

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART II. ORPHANS' COURT RULES

[231 PA. CODE PART II]

Adoption of New Pa.O.C. Rule 15.8 and Forms; No. 396 Supreme Court Rules; Doc. No. 1

Order

Per Curiam:

And Now, this 30th day of August, 2006, upon the recommendation of the Orphans' Court Procedural Rules Committee, this recommendation having been submitted without publication in the interest of justice, pursuant to Pa.R.J.A. 103(a)(3):

It Is Ordered, pursuant to Article V, Section 10 of the Constitution of Pennsylvania that:

(1) Pennsylvania Orphans' Court Rule 15.8 is adopted as follows; and

(2) Uniform forms are adopted as follows to Pennsylvania Orphans' Court Rules following Pennsylvania Orphans' Court Rule 15.8.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall become effective September 5, 2006.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART II. ORPHANS' COURT RULES

RULE 15. ADOPTIONS

Rule 15.8. Foreign adoption registration.

(a) Adoptive parent(s) may petition the court of common pleas in the county of residence to register a foreign adoption decree so that it will be given full and final effect in this Commonwealth. The petition shall be in the form approved by the Supreme Court.

(b) If the court of common pleas determines that the foreign adoption decree cannot be registered, the adoptive parent(s) may proceed under the Adoption Act and local rules of court to obtain a full and final decree of adoption.

Explanatory Note: Pursuant to 23 Pa.C.S. § 2908(b), as amended by Act 96 of 2006, a set of forms consisting of a petition for registration of a foreign adoption decree, decrees approving and denying the petition, and detailed instructions for pro se petitioners, have been created and are set forth in the Appendix to these rules. The petition should be filed with the Clerk of the Orphans' Court Division, except in Philadelphia County, where it should be filed with the Clerk of the Family Court Division. The Clerk shall make the necessary Department of Health forms available to petitioners. If the foreign adoption is determined not to be a full and final adoption, the adoptive parent(s) may proceed under the Adoption Act and local rules to seek a decree of adoption in this Commonwealth.

IN THE COURT OF COMMON PLEAS

_____ COUNTY, PENNSYLVANIA

ORPHANS' COURT DIVISION

IN RE: FOREIGN ADOPTION OF _____

FILE NO. _____

PETITION TO REGISTER FOREIGN ADOPTION DECREE

PURSUANT TO 23 Pa.C.S. § 2908

1. Petitioner(s), the Adopting Parent(s) of the above-named adopted child, is/are _____

2. Petitioner(s) reside(s) in _____ County, Pennsylvania, at

(Street Address)

(City, State, Zip)

3. The full name of the adopted child at birth was _____

4. The full name by which the adopted child is to be known is _____

5. The date of birth of the adopted child is _____

6. The date of the foreign adoption decree is _____

7. The type of visa issued to the adopted child is _____

8. The following documents are attached to this Petition:

a. Certified copy of child's birth certificate or other birth identification issued by country of birth; if none, an Affidavit of Parent(s) stating why none is available.

b. Certified copy of Decree of Adoption issued by foreign government; if Decree is not in English, an English translation certified by the translator to be correct is attached.

c. Copy of adopted child's United States visa.

d. Pennsylvania Department of Health Form H105.091 (Vital Records Form) with Parts I and II (and Part III, if applicable) completed.

e. Pennsylvania Department of Health Statement of Citizenship and Residence.

WHEREFORE, Petitioner(s) request(s) that this Court enter a Decree authorizing the registration and docketing of the attached Foreign Adoption Decree with the Clerk of the Orphans' Court and decreeing that _____

(Birth Name of Adopted Child)

shall henceforth be known as _____

(Name of Child After Adoption)

and shall have all the rights of a child and heir of the Petitioner(s).

Adopting Parent

Adopting Parent

VERIFICATION

I/We verify that we have read and understand the information set forth in the Instructions to the Petition to Register Foreign Adoption Decree.

