.11(e) is amended to eliminate the need for a party to request a copy of the conference summary.

In conformity with the amendment of Pa.R.C.P. 236, subdivision (f) is amended to require that the parties be served with a copy of the order, rather than notice that it has been filed. In addition, subdivision (f) is amended to require the court to enter an interim order on the basis of the conference summary, expediting the commencement of support payments. The language of subdivisions (g) and (i) is also changed to conform with the amended language of subdivision (f).

Because the court is required to enter a guideline order on the basis of the conference officer's recommendation, there is no need for (g)(2), which provided for a hearing before the court where an order was not entered within five days of the conference. It is eliminated accordingly.

Pursuant to subdivision (g), support payments are due and owing under the interim order which continues in effect until the court enters a final order after the hearing de novo. The provision for an interim order serves two purposes. First, it ensures that the obligee will receive needed support for the period during which the judicial determination is sought. Second, it eliminates the motive in delay in seeking a judicial determination. Therefore, the plaintiff and the dependent children are not prejudiced by allowing the court sixty days, rather than the original forty-five, in which to enter its final order.

Explanatory Comment—2006

The time for filing a written demand for a hearing before the court has been expanded from ten to twenty days. The purpose of this amendment is to provide ample opportunity for litigants and counsel to receive notice of the entry of the order, to assure commonwealth-wide consistency in calculation of time for filing and to conform to applicable general civil procedural rules.

Rule 1910.12. Office Conference. Hearing. Record. Exceptions. Order.

(a) There shall be an office conference as provided by Rule 1910.11(a) through (d).

(b)(1) At the conclusion of a conference attended by both parties, if an agreement for support has not been reached, and the conference and hearing are not scheduled on the same day, the court, without hearing the parties, shall enter an interim order calculated in accordance with the guidelines and substantially in the form set forth in Rule 1910.27(e), and the parties shall be given notice of the date, time and place of a hearing. A record hearing shall be conducted by a hearing officer who must be a lawyer.

(2) If the defendant, having been properly served, fails to attend the conference, the court shall enter an interim order calculated in accordance with the guidelines and substantially in the form set forth in Rule 1910.27(e). Within [ten] twenty days after the date of receipt or the date of mailing of the interim order, whichever occurs first, either party may demand a hearing before a hearing officer. If no hearing is requested, the order shall become final.

(3) A hearing officer employed by a judicial district shall not practice family law before a conference officer, hearing officer or permanent or standing master employed by the same judicial district.

Official Note: Conference officers preside at office conferences under [Support] Rule 1910.11. Hearing officers preside at hearings under [Support] Rule 1910.12. The appointment of masters to hear actions in divorce or for annulment of marriage is authorized by [Divorce] Rule 1920.51.

(c)(1) Except as provided in subdivision (c)(2), promptly after conclusion of the conference, a party may move the court for a separate listing of the hearing where:

(i) there are complex questions of law, fact or both[,]; or

(ii) the hearing will be protracted[,]; or

(iii) the orderly administration of justice requires that the hearing be listed separately.

(2) Where the conference and hearing are scheduled on the same day, all requests for separate listing must be presented to the court at least seven days prior to the scheduled court date.

(3) If the motion for separate listing is granted, discovery shall be available in accordance with Rule 4001 et seq.

Official Note: The rule relating to discovery in domestic relations matters generally is Rule 1930.5.

(d) The hearing officer shall receive evidence, hear argument and file with the court a report containing a recommendation with respect to the entry of an order of support. The report may be in narrative form stating the reasons for the recommendation and shall include a proposed order substantially in the form set forth in Rule 1910.27(e) stating:

(1) the amount of support calculated in accordance with the guidelines[,];

(2) by and for whom it shall be paid[,]; and

(3) the effective date of the order.

A copy of the report shall be furnished to all parties at the conclusion of the hearing.

(e) The court, without hearing the parties, shall enter an interim order **consistent with the proposed order of the hearing officer. [The order shall state] Each party shall be provided, either in person at the time of the hearing or by mail, with a copy of the interim order and written notice** that any party may, within [ten] twenty days after the date of receipt or the date of mailing of the order, whichever occurs first, file with the domestic relations section written exceptions to [that] the report [with the domestic relations section] of the hearing officer and interim order.

Official Note: Objections to the entry of an interim order consistent with the proposed order may be addressed pursuant to Rule 1910.26.

(f) Within [ten] twenty days after the date of receipt or the date of mailing of the report by the hearing officer, whichever occurs first, any party may file exceptions to the report or any part thereof, to rulings on objections to evidence, to statements or findings of facts, to conclusions of law, or to any other matters occurring during the hearing. Each exception shall set

forth a separate objection precisely and without discussion. Matters not covered by exceptions are **[demand] deemed** waived unless, prior to entry of the final order, leave is granted to file exceptions raising those matters. If exceptions are filed, any other party may file exceptions within **[ten] twenty** days of the date of service of the original exceptions.

(g) If no exceptions are filed within the **[ten] twenty**-day period, the **interim** order shall constitute a final order.

(h) If exceptions are filed, the interim order shall continue in effect. The court shall hear argument on the exceptions and enter an appropriate final order substantially in the form set forth in Rule 1910.27(e) within sixty days from the date of the filing of exceptions to the interim order. No motion for post-trial relief may be filed to the final order.

Explanatory Comment—1995

Language is added to subdivision (b) to acknowledge that the conference and hearing can be held on the same day, and to provide for the immediate entry of an interim order in judicial districts where the hearing occurs at a later date. New subdivision (b)(2) permits entry of a guideline order after a conference which the defendant, though properly served, fails to attend. New subdivision (c)(2) is intended to prevent delays in the hearing of complex cases by requiring that requests for separate listing be made at least seven days in advance where the conference and hearing are scheduled on the same day.

In addition, the phrase “record hearing” in subdivision (a) replaces the reference to a “stenographic record” in recognition of the variety of means available to create a reliable record of support proceedings.

Amended subdivision (e) allows an interim order to be entered and served on the parties at the conclusion of the hearing, rather than after the expiration of the exceptions period as was true under the old rule. In addition, the amended subdivision requires that the interim order include language advising the parties of their right to file exceptions within ten days of the date of the order.

Support payments are due and owing under the interim order which continues in effect until the court enters a final order after considering the parties’ exceptions. Therefore, extension of the deadline for entering the final order by fifteen days does not prejudice the persons dependent upon payment of the support.

Explanatory Comment—2006

The time for filing exceptions has been expanded from ten to twenty days. The purpose of this amendment is to provide ample opportunity for litigants and counsel to receive notice of the entry of the order, to assure commonwealth-wide consistency in calculation of time for filing and to conform to applicable general civil procedural rules.

CHAPTER 1915. ACTIONS FOR CUSTODY, PARTIAL CUSTODY AND VISITATION OF MINOR CHILDREN

Rule 1915.4-2. Office Conference. Hearing. Record. Exceptions. Order.

* * * * *

(d) At the conclusion of the conference if an agreement relating to partial custody or visitation has not been reached, the parties shall be given notice of the date, time and place of a hearing, which may be the same day, but

in no event shall be more than **[45] forty-five** days from the date of the conference. The hearing shall be conducted by a hearing officer who must be a lawyer, and a record shall be made of the testimony.

(e) The hearing officer shall receive evidence and hear argument. The hearing officer may recommend to the court that the parties and/or the subject child or children submit to examination and evaluation by experts pursuant to Rule 1915.8.

