

# THE COURTS

## Title 210—APPELLATE PROCEDURE

### ARTICLE II. APPELLATE PROCEDURE

[ 210 PA. CODE CHS. 15 AND 17 ]

#### Amendment of Rule 1561 and Enactment of New Appellate Rule 1765

The Appellate Court Procedural Rules Committee proposes to amend Pennsylvania Rule of Appellate Procedure 1561 and to enact a new appellate rule, Pa.R.A.P. 1765. The proposed rule and suggested amendment are being submitted to the bench and bar for comments and suggestions prior to their submission to the Supreme Court.

All communications in reference to the proposed amendment should be sent no later than July 14, 2008 to:

Dean R. Phillips, Chief Counsel  
D. Alicia Hickok, Deputy Counsel  
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Appellate Court Procedural Rules Committee  
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An Explanatory Comment precedes the proposed amendment and has been inserted by this Committee for the convenience of the bench and bar. It will not constitute part of the rule nor will it be officially adopted or promulgated.

*By the Appellate Court Procedural Rules Committee*

HONORABLE JANE CUTLER GREENSPAN,  
*Chair*

#### Annex A

### TITLE 210. APPELLATE PROCEDURE

#### ARTICLE II. APPELLATE PROCEDURE

#### CHAPTER 15. JUDICIAL REVIEW OF GOVERNMENTAL DETERMINATIONS

#### PETITION FOR REVIEW

#### Rule 1561. Disposition of Petition for Review.

\* \* \* \* \*

(d) *Review of detention.*—Except as prescribed by Rule 1762(b)(2), which governs applications relating to bail when no appeal is pending, **Rule 1765, which governs applications relating to bail when an appeal is pending, or [ by ] Rule 3331** (review of special prosecutions or investigations), review in the nature of criminal habeas corpus or post conviction relief may not be granted under this chapter.

**Official Note:** Subdivision (a) is based on 42 Pa.C.S. § 706 (disposition of appeals).

\* \* \* \* \*

Subdivision (d) is intended to make clear that the scope of this chapter is essentially civil in nature. [ **The**

application of the petition for review to questions of release prior to sentence in criminal matters and in questions arising out of special prosecutions or investigations is merely a recognition of the technical need for a plenary filing to bring the question within the appellate jurisdiction of the appropriate court. ] Although a Post-Conviction Relief Act proceeding is technically civil, it is quasi-criminal, and, by definition, it occurs following the entry of judgment and affirmation of that judgment on direct appeal. A court's review in such instances is undertaken with a different presumption than applies in other civil or even criminal proceedings, because a court has found a defendant guilty and that determination has been affirmed on direct appeal. The limitations on petitions for review of bail determinations reflect the concerns unique to Post-Conviction Relief Act proceedings. See Rules [ **Rule** ] 1762(b)(2) and 1765 regarding bail applications.

#### CHAPTER 17. EFFECT OF APPEALS; SUPERSEDEAS AND STAYS

#### STAY IN CRIMINAL MATTERS

#### Rule 1765. Release in Post-Conviction Relief Act Matters.

(a) Other than as provided by statute, a Post-Conviction Relief Act petitioner may not make application for bail, or appeal the denial of bail, in any court while an appeal of a trial or appellate court's disposition of a Post-Conviction Relief Act petition is pending.

(b) The Commonwealth may appeal the grant of bail while an appeal of the disposition of a Post-Conviction Relief Act petition is pending.

**Official Note:** This rule should be read in conjunction with 42 Pa.C.S. § 9546, which provides in part that a court that rules in favor of a Post-Conviction Relief Act petitioner "shall order appropriate relief and issue supplementary orders as to . . . bail." See also 42 Pa.C.S. § 5701; Pa.R.Crim.P. 908(D)(2).

This rule supersedes the practice described in *Commonwealth v. Kyle*, 582 Pa. 624, 628, 874 A.2d 12, 14 (2005), in which the Supreme Court observed in passing that the petitioner had applied to the Superior Court for bail (after the trial court had denied it) and the Superior Court had granted bail. It is consistent in part with *Commonwealth v. Bishop*, 829 A.2d 1170, 1172 (Pa. Super. 2003), in that this rule affirms that the trial court lacks jurisdiction to rule on a petitioner's application for bail during a pending appeal of the disposition of a Post-Conviction Relief Act petition. The new rule is consistent with Pa.R.A.P. 1561(d), because Pa.R.A.P. 1762 is limited in scope to a review of orders denying bail prior to sentence or pending direct appeal unless the appeal of a bail order is taken when no appeal of the disposition of the Post-Conviction Relief Act petition is pending.