I/We verify that the facts set forth in the foregoing Petition are true and correct to the best of my/our knowledge, information and belief.

I/We understand that false statements made herein are subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Adopting Parent

Adopting Parent

IN THE COURT OF COMMON PLEAS

_____ COUNTY, PENNSYLVANIA

ORPHANS' COURT DIVISION

IN RE: ADOPTION OF _____

ADOPTION NO. _____

FINAL DECREE

AND NOW, this _____ day of _____, 20 ____, it is hereby ORDERED AND DECREED that the Petition of _____

(Adopting Parent(s))

to Register Foreign Adoption Decree is GRANTED and that this Court authorizes the registration and docketing of the Foreign Adoption Decree entered on _____ by _____

(Date of Foreign Decree)

_____ in _____
(Name of Foreign Court) (Foreign Country)

It is FURTHER ORDERED and DECREED that the above Foreign Adoption Decree shall be enforceable as if this Court had entered the Decree and that henceforth _____ shall be known as _____
(Birth Name of Adopted Child)

_____ and shall have all the rights of a child and heir of _____
(Child's Name After Adoption)

(Adopting Parent(s))

BY THE COURT:

J.

IN THE COURT OF COMMON PLEAS

_____ COUNTY, PENNSYLVANIA

ORPHANS' COURT DIVISION

IN RE: ADOPTION OF _____

ADOPTION NO. _____

FINAL DECREE

AND NOW, this _____ day of _____, 20 ____, it is hereby ORDERED and DECREED that the Petition of _____

(Adopting Parent(s))

to Register Foreign Adoption Decree is DENIED.

BY THE COURT:

J.

INSTRUCTIONS FOR FILING PETITION TO REGISTER FOREIGN ADOPTION DECREE PURSUANT TO 23 Pa.C.S. § 2908

When a child is adopted in conformity with the laws of a foreign country, the adopting parent(s) may register the foreign adoption so that the Foreign Adoption Decree is considered to be a full and final decree, enforceable as if entered pursuant to the Pennsylvania Adoption Act, and a Pennsylvania birth certificate can be obtained.

Adopting parent(s) seeking to register the Foreign Adoption Decree must:

1. Complete, sign and date the Petition to Register Foreign Adoption Decree and Verification. *If a Foreign Adoption Decree shows that there are two adopting parents, both parents must execute the Petition to Register Foreign Adoption Decree.*

2. Attach the following documents to the Petition:

- A certified copy of the Foreign Adoption Decree;
- A certified copy of the child's birth certificate. If no birth certificate was issued, a certified copy of any other birth identification issued by the country of birth should be attached. If no birth certificate or birth identification can be obtained, an Affidavit stating the reason should be submitted;
- A copy of the child's United States visa;
- An English translation of all documents not in English, certified by the translator to be true and correct;
- Form H105.091 (Pennsylvania Department of Health, Vital Records, Certificate of Adoption) with Parts I and II (and Part III if applicable) completed;
- Pennsylvania Department of Health Statement of Citizenship and Residency Form.

3. The Petition to Register with the attachments should be filed with the Clerk of the Orphans' Court Division of the Court of Common Pleas in which the adopting parent(s) reside(s), except for Philadelphia County resident(s), who must file with the Family Court Division. A filing fee will be charged in accordance with the fee schedule of the county court.

After the Petition to Register is filed, it will be submitted to the Court for review. If the Petition to Register and accompanying documents establish that the foreign adoption of the child is full and final, the Court will enter a Decree directing the registration of the Foreign Adoption Decree. The Clerk of the appropriate court will then issue a certificate of adoption and transmit form H105.091 and the Statement of Citizenship and Residency Form to the Department of Health, Division of Vital Records.

If the Court cannot determine that the foreign adoption is full and final, it will enter a Decree denying the petition. In that case, it will be necessary to proceed under the Adoption Act and any local rules of court to obtain a full and final Pennsylvania adoption decree.