(f) Within **[10] ten** days of the conclusion of the hearing, the hearing officer shall file with the court and **[served] serve** upon all parties a report containing a recommendation with respect to the entry of an order of partial custody or visitation. The report may be in narrative form stating the reasons for the recommendation and shall include a proposed order, including a specific schedule for partial custody or visitation.

(g) Within **[ten] twenty** days after the date **[of] the hearing officer's report [by the hearing officer] is mailed or received by the parties, whichever occurs first**, any party may file exceptions to the report or any part thereof, to rulings on objections to evidence, to statements or findings of fact, to conclusions of law, or to any other matters occurring during the hearing. Each exception shall set forth a separate objection precisely and without discussion. Matters not covered by exceptions are deemed waived unless, prior to entry of the final order, leave is granted to file exceptions raising those matters. If exceptions are filed, any other party may file exceptions within **[ten] twenty** days of the date of service of the original exceptions.

(h) If no exceptions are filed within the **[ten] twenty**-day period, the court shall review the report and, if approved, enter a final order.

(i) If exceptions are filed, the court shall hear argument on the exceptions within **[45] forty-five** days of the date the last party files exceptions, and enter an appropriate final order within **[15] fifteen** days of argument. No motion for Post-Trial Relief may be filed to the final order.

Explanatory Comment—1994

These new rules provide an optional procedure for using hearing officers in partial custody and visitation cases. The procedure is similar to the one provided for support cases in Rule 1910.12: a conference, record hearing before a hearing officer and argument on exceptions before a judge. The terms “conference officer” and “hearing officer” have the same meaning here as in the support rules.

It is important to note that use of the procedure prescribed in Rules 1915.4-1 and 1915.4-2 is optional rather than mandatory. Counties which prefer to have all partial custody and visitation cases heard by a judge may continue to do so.

These procedures are not intended to replace or prohibit the use of any form of mediation or conciliation. On the contrary, they are intended to be used in cases which are not resolved through the use of less adversarial means.

Explanatory Comment—2006

The time for filing exceptions has been expanded from ten to twenty days. The purpose of this amendment is to provide ample opportunity for litigants and counsel to receive notice of the entry

of the order, to assure commonwealth-wide consistency in calculation of time for filing and to conform to applicable general civil procedural rules.

CHAPTER 1920. ACTIONS OF DIVORCE OR FOR ANNULMENT OF MARRIAGE

Rule 1920.55-2. Master's Report. Notice. Exceptions. Final Decree.

- (a) After conclusion of the hearing, the master shall:
- (1) file the record and the report within;
 - (i) twenty days in uncontested actions or [,];
 - (ii) thirty days after the receipt of the transcript by the master in contested actions [,]; and
 - (2) immediately serve upon counsel for each party, or, if unrepresented, upon the party, a copy of the report and recommendation and written notice of the right to file exceptions.

(b) Within [ten] twenty days of the **date of receipt or the date of mailing** of the master's report and recommendation, **whichever occurs first**, any party may file exceptions to the report or any part thereof, to rulings on objections to evidence, to statements or findings of fact, to conclusions of law, or to any other matters occurring during the hearing. Each exception shall set forth a separate objection precisely and without discussion. Matters not covered by exceptions are deemed waived unless, prior to entry of the final decree, leave is granted to file exceptions raising those matters.

(c) If exceptions are filed, any other party may file exceptions within [ten] twenty days of the date of service of the original exceptions. The court shall hear argument on the exceptions and enter a final decree.

(d) If no exceptions are filed, the court shall review the report and, if approved, shall enter a final decree.

(e) No Motion for Post-Trial Relief may be filed to the final decree.

Explanatory Comment—1995

The amendments create alternative procedures for appeal from the recommendation of a master in divorce. Rule 1920.55-1 states that, if the court chooses to appoint a master, the exceptions procedure set forth in Rule 1920[-].55-2 will be used unless the court has, by local rule, adopted the alternative procedure of Rule 1920.55-3.

Explanatory Comment—2006

The time for filing exceptions has been expanded from ten to twenty days. The purpose of this amendment is to provide ample opportunity for litigants and counsel to receive notice of the report and recommendation, to assure commonwealth-wide consistency in calculation of time for filing and to conform to applicable general civil procedural rules.

Rule 1920.55-3. Master's Report. Notice. Hearing De Novo. Final Decree.

- (a) No record shall be made of the hearing in proceedings held pursuant to this rule.
- (b) After the conclusion of hearing, the master shall:
- (1) file the report within;
 - (i) twenty days in uncontested actions or [,];
 - (ii) thirty days in contested actions [,]; and

(2) immediately serve upon counsel for each party, or, if unrepresented, upon the party, a copy of the report and recommendation, and written notice of the right to demand a hearing de novo.

(c) Within [ten days after] twenty days of the date the master's report is mailed or received, **whichever occurs first**, any party may file a written demand for a hearing de novo. If a demand is filed, the court shall hold a hearing de novo and enter a final decree.

(d) If no demand for de novo hearing is filed within **the [ten days of the date the report is mailed] twenty-day period**, the court shall review the report and recommendation and, if approved, shall enter a final decree.

(e) No Motion for Post-Trial Relief may be filed to the final decree.

Explanatory Comment—1995

The amendments create alternative procedures for appeal from the recommendation of a master in divorce. Rule 1920.55-1 states that, if the court chooses to appoint a master, the exceptions procedure set forth in Rule 1920[-].55-2 will be used unless the court has, by local rule, adopted the alternative procedure of Rule 1920.55-3.

Explanatory Comment—2006

The time for filing exceptions has been expanded from ten to twenty days. The purpose of this amendment is to provide ample opportunity for litigants and counsel to receive notice of the report and recommendation, to assure commonwealth-wide consistency in calculation of time for filing and to conform to applicable general civil procedural rules.

CHAPTER 1930. RULES RELATING TO DOMESTIC RELATIONS MATTERS GENERALLY

Rule 1930.4. Service of Original Process in Domestic Relations Matters.

(a) Persons Who May Serve. Original process in all domestic relations matters may be served by the sheriff or a competent adult:

- (1) by handing a copy to the defendant; or
- (2) by handing a copy;

(i) at the residence of the defendant to an adult member of the family with whom the defendant resides; but if no adult member of the family is found, then to an adult person in charge of such residence; or

(ii) at the residence of the defendant to the clerk or manager of the hotel, inn, apartment house, boarding house or other place of lodging at which the defendant resides; or

(iii) at any office or usual place of business of the defendant to the defendant's agent or to the person for the time being in charge thereof.

- (3) or pursuant to special order of court.

Official Note: See Rule 76 for the definition of "competent adult." **Service upon an incarcerated person in a domestic relations action must also include notice of any hearing in such action, and specific notice of the incarcerated individual's right to apply to the court for a writ of habeas corpus ad testificandum to enable him or her to participate in the hearing. The writ is available where an incarcerated individual wishes to testify as provided by statute or**

rule, as well as where the individual's testimony is sought by another. *Vanaman v. Cowgill*, 363 Pa. Super. 602, 526 A.2d 1226 (1987). See 23 Pa.C.S.A. § 4342(j) and Rule 1930.3. In determining whether a writ of habeas corpus ad testificandum should be issued, a court must weigh the factors set forth in *Salemo v. Salemo*, 381 Pa. Super. 632, 554 A.2d 563 (1989).

* * * * *

[Pa.B. Doc. No. 06-1668. Filed for public inspection August 25, 2006, 9:00 a.m.]

