

THE COURTS

Title 255—LOCAL COURT RULES

ARMSTRONG COUNTY

Adoption of New Local Rules of Court—2002; No.
CP-03-AD-0000189-2002

Order

And Now, this 3rd day of October, 2006, it is hereby *Ordered* that subsection (b) of Local Orphans' Court Rule 1.2C shall be amended and supplemented to read as follows:

(b) In addition to the items required by Pa.O.C. Rule 3.4(b), a petitioner shall attach to the petition true and correct copies of all wills, deeds, contracts, and other instruments pertaining thereto. The petition shall state the place, if any, where the instruments may be found of record. The petition shall state whether or not a similar petition has been filed with or presented to any other court in the Commonwealth of Pennsylvania and, if it has, the result thereof. In the case of a petition for the settlement of a small estate, an original copy of the decedent's death certificate shall be attached thereto.

It is further *Ordered* that Local Orphans' Court Rule 14.1G be amended and supplemented to read as follows:

Rule 14.1G Form of Annual Reports. Failure of Guardian to File Inventory or Annual Report. Procedure.

(a) The annual reports required by 20 Pa.C.S. § 5521(c) shall be in such form as prescribed by the Clerk.

(b) In the event a guardian of an estate fails to timely file an inventory as required by 20 Pa.C.S. § 5521(b), or in the event any guardian fails to timely file an annual report as required by 20 Pa.C.S. § 5521(c), the Clerk shall so notify the Court. Thereafter, the Clerk shall give written notice of such failure to such persons and in such manner as the Court may direct.

It is further *Ordered* that the Court Administrator take all steps required by Pa.O.C.R. No. 1.2 in connection with the Local Rules of Civil Procedure in connection with the publication, distribution and dissemination of the amendments and supplements provided for herein.

It is lastly *Ordered* that the amendments and supplements provided for herein shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

JOSEPH A. NICKLEACH,
President Judge

[Pa.B. Doc. No. 06-2052. Filed for public inspection October 20, 2006, 9:00 a.m.]

ARMSTRONG COUNTY

Adoption of New Local Rules of Court—2002; No.
CP-03-AD-0000189-2002

Order

And Now, this 3rd day of October, 2006, it is hereby *Ordered* that an additional part to the Local Rules of Court be created to be known as Part VII, pertaining to Local Rules of Juvenile Court Procedure.

It is further *Ordered* that the following rules be adopted as a Local Rules of Juvenile Court Procedure:

Rule 102 Citing the Local Rules of Juvenile Court Procedures

These Local Rules of Juvenile Court Procedure are intended to implement the Pennsylvania Rules of Juvenile Court Procedure. A rule shall be cited as "L.R.J.C.P. _____."

Rule 210 Approval of Arrest Warrant Applications

(a) The District Attorney of Armstrong County having filed a certification pursuant to Pa.R.J.C.P. 210(b), no arrest warrant application charging any offense set forth in subsection (b), below, shall hereafter be accepted by any judicial officer unless it has been approved by an attorney for the Commonwealth prior to its filing.

(b) Subsection (a) of this rule shall apply when any of the following offenses is charged:

(i) Criminal homicide, in violation of 18 Pa.C.S. § 2501;

(ii) Murder in any degree, in violation of 18 Pa.C.S. § 2502;

(iii) Voluntary manslaughter, in violation of 18 Pa.C.S. § 2503;

(iv) Involuntary manslaughter, in violation of 18 Pa.C.S. § 2504;

(v) Homicide by vehicle, in violation of 18 Pa.C.S. § 3732;

(vi) Homicide by vehicle while driving under the influence, in violation of 18 Pa.C.S. § 3735;

(vii) Aggravated assault, in violation of 18 Pa.C.S. § 2702(a)(1) through (6), inclusive;

(viii) Rape, in violation of 18 Pa.C.S. § 3121;

(ix) Involuntary deviate sexual intercourse in violation of 18 Pa.C.S. § 3123;

(x) Robbery, in violation of 18 Pa.C.S. § 3701(a)(1)(i) through (iv), inclusive; and

(xi) Aggravated assault by vehicle while driving under the influence, in violation of 75 Pa.C.S. § 3735.1.

Comment

The approval of the attorney for the Commonwealth may be oral in appropriate circumstances. When feasible, such oral approval should be communicated directly to the judicial officer, who should make proper notations thereof.

It is further *Ordered* that the Court Administrator take all steps required by Pa.R.J.C.P. No. 121 for the publication, distribution and dissemination of the amendments and supplements provided for herein.

It is lastly *Ordered* that the amendments and supplements provided for herein shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

JOSEPH A. NICKLEACH,
President Judge

[Pa.B. Doc. No. 06-2053. Filed for public inspection October 20, 2006, 9:00 a.m.]

ARMSTRONG COUNTY

Adoption of New Local Rules of Court—2002; No. CP-03-AD-0000189-2002

Order

And Now, this 3rd day of October, 2006, it is hereby *Ordered* that Local Rule of Criminal Procedure be adopted, numbered 117, to read as follows:

Rule 117 Magisterial District Judges. Coverage. Admission to Bail by Jail Warden or Designee

(a) All Magisterial District Judge Offices shall be open for regular business from 8:00 A.M. to 4:30 P.M., prevailing time, Monday through Friday, except for County holidays.

(b) Magisterial District Judges shall be available twenty-four hours per day every day to provide continuous coverage for the services recited in Pa.R.Cr.P. 117(a) and for services required in any Protection from Abuse Act case. A Magisterial District Judge shall be deemed to have satisfied this directive by remaining on-call during non-regular business hours on a rotating basis pursuant to a schedule prepared by the Court. The schedule, and any amendments or alterations thereof, shall be distributed and publicized in accord with past practice.

(c) On forms prescribed by the Court, a Magisterial District Judge may request additions or amendments to the schedule prepared by the Court in order to provide for vacations, emergencies, and the like.

(d) In addition to those persons who are authorized by statute or the Pennsylvania Rules of Criminal Procedure to admit an arrestee to bail, the Warden of the Armstrong County Jail, or the designee of the Warden, shall have the authority to do the same in accordance with and subject to the limitations of the Pennsylvania Rules of Criminal Procedure.

It is further *Ordered* that the Court Administrator take all steps required by Pa.R.Cr.P. No. 105 for the publication, distribution and dissemination of the amendments and supplements provided for herein.

It is lastly *Ordered* that the amendments and supplements provided for herein shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

JOSEPH A. NICKLEACH,
President Judge

[Pa.B. Doc. No. 06-2054. Filed for public inspection October 20, 2006, 9:00 a.m.]

ARMSTRONG COUNTY

Adoption of New Local Rules of Court—2002; No. CP-03-AD-0000189-2002

Order

And Now, this 3rd day of October, 2006, it is hereby *Ordered* that subsection (a) of Local Rule of Civil Procedure No. 1301 be amended to read as follows:

(a) All cases, except those involving title to real estate, shall be referred for hearing before and decision by a Board of Arbitrators, when the amount in controversy, exclusive of interest and costs, is \$50,000 or less. When the amount in controversy exceeds said limit, it shall be referred to the Board upon agreement of all parties.

It is further *Ordered* that Local Rule of Civil Procedure No. 1302 be supplemented by the inclusion of subsection (c), which shall read as follows:

(c) A fee of \$20.00 shall be paid to the Prothonotary at the time of the filing of a praecipe directing appointment of a Board of Arbitration. The Prothonotary shall subsequently pay the sum of \$20.00 to the duly appointed chairperson immediately after the appointment. Upon any appeal of the decision of the Board of Arbitration, the appellant shall be credited for such payment toward the costs payable as a result of the appeal.

It is further *Ordered* that subsection (a) of Local Rule of Civil Procedure No. 1302 be amended to read as follows:

(a) A Board of Arbitration shall be composed of three members of the Bar of Armstrong County, at least one of whom shall have been admitted to the practice of law for at least five (5) years. Upon praecipe, the Prothonotary shall appoint the arbitrators from a list of lawyers who are qualified to act, and they shall be chosen in alphabetical order. No more than one lawyer from a single law firm shall be appointed to the same Board. The first arbitrator so appointed who has been admitted to the practice of law for at least five (5) years shall serve as chairperson. If an appointed member becomes unable to serve, the chairperson shall ask the Prothonotary to appoint a replacement, whereupon the Prothonotary shall do so.

It is further *Ordered* that the Court Administrator take all steps required by Pa.R.C.P. No. 239 for the publication, distribution and dissemination of the amendments and supplements provided for herein.

It is lastly *Ordered* that the amendments and supplements provided for herein shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

JOSEPH A. NICKLEACH,
President Judge

[Pa.B. Doc. No. 06-2055. Filed for public inspection October 20, 2006, 9:00 a.m.]

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CHESTER COUNTY
Orphans' Court No. 1506-9999

Order

And Now, this 5th day of October, 2006, the following Rules of the Orphans' Court Division of the Court of Common Pleas of Chester County, Pennsylvania, are hereby adopted, effective December 1, 2006.

By the Court

PAULA FRANCISCO OTT,
President Judge

**RULES OF ORPHANS' COURT PROCEDURE OF
THE COURT OF COMMON PLEAS OF
CHESTER COUNTY**

Judges—Local Rules

Integrated with Supreme Court Orphans' Court Rules

Rule L1.2A. Index of Proceedings

The Clerk shall assign to each new matter a file number, starting with Number 1 at the beginning of each calendar year. The file number and the name of the matter shall be included in the caption of all papers filed in Court or in the Clerk's office.

Rule L1.2B. Arguments

In all cases, argument shall be heard at the conclusion of the hearing unless leave of Court is obtained prior thereto.

(1) Other matters for argument shall be heard as scheduled by the Court.

(2) Notice and Briefs—With respect to arguments other than those heard at the conclusion of a hearing, counsel obtaining the argument date shall give opposing counsel at least fifteen (15) days notice of said argument date and shall furnish opposing counsel with a brief at least fifteen (15) days prior to the argument. Reply briefs shall be furnished at least five (5) days prior to the argument. For failure to provide a brief at the proper time, sanctions may be fixed by the Court, including refusing to receive a brief and hear oral argument from the offending attorney. If either counsel fails to appear at the argument, the case may proceed *ex parte*.

Rule L1.2C. Attorney's Entry and Withdrawal of Appearance

(1) Every attorney participating in any proceeding shall enter an appearance by written order or by endorsement on papers filed.

(2) An attorney may not withdraw an appearance without leave of court unless another attorney has previously entered or another attorney is simultaneously entering an appearance on behalf of the party.

(3) Leave of court to withdraw appearance shall be sought by petition with notice as set forth under Rule 3.4 et sec.

Rule L1.2D. Trust Inter Vivos

The original trust instrument and any amendments thereto, shall be filed with the Clerk when the Court is first required to exercise its jurisdiction over the inter vivos trust. The instrument shall be indexed and recorded by the Clerk. Any revocation shall be likewise filed, indexed and recorded. The rules of court applicable to testamentary trusts shall apply to trusts inter vivos as far as appropriate. In the event such instrument has been filed with another court, a certified copy thereof will be accepted in lieu of the original. All original instruments lodged with the Clerk shall be microfilmed and then returned.

Rule L1.2E. Sureties

(1) Individual Sureties—Individuals proposed as sureties on bonds of fiduciaries shall take an affidavit on the printed form supplied by the Clerk, setting forth the facts required thereby. Such affidavit shall be filed together with the bond when filed, and shall be renewed annually thereafter so long as the bond shall remain in effect. A member of the Bar or any employee of this Court shall not act as surety in any proceeding in this Court, except by special leave of Court.

(2) Corporate Sureties—Every surety company duly authorized to do business in Pennsylvania may become surety on any bond or obligation required to be filed in this Court; provided that a currently effective certificate issued to it by the Insurance Department of the Commonwealth of Pennsylvania, evidencing such right, shall be on file with the Clerk, and that no bond shall be executed by any surety company after May 1 of any year until such a certificate issued after March 31 of the same year has been filed with the Clerk.

Rule L1.2F. Corporate Fiduciaries

(1) Corporations having fiduciary powers and authorized to do business in the Commonwealth may act as fiduciaries in matters pending in this Court; provided, however, that initially there shall be filed with the Clerk a copy of the certificate issued by the State Banking Department, the Comptroller of Currency, or the Federal Reserve Board, as the case may be, evidencing its right to exercise fiduciary powers, certified to be true and correct by an executive officer of the corporation. Thereafter, on or before the first day of May of each year such corporation shall file a statement, verified by the oath or affirmation of an executive officer thereof, that it continues to be qualified to act in such capacity.

(2) Except where required by statute or for special cause shown, a bond will not be required of an approved corporate fiduciary.

Rule L1.2G. Committee on Rules

(1) Whenever the Court deems it necessary, it shall appoint a rules committee for the Orphans' Court of Chester County, which shall consist of at least six attorneys who are members of the Bar of Chester County, the Orphans' Court Administrator, the Clerk of the Orphans' Court, and any other person(s) designated by the Court. The committee shall serve at the pleasure of the Court.

(2) It shall be the duty of said committee on rules to inform themselves as to legislation, as to procedural rules promulgated by the Supreme Court, and as to decisions of the courts in any way affecting the existing rules and,

from time to time, to suggest to the Court such modifications or additions to the rules of said Court as in their judgment or the judgment of the majority thereof may be necessary or advisable.

Rule L1.2H. Notices of Order, Decree or Adjudication

In any Orphans' Court proceeding, the Clerk shall immediately give written notice by ordinary mail or personal delivery of the entry of any order, decree or adjudication to each party's attorney of record, or if unrepresented, to each party. Notice shall include a copy of the order, decree, or adjudication unless a bond is required, then no copy is provided until bond is posted. The clerk shall note in the docket the mailing or delivery of the required notice and documents.

Rule L1.2I. Reproduction of Papers

All pleadings and papers filed with either the Register or the Clerk shall be legible. Should any such pleading or paper not be sufficiently legible for mechanical reproduction, the Register or the Clerk may refuse to receive such pleading or paper or may require that a legible copy thereof be submitted for mechanical reproduction.

Construction and Application of Rules

Rule L2.3A. Definitions

(1) "Common Pleas" means the Court of Common Pleas of Chester County.

(2) "Code" means the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 101 et seq.), as amended.

(3) "Interested parties" means persons having either a legal or a beneficial interest in the matter in question, unless the context indicates otherwise.

(4) "Supreme Court Rules" means Rules of the Orphans' Court promulgated by the Supreme Court of Pennsylvania.

Pleading and Practice

Rule L3.1A. Pretrial Conference

In any action the Court, on its own motion or on motion of any party, may direct the attorneys for the parties to appear for a conference to consider:

- (1) The simplification of the issues.
- (2) The necessity or desirability of pleadings and/or amendments thereto.
- (3) The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof.
- (4) The limitation of the number of expert witnesses.
- (5) The advisability of a preliminary reference of issues to a master for findings to be used as evidence when the trial is to be by jury.
- (6) Such other matters as may aid in the disposition of the action.

Rule L3.2A. Pleadings

The pleadings in the Orphans' Court shall be limited to a petition, an answer, including new matter, a reply, preliminary objections and an answer to preliminary objections.

Rule L3.4A. Form, Additional Requirements

(1) Typing and Endorsement—Every petition, answer and reply shall be typewritten or printed, and shall be endorsed on the front upper left hand corner with the name, address, zip code, telephone number, and identifi-

cation number of the individual attorney representing the party filing the pleading, or of the party if proceeding pro se.

(2) Signature and Verification—Every petition, answer and reply shall be signed by the parties and verified by one or more of them. If this is impracticable, it may be signed and verified by someone other than counsel familiar with the facts, in which case the reason for the failure of the parties to sign shall be set forth.

(3) Decree—The decree shall have a caption and be attached to the face of the petition.

(4) Preliminary Decree—A Petition shall be accompanied by a separate Preliminary Decree for the Court's use either setting a hearing date in those instances where there exists jurisdiction or issuing a citation returnable with hearing where the Court has not yet taken jurisdiction.

