

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION [204 PA. CODE CH. 29]

Promulgation of Consumer Price Index Pursuant to 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4); No. 372 Judicial Administration Doc.

Order

Per Curiam:

And now, this 3rd day of November, 2011, it is *Ordered* pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S. § 3502(a), that the Court Administrator of Pennsylvania is authorized to obtain and publish in the *Pennsylvania Bulletin* the percentage increase in the Consumer Price Index for calendar year 2010 as required by Act 96 of 2010, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended).

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION

CHAPTER 29. MISCELLANEOUS PROVISIONS

Subchapter K. COSTS, FINES AND FEES

§ 29.401a. Consumer Price Index—costs and fines.

Pursuant to Article V, Section 10 of the Pennsylvania Constitution, and 42 Pa.C.S. § 1721, the Supreme Court has authorized the Court Administrator of Pennsylvania to obtain and publish in the *Pennsylvania Bulletin* on or before November 30 the percentage increase in the Consumer Price Index for calendar year 2010 as required by Act 96 of 2010, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended). See, No. 372 Judicial Administration Docket.

The Court Administrator of Pennsylvania reports that the percentage increase in the Consumer Price Index, All Urban Consumers, U.S. City Average, for calendar year 2010 was 1.5% percent. (See, U.S. Department of Labor, Bureau of Labor Statistics, Series CUUROOOSAO, February 9, 2011.)

[Pa.B. Doc. No. 11-1984. Filed for public inspection November 18, 2011, 9:00 a.m.]

PART II. GENERAL ADMINISTRATION [204 PA. CODE CH. 29]

Promulgation of Financial Regulations Pursuant to 42 Pa.C.S. § 3502(a); No. 371 Judicial Administration Doc.

Order

Per Curiam:

And now, this 3rd day of November, 2011 it is *Ordered* pursuant to Article V, Section 10(c) of the Constitution of

Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S. § 3502(a), that the Court Administrator of Pennsylvania is authorized to promulgate the following Financial Regulations. The costs outlined in the Financial Regulations are effective as of January 1, 2012.

To the extent that notice of proposed rule-making may be required by Pa.R.J.A. No. 103, the immediate promulgation of the regulations is hereby found to be in the interests of efficient administration.

This Order is to be processed in accordance with Pa.R.J.A. No. 103(b) and is effective immediately.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION

CHAPTER 29. MISCELLANEOUS PROVISIONS

Subchapter K. COSTS, FINES AND FEES

§ 29.401. Scope.

The Pennsylvania Supreme Court, pursuant to Art. V, § 10 of the Pennsylvania Constitution, and 42 Pa.C.S. § 1721, has authorized by Administrative Order, the Court Administrator of Pennsylvania to promulgate regulations relating to the accounting methods to be utilized in connection with the collection of fees and costs charged and collected by prothonotaries, and clerks of courts of all courts of common pleas, or by any officials designated to perform the functions thereof, as well as by the minor judiciary, including magisterial district judges, Philadelphia Municipal Court and Philadelphia Traffic Court.

Under authority of said Administrative Order and pursuant to the authority vested in the governing authority under 42 Pa.C.S. § 3502(a) of the Judicial Code, the following regulations are adopted to implement Act 96 of 2010, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended).

§ 29.402. 42 Pa.C.S. § 1725.1 Costs.

(a) *Civil cases.*—In calendar year 2012, the costs to be charged by magisterial district judges in every civil case, except as otherwise provided in this section, shall be as follows:

(1) Actions involving \$500 or less	\$48.00
(2) Actions involving more than \$500 but not more than \$2,000	\$64.00
(3) Actions involving more than \$2,000 but not more than \$4,000	\$79.50
(4) Actions involving between \$4,001 and \$12,000	\$119.50
(5) Landlord-tenant actions involving less than \$2,000	\$72.00
(6) Landlord-tenant actions involving more than \$2,000 but not more than \$4,000	\$87.50
(7) Landlord-tenant actions involving more than \$4,000 but not more than \$12,000	\$119.50
(8) Order of execution	\$36.00
(9) Objection to levy	\$16.00
(10) Reinstatement of complaint	\$8.00

(11) Entering Transcript on Appeal or Certiorari \$4.00
 Said costs shall not include, however, the cost of postage and registered mail which shall be borne by the plaintiff.

(a.1) *Custody cases.*—In calendar year 2012, the cost (in addition to the cost provided by general rule) to be charged by the court of common pleas shall be as follows:

(1) Custody cases, except as provided in section 1725(c)(2)(v) \$7.50

(b) *Criminal cases.*—In calendar year 2012, the costs to be charged by the minor judiciary or by the court of common pleas where appropriate in every criminal case, except as otherwise provided in this section, shall be as follows:

- (1) Summary conviction, except motor vehicle cases \$45.50
- (2) Summary conviction, motor vehicle cases, other than paragraph (3) \$36.00
- (3) Summary conviction, motor vehicle cases, hearing demanded \$43.00
- (4) Misdemeanor \$52.00
- (5) Felony \$60.00

Such costs shall not include, however, the cost of postage and registered mail which shall be paid by the defendant upon conviction.

(c) *Unclassified costs or charges.*—In calendar year 2012, the costs to be charged by the minor judiciary in the following instances not readily classifiable shall be as follows:

- (1) Entering transcript of judgment from another member of the minor judiciary \$8.00
- (2) Marrying each couple, making record thereof, and certificate to the parties \$40.00
- (3) Granting emergency relief pursuant to 23 Pa.C.S. Ch. 61 (relating to protection from abuse) \$16.00
- (4) Issuing a search warrant (except as provided in subsection (d)) \$16.00
- (5) Any other issuance not otherwise provided in this subsection \$16.00

§ 29.403. 42 Pa.C.S. § 3571.

In calendar year 2012, Commonwealth portion of fines, etc.

* * * * *

- (c) *Costs in magisterial district judge proceedings.*
- (2) Amounts payable to the Commonwealth:
 - (i) Summary conviction, except motor vehicle cases \$16.00
 - (ii) Summary conviction, motor vehicle cases other than subparagraph (iii) \$16.00
 - (iii) Summary conviction, motor vehicle cases, hearing demanded \$16.00
 - (iv) Misdemeanor \$20.80
 - (v) Felony \$32.00
 - (vi) Assumpsit or trespass involving:
 - (A) \$500 or less \$20.00

- (B) More than \$500 but not more than \$2,000 . \$32.00
- (C) More than \$2,000 but not more than \$4,000 \$47.70
- (D) Between \$4,001 and \$12,000 \$79.65
- (vii) Landlord-tenant proceeding involving:
 - (A) \$2,000 or less \$32.00
 - (B) More than \$2,000 but not more than \$4,000 \$39.75
 - (C) More than \$4,000 but not more than \$12,000 \$55.75
- (viii) Objection to levy \$8.00
- (ix) Order of execution \$24.00
- (x) Issuing a search warrant (except as provided in section 1725.1(d) (relating to costs)).. \$11.20
- (xi) Order of possession \$15.00
- (xii) Custody cases (except as provided in section 1725(c)(2)(v)) \$6.00

[Pa.B. Doc. No. 11-1985. Filed for public inspection November 18, 2011, 9:00 a.m.]

Title 25—LOCAL COURT RULES

INDIANA COUNTY

Adoption of Orphan’s Court Rules; No. 32-11-0490

Order of Court

And Now, this 20th day of October 2011, it is hereby *Ordered and Directed*, pursuant to Pennsylvania Orphans’ Court Rule 1.2, that the Indiana County Orphan’s Court Local Rules are promulgated and adopted. The Rules shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin* and shall apply to all actions filed in Orphan’s Court after such effectiveness date.

It is further *Ordered and Directed* that the Indiana County Register and Recorder shall:

- (1) file One (1) certified copy of the Local Rules with the Administrative Office of Pennsylvania Courts;
- (2) file two (2) certified copies with the Orphan’s Court Rules Committee of the Pennsylvania Supreme Court;
- (3) file two (2) certified copies and one (1) CD-ROM with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
- (4) furnish one (1) certified copy to the Indiana County Law Library;
- (5) keep available for public inspection copies of the Local Rules in the Indiana County Register and Recorder’s Office.