Title 25—LOCAL COURT RULES

BEAVER COUNTY

Local Rules of Civil Procedure; No. 10130 of 2001

Order

New Rule L.R. 205.4, is adopted effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

The Court Administrator of Beaver County shall transmit certified copies of this Order and Rule as follows:

(1) Seven (7) certified copies with the Administrative Office of Pennsylvania Courts;

(2) Two (2) certified copies and a computer diskette containing the text of the Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(3) One (1) certified copy with the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania;

(4) One (1) copy shall be kept continuously available by the Prothonotary of Beaver County for public inspection and copying;

(5) One copy with the Law Library of Beaver County;

(6) One copy with the *Legal Journal of Beaver County* for publication therein.

By the Court

ROBERT E. KUNSELMAN,
President Judge

L.R. 205.4 Electronic Filing and Service of Legal Papers

(1) The Prothonotary of Beaver County is hereby authorized to accept filings of legal papers by electronic transmission in accordance with Pa.R.C.P. No. 205.4 and this rule at the following website:

[www.lexisnexis.com/file and serve](http://www.lexisnexis.com/file_and_serve)

To obtain access to the filing system all filing parties shall apply for a Username and Password at this website, or use computer terminals provided at the Office of the Prothonotary of Beaver County.

Upon the acceptance of a filing by electronic transmission, the Prothonotary, or the Prothonotary's agent shall provide the filing party with a filing status message which sets forth the date and time of acceptance of the filing.

(a) A legal paper includes a writ of summons or a complaint that is original process naming an original

defendant or an additional defendant but does not include a notice of appeal from a Board of Arbitration or a notice of appeal from a Magisterial District Judge.

(b) All legal papers filed by electronic transmission shall be filed in Microsoft Word for Windows, Word Perfect for Windows or Adobe PDF format. To the extent practical, legal papers shall comply with the requirements of L.R. Nos. 205.2(a) and 205.2(b). In addition, each page shall be numbered at the bottom center of the page and the case number shall appear, in at least twelve point font, in the upper right-hand corner of each page.

Lexis-Nexis File and Serve will convert any Word or Word Perfect file to PDF Format but the original format shall also be made available to the court. The official record of the court is the PDF version.

(2) All legal papers must be filed electronically in accordance with the schedule hereinafter set forth. Filing parties must register with Lexis-Nexis File and Serve. Should any party or attorney deliver a legal paper to the Prothonotary in hard copy for filing, the Prothonotary shall electronically upload the legal paper to Lexis-Nexis File and Serve and may assess a filing fee and service fee for the same. All filing parties shall also file a written request for notice of the entry of an order or judgment by electronic means.

(a) In addition to all other applicable fees, the Prothonotary is authorized to collect an automation fee of \$5.00 for each initial filing and the sum of \$1.00 per page for each page of a legal paper which is not presented in electronic format. The Prothonotary shall not accept a legal paper for filing prior to payment of or the satisfactory arrangements for payment of the required fees. The Prothonotary may delegate the collection and disbursement of fees to Lexis-Nexis File and Serve.

(b) The schedule for legal papers to be filed electronically and the effective date for electronic filing for each category of cases is as follows:

Type of Case	Effective Date
1. Mortgage Foreclosure	September 18, 2006
2. Judgments by Confession and Municipal Claims	November 13, 2006
3. All other Civil Matters except Divorce and Child Custody	February 12, 2007
4. Divorce and Child Custody	April 2, 2007

(3) The Prothonotary need not maintain a hard copy of any legal paper filed electronically except as required to comply with Pa.R.C.P. No. 205.4(b) (2) (ii), cases called for trial, cases appealed to an appellate court, cases transferred to another court, and those portions of cases at issue in an argument scheduled before this Court. On request by the Prothonotary, the filing party shall submit a hard copy of each paper filed electronically to enable the Prothonotary to comply with this part of this Rule.

Further, for all cases pending on the effective date for electronic filing, the filing party shall provide the Prothonotary with a hard copy of each paper filed electronically.

(4) The Prothonotary shall provide a computer terminal or terminals for public access to electronically filed legal papers.

(5) A legal paper accepted for filing shall be deemed to have been filed as of the date and time it was received by the electronic filing system. If a legal paper is rejected by the Prothonotary, it shall be forthwith returned to the filing party and a reason for its rejection shall be specified. Subject to the provisions of section 6, a rejected legal paper shall be deemed as not having been filed.

(6) Any filing party for whom the failure of the website or the erroneous rejection of the legal paper resulted in an untimely filing may petition the Court to request that the legal paper be deemed filed as of the submission dates. Such petition shall state the date and time of the failure or rejection, the reason why the legal paper could not be submitted in person, the reason the rejection was erroneous and the reason the legal paper could not be timely resubmitted.

[Pa.B. Doc. No. 06-1669. Filed for public inspection August 25, 2006, 9:00 a.m.]

BEAVER COUNTY

Local Rules of Criminal Procedure; No. 606 Misc. 2006

Order

On this 10th day of August, 2006, the Local Rules of Criminal Procedure are amended, effective thirty (30) days after publication in the *Pennsylvania Bulletin*, as follows:

1. Local Criminal Rule 511.1 is rescinded in its entirety.

The Court Administrator of Beaver County shall file or submit certified Copies of this Order as follows:

A. Seven (7) copies with the Administrative Office of Pennsylvania Courts;

B. Two (2) copies to the Legislative Reference Bureau, for publication in the *Pennsylvania Bulletin*;

C. One (1) copy with the Criminal Procedural Rules Committee of the Pennsylvania Supreme Court; and

D. One (1) copy shall be kept continuously available for public inspection and copying at the Clerk of Courts Office.

By the Court

ROBERT E. KUNSELMAN,
President Judge

[Pa.B. Doc. No. 06-1670. Filed for public inspection August 25, 2006, 9:00 a.m.]

BERKS COUNTY

Administrative Order Adopting Rule of Criminal Procedure 117; No. 98-8009 Prothonotary

Order

And Now, this 4th day of August, 2006, pursuant to Pa.R.Crim.P. 117, it is hereby *Ordered* that the Berks County Court of Common Pleas adopts Berks County Rule of Criminal Procedure 117—Coverage: Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail. It is further *Ordered* that B.R.Crim.P. 117 shall become effective 30 days after publication in the *Pennsylvania Bulletin*.

The District Court Administrator of Berks County is *Ordered* and *Directed* to provide copies to the appropriate entities pursuant to Pa.R.Crim.P. 105:

1. File seven (7) certified copies of this Administrative Order and Rule with the Administrative Office of Pennsylvania Courts.

2. Distribute two (2) certified copies of this Administrative Order and Rule and one (1) computer diskette to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy of this Administrative Order and Rule with the Pennsylvania Criminal Procedural Rules Committee.

4. Forward one (1) copy for publication in the *Berks County Law Journal*.

5. Forward one (1) copy to the Berks County Law Library.

6. Keep continuously available for public inspection copies of the Administrative Order and Rule in the Prothonotary's Office.

By the Court

ARTHUR E. GRIM,
President Judge

BERKS COUNTY RULES OF CRIMINAL PROCEDURE

AVAILABILITY OF ISSUING AUTHORITIES

Rule 117—Coverage: Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail.