#### EXPLANATORY COMMENT

##### 1. Introduction

The Appellate Court Procedural Rules Committee, with significant contributions by the Criminal Procedural Rules Committee, proposes that the Supreme Court amend Pa.R.A.P. 1561 and enact new Pa.R.A.P. 1765 to clarify that when the disposition of the post-conviction

relief petition is on appeal, the petitioner has no right to bail and no right to appeal any denial of bail.

The Appellate Court Procedural Rules Committee has become aware that there is great confusion regarding a trial court's ability to act while a post-conviction appeal is pending, even in the case law, and the Appellate Court Procedural Rules Committee and the Criminal Procedural Rules Committee have concluded that the confusion may be attributed at least in part to the fact that the current Rules of Appellate Procedure do not adequately address this issue.

In developing this proposal, the Committees examined the Pennsylvania Constitution, pertinent statutes, case law and the current procedural rules.

Pennsylvania has recognized a right to bail pretrial, predicated upon three principles:

- (a) the importance of the presumption of innocence;
- (b) the distaste for imposition of sanctions prior to trial and conviction;
- (c) the desire to give the accused maximum opportunity to prepare a defense.

*Commonwealth v. Fowler*, 451 Pa. 505, 513, 304 A.2d 124, 128 (1973) (discussing *Commonwealth v. Truesdale*, 449 Pa. 325, 335-36, 296 A.2d 829, 834-35 (1972)).

As a criminal trial and appeal progresses, however, the presumptions against bail increase. In examining the *Truesdale* factors, the *Fowler* Court held that between conviction and sentence, one convicted of murder could not be released on bail—with the sole caveat that if delay was unreasonable and caused by the Commonwealth, the court could decide to grant bail. The *Fowler* Court reasoned that the first and third *Truesdale* factors are no longer implicated and the second minimized, while the public interest in detaining the defendant “becomes compelling.” *Id.* at 514-15, 304 A.2d at 129. See also *Commonwealth v. Cabeza*, 489 Pa. 142, 413 A.2d 1054 (1980) (applying the analysis to the then new rules of criminal procedure). Consistent with this analysis, the trial court has discretion to grant bail pending the disposition of all direct appeal proceedings, subject to the requirements of the Pennsylvania Rules of Criminal Procedure. Indeed, in a parole revocation hearing, the “appellant’s liberty interest . . . is not merely diminished from that which he held prior to trial, rather it is of a wholly different nature.” *Commonwealth v. McDermott*, 377 Pa. Super. 623, 637, 547 A.2d 1236, 1242-43 (1988).

[A]n individual’s legitimate interest in remaining at large on bail diminishes, and the Commonwealth’s legitimate interest in incarcerating the individual increases correspondingly, as the individual passes from suspect, to accused, to appellant, to allocatur petitioner, to certiorari petitioner, to PCHA petitioner. Accordingly, the availability of release on bail is subject to increased restrictions at each level.

*Id.* Moreover, a bail bond that is issued post-verdict remains effective until direct review of an appellant’s conviction ends but not during any collateral proceedings. *Commonwealth v. McMaster*, 1999 PA Super. 111, ¶ 9, 730 A.2d 524, 527 (1999).

By statute, the trial court is afforded discretion to grant bail if it rules in favor of a post-conviction relief petitioner.

If the court rules in favor of the petitioner, it shall order appropriate relief and issue supplementary orders as to arraignment, retrial, custody, bail, discharge, correction of sentence or other matters that are necessary and proper.

42 Pa.C.S. § 9546(a) (PCRA). In other words, if the PCRA court grants relief, it can also set bail. There is no provision, however, for a situation where a PCRA court denies relief and the Superior Court vacates and remands, but before the matter is returned to the trial court, the Commonwealth takes an appeal. This was the situation in *Commonwealth v. Bishop*, 829 A.2d 1170 (Pa. Super. July 22, 2003), where the trial court had no jurisdiction under Rule 1701(a) unless and until the appellate court decided or dismissed the appeal and remanded the record.

Consistent with the policy determinations set forth above, proposed Rule 1765 clarifies that during the pendency of appeal of the disposition of his or her petition a post-conviction relief petitioner may not apply for bail in the trial or appellate court and may not appeal a denial of bail. The proposed rule does not in any way limit the statutory authority of the trial court—who has had the opportunity to develop the factual record and observe the petitioner firsthand—to grant bail when granting a post-conviction relief petition. The Commonwealth has the right to appeal the grant of bail while its appeal of the petition determination is pending.