By the Court

WILLIAM J. MARTIN,
President Judge

INDIANA COUNTY ORPHANS' COURT RULES

RULE 1

JUDGES—LOCAL RULES

Rule 1.2.1. Local Rules.

a. These rules shall be known as the Indiana County Orphans' Court Rules and may be cited as ICOCR. These rules are promulgated under the authority of Pennsylvania Orphans' Court Rule 1.2.

b. These rules, in conjunction with the Pennsylvania Orphans' Court Rules and all relevant Acts of Assembly, shall regulate the practice and procedure of the Orphans' Court Division of the Court of Common Pleas of Indiana County, Pennsylvania.

RULE 2

CONSTRUCTION AND APPLICATION OF RULES

Rule 2.2.1. Waiver of Time Limitations.

The Court, upon its own motion or upon motion of any party, may extend any limitation of time imposed by these rules.

Rule 2.3.1. Definitions.

Terms defined in the Pennsylvania Orphans' Court Rules shall have the same meanings when used in these rules. When used in these rules, unless the context clearly indicates otherwise, the following words shall have the meanings set forth below.

a. "Exception" shall mean a disagreement with any order, decree, confirmation or other adjudication of the Court, or of any auditor, master or other official appointed by the Court.

b. "Objection" shall mean a disagreement with any act or omission of a fiduciary, to include, without limitation, disagreements concerning the family exemption, the surviving spouse's allowance, inventories and accounts.

c. "Party in interest" shall mean any person whose interests are affected materially by the disposition of the action. Depending upon the circumstances, and without limitation, "party in interest" may include intestate heirs, testamentary or trust beneficiaries, creditors, claimants and lienholders.

d. "PEF Code" shall mean the Probate, Estates and Fiduciaries Code, 20 Pa.C.S. § 101, *et seq.*

The Court may disregard any misnomer of an exception or objection, and such misnomer shall not be grounds for dismissal.

RULE 3

PLEADING AND PRACTICE

Rule 3.1.1. Conformity to Local Procedure in Civil Actions.

Except where inconsistent with these rules, the Local Rules of the Court of Common Pleas of Indiana County shall apply in Orphans' Court cases. No pleading in Orphans' Court shall require the Notice to Defend described in Pennsylvania Rule of Civil Procedure 1018.1.

Rule 3.2.1. Pleadings.

The pleadings in matters before this Court shall be limited to a petition, an answer, a new matter, a reply to new matter, preliminary objections and an answer to preliminary objections.

Rule 3.2.2. Failure to Respond.

a. Failure to Answer. If the respondent fails to file a responsive pleading to a petition by the return date fixed by the citation or order, or if no such date is fixed, within twenty (20) days after service, such failure shall act as an admission of all material averments of fact in the petition. In such case, and upon proof that the petition and citation or order were served upon the respondent not less than twenty (20) days prior to the return date, the Court, in its discretion, may grant the prayer for relief of the petition, or grant such other relief as may be appropriate, upon motion of the petitioner only. This rule shall not apply to petitions seeking the appointment of a guardian for an alleged incapacitated person, for termination of parental rights, or for adoption.

b. Failure to Reply to New Matter. If the petitioner fails to file a reply to a new matter within twenty (20) days following service, the material averments of fact set forth in the new matter shall be deemed to be admitted, and the case shall be at issue.

Rule 3.4.1. Form of Petitions and Motions.

a. Every petition and motion filed with the Court shall cite the statute, rule of court, or other authority relied upon to justify the relief requested, shall state the grounds for such relief with particularity, and shall state the names and addresses of all known parties in interest.

b. A proposed order shall accompany every petition or motion, and also every pleading filed in opposition to a petition or motion.

c. The Court may direct that a citation be issued, may direct a written response to be filed upon notice, or may schedule a hearing or conference, as the facts and issues in the case may require.

Rule 3.4.2. Exhibits.

a. Petitions shall include as attached exhibits the originals or true and correct copies of all wills, codicils, agreements or other written instruments relied upon, or shall state the reason why any such instrument is not so attached.

b. An attorney's signature to a pleading shall act as a certification by that attorney that all copies of written instruments attached to such pleading are true and correct copies of the originals, and that all original instruments attached to such pleading are authentic.

Rule 3.4.3. Consents and Joinders.

Whenever a party other than a petitioner desires to consent to or join in the prayer for relief of a petition, such consent or joinder shall be in a writing signed by the subject party, attached as an exhibit to the petition, and substantially in the following form:

I have read the contents of the attached petition. I waive all notice or service of the attached petition, or notice of any hearing to be held upon that petition. I authorize the Court to note my general appearance in the subject action, to the same effect as if I had appeared personally or by counsel. I waive all objections to the Court's jurisdiction over my person. I consent to and join in the prayer for relief of the attached petition, and (add specifics of prayer for relief).

Rule 3.5.1. Proof of Service.

a. Personal Service. Proof of personal service of a citation or notice shall conform to the provisions of § 766 of the PEF Code. The return of service shall set forth the

date, time, place and manner of service of true and correct copies of the citation, petition, order or notice so served.

b. Service by Mail. Proof of service of a citation by registered or certified mail shall be made by affidavit of the person making service. Such affidavit shall set forth that true and correct copies of the citation, petition, order or notice so served were mailed to the respondent postage prepaid, return receipt requested, and shall specify the date of mailing and the address to which notice was mailed. The signed return receipt card shall be attached to the return of service.

c. Service by Publication. Service by publication shall be proven by affidavit of the publisher, accompanied by proofs of the notice published.

Rule 3.6.1. Depositions and Discovery.

Practice concerning depositions, discovery, production of documents and perpetuation of evidence shall be as provided under the Pennsylvania Rules of Civil Procedure, and under Indiana County Local Rules of Civil Procedure L-4007.1 and L-4007.3.

RULE 5 NOTICE

Rule 5.2.1. Method; Person under Incapacity.

Notice to a person who is not sui juris shall be given to his guardian or trustee. In the absence of such guardian or trustee, such notice shall be given to the person, if the person is not sui juris solely by reason of minority but is fourteen or more years of age, and, unless the Court directs otherwise by special order, to one or more of the following:

- a. A custodial parent of an unmarried minor, provided that such parent is sui juris;
- b. The spouse of the person;
- c. An individual with whom the person resides, or by whom the person is maintained;
- d. The official in charge of the institution having custody of the person;
- e. An agent or attorney-in-fact with power to act on behalf of the person under a durable general power of attorney; or
- f. Such other person as the Court may direct by special order.

RULE 6 ACCOUNTS AND DISTRIBUTION

Rule 6.3.1. Notice of Account.

a. Every person filing an account for confirmation by the Court shall give notice of the filing of the account, and of the procedure for filing objections to that account, to every unpaid claimant who has given written notice of his claim to the accountant, and to every other person known to the accountant to have or to claim an interest in the estate as a creditor, heir, beneficiary or otherwise.

b. Attached to or enclosed with such notice shall be either a copy of the entire account or a copy of the Statement of Proposed Distribution if such Statement is included with the account, as the accountant may elect.

c. Unless the accountant proposes to refer distribution to an auditor under Rule 6.9.1., the form of notice shall be substantially similar to Form 1, attached.

d. In any case where the accountant proposes to request distribution to be determined by an auditor, the form of notice shall be substantially similar to Form 2, attached.

e. The accountant shall attach to the account a certification, signed by the accountant or by the accountant's attorney, that notice of the filing of the account, and of the dates by which written objections must be filed, has been given to every unpaid claimant who has given written notice of his claim to the accountant, and to every other person known to the accountant to have or to claim an interest in the estate as a creditor, heir, beneficiary or otherwise. Such notice shall also set forth the names and addresses of every person or party to whom such notice has been given.

f. The accountant shall attach to the account proof of publication of advertisement of the grant of letters in a local newspaper of general circulation in the manner required by PEF Code § 3162. Such proof of publication shall be by affidavit of the publisher, accompanied by a copy of the notice published.