A. All Magisterial District Judge Offices shall be open for business Mondays through Fridays, excluding legal holidays, from 9:00 AM to 5:00 PM except as noted below:

Open Mondays, 10:30 AM to 6:30 PM

Magisterial District 23-1-01

Magisterial District 23-1-04

Magisterial District 23-2-01

Magisterial District 23-3-01

Open Tuesdays, 10:30 AM to 6:30 PM

Magisterial District 23-1-03

Magisterial District 23-2-03

Magisterial District 23-3-02

Magisterial District 23-3-06

Open Wednesdays, 10:30 AM to 6:30 PM

Magisterial District 23-2-02

Magisterial District 23-2-04

Magisterial District 23-3-04

Magisterial District 23-3-05

Magisterial District 23-3-09

Open Thursdays, 10:30 AM to 6:30 PM

Magisterial District 23-1-02

Magisterial District 23-1-05

Magisterial District 23-1-06

Magisterial District 23-3-03

Magisterial District 23-3-07

Magisterial District Judges shall be available during these hours for all court business.

B. Reading Central Court, a centralized preliminary hearing court designated as Magisterial District 23-0-02, shall be open every Friday beginning at 8:30 AM until preliminary hearings are completed, excluding legal holidays, in the Berks County Courthouse.

1. The Magisterial District Judges of Magisterial Districts 23-1-02, 23-1-03, 23-1-04, 23-1-05, 23-2-01 and 23-3-09 shall serve in Reading Central Court on a rotating basis in accordance with the schedule prepared by the Office of Court Administration.

C. The Berks County Central Arraignment Court (BC-CAC), an after hours court designated as Magisterial District 23-0-01, shall be open Mondays through Fridays,

7:00 PM to 6:00 AM the following day, each Saturday 9:00 AM to Sunday 6:00 AM, each Sunday 9:00 AM to Monday 6:00 AM, and all legal holidays from 9:00 AM to 6:00 AM the following day.

1. All Magisterial District Judges and/or Senior Magisterial District Judges on temporary assignment in the Twenty-Third Judicial District shall be scheduled in the BCCAC in accordance with the schedule prepared by the Office of Court Administration and approved by the President Judge.

2. A Magisterial District Judge or Senior Magisterial District Judge scheduled in the BCCAC shall be available to provide coverage for emergency petitions brought under the Protection from Abuse Act or the Older Adult Protective Services Act, the issuance of search warrants pursuant to Pa.R.Crim.P. 203 and arrest warrants pursuant to Pa.R.Crim.P. 513, accepting bail, and providing the services required by Pa.R.Crim.P. 117(A)(2)(a), (b), (c), and (d).

D. All Magisterial District Judges shall be scheduled for countywide emergency duty in accordance with an emergency duty schedule prepared by the Office of Court Administration and approved by the President Judge.

1. The Magisterial District Judge on emergency duty shall provide continuous coverage for the issuance of search warrants pursuant to Pa.R.Crim.P. 203 and arrest warrants pursuant to Pa.R.Crim.P. 513 when the Magisterial District Judge Offices and the Berks County Central Arraignment Court are closed.

E. Magisterial District Judges and the Clerk of Courts shall be authorized to accept bail in accordance with the provisions and subject to the limitations of the Pennsylvania Rules of Criminal Procedure.

[Pa.B. Doc. No. 06-1671. Filed for public inspection August 25, 2006, 9:00 a.m.]

CARBON COUNTY

Amendment of Local Rule of Civil Procedure 1301 Scope—Arbitration; No. 04-1727

Administrative Order No. 15-2006

And Now, this 9th day of August, 2006, pursuant to Pennsylvania Rule of Civil Procedure 1301 and to incorporate the limits established by Pa.C.S.A., § 7361, it is hereby

Ordered and Decried that, effective September 15, 2006, the Carbon County Court of Common Pleas hereby AMENDS Local Rule of Civil Procedure CARB.R.C.P. 1301 governing Carbon County's existing practice of submitting actions to compulsory arbitration.

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

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Pennsylvania Civil Procedural Rules Committee.
4. Forward one (1) copy for publication in the *Carbon County Law Journal*.

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

6. Keep continuously available for public inspection a copy of the Order in the Prothonotary's Office.

By the Court

ROGER N. NANOVIC,
President Judge

RULE 1301—SCOPE

All civil cases where the amount in controversy (exclusive of interest and costs) shall be Fifty Thousand (\$50,000.00) Dollars or less, except those involving title to real estate, shall first be submitted to a Board of Arbitrators in accordance with Section 7361 of the Judicial Code, 42 Pa.C.S.A. § 7361. The amount in controversy shall be determined from the pleadings. The Court may on its own motion or upon the motion of any parties strike from the trial list and certify for arbitration any case which should have been arbitrated in the first instance.

[Pa.B. Doc. No. 06-1672. Filed for public inspection August 25, 2006, 9:00 a.m.]

CLARION COUNTY

Order Establishing Local Rules of Procedure for Criminal Actions in the Court of Common Pleas; No. 963 CD 2006

Order

And Now, August 4, 2006 it is hereby ordered:

1. Clarion County Local Rule of Criminal Procedure L507(B) a copy of which follows this order, is adopted, effective October 1, 2006.
2. The Clarion County Court Administrator is directed to:
 - A. File seven (7) certified copies of this Order and the following Rules with the Administrative Office of Pennsylvania Courts.
 - B. Distribute two (2) certified copies of this Order, the following Rules and a computer diskette containing the text of the local rules, to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
 - C. File one (1) certified copy of this Order and the following Rules with the Criminal Procedural Rules Committee.
 - D. Provide the Clarion County Prothonotary and Clerk of Courts with a copy of the Rules being amended, which shall be available for public inspection and copying. The Clarion County Prothonotary and Clerk of Courts shall, upon adoption of the previously listed Local Rules of Court, maintain a complete up to date set of the Clarion County Local Criminal Rules of Court as amended October 1, 2006, which shall be provided to the Prothonotary and Clerk of Courts by the Clarion County Court Administrator.
 - E. Provide a copy of the complete Clarion County Local Criminal Rules of Court as amended October 1, 2006, to each member of the local bar.

By the Court

JAMES G. ARNER,
President Judge

Local Rules of the Court of Common Pleas*Preface*

The rules of the Court of Common Pleas of Clarion County are intended to supplement the Rules of Criminal Procedure promulgated by the Supreme Court of Pennsylvania. The latter's system of numbering has been preserved. A local rule dealing with the same subject matter as that dealt with by a Pennsylvania Rule of Criminal Procedure has been given the same number as the Pennsylvania Rule of Criminal Procedure and is preceded by the letter "L" to indicate its local character. All local rules must be read in connection with the Pennsylvania Rules of Criminal Procedure bearing the same numbers.

RULES OF CRIMINAL PROCEDURE**Rule L507(B) Approval of Police Complaints by Attorney for the Commonwealth**

The District Attorney of Clarion County having filed a certification pursuant to Pa.R.Crim.P. 507, criminal complaints by police officers, as defined in the Rules of Criminal Procedure, charging the following offenses:

