

# THE COURTS

## Title 234—RULES OF CRIMINAL PROCEDURE

[ 234 PA. CODE CH. 1 ]

Order Amending Rule of Procedure 105; Doc. No. 2; Criminal Procedural Rule; No. 377

### Order

*Per Curiam:*

Now, this 30th day of January, 2009, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interests of justice and efficient administration, and a *Final Report* to be published with this *Order*:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule of Criminal Procedure 105 is amended as follows.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective as to all local criminal rules adopted or amended on or after February 1, 2009.

### Annex A

#### TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

#### PART A. Business of the Courts

#### Rule 105. Local Rules.

\* \* \* \* \*

(B) Local rules shall not be inconsistent with any general rule of the Supreme Court or any Act of Assembly.

(1) The Criminal Procedural Rules Committee [ **may** ], at any time, **may** recommend that the Supreme Court suspend, vacate, or require amendment of a local rule.

\* \* \* \* \*

(E) All local rules shall be published in the *Pennsylvania Bulletin* to be effective and enforceable.

\* \* \* \* \*

(2) The adopting court shall distribute two certified paper copies of the local rule [ **and** ] to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. The adopting court also shall distribute to the Legislative Reference Bureau a copy of the local rule on a computer diskette or on a CD-ROM, that complies with the requirements of 1 Pa. Code § 13.11(b) [ **to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*** ].

\* \* \* \* \*

(F) Contemporaneously with publishing the local rule in the *Pennsylvania Bulletin*, the adopting court shall:

(1) file [ **seven** ] one certified [ **copies** ] copy of the local rule with the Administrative Office of Pennsylvania Courts; **and**

(2) publish a copy of the local rule on the Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.

\* \* \* \* \*

**Comment:** The policy of the Supreme Court as declared in the Order promulgating this rule is "to implement the unified judicial system under the Constitution of 1968, to facilitate the statewide practice of law under this Court's general rules, and to promote the further policy that a general rule of criminal procedure normally preempts the subject covered." In accordance with the Court's policy, it is intended that local rules should not repeat general rules or statutory provisions verbatim or substantially verbatim nor should local rules make it difficult for attorneys to practice law in several counties.

\* \* \* \* \*

Paragraph (E) requires the local rule to be published in the *Pennsylvania Bulletin* to be effective. Pursuant to 1 Pa. Code § 13.11(b)—(f), any documents that are submitted for publication must be accompanied by a diskette or CD-ROM formatted in MS-DOS, ASCII, Microsoft Word, or WordPerfect. The diskette or CD-ROM must be labeled with the court's name and address and the local rule's computer file name.

\* \* \* \* \*

The Administrative Office of the Pennsylvania Courts maintains a [ **webpage** ] web site containing the texts of local rules [ <http://www.courts.state.pa.us/judicial-council/local-rules/index.htm> ] <http://www.pacourts.us/T/SpecialCourts/LocalRules.htm>.

The Administrative Office of the Pennsylvania Courts also maintains a web site containing all local criminal rules adopted or amended after February 1, 2009 at: <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.

\* \* \* \* \*

**Official Note:** Rule 6 adopted January 28, 1983, effective July 1, 1983; amended May 19, 1987, effective July 1, 1987; renumbered Rule 105 and amended March 1, 2000, effective April 1, 2001; amended October 24, 2000, effective January 1, 2001; Comment revised June 8, 2001, effective immediately; amended October 15, 2004, effective January 1, 2005; amended September 9, 2005, effective February 1, 2006; amended January 25, 2008, effective February 1, 2009; **amended January 30, 2009, effective February 1, 2009.**

*Committee Explanatory Reports:*

\* \* \* \* \*

Final Report explaining the January 25, 2008 changes to Rule 105 concerning submission of local rules for review prior to adoption published with the Court's Order at 38 Pa.B. [ **746** ] **745** (February 9, 2008).

**Final Report explaining the January 30, 2009 changes to Rule 105 concerning publication of local rules on the UJS Portal published with the Court's Order at 39 Pa.B. 829 (February 14, 2009).**

[Pa.B. Doc. No. 09-245. Filed for public inspection February 13, 2009, 9:00 a.m.]

