

# THE COURTS

## Title 210—APPELLATE PROCEDURE

[ 210 PA. CODE CH. 65 ]

### Amendments to the Superior Court Operating Procedures

The Superior Court of Pennsylvania has adopted amendments to its Internal Operating Procedures. These amendments are reflected in the Superior Court Internal Operating Procedures with amendments to 210 Pa. Code §§ 65.1—65.42.

These changes were approved on March 16, 2009, effective immediately.

*(Editor's Note: The following § 65.14 is new and has been printed in regular print to enhance readability.)*

#### Annex A

#### TITLE 210. APPELLATE PROCEDURE

#### PART II. INTERNAL OPERATING PROCEDURES

#### CHAPTER 65. INTERNAL OPERATING PROCEDURES OF THE SUPERIOR COURT

#### ADMINISTRATIVE OFFICES AND STAFF

#### § 65.14. Children's Fast Track and Other Family Fast Track Appeals.

A. In accordance with Pa.R.A.P. 102, revised in 2009, and in accordance with a program first established in this court in 2000, the court shall expedite handling of appeals involving parent-child relationships as follows:

1. Children's Fast Track: All cases involving dependency, termination of parental rights, adoption, custody, or paternity shall be designated as Children's Fast Track in the Superior Court.

2. Other Family Fast Track: Central Legal Staff in its discretion may expedite other appeals involving the parent-child relationship. Such cases shall be designated "Other Family Fast Track."

B. For all cases designated as Children's Fast Track or Other Family Fast Track, primary responsibility for monitoring the receipt of the record shall rest with the Central Legal Staff.

1. Upon receipt of an appeal that has been designated Children's Fast Track appeal by the trial court and/or the parties, the Prothonotary shall forward a letter from the President Judge of the Superior Court to the trial court judge, with copies to the clerk of the lower court, counsel for the parties or to the parties themselves if they are proceeding pro se, and Central Legal Staff. The letter shall stress the importance of the trial court's duty to send the record to the Superior Court in a timely manner, and shall stress the Superior Court's internal operating policy with respect to extensions of time for briefing, as set forth in I.O.P. 65.21 B.2.

2. In all cases designated Other Family Fast Track by the Superior Court, the Central Legal Staff shall forward the letter from the President Judge as set forth in the preceding paragraph B.1.

3. Upon receipt of an appeal that has not been designated Children's Fast Track by the trial court or the parties, the Prothonotary or Central Legal Staff may

designate the appeal as a Children's Fast Track appeal if the circumstances so warrant. In such a case, the procedures set forth in paragraph B.1. or B.2. above will apply.

#### MOTIONS PRACTICE

#### § 65.21. Motions **Review** Subject to Single Judge Disposition.

\* \* \* \* \*

B. All petitions for extension of time shall be referred by the Prothonotary to the motions judge. Such petitions should be acted upon as soon as possible unless the motions judge feels an answer is necessary.

1. Petitions for extension shall be granted only on cause shown and in any event the filing of the brief is required, particularly in criminal cases, even though the right to argue is lost. Central Legal Staff shall be notified of the filing of the motion and the disposition. However, if the petition for extension is accompanied by a substantive motion, such as a motion to quash, remand, or withdraw, Central Legal Staff shall review the motion in an expeditious manner pursuant to the procedures set forth in Section 65.21(C) herein. **[Notwithstanding any contrary procedure set forth above, all petitions for extension in cases which have been identified as family law fast track cases, upon receipt by the Prothonotary, shall be sent to Central Legal Staff for processing. All such petitions for extension in family law fast track cases shall be presented to a motions judge for disposition within three days of receipt of the petition by Central Legal Staff.]** Whenever an order is entered granting a petition for extension of time, and the order provides that no further extensions will be granted, any subsequent petition for extension of time shall be referred by the Prothonotary to the judge who issued the original order.

2. **Notwithstanding any contrary procedures set forth above, all petitions for extension of time to file a brief in cases designated Children's Fast Track or Other Family Fast Track, upon receipt by the Prothonotary, shall be sent to Central Legal Staff for processing. All such petitions shall be presented to a motions judge for disposition within three days of receipt of the petition by Central Legal Staff. Petitions for extension of time to file a brief in Children's Fast Track or Other Family Fast Track cases shall be granted only upon a showing of good cause and extraordinary circumstances. Generalities such as the purpose of the motion is not for delay or that counsel is too busy will not constitute either good cause or extraordinary circumstances. Extensions for time should rarely be granted, and when granted should rarely be for a period in excess of seven days.**

\* \* \* \* \*

#### § 65.22. Motions **Review** Subject to Motions Panel Disposition.

\* \* \* \* \*

B. After a motion subject to this Rule has been filed [ by ] with the Prothonotary's office, the Prothonotary shall forward the motion to Central Legal Staff which shall prepare and circulate to the motions panel a legal memorandum and recommendation.

1. Votes thereon shall be due three weeks from the date on which the motion and accompanying documents are sent by Central Legal Staff, unless the case has been designated Children's Fast Track or Other Family Fast Track.

2. Votes on cases which have been identified as [ family law fast track cases ] Children's Fast Track or Other Family Fast Track shall be due two weeks from the date on which the motion and accompanying documents are sent by Central Legal Staff.

\* \* \* \* \*

DECISIONAL PROCEDURES

§ 65.31. Argument Sessions and Submit Panels.

A. Argument sessions shall be held in the cities of Harrisburg, Philadelphia, and Pittsburgh. Special argument sessions may be scheduled in other locations by decision of the President Judge. Argument sessions shall begin at 9:30 a.m. unless otherwise designated.

B. Submit panels shall be governed by I.O.P. 65.36.

C. The Prothonotary shall give Children's Fast Track and Other Family Fast Track cases priority in listing before argued and submit panels, and may schedule special sessions of the court at any time that the unlisted and eligible number of Children's Fast Track plus Other Family Fast Track cases which cannot be listed before a scheduled argued or submitted panel within thirty days exceeds six in any district.

§ 65.32. Daily List.

\* \* \* \* \*

B. A case shall be ready and available for assignment to a daily list on the date on which the appellee's brief is due, regardless of whether the brief has been filed, unless the case has been designated Children's Fast Track or Other Family Fast Track. Cases designated as Children's Fast Track or Other Family Fast Track shall be eligible for listing before an argument panel at the time that the brief for the appellant is filed.

§ 65.42. Circulation and Voting in Children's Fast Track and Other Family Fast Track Appeals.

Notwithstanding any contrary procedures set forth above, panels shall give priority in both circulation of and voting on proposed decisions, first in Children's Fast Track cases, and then in Other Family Fast Track cases.