[Pa.B. Doc. No. 08-967. Filed for public inspection May 24, 2008, 9:00 a.m.]

## Title 237—JUVENILE RULES

[ 237 PA. CODE CHS. 1, 2, 11 AND 13 ]

Order Amending 100, 123, 160, 200, 1100, 1123, 1151 and 1320; Supreme Court Rules; No. 445; Doc. No. 1

### Order

*Per Curiam:*

Now, this 12th day of May, 2008, upon the recommendation of the Juvenile Court Procedural Rules Committee and an Explanatory Report to be published with this Order:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the amendments to Rules 100, 123, 160, 200, 1100, 1123, 1151, and 1320 of the Rules of Juvenile Court Procedure are approved in the attached form.

To the extent that prior distribution and publication of this rule would otherwise be required, it has been determined that immediate promulgation is required in the interest of justice and efficient administration. Pa.R.J.A. 103(a)(3).

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective May 12, 2008.

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 1. GENERAL PROVISIONS

Rule 100. Scope of Rules.

\* \* \* \* \*

Comment

The Pennsylvania Rules of Juvenile Court Procedure are split into two categories: delinquency matters and dependency matters. All delinquency matters are governed by Chapters One through Ten (Rules 100—1099). All dependency matters are governed by Chapters Eleven through Twenty (Rules 1100—2099).

\* \* \* \* \*

Unless specifically provided in these rules, the Pennsylvania Rules of Civil Procedure and the Pennsylvania Rules of Criminal Procedure do not apply to delinquency proceedings commenced pursuant to Rule 200 and 42 Pa.C.S. § 6301 et seq.

The Rules of Criminal Procedure apply in cases involving juveniles in summary and court cases, as defined by Pa.R.Crim.P. 103, to the extent that the Juvenile Act does not apply to these proceedings. See, e.g, Pa.R.Crim. P. 100 and 400. See also 42 Pa.C.S. §§ 6302 and 6303.

\* \* \* \* \*

**Official Note:** Rule 100 adopted April 1, 2005, effective October 1, 2005. Amended May 12, 2008, effective immediately.

*Committee Explanatory Reports:*

Final Report explaining the amendments to Rule 100 published with the Court's Order at 38 Pa.B. 2360 (May 24, 2008).

PART A. BUSINESS OF COURTS

Rule 123. Subpoenas.

\* \* \* \* \*

Comment

\* \* \* \* \*

For power to compel attendance, see 42 Pa.C.S. § 6333. Nothing in this rule prohibits the court from holding a contempt hearing. See *In re Crawford*, 360 Pa.Super. 36, 519 A.2d 978 ([Pa. Super. Ct.] 1987) for punishing juveniles for contempt.

Any person may file a motion to quash the subpoena for a witness and/or for requested items. The court is to rule on the motion prior to the production of the witness or the items.

**Official Note:** Rule 123 adopted April 1, 2005, effective October 1, 2005. Amended February 26, 2008, effective June 1, 2008. Amended May 12, 2008, effective immediately.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 123 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 123 published with the Court's Order at 38 Pa.B. 2360 (May 24, 2008).

PART C. RECORDS

PART C(1). ACCESS TO JUVENILE RECORDS

Rule 160. Inspection of Juvenile File/Records.

\* \* \* \* \*

Comment

\* \* \* \* \*

When delinquency proceedings are commenced pursuant to Rule 200(4), the entire criminal court file is to be transferred with the case to juvenile court. This criminal case file is now the juvenile court file and the disclosure requirements of this rule apply.

Under Paragraph (B), there is one document for each eligible case that is open for public inspection. The public document should be clearly marked for employees of the clerks of courts' office as the only document available for inspection by the general public. All other information contained in the juvenile court filed is not open for public inspection but only open to inspection to the persons enumerated in paragraph (A).

\* \* \* \* \*

**Official Note:** Rule 160 adopted April 1, 2005, effective October 1, 2005; amended December 30, 2005, effective immediately. Amended August 20, 2007, effective December 1, 2007. Amended May 12, 2008, effective immediately.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 160 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the revisions of Rule 160 published with the Court's Order at 36 Pa.B. 186 (January 14, 2006).

Final Report explaining the amendments to Rule 160 published with the Court's Order at 37 Pa.B.4866 (September 8, 2007).