Rule 6.3.2. Advertising.

The Clerk of Orphans' Court will cause advertisements of the filing and proposed dates of confirmation of all accounts to be published in the manner required by law. Such advertisements will set out the dates of confirmation nisi and absolute, and will state that unless written objections are filed with the Clerk of Orphans' Court of Indiana County on or before the date of confirmation absolute, the account will be confirmed absolutely.

Rule 6.4.1. Time for Filing.

The Clerk shall determine annually the dates for the filing, confirmation nisi, and confirmation absolute of accounts. The date of confirmation nisi shall be the first Monday of each calendar month which is not a legal holiday. The last date of filing accounts for each such date of confirmation nisi shall be the thirtieth (30th) day prior to each date of confirmation nisi. The date of confirmation absolute shall be the tenth (10th) day following the date of confirmation nisi. The Clerk shall post notice of such dates in the Clerk's office, and shall otherwise make such dates available to the Bar and the public.

Rule 6.9.1. Statement of Proposed Distribution.

a. Except as provided in Rule 6.9.1.b., each account shall include a Statement of Proposed Distribution, which shall identify each proposed distributee by name, and shall clearly identify the property to be distributed.

b. In the alternative, an accountant may request that the Court appoint an auditor to determine distribution. Such request may be made only when there are issues of fact or law which make determination of the proper distribution uncertain. In making such request, the accountant shall state specifically the issues of fact or law in question. The Court may either appoint an auditor as requested, or may direct the accountant to file an amended account containing a Statement of Proposed Distribution, as the Court elects, and without additional or special motion.

Rule 6.10.1. Objections to Accounts.

a. Objections to an account, including objections to a Statement of Proposed Distribution, must be in writing, numbered consecutively, and signed by the objectant or by the objectant's attorney.

b. Each objection shall specify the item in the account, or the item omitted from the account, to which the objection is being made.

c. Each objection shall concern only one item in the account, or omitted from the account, to which the objection is being made. If there are several objections, or separate issues of law or fact, concerning any one item in the account, or omitted from the account, each such objection shall be included as a sub-paragraph of one numbered objection.

d. Each objection shall set forth briefly the reason or reasons supporting the objection.

e. Objections must be filed no later than the date of confirmation absolute of the account, and shall be filed with the Clerk.

Rule 6.10.2. Notice of Objections.

An objectant shall serve a copy of the objections filed upon counsel for the accountant, or, if the accountant has no counsel of record, with the accountant, without delay.

Rule 6.11.1. Confirmation of Accounts.

a. If no objections are filed by the date of confirmation nisi, determined as provided in Rule 6.4.1., the Court may enter confirmation nisi of each timely filed account, as of the date of confirmation nisi, without audit or hearing.

b. If no objections are filed by the date of confirmation absolute, determined as provided in Rule 6.4.1., the Court may enter confirmation absolute of each timely filed account, as of the date of confirmation absolute, without audit or hearing.

c. The Clerk shall notify the Court of any objections filed. When objections are filed, the Court may refer the objections to an auditor without special motion, or grant such other relief as the Court deems proper.

d. Nothing contained in these Rules shall limit the Court's right to examine accounts filed, to reject accounts, or to order audit or hearing for any account, in the exercise of the Court's discretion.

Rule 6.11.2. Confirmation of Title to Real Property.

a. Whenever an accountant proposes to distribute real property in kind, the accountant shall describe the real property on the accounts's Statement of Proposed Distribution with sufficient particularity to permit the property to be identified. Such description shall specify the municipality in which the property is situate, and may include the full legal description employed in the last deed of record, or a summary of that description, or a reference to the property's Indiana County Uniform Parcel Identifier Number, or a recital of the last deed of record, or a combination of the above.

b. Confirmation absolute of an account shall act as a confirmation of any proposed distribution of real property in kind set forth in that account's Statement of Proposed Distribution. The Clerk, at the request of any party, may certify such distribution of real property in a writing to be recorded in the Office of the Recorder of Deeds of Indiana County. Such certificate of distribution may include a more complete description of the real property than that set out in the Statement of Proposed Distribution.

RULE 8

AUDITORS AND MASTERS

Rule 8.0.1. Appointment.

The Court, on its own motion or on the motion or petition of any accountant or interested party, may appoint an auditor or a master. The Order appointing such auditor or master shall specify what issues the auditor or master is to resolve. Before undertaking his or

her duties, the auditor or master shall take an oath before the Clerk to faithfully perform such duties.

Rule 8.1.1. Notice of Hearing.

a. The auditor shall schedule a hearing, and shall give written notice of that hearing, as specified below, to all parties in interest.

b. The notice shall include the following:

1. The caption and number of the case;

2. The name of the auditor or master;

3. The name of any accountant or other fiduciary;

4. The place, date and time of the hearing;

5. A general statement of the matters to be determined by the auditor or master; and

6. The signature, and the printed name, address and telephone number of the auditor or master.

c. The written notice shall be provided to all parties in interest or to their counsel of record not less than twenty (20) days before the hearing by first class mail, postage pre-paid. If the master or auditor so elects, such notice may also be given by registered or certified mail, return receipt requested, postage pre-paid. If notice to a party in interest cannot be given by mail, notice to such party shall be given by advertisement one time in the *Indiana County Law Journal* and one time in a newspaper of general circulation within Indiana County, both such advertisements to appear not less than twenty (20) days before the hearing.

Rule 8.1.2. Conduct of Hearings.

a. All hearings before an auditor or master shall be conducted in accordance with the Pennsylvania Rules of Evidence.

b. The auditor or master may continue or adjourn hearings from time to time for just cause or upon the agreement of all parties present, but such adjournments shall be to a date certain. No additional notice of the continuance or adjournment of a hearing need be given to any party not represented at the hearing.

c. Auditors and masters shall have the authority to issue subpoenas, including subpoenas *duces tecum*, and to administer oaths to witnesses.

d. With leave of court upon motion of the auditor or master, the auditor or master may retain experts to aid in the performance of his or her duties. All parties in interest who do not join in the motion shall receive notice of the filing of the motion.

e. An official court reporter shall take all the testimony and shall prepare a transcript of the same.

Rule 8.3.1. Form of Auditor's Report.

In addition to the matters required by Pennsylvania Orphans' Court Rule 8.3, an auditor's report:

a. shall state the manner of service of the hearing;

b. shall include a Statement of Proposed Distribution;

c. shall state the auditor's proposed fees and expenses and shall propose an allocation of those fees upon the parties; and

d. shall have attached a proposed decree which confirms the report and states in detail the proposed distribution and allocation of fees and costs.

Rule 8.4.1. Form of Master's Report.

In addition to the matters required by Pennsylvania Orphans' Court Rule 8.4, a master's report:

- a. shall state the manner of service of the hearing;
- b. shall state the auditor's proposed fees and expenses and shall propose an allocation of those fees upon the parties; and
- c. shall have attached a proposed decree with confirms the report and states in detail the proposed distribution and allocation of fees and costs.

Rule 8.5.1. Transcript of Testimony.

The report of an auditor or master shall be accompanied by a transcript of testimony and by all documents and other material evidence admitted as part of the record.

Rule 8.6.1. Notice of Filing Report.

a. The auditor or master shall timely file the report with the Clerk, and shall simultaneously give written notice of that filing by first class mail, postage prepaid, to all parties who appeared at the hearing, and to all parties who received notice of the hearing, except those who received notice by publication.

b. A copy of the report, but not of the testimony, documents or other material evidence, shall accompany that notice.

c. The auditor or master will file a proof of service of that notice with the Court, which shall specify the names and addresses of all parties to whom notice was given, and which shall include a copy of the notice given.

d. The notice shall state the date of filing of the report, and shall state that exceptions must be filed within twenty (20) days following the date of filing, or the report may be confirmed in the case of an auditor or its recommendations adopted in the case of a master.