(5) Paper—Every petition, answer and reply shall be stated upon paper 8 1/2 inches by 11 inches in size, the paper to be fastened together securely at the top and numbered consecutively at the bottom.

(6) Courtesy copy—Parties shall not send courtesy copies of pleading to the Court without the specific request of the Court for same.

Notice

Rule L5.1A. Method. Legal Publication

The *Chester County Law Reporter* shall be the legal periodical for the publication of notices whenever publication in a legal periodical is required by Act of Assembly, or by rule or order of Court.

Rule L5.1B. Method. Public Sale of Real Property

Notice of the public sale of real property shall be given:

(1) By advertisement once a week for three (3) successive weeks in the *Chester County Law Reporter* and in one other newspaper of general circulation in Chester County;

(2) By posting a notice on the premises;

(3) By personal notice or registered or certified mail to all parties in interest of the time and place of the proposed sale at least ten days prior thereto; and,

(4) By such other notice as the Court may by special order direct.

Rule L5.1C. Method. Private Sale of Real Property

Notice of the private sale of real property shall be given in such manner as provided by a rule adopted by the Supreme Court or by an Act of Assembly, or by general rule or special order of this Court.

Rule L5.1D. Written Notice

Written notice, served personally on an attorney of record, to the person for the time being in charge of the attorney's office, or by mail addressed to the attorney's office, shall be notice to the party whom the attorney represents, except where personal service on the party is specifically required.

Rule L5.4A. Return of Notice. Additional Requirement

(1) Copy of Notice—A copy of all petitions, notices, preliminary decrees or other papers served shall be attached to the return of notice.

(2) Personal Service—Return of personal service of notice shall set forth the date, time, place and manner of service and that a true and correct copy of the notice was handed to the person served.

(3) Registered or Certified Mail—Return of notice by registered or certified mail shall state the date and place of mailing and shall include the return receipt, or a photostatic copy thereof. When the person who gives notice by registered or certified mail has personal knowledge, or has cause to believe, that such notice was not received by the person to be notified, the person giving notice shall so state in the return. When the address of the person given notice by registered or certified mail is in a country other than the United States of America, a statement that the notice was so mailed to that person at the designated address shall be sufficient unless otherwise ordered.

Accounts and Distribution

Rule L6.1A. Form. Additional Requirements

(1) Form in General—Accounts shall be prepared in substantial conformity with forms approved by the Supreme Court of Pennsylvania.

(2) Paper—Accounts shall be stated upon paper 8 1/2 inches by 11 inches in size, the pages to be fastened together securely at the top, not stapled or sealed, and numbered consecutively at the bottom.

(3) An account shall have attached thereto a petition for adjudication and statement of proposed distribution.

(4) Accounts must conform to any additional requirements shown on accounts checklists which are available at the Office of the Clerk of the Orphans' Court and on its website at www.chesco.org/wills.

(5) Accounts not conforming to all requirements by the call of the audit list will be deferred.

Rule L6.1B. Execution

(1) Signing—Accounts shall be signed by ALL fiduciaries stating them. In the case where the fiduciary has died, the account shall be executed by her or his personal representative, or counsel shall notify the Court that no personal representative has been appointed.

(2) Affidavit—Accounts shall have attached to the end thereof the affidavit of one or more of the fiduciaries joining in the account.

(3) Certification by Attorney—At the end of each account there shall appear a certification by the attorney representing the accountant, that the attorney has reviewed the account and finds it to be in conformity with these Rules.

Rule L6.1C. Appointed Estates

Assets appointed by the donee of a testamentary power and which must be accounted for by the fiduciary of the donee, shall be identified and shall be shown in a separate schedule.

Rule L6.1D. Annexed Accounts

A guardian, personal representative or trustee who has received property from a guardian, personal representative or trustee in distribution of another estate or trust may annex a copy of the account of said estate or trust to his or her account. Notice must be given to all interested parties of the annexation.

Rule L6.3A. Contents of Notice

Notices shall comply with Supreme Court Rule 6.3 and the following requirements:

(1) Written notice of (i) the filing of the account and petition for adjudication and (ii) the time and place of audit shall be given to all parties in interest who are entitled to notice of the filing of the account as set forth in Rule 6.3.

(2) In those instances where any claim or interest of the party being notified is contested or will not be paid in full, the aforesaid written notice shall so state and shall further state that a written claim or written objections must be filed at or prior to the audit by the party who desires to pursue any such claim or interest.

(3) In those instances where there exists any fairly disputable issue or question, including a question of interpretation, known to or reasonably ascertainable by the accountant or the accountant's counsel; the aforesaid written notice to all parties in interest affected thereby shall (i) state the issue and the conclusion of the accountant with regard thereto, and (ii) have attached thereto a copy of the instrument or material parts thereof containing any provision which forms the basis of the dispute or question, and (iii) state that if the person notified does not agree with the accountant's conclusion, that person must, at or prior to the audit, file a written objection to the petition for adjudication, under penalty for failure to object that the Court will assume that said person agrees with the accountant's conclusion.

Rule L6.3B. Enclosures

(1) A recipient of a pecuniary bequest, specific legacy or devise or demonstrative legacy shall be given notice of the provision pertaining to such beneficiary.

(2) All other beneficiaries or heirs shall be given a copy of the account, the petition for adjudication and a statement of proposed distribution, the will or trust instrument, or relevant portions thereof, unless counsel or the accountant certifies that a copy was previously furnished, and the inventory.

(3) No copy of any of the above need be given anyone who has executed a satisfaction of award or a written waiver of their right to receive such information.

Rule L6.3C. Time of Notices

Notices shall be mailed no later than ten days after filing an account. Notices mailed prior to filing an account shall state the date upon which the account is expected to be filed.

Rule L6.3D. Copy of Notice

Prior to the audit, the accountant shall cause to be filed an affidavit indicating the form of notice sent to the parties in interest and to whom such notice was sent. The certificate from the Attorney General shall be attached if notice concerning a charity is required by Supreme Court Rule 5.5.

Rule L6.3E. Special Requirements for Notice

If notice is required to be given to a personal representative or fiduciary, such notice shall also be given to the beneficiaries of the trust or estate. If notice is required to be given to a minor of whom no guardian or guardian ad litem has been appointed, it shall be sufficient to give notice to the minor's parent, or to the minor's attorney, if any.

Rule L6.4A. Audits

Audit List-When Called—The audit list will be called on the first Wednesday of every month except January and July. There will be no audit list in January and July. Each audit list shall include continued accounts and new accounts eligible for audit. No attorney need be present unless the attorney desires to file written objections or a claim.

Rule L6.4B. For a Particular Audit

Accounts to appear on a particular list must be filed not later than 4:30 p.m. on the 4th Wednesday preceding the session of Court when the audit list will be called, except when the day falls on a holiday, in which event accounts must be filed as per the Court calendar for that year.

Rule L6.9A. Petition for Adjudication and Statement of Proposed Distribution

(1) Recital of Facts—At the time of filing an account, the accountant shall attach thereto a petition for adjudication setting forth all facts necessary to enter a proper decree.

(2) Form of Petition—The petition for adjudication shall be on the form provided by the Clerk or typewritten in conformity therewith. The statement of proposed distribution shall be the concluding paragraph of the petition for adjudication. The petition for adjudication shall be signed by each accountant and be sworn to, affirmed by, or verified by at least one of them.

(3) Persons filing accounts for audit shall submit, with the Petition for Adjudication, all the required supporting documents securely fastened at the top, not stapled or sealed, in the order shown in checklists which can be obtained from the Clerk of the Orphans' Court Division. Where the account indicates that any balances are to be awarded to an existing trust, or that there has been a transfer of funds between the probate and the trust estates, a copy of the trust instrument, and amendments thereto, certified by counsel to be correct, shall be attached.

Rule L6.9B. Settlement of Small Estates

(1) Petitions for distribution of small estates under Section 3102 of the Code, shall set forth:

(a) The name and address of the petitioner and the relationship of the petitioner to the decedent;

(b) The name, date of birth and domicile of the decedent, whether the decedent died intestate, the dates of the probate of the will and of the grant of letters, if any, and whether the personal representative has been required to give bond and in what amount;

(c) The names and relationships of all beneficiaries entitled to any part of the estate under the will or intestate laws, a brief description of their respective interests, whether any of them has received or retained any property of the decedent by payment of wages or similar items under Section 3101 of said Code or otherwise, and whether any of them are minors, incapacitated persons, or deceased, with the names of their fiduciaries, if any;

(d) The person or persons, if any, entitled to the family exemption and, if a claim therefor is made in this petition, any additional facts necessary to establish the prima facie right thereto, as required by Rule 12.1;

(e) An inventory of the real and personal estate of the decedent, with values ascribed to each item, either incorporated in the petition or attached as an exhibit;

(f) A list showing the status of the inheritance tax;

(g) An averment showing the status of the inheritance tax;

(h) That ten days written notice of intention to present the petition has been given to any unpaid beneficiary, heir or claimant who has not joined in the petition, or to the attorney general, if the decedent's heirs are unknown. Notice shall be given in accordance with Rule 5.1; and

(i) A prayer for distribution of the personal property to those entitled and, in appropriate cases, for the discharge of the personal representative.

(2) There shall be attached to the petition the following exhibits:

(a) The original of the decedent's will, if it has not been probated, or a copy of the will, if it has been probated;

(b) Joinders of unpaid beneficiaries, heirs and claimants insofar as they are obtainable;

(c) An itemized list of disbursements made prior to the filing of the petition, indicating the payee and whether the disbursements were in payment of administration expenses, preferred or ordinary debts, items of distribution or the family exemption;

(d) A copy of the inheritance tax return and, if applicable, proof of payment.

(e) A copy of any notice given.

(3) No appraisal shall be required unless ordered by the Court.

A sample Small Estate Settlement Petition is available at the Office of the Clerk of the Orphans' Court and on its website at www.chesco.org/wills

Rule L6.10A. Form of Objections

Objections to accounts, petitions for adjudication and statements of proposed distribution shall be in writing, numbered consecutively, and signed by the objector or the objector's attorney. Each objection shall:

(1) Be specific as to description and amount;

(2) Raise but one issue of law and fact, but if there are several objections to items included in or omitted from the account or schedule of distribution relating to the same issue, all such objections shall be included in the same objection; and

(3) Set forth briefly the reason or reasons in support thereof.

Rule L6.10B. Objections. Filing and Service of Copy

(1) Time of Filing—Objections may be filed with the Clerk at, or prior to the session of court when the account objected to is listed for audit. No objection shall be filed thereafter without leave of Court.

(2) Service of Copy—After filing, a copy of the objections shall be served on accountant's attorney and other parties of record within five days of the date of filing.

Rule L6.10C. Disposing of Objections and Claims

In those cases in which a hearing is requested, the Court may fix a day for hearing or argument.

Rule L6.11A. Filing Receipt and Releases

When any distribution is made pursuant to Supreme Court Rule 6.11(b), a fiduciary may file with the Clerk those documents which evidence the agreement pursuant to which distribution is made and the receipt thereof.

Rule L6.11B. Schedules of Distribution

(1) Filing—The Court, when it appears advisable or when requested, will direct the attorney for accountant to prepare and file a schedule of distribution. Schedules shall be signed by all accountants and certified by the attorney for the accountant(s) to be correct and in conformity with the adjudication, and shall be filed with the Clerk.

(2) Additional Receipts and Disbursements—Receipts and disbursements since the date to which the account was stated shall be set forth in the schedule of distribution.

(3) Objections—Objections to unconfirmed schedules of distribution shall be filed with the Clerk, and must be filed not later than the twentieth day after the schedule was filed. Such objection may raise questions relating only to the schedule itself, and shall in no event raise questions which actually were or else could have been raised previously by claims, or by objections to the account or exceptions to the adjudication.

(4) Confirmation—If no objections are filed within twenty days after filing the schedule, it will be approved. Schedules approved in writing by all parties in interest will be approved on the day filed. Thereupon the accountant shall have authority to make necessary assignments and transfers of any securities awarded in kind, and the schedule will be attached to and become part of the adjudication.

Rule L6.11C. Schedules of Distribution Notice of Filing

(1) When Notice Given—Notice of filing the schedule of distribution shall be given to all parties in interest who have not filed their written approval of the schedule at the time of filing of the schedule, and shall include a copy of the schedule of distribution. The notice shall state that objections to the schedule must be filed within twenty days after the schedule is filed.

(2) Time and Method of Notice—Such notice shall be given before the schedule is filed, by letter addressed to the last known address of the party in interest or said party's attorney.

(3) Return of Notice—It shall be a sufficient return to such notice for the attorney or accountant to certify on the schedule that due notice of the filing thereof was given as required by this rule, and to attach a copy of the notice given.

Rule L6.11D. Objections to Schedules of Distribution—Notice of Filing, Time, Method, and Return

(1) To Whom Given—Notice of filing of objections to the schedule of distribution shall be given to the accountant and to all parties in interest affected thereby or their attorneys.

(2) Time and Method of Notice—Written notice shall be given no later than the day of the filing of the objections to the schedule by letter addressed to the last known address of accountant and all other parties in interest affected thereby or their attorneys. A copy of the objections shall be included with the notice to the accountant or the accountant's attorney.

(3) Return of Notice—At the time of filing of the objections, the attorney for the objector shall file a written certification that due notice of the filing thereof was given as required by these rules.

Rule L6.11E. Distribution of Real Estate

(1) When No Partition or Allotment Required or When Distributees Agree to Schedule—Schedules of distribution shall include separate awards of real estate to the parties entitled thereto, whether individually, or, where the circumstances require, in undivided interests. The real estate so awarded shall be identified by reference to the adjudication in the same detail and with the same particularity as is commonly required to be included in deeds and shall recite how the title was acquired by decedent. A copy of the last recorded deed(s), certified by the Recorder of Deeds, shall also be included.

(2) Partition or Allotment of Real Estate Requested by Accountant or a Party in Interest—Whenever partition or allotment of real estate is requested by the accountant or a party in interest, the request shall be made prior to or at the audit, and the Court shall make such order, including a direction to submit an information certificate, issued by an attorney or a responsible title insurance company, showing, the current state of the title, if required, provisions for owelty, if any, the preparation of a schedule of distribution, notice to the parties, and fixing the dates of further hearings, as may be necessary to protect all parties in interest.

(3) Certificate of Award of Real Estate—A Certificate of Award of Real Estate shall be prepared by the attorney for the accountant and submitted to the Clerk for execution upon confirmation of the schedule of distribution. A Sample Certificate is available at the Office of the Clerk of the Orphans' Court and on its website at www.chesco.org/wills.

Exceptions**Rule L7.1A. Exceptions to Decrees, Generally**

(1) Exceptions shall be the sole means of challenging an Adjudication, Order, Decree, or other Ruling that terminates a claim or affects a person's status in the action. If no exceptions are filed within twenty days of the Adjudication, etc., it shall become final.

(2) A party taking exceptions shall:

(a) file the original with the Clerk of the Orphans' Court;

(b) serve copies upon all parties, or their counsel, and the trial judge and,

(c) file an affidavit of service with the Clerk of the Orphans' Court.

Rule L7.1B. Form of Exceptions

Exceptions shall be in writing, numbered consecutively and signed by the exceptant or exceptant's attorney. Each exception shall:

(1) be specific as to description and amount;

(2) raise but one issue of law or fact; and,

(3) set forth briefly the reason or reasons in support thereof.

Rule L7.1C. Disposition of Exceptions

All exceptions shall be decided by the trial judge who may request argument to be scheduled by the Orphans' Court Administrator. Argument shall be heard by the trial judge unless the trial judge orders that the matter be heard by a court en banc of which the trial judge shall be a member. If the trial judge for any reason cannot decide the matter, another judge shall be designated to act. No more than three judges shall constitute the court en banc.