Final Report explaining the amendments to Rule 160 published with the Court's Order at 38 Pa.B. 2360 (May 24, 2008).

CHAPTER 2. COMMENCEMENT OF PROCEEDINGS, ARREST PROCEDURES, WRITTEN ALLEGATION, AND PRE-ADJUDICATORY DETENTION

PART A. COMMENCING PROCEEDINGS

Rule 200. Commencing Proceedings.

\* \* \* \* \*

Comment

\* \* \* \* \*

The Juvenile Act provides that a "child may be taken into custody . . . pursuant to the laws of arrest." 42 Pa.C.S. § 6324. Paragraph (2) states the laws of arrest without a warrant in Pennsylvania. See Pa.R.Crim.P. 502.

Under paragraph (4), when a case is transferred from a criminal proceeding pursuant to 42 Pa.C.S. § 6322 to juvenile court, the entire case file is to be transferred. The case file is governed by the disclosure requirements of Rule 160.

\* \* \* \* \*

**Official Note:** Rule 200 adopted April 1, 2005, effective October 1, 2005. Amended March 23, 2007, effective August 1, 2007. **Amended May 12, 2008, effective immediately.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 200 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 200 published with the Court's Order at 37 Pa.B. 1485 (April 7, 2007).

**Final Report explaining the amendments to Rule 200 published with the Court's Order at 38 Pa.B. 2360 (May 24, 2008).**

**Subpart B. DEPENDENCY MATTERS  
CHAPTER 11. GENERAL PROVISIONS**

**Rule 1100. Scope of Rules.**

\* \* \* \* \*  
**Comment**  
\* \* \* \* \*

**Unless specifically provided in these rules, the Pennsylvania Rules of Civil Procedure and the Pennsylvania Rules of Criminal Procedure do not apply to dependency proceedings commenced pursuant to Rule 1200 and 42 Pa.C.S. § 6301 et seq.**

These rules govern proceedings when the Juvenile Act vests jurisdiction in the Court of Common Pleas. See 42 Pa.C.S. §§ 6321 and 6302.

\* \* \* \* \*

**Official Note:** Rule 1100 adopted August, 21, 2006, effective February 1, 2007. **Amended May 12, 2008, effective immediately.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1100 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Final Report explaining the amendments to Rule 1100 published with the Court's Order at 38 Pa.B. 2360 (May 24, 2008).**

**PART A. BUSINESS OF COURTS**

**Rule 1123. Subpoenas.**

\* \* \* \* \*  
**B. Service.**  
**Comment**  
\* \* \* \* \*

- 1) A subpoena shall be serviced upon a witness by:
  - c) first-class mail.

**Any person may file a motion to quash the subpoena for a witness and/or for requested items. The court is to rule on the motion prior to the production of the witness or the items.**

**Official Note:** Rule 1123 adopted August, 21, 2006, effective February 1, 2007. **Amended May 12, 2008, effective immediately.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1123 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Final Report explaining the amendments to Rule 1123 published with the Court's Order at 38 Pa.B. 2360 (May 24, 2008).**

**PART B(2). COUNSEL**

**Rule 1151. Assignment of Guardian ad litem & Counsel.**

\* \* \* \* \*  
**Comment**  
\* \* \* \* \*

**Nothing in these rules anticipates that a guardian ad litem for an adult is to be appointed by these rules. For appointment of a guardian of the person, see 20 Pa.C.S. § 5501 et seq. and Pa.O.C. Rules 14.2—14.5.**

**Official Note:** Rule 1151 adopted August, 21, 2006, effective February 1, 2007. Amended February 20, 2007, effective immediately. **Amended May 12, 2008, effective immediately.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1151 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006). Final Report explaining the amendments to this rule published with the Court's Order at 37 Pa.B. 1123 (March 10, 2007).

**Final Report explaining the amendments to Rule 1151 published with the Court's Order at 38 Pa.B. 2360 (May 24, 2008).**

**CHAPTER 13. PRE-ADJUDICATORY PROCEDURES**

**PART B. APPLICATION FOR PRIVATE PETITION**

**Rule 1320. Application to File a Private Petition.**

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**[ B. Service. If a person presents an application for a petition under this rule, the person shall serve the application on the court and all parties to the proceeding. ]**

**Comment**

\* \* \* \* \*

**Official Note:** Rule 1320 adopted August, 21, 2006, effective February 1, 2007. **Amended May 12, 2008, effective immediately.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1320 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Final Report explaining the amendments to Rule 1320 published with the Court's Order at 38 Pa.B. 2360 (May 24, 2008).**

**INTRODUCTION**

The Supreme Court of Pennsylvania has adopted the proposed changes to Rules 100, 123, 160, 200, 1100, 1123, 1151, and 1320. The changes are effective May 12, 2008.