Title 18 Section 908.1	Use or Possession of Electric or Electronic Incapacitation Device (intent to commit felony)	Title 18 Section 2708	Use of Tear or Noxious Gas in Labor Disputes
Title 18 Section 909	Manufacture, Distribution, Use or Possession of Devices for Theft of Telecommunications Services	Title 18 Section 2710	Ethnic Intimidation
Title 18 Section 910	Manufacture, etc. of Devices for Theft of Telecommunication Services	Title 18 Section 2713	Neglect of Care-Dependent Person
Title 18 Section 911	Corrupt Organizations	Title 18 Section 2714	Unauthorized Administration of Intoxicant
Title 18 Section 913	Possession of Firearm or Other Dangerous Weapon in Court Facility	Title 18 Section 2715	Threat to Use Weapons of Mass Destruction
Title 18 Section 2102	Desecration of Flag	Title 18 Section 2716	Weapon of Mass Destruction
Title 18 Section 2103	Insults to National or Commonwealth Flag	Title 18 Section 2901	Kidnapping
Title 18 Section 2501	Criminal Homicide	Title 18 Section 2904	Interference with the Custody of Children
Title 18 Section 2502(a)	Murder, First Degree	Title 18 Section 2905	Interference with Custody of Committed Persons
Title 18 Section 2502(b)	Murder, Second Degree	Title 18 Section 2906	Criminal Coercion
Title 18 Section 2502(c)	Murder, Third Degree	Title 18 Section 2907	Disposition of Ransom
Title 18 Section 2503	Manslaughter, Voluntary	Title 18 Section 3121	Rape
Title 18 Section 2504	Manslaughter, Involuntary	Title 18 Section 3122.1	Statutory Sexual Assault
Title 18 Section 2505	Causing or Aiding Suicide	Title 18 Section 3123	Involuntary, Deviate Sexual Intercourse
Title 18 Section 2506	Drug Delivery Resulting in Death	Title 18 Section 3124.1	Sexual Assault
Title 18 Section 2603	Criminal Homicide of Unborn Child	Title 18 Section 3124.2	Institutional Sexual Assault
Title 18 Section 2604	Murder of an Unborn Child	Title 18 Section 3125	Aggravated Indecent Assault
Title 18 Section 2605	Voluntary Manslaughter of an Unborn Child	Title 18 Section 3126	Indecent Assault
Title 18 Section 2606	Aggravated Assault of an Unborn Child	(a)(4),(5),(6),(7),(8)	
Title 18 Section 2701	Simple Assault Against Child 12 or under	Title 18 Section 3129	Sexual Intercourse with Animal
Title 18 Section 2702	Aggravated Assault	Title 18 Section 3204	Medical Consultation and Judgment
Title 18 Section 2704	Assault by Life Prisoner	Title 18 Section 3205	Informed Consent
		Title 18 Section 3206	Parental Consent
		Title 18 Section 3209	Spousal Notice
		Title 18 Section 3210	Determination of Gestational Age
		Title 18 Section 3211	Abortion on Unborn Child of 24 or More Weeks Gestational Age
		Title 18 Section 3212	Infanticide
		Title 18 Section 3213	Prohibited Acts
		Title 18 Section 3216	Fetal Experimentation
		Title 18 Section 3218	Criminal Penalties
		Title 18 Section 3301(a)(c)(f)	Arson and Related Offenses
		Title 18 Section 3302	Catastrophe, Causing, or Risking
		Title 18 Section 3303	Failure to Prevent Catastrophe
		Title 18 Section 3502	Burglary (F1 only)
		Title 18 Section 3701	Robbery
		Title 18 Section 3702	Robbery of a Motor Vehicle
		Title 18 Section 3921	Theft by Unlawful Taking (over \$25,000)
		Title 18 Section 3922	Theft by Deception (over \$25,000)
		Title 18 Section 3923	Theft by Extortion (over \$25,000)

Title 18 Section 3924	Theft of Property Lost, Mislaid, or Delivered by Mistake (over \$25,000)	Title 18 Section 4910	Tampering with or Fabricating Physical Evidence
Title 18 Section 3925	Theft by Receiving Stolen Property (during disaster and/or over \$25,000)	Title 18 Section 4952	Intimidation of Witnesses or Victims (Felonies only)
Title 18 Section 3926	Theft of Services (over \$25,000)	Title 18 Section 4953	Retaliation Against Victim, Witness, or Party
Title 18 Section 3927	Theft by Failure to Make Required Disposition of Funds Received (over \$25,000)	Title 18 Section 4953.1	Retaliation Against Prosecutor or Judicial Officer
Title 18 Section 3930	Theft of Trade Secrets by Force, Violence, or Burglary	Title 18 Section 5103	Unlawfully Listening into Deliberations of Jury
Title 18 Section 3931	Theft of Unpublished Dramas and Musical Compositions	Title 18 Section 5106	Failure to Report Injuries by Firearm or Criminal Act
Title 18 Section 3932	Theft of Leased Property (over \$25,000)	Title 18 Section 5108	Compounding
Title 18 Section 3934	Theft from a Motor Vehicle (over \$25,000)	Title 18 Section 5109	Barratry
Title 18 Section 4102	Simulating Objects of Antiquity, Rarity, etc.	Title 18 Section 5110	Contempt of General Assembly
Title 18 Section 4103	Fraudulent Destruction, Removal or Concealment of Recordable Instruments	Title 18 Section 5111	Dealing in Proceeds of Unlawful Activities
Title 18 Section 4105	Bad Checks (over \$75,000)	Title 18 Section 5301	Official Oppression
Title 18 Section 4106	Access device fraud (over \$25,000)	Title 18 Section 5302	Speculating or Wagering on Official Action or Information
Title 18 Section 4107	Deceptive or Fraudulent Business Practices	Title 18 Section 5508	Disrupting Meetings
Title 18 Section 4107.1	Deception Relating to Kosher Food Products	Title 18 Section 5509	Desecration or Sale of Venerated Objects
Title 18 Section 4107.2	Deception Relating to Certification of Minority Business Enterprise or Women's Business Enterprise	Title 18 Section 5510	Abuse of Corpse
Title 18 Section 4108	Commercial Bribery and Breach of Duty	Title 18 Section 5511.3	Assault with Biological Agents on Animals
Title 18 Section 4109	Rigging Public Contest	Title 18 Section 5512	Lotteries
Title 18 Section 4112	Receiving Deposits; Failed Institution	Title 18 Section 5513	Gambling Devices
Title 18 Section 4116	Copying; Recording Devices	Title 18 Section 5514	Pool Selling and Bookmaking
Title 18 Section 4116.1	Unlawful Operation of Recording Device in Motion Picture Theater	Title 18 Section 5515	Prohibiting Paramilitary Training
Title 18 Section 4117	Insurance Fraud (over \$25,000)	Title 18 Section 5516	Facsimile Weapons of Mass Destruction
Title 18 Section 4120	Identity Theft (victim over 60, or total value over \$2,000)	Title 18 Section 5703	Interception, Disclosure or Use of Wire, Electronic or Oral Communications
Title 18 Section 4301	Bigamy	Title 18 Section 5705	Possession, Sale, Distribution, Manufacture, or Advertisement of Interception Devices
Title 18 Section 4302	Incest	Title 18 Section 5903	Obscene and other Sexual Materials and Performances
Title 18 Section 4303	Concealing Death of Child	Title 18 Section 5902	Prostitution and Related Offenses (Felonies only)
Title 18 Section 4305	Dealing in Infant Children	Title 18 Section 5904	Public Exhibition of Insane or Deformed Person
Title 18 Section 4583.1	Aggravated Jury Tampering	Title 18 Section 6110.1	Possession of Firearm by Minor
Title 18 Section 4701	Bribery, Official and Political Matters	Title 18 Section 6111	Sale or Transfer of Firearms
Title 18 Section 4702	Threats, Official and Political Matters	Title 18 Section 6115	Loans, Lending, Giving Firearms Prohibited
Title 18 Section 4703	Retaliation for Past Official Action	Title 18 Section 6142	Locking Device for Firearms
Title 18 Section 4902	Perjury	Title 18 Section 6303	Sale of Starter Pistols
Title 18 Section 4909	Witness Taking Bribe	Title 18 Section 6304	Sale and Use of Air Rifles
		Title 18 Section 6312	Sexual Abuse of Children
		Title 18 Section 6319	Solicitation of Minors to Traffic Drugs

