

# THE COURTS

## Title 255—LOCAL COURT RULES

### FAYETTE COUNTY

#### Administrative Order; Juvenile Court Restitution Fund; No. 1534 of 2010 GD

##### Administrative Order

*And Now*, this 21st day of June, 2010, it is hereby Ordered that a Juvenile Court Restitution Fund is adopted as follows.

The Prothonotary is directed as follows:

(1) One certified copy 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 and one copy of the written notification received from the Juvenile Court Procedural Rules Committee shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

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

The adoption of the Juvenile Court Restitution Fund shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin* and on the UJS Portal.

*By the Court*

GERALD R. SOLOMON,  
*President Judge*

#### **Fayette County Juvenile Court Restitution Fund**

The statutory authority for the creation of this Fund appears at 42 Pa.C.S. Section 6352(a)(5), The Juvenile Act, Disposition of delinquent children.

The purpose of the Fund is to provide a means whereby the Court may:

- a) direct children under its supervision to pay a reasonable amount of money into a common fund;
- b) collect the above-mentioned revenue and deposit them into an appropriate account that is under the supervision of the Court or its designee;
- c) distribute money received by the Fund to victims of delinquent behavior in a fair and equitable manner.

Furthermore, the Court hereby adopts the following guidelines and operating standards for the Fund.

#### **Fayette County Juvenile Court Restitution Fund Operating Guidelines**

The Court of Common Pleas of Fayette County, Pennsylvania (Court), through the Fayette County Juvenile Probation Office (Probation) will establish the Fayette County Juvenile Court Restitution Fund (Fund) for the purpose of providing financial reimbursement to the victims of delinquent behavior as defined in the Juvenile Act.

The Probation department will be responsible for establishing, monitoring, maintaining, and auditing the Fund

in accordance with the Fund Operating Guidelines and Standards and accepted accounting practices and principals.

#### *Name*

The name of the Fund will be the "Juvenile Court Restitution Fund." For clarity purposes, when referring to the Fund on documents such as an Informal Adjustment Consent, Consent Decree, an order issued by the Court, rules and conditions of probation, and all financial documents including restitution documents, judgment, etc., the Fund will be referred to as the JCR Fund.

#### *Eligibility*

For the purpose of the Fund, eligibility will be defined as follows:

*Eligible Benefactor*—An eligible benefactor of the Fund will be any child who is under the jurisdiction of the Court through the Probation department on or after the effective start date of the Fund and whose disposition, as rendered by the Court or Probation department, requires the child to pay restitution to a victim of a delinquent act.

*Eligible Recipient*—An eligible recipient of the Fund will be any person, business, organization, etc., including an insurance company, and the Commonwealth's Crime Victims Compensation Fund (Restitution) who has a legitimate restitution claim on file with the Probation office on or after the effective start date of the Fund that is the result of the delinquent act(s) of an Eligible Benefactor.

#### *Fund Revenue*

On and after the effective date of the creation of the Fund, it will be supported financially in the following manner:

- a) The Probation department will assess a fee in the amount of \$25.00 to all children who are subject to delinquency proceedings whose case results in a final disposition of an Informal Adjustment Consent (excluding Youth Commission), Consent Decree, or adjudication of delinquency and make the same payable to the Fund.
- b) The Probation department will assess a minimum fee of \$50.00 for a case referred to the Probation department where the only disposition rendered is an adjustment at the intake level with no further action taken or sanctions imposed. The initial \$25.00 collected in these cases will be made payable to the Fund, with the remainder of payments credited to the Fayette County Youth Commission.
- c) The Probation department will assess a \$100.00 fee for the preparation and processing of Petitions and corresponding documents as they pertain to the expungement of Juvenile Court records and make the same payable to the Fund.

NOTE: A child who otherwise qualifies for an expungement and who has only a single referral to the Court or Probation department that was successfully handled by the Fayette County Youth Commission will not be required to pay the above-mentioned fee.