EXPLANATORY REPORT  
MAY 2008

*Rule 100 and 1100—Scope of Rules*

It has come to Committee's attention that the Rules of Civil Procedure and the Rules of Criminal Procedure are being used when there is not a Rule of Juvenile Procedure on certain matters. This is an error of law that is being made by several judicial districts. The Committee believes that this addition to the Comment will rectify this error of law.

This change does not prohibit a party from arguing that a situation is analogous to a Civil or Criminal matter when there is no juvenile court procedural rule in a particular area.

Additionally, the Committee has added a paragraph in the Comment to Rule 100 explaining the scope of the Rules by distinguishing dependency from delinquency matters. When this rule was adopted, there were no dependency rules.

*Rules 123 and 1123—Subpoenas*

It is obvious that a person may file a motion to quash a subpoena if they do not believe it is valid. However, this issue arose with respect to non-parties quashing a subpoena. Any person who is subpoenaed or who is to produce items may file a motion with the Court to quash the subpoena. The Committee believes that the Comment change will clarify any issues that are occurring in some counties.

*Rule 160—Inspection of Juvenile File/Record and Rule 200—Commencing Proceedings*

There was some confusion in the transferring of records in decertification cases from criminal court to juvenile court. When a case is transferred from adult criminal court to juvenile court, the entire record is to be transferred. The Criminal Rules no longer apply. Rule 160 now governs the inspection of that record. The changes in the Comments to these rules clarify that the Juvenile Rules govern the case file.

*Rule 1151—Assignment of Guardian ad litem and Counsel*

An issue arose as to whether this rule applies to appointment of guardians for minor "guardians" or incapacitated persons. There are some instances when the guardian of the dependent child is also a minor or the adult guardian is incapacitated. In those rare instances, a guardian of the person should be appointed. This is not governed by the Rules of Juvenile Court Procedure but governed by 55 Pa.C.S. § 5501 et seq. and Pa.O.C. Rules 14.2—14.5. The Committee believes this Comment was important because of the confusion over this issue.

*Rule 1320—Application to file a private petition*

The Committee has deleted paragraph (B) of this rule because this rule is an application for a petition. An application comes prior to the filing of the petition. If there is no petition, there are no parties. Therefore, a party cannot be served as required by paragraph (B). If the court decides to grant the application under Rule 1321 (Hearing on Application for Private Petition) and allow a petition to be filed pursuant to Rule 1330 (Petition: Filing, Contents, Function, Aggravated Circumstances), the parties will be served under the normal service procedures of Rule 1331 (Service of Petition).

[Pa.B. Doc. No. 08-968. Filed for public inspection May 23, 2008, 9:00 a.m.]

# Title 25—LOCAL COURT RULES

## BEAVER COUNTY

### Local Rules of Civil Procedure; No. 10130-2001

#### Order

And Now, this 6th day of May, 2008, Local Rule 205.4, which provided for electronic filing in Beaver County, is rescinded in its entirety. Further, Local Rules 206A through 206C, inclusive, Rule 206.4(c) and Rule 208.3(b) are amended to read as follows. This Order and Amended Local Rules 206A, 206B, 206C, 206.4(c) and 208.3(b), as well as rescission of Rule 205.4, shall be effective 30 days after publication in the *Pennsylvania Bulletin* and publication on the Pennsylvania Judiciary's web application portal. All Local Rules inconsistent with the foregoing amended Rules are suspended upon the effective date of the foregoing amended Rules.

In accordance with Pa.R.C.P. No. 239, the Court Administrator of Beaver County shall file or distribute copies of this Order and the Amended Local Rules as follows:

1. Seven (7) certified copies with the Administrative Office of Pennsylvania Courts;
2. Two (2) certified copies and a computer diskette containing the texts of the amended Rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. One (1) certified copy to the Civil Procedure Rules Committee of the Supreme Court of Pennsylvania;
4. One (1) copy to the Prothonotary of Beaver County to be kept continuously available for public inspection and copying;
5. One (1) copy to the Law Library of Beaver County.