# Title 249—PHILADELPHIA RULES

## PHILADELPHIA COUNTY

### Clerk of Quarter Sessions—Duties and Responsibilities with Regard To Financial Process; President Judge Administrative Order; No. 2009-01

#### Order

*And Now*, on this 23rd day of January, 2009, upon review and consideration of 42 Pa.C.S. § 9728 (which requires the county probation department to collect all restitution, reparation, fees, costs and fines) and upon consideration of the various goals of the statewide Common Pleas Criminal Court Case Management System (“CPCMS”) (which, *inter alia*, was designed to uniformly account for the collection of all fees, fines, costs, costs, reparations, restitution and any other remittances and, most importantly, to provide an orderly and uniform distribution process); and upon consideration of the attached **Memorandum of Understanding** executed on February 27, 2007, by the Clerk of Quarter Sessions and the President Judge of the Court of Common Pleas (which attempted to minimize and resolve the numerous issues which had arisen in the collection and disbursement of the above-stated remittances); and, finally, upon consideration of the collection and distribution problems which have continued even after execution of the aforementioned **Memorandum of Understanding** and which have not been able to be resolved, this Court finds that in order to alleviate the continuing collection and disbursement problems and in order to streamline and more efficiently and effectively collect and disburse the above-recited remittances the process now in place in Philadelphia County must be changed.

Accordingly, pursuant to this Court’s general supervisory powers as well as the provisions of 42 Pa.C.S. § 9728, the statewide Common Pleas Criminal Court Case Management System, and the terms of the February 27, 2007 **Memorandum of Understanding**, *It Is Hereby Ordered, Adjudged and Decried* that effective as of 5:00 p.m., Friday, January 30, 2009:

1. The Clerk of Quarter Sessions shall have no further responsibility with regard to CPCMS accounts receivable, accounts payable, bail, and maintenance of the corresponding bank accounts;

2. The Clerk of Quarter Sessions shall vacate the Criminal Justice Payment center and shall relinquish and turn over any offices, cubicles, or other areas therein now in its possession as provided below; and

3. The Clerk of Quarter Sessions shall relinquish and turn over ownership of the Court Assessments and Cash Bail bank accounts, including any such legacy accounts still existing and in its possession as provided below; and

4. The Philadelphia Probation Department, through designated employees of the First Judicial District, shall assume all responsibilities, offices and bank accounts relinquished by the Clerk of Quarter Sessions as provided in this Order. The said representatives of the First Judicial District are ordered to execute any necessary documentation to effectuate the re-titling or re-establishment of any necessary bank accounts.

*It Is Further Ordered, Adjudged and Decried* that the Clerk of Quarter Sessions shall continue to be responsible for disposed records, docketing, preparation of Orders and

other documents as directed by the presiding judge and as otherwise required by rules of court, unless otherwise ordered by this Court or determined by the Council of the City of Philadelphia.

This Administrative Order is issued as authorized by Pa.R.Crim.P. No. 116, and in accordance with Pa.R.Crim.P. No. 105 and will become effective January 30, 2009. The original Administrative Order will be filed with the Clerk of Quarter Sessions, Active Criminal Records and the Prothonotary of Philadelphia as an Administrative Order issued by the President Judge of the Court of Common Pleas of Philadelphia County and copies will be submitted to the Supreme Court Criminal Procedural Rules Committee, the Administrative Office of Pennsylvania Courts and the Legislative Reference Bureau. Copies of the Administrative Order will also be submitted to *American Lawyer Media*, *The Legal Inteligencer*, *Jenkins Memorial Law Library*, and the law library for the First Judicial District. The Administrative Order will also be posted on the First Judicial District’s web site at <http://courts.phila.gov>.

HONORABLE PAMELA PRYOR DEMBE,  
*President Judge*  
*Court of Common Pleas*

#### MEMORANDUM OF UNDERSTANDING

This MEMORANDUM OF UNDERSTANDING is entered into this 27th day of February 2007 by and between the PHILADELPHIA COUNTY CLERK OF QUARTER SESSION (“CQS”) THE FIRST JUDICIAL DISTRICT OF PENNSYLVANIA (“FJD”).

#### RECITALS

WHEREAS, on September 18, 2006, the Philadelphia County Court of Common Pleas commenced use of the new statewide Common Pleas Criminal Court Case Management System (“CPCMS”), in accordance with Orders of the Supreme Court of Pennsylvania;

WHEREAS, CPCMS is designed to, among other things, uniformly account for the collection of fines, fees, costs, reparations, restitution, penalties and other remittances pursuant to 42 Pa.C.S. § 9728, correlate them to records of outstanding judgments and allocate and disburse them pursuant to applicable law, including that Order of the Supreme Court of Pennsylvania, dated June 14, 2005, entitled “In Re Promulgation of Financial Regulations Pursuant to 42 Pa.C.S. § 3502(A): No. 273 Judicial Administration No. 1,” attached hereto as Exhibit “A” (the “Supreme Court Collection and Disbursement Order”);

WHEREAS, 42 Pa.C.S. § 9728 requires that “all restitution, reparation, fees, costs, fines and penalties shall be collected by the county probation department or other agent designated by the county commissioners of the county with the approval of the president judge of the county for that purpose in any manner provided by law.”