Rule 8.7.1. Confirmation of Report.

a. Unless exceptions to an auditor's report are timely filed, the Court shall confirm the report. The Clerk shall transmit the report to the Court so that it may be confirmed.

b. Unless exceptions to a master's report are timely filed, the Court shall adopt its recommendations. The Clerk shall transmit the report to the Court so that it may be confirmed.

RULE 10**REGISTER OF WILLS****Rule 10.1.1. Advertisement of Grant of Letters.**

Whenever the Register of Wills grants letters for a decedent's estate, the Register shall cause the grant of such letters to be advertised in the *Indiana Law Journal* in the manner required by PEF Code § 3162, and shall collect the cost of such advertisement as part of the fees to be paid upon filing the petition for such letters.

Rule 10.2.1. Appeals from Register of Wills.

When an appeal is taken from a judicial act of the Register, or from a proceeding before the Register, the records of the matter shall be certified to the Court in accordance with PEF Code § 907 (relating to certification of records to the Court). The appeal shall be in the form of a petition to the Court and shall set forth:

- a. the nature of the proceedings before the Register;
- b. the basis of the appeal, including the facts or circumstances upon which it is based;
- c. the names and the addresses of all parties in interest, including those who have not been parties of record; and
- d. a request that a Citation be issued directed to all parties in interest, including those not represented on the record, to show cause why the appeal should not be sustained and the judicial act or proceeding complained of be set aside and reversed.

Rule 10.2.2. Citation.

Upon allowance of the petition, a citation shall be issued by the Court, to which an answer must be filed by a return date set forth in the citation, directed to all parties in interest, including those not represented on the record, to show cause why the appeal should not be sustained and the judicial act or proceeding complained of be set aside. The Court may then schedule the matter for hearing. The citation and a copy of the petition shall be served by the party taking the appeal in the manner provided by the PEF Code § 765.

Rule 10.2.3. Disposition-No Answer.

If no answer is filed, upon proof of service of the citation and petition, the Court may grant the relief requested.

RULE 12**SPECIAL PETITIONS****Rule 12.1.1. Family Exemption. Additional Contents of Petition.**

In addition to the matters required by Pennsylvania Orphans' Court Rule 12.1, a petition for the family exemption shall also set forth:

- a. the name, residence, and date of death of the decedent;
- b. the petitioner's name, address, and relationship to the decedent, and whether the petitioner was a member of the same household as the decedent on the date of decedent's death;
- c. if petitioner be the surviving spouse, the date and place of the marriage, and if a common law marriage is asserted, all averments necessary to establish the validity of the marriage;
- d. whether the decedent died testate or intestate;
- e. whether, when and to whom letters were granted, and what letters were granted;
- f. the names, relationship to the decedent, and addresses of those interested in the estate; and
- g. the location and value of the property claimed.

Rule 12.3.1. Elective Share. Extension of Time-Contents of Petition.

A petition for extension of time in which the surviving spouse may file an election to take against the will shall be filed with the Clerk within the time limits provided by § 2210(b) of the PEF Code, and shall set forth the facts relied upon to justify the extension sought.

Rule 12.5.1. Appearance in Court-Minor Over Fourteen.

If a petition is filed seeking the appointment of a guardian for a minor who is fourteen years or more years of age, the minor shall appear at the presentation of the

petition and consent to the appointment of the guardian in open Court, unless, for cause shown, the Court shall excuse such appearance.

Rule 12.5.2. Small Estates of Minors.

a. A petition for the award of an estate of a minor without the appointment of a guardian or the entry of security shall contain the following:

1. a statement that the net value of the entire real and personal estate of the minor does not exceed the statutory limitations; and

2. the name of a bank or insured savings and loan association with at least one office in Indiana County as the suggested depository.

b. In the absence of satisfactory reasons for doing otherwise, the Court shall direct that any cash be deposited in an interest bearing account in such a depository in the name of the minor or the name of a natural guardian of the minor. In all cases, the account shall be expressly restricted by means of a notation on the records of the depository that no withdrawals may be made from the account until the minor attains the age of majority, except as authorized by a prior order of the Court. Further, written acknowledgment by the depository of the marking of the account to indicate the restriction shall be filed promptly as part of the record.

c. Any authorization by the Court given to a parent or other person or institution maintaining the minor to execute a receipt, deed, mortgage or other instrument affecting real or personal property of the minor within the statutory limit shall be conditioned on the deposit of the proceeds therefrom in an account restricted as in (b) above.

Rule 12.5.3. Allowances from Minor's Estate.

A petition for an allowance from a minor's estate shall set forth:

a. the manner of the guardian's appointment and qualification and the dates thereof;

b. the age and residence of the minor, whether his or her parents are living, the name of each person with whom he or she resides, and the name and age of such minor's spouse and children, if any;

c. the value of the minor's estate, real and personal, and his or her annual income;

d. the circumstances of the minor; whether employed or attending school; whether a parent or other person charged with the duty of supporting the minor is living; the financial condition and income of such parent or other person and why such person is not discharging his or her duty of support; and whether there is other adequate provision for the support and education of the minor, and the minor's spouse and children, if any;

e. the date and amount of each previous allowance by the Court; and

f. the financial requirements of the minor and his or her family, in detail, and the circumstance making the allowance necessary.

Rule 12.6.1. Appointment of Trustee. Exhibit Attached to Petition.

A copy of the instrument creating the trust shall be attached as an exhibit to the petition.

Rule 13.3.1. Report By Fiduciary.

a. If a report is submitted pursuant to Pennsylvania Orphans' Court Rule 13.3, that report may be submitted

by petition at any time during the administration of the estate, trust or fund in question, or may be included as part of an account submitted for adjudication. All such reports shall be verified by the fiduciary or counsel.

b. Unknown Distributee. If it appears that the identity or whereabouts of a distributee is unknown or that there are no known heirs of a decedent, the written report shall set forth:

1. the nature of the investigation made to locate the distributee or the heirs of the decedent in complete detail; and

2. in cases of intestacy, a family tree, as complete as possible, supported by such documentary evidence as the fiduciary has been able to obtain.

c. Non-resident Distributee. If the fiduciary requests the Court to withhold distribution to a non-resident distributee, the written report shall set forth:

1. the relationship of the distributee to the decedent and any available information concerning the distributee's present whereabouts;

2. in cases of intestacy, a family tree, as complete as possible, supported by such documentary evidence as the fiduciary has been able to obtain; and

3. the reasons for the request that distribution be withheld and the suggested manner of withholding.

Rule 14.1.1. Service of Notice of Filing of Petition and Hearing. Proof of Service.

a. Notice of the petition for appointment of guardian and hearing shall be served by the petitioner upon those persons entitled thereto under PEF Code § 5511(a). Service may be made in person, or by first class mail, postage pre-paid, or by such other form of service as the Court may approve by special order. A copy of the petition shall accompany the notice. Service of the notice shall be given at least ten (10) days in advance of the hearing. The notice shall describe the relief sought in the petition, shall specify the date, time and place of hearing, and shall inform each party to be notified of that party's right to attend and to testify at such hearing.

b. Proof of service of the notice shall be presented to the Court at or before the time of hearing, and shall include a copy of the notice provided.

Rule 14.1.2. Expert Testimony.

The testimony of a physician or other expert witness may be given telephonically or by other means which will permit the witness to be heard in the courtroom, and which will permit examination and cross examination of the witness, unless the Court shall order otherwise for cause shown.

Rule 14.1.3. Emergency Guardian.

a. A separate petition for appointment of an emergency guardian shall be filed.

b. After a petition for the appointment of an emergency guardian has been filed, the matter shall proceed on citation and hearing. The provisions of § 5511 of the PEF Code, including those relating to counsel, shall be applicable, except when the Court has found that such provisions are not feasible under the circumstances. If a petitioner believes that one or more provisions of § 5511 of the PEF Code are not feasible under the circumstances, the petitioner shall state the factual basis for such belief in the petition, and the Court, in its discretion, may dispense with compliance in the order awarding the citation. If not all required provisions have been complied

with by the time of the hearing upon the petition, the Court, in its discretion at the hearing, may further dispense with compliance, if compliance is shown to have been unfeasible.

c. The citation issued in connection with a petition for appointment of emergency guardian shall be the citation prescribed by Pennsylvania Orphans' Court Rule 14.5.