Some of the following are reasons why a foreign adoption may not be a full and final adoption eligible for registration:

- both adopting parents were not present for the adoption hearing in the foreign country; or
- the sole adopting parent was not present at the adoption hearing in the foreign country; or
- the foreign court did not enter a final adoption Decree or Order or its equivalent; or
- the child's United States visa is not the type that would afford the child full United States citizenship.

[Pa.B. Doc. No. 06-1797. Filed for public inspection September 15, 2006, 9:00 a.m.]

Title 25—LOCAL COURT RULES

BEAVER COUNTY

Local Rules of Civil Procedure; No. 10130 of 2001

Order

Local Rule 205.4(1) relating to Electronic Filing is amended, in part, as follows:

(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/fileandserve

In all other respects, L.R. 205.4 shall remain the same.

The Court Administrator shall transmit copies of this Order 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 this Order with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

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

(4) One copy with the Prothonotary of Beaver County to be kept continuously available 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

[Pa.B. Doc. No. 06-1798. Filed for public inspection September 15, 2006, 9:00 a.m.]

NORTHAMPTON COUNTY

Administrative Order 2006-10—The Matter of the Initiation of the American Corrective Counseling Services Program for Bad Check Offenders in Northampton County; No. AD-302-2006

Administrative Order

And Now, this 31st day of August, 2006, upon motion of John M. Morganelli, District Attorney of Northampton County, and upon consideration of said motion, and a showing of good cause:

It is hereby ordered that the bad check diversionary program administered by American Corrective Counseling Services, offered to certain bad check offenders, shall hereby commence effective September 18, 2006.

It is furthered ordered that the collection of reasonable fees, costs, restitution and bank fees be permitted pursuant to the administration of this diversionary program, including the following fees: Diversionary Seminar Fee of \$165.00; Administrative Fee of \$25.00; Class Rescheduling Fee of \$25.00; Late Payment Fee of \$10.00.

By the Court

ROBERT A. FREEDBERG,
President Judge

In Re: The Matter of the Initiation of the American Corrective Counseling Services Program For Bad Check Offenders in Northampton County

Motion for the Initiation of the Bad Check Offender Diversionary Program Run by American Corrective Counseling Services

To the Honorable, the President Judge of the Said Court:

And Now, John M. Morganelli, District Attorney of Northampton County, moves to initiate the bad check program run by the American Corrective Counseling Services, and states the following:

1. Your movant is the District Attorney of Northampton County;

2. Movant is charged with the prosecution of all criminal offenses within Northampton County.

3. Bad check offenses under Title 18 Pa.C.S.A. § 4105 constitute a significant number of the total number of criminal offenses prosecuted within Northampton County.

4. Bad check offenses create an undue burden on law enforcement personnel, magisterial district judge staffs and the office of the district attorney.

5. American Corrective Counseling Services operates a bad check diversionary program at no cost to the county or taxpayers generally.

6. The office of the district attorney has contracted with American Corrective Counseling Services to operate their diversionary program within Northampton County.

7. The American Corrective Counseling Services program's goals are the diversion of bad check offenders from the criminal justice system and the speedy return of restitution monies to the victims of bad check offenders.

8. The American Corrective Counseling Services program requires the collection of full restitution monies, including a bank fee not to exceed the fee permitted under Pennsylvania law.

9. The American Corrective Counseling Services program also requires offenders to attend a one-day class educating offenders on the effects of bad checks.

10. The American Corrective Counseling Services program further requires that offenders pay for the costs of said class, as well as an administrative fee to the County of Northampton.

11. The fifteen (15) magisterial district judge offices within Northampton County will be the main point of distribution of American Corrective Counseling Services program materials to victims.

12. Bad check victims shall receive said materials which will instruct them on how to submit their bad check to the American Corrective Counseling program for the initiation of program services.