Auditors and Masters

Rule L8.1A. Notice

Auditors and masters shall give at least ten days notice of hearings held by them to all parties interested or to their attorneys of record in the manner provided in Supreme Court Rule 5.1, and local rules related thereto. Notice of succeeding hearings given by the auditor or master at a hearing of which proper notice has been given shall constitute sufficient notice of each of such succeeding hearings.

Rule L8.6A. Notice and Objections

An auditor or master shall give notice of the filing of the report by sending a copy of the report to all parties of record. Any party in interest shall have the right to file objections to such report within a period of twenty days of the filing of the report. If objections are filed, either party may request that they be listed for argument.

Rule L8.7A. Decree

If no objections are filed within twenty days of the filing thereof, the Court may enter a decree confirming the auditor's report or adopting the master's report.

Register of Wills

Rule L10.1A. Renunciations

Any renunciations that are executed outside of the Office of the Register of Wills must be executed in the presence of a Notary Public.

Rule L10.2A. Filing of Notice of Appeal

(1) Filing with the Register of Wills. A person or entity desiring to take an appeal from the judicial acts or proceedings of the Register of Wills, shall file a Notice of Appeal with the Register of Wills, specifying the issues on which it is based, and stating whether or not there are disputed issues of fact that the person or entity requests be submitted to a jury, and setting forth the names of all interested parties and the necessary jurisdictional facts.

(2) Transmission to Orphans' Court. When a Notice of Appeal has been filed, the Register shall transmit the record to the Clerk of the Orphans' Court.

Rule L10.2B. Filing of Appeal and Issuance of Citation

The appellant shall file a petition for citation sur appeal with the Clerk of the Orphans' Court and request that the Court issue a citation to show cause why the appeal should not be sustained and the decision complained of set aside. The appeal shall have attached to it a preliminary decree, which authorizes the issuance of a citation and sets a return date for the citation, which shall be determined and set by the Orphans' Court Administrator. The Citation shall be made returnable no sooner than twenty days after the date of issuance, unless the Court, orders that it be returned sooner.

Rule L10.2C. Service of Appeal and Citation

The appellant shall serve the citation and a copy of the appeal upon all interested parties within five (5) days of receiving the citation. Service upon parties already of record shall be in accordance with Pa.R.C.P. 227.1(f). Service upon parties not already of record shall be in accordance with Pa.R.C.P. 400.

Special Petitions

Rule L12.1A. Local Procedure

(1) Claiming Family Exemption—The procedure for claiming the family exemption shall be in accordance with

20 Pa.C.S.A. § 3121 through 3126. All pleadings shall be prepared in accordance with Supreme Court Rule 3 et sec.

(2) Appraising Property—Those matters required to be prescribed by local rules in Supreme Court Rule 12.1(b) shall be by special order in each case.

Rule L12.2A. Local Procedure

Those matters required to be prescribed by local rules in Supreme Court Rule 12.2 (b) shall be by special order in each case.

Rule L12.3A. Extension of Time

An extension of time in which the surviving spouse may file an election to take against a will shall be by special order in each case.

Rule L12.4A. Filing of Report

A guardian ad litem or trustee ad litem shall file a report within thirty (30) days of appointment, unless the time is otherwise fixed by the Court.

Rule L12.5A. Appearance of Minor

The minor shall be present at the hearing unless specifically excused by the court.

Rule L12.5B. Restricted Accounts

In lieu of the appointment of a guardian, the Court may authorize the deposit of funds of a minor pursuant to the provisions of Section 5103 of the Code.

Rule L12.5C. Certificate of Appointments; Security

If bond is required of a guardian, the clerk shall not issue the certificate of the guardian's appointment until the bond has been filed. Where the guardian is appointed for several minor children of the same parents, one bond may be filed to cover the several estates.

Rule L12.5D. Allowances

When a petition is necessary for an allowance from a minor's estate, the petition shall set forth the:

(1) Manner of the guardian's appointment and qualification, and the dates thereof;

(2) Age and residence of the minor, whether the minor's parents are living, the name of the person with whom the minor resides, the age of the minor's spouse and children, if any;

(3) Value of the minor's estate, real and personal, and the minor's net annual income;

(4) Circumstances of the minor, whether employed or attending school; if the minor's parent(s), or other person charged with the duty of supporting the minor, is living, the financial condition and income of such person and why that person is not discharging his or her duty to support the minor; and whether there is adequate provision for the support and education of the minor, the minor's spouse and children;

(5) Date and amount of any previous allowance by the Court; and

(6) Financial requirements of the minor and the minor's family unit, in detail, and the circumstances making such allowance necessary.

Rule L12.6A. Exhibits

The following additional exhibits shall be annexed to the petition:

- (1) Copy of the trust instrument.
- (2) Any consent or joinders of parties in interest.

Rule L12.7A. Exhibits

Written consent of the surety, if any, shall be attached to the petition, and orders to satisfy awards from all other parties shall be submitted with the petition.

Rule L12.7B. Discharge of Personal Representative Under Section 3531 of the Code

A petition with account annexed under Section 3531 of the Code shall conform to the extent practicable with the requirements of a petition for the settlement of a small estate under Section 3102 of the Code as set out in Rule L6.9B of the Chester County Orphans' Court Rules.

Rule L12.9A. Public Sale, Contents of Petition, Additional Requirements

(1) Personal Representative—A petition by a personal representative to sell real property at public sale, under Section 3353 of the Code shall also set forth in separate paragraphs:

- (a) The name, residence and date of death of the decedent, whether the decedent died testate or intestate, and the date of the grant of letters;
- (b) That the personal representative is not otherwise authorized to sell by the Code; or is not authorized or is denied the power to do so by the will, or that it is desirable that the sale have the effect of a judicial sale, stating the reasons;
- (c) Whether an inventory and appraisal has been filed, the total value of the property shown therein, and the value at which the real property to be sold was included therein;
- (d) If the personal representative entered bond with the Register, the name of the surety and the amount of such bond;
- (e) The names and relationships of all parties in interest, a brief description of their respective interests, whether any of them are deceased, minors, or incapacitated persons, and if so, the names and the record of the appointment of their fiduciaries;
- (f) A full description of the real property to be sold, the improvements thereon, by whom it is occupied, its rental value and current tax assessment; and
- (g) Sufficient facts to enable the Court to determine that the sale is desirable for the proper administration and distribution of the estate.

(2) Trustee—A petition by a trustee to sell real property at public sale, under Section 2133.16 of the Code shall also set forth in separate paragraphs:

- (a) How title was acquired, stating the date and place of probate of the will or recording of the deed;
- (b) A recital of the relevant provisions of the will or deed pertaining to the real property to be sold, and of the history of the trust;
- (c) The names and relationships of all parties in interest, a brief description of their respective interests, and whether any of them are deceased, minors, or incapacitated persons, and if so, the names and the record of the appointment of their fiduciaries;

(d) The improvements on the property, by whom it is occupied, its rental value and current tax assessment;

(e) That the trustee is not otherwise authorized to sell by the Code, or is denied the power by the trust instrument, or that it is advisable that the sale have the effect of a judicial sale, stating the reason; and

(f) Sufficient facts to enable the Court to determine that the proposed sale is for the best interests of the trust.

(3) Guardian—A petition by a guardian to sell real property at public sale, under Section 5153.1 of the Code shall also set forth in separate paragraphs:

- (a) The age of the ward;
- (b) The names of the ward's next of kin and the notice given them of the presentation of the petition. When there are no known next of kin who are sui juris to whom notice may be given, public notice in accordance with Rule L5.1B, must be given and proofs thereof must be attached to the petition as an exhibit;
- (c) How title was acquired, stating the date and place of probate of the will or recording of the deed;
- (d) A recital of the provisions of the will or deed relating to the real property to be sold;
- (e) The nature and extent of the interest of the ward, and of other persons in the real property;
- (f) The improvements on the property, by whom it is occupied, its rental value and current tax assessment; and
- (g) Sufficient facts to enable the Court to determine that the proposed sale will be for the best interest of the ward.

Rule L12.9B. Exhibits

The following exhibits shall be attached to a petition by a personal representative, trustee, or guardian to sell real property at public sale:

- (1) A copy of the will, deed or decree by which the fiduciary was appointed;
- (2) Any consents or joinders of parties in interest, and the names and a copy of the notice which has been given to those parties who do not consent to join;
- (3) Consent by any mortgagee whose lien would otherwise not be discharged by the sale, or, if not attached, the reason therefor; and
- (4) An affidavit as to value by one real estate appraiser.

Rule L12.9C. Decree

Upon presentation of any of the foregoing petitions, the Court, if satisfied that public sale is appropriate, shall enter a Decree fixing the time within which public sale shall be held and further fixing the time thereafter within which the return of sale shall be made to the Court.

Rule L12.9D. Notice and Return

(1) After the allowance of a petition for public sale of real property, notice of the public sale shall be given as provided in Rule L5.1B.

(2) Returns of public sale of real property for the purpose of an approval or confirmation by the Court shall be in the form of an affidavit, which shall set forth:

- (a) The information required by Rule L5.4A and the advertisement made;

(b) The name and address of the purchaser and that said purchaser was the highest bidder;

(c) As an attachment, a complete copy of the written agreement of sale: and,

(d) Whether any exceptions to the confirmation have been filed.

Rule L12.9E. Security

On the return day of the sale, the Court, in the decree approving or confirming the public sale, will fix the amount of bond or additional security which the personal representative, trustee or guardian shall be required to enter, or will excuse the fiduciary from entering additional security.

Rule L12.9F. Petition to Fix or Waive Additional Security, Personal Representative, Trustee

(1) Form of Petition—In a sale, whether public or private, of real estate by a personal representative or trustee without benefit of an order of court directing or authorizing such sale, where the personal representative or trustee is required to give bond as such personal representative or trustee, he or she shall, before the proceeds of the sale are paid to the personal representative or trustee by the purchaser, present a petition to the Court setting forth:

(a) The date of death of the decedent;

(b) The date of the petitioner's appointment;

(c) The amount of the bond or bonds filed by the petitioner and the date of such filing and the name or names of the petitioner's surety;

(d) The total valuation of the personal estate as shown in the inventory and appraisal, if any, and the total proceeds of any real estate sold previously;

(e) A short description of the real property sold, the name of the purchaser and the amount of the consideration to be paid;

(f) A prayer for an order fixing the amount of additional security or for an order excusing the petitioner(s) from filing additional security, as the case may be; and;

(g) In those cases in which waiver of additional security is sought, the consent of the parties in interest shall be attached and a statement as will justify the waiver of the additional security shall be included, and said statement shall include, but not be limited to, an averment that there are no creditors whose claims shall be jeopardized by the sale and that all taxes have been paid.

(2) Surety on Additional Bond—The surety on any additional bond except for cause shown shall be the same as on the original bond.

Rule L12.10A. Exhibits

The following exhibits shall be attached to a petition by a personal representative, trustee or guardian to sell real estate at private sale:

(1) a copy of the will, deed or decree by which the fiduciary was appointed;

(2) any consents or joinders of parties in interest, and the names and a copy of the notice which has been given to those parties who do not consent or join, such notice containing the date of the presentation of the petition to the Court;

(3) consent by any mortgagee whose lien would otherwise not be discharged by the sale or, if not attached, the reason therefor; and

(4) a copy of the agreement of sale.

Rule L12.10B. Security

The Court, in the decree approving or confirming the private sale, will fix the amount of bond or additional security which the personal representative, trustee or guardian shall be required to enter, or will excuse the fiduciary from entering bond or additional security.

Rule L12.11A. Mortgage or Lease of Real Property, Additional Requirements

(1) Contents of Petition—A petition to mortgage or lease real property by a personal representative, trustee or guardian, shall conform as closely as practicable to the requirements of these Rules with regard to a petition to sell real property at public sale by the same fiduciary; shall set forth the amount and terms of the proposed mortgage loan; and shall set forth sufficient facts to enable the Court to determine whether the proposed mortgage or lease should be approved.

(2) Exhibits—The following exhibits shall be attached to the petition where applicable:

(a) a copy of the will, deed or decree by which the fiduciary was appointed;

(b) consents to the mortgage or lease signed by those parties in interest who do not join in the petition, and the names and a copy of the notice which has been given to those parties who do not consent;

(c) a statement by the proposed mortgagee agreeing to grant the mortgage loan; and,

(d) an appraisal by a real estate broker of the real property on which the proposed mortgage is to be secured.

(3) Security—The amount of the security or additional security required to be entered, or the waiver thereof, will be determined by the Court in its decree approving the mortgage.

Guardianship of Incapacitated Persons

Rule L14.1A Preliminary Decree

A Preliminary Decree for the purpose of issuing a citation and setting a hearing date shall be attached to each petition. A suggested form of preliminary decree is available as part of the forms packet which can be obtained in the Office of the Clerk of the Orphans' Court and on its website cited above.

Rule L14.1B. Separate Accounts

The account of a guardian for an incapacitated person and the account of a deceased incapacitated person's estate shall be separately stated. Where the guardian and the personal representative are the same, the accounts of the guardian and the personal representative may be filed in one proceeding.

Rule L14.1C. Guardian's Accounts

Guardian's accounts filed for audit shall conform with Rules 6.1 through 6.11 and the Chester County Orphans' Court Rules regarding accounts and distribution which accompany them.

Rule L14.1D. Guardian's Accounts—Additional Requirements

Guardian's accounts shall have attached thereto as an exhibit a copy of the guardian's inventory and a copy of the order or decree appointing the guardian. If the accounting is occasioned by the death of the incapacitated person, the account shall have attached thereto a copy of the will if the incapacitated person died testate, and a copy of the appointment of the personal representative of the deceased incapacitated person's estate.

Rule L14.1E. Notice of Filing of Account

Notice of the filing of the account shall be given as required by Rule 6.3 and the local rules adopted there under and, in all cases, notice shall be given to individuals entitled to notice under 20 Pa.C.S.A. § 5511.

Rule L14.2A. Petition, additional requirement

The Petition shall include an allegation as to whether the alleged incapacitated person is known to have appointed an attorney-in-fact, trustee or agent, and if so, his identity and address. The proposed guardian's written consent to the appointment shall be attached to the petition.

Rule L14.2B. Testamentary Writings

A person who possesses a testamentary writing of an incapacitated person shall file the original or a certified copy of each writing with the Clerk of Orphans' Court at the time of filing of the guardian's inventory. If a certified copy is filed, the person shall also present the original to the Clerk of the Orphans' Court for verification. The documents shall be impounded until further order of the Court.

Rule L14.5A. Service and Notice

Personal service shall be made on the alleged incapacitated person, and notice of the petition and hearing shall be given in accordance with 20 Pa.C.S.A. § 5511(a). Notice shall also be given to any attorney-in-fact, trustee or agent.

Rule L14.5B. Proof of Service and Notice

An Affidavit of service of citation with notice and petition shall be filed in the Office of the Clerk of the Orphans' Court at least seven days before the date of the hearing. The affidavit of service shall be made in the suggested form available in the Office of the Clerk of the Orphans' Court or on its website cited above.

RULE 15. ADOPTIONS

A packet of suggested forms and procedures is available at the Office of the Clerk of the Orphans' Court and on its website at www.chesco.org/wills.

Rule L15.1A. Procedure

(1) In all pleadings relating to the termination of parent-child relationships and adoptions, all petitions, reports, etc., shall be filed with the Office of the Clerk of the Orphans' Court. They shall substantially conform to the suggested forms available at the Office of the Clerk of the Orphans' Court and on its website. Separate pleadings shall be filed for each proposed adoptee.

(2) When the first pleading is filed in a case, the case shall be given a number, and thereafter all papers filed in that case shall bear that number. The case shall be referred to at all times by number and the adoptee's initials.

(3) When parental rights are sought to be terminated, a separate petition for ending parental rights shall be filed for each parent. (Involuntary Termination, Confirm Consent or Voluntary Relinquishment.)

(4) All petitions shall have a preliminary decree attached for the purpose of setting a hearing date and shall specify the names and addresses of the persons to whom notice is to be given. The notice pursuant to 23 Pa.C.S. § 2513(b) shall be attached to each petition. Hearing dates shall be scheduled by the Orphans' Court Administrator and shall be not less than ten days after the service of the petition.

