

THE COURTS

Title 255—LOCAL COURT RULES

ARMSTRONG COUNTY

Adoption of New Local Rules of Court—2002; No. 2002-0189-Misc.

Order

And Now, this 29th day of April, 2008, it is hereby *Ordered* as follows:

1) An amended Local Rule of Civil Procedure numbered 205.4 is hereby promulgated to read as follows.

Rule 205.4. Limited Electronic Filing and Service of Legal Papers.

The Prothonotary of Armstrong County is hereby authorized to accept for filing, legal papers as defined in subsection (a) of this Rule, by electronic transmission.

(a) As used in this rule, the following words shall have the following meanings:

“electronic filing,” the electronic transmission of legal papers by means other than facsimile transmissions,

“filing party,” an attorney, party or other person who files a legal paper by means of electronic filing, and

“legal paper,” a writ of summons or a complaint in civil action.

(b) A legal paper shall be presented for filing in the format of Adobe PDF.

(c)(1) The electronic filing of a legal paper shall be accomplished via the web site designated by the Prothonotary and accessible at www.landata.com.

(2) All parties, including those who are not attorneys, shall qualify for access to the electronic filing system at the designated web site, by complying with the following:

(i) create, and thereafter use, a Username and Password;

(ii) provide account information for the financial institution from which each transaction shall automatically deduct the filing cost; and

(iii) download the required software.

(3) A legal paper electronically submitted by all parties who qualify for access as outlined in Section (2) shall be electronically time stamped upon submission. All legal papers electronically submitted will be accepted on a twenty-four (24) hour basis, however, filing a legal paper electronically does not alter the filing deadline for that document. Unless otherwise ordered, filing must be completed before midnight local time in order to be considered timely filed that day. Legal paper electronically submitted are deemed to be filed on the date and time stated on the time stamp, however, if received on a Weekend Day or Courthouse Holiday it shall be deemed to have been filed on the next business day.

(d) Any lawyer or any non-lawyer party will qualify for access to the electronic filing system at the designated web site by

1) creating, and thereafter using, a username and password;

2) providing the Prothonotary with sufficient account information and consents to enable an automatic deduction from the filer's bank account for the filing fee; and

3) downloading the required software.

(e) An electronically filed legal paper shall be electronically time stamped immediately upon its filing. The electronic filing of a legal paper may be accomplished at any time of day. Filing shall be deemed to occur at the time of a successful submission. Any successful submission accomplished before 11:59:59 P.M. shall be deemed to have been accomplished during the Prothonotary's regular business hours of that same day.

(f) A filing party shall pay the cost of the electronic filing of a legal paper by an Automated Clearing House (ACH) debit.

(g) A filing party shall be responsible for any delay, disruption or interruption, and assumes the risk of improper or untimely filing as set forth in Pa.R.C.P. No. 205.4(e).

(h) Immediately after an attempt to file a legal paper electronically, the Prothonotary shall inform the submitter of whether the attempt was successful or whether it failed. The acknowledgement of a successful submission shall recite the time of filing. If an attempt to file was unsuccessful, the Prothonotary shall immediately inform the submitter of the reason therefore.

(i) As soon as practicable after an electronic filing, the Prothonotary shall electronically provide the filer with a printable version of the legal paper bearing an imbedded seal.

(j) The Prothonotary need not maintain a hard copy of any legal paper filed electronically except as required to comply with Pa.R.C.P. No. 205.4(b)(2)(ii).

(k) The filing party shall provide a valid return email address with a legal paper transmitted.

2) A new Local Rule of Civil Procedure numbered 2039 is hereby promulgated to read as follows.

Rule 2039. Compromise, Settlement, Discontinuance. Distribution. Petition. Contents.

(a) Every petition for approval by the Court of a proposed compromise, settlement or discontinuance of an action for injury to the person of a minor shall contain a description of the injury, a brief account of the circumstances under which it was sustained, a statement of the nature of the evidence relied on to establish liability, any limits on the defendant's financial responsibility, a list of the expenses incurred, the fees of counsel, and arrangements for payment of unpaid bills. The petition shall be accompanied by a written report of the attending physician stating the extent of the injury, the treatment given and the prognosis for the injured party.

(b) The minor shall be present in Court at the time of the presentation of the petition unless excused by the Court for cause shown.

(c) If the petition is not joined in or consented to by both parents or co-guardians, its presentation shall be in accordance with L.R.C.P. 208.3(a) pertaining to Motions Procedure. Notice of such presentation shall be given in accordance therewith to the non-joining or non-consenting parent or co-guardian. If the whereabouts of such person are unknown, the petition shall so state.

Comment

The Petition will preferably be presented at a duly scheduled session of Motions Court.

3) An amended Local Rule of Orphans Court Procedure numbered 1.2D is hereby promulgated to read as follows.

Rule 1.2D. Petitions Requiring Notice After Filing. Proof of Service. Answers.

(a) Except as provided in subsection (d), below, notice of the filing of a petition shall be given to all parties in interest whose consents are not attached. A copy of the petition shall be attached to the notice. The notice shall be substantially in the form prescribed by Appendix M of these Local Rules. The notice shall state that the party in interest has twenty (20) days after the date of its service upon him to file an answer to the petition; provided, however, that the Court may set a shorter period of time within which an answer may be filed or may set a date certain by which the same may be done, for good cause alleged in the petition itself.