Rule 14.1.4. Notice of Non-representation.

Counsel for the petitioner shall provide written notice to the Court, not later than seven (7) days prior to the hearing, if counsel has not been retained by or for the alleged incapacitated person. Such notice shall include detailed information about the physical, mental and financial condition of the alleged incapacitated person.

Rule 14.1.5. Order of Appointment Final.

An order appointing a guardian for an incapacitated person shall be a final order and not a decree nisi.

Rule 14.1.6. Annual Guardianship Reports.

a. The annual reports required by PEF Code § 5521[c] shall be in such form as prescribed by the Pennsylvania Orphans' Court Rules: Form G-02—Annual report of the Guardian of the Estate; Form G-03—Annual Report of the Guardian of the Person.

b. The guardian, as an alternative, may utilize the form prescribed by the Department of Veterans Affairs—Federal Fiduciary's Account, VA Form 21-4706(b), or any amendments or replacements thereof.

c. The Clerk shall provide written notice of the need to file an annual report to each serving guardian appointed on and after the effective date of these rules, and to such guardian's counsel of record, if any. Such notice shall be given by first class mail, postage prepaid, to the last known addresses of such guardian and counsel not less than one month prior to each anniversary of such guardian's appointment. The Clerk shall inform the Court of any such guardians who do not timely file the required annual reports.

RULE 15

ADOPTIONS

Rule 15.1.1. Proposed Orders.

Proposed orders will be attached to all petitions filed seeking termination or parental rights or adoption.

Rule 15.1.2. Separate Petitions.

Whenever petitions for the adoption of siblings are to be filed, a separate petition shall be filed for each sibling, although hearings on such petitions may be consolidated by the Court, on its own motion or on motion of any party in interest.

Rule 15.1.3. Orders Final.

Any order terminating parental rights, and any decree of adoption, shall be a final order and not a decree nisi.

Rule 15.1.4. Information about Legal Counsel.

The Office of the Court Administrator of Indiana County shall be designated as the source of information about legal counsel required by 23 Pa.C.S. § 2513(b).

FORM 1

ORPHANS' COURT DIVISION
Court of Common Pleas of Indiana County,
Pennsylvania
No. 32-XX-XXXX

The First and Final Account of
(Name of Accountant), (Title of Accountant) of
(Name of Decedent), Deceased,
Late of (Name of Municipality), Indiana County,
Pennsylvania
Attorneys for the Estate—(Name of Attorney(s))

TO: All persons claiming an interest in the said Estate:

You are hereby notified in accordance with the provisions of Section 3503 of the Pennsylvania Probate, Estates and Fiduciaries Code and of Rule 6.3 of the Pennsylvania Orphans' Court Rules, that the First and Final Account of (Name of Accountant), (Title of Accountant) of the Estate of (Name of Decedent), deceased, has been or will be filed in the Office of the Clerk of the Orphans' Court Division of the Court of Common Pleas of Indiana County, Pennsylvania on or before (filing date). If no written objections are filed to that account on or before on (date of confirmation nisi), the account will be confirmed nisi, without audit or hearing, on that date. If no exceptions are filed to the confirmation nisi on or before (date of confirmation absolute), the Account will be confirmed absolutely on that date.

Any person who objects to the transactions shown on the Account must file written objections with the Clerk of Orphans' Court of Indiana County, Indiana County Courthouse, 825 Philadelphia Street, Indiana, PA 15701, on any date on or before the date on which the Account will be confirmed absolutely. If no such objections are filed, the Court will confirm the Account absolutely, and decree that distribution is to be made in accordance with the Account's Statement of Proposed Distribution.

A copy of (Account/Statement of Proposed Distribution) is enclosed.

(Attorney's Name), Esquire
Counsel for (Title of Accountant)

FORM 2

ORPHANS' COURT DIVISION
Court of Common Pleas of Indiana County,
Pennsylvania
No. 32-XX-XXXX

The First and Final Account of
(Name of Accountant), (Title of Accountant) of
(Name of Decedent), Deceased,
Late of (Name of Municipality), Indiana County,
Pennsylvania
Attorneys for the Estate—(Name of Attorney(s))

TO: All persons claiming an interest in the said Estate:

You are hereby notified in accordance with the provisions of Section 3503 of the Pennsylvania Probate, Estates and Fiduciaries Code and of Rule 6.3 of the Pennsylvania Orphans' Court Rules, that the First and Final Account of (Name of Accountant), (Title of Accountant),

tant) of the Estate of (Name of Decedent), deceased, has been or will be filed in the Office of the Clerk of the Orphan' Court Division of the Court of Common Pleas of Indiana County, Pennsylvania on or before (filing date). If no written objections are filed to that account on or before on (date of confirmation nisi), the account will be confirmed nisi, without audit or hearing, on that date. If no exceptions are filed to the confirmation nisi on or before (date of confirmation absolute), the Account will be confirmed absolutely on that date.

Any person who objects to the transactions shown on the Account must file written objections with the Clerk of Orphans' Court of Indiana County, Indiana County Courthouse, 825 Philadelphia Street, Indiana, PA 15701, on any date on or before the date on which the Account will be confirmed absolutely. If no such objections are filed, the Court will confirm the Account absolutely.

The (Title of Accountant) has requested that the Court appoint an auditor to determine to whom and in what shares the assets of the estate are to be distributed. Therefore, the Account does not include a Statement of Proposed Distribution. A copy of the Account is enclosed.

(Attorney's Name), Esquire
Counsel for (Title of Accountant)

[Pa.B. Doc. No. 11-1986. Filed for public inspection November 18, 2011, 9:00 a.m.]

MONROE COUNTY

Adoption of Local Custody Rules §§ 1915.1, 1915.3, 1915.3-1, 1915.3-2, 1915.4-1, 1915.5, 1915.8, 1915.10, 1915.12, 1915.17, 1915.22 and Local Divorce Rules §§ 1920.12, 1920.43, 1920.51, 1920.54, 1920.55-2

Order

And Now, this 1st day of November, 2011, this Court having issued an Order on October 12, 2011 adopting new Monroe County Local Rules of Custody and Divorce in conformity with the adoption of Act 2010-112, effective January 22, 2011, amending Title 23 (Domestic Relations) of the *Pennsylvania Consolidated Statute*, and the Court becoming aware that the Monroe County Local Rules of Custody and Divorce adopted by this Court pursuant to the October 12, 2011 Order include language of "visitation" no longer contained in Act 112, our Order of October 12, 2011 is hereby *Vacated*.

It is *Ordered* that the Monroe County Rules of Civil Procedure in Custody and Divorce adopted June 27, 2001 and effective September 1, 2001, and any subsequent amendments thereafter, are hereby rescinded in their entirety, effective upon the adoption of new Local Rules of Court. Monroe County Rules of Civil Procedure §§ 1915.1, 1915.3, 1915.3-1, 1915.3-2, 1915.4-1, 1915.5, 1915.8, 1915.10, 1915.12, 1915.17, 1915.22, 1920.12, 1920.43, 1920.51, 1920.54, and 1920.55-2 are hereby adopted as indicated as follows and shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*. The Court Administrator is directed to:

1. File one (1) certified copy of the within Order and new local rules with the Administrative Office of Pennsylvania Courts;

2. Forward two (2) certified copies and a computer diskette containing the text of the local rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

3. File one (1) certified copy of the within Order and new local rules with the Domestic Relations Procedural Rules Committee of the Supreme Court of Pennsylvania;

4. Forward one (1) copy to the *Monroe County Legal Reporter* for publication.

5. Arrange to have the local rule changes published on the Monroe County Bar Association web site at www.monroebar.org.

Copies shall be kept continuously available for public inspection in the Office of the Monroe County Prothonotary, the Office of the Court Administrator and the Monroe County Law Library.

By the Court

RONALD E. VICAN,
President Judge

Actions in Custody

1915.1. Definitions.

"Conciliator" shall be an active-status attorney duly licensed to practice law in the Commonwealth of Pennsylvania and appointed by the Court.