(5) A motion for the appointment of counsel for the child whose parent's rights may be terminated and an order relating thereto shall be presented with each petition for involuntary termination of parental rights. Petitioner shall deposit the amount provided by 23 Pa.C.S.A § 2312(b)(2) toward counsel fees with the Office of the Clerk of the Orphans' Court at the time of filing the petition. No deposit shall be required for terminations involving Chester County Department of Children, Youth and Families.

(6) In every proceeding where the rules or statutes require that the adoptee's birth certificate be exhibited to the court, the original birth certificate shall show the names of the mother and father (if that information is recorded; if the name of the father is not recorded, but there is a claim of paternity under 23 Pa.C.S. § 5103(b), that information shall be provided).

(7) The Report of Vital Statistics Form (H105) shall be filed with each petition for adoption as a separate unattached document.

Rule L15.2A. Appearance of Intermediary

The court will require the appearance of representatives of agencies or individuals who have acted as the intermediary unless excused by the court.

Rule L15.3A. Appearance of Intermediary

The court will require the appearance of representatives of agencies or individuals who have acted as the intermediary unless excused by the court.

Rule L15.4A. Involuntary Termination of Parental Rights

(1) Citation—When a petition for involuntary termination is filed, the Clerk of Orphans' Court shall issue to the parent or parents whose rights may be terminated a citation to show cause why the prayer of the petition should not be granted. The citation shall be made returnable no sooner than twenty days after the date of issuance, unless the court orders that it be returned sooner.

(2) Notification by the Clerk of the Orphans' Court—The Clerk of the Orphans' Court shall promptly mail a certified copy of all decrees terminating parental rights to the person whose rights have been terminated to their last known address by first class mail or to their attorney of record, and enter the mailing of such notice on the docket. For this purpose, the petitioner or the attorney for petitioner shall provide the clerk with the last known address of the person whose rights have been terminated.

Rule L15.5A. Adoption**(1) Reports and Investigation**

(a) In all cases in which the Chester County Department of Children, Youth and Families is the intermediary, the court may rely on the intermediary's report and will

not require an investigation by a court appointed investigator. In all other cases, an investigation shall be conducted by a court appointed investigator who, in the investigator's discretion, may rely upon the report of a voluntary child care agency acting as intermediary.

(b) If the Report of the intermediary or the investigator is not filed within 6 months of the Report of Intention to Adopt (or appointment of investigator, in the case of the investigator), the Court, on motion of any party, may issue a rule upon the intermediary or investigator, as the case may be, to appear and show cause why the report in question has not been filed.

(c) If there is no intermediary named in the Report of Intention to Adopt, the attorney shall attach an affidavit to the report which shall explain in detail how the persons filing the report received possession of the adoptee from the birth parent(s), who arranged for the exchange of possession of the adoptee, how the persons filing the report received knowledge of the existence of the availability of the adoptee for potential adoption, and any other information the attorney may have regarding the relationship of the persons filing the report to the birth parent(s) and how the adoption was arranged.

(2) Disclosure of Fees and Costs of Intermediary

(a) All intermediaries other than Chester County Department of Children, Youth and Families shall submit a full itemized disclosure of fees and charges with the Report of Intention to Adopt. No investigator will be appointed and no hearings will be scheduled until the fees have been found by the Court to be in compliance with 23 Pa.C.S.A. § 2533(d).

(b) Counsel shall certify on the report offered into evidence that the adopting parent(s) have been given a copy of the Report and fees pursuant to 23 Pa.C.S.A. § 2533(d).

(3) Required Submissions

In the course of causing an investigation to be made pursuant to 23 Pa.C.S.A. § 2535(a), an agency or person designated by the Court to conduct such investigation, or the agency which placed the child, shall require prospective adoptive parents to submit the following information:

(a) Pursuant to 18 Pa.C.S.A. § 9101, et seq. (relating to criminal history record information), a report of a criminal history record information from the Pennsylvania State Police or a statement from the Pennsylvania State Police that the State Police central repository contains no such information relating to that person. Such criminal record history information shall be limited to that which is disseminated pursuant to 18 Pa.C.S.A. § 9121(b)(2) (relating to general regulations).

(b) A certification from the Department of Public Welfare as to whether the applicant is named in the central register as the perpetrator of a founded or indicated report of child abuse.

Prospective adoptive parents who are not residents of Pennsylvania shall submit an equivalent report and certificate from the State Police Department of the State of which they are residents

The certificate required by subsection (b) above shall be valid within 24 months prior to the placement of the child by the agency, or in the case of a private placement, the certificate shall be valid within 24 months of the hearing before the court.

Rule L15.5B. Adoption Investigation Fee

A person required to file a Report of Intention to adopt in accordance with 23 Pa.C.S.A. §§ 2531-2532 shall, when filing the report, pay an adoption investigation fee to the Office of the Clerk of the Orphans' Court, in such amount as shall be established by the court from time to time.

Rule L15.5C. Disclosure of Fees and Costs

Prior to scheduling a hearing on the petition for adoption, counsel for petitioner(s) shall file a signed certification of fees, costs and expenses as required by Rule 15.5(d). This certification shall be reviewed by the court, and if the court considers the amount to be unreasonable, the court may request that counsel provide an itemized billing statement.

Rule L15.6A. Notice; Method and Time

(1) All notices required and not obtainable in accordance with Rule 15.6 and the local rules promulgated thereunder shall be served in accordance with Pa.R.C.P. 430.

(2) If notice by publication is ordered by the court pursuant to Pa.R.C.P. 430, the publication shall also appear in a newspaper of general circulation in the area of the last known address of the birth parent or where the petitioner believes the birth parent may currently be residing unless otherwise ordered by the court.

(3) Petitioner(s) or petitioner(s)' counsel is responsible for seeing that notice is provided in accordance with the law for all persons entitled to notice. An affidavit of service shall be filed in all matters where notice is required, specifying the manner in which, and the person or agency to whom notice is given.

Rule 15.7A. Requests for Information

All requests for information under 23 Pa.C.S. § 2905 shall be made by letter directed to the court or by presenting a completed questionnaire which can be obtained from the Office of the Clerk of the Orphans' Court or available on its website. If a court file is located regarding the adoption in question, the court will send a form of petition to the requestor for completion, which shall be filed in the Office of the Clerk of the Orphans' Court.

Note: A set of forms for foreign adoption registration and detailed instructions are available at the Office of the Clerk of the Orphans' Court and on its website at www.chesco.org/wills

RULE 17. SHORT TITLE

Rule L17.1A. The Rules set forth herein which do not appear in bold face type shall be known and may be cited as Ches. Co. O.C. Rules.

[Pa.B. Doc. No. 06-2056. Filed for public inspection October 20, 2006, 9:00 a.m.]

CRAWFORD COUNTY

**Adoption of Local Criminal Rules of Procedure;
No. AD 11 of 2006**

Order

And Now, October 5, 2006, pursuant to Pa.R.Crim.P. 105, effective January 1, 2007, the current Crawford County Rules of Criminal Procedure shall no longer be in effect and the following Rules of Criminal Procedure shall become effective.

The 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 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. Send one (1) copy of this order to the Crawford County Law Library.
5. Keep continuously available for public inspection copies of this order and the rules in the Court Administrator's office and the Clerk of Courts' office.

By the Court

GORDON R. MILLER,
President Judge

CRAWFORD COUNTY LOCAL RULES OF CRIMINAL PROCEDURE

Rule 100. Scope of Local Rules.

These rules are adopted in accordance with the Pennsylvania Rules of Criminal Procedure and are applicable to the Criminal Division of the Court of Common Pleas of Crawford County, Pennsylvania and to the Magisterial District Judges Courts of Crawford County, Pennsylvania to the extent appropriate.

Rule 101. Purpose and Construction.

These rules are intended and shall be construed to supplement the Pennsylvania Rules of Criminal Procedure.

Rule 102. Citing the Crawford County Procedural Rules.

These rules shall be known as the Crawford County Rules of Criminal Procedure and shall be cited as "Cra.R.Crim.P."

Rule 103. Definitions.

The definitions of terms used in these rules shall be the same as those set forth in Pa.R.Crim.P. 103 except:

- (1) "Court" shall mean the Criminal Division of the Court of Common Pleas of Crawford County.
- (2) "Issuing Authority" shall mean a Magisterial District Judge.
- (3) "Rule" shall mean any rule of the Criminal Division of the Court of Common Pleas of Crawford County unless otherwise indicated.
- (4) "Clerk of Courts" shall mean the Clerk of Courts of Crawford County, Pennsylvania.

Rule 104. Design of Forms.

The design of all forms mandated for use by the Court pursuant to these rules shall be determined by the Court Administrator of Crawford County in consultation with the Court.

Rule 106. Continuances.

- (1) A motion for a continuance of any matter shall state the reason the continuance is requested, whether any previous continuances have been requested, and if so, the dates thereof, the name of the party making any previous motion and the results thereof.
- (2) All motions for a continuance of a jury trial should be made no later than the Call of the Criminal List and shall not be made later than forty-eight hours before the

time set for trial. Any motion made later than forty-eight hours before the time set for trial, shall be in compliance with Pa.R.Crim.P. 106(C).

(3) All motions for a continuance of a scheduled non-jury trial shall be made at least forty-eight hours before the time set for trial. Any motion made later than forty-eight hours before the time set for trial, shall be in compliance with Pa.R.Crim.P. 106(C).

Rule 114. Orders and Court Notices.

When entering an appearance pursuant to Pa.R.Crim.P. 120, an attorney may designate that service upon that attorney in a particular case will be permitted by methods permitted by Pa.R.Crim.P. 114(B)(3) for service of court orders and court notices, and by Pa.R.Crim.P. 576(B)(2) for service of written motions, written answers, notices and documents for which filing is required.

The designation of permitted means of service shall be made in an appearance filed in a form substantially consistent with Form 120 provided with these rules.

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

REGULAR BUSINESS HOURS

All magisterial district judge offices shall be open for regular business on Mondays through Fridays, excluding holidays, from 8:30 a.m. to 4:30 p.m. local time.

CONTINUOUS COVERAGE

Continuous coverage for the issuance of search warrants and arrest warrants, for warrants issued pursuant to Pa.R.Crim.P. 430 in a summary case, for the issuance of emergency orders under the Protection from Abuse Act, and for those services set forth in Pa.R.Crim.P. 117(A)(2)(a), (b), (c) and (d) shall be in accordance with the traditional on-call system as presently established.

NON-BUSINESS HOURS

At least one magisterial district judge shall be available at all times in Crawford County. The responsibility of the judge on call is to perform the services referred to in this order and any other acts of an emergency nature as required by rule or law. A magisterial district judge in a particular district may contact police officers and other law enforcement agencies to indicate that said judge shall be called first even though said judge is not the on call magisterial district judge in order to handle matters required of magisterial district judges within the district of that particular judge.

Otherwise, the magisterial district judge on call shall be contacted by all police agencies and other law enforcement agencies. Said judge must be available (able to be accessed or able to render services as required by rule or law). The magisterial district judge shall not have the option of determining when he or she will be available. The on call magisterial district judge must be available and must respond (answer or reply) in a timely fashion. In certain instances, such as under Rules 441 and 519 of the Pennsylvania Rules of Criminal Procedure, arresting officers may release a person from custody and subsequently file a citation or summons when specific conditions have been met. Police agencies and arresting officers are encouraged to familiarize themselves with these sorts of rules as those rules will be discussed by a magisterial district judge in deciding whether an arraignment is necessary in these cases.

The on call magisterial district judge will be available during non-office hours for a week at a time in rotation,

with each assignment period beginning on Monday at 4:30 p.m. and ending the following Monday at 8:30 o'clock a.m. (except Monday holidays, when the assignment period ends at 4:30 p.m. on that particular Monday).

During that time the on call magisterial district judge is responsible for coverage by being available for inquiries at his or her home, through use of the beeper, or through communication with Crawford County Control. By providing continuous availability the on call magisterial district judge can then effectively receive/monitor all on call requests. If it is necessary for the on call magisterial district judge to personally act within two (2) hours of the time that judge's office will open for the next business day, the magisterial district judge may require the police officer or other law enforcement agency to bring a defendant before the appropriate magisterial district judge at or after the opening of that office.

During temporary assignments in the on call schedule the magisterial district judge assigned is authorized to call upon the services of other magisterial district judges as needed, and mutually agreed upon, particularly if the other magisterial district judges have an office that is more convenient to the parties by reason of geographical location.

The court administrator shall, annually, prepare a temporary assignment schedule to be used in Crawford County outside of normal business hours for the purposes set forth in this rule. That schedule is known as the "Emergency Assignment Schedule." Modifications to this schedule may occur amongst respective magisterial district judges provided any modifications are mutually agreed upon and subsequently conveyed to Crawford County Control. Any additional compensation for subsequent modification of an existing schedule shall be waived.

MAGISTERIAL DISTRICT JUDGE TEMPORARY ASSIGNMENTS

When during regular business hours for magisterial district judges, a judge who has venue over a particular matter is unavailable, any other magisterial district judge in Crawford County is hereby temporarily assigned to serve the magisterial district of the judge who is unavailable. Such an arrangement may be made between respective magisterial district judges by mutual agreement. Any additional compensation for said arrangement will be waived.

OFFICIALS DESIGNATED TO ACCEPT BAIL

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.

Rule 118. Use of Two-Way Simultaneous Audio-Visual Communication in Criminal Proceeding.

A defendant may consent to a proceeding being conducted using two-way simultaneous audio-visual communication by signing a Waiver Of Courtroom Appearance, in a form substantially consistent with Form 118 of these rules, prior to or at the time of a two-way simultaneous audio-visual communication.

Additionally, a defendant may consent to a Gagnon II revocation hearing by two-way simultaneous audio-visual communication if, prior to that hearing, the defendant has indicated that intention on a Waiver Of Formal Revocation Hearing form, or an adult probation/parole officer has certified that the defendant has so consented

when filing a Motion To Schedule Gagnon II Hearing, provided in either event the required document has been filed of record.

Whenever a defendant consents to a proceeding being conducted using two-way simultaneous audio-visual communication, the Court or Issuing Authority shall conduct a colloquy regarding the defendant's consent when the defendant's constitutional right to be physically present is implicated.

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA

CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA

vs.

:
:
: **No.:**
: **OTN No.:**
:

WAIVER OF COURTROOM APPEARANCE

I am aware that I may have a right to appear in a courtroom for a hearing on the ____ day of _____, 20 ____ that is scheduled for the following purpose(s):

I am willing to waive my appearance in the courtroom for said hearing on that date and consent to said hearing being conducted by two-way simultaneous audio-visual conference between the courtroom in the Crawford County Courthouse and the Crawford County Correctional Facility.

If I have counsel I understand that my counsel will be sitting beside me and that I will have the opportunity to talk to counsel privately with no one else hearing the conversation.

I understand that counsel and I will be sitting in front of a live video camera and that the participants who are assembled in the courtroom can see and hear counsel and me. I further understand participants who appear in the courtroom will be sitting in front of a video camera and that I will see them and be able to hear them.

The Judge will be able to see me and speak to me and I will be able to see and speak to the Judge by monitor.

The courtroom is open to the public and members of the public who are interested in my hearing will be able to see and hear the proceedings in the courtroom and also see and hear my attorney and me through the courtroom monitor.

I understand that by signing this waiver I will not be transferred to the courtroom for this hearing and that the hearing will be done by two-way simultaneous audio-visual conference through the use of a video camera and monitor at both the jail and courtroom.

Defendant

Date: _____, 20 ____

Form 118

Rule 120. Attorneys—Appearances.

The entry of an appearance by counsel for the defendant as required by Pa.R.Crim.P. 120 shall be done on a form substantially consistent with Form 120 of these rules.

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA

CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA

vs.

