

THE COURTS

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

**In Re: Community Legal Services; President Judge
Administrative Order No. 2010-3**

Order

And Now, this 16th of March, 2010, *It Is Hereby Ordered and Decreed* that, effective April 1, 2010, expungement petitions filed by Community Legal Services shall be permitted to proceed in *forma pauperis* if a signed certification including the language below is incorporated in the Petition.

“Community Legal Services is a non-profit legal services organization that provides free legal assistance to low-income individuals. I, attorney for the petitioner, certify that petitioner meets the financial eligibility standards for representation by Community Legal Services and that I am providing free legal service to petitioner.”

Attorney

This Administrative Order shall be published in the *Pennsylvania Bulletin*. The original Administrative Order shall be filed with the Prothonotary in a docket maintained for Administrative Orders issued by the President Judge of the Court of Common Pleas, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Supreme Court's Civil Procedural Rules Committee. Copies of the Administrative Order shall be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Library and the Law Library of the First Judicial District, and shall be posted on the web site of the First Judicial District of Pennsylvania: <http://courts.phila.gov>.

By the Court

HONORABLE PAMELA PRYOR DEMBE,
President Judge
Court of Common Pleas

[Pa.B. Doc. No. 10-579. Filed for public inspection April 2, 2010, 9:00 a.m.]

Title 255—LOCAL COURT RULES

ERIE COUNTY

**In Re: Rule of Juvenile Court Procedure Rule 1150;
Miscellaneous No. MD 134 of 2010**

Adopting Order

And Now, to wit, this 15th day of March, 2010, it is hereby *Ordered* that Erie County Rule of Juvenile Court Procedure 1150, Attorneys—Appearances and Withdrawals, is hereby adopted as a Rule of this Court, effective thirty (30) days after the date of its publication on the UJS Portal and in the *Pennsylvania Bulletin*.

ERNEST J. DiSANTIS, Jr.,
President Judge

Rule 1150. Attorneys—Appearances and Withdrawals.

The appearance of William F. Scarpitti, Jr., (PA Attorney ID 19941), Scarpitti & Mead, 150 East Eighth Street, Erie, PA 16502, (814) 459-1726 is automatically entered as the guardian *ad litem* in every dependency case filed within this Court's jurisdiction.

[Pa.B. Doc. No. 10-580. Filed for public inspection April 2, 2010, 9:00 a.m.]

ERIE COUNTY

**In Re: Rule of Juvenile Court Procedure Rule
1210; Miscellaneous No. MD 98 of 2010**

Adopting Order

And Now, to wit, this 15th day of March, 2010, it is hereby *Ordered* that Erie County Rule of Juvenile Court Procedure 1210, Order for Protective Custody, is hereby adopted as a Rule of this Court, effective thirty (30) days after the date of its publication on the UJS Portal and in the *Pennsylvania Bulletin*.

ERNEST J. DiSANTIS, Jr.,
President Judge

Rule 1210. Orders for Protective Custody.

It appearing that under the Juvenile Act, 42 Pa.C.S.A. Section 6301 et seq (1987 Supp.) there are instances where children need to be detained by the Erie County Office of Children and Youth (OCY) and be placed in a safe environment under the aforesaid Act, and

It further appearing that on many occasions the Court is not in session and/or said detention is necessary outside the normal work hours for the Court, and

It further appearing that the County of Erie OCY is required to furnish services on a twenty-four (24) hour basis, and

It further appearing that: Solicitors, Amy Jones, Esq., Eric Hackwelder, Esq., Alicia Barney-Duck, Esq., Anthony Vendetti, Esq.; Court Coordinators, Barbara Monteith, Tiffany Niedzielski and Brianne Baran; are the authorized representatives for the Erie County OCY to contact the Court for the obtaining of emergency orders for said agency, and

It further appearing there are times and situations in which it is physically impossible to obtain a written order signed where immediate action is absolutely essential for the safety of the child or children involved, and

It further appearing that the several Judges of the Court of Common Pleas have made themselves available via phone so that verbal orders may be obtained by the above noted authorized representatives of the County of Erie OCY.