"Conciliation Conference" shall be a prehearing negotiation meeting conducted under the auspices of the Court by the Conciliator.

"Evidentiary Hearing" shall be an evidentiary hearing before a judge of the Court of Common Pleas of Monroe County.

"Program" shall be the Monroe County Co-Parent Education Program.

"Provider" shall be the provider of the Monroe County Co-Parent Education Program.

1915.3. Commencement of Action. Complaint. Order. Fees.

1. All complaints for custody, partial custody, or modification of custody, and contempt of custody order and all motions for conciliation conference shall be filed with the Prothonotary and shall be forwarded promptly to the Court Administrator.

2. Initial complaints and initial motions for conciliation conference shall be accompanied by a scheduling order, the co-parent order, information and registration forms, and a blank criminal or abuse history affidavit in the forms set forth at Local Rule 1915.22(1), (2) and (5) below.

3. Subsequent motions for conciliation conference shall be accompanied by a blank scheduling order and blank criminal or abuse history affidavit.

4. Upon the filing of any complaint, petition or motion relating to child custody or partial custody, the moving party shall pay a fee to the Prothonotary (in addition to the fees required by Local Rule 1940.5) in an amount set forth in the fee schedule adopted by the Court.

1915.3-1. Criminal or Abuse History.

1. *Criminal or Abuse History Affidavit*. Any party filing a complaint or petition for modification shall, at the time of filing the complaint or petition, file a notarized affidavit concerning any criminal and/or abusive history of the filing party and anyone living in that party's household. The affidavit shall be substantially in the form set forth in Local Rule 1915.22(5) below. All other parties to the

action shall not be required to file a responsive pleading to the complaint or petition, but must file with the Court an affidavit regarding any criminal or abuse history on their behalf and anyone living in their household on or before the initial in-person contact with the Court (including, but not limited to, a conciliation conference or mediation) or no later than 30 days after service of the complaint or petition, whichever first occurs.

2. *Initial Evaluation.* At the initial in-person contact with the Court, the judge, custody conciliator or other appointed individual shall perform an initial evaluation to determine whether the existence of a criminal or abuse history of either party or a party's household member poses a threat to the child and whether counseling is necessary. The initial evaluation required by 23 Pa.C.S.A. § 5329(c) shall not be conducted by a mental health professional. After the initial evaluation, the Court may order further evaluation or counseling by a mental health professional if the Court determines it is necessary.

3. *Affidavit.* The affidavit regarding criminal or abuse history shall be substantially in the form set forth in Local Rule 1915.22(5).

1915.3-2. Co-Parent Education Program.

1. All parties to initial custody actions and to divorce actions in which the divorce complaint contains a count for custody shall attend and complete the four hour program entitled Co-Parent Education Program. The Court, in its discretion, may require repeat attendance.

2. In divorce actions, parties with minor children may attend the Co-Parent Education Program but are not required to do so unless ordered by the Court.

3. The parties shall register for the program using the registration form set out in these Rules and served with the custody complaint or motion. The moving party must register for the program within fifteen days after service of the order requiring attendance at the program and must complete the program within sixty days after service of the aforementioned order. The responding party must register for the program within fifteen days after service of the order requiring attendance at the program and must complete the program within sixty days after service of the order. The provider shall certify the parties' attendance by filing a certificate of attendance with the Prothonotary.

4. Failure to comply with an order requiring attendance at the Co-Parent Education Program may result in the Court taking any appropriate action, including sanctions and/or contempt.

1915.4-1. Conciliation Conference.

1. All parties and all children specifically ordered to attend shall attend the conciliation conference. At the conciliation conference, the conciliator shall meet with the parties and their counsel to conciliate all claims and may meet with the children if deemed appropriate in the discretion of the conciliator. The conciliator shall also screen for referral of the appropriate cases to mediation.

2. To facilitate conciliation and to encourage frank, open and meaningful exchanges between the parties and their counsel, statements made by the parties, children, counsel or the conciliator at the conciliation conference shall not be admissible as evidence in court. The conciliator shall not be competent to serve as a witness for or against any party nor shall there be any testimony taken at the conciliation conference. The conciliator shall not be subject to subpoena to compel testimony regarding information revealed at the conciliation conference.

3. Promptly following the conciliation conference, the conciliator shall file a recommendation with the Court setting forth the terms of a consent agreement reached by the parties or setting forth a recommendation for an interim order that may include a requirement that the parties undergo a specific period of counseling with a licensed psychologist or therapist or with a certified mediator. In appropriate cases, the conciliator may recommend mediation pursuant to Pa.R.C.P. § 1940.1 *et seq.*

4. Where it appears that the resolution of the matter will require an evidentiary hearing, the conciliator shall recommend family social studies or the completion of custody questionnaires. Unless otherwise directed by the Court, the agency issuing the family social study shall mail the written study to the custody conciliation office and to counsel of record for the parties or to the parties if there are no attorneys of record, pursuant to Pa.R.C.P. § 1915.8.

5. Where it appears that the resolution of the matter will require an evidentiary hearing, the conciliator may make any additional recommendations for mental health evaluations, drug and alcohol evaluations, the appointment of experts, guardians ad litem, or counsel for the child or for any other prehearing matters the conciliator deems necessary or appropriate.

6. No exceptions may be taken from the recommendation of the conciliator.

1915.5. Motions and Petitions.

1. Motions for the scheduling of a conciliation conference shall be in accordance with Local Rules 208.2(c), 208.2(d), and 208.3(a).

1915.8. Disclosure of Expert Evaluations.

A party to a custody or partial custody action shall not disclose the contents of an expert report pursuant to Pa.R.C.P. § 1915.8, including home study evaluations, mental and physical evaluations, and drug and alcohol evaluations, to anyone except their attorney. Disclosure to an unauthorized person, including the child who is the subject of the action, may result in a finding of contempt and sanctions.

1915.10. Evidentiary Hearing.

Upon the completion of all family social studies and any evaluations ordered by the Court, either party may move for an evidentiary hearing that shall be held before a judge of the Court. The motion for evidentiary hearing shall be filed with the Prothonotary and shall be accompanied by a proposed order scheduling a prehearing conference and the evidentiary hearing in accordance with the form set forth in Local Rule 1915.22(3) below. Prior to any evidentiary hearing, counsel to the parties shall appear for a prehearing conference to be scheduled by the assigned judge. Unless otherwise ordered by the Court, the parties shall be present for prehearing conferences.

All parties shall provide to the Court and all other parties a completed parenting plan, in accordance with 23 Pa.C.S.A. § 5331, and an updated notarized criminal or abuse history affidavit concerning any criminal and/or abusive history, in accordance with 23 Pa.C.S.A. § 5329 and Local Rule 1915.3-1. The completed parenting plan and criminal or abuse history affidavit shall be attached and submitted to the Court as part of the party's pre-hearing memorandum.

1915.12. Civil Contempt for Disobedience of a Custody Order.

Petitions for contempt shall be filed in the Office of the Prothonotary in accordance with Local Rule 1915.3(a) and may be scheduled for a conference before the conciliator. If the contempt matter is not resolved at conference, then the conciliator shall refer the matter to the judge for appropriate action.

Rule 1915.17. Relocation. Notice and Counter-Affidavit.

1. The procedure in any relocation case shall be expedited. There shall be no requirement for pre-judicial processes including, but not limited to, parenting education, conciliation or mediation prior to an expedited hearing before a judge.

2. Any person seeking to relocate a minor child shall first obtain:

a) the written consent of any other person who has custodial rights to the child, or

b) an order of court approving the relocation.

3. If there is no existing custody order or case number, the party seeking to relocate must file a custody complaint and be assigned a case number prior to serving a notice of relocation.