: No.:
: OTN No.:

ENTRY OF APPEARANCE

AND NOW, I hereby appear for the defendant in the above-entitled case.

I hereby permit service of these matters in this case upon me by the following method(s) as indicated by checkmark:

- By facsimile transmission to my fax number .
By leaving a copy in my box in the Prothonotary's Office in the courthouse.

Signature
Address
Telephone Number
Supreme Court I.D. Number

Note: The State rules covering service are at Pa.R.Crim.P. 114 and 576.

Form 120

Rule 150. Bench Warrants.

A Bench Warrant Hearing:

- (1) May be held in Common Pleas Court by the Judge who issued the Bench Warrant or any other Common Pleas Judge.
(2) May be held before the Magisterial District Judge who issued the Bench Warrant or any other Magisterial District Judge within the Thirtieth Judicial District, including but not limited to the on-call Magisterial District Judge.

Rule 319. Dismissal of Charges after Successful Completion of ARD Program.

Upon the successful completion of a defendant's participation in the Accelerated Rehabilitative Disposition Program, the Probation/Parole Department or the defendant may file a Motion requesting that the Court terminate the ARD case and dismiss the defendant's charges.

Said Motion shall include a proposed Order for the Court to sign setting forth a listing of the specific charges to be expunged by the Court and an additional Order substantially in the form set forth in Form 320 of these rules shall be attached to the Motion for the Court's consideration.

Note: The second paragraph of this rule which requires that a proposed order be attached to the motion is inconsistent with Pa.R.Crim.P. 575(c). While attaching an order truly assists the Court in promptly and efficiently processing a rather standard matter given the large number of ARD cases this Court processes, the Court cannot enforce this for defendants who file their own motion. But the Court can require one of its administra-

tive departments, such as the Adult Probation Department, to follow this Court's orders and expectations.

Rule 320. Expungement Upon Successful Completion of ARD Program.

When the Court enters an Order pursuant to Rule 319 dismissing charges against the defendant upon successful completion of the ARD Program, the Court shall, in a separate Order, in a form substantially consistent with Form 320 of these rules, also order the expungement of the defendant's arrest record.

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA

CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA

vs.

: No.:
: OTN No.:

Expungement Order

AND NOW, 200 IT IS ORDERED AS FOLLOWS: Pursuant to the Pennsylvania Rules of Criminal Procedure dealing with Accelerated Rehabilitative Disposition (ARD) (Pa.R.Crim.P. 319, 320) and the Criminal History Record Information Act (18 Pa.C.S.A. § 9101, especially § 9122), an Order has been entered in this case upon the defendant's successful completion of the ARD program and the Court has ordered the dismissal of the charges against the defendant.

Accordingly, it is Ordered as follows:

1. The defendant's arrest record shall be expunged pursuant to Pa.R.Crim.P. 320 and the Criminal History Record Information Act.

2. The Clerk of Courts shall send a certified copy of this Expungement Order to the District Attorney, Magisterial District Judge, arresting police agency, and Pennsylvania State Police Central Repository; and shall maintain the original Motion and Order that was filed in this case under Pa.R.Crim.P. 319, that is dismissal upon successful completion of the program, all as permitted and provided for in 18 Pa.C.S.A. § 9122(c).

3. Upon receipt of a certified copy of this Expungement Order, the District Attorney, Magisterial District Judge, arresting police agency, and Pennsylvania State Police Central Repository shall:

A. Expunge the criminal history record information in this case so as to:

- (1) Remove the information so that there is no trace or indication that such information existed; and
(2) Eliminate all identifiers which may be used to trace the identity of an individual, allowing remaining data to be used for statistical purposes, all pursuant to the Criminal History Record Information Act.

B. Within thirty (30) days of receipt of the Expungement Order, file with the Clerk of Courts of Crawford County a certification which states that destruction of records has taken place as Ordered.

C. The Pennsylvania State Police Central Repository shall notify all criminal justice agencies which have received the criminal history record information to be

expunged of the Expungement Order as required by the Criminal History Record Information Act, 18 Pa.C.S. § 9122(d).

- D. Not expunge certain records pursuant to the Expungement Order in this case. The records that would not be expunged are those set forth in: 18 Pa.C.S.A. § 9122(c), 18 Pa.C.S.A. § 9104(a), 18 Pa.C.S.A. § 9104, and any record maintained by the Department of Transportation or other entities pursuant to 75 Pa.C.S.A. § 1534(b) relating to Accelerated Rehabilitative Disposition in DUI cases.

BY THE COURT

J.

This expungement order applies to the following and the following information is given pursuant to Pa.R.Crim.P. 722.

- Defendant's date of birth:
- Defendant's social security number:
- The Magisterial District Justice docket number:
- The Magisterial District number:
- The specific charges, as they appear on the charging document, to be expunged:
- The date of arrest:
- The criminal justice agency which made the arrest:
- The disposition:
- The reason for expungement: successful completion of the ARD program.
- The criminal justice agencies upon which certified copies of the order shall be served: those agencies are listed in the body of the order.

Form 320

Rule 502. Local Scheduling Procedures.

- (1) Annually, no later than September 30th, the Court Administrator shall publish a schedule for the succeeding year setting forth the following pertinent dates that affect each criminal case with the appropriate schedule to be set in motion by the date the defendant either waives the preliminary hearing or is bound over following the preliminary hearing:
 - (a) The date of the court arraignment, which shall be the first available arraignment date at least twenty (20) days after the preliminary hearing is held or waived.
 - (b) The date for the call of the trial list, which shall be no sooner than forty-five (45) days after court arraignment nor less than six (6) days from the date trial is scheduled to commence for the case.
 - (c) The first day of the trial term at which the case is scheduled.
- (2) The Court Administrator shall, immediately after publishing said schedule, provide copies to each of shall also be available, free of charge, at all times in the Court Administrator's Office and the Crawford County Clerk of Courts Office.
- (3) At the time a defendant is bound over to court or waives a preliminary hearing, each Issuing Authority shall prepare a Criminal Case Scheduling Form with an original and five copies substantially in the form set forth as Form 502.

The Issuing Authority shall orally advise the defendant and counsel of the time, date and place of arraignment, and that the failure to appear at such arraignment or other required appearances as set forth in the Criminal Case Scheduling Form may result in the defendant's arrest and forfeiture of bond.

The Issuing Authority shall require the defendant to sign the Criminal Case Scheduling Form, indicating the defendant is aware of the time, date and place of arraignment and of the obligation to appear at arraignment and other proceedings noted thereon.

Once the Criminal Case Scheduling Form has been completed, the defendant shall be provided with a copy and the Issuing Authority shall retain a copy for the Issuing Authority's records. If they are present, the Issuing Authority shall provide a copy to the defendant's attorney and/or the District Attorney's Office. All undistributed copies, together with a copy for the Court Administrator, shall be forwarded promptly to the Court Administrator for proper distribution. The original Criminal Case Scheduling Form shall be attached to the official record when it is forwarded to the Clerk of Courts as required by Pa.R.Crim.P. 547.

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA

CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA

vs.

:
:
: No.
: OTN No.:
:

Defendant

CRIMINAL CASE SCHEDULING FORM

Charges: _____ Date Complaint Filed: _____

 Defense Counsel Date of Preliminary hearing/waiver

IMPORTANT NOTICE

You and your attorney and/or attorney's representative are required to appear for the following proceedings. These dates may not be changed without leave of Court.

- 1. Arraignment: _____ 9:00 a.m., prevailing local time, in Assembly Room, basement, Crawford County Courthouse, Meadville, Pennsylvania. Arraignment may be waived, but ONLY if you have an attorney prior to your arraignment date.
- 2. Criminal Call of List: _____ 9:00 a.m., prevailing local time, Courtroom No. 1, Crawford County Courthouse, Meadville, Pennsylvania.

CAUTION: THE LAST DAY FOR THE COURT TO ACCEPT NEGOTIATED PLEAS (PLEA BARGAINS) IS THE DAY OF THE CALL OF THE CRIMINAL TRIAL LIST. THAT SAME DATE IS THE LAST DAY THAT YOU WILL BE PERMITTED TO WAIVE A JURY TRIAL TO BE TRIED IN A NON-JURY TRIAL BEFORE A JUDGE.

- 3. First day of Jury Trials: _____ 9:00 a.m.; prevailing local time; Courtroom No. 1, 2 or 3, Crawford County Courthouse, Meadville, Pennsylvania.

FAILURE TO APPEAR FOR YOUR SCHEDULED ARRAIGNMENT, CRIMINAL CALL OF THE LIST OR FIRST DAY OF JURY TRIALS MAY RESULT IN FORFEITURE OF YOUR BAIL BOND AND THE ISSUANCE OF A BENCH WARRANT FOR YOUR ARREST AS WELL AS ADDITIONAL CHARGES OF DEFAULT IN REQUIRED APPEARANCE.

The undersigned hereby acknowledge receipt of a copy of this notice.

Date: _____

 Signature of Defendant

Original:
 Clerk of Courts [White]
 Court Administrator [Gold]
 District Attorney [Green]
 Defense Counsel [Yellow]
 Defendant [Pink]
 Issuing Authority [Blue]

 Signature of Counsel

 Signature of Issuing Authority

Form 502

Rule 510. Notice To Be Sent When Case Is Initiated By Summons.

In all cases where a criminal action is commenced by summons, the Issuing Authority shall mail with the summons a notice substantially in the following form, printed on paper other than the color of the paper of the accompanying summons, in order to comply with Pa. R.Crim.P. 510(B)(1):

IMPORTANT NOTICE
 RIGHT to COUNSEL

You have the absolute right to be represented by a lawyer. If you cannot afford a lawyer, one will be appointed to represent you free of charge.

In order to have a lawyer by the time of the preliminary hearing, you should immediately:

- (1) Hire a lawyer; or
- (2) If you believe you cannot afford to hire a lawyer, you should immediately apply to the Crawford County Public Defender's Office, Crawford County Courthouse, Meadville, Pennsylvania, 16335, (814) 333-7367, where a lawyer may be appointed to represent you free of charge if you qualify.

If you are currently incarcerated and unable to contact the Public Defender's Office, you should immediately request an application from the jail officials to apply for the services of a Crawford County Public Defender.

Rule 528. Requirements for Real Estate Bail.

(1) If real estate is offered as bail set for a defendant, whether before an Issuing Authority or the Court, the owner of the real estate, to qualify as surety and post real estate as bail, must file a letter from an attorney licensed in Pennsylvania which contains the following:

(a) The assessed value and fair market value of the real estate as contained among the assessment records of the county in which the real estate is located or alternatively, a real estate appraisal prepared by a certified Pennsylvania real estate appraiser establishing the fair market value for the real estate.

(b) The exact name(s) of the record title holder(s).

(c) A list of liens against the real estate together with the amount of the lien of record, the actual current payoff amount of the lien and the date the lien was entered.

(d) A list of all unpaid taxes due and owing.

(e) A certification that a lien search has been completed and the attorney finds that after subtracting any outstanding liens from the fair market value of the real estate, there remains a sufficient amount of equity to cover the amount of the bond to be posted.

(2) Upon receiving a letter containing such information, the District Attorney shall promptly review the request. If satisfied that there is adequate equity, the District Attorney shall notify the Clerk of Courts that the real estate bond may be accepted. If the District Attorney does not believe there is sufficient equity or refuses to accept the real estate bond for any reason, the District Attorney shall promptly notify the defendant's counsel so that a hearing may be requested and/or alternate bond may be posted. In all events, the District Attorney's Office shall respond in one of the ways indicated above within one business day of receiving the required letter.

Rule 540. Notice to be Given at Preliminary Arraignment.

In all cases in which a defendant does not appear with an attorney, in addition to the Issuing Authority verbally advising the defendant as set forth in Pa.R.Crim.P. 540(E)(1), the Issuing Authority shall provide to the defendant at the preliminary arraignment a written notice substantially in the form set forth in Crawford County Rule of Criminal Procedure 510, even if the defendant has previously received the same notice pursuant to Crawford County Rule of Criminal Procedure 510.

Rule 541. Notice Required Following Waiver of Preliminary Hearing.

If an Issuing Authority accepts the waiver of preliminary hearing pursuant to Pa.R.Crim.P. 541, the Issuing Authority shall schedule a court arraignment and complete a Criminal Case Scheduling Form in a form substantially consistent with that set forth as Form 502 of these rules, so that the defendant is notified of the date and place of the defendant's arraignment, as well as future important dates and places, all in compliance with Rule 502.

Rule 542. Continuances of Preliminary Hearings Before Magisterial District Judges.

All Preliminary Hearings shall be initially scheduled before Magisterial District Judges consistent with the requirements of the Pennsylvania Rules of Criminal Procedure.

Thereafter, a Magisterial District Judge may grant a continuance of the Preliminary Hearing upon request of either the Commonwealth or the defendant. However, in order to allow cases to flow as quickly as possible through the system, such continuances shall be limited to the minimum time period necessary and should not result in a Preliminary Hearing being held more than thirty (30) days from the date when the Preliminary Hearing was first scheduled.

Rule 543. Disposition of Case at Preliminary Hearing.

If, after completion of the preliminary hearing held pursuant to Pa.R.Crim.P. 543, the Issuing Authority holds the defendant for Court, the Issuing Authority shall schedule a court arraignment and complete a Criminal Case Scheduling Form so that the defendant is notified of the date and place of arraignment as well as future important dates and places all in compliance with Rule

502. The Criminal Case Scheduling Form shall be in a form substantially consistent with Form 502 of these rules.

Rule 571. Arraignment.

(1) Arraignment

(a) Arraignments shall take place before the District Attorney or an Assistant District Attorney at such times and places designated by the Court Administrator.

(b) If at arraignment a defendant wishes to plead not guilty, said plea shall be noted on the information and signed by the defendant. If the defendant wishes to plead guilty or nolo contendere, the defendant shall be given in writing a date to appear before the Court to enter a plea of guilty or nolo contendere. The writing shall also state that if the defendant pleads guilty or nolo contendere, the defendant is not required to appear at the call of the trial list nor any trial date.

(2) Waiver of Appearance at Arraignment

(a) A defendant who has counsel of record may, prior to arraignment, waive the arraignment by filing a Waiver of Appearance at Arraignment Form in the Clerk of Courts Office in a form substantially consistent with Form 571. A copy of the waiver shall be served upon the District Attorney pursuant to Pa.R.Crim.P. 576.

(b) If a written Waiver of Appearance at Arraignment is filed prior to the scheduled date of arraignment, the scheduled date of arraignment shall be deemed the day of arraignment for the purpose of computing time limitations for filing all pretrial motion and requests pursuant to Pa.R.Crim.P. 572, 573, 578 and 579 and for the purpose of scheduling further dates pursuant to these rules.

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA

CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA

vs.

:
:
: **No.:**
: **OTN No.:**
:

WAIVER OF APPEARANCE AT ARRAIGNMENT AT COMMON PLEAS COURT LEVEL

I, the undersigned counsel, do hereby appear on the Defendant's behalf and do waive the arraignment provided for in Pa.R.Crim.P. 571.

I, the undersigned Defendant, understand that:

1. The Information containing the charges against me will be filed in the office of the Clerk of Courts and a copy will be mailed to my attorney and to me.
_____ (Defendant's initials)
2. Any discovery must be concluded 14 days after the date that was scheduled for my arraignment.
_____ (Defendant's initials)
3. If I so choose, I must file a Request for Bill of Particulars in writing within 7 days after the date that had been scheduled for my arraignment.
_____ (Defendant's initials)
4. If I intend to offer the defense of alibi, insanity, mental infirmity or intend to introduce expert evidence relating to a mental disease or defect or any other mental condition of the defendant bear-

ing on the issue of guilt or, in a capital case, on the issue of punishment, I must serve a copy of such notice or notices and a certificate of service on the attorney for the Commonwealth within thirty (30) days after the date that was scheduled for my arraignment at the Common Pleas Court level.
_____ (Defendant's initials)

5. I must file any pretrial motions for relief on or before 30 days after the date that was scheduled for my arraignment.
_____ (Defendant's initials)
6. If I fail to file any motions for discovery or pretrial relief within the prescribed time limits, it shall be considered a waiver of my right to file such motions.
_____ (Defendant's initials)
7. I must give the Court notice no later than the scheduled plea time on the day of the call of the criminal trial list (which date has been provided to me on the Criminal Case Scheduling Form I have received) if I desire to have my case tried before a judge without a jury.
_____ (Defendant's initials)
8. If I want to enter a guilty or nolo contendere (no contest) plea in this case as a result of a plea bargain, I must do so no later than the time set for the Court to take pleas on the day of the call of the criminal trial list.
_____ (Defendant's initials)

Date: _____
Signature of Defendant

Original:
Clerk of Courts [white]
Court Administrator [gold]
District Attorney [green]
Defense Counsel [yellow]
Defendant [pink]

Signature of Counsel

Form 571

Rule 575. Motions and Answers.