Now Therefore, it is hereby *Ordered and Decreed* as follows:

1) Whenever the situation arises where a child needs to be detained by OCY on an emergency basis, said authorized representatives of OCY may contact one of several judges of the Court of Common Pleas of Erie County, Pennsylvania, to obtain a verbal order under said Juvenile Act which shall be a valid and binding order.

2) On the morning of the next business day of the Court, OCY will obtain a confirmatory written order from the Judge issuing the verbal order authorizing said detention.

3) All law enforcement agencies of Erie County, Pennsylvania are to honor these verbal orders. In the event that the services of a law enforcement agency are required in the detention of said child or children, that law enforcement agency shall be provided a copy of the confirmatory written court order obtained on the next business day of the court.

[Pa.B. Doc. No. 10-581. Filed for public inspection April 2, 2010, 9:00 a.m.]

ERIE COUNTY

In Re: Rule of Juvenile Court Procedure Rule 1604; Miscellaneous No. MD 135 of 2010

Adopting Order

And Now, to wit, this 15th day of March, 2010, it is hereby *Ordered* that Erie County Rule of Juvenile Court Procedure 1604, Submission of Reports, is hereby adopted as a Rule of this Court, effective thirty (30) days after the date of its publication on the UJS Portal and in the *Pennsylvania Bulletin*.

ERNEST J. DiSANTIS, Jr.,
President Judge

Rule 1604. Submission of Reports.

A. The Erie County District Court Administrator shall be the Court's designee to receive and process reports submitted to the Court by a foster parent, preadoptive parent, or relative providing care for a child pursuant to Pa.R.J.C.P. 1604(B) and 42 Pa.C.S. § 6336.1.

B. All reports shall be submitted to:

Court Administration—FP Report
Erie County Courthouse
140 West Sixth Street, Room 205
Erie, PA 16501

[Pa.B. Doc. No. 10-582. Filed for public inspection April 2, 2010, 9:00 a.m.]

FAYETTE COUNTY

In Re: Administrative Order; No. 1 ADM 2010

Administrative Order

And Now, this 16th day of March, 2010, it is hereby *Ordered* that a Mortgage Foreclosure Program is adopted as follows.

The Prothonotary is directed as follows:

(1) Seven certified copies of the order and program shall be filed with the Administrative Office of Pennsylvania Courts

(2) Two certified copies and diskette of the order and program shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One certified copy of this order shall be sent to the State Civil Procedural Rules Committee.

(4) One certified copy shall be sent to the Fayette County Law Library and the Editor of the *Fayette Legal Journal*.

The adoption of the Mortgage Foreclosure Program shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

GERALD R. SOLOMON,
President Judge

MORTGAGE FORECLOSURE PROGRAM

The Fayette County Court of Common Pleas having recognized the current mortgage foreclosure crisis, hereby establishes the Mortgage Foreclosure Diversion Program:

(a) When a plaintiff files a complaint in a mortgage foreclosure action, the Prothonotary's Office shall provide a copy of the Mortgage Foreclosure Diversion Program Notice to the plaintiff.

(b) The plaintiff shall serve a copy of the Mortgage Foreclosure Diversion Program Notice along with the complaint on the defendant in accordance with the Pennsylvania Rules of Civil Procedure.

(c) Pursuant to the procedures of this program, a defendant who commences Foreclosure Mitigation Counseling (FMC) may seek a 90-day stay in the mortgage foreclosure proceedings for the purpose of reaching a mutually acceptable agreement with the plaintiff to resolve the case.

(d) The defendant must commence FMC with Southwestern Pennsylvania Legal Services, Inc., within twenty (20) days of being served with a Complaint in Mortgage Foreclosure.

(e) If the defendant commences FMC and desires the imposition of a 90-day stay in their mortgage foreclosure proceedings, the representative of Southwestern Pennsylvania Legal Services, Inc., or other legal representative, shall present a request for such a stay in writing to the judge to whom the case has been assigned.