- d) The Probation department will assign a fee of \$25.00 to all cases that are dismissed at the intake level at the Juvenile Probation Office upon the request of the victim or complainant, if the complainant is a private citizen, with the fee to be paid by the person requesting the dismissal and with the fee made payable to the Fund.

e) The Probation department will allocate ten thousand dollars (\$10,000.00) per year as part of the Title IV-E Administrative Account contained in the County Budget for the Probation department and make the same payable to the Fund. This allocation will remain in effect for as long as the Probation department participates in the Title IV-E Administrative Cost Pool Program through the Pennsylvania Department of Public Welfare. The Probation department will request from the County an open purchase order number for the above-mentioned allocation and invoice the County quarterly (March 31, June 30, September 30, and December 31) for reimbursement from the above-mentioned account and make the same payable to the Fund.

f) The Court, at its discretion or upon the recommendation of the Probation department, will make other sources of revenue payable to the Fund as the same become available.

#### *Fund Management*

The Fund receipts and expenditures will be managed by the Probation department. Any and all funds received by the Probation department that may be considered revenue for the Fund will be deposited into an account separate and apart from other accounts managed by the Probation department. The sole purpose of this account will be to receive and disperse funds associated with the JCR Fund. As of the date of the creation of the Fund, the account(s) used by the Probation department requires 2 signatures:

All Fund revenues will be receipted, recorded, deposited and otherwise handled as any other revenue received by the Probation department for the intended purpose of reimbursing victims of delinquent behavior.

Additionally, expenditures made from the Fund will be forwarded to eligible recipients by checks issued from the above-mentioned checking account on an as needed basis.

Expenditures from the above-mentioned account will require two signatures consisting of the Chief and Deputy Chief Juvenile Probation Officers.

The above-mentioned account will be subject to an audit performed by the Controller of Fayette County on an annual basis as per the request of the Chief Juvenile Probation Officer.

#### *Review Committee*

The President Judge will establish a committee to review the requests made by the eligible benefactors requesting benefits from the Fund. The committee will be comprised of the following individuals:

Chief or Deputy Chief Juvenile Probation Officer

Victim Services Coordinator for Juvenile Court

The child's supervising probation officer.

#### *Fund Expenditures*

Eligible benefactors of the Fund will be able to request assistance from the Fund in the following manner:

a) The Court or Probation department will prepare an application form for eligible benefactors to utilize in order to request assistance from the fund. The application form will include the following information:

1) Descriptive information about the child including name, DOB, type of supervision, length of supervision.

2) A statement as to the child's overall adjustment while under supervision, addressing behavior at home, in the community, and at school;

3) A statement as to the child's community service completion rate;

4) A statement as to the balance of restitution due by the child.

The applicant's probation officer will assure that the child completes the application, and the probation officer will forward the same to the Review Committee.

The Review committee will review the application, and recommend the level of expenditure to be made on behalf of the applicant.

The President Judge will authorize the amount to be expended from the Fund and credited to the applicant's / benefactor's restitution account. The Probation department will then disperse payments to all applicants remain victim(s) in a proportionate share.

Payments dispersed from the fund will be made on a first come / first serve basis and will be made in the full amount recommended by the Review Committee and approved by the President Judge.

The Probation department will be prohibited from dispersing payments from the Fund in excess of the Fund case reserves plus \$100.00.

#### *Maximum Disbursement*

The maximum amount that may be dispersed from the Fund on behalf of any single child per period of supervision by the Court or Probation department will be one thousand dollars (\$1,000.00).

#### *Fund Balance*

The Fund will maintain a minimum balance of \$100.00 at all times.

#### *Suspension of Activity*

The Court or Chief Juvenile Probation Officer will have the authority to suspend any and all activities associated with the Fund.

#### *Audit Requirement*

The Fund will be subject to an audit by the Controller of Fayette County on an annual basis, covering the period January 1 through December 31 as part of the annual audit on the above-mentioned check account.