In addition, the Court Administrator of Beaver County shall cause the foregoing Rules to be published on the web site of the Administrative Office of Pennsylvania Courts and on the Beaver County web site.

By the Court

JOHN D. MCBRIDE,  
President Judge

#### **LR 205.4. Electronic Filing and Service of Legal Papers.**

Rescinded and deleted in total.

#### **LR 206A. Motions Court.**

The Court will be available to receive motions and petitions at the times and in accordance with the practice which is published with the annual Court Calendar.

*Note.* The prescribed time to receive motions appears on the Beaver County web site: [www.beavercountypa.gov](http://www.beavercountypa.gov). Links are available to the Court and then to Motions Court.

#### **LR 206B. Notice to Opposing Counsel.**

The Court will not entertain a motion or petition in any matter unless the opposing party or his counsel has consented in writing or has received three (3) business

days written notice of the intention to present the motion or petition. The motion or petition shall set forth the manner in which notice has been given, attaching a copy thereof. Counsel may present a motion or petition after oral notice only in emergency situations. *Ex parte* motions and petitions will not be entertained without prior notice unless notice is not possible.

**LR 206C. Presentation of Motion.**

All motions and petitions, except as set forth in Rules L206D, L206F and emergency motions and petitions, shall be presented to the appropriate Judge at the time set for Motions Court. In all cases, written notice of presentation of the motion or petition shall have been given to counsel of record or to the opposite party in compliance with Rule L206B.

**LR 206.4(c). Procedures for Issuance of a Rule to Show Cause.**

(a) Upon petition, the issuance of a rule to show cause shall be discretionary pursuant to Pa.R.C.P. No. 206.5.

(b) Whether or not the petition has been filed, it shall be presented to the Court by counsel for the petitioner at the time prescribed for the receipt of motions by the Court.

*Note.* The prescribed time to receive motions appears on the Beaver County web site: [www.beavercountypa.gov](http://www.beavercountypa.gov). Links are available to the Court and then to Motions Court.

(c) The petition must be accompanied by an order in the form set forth in Pa.R.C.P. No. 206.5 (d). If appropriate to do so, the Court will issue the rule, set a time to respond thereto, set a deadline to complete depositions or other appropriate discovery and schedule argument.

(d) After the Court issues the rule, counsel for the petitioner must deliver the petition and rule to the Prothonotary for filing, serve it upon all other parties or their counsel, deliver a copy of the order to the Court Administrator and file proof of service.

(e) Any exhibits attached thereto must be tabbed and identified.

**LR 208.3(b). Procedure Governing Motions.**

(a) All motions, as defined in Pa.R.C.P. No. 208.1, whether or not they have been filed, shall be presented to the Court by counsel for movant at the time prescribed for the receipt of motions by the Court.

*Note.* The prescribed time to receive motions appears on the Beaver County web site: [www.beavercountypa.gov](http://www.beavercountypa.gov). Links are available to the Court and then to Motions Court.

[Pa.B. Doc. No. 08-969. Filed for public inspection May 23, 2008, 9:00 a.m.]

**NORTHAMPTON COUNTY**  
**Administrative Order 2008-2—Home Studies;**  
**C-48CV2008-4262**

**Administrative Order**

*And Now*, this 28th day of April, 2008, the court adopts the following Rule N1915.8-1, Home Studies, effective immediately.

*By the Court*

ROBERT A. FREEDBERG,  
*President Judge*

**Rule N. 1915.8-1. Home Studies.**

1. The parties may make a joint application to the custody conference officer asking that home study evaluations not be required. The custody conference officer shall then make the determination whether to waive the requirement or impose the requirement for home study evaluation.

2. If the custody conference officer waives the requirement for home study evaluations on the joint application of the parties, the judge who hears the case may require home study evaluations depending on what is developed during the hearing on the merits.

[Pa.B. Doc. No. 08-970. Filed for public inspection May 23, 2008, 9:00 a.m.]

**DISCIPLINARY BOARD OF  
THE SUPREME COURT**

**Notice of Suspension**

Notice is hereby given that Jeffrey Larkin Wertz having been suspended from the practice of law in the State of Colorado for a period of 30 days by Order of the Supreme Court of Colorado entered December 13, 2007, the Supreme Court of Pennsylvania issued an Order dated May 8, 2008, suspending Jeffrey Larkin Wertz from the practice of law in this Commonwealth for a period of 30 days. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Secretary*  
*The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 08-971. Filed for public inspection May 23, 2008, 9:00 a.m.]