(f) The defendant must commence FMC in order to qualify for the 90-day stay.

(g) Only mortgage foreclosure cases with owner-occupied residences are subject to this program.

(h) If a defendant fails to commence FMC, or the defendant fails to request a 90-day stay, or the parties fail to reach an agreement within the 90-day stay period, all further proceedings in the case will be handled by the judge to whom the case is assigned in accordance with normal assignment procedures.

MORTGAGE FORECLOSURE DIVERSION PROGRAM NOTICE

You have been sued in court to foreclose upon the mortgage associated with your home.

You are notified that you may seek a 90-day stay in this mortgage foreclosure proceeding if you commence Foreclosure Mitigation Counseling with Southwestern Pennsylvania Legal Services, Inc., within 20 days of being served with the complaint in this action and this notice, and make application for this stay. The purpose of this stay is to permit you an opportunity to work with the lender/plaintiff to reach an agreement to settle this proceeding.

If you fail to commence this free Foreclosure Mitigation Counseling, you will not receive a 90-day stay of these

proceedings and if you do not respond to the complaint, a default judgment may be entered.

YOU SHOULD STRONGLY CONSIDER FORECLOSURE MITIGATION COUNSELING. THIS COUNSELING WILL BE CONDUCTED BY A REPRESENTATIVE OF SOUTHWESTERN PENNSYLVANIA LEGAL SERVICES. YOU MAY BE ABLE TO SEEK ASSISTANCE FROM A LEGAL PROFESSIONAL AT THE FORECLOSURE MITIGATION COUNSELING.

IF YOU HAVE QUESTIONS ABOUT THIS MATTER, OR WISH TO COMMENCE FORECLOSURE MITIGATION COUNSELING, CONTACT:

SOUTHWESTERN PA LEGAL SERVICES
45 EAST MAIN STREET
UNIONTOWN, PA 15401
724-439-3591
800-846-0871 (toll free)

[Pa.B. Doc. No. 10-583. Filed for public inspection April 2, 2010, 9:00 a.m.]

SNYDER COUNTY

**In Re: Adoption of Local Rules; No. MC-15-2010
Full Court; CP-55-AD-3-2010**

Order

And Now, this 25th day of February, 2010, it is hereby *Ordered*:

1. That existing Local Rule 17LR001 is rescinded.
2. That the Court hereby adopts the following Local Rule. The said rule shall be effect thirty (30) days after publication in the *Pennsylvania Bulletin*.

17CV1018.1.

As provided by Pa.R.C.P. No. 1018.1(c) the following offices are designated as the offices to be named in the Notice to Defend where legal help may be obtained:

For cases filed in Snyder County:

Office of the Court Administrator
Snyder County Courthouse
P. O. Box 217
Middleburg, PA 17842
(570) 837-4238

For cases filed in Union County:

Office of the Court Administrator
Union County Courthouse
103 South Second Street
Lewisburg, PA 17837
(570) 524-8641

3. That the Court Administrator of the 17th Judicial District is ordered and directed to do the following:

3.1. File seven (7) certified copies of this Order and of the pertinent Local Rule with the Administrative Office of Pennsylvania Courts.

3.2. Distribute two (2) certified copies of this Order and the pertinent Local Rule and a computer diskette to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* for publication.

3.3. File one (1) certified copy of this Order and the pertinent Local Rule with the Civil Procedural Rules Committee.

3.4. Provide one (1) copy of this Order and the pertinent Local Rule to each member of the Union-Snyder County Bar Association that maintains an active practice in Snyder and Union Counties.

3.5. Keep continuously available for public inspection copies of this Order and the pertinent Local Rule.

By the Court

HAROLD F. WOELFEL, Jr.,
President Judge

[Pa.B. Doc. No. 10-584. Filed for public inspection April 2, 2010, 9:00 a.m.]