[Pa.B. Doc. No. 09-611. Filed for public inspection April 3, 2009, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES

[ 237 PA. CODE CHS. 8, 11, 13 AND 18 ]

Order Amending Rules 800, 1120, 1123, 1124, 1364, 1800 and Adopting New Rule 1140 of the Rules of Juvenile Court Procedure; No. 466; Supreme Court Rules; Doc. No. 1

Order

Per Curiam:

Now, this 19th day of March, 2009, upon the recommendation of the Juvenile Court Procedural Rules Committee; the proposal having been published before adoption at 38 Pa.B. 477 (January 26, 2008), in the Atlantic Reporter (Second Series Advance Sheets, Vol. 939, February 29, 2008), and on the Supreme's Court web page, 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 new Rule 1140 and the amendments to Rules 800, 1120, 1123, 1124, 1364 and 1800 of the Rules of Juvenile Court Procedure are adopted in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on June 1, 2009.

By the Juvenile Court

Procedure Rules Committees:

FRANCIS BARRY MCCARTHY, Chair

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 8. SUSPENSIONS

Rule 800. Suspensions of Acts of Assembly.

This rule provides for the suspension of the following Acts of Assembly that apply to delinquency proceedings only:

1) The Act of November 21, 1990, P. L. 588, No. 138, § 1, 42 Pa.C.S. § 8934, which authorizes the sealing of search warrant affidavits, and which is implemented by Pa.R.Crim.P. Rule 211, through Pa.R.J.C.P. Rule 105, is suspended only insofar as the Act is inconsistent with Pa.R.Crim.P. Rules 205, 206, 211.

2) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6335(c), which provides for the issuance of arrest warrants if the juvenile may abscond or may not attend or be brought to a hearing, is suspended only insofar as the Act is inconsistent with [ Rule ] Rules 124, [ and ] 140, and 364, which [ requires ] require a summoned person to fail to appear and the court to find that sufficient notice was given.

3) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6336(c), which provides that if a proceeding is not recorded, full minutes shall be kept by the court, is suspended only insofar as the Act is inconsistent with Rule 127(A), which requires all proceedings to be recorded, except for detention hearings.

4) The Public Defender Act, Act of December 2, 1968, P. L. 1144, No. 358, § 1 et seq. as amended through Act of

December 10, 1974, P.L. 830, No. 277, § 1, 16 P.S. 9960.1 et seq., which requires the Public Defender to represent all juveniles who for lack of sufficient funds are unable to employ counsel is suspended only insofar as the Act is inconsistent with Rules 150 and 151, which **[requires] require** separate counsel if there is a conflict of interest.

5) The Act of July 9, 1976, P.L. 586, No. 142, § 2, 42 Pa.C.S. § 6337, which provides that counsel must be provided unless the guardian is present and waives counsel for the juvenile, is suspended only insofar as the Act is inconsistent with Rule 152, which does not allow a guardian to waive the juvenile's right to counsel.

6) The Act of July 9, 1976, P.L. 586, No. 142, § 2, 42 Pa.C.S. § 6305(b), which provides that the court may direct hearings in any case or class or cases be conducted by the master, is suspended only insofar as the Act is inconsistent with Rule 187, which allows masters to hear only specific classes of cases.

7) The Act of July 9, 1976, P.L. 586, No. 142, § 2, 42 Pa.C.S. § 6321, which provides for commencement of a proceeding by the filing of a petition, is suspended only insofar as the Act is inconsistent with Rule 200, which provides the submission of a written allegation shall commence a proceeding.

8) The Act of July 9, 1976, P.L. 586, No. 142, § 2, 42 Pa.C.S. § 6303(b), which provides that a district judge or judge of the minor judiciary may not detain a juvenile, is suspended only insofar as the Act is inconsistent with Rule 210, which allows Magisterial District Judges to issue an arrest warrant, which may lead to detention in limited circumstances.

9) The Act of July 9, 1976, P.L. 586, No. 142, § 2, 42 Pa.C.S. § 6334, which provides that any person may bring a petition, is suspended only insofar as the Act is inconsistent with Rules 231, 233, and 330, which provide for a person other than a law enforcement officer to submit a private written allegation to the juvenile probation office or an attorney for the Commonwealth, if elected for approval; and that only a juvenile probation officer or attorney for the Commonwealth may file a petition.

10) The Act of July 9, 1976, P.L. 586, No. 142, § 2, 42 Pa.C.S. § 6304(a)(2), which provides that probation officers may receive and examine complaints for the purposes of commencing proceedings, is suspended only insofar as the Act is inconsistent with Rules 231 and 330, which provide that the District Attorney may file a certification that requires an attorney for the Commonwealth to initially receive and approve written allegations and petitions.

11) The Act of July 9, 1976, P.L. 586, No. 142, § 2, 42 Pa.C.S. § 6331, which provides for the filing of a petition with the court within twenty-four hours or the next business day of the admission of the juvenile to detention or shelter care, is suspended only insofar as the Act is inconsistent with the filing of a petition within twenty-four hours or the next business day from the detention hearing if the juvenile is detained under Rule 242.

12) Section 5720 of the Wiretapping and Electronic Surveillance Control Act, Act of October 4, 1978, P.L. 831, No. 164, 18 Pa.C.S. § 5720, is suspended as inconsistent with Rule 340 only insofar as the section may delay disclosure to a juvenile seeking discovery under Rule 340(B)(6); and Section 5721(b) of the Act, 18 Pa.C.S.

§ 5721(b), is suspended only insofar as the time frame for making a motion to suppress is concerned, as inconsistent with Rules 347 and 350.

13) The Act of July 9, 1976, P.L. 586, No. 142, § 2, 42 Pa.C.S. § 6340(c), which provides a consent decree shall remain in force for six months unless the child is discharged sooner by probation services with the approval of the court, is suspended only insofar as the Act is inconsistent with the requirement of Rule 373 that a motion for early discharge is to be made to the court.

14) The Act of July 9, 1976, P.L. 586, No. 142, § 2, 42 Pa.C.S. § 6335, which provides for a hearing within ten days of the juvenile's detention unless the exceptions of (a)(1) & (2) or (f) are met, is suspended only insofar as the Act is inconsistent with Rule 391, which provides for an additional ten days of detention if a notice of intent for transfer to criminal proceedings has been filed.

15) The Act of July 9, 1976, P.L. 586, No. 142, § 2, 42 Pa.C.S. § 6353(a), which requires dispositional review hearings to be held at least every nine months, is suspended only insofar as it is inconsistent with the requirement of Rule 610, which requires dispositional review hearings to be held at least every six months when a juvenile is removed from the home.

#### Comment

The authority for suspension of Acts of Assembly is granted to the Supreme Court by Article V § 10(c) of the Pennsylvania Constitution. See also Rule 102.

**Official Note:** Rule 800 adopted April 1, 2005, effective October 1, 2005. Amended December 30, 2005, effective immediately. Amended March 23, 2007, effective August 1, 2007. Amended February 26, 2008, effective June 1, 2008. **Amended March 19, 2009, effective June 1, 2009.**

#### Committee Explanatory Reports:

Final Report explaining the amendments to Rule 800 published with the Court's Order at 36 Pa.B. 187 (January 14, 2006).