WHEREAS, the duties of the CQS are set forth in the Pennsylvania Constitution, and applicable statutes and ordinances, including that 1973 Ordinance of Philadelphia City Council, No. 275, attached hereto as Exhibit “B”, which vests the CQS with “full power and authority to act as the Clerk of the Court” for the Philadelphia Court of Common Pleas and Municipal Court in all criminal matters, and authorizes the CQS to, among other things “receive, collect, and deposit to the use of the City all court costs, fees and fines required by law and assessed by the court”;

WHEREAS, the CQS, in performing its authorized functions and responsibilities in connection with the

collection of fines, costs and fees, has historically owned and controlled the fines, costs and fees bank account, including processing and issuing checks, and performing accounting and reconciliation functions in connection with that account; and the FJD has owned and controlled the restitution and supervision fee account;

WHEREAS, an issue has arisen between the CQS and FJD concerning the parties' respective accounting roles in connection with the receipt, collection, deposit and disbursement of fines, costs and fees, in light of CPCMS; and

WHEREAS, the CQS and FJD desire to enter into this Memorandum of Understanding for the purpose of setting forth the agreement of the parties in connection with the receipt, collection, deposit and disbursement of all restitution, reparation, fees, costs, fines and penalties.

NOW THEREFORE, the parties hereby agree as follows:

1. The term of this Memorandum of Understanding shall commence on February 13, 2007 and end on August 12, 2007.

2. Throughout the term of this Memorandum of Understanding, CQS and FJD shall continue to perform the same respective in person payment window cashiering functions as each was performing as of September 17, 2006.

### 3. Court Assessments Account

A. CQS shall own the master account for the administration of the Court Assessments Account, currently owned by the FJD and held at Wachovia bank and shall be responsible for account adjustments, reconciliations and the preparation and issuance of checks. FJD shall forthwith sign the necessary documents transferring title to the CQS.

B. FJD shall have read access to the Court Assessments Account via the Internet.

C. With respect to restitution, CQS and FJD shall have the following responsibilities:

1.) FJD shall continue throughout the term to perform the same functions as it was performing on February 4, 2007 with regard to the participant accounts.

2.) CQS shall queue up and print all restitution checks on CQS check stock.

3.) CQS shall deliver all restitution checks in a timely manner to FJD Probation Department which shall process the mailing of the checks.

4.) If, after mailing, any restitution checks are returned to CQS due to a bad address, CQS shall promptly deliver such checks to FJD, which will be responsible for attempting to find good addresses for payees.

D. CQS shall process, print checks (on CQS stock) for, and mail all other monies held in the Court Assessments Account, including fines, costs and fees.

E. CQS, as soon as is reasonably possible, but before the expiration of the term shall transfer to the Court Assessments Account all monies currently in the possession of CQS that are contained in legacy accounts and/or consist of mail-in payments, and shall make the appropriate receipt entry into CPCMS.

F. CQS shall deposit on a daily basis into the Court Assessments Account lockbox to be established by FJD at Wachovia Bank all future mail-in payments received by CQS. FJD shall be responsible for performing data entry (receipting) transactions to ensure that all mail-in payments deposited into the lockbox are properly credited to the Court Assessments Account.

G. FJD shall be responsible for applying all escrow to the appropriate participant account.

H. CQS shall continue with the special merchant services that the FJD has set up with Wachovia with regard to the Court Assessments Account in order to improve on the accounts receivable process. These services include but are not limited to credit card processing, lockbox, and participant monthly statement generation. Payment of any fees associated with these services shall be applied against the interest earned on said account as is currently the practice, or, if such interest is not sufficient to cover the cost, fees shall be invoiced separately by Wachovia and processed in the manner negotiated with the City of Philadelphia.

I. FJD shall be responsible for all dunning of past due participants' accounts.

J. FJD shall reconcile the Court Assessments Account up through and including the January 2007 statement within ten (10) days of the signing of this Memorandum of Understanding.