Title 18 Section 6320	Sexual Exploitation of Children	Title 18 Section 7324	Unlawful Sale of Dissertations, Thesis, Term papers
Title 18 Section 6703	Military Decorations	Title 18 Section 7326	Disclosure of Confidential Tax Information
Title 18 Section 6704	Fraud on Association Having Grand Lodge	Title 18 Section 7328	Operation of Certain Establishments
Title 18 Section 6707	False Registration of Domestic Animals	Title 18 Section 7361	Worldly Employment or Business
Title 18 Section 6709	Use of Union Labels	Title 18 Section 7503	Interest of Certain Architects in Public Works Contracts
Title 18 Section 6710	Unauthorized Use of Registered Insignia	Title 18 Section 7504	Appointment of Special Police
Title 18 Section 6711	Retention of Military Property After Notice to Return	Title 18 Section 7505	Violation of Government Rules Regarding Traffic
Title 18 Section 6712	Use of Carts, Cases, Trays, Baskets, Boxes, and Other Containers	Title 18 Section 7506	Violation of Rules Regarding Conduct on Commonwealth Property
Title 18 Section 6901	Extension of Water Line	Title 18 Section 7507	Breach of Privacy by Using a Psychological-Stress Evaluator, an Audio-Stress Monitor or a Similar Device without Consent
Title 18 Section 6910	Unauthorized Sale of Tickets	Title 18 Section 7509	Furnishing Drug free urine
Title 18 Section 7102	Drugs to Race Horses	Title 18 Section 7515	Contingent Compensation
Title 18 Section 7103	Horse Racing	Title 18 Section 7611	Unlawful Use of Computer and Other Computer Crimes
Title 18 Section 7104	Fortune Telling	Title 18 Section 7612	Disruption of Service
Title 18 Section 7107	Unlawful Actions by Athlete Agents	Title 18 Section 7613	Computer Theft
Title 18 Section 7302	Sale and Labeling of Solidified Alcohol	Title 18 Section 7614	Unlawful Duplication
Title 18 Section 7303	Sale or Illegal Use of Certain Solvents and Noxious Substances	Title 18 Section 7615	Computer Trespass
Title 18 Section 7304	Illegal Sale or Use of Certain Fire Extinguishers	Title 18 Section 7616	Distribution of Computer Virus
Title 18 Section 7306	Incendiary Devices	Title 18 Section 7661	Unlawful Transmission of Electronic Mail
Title 18 Section 7307	Out of State Convict Made Goods	Title 75 Section 3732	Homicide by Vehicle
Title 18 Section 7308	Unlawful Advertising of Insurance Business	Title 75 Section 3735	Homicide by Vehicle while DUI
Title 18 Section 7309	Unlawful Coercion in Contracting Insurance	Title 75 Section 3735.1	Aggravated Assault by Vehicle while DUI
Title 18 Section 7310	Furnishing Free Insurance	Title 75 Section 3742	Accidents Involving Death or Personal Injury (felonies only)
Title 18 Section 7311	Unlawful Collection Agency Practices	Title 75 Section 3742.1	Accidents Involving Death or Personal Injury While Not Properly Licensed (felonies only)
Title 18 Section 7312	Debt Pooling	Title 35 Section 780-113(a)	(1) Manufacture/Sale/Delivery of Adulterated Drug
Title 18 Section 7313	Buying or Exchanging Federal Food Order Coupons, Stamps, Authorization Cards or Access Devices		(2) Adulteration of Controlled Substance
Title 18 Section 7314	Fraudulent Traffic in Food Orders		(3) False Advertisement
Title 18 Section 7315	Unauthorized Disposition of Donated Food Commodities		(4) Removal of Detained Substance
Title 18 Section 7316	Keeping Bucket-Shop		(5) Adulteration of Sellable Controlled Substance
Title 18 Section 7317	Accessories, Bucket-Shop		(6) Forging ID Under Act
Title 18 Section 7318	Maintaining Bucket-Shop Premises		(7) Defraud Trademark
Title 18 Section 7319	Bucket-Shop Contracts		(8) Selling Defrauded Trademark
Title 18 Section 7321	Lie Detector Tests		(9) Having Equipment to Defraud
Title 18 Section 7322	Demanding Property to Secure Employment		(10) Illegal Sale of Nonproprietary Drug
Title 18 Section 7323	Discrimination on Account of Uniform		(11) Illegal Pharmacy Operations

- (12) Acquisition by Fraud-Heroin, Marijuana
- (13) Dispense of Drugs to Drug Dependent Person
- (14) Delivery by Practitioner
- (15) Illegal Retail Sale
- (17) Dispensing of Drugs without Label
- (18) Illegal Sale Container
- (19) Intentional Unauthorized Purchase
- (20) Divulging Trade Secret
- (21) Failure to Keep Records
- (22) Refusal of Inspection
- (23) Unauthorized Removal of Seals
- (24) Failure to Obtain License
- (25) Manufacture by Unauthorized Party
- (26) Distribution by Registrant of Controlled Substance
- (27) Use of Fictitious Registration Number
- (28) False Application Material
- (29) Production of Counterfeit Trademarks
- (30) Possession with Intent to Deliver
- (34) Ad for Drug Paraphernalia
- (35) Illegal Sale of Non-Controlled Substance
- (36) Designer Drugs
- (37) Possession of Steroids
- (38) Unlawful Manufacture of Methamphetamine

Title 42 Section
4583.1

Aggravated jury tampering shall not hereafter be accepted by any judicial officer unless the criminal complaint has the approval of an attorney for the Commonwealth prior to filing.

Such rule shall become effective October 1, 2006.

[Pa.B. Doc. No. 06-1673. Filed for public inspection August 25, 2006, 9:00 a.m.]

LACKAWANNA COUNTY

Proposed Changes to Family Law Rules; No. 06 CV 3699

Order

And Now, this 31st day of July, 2006, Proposed Changes/Additions to Civil Division Rules Actions in Divorce or For Annulment of Marriage are Hereby Adopted and effective September 1, 2006.

By the Court

CHESTER T. HARHUT,
President Judge

PROPOSED CHANGES/ADDITIONS TO CIVIL DIVISION RULES ACTIONS IN DIVORCE OR FOR ANNULMENT OF MARRIAGE

Rule 1920.3. Commencement of Action.

(c) Related Pleadings

All pleadings and legal papers filed pursuant to the Divorce Code or by separate petition relating to any matter involving the same family shall be filed with the Clerk of Judicial Records and docketed to the same docket number pursuant to Pa.R.C.P. 1931.

Rule 1920.33

(b) Pre-Hearing Statement Deadline

Pre-trial Statements shall be filed by both parties no later than 20 days prior to the Hearing before the Court. The deadline for filing Pre-Trial Statements can be modified by written agreement between the parties or by the Court upon good cause shown.

Rule 1920.51 Pre-Trial Conference. Appointment of Master.

(d) Appointment of Master/Master's Fees.

(i) For Appointment of a Master, counsel shall present the Order and Motion for Appointment of Master in Motion Court. Counsel shall then present the executed Order to the Court Administrator who shall thereafter appoint a Master.

(ii) In all actions for which appointment of a Master is sought, the party seeking appointment shall pay the sum of Seven Hundred and Fifty (\$750.00) Dollars at the time of the appointment directly to the appointed Master and serve the Master with a copy of the Order and Motion for Appointment of Master. The Master shall not commence action on the case until payment is received. The Master shall be required to deposit the fee into his or her escrow account until earned and billed. Master's fees shall be billed at a rate of \$125.00 per hour. The Master may require additional deposits of funds from either or both parties, if necessary. The Master may enter such order concerning the allocation of Master's fees and related costs as may appear just and reasonable. Whenever the amount required to be deposited is exhausted before the filing of the Master's Report and Recommendations, proceedings may be stayed until the amount so directed shall be deposited.