Final Report explaining the amendments to Rule 800 published with the Court's Order at 37 Pa.B. 1485 (April 7, 2007).

Final Report explaining the amendments to Rule 800 published with the Court's Order at 38 Pa.B. 1145 (March 8, 2008).

**Final Report explaining the amendments to Rule 800 published with the Court's Order at 39 Pa.B. 1619 (April 4, 2009).**

#### Subpart B. DEPENDENCY MATTERS

#### CHAPTER 11. GENERAL PROVISIONS

#### PART A. BUSINESS OF COURTS

#### Rule 1120. Definitions.

**ADULT is any person, other than a child, eighteen years old or older.**

\* \* \* \* \*

CHILD is a person who is under the age of eighteen who is the subject of the dependency petition, or who was adjudicated dependent before reaching the age of eighteen years and who, while engaged in a course of instruction or treatment, requests the court to retain jurisdiction until the course has been completed, but in no event shall remain in a course of instruction or treatment past the age of twenty-one years.

\* \* \* \* \*

**MINOR is any person under the age of eighteen.**

\* \* \* \* \*

**Official Note:** Rule 1120 adopted August 21, 2006, effective February 1, 2007. Amended March 19, 2009, effective June 1, 2009.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1120 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Final Report explaining the amendments to Rule 1120 published with the Court's Order at 39 Pa.B. 1619 (April 4, 2009).**

**Rule 1123. Subpoenas.**

A. *Contents.* A subpoena in a dependency case shall:

- 1) order the witness named to appear before the court at the date, time, and place specified;
- 2) order the witness to bring any items identified or described;
- 3) state on whose behalf the witness is being ordered to testify; and
- 4) state the identity, address, and phone number of the person who applied for the subpoena.

B. *Service.*

1) *Method of Service.* A subpoena shall be served upon a witness by:

- a) in-person delivery;
- b) registered or certified mail, return receipt requested; or
- c) first-class mail.

C. *Duration.* A subpoena shall remain in force until the end of a proceeding.

D. *Bench Warrant.* If any subpoenaed person fails to appear for the hearing and the court finds that sufficient notice was given, the [ court ] judge may issue a bench warrant pursuant to Rule 1140.

E. *Parental notification.*

1) *Generally.* If a witness is a minor, the witness's guardian shall be notified that the minor has been subpoenaed.

2) *Exception.* Upon prior court approval and good cause shown, a subpoena may be served upon a minor without such notification to the guardian. If and when necessary, request for such prior court approval may be obtained *ex parte*.

**Comment**

**A subpoena is used to order a witness to appear and a summons is issued to bring a party to the proceeding.**

A subpoena duces tecum is to set forth with particularity, the documents, records, or other papers to be produced at the hearing. The items sought are to be relevant to the proceedings. See Rule 1340 on discovery, *In re J.C.*, 412 Pa. Super. 369, 603 A.2d 627 (1992), and *In re A.H.*, 763 A.2d 873 (Pa. Super. Ct. 2000) for production of documents necessary to prepare for a hearing.

**Prior to issuing a bench warrant for a minor, the judge should determine if the guardian of the witness was served. Nothing in these rules gives**

**the guardians of witnesses legal standing in the matter being heard by the court or creates a right for witnesses to have their guardians present. In addition, lack of required notice to the guardian does not prevent the minor witness from testifying. See Rule 1140 for procedures on bench warrants.**

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 (1987) for punishment of contempt (children). See also *In re Griffin*, 456 Pa. Super. 440, 690 A.2d 1192 (1997) (foster parents), *Janet D. v. Carros*, 240 Pa. Super. 291, 362 A.2d 1060 (1976) (county agency), and *In re Rose*, 161 Pa. Super. 204, 54 A.2d 297 (1947) (parents) for additional guidance on contempt for other parties.

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. Amended March 19, 2009, effective June 1, 2009.

*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 12, 2008).

**Final Report explaining the amendments to Rule 1123 published with the Court's Order at 39 Pa.B. 1619 (April 4, 2009).**

**Rule 1124. Summons.**

A) *Requirements of the summons.* The summons shall:

- 1) be in writing;
- 2) set forth the date, time, and place of the hearing;
- 3) instruct the parties about the right to counsel; and
- 4) give a warning stating that the failure to appear for the hearing may result in arrest.

B) *Method of Service.* The summons shall be served:

- 1) in-person; or
- 2) by certified mail, return receipt and first-class mail.

C) *Exception to service.* If service cannot be accomplished pursuant to paragraph (B), the party may move for a special order directing the method of service. The motion shall be accompanied by an affidavit stating the nature and extent of the investigation which has been made to determine the whereabouts of the person sought to be served and the reasons why service cannot be made.

D) *Bench Warrant.* If any summoned person fails to appear for the hearing and the court finds that sufficient notice was given, the [ court ] judge may issue a bench warrant pursuant to Rule 1140.

**Comment**

**A subpoena is used to order a witness to appear and a summons is issued to bring a party to the proceeding.**

In paragraph (D), this rule provides that a summoned person is to fail to appear and the court is to find that sufficient notice was given before a bench warrant may be

issued. The Juvenile Act, 42 Pa.C.S. § 6335(c), which provides for the issuance of arrest warrants if the child may abscond or may not attend or be brought to a hearing, is suspended to the extent that it conflicts with this rule. See Rule 1800 for suspensions.

**See Rules 1360(A), 1500(A), and 1600(A) for service of the parties for a proceeding.**

**See Rule 1140 for procedures on bench warrants.**

**Official Note:** Rule 1124 adopted August 21, 2006, effective February 1, 2007. **Amended March 19, 2009, effective June 1, 2009.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1124 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Final Report explaining the amendments to Rule 1124 published with the Court's Order at 39 Pa.B. 1619 (April 4, 2009).**

*(Editor's Note:* The following section is new. The text has been printed in regular print to enhance readability.)

**Rule 1140. Bench Warrants for Failure to Appear.**

A. *Issuance of warrant.*

1) Before a bench warrant may be issued by a judge, the judge shall find that the subpoenaed or summoned person received sufficient notice of the hearing and failed to appear.

2) For the purpose of a bench warrant, a judge may not find notice solely based on first-class mail service.

B. *Party.*

1) *Where to take the party.*

a) When a party is taken into custody pursuant to a bench warrant, the party shall be taken without unnecessary delay to the judge who issued the warrant or a judge designated by the President Judge to hear bench warrants.

b) If the party is not brought before a judge, the party shall be released unless the warrant specifically orders detention of the party.

c) If the warrant specifically orders detention of a party, the party shall be detained pending a hearing.

i) *Minor.* If the party is a minor, the party shall be detained in a shelter-care facility or other placement as deemed appropriate by the judge.

ii) *Adult.* If the party is an adult, the witness shall be detained at the county jail.