K. Use of the Court Assessments Account, including deposits, disbursements, reconciliation, and auditing in connection therewith, shall be in accordance with all applicable laws, rules, regulations and orders, including the Supreme Court Collection and Disbursement Order.

4. FJD and CQS shall arrange with the Administrative Office of Pennsylvania Courts ("AOPC") for AOPC to provide appropriate training (including training on the queuing up of restitution checks) to applicable CQS staff (estimated at this time to be approximately 3-4 persons) as soon as reasonably practicable, and before the commencement of these new procedures, to enable CQS to perform its functions under this Memorandum of Understanding.

5. CQS shall provide sufficient staff power to perform its obligations under this Memorandum of Understanding, including provision of three (3) full time employees.

6. CQS shall permit FJD to use the two (2) CQS collection windows located in the basement of the Criminal Justice Center and operated by CQS during business hours for collections after regular hours.

7. CQS and FJD shall make all reasonable and good faith efforts to cooperate with one another in performing their respective obligations under this Memorandum of Understanding, and by June 20, 2007, shall commence good faith discussions with one another on whether to extend, modify or replace this Memorandum of Understanding. If a dispute arises during the term of this Memorandum of Understanding, the FJD and CQS shall submit a concise statement of the issue to the President Judge of the Court of Common Pleas for resolution. Such resolution shall be binding on the parties.

IN WITNESS WHEREOF, the parties have entered into this Memorandum of Understanding as of the date first written above.

PHILADELPHIA COUNTY CLERK  
OF QUARTER SESSIONS,  
*Vivian T. Miller*  
*Clerk of Quarter Sessions*

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA,  
*C. Darnell Jones, II*  
*President Judge*  
*Philadelphia Court of Common Pleas*

[Pa.B. Doc. No. 09-246. Filed for public inspection February 13, 2009, 9:00 a.m.]

# Title 255—LOCAL COURT RULES

## ADAMS COUNTY

### Increase in Prothonotary Fees under 42 P. S. § 21071.1(b); Administrative Order No. 3 of 2009

#### Order of Court

*And Now*, this 26th day of January, 2009, pursuant to the provisions of 42 P. S. § 21071.1(b), which authorizes the Prothonotary every three years to increase the fees and charges imposed by that office, provided that the amount of the increase may not be greater than the percentage of increase in the Consumer Price index for Urban Workers for the immediate three years preceding the last increase in the fees or charges, and the Court having taken judicial notice that the total CPI increase for the past three years is ten (10%) percent, it is directed that the Prothonotary of Adams County is ordered to increase such fees by ten (10%), effective March 1, 2009.

It is further directed that:

- Seven (7) certified copies of this Order shall be filed by the Court Administrator with the Administrative Office of Pennsylvania Courts;
- Two (2) certified copies and a computer diskette containing this Order shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;
- One (1) certified copy of this Order shall be filed with the Civil Rules Committee and the Domestic Relations Procedural Rules Committee;
- One (1) copy shall be filed with the Prothonotary;
- One (1) copy with the Court Administrator of Adams County;
- One (1) copy with the Law Library of Adams County; and
- One (1) copy with each Judge of this Court.

*By the Court*

JOHN D. KUHN,  
*President Judge*

[Pa.B. Doc. No. 09-247. Filed for public inspection February 13, 2009, 9:00 a.m.]

## BUCKS COUNTY

### In Re: Judicial and Related Account; Administrative Order No. 1

#### Order

*And Now*, this 13th day of January 2009, the original Order of November 9, 1978 establishing the Judicial and Related Account and subsequently amended August 6, 1993, September 9, 1999, March 5, 2002, March 31, 2003 and March 25, 2004, is hereby amended as follows:

The Judicial and related Account shall be composed of the following budget accounts:

- |         |                    |
|---------|--------------------|
| 1. 0135 | Domestic Relations |
| 2. 0139 | Law Library        |
| 3. 0140 | Main Courts        |
| 4. 0141 | Grand Jury         |