(iii) Upon completion of the case, the Master shall send a final bill and upon payment in full, the Master shall file a Certificate that all Master's fees have been paid. In any case in which a Master is appointed, no Decree in Divorce shall be entered absent a Master's Certificate that all Master's fees have been paid.

(e) Divorce Master; Duties.

Upon appointment, the Master shall schedule a preliminary hearing conference or hearing if a claim for alimony pendente lite is presented. The Master shall give written notice to the parties through their counsel or directly if they are unrepresented.

(i) Both parties and their counsel shall attend any preliminary hearing conference or hearing.

(ii) The parties, with the aid of their counsel and the appropriate assistance of the Master, should make a good faith effort to resolve contested matters, including the marital property division, and shall determine those items which are contested and upon which testimony shall be taken at a scheduled hearing.

(iii) At the close of the preliminary hearing conference, the Master shall establish the time and place for a formal hearing. The Master shall give written notice of the hearing to the parties through their counsel or directly if they are unrepresented, by mail within ten (10) days. The party who has filed for appointment of the Master shall engage a stenographer for transcription of the hearing.

(iv) The Master shall file a report consistent with Pa.R.C.P. 1920.54.

(f) Master's Duty to Determine Jurisdiction.

Before fixing the time and place for the hearing, the Master shall examine the pleadings to determine the formal sufficiency and regularity of the proceeding, including the matter of jurisdiction. If, in the opinion of the Master, the proceeding is defective in any particular manner, he or she shall report any defects to the Court with appropriate notice to the parties through their counsel or directly if they are unrepresented, within twenty (20) days from his or her appointment and shall suspend further action until the defect is cured. If the defect is not cured within a reasonable period of time, the Master shall apply to the Court for instructions. When the Master is satisfied as to the formal sufficiency and regularity of the proceedings, including jurisdiction, or when directed by the Court to proceed, he or she shall thereafter promptly fix the time and place of taking testimony, if any.

Rule 1920.62. Proceedings for Indigent Parties.

A party in a divorce action who has been granted leave to proceed in forma pauperis shall follow all available legal procedures to secure payment of costs by the opposing party unless the opposing party has also been granted leave to proceed in forma pauperis.

[Pa.B. Doc. No. 06-1674. Filed for public inspection August 25, 2006, 9:00 a.m.]

LAWRENCE COUNTY

Adoption of Local Rule of Criminal Procedure 117—Coverage; Issuing Warrants; Preliminary Arraignment and Summary Trial; Setting and Accepting Bail; and Local Rule of Criminal Procedure 150—Bench Warrants; No. 90031 of 2006, A.D.

Administrative Order of Court

And Now, this 9th day of August, 2006, pursuant to Pa.R.Cr.P. 117 and 150, it is hereby *Ordered* and *Decreed* that the Lawrence County Court of Common Pleas hereby adopts new local rule of criminal procedure, L117 governing coverage for issuing warrants, conducting preliminary arraignments and summary trials and setting and accepting bail and local rule of criminal procedure L150 governing bench warrants.

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

1. File seven (7) certified copies of this Administrative Order and Rule 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 Procedural Rules Committee.

4. Forward one (1) copy for publication in the *Lawrence County Law Journal*.

5. Forward one (1) copy to the Lawrence County Law Library.

6. Keep continuously available for public inspection copies of this Administrative Order and Rule in the Office of the Clerk of Courts of Lawrence County.

7. The effective date of this Order shall be thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

By the Court

DOMINICK MOTTO,
President Judge

**Adoption of Rules of Criminal Procedure
Lawrence County Local Rule L117 and Local Rule
L150**

Local Rule L117 Coverage; Issuing Warrants; Preliminary Arraignments and Summary Trial; Setting and Accepting Bail

1. All magisterial district judges' offices shall remain open for regular business on Monday through Friday excluding holidays, from 8:00 a.m. to 4:00 p.m. and such hours established by order of the President Judge or as may be modified with the approval of the President Judge to meet the needs of the public and the Court.

2. Continuous coverage for the issuance of warrants, the holding of preliminary arraignments and summary trials, and the setting and accepting bail and collateral shall be by the traditional on-call system as presently established. The President Judge shall establish the schedule of assignment of magisterial district judges to on-call duty.

3. Magisterial district judges, the Clerk of Courts—Criminal and the Warden of the Lawrence County Jail and the Warden's designee, are authorized to accept bail in accordance with the provisions, and subject to limitations, of the Pennsylvania Rules of Criminal Procedure.

4. Monetary bond may be posted outside of regularly scheduled work hours at the Lawrence County Jail. The Warden of the Lawrence County Jail, or his designee, is designated to accept bail bonds and deposits as provided in Pa.R.Cr.P. 117, having the defendant sign the bail bond, releasing the defendant and delivering the bail deposit and/or bail bond to the issuing authority or the Clerk of Courts.

Local Rule L150 Bench Warrants

1. Whenever an individual is committed to the Lawrence County Jail pursuant to a bench warrant issued by a Lawrence County Judicial officer, the Warden or his designee shall promptly, or if the subject of the warrant is lodged in the jail after the close of the business day, at the beginning of the next business day, notify the Court Administrator, who shall:

a. schedule a bench warrant hearing,

b. notify the District Attorney, Defendant's counsel of record and the Sheriff.

c. In the alternative, if the bench warrant was issued by a magisterial district judge, the Court Administrator shall notify the Central Court Administrator of the commitment, who in turn shall schedule the bench war-

rant hearing before a magisterial district judge and give the notification set forth in Subparagraphs a and b above.

2. Pursuant to Pa.R.Cr.P. 150(A)(4), whenever an individual is committed to the Lawrence County Jail pursuant to a bench warrant issued by a judicial officer outside of Lawrence County, the Warden or his designee, shall promptly notify the proper authorities in the county of issuance.

3. Any judge of the Court of Common Pleas of Lawrence County may conduct a bench warrant hearing relative to a bench warrant issued by a judicial officer. Any Lawrence County magisterial district judge may conduct a bench warrant hearing relative to a bench warrant issued by a magisterial district judge.

4. The Lawrence County Jail shall release an individual held on a bench warrant by operation of law if the bench warrant hearing does not occur within seventy-two (72) hours of commitment or by the close of the next business day if the seventy-two hours expires on a non-business day.

[Pa.B. Doc. No. 06-1675. Filed for public inspection August 25, 2006, 9:00 a.m.]

MONROE COUNTY

Adoption of New Rule of Criminal Procedure 117; 14 admin 06, 5707 CV 06

Order

And Now, the 1st day of August, 2006, pursuant to the requirements of Pa.R.Crim.P. 117, *It Is Ordered* that effective August 1, 2006, new Monroe County Rule of Criminal Procedure, Mon.R.Cr.P.117 Coverage: Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail, be and the same is hereby adopted in the following form.

It Is Further Ordered that seven (7) certified copies of this Order and the attached Rule of Criminal Procedure shall be filed with the Administrative Office of Pennsylvania Courts; that two (2) certified copies and one (1) diskette shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Criminal Procedural Rules Committee of the Supreme Court of Pennsylvania; one copy to the *Monroe County Legal Reporter* for publication, and that one copy shall be filed with the Clerk of Courts-Criminal of the Court of Common Pleas of Monroe County.