2) *Prompt hearing.*

a) If a party is detained pursuant to a specific order in the bench warrant, the party shall be brought before the judge who issued the warrant, a judge designated by the President Judge to hear bench warrants, or an out-of-county judge pursuant to paragraph (B)(4) within seventy-two hours.

b) If the party is not brought before a judge within this time, the party shall be released.

3) *Notification of guardian.* If a party is a child and is taken into custody pursuant to a bench warrant, the arresting officer shall immediately notify the child's guardian of the child's whereabouts and the reasons for the issuance of the bench warrant.

4) *Out-of-county custody.*

a) If a party is taken into custody pursuant to a bench warrant in a county other than the county of issuance, the county of issuance shall be notified immediately.

b) Arrangements to transport the party shall be made immediately.

c) If transportation cannot be arranged immediately, then the party shall be taken without unnecessary delay to a judge of the county where the party is found.

d) The judge will identify the party as the subject of the warrant, decide whether detention is warranted, and order that arrangements be made to transport the party to the county of issuance.

5) *Time requirements.* The time requirements of Rules 1242, 1404, 1510, and 1607 shall be followed.

C. *Witnesses.*

1) *Where to take the witness.*

a) When a witness is taken into custody pursuant to a bench warrant, the witness shall be taken without unnecessary delay to the judge who issued the warrant or a judge designated by the President Judge to hear bench warrants.

b) If the witness is not brought before a judge, the witness shall be released unless the warrant specifically orders detention of the witness.

c) A motion for detention as a witness may be filed anytime before or after the issuance of a bench warrant. The judge may order detention of the witness pending a hearing.

i) *Minor.* If a detained witness is a minor, the witness shall be detained in a shelter-care facility or other placement as deemed appropriate by the judge.

ii) *Adult.* If a detained witness is an adult, the witness shall be detained at the county jail.

2) *Prompt hearing.*

a) If a witness is detained pursuant to paragraph (C)(1)(c) or brought back to the county of issuance pursuant to paragraph (C)(4)(f), the witness shall be brought before the judge by the next business day.

b) If the witness is not brought before a judge within this time, the witness shall be released.

3) *Notification of guardian.* If a witness who is taken into custody pursuant to a bench warrant is a minor, the arresting officer shall immediately notify the witness's guardian of the witness's whereabouts and the reasons for the issuance of the bench warrant.

4) *Out-of-county custody.*

a) If a witness is taken into custody pursuant to a bench warrant in a county other than the county of issuance, the county of issuance shall be notified immediately.

b) The witness shall be taken without unnecessary delay and within the next business day to a judge of the county where the witness is found.

c) The judge will identify the witness as the subject of the warrant, decide whether detention as a witness is warranted, and order that arrangements be made to transport the witness to the county of issuance.

d) Arrangements to transport the witness shall be made immediately.

e) If transportation cannot be arranged immediately, the witness shall be released unless the warrant or other order of court specifically orders detention of the witness.

i) *Minor*. If the witness is a minor, the witness may be detained in an out-of-county shelter-care facility or other placement as deemed appropriate by the judge.

ii) *Adult*. If the witness is an adult, the witness may be detained in an out-of-county jail.

f) If detention is ordered, the witness shall be brought back to the county of issuance within seventy-two hours from the execution of the warrant.

g) If the time requirements of this paragraph are not met, the witness shall be released.

D. *Return & execution of the warrant for parties and witnesses.*

1) The bench warrant shall be executed without unnecessary delay.

2) The bench warrant shall be returned to the judge who issued the warrant or to the judge designated by the President Judge to hear bench warrants.

3) When the bench warrant is executed, the arresting officer shall immediately execute a return of the warrant with the judge.

4) Upon the return of the warrant, the judge shall vacate the bench warrant.

#### Comment

Pursuant to paragraph (A), the judge is to ensure that the person received sufficient notice of the hearing and failed to attend. The judge may order that the person be served in-person or by certified mail, return receipt. The judge may rely on first-class mail service if additional evidence of sufficient notice is presented. For example, testimony that the person was told in person about the hearing is sufficient notice. Before issuing a bench warrant, the judge should determine if the guardian was notified.

Under Rule 1800, 42 Pa.C.S. § 6335(c) was suspended only to the extent that it is inconsistent with this rule. Under paragraph (A)(1), the judge is to find a subpoenaed or summoned person failed to appear and sufficient notice was given to issue a bench warrant. The fact that the party or witness may abscond or may not attend or be brought to a hearing is not sufficient evidence for a bench warrant. The normal rules of procedure in these rules are to be followed if a child is detained. See Chapter Twelve, Part D.

Pursuant to paragraph (B)(1)(a), the party is to be taken immediately to the judge who issued the bench warrant or a judge designated by the President Judge of that county to hear bench warrants. Pursuant to paragraph (B)(1)(b), if a bench warrant specifically provides that the party may be detained, the party may be detained without having to be brought before the judge until a hearing within seventy-two hours under paragraph (B)(2)(a). Pursuant to this paragraph, if a hearing is not held promptly, the party is to be released. See paragraph (B)(2)(b).

In paragraphs (B)(1)(c)(i), (C)(1)(c)(i), & (C)(4)(e)(i), "other placement as deemed appropriate by the judge" does not include a detention facility if a child is only alleged to be dependent because the use of detention facilities for dependent children is strictly prohibited. See 42 Pa.C.S. §§ 6302 & 6327(e).

Under paragraphs (B)(2) and (B)(4), a party taken into custody pursuant to a bench warrant is to have a hearing within seventy-two hours regardless of where the party is found. See Rule 1242(D).

Pursuant to paragraph (B)(4), the party may be detained out-of-county until transportation arrangements can be made.

Pursuant to paragraph (B)(5), the time requirements of all other rules are to apply to children who are detained. See, e.g., Rules 1242, 1404, 1510, and 1607.

Pursuant to paragraph (C)(1)(a), the witness is to be taken immediately to the judge who issued the bench warrant or a judge designated by the President Judge of that county to hear bench warrants. Pursuant to paragraph (C)(1)(b), if the judge is not available, the witness is to be released immediately unless the warrant specifically orders detention. Pursuant to paragraph (C)(1)(c), a motion for detention as a witness may be filed. If the witness is detained, a prompt hearing pursuant to paragraph (C)(2) is to be held by the next business day or the witness is to be released. See paragraph (C)(2)(b).

Pursuant to paragraph (C)(4)(b), a witness is to be brought before an out-of-county judge by the next business day unless the witness can be brought before the judge who issued the bench warrant within this time. When the witness is transported back to the county of issuance within seventy-two hours of the execution of the bench warrant, the witness is to be brought before the judge who issued the bench warrant by the next business day. See paragraph (C)(4)(f).

Pursuant to paragraph (D)(2), the bench warrant is to be returned to the judge who issued the warrant or to the judge designated by the President Judge to hear warrants by the arresting officer executing a return of warrant. See paragraph (D)(3).