- |               |   |
|---------------|---|
| 5. 0142       | Jury Commissioners                          |
| 6. 0147       | Court Reporters                             |
| 7. 0151       | Adult Probation and Parole                  |
| 8. 0152-0153  | Juvenile Probation                          |
| 9. 0325-0375  | Youth Detention Center (County)             |
| 10. 0330-0380 | Juvenile Reimbursable Administration        |
| 11. 0334-0384 | Juvenile Counseling                         |
| 12. 0335-0385 | Juvenile Day Treatment                      |
| 13. 0336-0386 | Juvenile Life Skills                        |
| 14. 0337-0387 | Juvenile Protective Services General        |
| 15. 0338-0388 | Juvenile Protective Services Planning       |
| 16. 0339-0389 | Juvenile Alternative Treatment              |
| 17. 0340-0390 | Juvenile Community Residential (Group Home) |
| 18. 0341-0391 | Juvenile Foster Family                      |
| 19. 0342-0392 | Juvenile Detention (Out of County)          |
| 20. 0343-0393 | Juvenile Residential (Non Group Home)       |
| 21. 0344-0394 | Juvenile Revenue (Act 148 Related)          |
| 22. 0201      | Magisterial District 07-1-01                |
| 23. 0202      | Magisterial District 07-1-02                |
| 24. 0203      | Magisterial District 07-1-03                |
| 25. 0204      | Magisterial District 07-1-04                |
| 26. 0206      | Magisterial District 07-1-06                |
| 27. 0207      | Magisterial District 07-1-07                |
| 28. 0208      | Magisterial District 07-1-08                |
| 29. 0209      | Magisterial District 07-1-09                |
| 30. 0210      | Magisterial District 07-1-10                |
| 31. 0211      | Magisterial District 07-1-11                |
| 32. 0212      | Magisterial District 07-2-01                |
| 33. 0213      | Magisterial District 07-2-02                |
| 34. 0214      | Magisterial District 07-2-03                |
| 35. 0215      | Magisterial District 07-3-01                |
| 36. 0216      | Magisterial District 07-2-05                |
| 37. 0217      | Magisterial District 07-3-03                |
| 38. 0218      | Magisterial District 07-2-07                |
| 39. 0219      | Magisterial District 07-2-08                |
| 40. 0220      | Supplemental Judicial Clerks                |
| 41. 2540      | Court's Capital                             |
| 42. 2640      | Court's Capital                             |
| 43. 0130      | Register of Wills                           |
| 44. 0131      | Sheriff                                     |
| 45. 0133      | Prothonotary                                |
| 46. 0134      | Clerk of Courts                             |

and such other accounts as the Court may from time to time direct.

In all other respects, Administrative Order No. 1 dated November 9, 1978 remains in full force and effect.

This Order to be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

SUSAN DEVLIN SCOTT,  
*President Judge*

[Pa.B. Doc. No. 09-248. Filed for public inspection February 13, 2009, 9:00 a.m.]

**CARBON COUNTY**  
**Fee Schedule for Prothonotary Office; No. 08-0858**

**Order**

*And Now*, this 27th day of January, 2009, upon consideration of the within Petition for Increase of the Fee Schedule of the Carbon County Prothonotary, Joann M. Behrens, and in accordance with Act 164 of 1998 (42 P.S. § 21071.1), the Prothonotary Fee Law, it is hereby

*Ordered and Decreed* that the Fee Schedule of the Carbon County Prothonotary's Office is hereby amended effective March 1, 2009.

It is further *Ordered and Decreed* that the Fee Schedule of Carbon County Prothonotary's Office, a true and correct copy of which is attached to this order and which has been approved by the Prothonotary, is approved and adopted effective March 1, 2009.

*By the Court*

ROGER N. NANOVIC,  
*President Judge*

**CARBON COUNTY PROTHONOTARY'S OFFICE**  
**2 Broadway**  
**P. O. Box 130**  
**Jim Thorpe, Pennsylvania 18229-0130**  
**(570) 325-2481**  
**Fax (570) 325-8047**

**JOANN M. BEHRENS, PROTHONOTARY**

**FEE SCHEDULE**  
**(EFFECTIVE MARCH 1, 2009)**

**ACKNOWLEDGEMENTS:**

Sheriff, Treasurer or Tax Claim Bureau ..... \$ 10.50

**APPEALS:**

To Supreme, Superior or Commonwealth Court ..... \$ 77.45

(Plus \$60.00 payable to said court)

License Appeal ..... \$ 165.85

Tax Assessment Appeal ..... \$ 119.65

From Arbitration (\$50,000 limit) (exclusive of arbitrators' compensation, Pa.R.C.P. No. 1308) ..... \$ 32.25