Wherefore, movant respectfully requests that this Honorable Court sign and grant the proposed order allowing the initiation of the American Corrective Counseling Services Program within Northampton County.

Respectfully submitted,

John M. Morganelli,
District Attorney

I, John M. Morganelli, hereby aver that the facts set forth in the aforesaid Petition are true and correct to the best of my knowledge or information or belief. This verification is made subject to the penalties of § 4904 of the Crimes Code (18 Pa.C.S. § 4904) relating to unsworn falsification to authorities.

[Pa.B. Doc. No. 06-1799. Filed for public inspection September 15, 2006, 9:00 a.m.]

FOREST AND WARREN COUNTIES

Amendment of Local Civil Action Rule L1301(A); No. 53 of 2006 Miscellaneous

Order

And Now, this 29th day of August, 2006, it is hereby Ordered that the Local Civil Action Rule L1301(A) for the 37th Judicial District composed of Forest and Warren Counties is amended as follows, effective thirty (30) days after publication 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 Civil 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 L1301. Cases for Submission

A. Compulsory arbitration of matters as authorized by Section 7631 of the Judicial Code, 42 Pa.C.S. § 101, et.

seq. shall apply to all cases at issue where the amount in controversy shall be fifty thousand dollars (\$50,000.00) or less.

The amount in controversy shall be determined from the pleadings or by an agreement of reference filed by the attorneys. The amount in controversy, when determined from the pleadings, shall be the largest amount claimed by any one party.

In the event that a case within arbitration limits is consolidated with a case involving more than arbitration limits after the former has been referred to a board of arbitrators, the order of consolidation will remove the same from the jurisdiction of the board of arbitrators.

* * * * *

[Pa.B. Doc. No. 06-1800. Filed for public inspection September 15, 2006, 9:00 a.m.]

YORK COUNTY

The Adoption of Local Rules of Criminal Procedure 117, 150, 520 and 114 Providing for Coverage and Availability of Issuing Authorities with Respect to Issuing Warrants and Conducting Hearings Thereon; Conducting Preliminary Arraignments and Summary Trials; Setting and Accepting Bail; and Service of Documents; No. CP-67-AD-27-2006

Administrative Order Adopting Local Rules of Criminal Procedure 117, 150, 520, and 114

And Now, this 1st day of September, 2006, pursuant to Rule 105 of the Pennsylvania Rules of Criminal Procedure, it is hereby ordered that Local Rules of Criminal Procedure 117 (YCCrim-117), 150 (YCCrim-150), 520 (YCCrim-520), and 114 (YCCrim-114) are hereby *Adopted* to take effect thirty (30) days after publication in the *Pennsylvania Bulletin*.

Any previous local rule or administrative order, or part thereof, which is in conflict with these local rules or this order is hereby repealed or vacated.

The District Court Administrator is ordered and directed to:

1. File seven (7) certified copies of this order with the Administrative Office of Pennsylvania Courts.
2. Send two (2) certified copies and a diskette to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. Send one (1) certified copy of this order to the Pennsylvania Criminal Procedural Rules Committee.
4. Forward one (1) copy to the York County Law Library.
5. Keep continuously available for public inspection copies of this order and rule in the Clerk of Courts Office.

By the Court

RICHARD K. RENN,
President Judge

**York County Rule of Criminal Procedure
(YCCrim)-117: Magisterial District Judge Coverage
and After Hours Coverage For Judicial Business**

A. Regular Business Hours of Magisterial District Judges:

1. The offices of the Magisterial District Judges shall be open for at least a total of 30 hours per week, Monday through Friday, excluding any court holidays and a reasonable time for lunch.

2. Offices of the Magisterial District Judges shall be open at least four days per week, excluding any court holidays and a reasonable time for lunch, between the hours of 8:30 a.m. and 4:00 p.m.