Pursuant to paragraph (D)(4), the bench warrant is to be vacated after the return of the warrant is executed so the party or witness is not taken into custody on the same warrant if the party or witness is released. "Vacated" is to denote that the bench warrant has been served, dissolved, executed, dismissed, canceled, returned, or any other similar language used by the judge to terminate the warrant. The bench warrant is no longer in effect once it has been vacated. See 42 Pa.C.S. § 4132 for punishment of contempt for children and witnesses.

Throughout these rules, the "child" is the subject of the dependency proceedings. When a witness or another party is under the age of eighteen, the witness or party is referred to as a "minor." When "minor" is used, it may include a child. This distinction is made to differentiate between children who are alleged dependants and other minors who are witnesses.

See also Rule 1120 for the definitions of "child" and "minor."

**Official Note:** Rule 1140 adopted March 19, 2009, effective June 1, 2009.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1140 published with the Court's Order at 39 Pa.B. 1619 (April 4, 2009).

## CHAPTER 13. PRE-ADJUDICATORY PROCEDURES

### PART D(2). ADJUDICATORY SUMMONS AND NOTICE PROCEDURES

#### Rule 1364. Failure to Appear on the Summons.

If any summoned person fails to appear for the adjudicatory hearing and the court finds that sufficient notice was given, the judge may issue a bench warrant pursuant to Rule 1140.

#### Comment

See Rule 1140 for issuance of a bench warrant.

**Official Note:** Rule 1364 adopted August 21, 2006, effective February 1, 2007. Amended March 19, 2009, effective June 1, 2009.

#### Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1364 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Final Report explaining the amendments to Rule 1364 published with the Court's Order at 39 Pa.B. 1619 (April 4, 2009).**

## CHAPTER 18. SUSPENSIONS

#### Rule 1800. Suspensions of Acts of Assembly.

This rule provides for the suspension of the following Acts of Assembly that apply to dependency proceedings only:

1) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6335(c), which provides for the issuance of arrest warrants if the child may abscond or may not attend or be brought to a hearing, is suspended only insofar as the Act is inconsistent with [Rule] Rules 1124, 1140, and 1364, which [requires] require a summoned person to fail to appear and the court to find that sufficient notice was given.

2) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6336(c), which provides that if a proceeding is not recorded, full minutes shall be kept by the court, is suspended only insofar as the Act is inconsistent with Rules 1127(A) & 1242(B)(2), which [requires] require all proceedings to be recorded, except for shelter care hearings.

3) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6311(b)(9), which [provide] provides that there is not a conflict of interest for the guardian ad litem in communicating the child's wishes and the recommendation relating to the appropriateness and safety of the child's placement and services necessary to address the child's needs and safety, is suspended only insofar as the Act is inconsistent with Rule 1151, which allows for appointment of separate legal counsel and a guardian ad litem when the guardian ad litem determines there is a conflict of interest between the child's legal interest and best interest.

4) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6337, which provides that counsel must be provided unless the guardian is present and waives counsel for the child, is suspended only insofar as the Act is inconsistent with Rule 1152, which does not allow a guardian to waive the child's right to counsel and a child may not waive the right to a guardian ad litem.

5) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6305(b), which provides that the court may

direct hearings in any case or classes of cases be conducted by the master, is suspended only insofar as the Act is inconsistent with Rule 1187, which allows masters to hear only specific classes of cases.

6) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6324, which authorizes law enforcement officers to take a child into custody, is suspended only insofar as the Act is inconsistent with Rule 1202, which provides for police officers taking a child into custody.

7) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6331, which provides for the filing of a petition with the court within twenty-four hours or the next business day of the admission of the child to shelter care, is suspended only insofar as the Act is inconsistent with the filing of a petition within twenty-four hours or the next business day from the shelter care hearing if the child is in protective custody under Rules 1242 and 1330(A).

8) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6334, which provides that any person may bring a petition, is suspended only insofar as the Act is inconsistent with Rules 1320, 1321, and 1330, which provide that the county agency may file a petition and any other person shall file an application to file a petition.

9) The Act of December 19, 1990, P. L. 1240, No. 206, § 2, 23 Pa.C.S. § 6339, which provides for the confidentiality of reports made pursuant to the Child Protective Services Law, 23 Pa.C.S. § 6301 et seq., is suspended only insofar as the Law is inconsistent with Rule 1340(B)(1)(e), which provides for the disclosure of such reports if the reports are going to be used as evidence in a hearing to prove dependency of a child.

10) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6335, which provides that a copy of the petition is to accompany a summons, is suspended only insofar as the Act is inconsistent with Rule 1360, which provides that the summons is to include a copy of the petition unless the petition has been previously served.

#### Comment

The authority for suspension of Acts of Assembly is granted to the Supreme Court by Article V § 10(c) of the Pennsylvania Constitution. See also Rule 1102.

**Official Note:** Rule 1800 adopted August 21, 2006, effective February 1, 2007. Amended March 19, 2009, effective June 1, 2009.

#### Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1800 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Final Report explaining the amendments to Rule 1800 published with the Court's Order at 39 Pa.B. 1619 (April 4, 2009).**

## INTRODUCTION

The Supreme Court of Pennsylvania has adopted the proposed changes to Rules 800, 1120, 1123, 1124, 1364, 1800, and new Rule 1140. The changes are effective June 1, 2009.

## EXPLANATORY REPORT MARCH 2009

### Rule 800. Suspensions of Acts of Assembly.

Rule 364 has been added to paragraph two, which suspends 42 Pa.C.S. § 6335(c) only insofar as the Act is

inconsistent with the Rules. The Rules require that a summoned person must fail to appear for the hearing and the court must find the summoned person received sufficient notice.

*Rule 1120. Definitions.*

The definition of a child was modified by adding that the child is the subject of the dependency proceeding. This will help clarify the difference between a child and a minor.

A definition for an "adult" was added. An "adult" includes anyone eighteen years or older, except a child who has requested the court to retain jurisdiction while in the course of instruction or treatment.

A definition for a "minor" was added. A "minor" is a person under the age of eighteen. This definition includes a dependent child, a minor witness, or other minor party. Therefore, a "child" can be a "minor" but a "minor" is not a "child" because a "child" must also be the subject of the dependency proceeding.

*Rule 1123. Subpoenas.*

The Committee modified paragraph (D) because a master is not permitted to issue a bench warrant.

The Committee added paragraph (E) to Rule 1123. The Committee felt that it was important that the guardian of a minor witness receive a copy of the subpoena to impress upon their child the importance of a subpoena. It also allows the guardian to ensure his or her child is present for a hearing.

*Rule 1124. Summons.*

The Committee modified paragraph (D) because a master is not permitted to issue a bench warrant.

The additions in the Comment reference the rules for service of parties for a proceeding and the new Bench Warrant Rule.