From Magisterial District Judge ..... \$ 119.65

From Zoning Hearing Board ..... \$ 119.65

**AUDITOR'S REPORT** ..... \$ 42.15

**BONDING COMPANY (Financial Statements)** ..... \$ 42.15

**BUILDING AGREEMENTS:**

Waivers, Stipulations & Agreements ..... \$ 26.70

**CERTIFICATIONS:**

To Bureau of Traffic Safety ..... \$ 10.50

Docket entry & judgment ..... \$ 19.55

Exemplified Record ..... \$ 19.55

Certified Copy (court order/divorce decree, etc.) ..... \$ 10.50

**COMMENCEMENT OF ANY ACTION:**

Commencement of any action at Law or Equity regardless of procedure, unless otherwise specifically provided for ..... \$ 119.65

Any action or proceeding to open/strike a judgment ..... \$ 119.65

Objections to Tax Sale ..... \$ 119.65

Proceedings on Lien other than revival (e.g., Mechanic's Lien Complaint) ..... \$ 119.65

**CONTINUANCE** ..... \$ 19.05

**CUSTODY:**

Complaint/Petition .....	\$ 140.90
Master Deposit .....	\$ 150.00
Complaint w/agreement .....	\$ 140.90
Petition to Modify Custody .....	\$ 20.75
<b>DISCONTINUANCE, ENDING OR TERMINATION</b> .....	\$ 10.50

**DIVORCE:**

Complaint .....	\$ 139.65
Additional Counts (each) .....	\$ 45.05
Custody Count .....	\$ 52.05
Property Settlement/Agreement .....	\$ 13.25
Inventory Appraisal/Income & Expense .....	\$ 13.25
Appointment of Master (deposit) .....	\$ 500.00
Praecipe to Transmit .....	\$ 13.25 (+Law Clerk Fee \$25.00)

Divorce Decree .....	\$ 13.25
Retake Maiden Name .....	\$ 10.50
<b>INITIAL PLEADING IN CASE</b> —unless otherwise indicated .....	\$ 15.00

<b>EXECUTIONS</b> (includes filing of any praecipe for a writ of execution, including attachment, possession or any other writ of execution not herein specifically provided for) .....	\$ 32.95
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**JUDGMENTS:**

Final decrees, order of judgment .....	\$ 19.55
Assignments .....	\$ 10.50
Judgment notes & transfer other counties .....	\$ 50.65
Transcript from Magisterial District Judge .....	\$ 50.40
Satisfaction or Release of judgment .....	\$ 10.50
Subordination or postponement of lien .....	\$ 10.50
Complaint & confession of judgment .....	\$ 61.35
Default judgment .....	\$ 30.15

**LETTER OF ATTORNEY:**

Filing .....	\$ 16.95
Revocation .....	\$ 10.50

**LIENS:**

Municipal, Mechanics .....	\$ 43.90
Pennsylvania or Federal (Satisfaction additional fee \$10.50) .....	\$ 25.05
Lis Pendens (per defendant) .....	\$ 10.50

**NOTARY PUBLIC:**

Registration of signature .....	\$ 4.15
Certification of Notary Public Defender .....	\$ 10.50

**PASSPORTS:**

Passport book (Check payable to US Department of State) .....	\$ 75.00
Passport book (Children under 16 years of age) .....	\$ 60.00
Passport Card (Check payable to US Dept. of State) .....	\$ 20.00
Passport Card (Children under 16 years of age) .....	\$ 10.00
Check/Cash to Prothonotary's Office (per application) .....	\$ 25.00
Expedite fee (extra) .....	\$ 60.00

<b>PETITIONS &amp; MOTIONS (excluding "Petition Actions")</b> .....	\$ 7.50
Motion for summary judgment .....	\$ 29.05
Petition to reassess damages .....	\$ 29.05

Petition for final judgment, quiet title .....	\$ 20.75
<b>PHOTOCOPIES</b> (per sheet) .....	\$ .25
<b>PROTECTION FROM ABUSE:</b>	
Final Order .....	\$ 255.80
Final Order by Agreement .....	\$ 180.80
<b>POLITICAL SUBDIVISION:</b>	
Maximum charge .....	\$ 49.85
<b>POUNDAGE:</b>	
For handling of money paid into court First \$1,000.00 .....	\$ 0.03
Each additional \$1,000.00 .....	\$ 0.01
Reissuance of Complaint/Writ .....	\$ 10.50
<b>REVIVALS:</b>	
All amicable revivals .....	\$ 19.55
Adverse revivals .....	\$ 53.30
<b>SERVICES IN COURT:</b>	
Services in court per diem or part of day .....	\$ 32.85
Order of court .....	\$ 13.25
<b>SUBPOENA (each)</b> .....	\$ 4.15
<b>Writ to join additional defendant/joinder complaint</b> .....	\$ 10.50

For filings in cases not specifically enumerated, the charge imposed will be the same as that for a substantially similar specified filing.