3. Magisterial District Judges shall submit their proposed yearly schedule of office hours to the President Judge for approval prior to December 1 of the preceding year, unless there are no changes from the preceding year, and shall post the schedule at least annually in a conspicuous place at the office, pursuant to Rule 103 of the Pennsylvania Rules of Conduct for Magisterial District Justices. Schedules of office hours of all Magisterial District Judges shall also be maintained in the office of the District Court Administrator.

4. Applications for a change in office hours shall be made to the President Judge, through the District Court Administrator, prior to any change being instituted.

B. Availability of Magisterial District Judges During Regular Business Hours:

1. Magisterial District Judges shall be available to conduct judicial business during regular business hours, without unnecessary delay.

2. Should a Magisterial District Judge for a particular district not be available during regular business hours, any matter requiring immediate judicial attention shall be referred to the nearest available Magisterial District Judge.

3. A Magisterial District Judge may designate the personnel in that office to make a referral and designate the manner of referring matters to the nearest available Magisterial District Judge.

4. A Magisterial District Judge shall inform the District Court Administrator, and York County E-911, as soon as reasonably practical, of that Magisterial District Judge's scheduled or unscheduled unavailability during regular business hours.

C. Availability of Magisterial District Judges After Regular Business Hours:

1. A Magisterial District Judge, known as the "Duty MDJ" shall be on continuous duty after regular business hours for the purpose of conducting judicial business requiring immediate attention, without unnecessary delay.

(a) The District Court Administrator shall designate and publish the annual schedule of Duty MDJs prior to November 1 of the preceding year.

(b) A Duty MDJ who is scheduled for a particular time may exchange duty times with another Magisterial District Judge, and shall make such change known to the District Court Administrator and York County E-911 as soon as is reasonably practical.

2. An office, known as a "Duty Office" shall be maintained for the Duty MDJ to conduct judicial business after regular business hours.

(a) Such office may be at a "central booking" facility, or another office suitable for the conduct of judicial business after hours.

(b) Such office shall be equipped with suitable electronic communications to enable simultaneous visual and audio communication with the York County Prison and a Duty MDJ.

3. The Duty MDJ shall be available at all times when assigned after regular business hours to conduct judicial business without unnecessary delay.

(a) Such judicial business, including preliminary arraignments, setting of bail, and processing individuals arrested or otherwise detained, may be conducted by suitable electronic communications which provides simultaneous audio and visual contact between the Duty MDJ and the Duty Office.

(b) In the event such business is conducted remotely by electronic communications, suitable electronic methods of transmitting required paperwork without unnecessary delay may be utilized, including computer or facsimile transmittal.

**York County Rule of Criminal Procedure (YCCrim)-
150: Hearings on Bench Warrants**

A. Bench Warrants to be Heard by Judge Issuing Warrant:

Hearings for individuals arrested on bench warrants shall be heard by the judicial officer who issued the bench warrant, within the time periods and pursuant to the procedures set forth in Pa.R.Crim.P. 150.

B. Bench Warrants Issued by Judge of Court of Common Pleas:

1. Hearings for individuals arrested on bench warrants issued by a Judge of the Court of Common Pleas shall be heard by the Judge who issued the bench warrant.

2. In the event that an individual has been arrested on more than one bench warrant issued by different Judges of the Court of Common Pleas, the individual may be taken before any Judge who issued a warrant, who shall conduct a hearing on all of the bench warrants pursuant to which the individual was arrested.

3. In the event that the Judge or Judges who issued a bench warrant are unavailable to conduct a hearing within the time limits set forth in Pa.R.Crim.P. 150, then the hearing shall be conducted by the designated "Duty Judge."

a. The District Court Administrator shall maintain a list of "Duty Judges" which shall be updated from time to time and circulated among the Judges of the Court of Common Pleas of York County. The District Court Administrator shall assign such hearings to the appropriate Judge from that list if the issuing Judge is not available.

b. A Judge who is "on duty" for the designated time period shall insure his or her availability or the availability of another Common Pleas Judge, during normal Court business hours, for the purpose of conducting these hearings and for addressing other matters which may need the attention of the Court and for which the Judge ordinarily assigned to a matter may not be available.