*Rule 1140. Bench Warrants.*

This new rule provides for procedures when a bench warrant is issued for failing to appear for a hearing. There are separate procedures when the warrant is issued for a party to the proceedings and a witness to the proceeding.

Pursuant to paragraph (B)(1), if a party is arrested on a bench warrant, the party must be brought immediately to the judge who issued the warrant unless the judge specifically authorized detention in the warrant. Pursuant to paragraph (B)(2), if detention was authorized in the warrant, the party must have a hearing before the judge within seventy-two hours or the party must be released.

Pursuant to paragraph (B)(3), if a party is a minor and is arrested on a bench warrant, the guardian of the minor must be notified immediately of the minor's whereabouts and the reason for the issuance of the bench warrant. This provision ensures that the guardian is informed about the detention and the reasons for the detention.

Under paragraph (B)(4), if a party is arrested in another county, the party must be transported immediately back to the county of issuance. If transportation is not arranged immediately, the party must be taken to a judge of the county where the party is found. The judge must decide: 1) if the person is the subject of the warrant; 2) if detention of the party is warranted; and 3) what arrangements for transporting the party back to the county of issuance are necessary.

If a witness is arrested on a bench warrant pursuant to paragraph (C)(1), the witness must be brought to the judge immediately. If the witness is not brought before a judge, the witness must be released unless a motion to detain the witness has been filed. Pursuant to paragraph

(C)(2), if a motion has been filed, the witness must appear before a judge no later than the next business day or must be released.

A motion to detain a witness can be filed by any party. The motion should aver the necessity of the witness's detention. This averment should be supported by facts leading to this necessity.

When the witness is brought before the judge, the judge must address the motion and the reasons for the necessity of the witness's detention. For example, the witness may be harmed if the witness is not taken into protective custody or the witness may flee the jurisdiction because of threats of bodily injury or fear of implication in a crime or delinquent act.

Pursuant to paragraph (C)(3), if a witness is a minor, the witness's guardian must be notified immediately of the witness's whereabouts and the reasons for the issuance of the bench warrant. This provision ensures that the guardian is told about the bench warrant and the place of detention.

Pursuant to paragraph (C)(4), if a bench warrant is executed in another county, the county of issuance must be notified immediately and the witness must be transported to the county of issuance. If transportation is not arranged immediately, the witness must be released unless a motion to detain the witness has been filed.

If a motion to detain the witness has been filed, the witness must appear before a judge within twenty-four hours or the next business day unless the witness can be brought before the judge who issued the bench warrant within this time. The out-of-county judge must determine: 1) if the witness is the subject of the warrant; 2) if detention is warranted; and 3) what arrangements for transporting the witness back to the county of issuance are necessary. The witness must not be kept in another county for more than seventy-two hours of the execution of the warrant under any circumstances.

Pursuant to paragraph (D), in all cases, the bench warrant must be executed without unnecessary delay. When the bench warrant is executed, the bench warrant must be returned to the issuing judge. Upon the return of the warrant, the judge must vacate the bench warrant. The bench warrant must be marked as executed in the system to ensure the subject of the warrant is not arrested again on the same warrant.

*Rule 1364. Failure to Appear on the Summons.*

A reference to the new Bench Warrant Rule 1140 was added to this Rule.

*Rule 1800. Suspensions of Acts of Assembly.*

The new Bench Warrant Rule 1140 and Rule 1364 have been added to paragraph one, which suspends 42 Pa.C.S. § 6335(c) only insofar as the Act is inconsistent with the Rules. The Rules require that a summoned person must fail to appear for the hearing and the court must find the summoned person received sufficient notice.

[Pa.B. Doc. No. 09-612. Filed for public inspection April 3, 2009, 9:00 a.m.]



# Title 255—LOCAL COURT RULES

## DELAWARE COUNTY

### Return of Weapons and Ammunition 208.3(c); Misc. Doc. No. 08-2750

#### Order

*And Now*, this 16th day of March, 2009, upon the recommendation of the Family Law Committee and approval of the Board of Judges, it is hereby *Ordered and Decreed* that the following Local Rule 208.3(c) is hereby adopted as a Local Rule of the 32nd Judicial District.

*By The Court*

JOSEPH P. CRONIN, Jr.,  
*President Judge*

#### Local Rule 208.3(c)

The Sheriff of Delaware County, police department or other law enforcement agency, which maintains possession, control or custody of the firearms, other weapons or ammunition seized from a Defendant or owner pursuant to the provisions of the Protection From Abuse Act (23 Pa.C.S.A. § 6101 et seq.), shall, upon receipt of an Order of Court having jurisdiction, which dismisses a temporary or final Protection From Abuse Order and which has been certified by the Director of the Delaware County Office of Judicial Support, return to the Defendant or owner, such firearms, other weapons or ammunition seized, provided that all of the following conditions are satisfied:

1. The Defendant or the owner provides reasonable proof of ownership or of rightful possession of the firearms, other weapons or ammunitions seized;
2. The firearms, other weapons or ammunition seized are not evidence of a crime;
3. The Defendant or owner is not otherwise prohibited by applicable Federal or State law from taking possession of the firearms, other weapons or ammunition seized,
4. The Defendant or owner has been given a clearance by the Pennsylvania State Police Instant Check System (PICS) Unit, as requested by the Sheriff of Delaware County.

In the event that a Defendant or owner fails to satisfy one or more of the above-stated conditions, the firearms, other weapons or ammunition seized shall remain in the possession, control, and custody of the Sheriff of Delaware County, the police department or the other law enforcement agency.

Defendant or owner who, for any reason, objects to the retention of the firearms, other weapons or ammunition seized may file a Petition seeking their return. The petitioning Defendant or owner shall serve a copy of the Petition on the Sheriff of Delaware County, police Department or other law enforcement agency returning possession of the same. The Court, after receipt of said Petition, shall promptly schedule a hearing on said Petition.

[Pa.B. Doc. No. 09-613. Filed for public inspection April 3, 2009, 9:00 a.m.]

## WESTMORELAND COUNTY Rule W1312; No. 3 of 2009

*And Now* this 16th day of March, 2009, it is *Hereby Ordered* that Westmoreland County Rule of Civil Procedure W1312 is rescinded, and new Rule W1312 is adopted.

*By the Court*

JOHN E. BLAHOVEC,  
*President Judge*

#### Rule W1312 Award

- (a) The oath or affirmation shall be administered by the court administrator.
- (b) The Report and Award shall be in the form set forth in Pa.R.C.P. 1312.
- (c) Arbitrators may not award punitive damages.
- (d) Arbitrators may award costs.

Note: A copy of the Form of Oath, Sward and Notice of Entry of Award form is provided in the Forms section of the Westmoreland County Rules of Court.

Note: With regard to recovery of costs, see *Mancini v. Southwestern Pennsylvania Transportation Authority*, 756 A.2d 108, 110 (Pa. Cmwlth. 2000) and *Sillings v. Protected Home Mutual Life Ins. Co.* 84 W.L.J. 7 (2001).