Pursuant to 42 P. S. § 21073(b), the Prothonotary *shall not* be required to enter on the docket any suit, action or order of court, or enter any judgment thereon, or perform any service whatsoever for any person, political subdivision or the Commonwealth until the requisite fee is paid.

Please Note: Pursuant to the Protection From Abuse Act filing fees shall be assessed and paid in accordance with 23 Pa.C.S.A. § 6106(c).

January 27, 2009  
Date

Approved:

JOANN BEHRENS,  
*Prothonotary*

[Pa.B. Doc. No. 09-249. Filed for public inspection February 13, 2009, 9:00 a.m.]

**MONROE COUNTY**  
**Administrative Order 2009; No. AD 20**

**Order**

*And Now*, this 9th day of February 2009, pursuant to Pa.R.Crim.P. 117, *It Is Ordered* that the following procedures shall be utilized to ensure sufficient availability of Magisterial District Judges to provide, within the Forty-Third Judicial District, those services required by the Rules of Criminal Procedure and the Protection from Abuse Act:

*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.

1. *During Normal Business Hours*

(a) Normal business hours shall be construed as Monday through Friday from 8:30 a.m. to 4:30 p.m. except when a Court holiday has been declared on such day.

(b) All court proceedings normally conducted before a Magisterial District Judge, which occur during normal business hours of the Court, shall be conducted at the established office of the appropriate Magisterial District Judge as determined by the rules relating to venue.

2. *Duty On-Call Magisterial District Judge*

(a) The Magisterial District Judge Court Administrator shall establish a rotating schedule assigning a duty Magisterial District Judge to be on-call outside of the normal business hours of the Court to fulfill all duties of an issuing authority within the County as required by the Rules of Criminal Procedure and the Protection from Abuse Act.

(b) On weekdays when the Court is open for business, the duty Magisterial District Judge shall be on duty from 4:30 p.m. until 8:30 a.m. the following morning. On weekends and holidays, he or she shall be on duty from 8:30 a.m. until 8:30 a.m. the following day.

### 3. *Bail and Warrants*

(a) The duty Magisterial District Judge shall be available without unreasonable delay throughout the hours of his or her duty assignment at the established office of the duty Magisterial District Judge for the purpose of accepting the posting of a defendant's bail.

(b) The duty Magisterial District Judge shall be available without unreasonable delay at his or her established office throughout the hours of his or her duty assignment for the issuance of search warrants pursuant to Pa.R.Crim.P. 203 and arrest warrants pursuant to Pa.R.Crim.P. 513. In the discretion of the duty Magisterial District Judge, advanced communication technology may be utilized to submit the warrant application and affidavit(s) and to issue the warrant in accordance with the requirements of Rules 203 and 513.

(c) Monetary bond may be posted outside of regularly scheduled daily work hours at the Monroe County Correctional Facility. The Warden of the Monroe County Correctional Facility, or in his absence, his designee in charge shall be authorized to accept bail deposits as provided in Rule 117, having the defendant sign the bail bond, releasing the defendant and delivering the bail deposit and bail bond to the issuing authority or The Clerk of Courts. After hour bail deposits must be in the form of cash, money order or bail bond. The posting of \$10,000.00 or more in cash shall require the submission of Form 8300, an Internal Service Regulation. All persons wishing to post bail after hours shall contact the Monroe County Correctional Facility at (570) 992-3232.

### 4. *Preliminary Arraignments Outside Normal Hours*

(a) Weekdays—When an individual is placed under arrest by law enforcement and requires arraignment:

(1) Between the hours of 4:30 p.m. and 8:30 a.m. the following day, the duty Magisterial District Judge shall be available without unreasonable delay at his or her established office. In the discretion of the duty Magisterial District Judge, advanced communication technology may be utilized for the arraignment. The duty Magisterial District Judge shall be responsible for conducting preliminary arraignments on individuals arrested during their emergency duty schedule.

(b) Saturdays, Sundays and Holidays—When an individual is placed under arrest by law enforcement and requires arraignment:

(1) Between the hours of 8:30 a.m. and 4:30 p.m., the duty Magisterial District Judge shall be available without unreasonable delay at his or her established office. In the discretion of the duty Magisterial District Judge, advanced communication technology may be utilized for the arraignment.