(b) The petitioner shall file a proof of service of notice.

(c) A party in interest may file a written answer to the petition at any time within the time limit set forth in the notice. "Answer," as the term is used in this rule, includes not only a formal answer admitting or denying the factual averments of the petition, but also a preliminary objection or any other objection or disagreement with the petition or the relief being sought. All answers shall be filed with the Clerk. A copy of the answer shall be served upon the petitioner or petitioner's attorney. A proof of service shall be filed thereafter.

(d) The provisions of this rule shall not apply to petitions

(i) where all parties in interest are petitioners or consent to the granting thereof;

(ii) when notice requirements are dispensed with by pertinent rule or statute, or when good cause is shown for dispensing with notice requirements;

(iii) seeking the issuance of a citation;

(iv) seeking the appointment of a guardian for an alleged incapacitated person;

(v) for termination of parental rights;

(vi) for adoption; and

(vii) for compromise, settlement, and distribution of a minor's claim.

Notice of petitions described in clauses (iii), (iv), (v) and (vi) shall be given as prescribed by applicable rule or statute. Notice of petitions described in clause (vii) shall be given as prescribed by L.O.C.R. 12.16.

4) A new Local Rule of Orphans Court Procedure numbered 12.16 is hereby promulgated to read as follows.

Rule 12.16. Compromise, Settlement, Discontinuance. Distribution. Petition. Contents.

(a) Every petition for approval by the Court of a proposed compromise, settlement or discontinuance of an action for injury to the person of a minor shall contain a description of the injury, a brief account of the circumstances under which it was sustained, a statement of the

nature of the evidence relied on to establish liability, any limits on the defendant's financial responsibility, a list of the expenses incurred, the fees of counsel, and arrangements for payment of unpaid bills. The petition shall be accompanied by a written report of the attending physician stating the extent of the injury, the treatment given and the prognosis for the injured party.

(b) The minor shall be present in Court at the time of the presentation of the petition unless excused by the Court for cause shown.

(c) If the petition is not joined in or consented to by both parents or co-guardians, its presentation shall be in accordance with L.R.C.P. 208.3(a) pertaining to Motions Procedure. Notice of such presentation shall be given in accordance therewith to the non-joining or non-consenting parent or co-guardian. If the whereabouts of such person are unknown, the petition shall so state.

Comment

The Petition will preferably be presented at a duly scheduled session of Motions Court.

5) A new Local Rule of Orphans Court Procedure numbered 14.1G is hereby promulgated to read as follows.

Rule 14.1G. Annual Guardianship Reports.

The annual reports required by 20 Pa.C.S.A. § 5521(c) shall be in such form as prescribed by the Pennsylvania Orphans' Court Rules: Form G-02—Annual report of the Guardian of the Estate; Form G-03—Annual Report of the Guardian of the Person. The Guardian, as an alternative, may utilize the form prescribed by the Department of Veteran's Affairs—Federal Fiduciary's Account, VA Form 21-4706(b) November 2002, or any amendments thereof.

6) An amended Local Rule of Orphans Court Procedure numbered 15.1A is hereby promulgated to read as follows.

Rule 15.1A. Filing.

(a) All papers in adoption matters, including petitions for voluntary and involuntary termination, shall be filed with the Clerk. Every petition shall have a proposed order fixing a hearing date attached thereto. Notice regarding adoption-related petitions shall be given in accordance with statute.

(b) Petitioners seeking more than one involuntary or voluntary termination or more than one adoption must file separate petitions for each child involved. A filing fee is payable for each such petition.

7) The Court Administrator shall 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.

8) The amendments and supplements provided for herein shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court,

KENNETH G. VALASEK,
President Judge

[Pa.B. Doc. No. 08-914. Filed for public inspection May 16, 2008, 9:00 a.m.]

MONROE COUNTY

Administrative Order 2008; No. AD 17-2008

Order

And Now, this 14th day of April, 2008 *It Is Ordered*, that pursuant to the provisions of 42 Pa.C.S. 1725.1(c)(5), relating to unclassified costs, a ten (\$10.00) dollar partial payment processing fee to cover administrative costs related to such processing, be and is hereby imposed for all summary cases within the magisterial district courts of the Forty Third Judicial District when the defendant in the summary case requests and is permitted to make installment payments as provided in Pa.R.Crim.P. 454(E)(1), Trial in Summary Cases.

It Is Further Ordered that seven (7) certified copies of this Order shall be filed with the Administrative Office of Pennsylvania Courts; that two (2) certified copies and one

(1) diskette shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Criminal Procedural Rules Committee of the Supreme Court of Pennsylvania; one copy to the *Monroe County Legal Reporter* for publication, and that one copy shall be filed with the Clerk of Courts—Criminal of the Court of Common Pleas of Monroe County.

It Is Further Ordered that this fee shall be imposed as to each installment payment plan instituted on or after August 1, 2008.

By the Court,

RONALD E. VICAN,
President Judge

[Pa.B. Doc. No. 08-915. Filed for public inspection May 16, 2008, 9:00 a.m.]