[Pa.B. Doc. No. 10-1242. Filed for public inspection July 9, 2010, 9:00 a.m.]

## LANCASTER COUNTY

### Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts; Amendment of Local Rule 6 of Lancaster County Rules for Magisterial District Judges; CPJ. No. 7, Page 1357; No. AD 10 AD 2010

#### Administrative Order

And Now, this 16th day of June, 2010, pursuant to the *Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts* adopted by the Pennsylvania Supreme Court effective July 1, 2010, it is hereby Ordered that existing Local Rule 6 of the Lancaster County Rules for Magisterial District Judges is amended and adopted as follows:

In accordance with Rule of Judicial Administration 103(c), the Lancaster County Clerk of Court is directed to file ten (10) certified copies of this Order and Rule with the Administrative Office of Pennsylvania Courts.

This order shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

JOSEPH C. MADENSPACHER,  
*President Judge*

#### **Rule 6. Fees.**

##### **A. Fee Schedule for Responding to Public Access Requests**

The following fees shall be charged to the public in response to requests for public access to the official case records of the magisterial district courts:

- (1) Photocopies per page—\$.25
- (2) Staff time required to respond to a public access request—No fee for the first hour of staff time. After the first hour, the fee shall be \$6 per 1/4 hour with a minimum of 1/4 hour.
- (3) Actual postage costs incurred by the court.
- (4) Fees under this paragraph may be waived by the court if the magisterial district judge determines that the requestor is indigent.

##### **B. Remittals of Collected Fees**

Fees received pursuant to Paragraph A above, and any notary fees received by any magisterial district judge or any staff member for affidavits, oaths, acknowledgments, or other similar services, regardless of where such services were performed, shall be remitted to the County of Lancaster.

[Pa.B. Doc. No. 10-1243. Filed for public inspection July 9, 2010, 9:00 a.m.]

#### **SCHUYLKILL COUNTY**

##### **Administrative Order 2010.2; S-1568-10; No. AD-64-2010**

##### **Administrative Order**

*And Now*, this 21st day of June, 2010, at 4:00 p.m., pursuant to Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts adopted by the Pennsylvania Supreme Court effective July 1, 2010, it is hereby *Ordered* that Schuylkill County Administrative Order 2010.2 shall become effective July 1, 2010. The procedures established by this Administrative Order shall be utilized

to govern public access to the records of the Magisterial District Courts within the 21st Judicial District.

The Court Administrator is directed to:

- 1) File seven (7) certified copies of the Administrative Order with the Administrative Office of the Pennsylvania Courts; and
- 2) Submit the following items to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*:
  - a) two (2) certified copies of the Administrative Order;
  - b) a copy of the Administrative Order on a computer diskette, CD-ROM, or electronic copy that complies with the requirements.
- 3) File one (1) certified copy with the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania.
- 4) Publish a copy of the local rule on the Unified Judicial System Portal at <http://judportal.us/local/rulesselection.sdp>.
- 5) Forward one (1) copy to the Schuylkill Legal Record for publication.
- 6) Keep continuously available for publish inspection and copying in the office of the Prothonotary.

*By the Court*

WILLIAM E. BALDWIN,  
*President Judge*

##### **Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts**

##### *Schedule for Public Access*

A Magisterial staff member will be available every Monday and Wednesday from 1:00 p.m.—4:30 p.m. and Friday from 1:00 p.m.—3:00 p.m. to process requests for public access to Magisterial District Court Records.

Requests to permit access at other times will only be granted by the Magisterial District Judge if there are extenuating circumstances.

##### *Fees*

A photocopying fee of 25¢ per page shall be charged.

A \$25.00 fee shall be charged for records that must be retrieved from the Schuylkill County Archives Facility, Pottsville, PA and transported to the Magisterial District Judge office.

This Administrative Order shall be effective July 1, 2010 and publicly posted in all Schuylkill County Magisterial District Courts.

[Pa.B. Doc. No. 10-1244. Filed for public inspection July 9, 2010, 9:00 a.m.]