4. At the conclusion of the bench warrant hearing following the disposition of the matter, the Judge shall immediately vacate the bench warrant, using an ORDER which shall be substantially in the form as prescribed by the President Judge or designee.

C. Bench Warrants Issued by Magisterial District Judges:

1. Hearings for individuals arrested on bench warrants issued by a Magisterial District Judge shall be heard by the Magisterial District Judge who issued the bench warrant.

2. In the event that an individual has been arrested on more than one bench warrant issued by different Magisterial District Judges, the individual may be taken before any Magisterial District Judge who issued a warrant, who may conduct a hearing on all of the bench warrants pursuant to which the individual was arrested.

3. In the event that the Magisterial District Judge or Judges who issued a bench warrant are unavailable to conduct a hearing within the time limits set forth in Pa.R.Crim.P. 150, or if an individual is arrested after normal business hours on a bench warrant, then the matter or matters shall proceed pursuant to YCCrim-117.

D. Release of Individual Not Applicable to Warrants Issued in Parole/Probation Proceedings:

An individual arrested as a result of a bench warrant issued in connection with a parole or probation proceeding shall not be released upon the expiration of seventy-two (72) hours without further court order, regardless of whether that individual had a hearing on the bench warrant.

York County Rule of Criminal Procedure (YCCrim)-520: Posting of Bail:

A. Posting of Bail During Normal Business Hours:

1. Bail in any acceptable form may be posted during normal business hours at the office of the Clerk of Courts and shall be accepted by the Clerk of Courts or the Clerk's designees.

2. Bail in any acceptable form, except real property, may be posted during normal business hours at the office of the issuing authority.

B. Posting of Bail After Normal Business Hours:

1. Bail in any acceptable form, except real property, may be posted after normal business hours with the Duty MDJ, at such location as the Duty MDJ may designate. The Duty MDJ may make such arrangements for security of the facility, staff and the Duty MDJ as is reasonably necessary to facilitate the acceptance of bail.

2. Bail in any acceptable form, except real property and currency, may be posted after normal business hours with the Duty MDJ at the Duty Office, or at the York County Prison.

(a) The Warden of the York County Prison, or the Warden's designees, are authorized to do all things necessary to accept bail at the York County Prison after normal business hours.

(b) The Sheriff of York County, or the Sheriff's designees, are authorized to do all things necessary to accept bail at the Duty Office.

York County Rule of Criminal Procedure (YCCrim)-114: Service of Court Orders or Court Notices

A. Documents Required to be Served by Clerk of Courts:

1. The Clerk of Courts shall record the service of all orders, court notices, and any other document required by law or applicable rule of procedure to be served on a party or counsel.

2. The service of an order, court notice, or any other document required to be served by the Clerk of Courts shall be recorded on a form prescribed by the District Court Administrator.

a. The form shall include, at a minimum, the information required by Pa.R.Crim.P. 114(C), and shall also include the manner of service and the name of the individual recording the information.

b. The form shall be filed in the criminal case file maintained by the Clerk of Courts, and docket entries shall be made pursuant to the requirements of Pa.R.Crim.P. 113 and 114.

B. Documents May be Served by District Court Administrator:

1. Any order or court notice produced by stenographic transcription and required to be served on an attorney or an office located within the York County Judicial Center may be served by the District Court Administrator, or the District Court Administrator's designee.

2. If service of an order or court notice is made pursuant to Section B1 above, the District Court Administrator, or designee, shall cause to be filed in the Clerk of Court's office, proof of service on the form prescribed in Section A2 above.

[Pa.B. Doc. No. 06-1801. Filed for public inspection September 15, 2006, 9:00 a.m.]