By the Court

RONALD E. VICAN,
President Judge

Mon.R.Cr.P.117. Coverage: Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail.

1. Magisterial District Judge Offices shall be open for regular business on Mondays through Fridays, excluding holidays, during such hours as established by Order of the President Judge, and as may be modified with the approval of the President Judge to meet the needs of the public and the court.

2. Continuous coverage for the issuance of warrants, the holding of preliminary arraignments and summary trials, and the setting and accepting of bail and collateral shall be by the traditional on-call system as presently established. The President Judge shall establish the schedule of assignment of Magisterial District Judges to on-call duty.

3. An on-call Magisterial District Judge, while on-call, and the Clerk of Courts on any day and at any time, are authorized to accept bail in accordance with the provisions, and subject to the limitations, of the Pennsylvania Rules of Criminal Procedure.

[Pa.B. Doc. No. 06-1676. Filed for public inspection August 25, 2006, 9:00 a.m.]

MONROE COUNTY

Order Promulgating New Rule of Criminal Procedure 150; 13 admin 2006, 5706 CV 2006

Order

Now, the 1st day of August, 2006, *It Is hereby Ordered* that new Monroe County Rule of Criminal Procedure 150, effective August 1, 2006, is hereby promulgated in the following form.

It Is Further Ordered that the District Court Administrator shall file copies of this Order and Rule as follows: seven (7) certified copies with the Administrative Office of Pennsylvania Courts: two (2) certified copies and one (1) diskette to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; one (1) certified copy to the Pennsylvania Criminal Procedural Rules Committee; one copy to the *Monroe County Legal Reporter* for publication, and that one copy shall be filed with the Clerk of Courts-Criminal of the Court of Common Pleas of Monroe County.

By the Court

RONALD E. VICAN,
President Judge

Rule 150 Bench Warrants.

1. When an individual is committed to the Monroe County Correctional Facility pursuant to a bench warrant, he/she shall be detained pending a bench warrant hearing. The Warden, or his designee, shall notify the Monroe County Court Administrator and Sheriff that the subject of the warrant is in custody. In the event, the subject of the warrant is lodged at the Monroe County Correctional Facility after the close of the business day; the warden shall notify the Court Administrator as required by this paragraph at the opening of the next business day.

2. If the subject voluntarily surrenders, the Court Administrator must be immediately informed by the agency to which the subject has surrendered. In the event the subject of the warrant surrenders after the close of the business day, the agency shall notify the Court Administrator as required by this paragraph at the opening of the next business day.

3. Upon receiving notice that a bench warrant has been executed or that the subject has surrendered, the Court Administrator shall immediately notify the issuing judge, the district attorney, any counsel of record and the public

defender that the subject is in custody. In the event the issuing judge is unavailable, notice shall be given to a judge of this Court who is available. After consultation with the judge, the Court Administrator shall schedule a hearing to be held as soon as possible, but not later than 72 hours after the subject has been lodged at the Monroe County Correctional Facility. The Court Administrator may give oral notice of this hearing, along with written notice, and shall maintain a record of that notice.

[Pa.B. Doc. No. 06-1677. Filed for public inspection August 25, 2006, 9:00 a.m.]

NORTHAMPTON COUNTY

Amended Administrative Order 2006-7—In Re: Posting Bail; AD-233-2006

Amended Administrative Order

And Now, this 9th day of August, 2006, the court adopts Rule N520(b), Posting Bail, effective immediately. The version of Rule N520(b) adopted by administrative order July 20, 2006, is hereby rescinded.

By the Court

ROBERT A. FREEDBERG,
President Judge

Rule N520(B) Posting Bail

(1) Prior to filing of the transcript with the Office of the Clerk of the Criminal Division, bail may be posted on regular business days—

(A) from 8:30 a.m. to 4:00 p.m. at the office of the magisterial district court where the case is pending or,

(B) from 8:30 a.m. to 4:30 p.m. at the Office of the Clerk of the Criminal Division.

(2) After filing of the transcript with the Office of the Clerk of the Criminal Division, bail may be posted on regular business days from 8:30 a.m. to 4:30 p.m. at the Office of the Clerk of the Criminal Division.

(3) Bail may be posted at any other time at the Northampton County Prison. Said bail shall be posted with a corrections officer designated by the Director of the Department of Corrections and deputized by the Clerk of the Criminal Division. The corrections officer is authorized to accept the bail and, pursuant to PA.R.CRIM.P. 525, to release the defendant upon execution of the bail bond.

(4) Bail accepted at the prison shall be forwarded immediately to the Office of the Clerk of the Criminal Division. Upon receipt of the bail, if the transcript has not been filed, the Clerk of the Criminal Division shall notify the magisterial district court where the case is pending that defendant posted bail.

Comment—See PA.R.CRIM.P. 117(c).

—Posting of real estate may not be done at Northampton County Prison.

[Pa.B. Doc. No. 06-1678. Filed for public inspection August 25, 2006, 9:00 a.m.]

SUSQUEHANNA COUNTY

New Rules of the Civil Division of the Court of Common Pleas; No. 1991—669 C.P.

Order

Now To Wit, this 11th day of August, 2006, it is ordered that, effective sec. leg., Susquehanna County Rules of Civil Procedure, Civil Rule 1301. Compulsory Arbitration, be and the same is hereby amended as follows:

By the Court

KENNETH W. SEAMANS,
President Judge

Civil Rule 1301. Compulsory Arbitration.

Subject to the limitations set forth in 42 Pa.C.S.A. Section 7361, all civil matters which require nothing other than monetary relief and where the amount in controversy, exclusive of interest and costs, does not exceed [\$25,000.00] **Fifty Thousand Dollars (\$50,000)** shall first be submitted to and heard by a board of arbitrators. Other cases or causes, as defined by the Act of July 9, 1976, 42 Pa.C.S. Section 7362, may be referred to arbitration by agreement of the parties' counsel.

[Pa.B. Doc. No. 06-1679. Filed for public inspection August 25, 2006, 9:00 a.m.]

WARREN AND FOREST COUNTIES

Adoption of Local Rule Pertaining to Continuous Coverage for Issuance of Warrants, Preliminary Arraignments, Summary Trials, and Setting and Accepting Bail; No. 44 of 2006 Miscellaneous

Order

And Now, this 28th day of July, 2006, it is hereby Ordered that the Local Rule of Criminal Procedure for the 37th Judicial District composed of Forest and Warren Counties pertaining to Continuous Coverage for Issuance of Warrants, Preliminary Arraignments, Summary Trials, and Setting and Accepting Bail be, and the same hereby 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 Pennsylvania Criminal Procedural Rules Committee.

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

By the Court

WILLIAM F. MORGAN,
President Judge

Rule 117. Continuous Coverage for Issuance of Warrants, Preliminary Arraignments, Summary Trials, and Setting and Accepting Bail.

Continuous coverage for issuance of warrants, holding of preliminary arraignments and summary trials, and setting and accepting bail shall be by traditional on-call system as presently established. The President Judge shall assign a Magisterial District Judge to establish the schedule of assignment of Magisterial District Judges to on-call duty. This schedule shall be submitted to the President Judge for approval.

Magisterial District Judges, the Clerk of Court and the Sheriff of Warren County in his capacity as Warden of the Warren County Jail shall be authorized to accept bail in accordance with the provisions, and subject to the limitations, of the Pennsylvania Rules of Criminal Procedure.

[Pa.B. Doc. No. 06-1680. Filed for public inspection August 25, 2006, 9:00 a.m.]

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