4. If there is an existing custody order, the party seeking to relocate need not file a modification petition. The party seeking to relocate must provide every other person who has custodial rights to the child with the notice of proposed relocation and a counter-affidavit by which a person may agree or object to the relocation. The notice and counter-affidavit shall comply with 23 Pa.C.S.A. § 5337(c)(3) and (d)(1), respectively. In addition, the notice and counter-affidavit shall contain the case caption and number. The notice and counter-affidavit shall be sent by certified mail, return receipt requested, no later than the sixtieth day before the date of the proposed relocation or other time frame set forth in 23 Pa.C.S.A. § 5337(c)(2).

5. When the relocating parent seeks an order of court, has served a notice of intent to relocate as required by 23 Pa.C.S.A. § 5337 *et seq.*, has not received notice of objection to the move, and seeks confirmation of relocation, the relocating parent shall file:

a) a petition to confirm relocation that includes the requirements set forth in 23 Pa.C.S.A. § 5337(e) when there is an existing custody case;

b) A copy of the notice served on the non-relocating party and proof of service; and

c) A proposed order.

6. When the relocating parent seeks an order of court, has served a notice of intent to relocate as required by 23 Pa.C.S.A. § 5337 *et seq.*, and has received notice of objection to the move, the relocating parent shall file:

a) a copy of the notice served on the non-relocating party;

b) a request for a hearing.

7. If the non-relocating party seeks an order of court preventing relocation, the non-relocating party shall file:

a) a counter-affidavit as set forth in 23 Pa.C.S.A. § 5337(d)(1), and

b) a request for a hearing.

1915.22. Forms.

1. The scheduling order on complaints and motions for conciliation conferences shall be in the form attached hereto.

2. The co-parent order, information and registration forms shall be in the forms attached hereto.

3. The order for prehearing conference and final hearing shall be in the form attached hereto.

4. The parenting plan to be submitted to the Court shall be in the form attached hereto.

5. The criminal or abuse history affidavit to be filed with the Court shall be in the form attached hereto.

**COURT OF COMMON PLEAS OF MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA**

_____, : NO. ____ CV 20____
Plaintiff : NO. ____ DR 20____
 :
vs. :
 :
 : IN CUSTODY
 :
_____, :
Defendant :

ORDER

You, _____, have been sued in court to obtain/modify custody or partial custody of the minor child(ren), _____, born _____, now age____; _____, born _____, now age____; _____, born _____, now age____; _____, born _____, now age____.

AND NOW, upon consideration of the attached Complaint/Petition, it is hereby Ordered that the parties and their respective counsel appear before _____, Esquire, Custody Conciliator, on the _____ day of _____, 2011 in the Conciliation Room, Second Floor, Monroe County Courthouse at ____ (a.m./p.m.) for a conciliation conference. At such conference, an effort will be made to resolve the issues in dispute; or, if this cannot be accomplished, to define and narrow the issues to be heard by the Court and to enter into an Interim Order. Failure to appear at the Conference may provide grounds for the entry of a Temporary Order.

You are further ordered to bring with you the following children to the conference: _____

NOTE: Children under the age of eight (8) need not attend.

You are also ordered to provide to the Court and all other parties a notarized affidavit concerning any criminal and/or abusive history, in accordance with 23 Pa.C.S.A. § 5329, Pa. Monroe Co. R.C.P. Rule 1915.3-1, and Pa. Monroe Co. R.C.P. Rule 1915.22(5) prior to the custody conference.

If you fail to appear as provided by this Order, to bring with you the minor child(ren), or provide the notarized affidavit concerning any criminal and/or abusive history, an Order for custody may be entered against you by the Court or the Court may issue a warrant for your arrest.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET HELP:

MONROE COUNTY BAR ASSOCIATION
LAWYER REFERRAL SERVICE
913 MAIN STREET, P. O. BOX 786
STROUDSBURG, PENNSYLVANIA 18360
(570) 424-7288

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Monroe County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

BY THE COURT:

Date: _____ J.

cc: _____, Esquire, Custody Conciliator

COURT OF COMMON PLEAS OF MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA

_____, : NO. ____ CV 20__
Plaintiff : NO. ____ DR 20__
:
vs. :
: IN CUSTODY
:
_____, :
Defendant :
:

ORDER

AND NOW, this ____ day of _____, 20__, ALL PARTIES ARE HEREBY ORDERED to attend a program entitled the Co-Parent Education Program and to bring with you the Certificate of Completion you will receive at the program. You must register for the program using the registration form attached within fifteen (15) days of the date that you receive this Order. Further, you must attend and complete the program within sixty (60) days of the date that you receive this Order.

FAILURE TO ATTEND AND COMPLETE THE PROGRAM IN ACCORDANCE WITH THE INSTRUCTIONS ATTACHED TO THIS ORDER WILL BE BROUGHT TO THE ATTENTION OF THE COURT AND MAY RESULT IN THE FINDING OF CONTEMPT AND THE IMPOSITION OF SANCTIONS BY THE COURT.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET HELP:

MONROE COUNTY BAR ASSOCIATION
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913 MAIN STREET, P. O. BOX 786
STROUDSBURG, PENNSYLVANIA 18360
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AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Monroe County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

BY THE COURT:

_____ J.

cc:

2012 CO-PARENT EDUCATION PROGRAM

In cases involving minor children, attendance at a four-hour Co-Parent Education Program is required of the parties in custody and divorce actions.

MINOR CHILDREN SHALL NOT BE BROUGHT TO THE PROGRAM

Program Content

The program focuses on the impact of divorce on parents and children, with an emphasis on fostering a child's emotional health and well being during the periods of stress. The program is informative, supportive, and directs people desiring additional information or help to appropriate resources.

The Program addresses the following items:

I. Impact of Divorce on Parents and Children: tasks adults face; tasks children face; common reactions of children of different ages; and do's and don'ts of parenting.

II. Handling the Feelings: Identifying feelings; Anger in divorce: toward your co-parent, from your children, toward your children; Feeling and healing.

III. Video segments and Discussion: Explaining divorce, warning parents, new relationships, etc.

IV. Mediation: Explanation of mediation process and its applicability to divorce and custody matters.

When

The Program is offered every month on one Saturday morning from 9:00 a.m. until 1:00 p.m. or every month on one Tuesday evening from 5:30 p.m. until 9:30 p.m.

Where

The Program will be presented in Hearing Room A, lower level of the Monroe County Courthouse, 7th & Monroe Streets, Stroudsburg, Pennsylvania, unless otherwise directed by security. A security officer will direct you on where to go.

Attendance

Attendance at the Program is required of parties to a case where the interests of children under the age of eighteen years are involved. Additional interested persons may attend the seminar upon prior approval of Family/Divorce Services and certain fees may apply.

Presenters

Qualified counselors, educators and trainers selected by Family/Divorce Services will present the Program pursuant to arrangements with the Court of Common Pleas of Monroe County.

Notification

A copy of the Order requiring the parties to attend the Program and Registration Form will be provided to the parties at the time of the filing of the action or service of the applicable pleading.

Fees

A fee of \$40.00 per party for the Program is required and will be used to cover all program costs including the presenter's fee, handouts and administration. The fee must be submitted with the registration form.

Registration

The registration form must be received by Family/Divorce Services at least seven (7) days prior to the Program date selected. Each party shall attend the Program without further notification by the Court. Any changes in scheduling must be arranged through Family/Divorce Services.

Verification of Attendance

Upon proof of identification at the Program, Family/Divorce Services will record the party as "present" and provide to the Prothonotary of Monroe County a Certificate of Completion, which shall be filed of record. Each person successfully completing the program will be given a Certificate of Attendance. Should you have a case in another County or State, you are responsible to provide that Court with a copy of your Certificate of Completion.

Americans with Disabilities

For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the Court Administrator's office at (570)-517-3009. All arrangements must be made at least (72) hours prior to the Co-Parent Program and you must attend the scheduled program.

Security

The Monroe County Sheriff's Office will provide armed, uniformed deputies at each Program immediately prior to, during and immediately after each presentation.

CO-PARENT EDUCATION PROGRAM—2012
Registration Form

READ ALL INFORMATION

The Program is held on the lower level of the Monroe County Courthouse, Stroudsburg, PA. The Sheriff's Department provides security. Register by MAIL ONLY. See form below.