SOMERSET COUNTY

**In Re: Consolidated Rules of Court; Miscellaneous
2010**

Adopting Order

Now, this 17th day of March, 2010, it is hereby *Ordered*:

1. The following designated Somerset County Rule of Criminal Procedure 130 (Som.R.Crim.P. 130) Transfer of Proceedings in Questions of Defendant's Competency, a copy of which is attached hereto, is hereby adopted as a Rule of this Court, effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

2. The Somerset County Court Administrator is directed to:

A. File one (1) certified copy of this Order and the attached Rule with the Administrative Office of Pennsylvania Courts.

B. Distribute two (2) certified copies of this Order and the attached Rule, along with a diskette or CD-ROM, to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

C. File proof of compliance with this Order in the docket for this Rule, which shall include a copy of each transmittal letter.

By the Court

JOHN M. CASCIO,
President Judge

Som.R.Crim.P. 130.

Rule 130. Transfer of Proceedings in Questions of Defendant's Competency.

A. In any criminal proceeding in which the issue of the defendant's competency to stand trial is reasonably believed to be or to become an issue, the attorney for the Commonwealth, the attorney for the defendant, or the Magisterial District Judge, *sua sponte*, may make application to the Court of Common Pleas for transfer of the case to the concurrent jurisdiction of Common Pleas.

B. Application shall be made to the Administrative Judge of the Criminal Division of the Court of Common Pleas in writing and shall include a certification by the applicant that the applicant reasonably believes that the competency of the defendant to stand trial is or may be an issue to be determined preliminary to any further proceedings.

C. Upon acceptance of original jurisdiction of such case, the Court of Common Pleas shall order the transfer of the case from the issuing authority who shall promptly transfer the case to the Court of Common Pleas in the same manner as provided for transfer of cases between or among magisterial districts in Pa.R.Crim.P. 130.

D. Following transfer of the case, the Court of Common Pleas shall retain jurisdiction over the case unless otherwise transferred by order of the court.

Note: Concurrent jurisdiction of the court of common pleas over "actions and proceedings" within the original jurisdiction of magisterial district courts is given by 42 Pa.C.S. § 931(b). The Superior Court has confirmed that this jurisdiction to act as "issuing authorities" is the same as that of magisterial district judges. *Commonwealth of Pennsylvania vs. Allem*, 532 A.2d 845 (1987).

[Pa.B. Doc. No. 10-585. Filed for public inspection April 2, 2010, 9:00 a.m.]

UNION COUNTY

In Re: Adoption of Local Rules; No. 100147; CP-60-AD-2-2010

Order

And Now, this 25th day of February, 2010, it is hereby Ordered:

1. That existing Local Rule 17LR001 is rescinded.
2. That the Court hereby adopts the following Local Rule. The said rule shall be effect thirty (30) days after publication in the *Pennsylvania Bulletin*.

17CV1018.1.

As provided by Pa.R.C.P. No. 1018.1(c) the following offices are designated as the offices to be named in the Notice to Defend where legal help may be obtained:

For cases filed in Snyder County:

Office of the Court Administrator
Snyder County Courthouse
P. O. Box 217
Middleburg, PA 17842
(570) 837-4238

For cases filed in Union County:

Office of the Court Administrator
Union County Courthouse
103 South Second Street
Lewisburg, PA 17837
(570) 524-8641

3. That the Court Administrator of the 17th Judicial District is ordered and directed to do the following:

3.1. File seven (7) certified copies of this Order and of the pertinent Local Rule with the Administrative Office of Pennsylvania Courts.

3.2. Distribute two (2) certified copies of this Order and the pertinent Local Rule and a computer diskette to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* for publication.

3.3. File one (1) certified copy of this Order and the pertinent Local Rule with the Civil Procedural Rules Committee.

3.4. Provide one (1) copy of this Order and the pertinent Local Rule to each member of the Union-Snyder County Bar Association that maintains an active practice in Snyder and Union Counties.

3.5. Keep continuously available for public inspection copies of this Order and the pertinent Local Rule.

By the Court

HAROLD F. WOELFEL, Jr.,
President Judge

[Pa.B. Doc. No. 10-586. Filed for public inspection April 2, 2010, 9:00 a.m.]