Note: See: *Zelenak v. Mikula*, 911 A.2d 542 (Pa. Super. 2006) as to what is included in record costs.

[Pa.B. Doc. No. 09-614. Filed for public inspection April 3, 2009, 9:00 a.m.]

## YORK COUNTY

### Fee Bill for the Office of the Register of Wills and Clerk of Orphans' Court

#### Administrative Order

*And Now*, this 16th day of March, 2009, pursuant to the provisions of 42 P.S. § 21032.1, the fee bill of the Register of Wills and Clerk of Orphans' Court, of York County, Pennsylvania, is amended as indicated on the proposed fee bill as follows to the within Petition. The fee bill shall be effective the 4th day of May, 2009, upon due advertisement as required by the Administrative Rules of Court.

*It is Further Ordered* that in accordance with Pa.R.C.P. 239, the District Court Administrator shall:

- (a) File 7 (seven) certified copies thereof with the Administrative Office of Pennsylvania Courts;
- (b) Distribute 2 (two) certified copies hereof to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;
- (c) Cause a copy hereof to be published in the *York Legal Record* once a week for 2 (two) consecutive weeks at the expense of the County of York; and
- (d) Supervise the distribution thereof to all Judges and all members of the Bar of this Court.

*By the Court*

RICHARD K. RENN,  
*President Judge*


# FEE BILL

## CLERK OF ORPHANS' COURT DIVISION OF THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

And now, by Order of Court this 16th day of March, 2009, the following bill of costs is established pursuant to 42 P.S. Section 21032.1. This Order is effective the 4th day of May, 2009.

<p><b>ACCOUNTS</b> For the filing, advertising and adjudication of accounts of guardians and trustees</p> <p>Total debits not over \$2,000 ..... <b>\$ 75.00</b> Over \$2,000 but not over \$5,000 ..... <b>80.00</b> Over \$5,000 but not over \$10,000 ..... <b>85.00</b> Over \$10,000 but not over \$25,000 ..... <b>110.00</b> Over \$25,000 but not over \$50,000 ..... <b>135.00</b> Over \$50,000 but not over \$100,000 ..... <b>165.00</b> Each additional \$100,000 or fraction thereof, and additional ..... <b>100.00</b></p> <p><b>ADOPTION</b> Petition, Certificate and Report of Intermediary Voluntary or Involuntary Termination, Confirm Consent ..... <b>15.00 **</b> Costs of Investigation to be determined by the Court under the circumstance in each case. Report of intent ..... <b>10.00</b> Act 34 Fund ..... <b>75.00</b> Certificate of Adoption ..... <b>5.00</b></p> <p><b>AFFIDAVIT or OATH</b> ..... <b>10.00</b> <b>ANSWER</b> ..... <b>10.00</b> <b>APPEAL</b> to Appellate Court filing fee Superior Court/Supreme Court ..... <b>60.00</b> <b>APPLICATION FOR CONTINUANCE</b> ..... <b>10.00</b> <b>AUTOMATION FEE</b> Clerk of Orphans' Court ..... <b>5.00</b></p> <p><b>BIRTH/DEATH RECORD</b> Certificate from original Birth ..... <b>10.00</b> Death ..... <b>9.00</b> Delayed registration Birth ..... <b>10.00</b> Death ..... <b>9.00</b></p> <p><b>CERTIFICATION*</b> ..... <b>5.00</b> <b>CERTIFICATION*</b> under Act of Congress ..... <b>25.00</b> *Plus \$1.00 per page if copy is not furnished Certificate of Authority ..... <b>2.00</b></p> <p><b>CITATION</b> Petition and issuing, one respondent ..... <b>35.00</b> Each additional respondent ..... <b>5.00</b> File a claim ..... <b>10.00</b></p> <p><b>CLAIM</b> ..... <b>10.00</b> Satisfaction or withdrawal ..... <b>5.00</b></p> <p><b>COPIES</b> Self-made copies ..... <b>.25/page</b> Copies made by office staff ..... <b>1.00/page</b> Fax transmitted copies ..... <b>1.00/page</b></p> <p><b>COPY</b> of any instrument, per page of copy (certification extra) ..... <b>1.00</b></p> <p><b>DISCLAIMER</b> ..... <b>10.00</b> <b>ELECTION</b> under or against Will ..... <b>10.00</b> <b>EXCEPTIONS/OBJECTIONS</b> ..... <b>10.00</b> <b>FAMILY EXEMPTION</b> Personalty ..... <b>15.00</b> Realty (one purpart) ..... <b>20.00</b> Each additional purpart ..... <b>3.00</b> Advertising ..... <b>50.00</b></p> <p>**Pennsylvania Judicial Computer Project Fee ..... <b>10.00</b> ***Clerk of Orphans' Court Automation Fee ..... <b>5.00</b></p>	<p><b>INCAPACITATED ESTATES</b> Petition, citation and appointment of guardian ..... <b>\$35.00 **</b> Entry of security ..... <b>10.00</b> Inventory ..... <b>10.00</b> Order of Allowance ..... <b>10.00</b> Petition for Sale ..... <b>35.00</b></p> <p><b>MINOR'S ESTATE</b> Petition for appointment of guardian per child ..... <b>35.00 **</b> Entry of Security ..... <b>10.00</b> Inventory ..... <b>10.00</b> Petition for Order of Allowance ..... <b>10.00</b> Report of guardian ad litem ..... <b>5.00</b></p> <p><b>MARRIAGE</b> Waiver (Military-Free) ..... <b>20.00</b> License, application, Affidavits, taxes, automation fee and one(1) certified copy ..... <b>50.00</b> Consent of parents ..... <b>5.00</b> Certified copy of license and return of marriage ..... <b>5.00</b> Certified copy of application ..... <b>5.00</b></p> <p><b>MOTION</b> ..... <b>10.00</b> <b>PA JUDICIAL COMPUTER PROJECT FEE</b> ..... <b>10.00</b> <b>PETITION (MISCELLANEOUS)</b> ..... <b>35.00 **</b> <b>POWER OF ATTORNEY</b> ..... <b>20.00</b> <b>PRAECIPE/JOINDER</b> ..... <b>5.00</b> <b>PRESUMED DECEDENT</b> Petition and final decree ..... <b>35.00 **</b></p> <p><b>REAL ESTATE OF DECEDENTS</b> Sale or Mortgage ..... <b>35.00 **</b> Execution of deed by Clerk ..... <b>10.00</b> Approval of security and the entry thereof ..... <b>10.00</b> Excuse from security ..... <b>10.00</b> Leave to bid at public sale ..... <b>10.00</b> Decree of confirmation of title ..... <b>10.00</b></p> <p><b>RELEASE</b>, first page ..... <b>5.00</b> Each additional page ..... <b>1.00</b> <b>RETURNED CHECK</b> ..... <b>20.00</b> <b>SHORT CERTIFICATE</b> ..... <b>5.00</b> <b>SMALL ESTATE (DECEDENTS or MINORS)</b> ..... <b>35.00 **</b> <b>STIPULATION</b> ..... <b>10.00</b> <b>SUBPOENA</b> ..... <b>10.00</b></p> <p><b>TRUSTEE</b> Petition for appointment ..... <b>35.00 **</b> Entry of security ..... <b>10.00</b> Report of Trustee and litem ..... <b>10.00</b> Resignation ..... <b>10.00</b></p> <p><b>MISCELLANEOUS FILING</b> ..... <b>10.00</b></p>
--	--

NOTE: In cases not herein specifically provided for, the Clerk of Orphans' Court shall make the same charge as that imposed for services of a substantially similar nature. All orders heretofore establishing feebill for the Clerk of Orphans' Court of York County shall be revoked and superseded as of the effective date hereof.