If the party filing a motion knows that the motion is consented to by the other party, counsel for the moving party shall certify that consent within the motion so that the Court has that information in making a determination pursuant to Pa.R.Crim.P. 577 as to whether an answer and/or hearing and/or argument is necessary.

Rule 579. Time for Omnibus Pretrial Motion and Service.

Any omnibus pretrial motion not filed within thirty (30) days after arraignment must set forth the reasons why it was not filed timely, unless the late filing has been agreed to by the District Attorney or an Assistant District Attorney or already permitted by previous Order of Court. If the reasons are not stated within the motion, there has been no agreement with the District Attorney and there has been no prior Order of Court allowing the late filing, such motion may be summarily dismissed within the discretion of the Court.

Rule 590. Pleas, Plea Agreements and Written Colloquies.

(1) The Court will be available for the purpose of taking guilty or nolo contendere pleas from time to time as designated by the Court Administrator. Those times shall include each Thursday afternoon that court is in

session unless otherwise rescheduled with advance notice to the District Attorney and the criminal bar. Pleas will also be taken immediately after the call of each criminal trial list.

(2) (a) After pleas have been taken on the day of the call of the criminal trial list, the Court will not accept any plea for any case on that criminal list unless that plea is a straight plea as charged and in no way is a negotiated plea, even for the purposes of a sentencing recommendation by the District Attorney's Office.

(b) The Court may waive this prohibition against late plea agreements only if both parties agree and have shown good cause to the Court. In the event the Court does find good cause shown and agrees to take the negotiated plea, the Court will determine when the plea will be entered.

(3) **Plea Agreements**—Whenever a guilty plea or nolo contendere plea agreement is reached between the parties, a Plea Agreement Form substantially in the form set forth in Form 590 shall be filled out. Said form shall be signed by the District Attorney or Assistant District Attorney, defense counsel, and the defendant. A copy of the form to ultimately be filed in the Court Administrator's Office shall be provided by the District Attorney's Office to the judge who is taking the plea. Copies of the Plea Agreement Form shall be supplied to defense counsel and the defendant.

(4) **Written Guilty Plea and Nolo Contendere Colloquies**—The Court, within the discretion of the individual judge presiding at Plea Court, will permit guilty pleas and nolo contendere pleas to be entered through the use of a written colloquy on a form substantially consistent with the form hereinafter set forth in this rule, provided that the defendant is represented by counsel.

Those entering pleas through a written colloquy will do so at the onset of Plea Court times scheduled as aforesaid. Counsel representing the defendant who will be entering a plea through the use of a written colloquy shall appear with such clients at the time set for Plea Court to actually begin rather than the time designated for the video explaining a defendant's rights which begins approximately a half hour before the scheduled Plea Court.

A judge may decide that a written plea colloquy should not be used in certain cases. The written plea colloquy shall not be used where defendants are pleading guilty or nolo contendere to first, second or third degree murder.

If the plea is to be entered through the use of a written guilty plea or nolo contendere colloquy, counsel shall review and explain to the defendant the contents of the colloquy form and shall be satisfied that the defendant understands all of the questions on the form and that the defendant is entering a knowing and voluntary plea.

The defendant's counsel's signature on the Guilty or Nolo Contendere Plea Colloquy Form shall constitute a certification by the attorney that the attorney has read, discussed and explained the elements of all offenses and all other questions on the plea form, and to the best of counsel's knowledge, information or belief the defendant understands the consequences of his entering the plea.

The Guilty or Nolo Contendere Plea Colloquy shall be prepared substantially in the form hereinafter set forth and shall be filed in open court at the time of the entry of any plea of guilty or nolo contendere.

(5) **Megan's Law Supplement to Guilty Plea Colloquy**—If a guilty plea or nolo contendere plea is entered

by a defendant using a written plea colloquy substantially in the form hereinafter set forth in this Rule and the defendant is subject to the provisions of Megan's Law, the Megan's Law Supplement to Guilty Plea Colloquy hereinafter set forth shall be used.

Counsel shall review and explain to the defendant the contents of the Megan's Law Supplement and shall be satisfied that the defendant understands all the questions on the Megan's Law Supplement form.

The Megan's Law Supplement to Guilty Plea Colloquy shall be filed in open court at the time of the entry of any plea of guilty or nolo contendere.

**IN THE COURT OF COMMON PLEAS OF
CRAWFORD COUNTY, PENNSYLVANIA**

CRIMINAL DIVISION

**COMMONWEALTH OF
PENNSYLVANIA**

vs.

:
:
: **No.:**
: **OTN No.:**

PLEA COLLOQUY

**DIRECTIONS CONCERNING THE ENTERING OF A
GUILTY PLEA OR PLEA OF NOLO CONTENDERE
(NO CONTEST)**

You are present before this Court because you or your lawyer have indicated your desire to plead to some or all of the criminal offenses with which you have been charged.

By pleading guilty you are agreeing and admitting that you committed each of the elements of the crimes. By pleading nolo contendere (no contest), you are stating that you do not contest the fact that the Commonwealth can prove you committed the crimes. In criminal law, a plea of nolo contendere (no contest) has the same effect for sentencing purposes as pleading guilty and, therefore, everything contained in this plea colloquy also applies to a plea of nolo contendere (no contest).

It is important that you understand, agree with and answer truthfully everything contained in this plea colloquy.

Please answer all of the questions on these papers fully. Most of the questions are to be answered either "Yes" or "No." Where facts are requested, please fill in those facts specified in the blank space provided after the question. If you do not understand the question, indicate this by making an "X" in the blank space provided after the question you do not understand.

After you have completed this form and signed it, if there are any portions of it that you have stated you do not understand, tell your attorney, the attorney for the Commonwealth or the Judge so that you have a chance to have it explained.

If you are pleading Nolo Contendere (no contest) rather than Guilty, all references in this colloquy to "your plea of guilty" (or similar language) shall be interpreted to mean nolo contendere.

DEFENDANT'S PERSONAL INFORMATION

1. What is your full name? _____
2. What is your address? _____
3. If you are known by any other names or aliases, list them. _____

4. Are you employed? _____
If so, where? _____
5. How old are you? _____ Date of Birth _____
6. How far did you go in school? (Give grade completed or equivalency) _____
7. Can you read, write and understand the English language? _____
8. Have you ever been a patient in a mental institution or have you ever been treated for a mental illness?

9. Are you now being treated for a mental illness? _____
10. If the answer to number 8 or 9 is yes, please explain. _____
11. If you are presently being treated for a mental illness, do you still feel that you can cooperate with your attorney, understand what you are doing today, understand what these questions mean and know why you must answer these questions? _____
12. Have you consumed any alcohol or taken any drugs or medicine or any other such substance within the past twenty-four (24) hours? _____
13. If the answer to number 12 is yes, please explain. _____
14. If the answer to number 12 is yes, are you presently under the influence of alcohol, drugs, medicine or any other substance to a degree that you cannot clearly understand these questions and answer them? _____
15. Do you understand that you are here to enter your plea of guilty or no contest to some or all of the charges against you? _____

PRESUMPTION OF INNOCENCE

16. Do you understand that you are presumed to be innocent and that you need not admit that you committed the offenses by pleading guilty? _____
17. Do you understand that, by pleading guilty you give up and waive your presumption of innocence?

RIGHT TO TRIAL

18. Do you understand that you have the absolute right to have your guilt or innocence determined in a trial before a jury, which involves the following?
 - (a) that jury panels in Crawford County are selected at random from the citizens of Crawford County?

 - (b) that you and your attorney and the District Attorney would participate in selecting, from this panel, the particular twelve (12) jurors who would hear the evidence and decide your guilt or innocence? _____
 - (c) that you cannot keep jurors off of your case for cause and can keep a limited number of people from being a juror without giving any reason? _____
 - (d) that only impartial, fair and unprejudiced jurors would be qualified to hear your case? _____
 - (e) that the Commonwealth has the burden of introducing testimony and other evidence which will

convince all twelve (12) jurors unanimously of your guilt beyond a reasonable doubt? _____

- (f) that proof beyond a reasonable doubt is that kind of doubt that would cause a reasonable and sensible person to pause and hesitate before acting on something that is important in that person's life? _____
 - (g) the Commonwealth must present witnesses who must testify under oath and that you or your lawyer can question each of those witnesses and to question their believability? _____
 - (h) that you can testify, call witnesses or introduce other evidence to contradict the Commonwealth's evidence and/or support your innocence, but are not required to do so? _____
 - (i) that, if you do not testify, call witnesses, or introduce other evidence, no adverse or negative inference may be drawn by the jury because you did not do this, and you will still be presumed innocent? _____
 - (j) that your right to call witnesses and present evidence includes evidence that you did not commit the crime charged; that you were at some other place when the crime was committed; that there is a mistaken identity; that an insanity defense exists; that your acts were justified under the law or there is some other lawful excuse for your acts? _____
 - (k) that if you cannot afford to pay proper costs, such as obtaining a witness, for example, these costs could be paid for you? _____
 - (l) that the jury will decide your guilt or innocence based only on the evidence that the jury hears?

19. Do you understand that you can be tried by a judge alone and give up your right to a trial by a jury?

MOTIONS BEFORE TRIAL

20. Do you understand that you can file motions with the Court before your trial to make sure that you get a fair trial? Those motions may include a motion to prevent the Commonwealth from presenting improperly obtained evidence at your trial including any statements that you may have made, tests results, identifications, and items taken from me or from some other place. If you file such a motion, the Commonwealth has the burden of proving that this evidence can be presented at your trial? _____
21. Do you understand that you can file a Motion to have these charges dismissed if your trial was not started within 365 days after the date that the Criminal Complaint was filed against you, not counting any delays caused by you or your lawyer?

22. Do you understand that if you plead guilty you give up your right to file any of these pretrial motions?

EFFECT OF PLEA

23. Do you understand that by pleading guilty you are giving up the right to confront and cross-examine witnesses? _____

24. Do you understand that, in entering your plea of guilty, you are admitting that you are properly charged and before the Court on those offenses to which you plead and that you give up and waive your right to raise, both before this Court or an appellate Court, any errors, irregularities, or violations of your Constitutional, or statutory rights by the Commonwealth in investigating, obtaining evidence, filing, proceeding with, and presenting the charges against you? _____
25. Do you understand that, if you have raised any of these matters, that your plea of guilty will end your right to be heard on them? _____
26. Do you understand that your plea of guilty or nolo contendere will have the same effect as if you had a trial and was convicted of the crimes to which you will be pleading? _____
27. Do you understand that if you are on probation, intermediate punishment or parole, at the time these crimes were committed, that your plea in this case will mean that you violated probation or intermediate punishment or parole? _____
28. Do you understand that if you violated probation, intermediate punishment or parole you can either be resentenced to jail or recommitted to jail? _____
29. Do you understand that any sentences that you will receive as a result of a probation, intermediate punishment or parole violation would be in addition to any sentence which you may receive as a result of this plea? _____
30. Do you understand that, if you are not a United States citizen, then it is possible that you may be deported if you plead guilty or no contest? _____
31. Do you know that, for a misdemeanor or felony the Court may impose a sentence in accordance with the sentencing guidelines which place a suggested length of sentence for the type of crime and increase the length of that sentence if the person sentenced had been previously convicted of other crimes, either as a juvenile or an adult, and that the maximum sentence or sentences of confinement and/or fine or fines applicable to the crime or crimes to which you are entering your pleas are as follows:

<i>Charge</i>	<i>Count</i>	<i>Grade</i>	<i>Maximum Penalty</i>	<i>Mandatory Minimum</i>
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____

32. Do you understand that, if you are being sentenced on more than one count, the sentences could be consecutive to each other? _____
33. Do you understand that "consecutive" means that each sentence must be served and completed before you begin the next sentence? In other words the sentences would not all be served at the same time. _____
34. Do you understand that, if you are currently serving another sentence, the sentence(s) you receive for your plea(s) today could be consecutive to any other sentences you are already serving? _____
35. Do you understand that the total possible total sentences you could receive for your plea(s) today, if

all sentences were to be made consecutive, would be _____ in jail and a \$ _____ fine? _____ (specify days, months or years)

36. Have you and/or your attorney agreed with the District Attorney concerning the particular charges to which you will plead or the recommended length of sentence that will be imposed on these charges in return for your pleading guilty? _____
37. Are you aware that the judge does not have to sentence you in accordance with the terms of the sentence that you, your attorney or the District Attorney may have agreed upon? _____
38. Are you aware that the judge is not bound by the terms of any plea agreement entered into between you, your attorney and the District Attorney until the judge accepts the plea agreement? _____
39. Do you understand that if the judge does not agree with any recommended sentence or agreed upon sentence that does not automatically entitle you to withdraw your plea? _____
40. Do you understand that if there is no plea agreement the judge will determine what your sentence will be? _____
41. Do you understand that at any time prior to your sentencing, you may ask the Court for permission to withdraw your plea but you must show a fair and just reason for doing so and that the Commonwealth would not be prejudiced by your doing so?

RIGHT TO AN ATTORNEY

42. Do you understand that you have the right to be represented by an attorney and that, if you cannot afford an attorney, one would be appointed to represent you, from the Public Defender's office without charge, before, during and after trial and on appeal to the appellate Courts? _____
43. If you did not understand any part of this form, has your attorney advised you on such matters? _____
44. Are you satisfied with your attorney's representation of you in this case? _____
45. Have you had enough time to consult with your attorney before reading this document and entering your plea of guilty? _____
46. Have you fully discussed this case with your lawyer including the facts and possible defenses that you may have to the charges? _____
47. Are you satisfied that your lawyer knows all of the facts and law concerning this case? _____
48. Are you satisfied that your lawyer has contacted, or attempted to contact, every witness or source of evidence which you advised him of? _____
49. Are you satisfied that your attorney is ready and able to defend you in this case if you do not plead?

KNOWING AND VOLUNTARY PLEA

50. Have any other promises been made to you to enter a plea of guilty other than the plea agreement, if any? _____
51. Has anybody forced you, threatened you, promised you anything or coerced you directly or indirectly to enter this plea of guilty? _____
52. Are you doing this of your own free will? _____

I affirm that I have read the above document in its entirety and have reviewed it with my attorney. I affirm that I am aware of the full implications of pleading guilty/nolo contendere and nevertheless wish to plead to the specified offense(s). I further affirm that my signature on this document is true and correct.

Defendant

I _____, Esquire, Attorney for _____, state that I have advised my client of the contents and meaning of this document; it is my beliefs/he fully comprehends the implication of pleading guilty/nolo contendere and is pleading guilty/nolo contendere of his/her own free will.

_____, Esquire
(Attorney for Defendant)

**IN THE COURT OF COMMON PLEAS OF
CRAWFORD COUNTY, PENNSYLVANIA**

CRIMINAL DIVISION

**COMMONWEALTH OF
PENNSYLVANIA**

vs.