(2) Between the hours of 4:30 p.m. and 8:30 a.m. the following day, the duty Magisterial District Judge shall be available without unreasonable delay at his or her established office. In the discretion of the duty Magisterial District Judge, advanced communication technology may be utilized for the arraignment.

(3) Emergency Protection From Abuse Orders—When an individual seeks an emergency protection from abuse order outside normal Court business, the duty Magisterial District Judge shall speak with the individual by phone to establish a time at which the individual will be available for hearing. At the agreed time the duty Magisterial District Judge shall receive the petition for relief, conduct an ex parte hearing and either issue or deny the requested order by the use of advance communication technology. In the event of technological failure, the duty Magisterial District Judge shall conduct the proceedings at his or her established office without unreasonable delay.

5. The effective date of this Order shall be March 1, 2009.

*By the Court*

RONALD E. VICAN,  
*President Judge*

[Pa.B. Doc. No. 09-250. Filed for public inspection February 13, 2009, 9:00 a.m.]

## SUPREME COURT

**In Re: Act 98 of 2008; No. 253; Magisterial; Doc. No. 1**

**Order**

*Per Curiam*

*And Now*, this 29th day of January, 2009, the Order filed on January 21, 2009 at the above number is hereby transferred to the Judicial Administration Docket at No. 329 Judicial Administration Docket No. 1.

JOHN A. VASKOV,  
*Deputy Prothonotary*

[Pa.B. Doc. No. 09-251. Filed for public inspection February 13, 2009, 9:00 a.m.]

**In Re: Act 98 of 2008; No. 329; Judicial Administration; Doc. No. 1**

**Order**

*Per Curiam*

*And Now*, this 21st day of January, 2009, in accordance with Act 98 of 2008 and pursuant to the authority set forth by Article V, Section 10(c) of the Constitution of Pennsylvania and 42 Pa.C.S. § 1701 et seq., it is hereby ordered that all references in any court rule, court order, court form (including citation), automated statewide court case management system (i.e., PACMS, CPCMS and DJS) or any other legal authority, except as provided for in Act 98 of 2008, to "bail commissioner" shall be deemed to be a reference to "arraignment court magistrate."

PATRICIA NICOLA,  
*Chief Clerk*  
*Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 09-252. Filed for public inspection February 13, 2009, 9:00 a.m.]



**In Re: Judge Mark A. Ciavarella, Jr.; Court of  
Common Pleas of Luzerne County; No. 327;  
Judicial Administration; Doc. No. 1**

**Order**

*Per Curiam*

*And Now*, this 28th day of January 2009, this Court has received notice of an information filed by the United States Attorney for the Middle District of Pennsylvania against Judge Mark A. Ciavarella, Jr., a judge of the Court of Common Pleas of Luzerne County, and an agreement by Judge Mark A. Ciavarella, Jr. to enter a plea of guilty to the offenses described in that information. In view of the compelling and immediate need to protect and preserve the integrity of the Unified Judicial System and the administration of justice for the citizens of Luzerne County, Judge Mark A. Ciavarella, Jr. is hereby relieved of any and all judicial and administrative responsibilities as a judge of the Court of Common Pleas of Luzerne County and ordered not to take any further administrative or judicial action whatsoever in any case or proceeding now or hereinafter pending until further order of this Court. This action will not result in any diminution in salary or benefits until further order of this Court. This Order is without prejudice to the rights of Judge Mark A. Ciavarella, Jr. to seek such relief in this Court for the purpose of vacating or modifying this

interim Order. Pa. Const. Article V § 10(a); *In re: Avelino*, 690 A.2d 1138 (Pa. 1997); and see, *In re: McFalls*, 795 A.2d 367 (Pa. 2002).

JOHN A. VASKOV,  
*Deputy Prothonotary*

[Pa.B. Doc. No. 09-253. Filed for public inspection February 13, 2009, 9:00 a.m.]

**In Re: Judge Michael T. Conahan Senior Judge;  
No. 328; Judicial Administration; Doc. No. 1**

**Order**

*Per Curiam*

*And Now*, this 28th day of January 2009, it is hereby ordered that the certification of Judge Michael T. Conahan as a senior judge in the Commonwealth of Pennsylvania is revoked and that any pending judicial assignments of Judge Michael T. Conahan are rescinded.

JOHN A. VASKOV,  
*Deputy Prothonotary*

[Pa.B. Doc. No. 09-254. Filed for public inspection February 13, 2009, 9:00 a.m.]