By the Court:   
Honorable Richard K. Renn  
President Judge in the Court of Common Pleas  
of York County, Pennsylvania

Attest: *Penny L. Blackwell*  
Orphans' Court Judge

Attest: *Bradley C. Jacobs*  
Clerk of Orphans' Court

Rev. 03-09

# FEE BILL

## REGISTER OF WILLS OF YORK COUNTY, PENNSYLVANIA

And now, by Order of Court this 16th day of March, 2009, the following bill of costs is established pursuant to 42 P.S. Section 21022.1. This Order is effective the 4th day of May, 2009.

**ACCOUNTS**

For the filing, advertising and adjudication of the accounts of personal representatives.

Total debits not over \$2,000	\$ 75.00
Over \$2,000 but not over \$5,000	80.00
Over \$5,000 but not over \$10,000	85.00
Over \$10,000 but not over \$25,000	110.00
Over \$25,000 but not over \$50,000	135.00
Over \$50,000 but not over \$100,000	165.00
Each additional \$100,000 or fraction thereof, an additional	100.00

**LETTERS OF ADMINISTRATION and LETTERS TESTAMENTARY**

Total Assets not over \$2,000	\$ 10.00	:::
Over \$2,000 but not over \$5,000	30.00	:::
Over \$5,000 but not over \$10,000	40.00	:::
Over \$10,000 but not over \$25,000	60.00	:::
Over \$25,000 but not over \$50,000	75.00	:::
Over \$50,000 but not over \$100,000	100.00	:::
Each additional \$100,000 or fraction thereof, an additional	100.00	
Renunciation per page	5.00	
Waiver Fiduciary Bond	5.00	

NOTE: Letters d.b.n. or d.b.n.c.t.a. minimum fee will be charged.

NOTE: Where inventory, tax return or account is of greater value than original estimated value for any letters the right is reserved to make an additional charge based upon such greater value.

**PROBATE OF WILLS AND CODICILS**

Probate and granting letters testamentary or administration c.t.a. - see schedule for letters above.

Probate without letters same as under each classification above less \$2.00

Probate of each codicil 10.00

ANSWER 10.00

APPLICATION FOR CONTINUANCE 10.00

**AUTOMATION FEE**

Register of Wills 5.00

BOND filing and entering 5.00

**CAVEAT**

Formal (including bond) 50.00

Informal 25.00

**NO PROBATES ACCEPTED WITHOUT DEATH CERTIFICATE**

\*\*Pennsylvania Judicial Computer Project Fee 10.00

\*\*\*Register of Wills Automation Fee 5.00

Attest:

*Penny L. Blackwell*  
Orphans' Court Judge

Attest:

*Bradley C. Jacobs*  
Register of Wills

CERTIFICATION\* 5.00

CERTIFICATION\* under Act of Congress 25.00

\*Plus \$1.00 per page if copy is not furnished

CERTIFYING RECORD to Orphans' Court upon appeal 10.00

**CITATION**

Petition and issuing, one respondent 35.00 :::

Each Additional respondent 5.00

COMMISSION to taken testimony 10.00

**COPIES**

Self-made copies .25/page

Copies made by office staff 1.00/page

Fax transmitted copies 1.00/page

COPY or FAX of any filed instrument per page of copy (certification extra) 1.00

EXECUTION OF COMMISSION from other Register of Pennsylvania or foreign jurisdiction 10.00

FOREIGN JURISDICTION'S CERTIFIED OR EXEMPLIFIED COPIES OF LETTERS AND PROCEEDINGS filing and entering 25.00

Non resident affidavit re debts 5.00

GENEOLOGICAL RESEARCH per hour or fraction thereof (on a time available basis) 10.00

INHERITANCE TAX RETURN 10.00

Supp Inheritance Tax Return 10.00

(No charge for filing with account)

(No charge for insolvent Returns)

Letter protesting tax appraisalment 5.00

Certificate of payment 10.00

INVENTORY 10.00

MOTION 10.00

PA JUDICIAL COMPUTER PROJECT FEE 10.00

PETITION (MISCELLANEOUS) 35.00 :::

PRAECIPE/JOINDER 5.00

SHORT CERTIFICATE 5.00

SUBPOENA 10.00

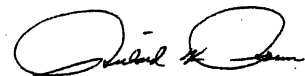
REGISTERS HEARING 50.00

RETURNED CHECK 20.00

MISCELLANEOUS FILING 10.00

NOTE: In cases not herein specifically provided for, the Register shall make the same charge as that imposed for services of a substantially similar nature. All orders heretofore establishing fee bill for the Register of Wills of York County shall be revoked and superseded as of the effective date hereof.

By the Court:



Honorable Richard K. Renn  
President Judge in the Court of Common Pleas  
of York County, Pennsylvania

Rev. 3/09

# ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

## Invitation to Bid

The Administrative Office of Pennsylvania Courts (AOPC) is soliciting bids for janitorial services for the Pennsylvania Judicial Center located at 601 Commonwealth Avenue, Harrisburg, PA. This public facility consists of a nine floor tower, five floor west wing and one floor east wing of approximately 333,000 square feet. The contractor is required to complete a variety of tasks from trash removal, vacuuming, cleaning of restrooms, window cleaning, dusting, sanitizing, specialized cleaning (tile, marble, and the like). The contractor will supply all cleaning equipment and consumables based on owner's requirements. All insurances and criminal background checks are required. All contractors interested in bidding on this contract must contact Julie Good at the AOPC no later than April 9th at Julie.Good@pacourts.us for a complete copy of the Invitation to Bid.

ZGMOUNT A. PINES,  
*Administrator*

[Pa.B. Doc. No. 09-616. Filed for public inspection April 3, 2009, 9:00 a.m.]

# DISCIPLINARY BOARD OF THE SUPREME COURT

## Notice of Suspension

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated March 25, 2009, Ruth Ann Price is Suspended on Consent from the Bar of this Commonwealth for a period of 3 months, to be effective April 24, 2009. 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. 09-617. Filed for public inspection April 3, 2009, 9:00 a.m.]