:
:
: **No.:**
: **OTN No.:**

**MEGAN'S LAW SUPPLEMENT TO
GUILTY PLEA COLLOQUY**

One or more of the offenses to which you are pleading guilty will make you subject to the registration and notification provisions of Megan's Law relating to sexual offenders. The purpose of the following questions is to make certain that you understand how these provisions will affect you. Please answer all questions "Yes" or "No." If there is anything that you do not understand, you should say so in writing on this form. You should also tell your lawyer and the Judge who hears your case so that they can explain it to you fully to make sure you understand all of your rights. After you have read and filled out this form, you should sign it on the last page (on the line marked "Defendant").

1. Do you understand that as a result of your conviction you will be required to register with the Pennsylvania State Police and inform them of your current address and any change of address within ten (10) days of such change? _____

2. Do you understand that failure to register or to update your registration is itself a crime, which may subject you to penalties, including imprisonment? _____

3. Do you understand that your registration information will be provided by the Pennsylvania State Police to the local police department of any community in which you may live? _____

4. Do you understand that the registration requirements will continue for the time period specified: _____ ten (10) years _____ for the rest of your life? _____

5. If this line _____ is checked, do you understand that the District Attorney has the right to request the Court to hold a hearing to determine whether you are a sexually violent predator, and if you are determined to be a sexually violent predator you will be subject to additional registration and notification requirements? These will include:

Notification to your victim of your current address.

Notification to your neighbors of your name and address, the offense of which you were convicted, the fact that you have been determined to be a sexually violent predator, which notification may be accompanied by your photograph.

The notification will also be sent to the local children and youth services agency, superintendent of schools, daycare centers, and colleges and universities. It is also available to any member of the public upon request.

Do you understand all of the above information relating to registration and notification requirements of persons determined to be sexually violent predators? _____

6. Do you understand that if you are determined to be a sexually violent predator, you will be required to attend and pay for monthly counseling sessions for the period you are required to register? _____

I affirm that I have read the above document in its entirety and I understand its full meaning, and I am still nevertheless willing to enter a plea of guilty to the offenses specified. I further affirm that my signature and initials on each page of this document are true and correct.

Date: _____
Defendant

I, _____, Esquire, Attorney for _____, state that I have advised my client of the contents and meaning of this document; that it is my belief that s/he comprehends and understands what is set forth above; that I am prepared to try this case; and it is my belief that the defendant understands what s/he is doing by pleading guilty.

Date: _____
Attorney for the Defendant

**IN THE COURT OF COMMON PLEAS OF
CRAWFORD COUNTY, PENNSYLVANIA**

CRIMINAL DIVISION

**COMMONWEALTH OF
PENNSYLVANIA**

vs.

:
:
: **No.:**
: **OTN No.:**
:

PLEA AGREEMENT FORM

Counts to Plead:

Counts to nolle prosequi:

On counts for which the Court orders a nolle prosequi: [] Defendant shall pay costs
[] Defendant shall pay restitution

[] No agreement as to sentencing
[] Agreement as to sentencing as follows: _____

Special conditions of agreement: _____

 District Attorney or Assistant Defense Attorney
 District Attorney

Date: _____

 Defendant

I, _____, Defendant, understand that I must report to Courtroom No. 1, 2 or 3, Crawford County Courthouse, on _____, 200 _____, at _____ o'clock _____M. to enter my plea of guilty or nolo contendere.

 Defendant

Original: Court Administrator [white]
 District Attorney [green]
 Defense Counsel [yellow]
 Defendant [pink]

Form 590

Rule 600. Sessions of Criminal Court, Trial List and Other Procedures.

(1) Sessions of Criminal Court

(a) Regular sessions of Criminal Term of Court shall be held during the months of January, March, May, June, September and November of each year as designated on the court calendar published annually by the Court. Such sessions may be extended or other special sessions may be held at such times as will conform most conveniently to the business of the Court and the state and local criminal rules so long as at least 30 days notice of any extension of a criminal term or any addition of a term beyond a regular session of court is given. The notice shall be given by the Court Administrator to the District Attorney's Office; the Public Defender's Office; members of the Crawford County criminal defense bar and all magisterial district judges.

(b) Sentence Court and any other hearings shall be scheduled from time to time by the Court Administrator as the Court may direct and in compliance with the Pennsylvania Rules of Criminal Procedure as well as these Local Rules.

(c) Whenever Plea Court is scheduled pursuant to Cra.R.Crim.P. 590(1), the District Attorney shall notify the Court Administrator of the defendants who are scheduled to plead on a particular plea date. The Court Administrator shall keep a plea list with the pleas scheduled for specific plea dates. The list shall be available in the Court Administrator's Office and the Clerk of Courts Office at least twenty-four (24) hours prior to the scheduled plea date. The District Attorney shall not be required to comply with this provision for pleas scheduled following the call of any criminal trial list.

(2) Trial List and Other Procedures

(a) (1) The Court Administrator shall maintain a master list of criminal cases chronologically as the Court Administrator receives a copy of the Criminal Case Scheduling Form required to be provided by the Issuing Authority pursuant to Rule 502 of these rules. This list shall be known as the "Master Criminal List." Each entry on this list shall include information deemed pertinent by the Court Administrator in consultation with the Court, but shall at least contain the name of the defendant, the number docketed for the case in the Clerk of Courts

Office, the pertinent date pursuant to Pa.R.Crim.P. 600 and the name of any attorney who has appeared on behalf of the defendant.

(2) The Court Administrator shall prepare the Criminal Trial List for each session of the Criminal Term of Court and shall arrange the cases in chronological order based on the current status of the master criminal list beginning with case number one on said list and continuing through the last case in which a defendant has been notified by the Criminal Case Scheduling Form provided that that defendant's case may be tried during the term for which the list was prepared.

(3) All cases continued to a new trial term or not reached during the trial term due to the unavailability of the Court, shall appear chronologically on the Master Criminal List in the order in which they had previously appeared ahead of those cases chronologically listed for the next trial term so that the oldest cases will appear first on any list.

(4) The Master Criminal List shall be available for counsel and other interested persons to view in the Court Administrator's Office during normal business hours and copies of the Criminal Trial List based on that Master List for each Criminal Term of Court shall be available free of charge in the Court Administrator's Office and in the Clerk of Courts Office at least one week prior to the call of the trial list for that designated Criminal Term of Court.

(b) (1) Cases for each criminal term shall be tried in the order in which they chronologically appear on the criminal trial list for that trial term unless otherwise adjusted by the Court Administrator for proper reasons.

(2) Any party upon good cause shown may move the Court to advance a case forward from its chronological location on the Criminal Trial List or have the case moved down further on the list to be tried either within the same term of Criminal Court or to be continued to the next term of Criminal Court. Any such motion must be filed in compliance with Pa.R.Crim.P. 106 and Cra.R.Crim.P. 106. The Court in its discretion may continue a case after that deadline if the motion to continue is consented to by the opposing party and/or the Court finds that good cause to continue the case has arisen after the call of the trial list.

(3) Upon granting a motion under Crawford County Rule of Criminal Procedure 600(2)(b)(2), the Court will designate as part of its order where such case shall be placed on the chronological criminal list for that particular term of court or what date certain the case will commence. If the Court allows the case to be continued to the next Criminal Term of Court, it shall be placed by the Court Administrator on the Master Criminal List pursuant to Cra.R.Crim.P. 600(2)(a)(3).

(4) If a case involves complex issues so that it is not amenable to the normal schedule, any party may, after formal arraignment occurs or is waived, move the Court to remove said case from the Master Criminal List so that the flow of the case through the system is handled independently of that procedure.

(5) In the event a case is removed from its designated scheduling cycle originally established on the Criminal Case Scheduling Form [i.e. ARD consideration, omnibus pretrial motion, continuance, cases not reached during a trial term] and is returned to a scheduling sequence, the Court Administrator shall prepare a new Criminal Case Scheduling Form setting the remaining appropriate dates for the defendant to appear with said assigned dates to be

based on a reasonable effort to return the case into the sequence of the system at the point where the case was removed from the sequence or if the case is to be placed in a subsequent term of court, to a normal sequence for that term of court.

The Court Administrator shall distribute copies of the new Criminal Case Scheduling Form to the District Attorney's Office and defense counsel as well as to unrepresented defendants in a manner consistent with the Pennsylvania Rules of Criminal Procedure and the Crawford County Rules of Criminal Procedure.

(3) Call of the Trial List.

The call of the Criminal Trial List for a particular Criminal Term of Court shall be held by the Court on the date and time scheduled by the Court Administrator's Office pursuant to Cra.R.Crim.P. 502.

(a) All defendants and all attorneys representing defendants for cases on the schedule for that term of criminal court must attend the Call of the Criminal List unless:

(1) A date certain has been scheduled for the entry of a plea or for trial to commence; or

(2) A Motion For Continuance has been previously properly presented and granted; or

(3) The Court has excused the defendant and/or counsel based on good cause shown or defense counsel and the District Attorney's Office have agreed the defendant and/or counsel may be excused from the Call of the List.

(b) Failure to comply with the requirements of this Rule may result in the imposition of sanctions by the Court, including the issuance of a bench warrant and revocation of bail bond. Additionally, the District Attorney's Office may file a charge of Default in Required Appearance.

(c) In open court, prior to calling all the names of individuals on the Criminal Trial List, the Court shall announce that the day the list is being called is the last day to enter a negotiated plea and the last day to request a trial before a judge, rather than a jury. After the conclusion of the call of all names of individuals on the criminal trial list, the Court shall again announce in open court that the day the list is being called is the last day to enter a negotiated plea and the last day to request a trial before a judge, rather than a jury.

Rule 602. Presence of Defendants—Transportation.

(1) For incarcerated defendants, transportation orders must be obtained from the Court and served upon the Sheriff of Crawford County at least 7 days prior to the time the defendant is required to appear if the defendant is incarcerated in a facility in the county, and at least 14 days prior to the time the defendant is to appear if the defendant is incarcerated in an out-of-county facility.

(2) The responsibility for obtaining a transportation order shall be on:

(a) The District Attorney if the defendant is required to appear at trial or at a hearing set upon motion of the District Attorney or if the defendant is unrepresented by counsel.

(b) Defense counsel if the defendant is required to appear for a hearing set upon motion of the defendant. If the location of the defendant cannot reasonably be determined by defense counsel, such information may be sought from the District Attorney's Office and shall be reasonably provided to the defendant's counsel.

Rule 620. Waiver of Jury Trial.

The last day for a defendant to waive a jury trial shall be at the Call of the Criminal Trial List unless upon good cause shown the Court allows such a waiver after that date.

Rule 630. Juror Qualification Forms and Lists.

Any juror information provided to counsel pursuant to Pa.R.Crim.P. 630(A)(1)(c) or (d) is provided for use by counsel and shall be kept in counsel's possession at all times. However, counsel may, in preparation for and during jury selection, allow clients and others to see that information to aid in the jury selection process.

Rule 700. Sentencing Judge.

The judge receiving guilty or nolo contendere pleas may schedule the defendant for sentencing before another judge sitting in or assigned to the 30th Judicial District so long as the defendant is notified at the time of the entry of the plea that a different judge will be imposing the sentence.

Rule 704. Advising Defendants of Appellate Rights After Sentencing.

Prior to the sentencing hearing, a defendant who is represented by counsel shall execute Form 704 A, which is entitled "APPELLATE RIGHTS OF DEFENDANT AFTER SENTENCING—After Trial" or Form 704 B, which is entitled "APPELLATE RIGHTS OF DEFENDANT AFTER SENTENCING—Guilty Plea or Nolo Contendere Plea."

Defendant's counsel shall review and explain the form to the defendant and allow the defendant to read the form prior to the defendant and defendant's counsel signing the form. Counsel's signature on the form shall constitute certification by counsel that counsel has read, discussed and explained the form to the defendant and, to the best of counsel's knowledge, information or belief the defendant understands the form.

**TO THE DEFENDANT:
PLEASE READ AND THEN REVIEW THE FOLLOWING INFORMATION WITH YOUR LAWYER. IT EXPLAINS THE RIGHTS YOU HAVE FOLLOWING SENTENCING. IF YOU DO NOT UNDERSTAND ANYTHING CONTAINED ON THIS DOCUMENT, ASK YOUR LAWYER OR THE SENTENCING JUDGE TO EXPLAIN IT TO YOU. DO NOT SIGN THIS DOCUMENT UNTIL YOU UNDERSTAND IT FULLY.**

**IN THE COURT OF COMMON PLEAS OF
CRAWFORD COUNTY, PENNSYLVANIA
CRIMINAL DIVISION**

**COMMONWEALTH OF
PENNSYLVANIA**

vs.

**:
:
: No.:
: OTN No.:**

**APPELLATE RIGHTS OF DEFENDANT AFTER
SENTENCING
(After Trial)**

1. After you are sentenced, you have the right to file either a Post-sentence Motion or an Appeal to the Superior Court of Pennsylvania.

2. If you wish to file a Post-sentence Motion, it must be filed with the Criminal Clerk of Courts of Crawford County no later than ten (10) days after the imposition of sentence.

3. If you wish to file an Appeal, a Notice of Appeal must be filed with the Clerk of Courts of Crawford County, within thirty (30) days of imposition of sentence. This is a right of appeal, which you may exercise without filing a Post-sentence Motion. If you file a Post-sentence Motion, you would also have a right to appeal from an Order deciding that Motion or denying the Motion by operation of law.

4. If you file a Post-sentence Motion, all requests for relief must be stated with specificity and particularity, and consolidated in the Motion, which may include:

- a. a Motion challenging the validity of a plea of guilty or nolo contendere, or the denial of a Motion to Withdraw a plead of guilty or nolo contendere;
- b. a Motion of Judgment of Acquittal;
- c. a Motion in Arrest of Judgment;
- d. a Motion for a New Trial; and/or
- e. a Motion to Modify Sentence.

5. If you file a Post-sentence Motion, it and any supplemental Motion you may be permitted to file must be decided by the judge within 120 days of the filing of the original Motion. The judge may, at your request, grant one 30-day extension for deciding the Motion, if good cause is shown. If the judge fails to decide the Motion within the allowed time, the Motion will be denied by operation of law, and the clerk will enter an order denying the Motion.

6. If you file a Post-sentence Motion, and wish to appeal from the Order deciding or denying the Motion, a Notice of Appeal must be filed with the Criminal Clerk of Courts of Crawford County, within thirty (30) days of that Order.

7. Whether or not you file a Post-sentence Motion, all issues raised before or during trial are preserved for appeal except if you wish to claim the verdict was against the weight of the evidence or the Court abused its discretion in sentencing you. Those issues must be raised in a Post-Sentence Motion before the trial judge before they can be raised on appeal to the Superior Court.

8. You have the right to assistance of counsel in the preparation of a Post-sentence Motion or any Appeal. If you are indigent, you have the right to proceed without payment of costs and with counsel appointed to represent you without charge. If you are now represented by the Public Defender's Office and continue to qualify for their services, that office would continue to represent you without cost.

9. If you qualify for bail and are released on bail after sentencing, a condition of release will be that you either file a Post-sentence Motion and perfect an Appeal, or, when no Post-sentence Motion is filed, perfect an Appeal with the time permitted by law.

I affirm that I have read the above information completely, that I understand its full meaning, and that I have been given a copy of this document for my records and review.

Date: _____

 Signature of Defendant

I, _____, Esquire, Attorney for _____, state that I have advised my client of the meaning of this document and of his/her post-sentence and appeal rights as required by Pa.R.Crim.P. 704; that it is my belief that

the defendant comprehends and understand those rights and what is set forth herein, and that Defendant has received a copy of this form.

Date: _____

 Attorney for the Defendant

Form 704 A

**TO THE DEFENDANT:
 PLEASE READ AND THEN REVIEW THE
 FOLLOWING INFORMATION WITH YOUR
 LAWYER. IT EXPLAINS THE RIGHTS YOU HAVE
 FOLLOWING SENTENCING. IF YOU DO NOT
 UNDERSTAND ANYTHING CONTAINED ON THIS
 DOCUMENT, ASK YOUR LAWYER OR THE
 SENTENCING JUDGE TO EXPLAIN IT TO YOU.
 DO NOT SIGN THIS DOCUMENT UNTIL YOU
 UNDERSTAND IT FULLY.**

**IN THE COURT OF COMMON PLEAS OF
 CRAWFORD COUNTY, PENNSYLVANIA
 CRIMINAL DIVISION**

**COMMONWEALTH OF
 PENNSYLVANIA** :
 :
vs. : **No.:**
 : **OTN No.:**
 :

**APPELLATE RIGHTS OF DEFENDANT AFTER
 SENTENCING**

(Guilty Plea or Nolo Contendere Plea)

1. After you are sentenced, you have the right to file either a Post-Sentence Motion in this Court or an Appeal to the Superior Court of Pennsylvania.

2. If you wish to file a Post-Sentence Motion, it must be filed with the Clerk of Courts no later than ten (10) days after the imposition of sentence.

3. If you wish to file an Appeal, a Notice of Appeal must be filed with the Clerk of Courts within thirty (30) days from when you are sentenced. You can file this Appeal without filing a Post-Sentence Motion in this Court. If you do file a Post-Sentence Motion in this Court, you also have the right to appeal from an order deciding that motion on the merits, or, if the Court does not decide that Motion within 120 days (or 150 days upon your motion to extend that time by thirty (30) days) from when it is filed. If the Court does not decide that Motion within that 120 day (or 150 day, if extended) time period, the Appeal must be filed within thirty (30) days from when the Clerk of Courts enters an Order denying the Motion by operation of law because the judge has failed to decide the Motion.

4. If you file a Post-Sentence Motion in this Court, your requests for relief must be stated with specificity and particularity in one motion, which may include:

- a. a Motion challenging the validity of your plea of guilty or nolo contendere or the denial of a Motion to Withdraw a plea of Guilty or Nolo Contendere
- b. a Motion to Modify Sentence

5. If you file a Post-Sentence Motion in this Court, as well as any supplemental motion that the Court allows you to file, the Motion must be decided within 120 days from when you file it, although the judge, at your request, may grant one thirty (30) day extension for deciding the Motion, if good cause is shown. If the judge does not

decide the Motion within the time period allowed, the Clerk of Courts will enter an Order denying the Motion.

6. If you file a Post-Sentence Motion and wish to appeal from this Court's order, you must do so within thirty (30) days from when that Motion is decided or denied.

7. Since you have entered a guilty plea or nolo contendere plea, your Appeal to the Superior Court would be limited to the following four areas:

a. your plea of guilty or nolo contendere was unlawfully induced and was not voluntarily and understandingly made by you;

b. your sentence was illegal;

c. the lower court did not have jurisdiction in your case;

d. your attorney was ineffective in representing you.

8. Whether or not you file a Post-Sentence Motion, all issues raised before or during trial are preserved for appeal, except if you claim the Court abused its discretion in sentencing you. That issue must be raised in a Post-Sentence Motion before the trial judge before it can be raised on appeal to the Superior Court.

9. You have the right to assistance of counsel in the preparation of a Post-Sentence Motion in the Appeal you file. If you are unable to afford an attorney, you have the right to the assistance of counsel, free of charge through the Public Defender's Office throughout the appeal process. If you challenge the effectiveness of your attorney and cannot afford a new attorney, a new attorney will be appointed to represent you.

10. If you qualify for bail and are released on bail after sentencing, a condition of release will be that you either file a Post-Sentence Motion and, if that is not successful, an appeal or, when no Post-Sentence Motion is filed, that you file an Appeal within the thirty (30) day time period permitted by law.

I affirm that I have read the above information completely, that I understand its full meaning, and that I have been given a copy of this document for my records and review.

Date: _____
Signature of Defendant

I, _____, Esquire, Attorney for _____

Date: _____
Attorney for the Defendant

Form 704 B

Rule 708. Probation/Parole/ Intermediate Punishment General Rules and Regulations.

A. Probation/Parole/Intermediate Punishment General Rules and Regulations

The Court, whenever sentencing a defendant to probation or intermediate punishment or granting parole, shall state in its order that the general rules, regulations and conditions governing probation and parole in Crawford County shall be applicable and all of the following shall apply unless specifically deleted by the Court in its Order or in a subsequent order:

(1) The defendant will be in the legal custody of the Court until the expiration of the defendant's probation, parole or intermediate punishment or until further order of Court. The Probation or Parole Officer has the power at any time during this period, in cases of violation by the

defendant of any of the conditions of the defendant's probation, intermediate punishment or parole, to detain the defendant in a county prison and thereafter make a recommendation to the Court, which may result in the further detention of the defendant and ultimately the revocation of probation or parole and commitment to a penal or correctional institution for service of the defendant's sentence.

(2) The defendant will report regularly to the Probation/Parole Department, in person or in writing, and reply to any communication from the Court or the Probation/Parole Department.

(3) The defendant will live at an address provided to the Probation/Parole Department and may not change that residence without prior permission from that department.

(4) The defendant will not travel outside of Pennsylvania or the community to which he/she has been paroled or placed on probation as defined by his/her Probation/Parole Officer without prior permission.

(5) The defendant will comply with all municipal, county, state and federal criminal laws, and will abide by any additional written instructions of his/her Probation/Parole Officer. Pursuant to this rule, any such reasonable instruction shall be considered a special condition of supervision imposed by the Court. The defendant will immediately notify his/her Probation/Parole Officer of any arrest or investigation by law enforcement agencies.

(6) If the defendant is not employed, the defendant will make every effort to obtain and maintain employment and support any dependents of the defendant. The defendant will obtain written permission prior to changing employment. If the defendant loses a job, the defendant will immediately notify the defendant's Probation/Parole Officer and cooperate in any effort the parole officer may make to obtain employment for the defendant.

(7) The defendant shall abstain completely from the use and possession of controlled substances.

(8) If the defendant has ever been convicted of a felony or a misdemeanor involving the use or possession of a weapon, the defendant shall not be permitted to own, possess or have access to any firearm nor ammunition that can be used in any firearm.

If the defendant has been convicted of a non-weapons misdemeanor, with the advance permission of the defendant's Probation/Parole Officer, the defendant may possess weapons and ammunition for those weapons to be used exclusively for hunting or other sports activities. This decision shall be solely at the discretion of the defendant's Probation/Parole Officer.

(9) The defendant may not use alcoholic beverages nor may the defendant go into places where alcoholic beverages are sold unless, at the discretion of the Probation/Parole Department, this condition is totally or partially waived in writing.

(10) All fines, costs, restitution and Offender's Supervision Fees imposed upon the defendant by the Court must be paid immediately or in accordance with any schedule set up by the Court or the Probation/Parole Department before the defendant will be released from probation/parole.

(11) The defendant will submit to random and periodic testing to determine any use of illegal controlled substances and alcoholic beverages.

(12) The defendant will attend and pay all costs and fees of any therapeutic program offered by a recognized agency when directed to do so by the defendant's Probation/Parole Officer.

(13) The defendant will not annoy or harass any victim or witnesses of the defendant's crime and shall not solicit anyone else to do so.

(14) The defendant shall obey the law and be of good behavior generally.

(15) The defendant shall report to the Crawford County Probation/Parole Department within 24 hours after being released from any institution unless directed to report sooner by the Probation/Parole Officer and/or Order of the Court.

(16) The defendant shall comply with any curfew imposed by the Probation/Parole Department.

(17) Any defendant required to comply with the provisions of 44 Pa.C.S.A. Section 2316 regarding the mandatory submission of a DNA sample, shall do so and shall further pay the mandatory costs set forth in 44 Pa.C.S.A. Section 2322 unless the Court has found that undue hardship would result and has excused the payment of that fee.

(18) Any defendant subject to the registration requirements for sexual offenders pursuant to the provisions of 42 Pa.C.S.A. Section 9791 et. seq. (as amended) (known as Megan's Law) shall at all times during the period of probation/parole comply with all such registration requirements.

(19) The defendant shall always be truthful and accurate in any written or oral statements the defendant makes to a Probation/Parole Officer or member of the staff of the Probation/Parole Department.

(20) The defendant shall receive a copy of these general terms and conditions of probation/parole at or about the time supervision commences.

(21) If the defendant believes that the defendant's rights have been violated as a result probation/parole supervision, the defendant must submit a timely complaint in writing, first to the Chief Probation/Parole Officer and then to the President Judge at the Crawford County Courthouse in Meadville, Pennsylvania, if the matter is not satisfactorily resolved.

B. Electronic Monitoring/House Arrest General Rules and Regulations.

Whenever the Court shall sentence a defendant to a sentence including Electronic Monitoring/House Arrest, the defendant will be subject to all of the following rules, regulations and conditions unless specifically deleted by the Court in its Order or any subsequent Order:

(1) The offender must remain at the indicated residence at all times except those times approved by the Crawford County Probation/Parole Department with the exception of a life threatening emergency. The offender may be required to furnish documentation to verify any emergency departures from the schedule. If an emergency situation exists, the offender is required to notify the Probation/Parole Department immediately.

(2) The offender agrees to maintain telephone service that is not equipped with the phone company's computerized answering service throughout the offender's participation in the Electronic Monitoring/House Arrest Program.

The offender may be required to provide documentation to verify this condition. Also the offender understands that ALLTEL Corporation or the equivalent service provider is not liable for any damages incurred as a result of wearing the equipment or participating in said program.

(3) No illegal drugs, alcohol, firearms or other weapons or ammunition for firearms are permitted in the residence. Additionally, the offender is prohibited from possessing or using any of these items at any time during the period of time on Electronic Monitoring/House Arrest.

(4) The Probation/Parole Department shall be permitted access to the residence during the term of this program. Additionally, the officers shall be permitted to search the residence, the offender and the offender's vehicle. The offender consents to all types of these searches and acknowledges that they may be conducted without a search warrant. Officers may restrict individuals from visiting the offender. Any non-compliance of the offender's family/friends is the offender's responsibility.

(5) The offender shall submit to drug and alcohol testing with the type of test to be selected by the supervising officer. Methods may include, but are not limited to, breath, urinalysis or blood testing.

(6) The offender will not move, disconnect or tamper with the monitoring equipment following installation.

(7) The offender will be held responsible for any damage other than normal wear to the equipment. If the equipment is not returned or it is not returned in good condition, the offender may be charged for replacement/repair and may be subject to civil and/or criminal penalties.

(8) The purpose of this monitoring equipment is to alert authorities of violations of the program. The offender agrees that the loss of a receiving signal and/or receipt of a tamper signal by the monitoring device shall constitute probable cause for a violation. It is agreed that the program's computer printout and/or a program official's and/or other sources of testimony may be used as evidence at a violation hearing to prove said violation.

(9) The Crawford County Probation/Parole Department and program associated agents are not liable for any damages incurred as a result of wearing or tampering with the equipment or any respective damages associated with the equipment that are the result of the offender's negligence.

(10) The offender must abide by all instructions, rules, regulations and directives of the Electronic Monitoring/House Arrest Officers or other officers of the Department acting for the assigned case officer.

(11) The offender shall comply with all municipal, county, state and federal laws. Any arrest, receipt of citation/summons or contact by law enforcement officials must be immediately reported to the offender's probation/parole officer.

(12) Approvals will be given for the defendant to leave the residence for employment. This employment may be full or part time, but must be a legitimate job where taxes are withheld or W-2 Forms are filed and verification is established. Other leaves will be limited to approved counseling, hospital/doctor appointments and a funeral of an immediately family member. Social leave will not be permitted, nor will leave to public or private events be permitted. All leave activity will be recorded in the daily logbook for the defendant.

(13) The offender will be assessed an installation fee and a daily use fee while enrolled in the Electronic Monitoring/House Arrest Program in amounts to be determined by administrative order entered by the President Judge.

(14) While in the Electronic Monitoring/House Arrest Program, the offender shall attend any recommended counseling and shall comply with the rules and regulations of any counseling agency, including compliance with the treatment plan.

(15) The offender shall always be truthful and accurate in any written or oral statements the offender makes to the probation/parole officer or member of the staff at the Probation/Parole Department. The offender understands that providing false information is a violation of and may result in the offender's removal from the program and return to the Crawford County Correctional Facility forthwith.

(16) The offender may be arrested with or without a warrant immediately following a violation, and that arrest will result in the offender's return to the Crawford County Correctional Facility forthwith until the matter can be brought before a judge for hearing.

(17) The offender will not leave the place of employment except to perform duties associated with employment unless otherwise permitted by the supervising probation/parole officer. The offender agrees to permit the supervising probation/parole officer to visit the place of employment to assure compliance and to permit the employer to notify the supervising probation/parole officer in the event the offender does not report to work as required or leaves work other than at the designated times in the normal workday.

(18) The offender is required to keep the supervising probation/parole officer informed of the location and directions to the place of employment or job site.

(19) The offender will provide a weekly work schedule to the supervising probation/parole officer in writing at least two working days in advance of the work schedule.

(20) If the offender believes the offender's rights have been violated as a result of the Electronic Monitoring/House Arrest supervision, the offender may submit a timely written complaint in writing, first to the Chief Probation/Parole Officer, and if the matter is not satisfactorily resolved, then to the President Judge at the Crawford County Courthouse, Meadville, Pennsylvania.

The offender shall have access to a digital pager with a number to be designated by the Adult Probation Department, to be used in EMERGENCY SITUATIONS ONLY! This pager is not to be used for schedule changes or personal requests. The offender must have a schedule change approved one day in advance during working hours. Any weekend schedule changes not requested prior to close of business on Friday will not be approved. The offender is cautioned, this pager is for EMERGENCY USE ONLY.

An EM Log will be provided to the offender at the time of the initial hook-up. The offender will be responsible for maintaining an accurate log with a detailed list of all daily events that occur outside the residence. The officer may apply the officer's own discretion in the maintenance of the log.

Religious leave may be permitted with a written and signed request from the pastor, priest, etc. and written documentation of any attendance with not more than two leaves per week permitted.

Any other proposed leave requests are subject to the approval of the Electronic Monitoring/House Arrest Department of the Probation/Parole Department.

Rule 801. Qualifications for Defense Counsel in Capital Cases.

The Court Administrator's Office shall maintain a list of Crawford County Attorneys who satisfy the educational requirements set forth in Pa.R.Crim.P. 801 and who have notified the Court Administrator they wish to be considered for appointment to representation of defendants in cases in which the death sentence is authorized.

By the Court

GORDON R. MILLER,
President Judge

[Pa.B. Doc. No. 06-2057. Filed for public inspection October 20, 2006, 9:00 a.m.]

MONTGOMERY COUNTY

Amendment to Local Rule of Civil Procedure 1301*. Scope; 2006-00001

Order

And Now, this 2nd day of October, 2006, the Court approves and adopts the Amendment to Montgomery County Local Rule of Civil Procedure 1301*—Scope. The Amendment shall become effective thirty days after publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in *The Legal Intelligencer*. In further conformity with Pa.R.C.P. 239, seven (7) certified copies of the within Order shall be filed by the Court Administrator with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) certified copy shall be filed with the Civil Procedural Rules Committee. One (1) copy shall be filed with the Prothonotary, one (1) copy with the Clerk of Courts, and (1) copy with the Court Administrator of Montgomery County, one (1) copy with the Law Library of Montgomery County and one (1) copy with each Judge of this Court.

By the Court

S. GERALD CORSO,
President Judge

Note: Underscored material is added

Rule 1301*. Scope.

(a) Pursuant to § 7361 of the Judicial Code, 42 Pa.C.S. § 7361 and Pa.R.C.P. 1301, et seq., all civil suits and actions in the Court of Common Pleas where the amount in controversy, exclusive of interest and costs, is fifty thousand dollars (\$50,000) or less per plaintiff, excepting those involving title to real estate and equity cases, shall first be tried and decided by a Board of Arbitrators consisting of three members of the Bar of this Court who are in the active practice of law maintaining their principal office within Montgomery County.

(b) ...

(c) ...

[Pa.B. Doc. No. 06-2058. Filed for public inspection October 20, 2006, 9:00 a.m.]