Further questions should be directed to Family/Divorce Services at 610-366-8868.

The Program fee is \$40 per person for all persons ordered to attend. Guests are welcome, but require an additional \$15 fee. Sign them up on form below.

A videotape or DVD to view and return is available ONLY to parties who reside more than 90 minutes driving time from Stroudsburg. See below.

Please register at least a week before you plan to attend. Confirmations are NOT sent by mail or by phone. Send in your form and come to the courthouse on the date you choose.

Children shall not be brought to the courthouse. Be prompt. Latecomers will not be admitted and will have to re-schedule.

In case of a snowstorm, a message will play at 610-366-8868 if class is canceled. Also, listen to radio 93.5FM or

840AM or WYOU TV for notices of cancellation. If you are disabled and need special assistance to enter the courthouse, call ahead.

REGISTER BY MAIL: Choose your date, fill out the form below and send money order payable to: Family/Divorce Services, P. O. Box 318, Trexlertown, PA 18087.

DOCKET NUMBERS of your divorce and custody case MUST be filled in. Include numbers-letters-year of file: _____

Your name: _____

Guest (name and relationship to child): _____

Address: _____ City _____ State _____ Zip _____

Phone: Home _____ Work _____

Pick a Saturday morning OR a Tuesday evening:

SATURDAYS 9:00 a.m.— 1:00 p.m. TUESDAYS 5:30 p.m.— 9:30 p.m.

- January 7, 2012 February 4 March 3 April 14 June 2 August 4 October 13 December 1
January 10, 2012 February 7 March 6 April 10 May 8 June 5 July 10 August 7 September 11 October 16 November 13 December 4

Videotape or DVD: \$75 fee (includes S&H and \$25 deposit. Deposit is refunded when tape is returned per instructions.)

COURT OF COMMON PLEAS OF MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA

Plaintiff vs. Defendant
NO. CV 20
NO. DR 20
IN CUSTODY

ORDER

AND NOW, this ___ day of ___, 20___, upon consideration of the attached motion for hearing, a full evidentiary hearing is scheduled for the ___ day of ___, 20___, at ___ o'clock a.m./p.m., in Courtroom No. ___ of the Monroe County Courthouse, Stroudsburg, Pennsylvania.

Further, a pre-hearing conference is scheduled for the ___ day of ___, 20___, at ___ o'clock a.m./p.m., in the Chambers of the Honorable ___, Monroe County Courthouse, Stroudsburg, Pennsylvania. Unless otherwise ordered by the Court, the parties shall be present for prehearing conferences.

On or before ___, counsel for each party shall provide to the Court and to opposing counsel a written pre-hearing memorandum which shall include the following:

- 1. Name of client, name and telephone number of attorney.
2. A statement of all legal and evidentiary issues anticipated at hearing and citation to legal authorities relied upon by counsel.

3. The names and addresses of all witnesses to be called at hearing with a notation of their specific purpose.

4. A list of all exhibits to be used at hearing and a statement certified by counsel that all exhibits were furnished to opposing counsel as part of the pre-hearing memorandum.

5. The estimated length of hearing time necessary for counsel to present evidence.

6. A proposed order providing the terms you seek.

7. A proposed order providing the terms you seek if the opposing party prevails.

8. The parties shall complete a parenting plan, in accordance with 23 Pa.C.S.A § 5331 and Pa. Monroe Co. R.C.P. Rule 1915.22(4), and an updated notarized affidavit concerning any criminal and/or abusive history, in accordance with 23 Pa.C.S.A. § 5329, Pa. Monroe Co. R.C.P. Rule 1915.3-1 and Pa. Monroe Co. R.C.P. Rule 1915.22(5). The completed parenting plan and notarized affidavit shall be attached and submitted to the Court as part of the party's pre-hearing memorandum.

BY THE COURT:

_____, J.

cc:

COURT OF COMMON PLEAS OF MONROE COUNTY FORTY-THIRD JUDICIAL DISTRICT COMMONWEALTH OF PENNSYLVANIA

Plaintiff vs. Defendant NO. CV 20 NO. DR 20 IN CUSTODY

PARENTING PLAN

This parenting plan involves the following child/children:

Table with 3 columns: Child's Name, Age, Where does this child live? (Rows 1-4)

If you have children not addressed by this parenting plan, name here:

Table with 3 columns: Child's Name, Age, Where does this child live? (Rows 1-4)

Legal Custody (who makes decisions about certain things):

Circle one

Table for Diet, Religion, Medical Care with options: Both parties decide together / Plaintiff / Defendant

Circle one

Table for Mental Health Care, Discipline, Choice of School, Choice of Study, School Activities, Sports Activities, Additional items with options: Both parties decide together / Plaintiff / Defendant

Explain what process you will use to make decisions? (For example, the parent confronted with or anticipating the choice will call the other parent when the choice presents itself, and the other parent must agree or disagree within 24 hours of any deadline.)

Physical Custody (where the child/children live(s)):

The child's/children's residence is with _____.

Describe which days and which times of the day the child/children will be with each person:

Sunday Monday Tuesday Wednesday Thursday Friday Saturday

Describe where and when the child/children will be dropped off and/or picked up (day and time of day)?

Drop-Off:

Where: _____

When: _____

Pick-Up:

Where: _____

When: _____

If one of you doesn't show up, how long will the other wait? _____

If there are any extraordinary costs (taxi, train, airplane, etc.), who will pay for which costs? _____

HOLIDAYS

Where will the child/children stay?

Table for HOLIDAYS with columns: HOLIDAY, YEAR A, YEAR B, EVERY YEAR (Rows: Martin Luther King Day, President's Day)

HOLIDAY	YEAR A	YEAR B	EVERY YEAR
Easter	_____	_____	_____
Memorial Day	_____	_____	_____
Fourth of July	_____	_____	_____
Labor Day	_____	_____	_____
Yom Kippur	_____	_____	_____
Rosh Hashanah	_____	_____	_____
Thanksgiving	_____	_____	_____
Vacation after Thanksgiving	_____	_____	_____
Christmas Vacation	_____	_____	_____
Kwanzaa	_____	_____	_____
New Year's Eve/Day	_____	_____	_____
Spring Vacation	_____	_____	_____
Easter Sunday	_____	_____	_____
Child's Birthday	_____	_____	_____
Mother's Day	_____	_____	_____
Father's Day	_____	_____	_____
Other:	_____	_____	_____
Other:	_____	_____	_____
Other:	_____	_____	_____
Summer Vacation Plans:	_____	_____	_____

Special Activities or School Activities:

Will both of you attend?

Child's Name	Activity	If not, which of you will attend?
_____	_____	_____
_____	_____	_____
_____	_____	_____

Temporary changes to this parenting schedule:

From time to time, one of you might want or need to rearrange the parenting time schedule due to work, family or other events. You can attempt to agree on these changes. If you cannot agree, the parent receiving the request will make the final decision.

The parent asking for the change will ask ___ in person ___ by letter/mail ___ by phone

No later than ___ 12 hours ___ 24 hours ___ 1 week ___ 1 month

The parent being asked for a change will reply ___ in person ___ by letter/mail ___ by phone

No later than ___ 12 hours ___ 24 hours ___ 1 week ___ 1 month

May parents contact one another? _____

When the child/children is/are with one of you, how may they contact the other parent?

When and how may _____ contact the child?

In the event that proposed changes, disputes or alleged breaches of this parenting plan and custody order are necessary or desired, the parties agree that such changes will be addressed by the following method (specify method of arbitration, mediation, court action, etc.):

The following matter or matters as specified by the court:

Other (Anything else you want to agree on):

_____	_____
Date	Signature of Mother
_____	_____
Date	Signature of Father
_____	_____
Date	Signature of Witness

COURT OF COMMON PLEAS OF MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA

_____,
Plaintiff
vs.
_____,
Defendant

: NO. ____ CV 20__
: NO. ____ DR 20__
:
:
: IN CUSTODY
:
:

AFFIDAVIT

I, _____, hereby swear or affirm, subject to penalties of law including 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities that:

1. I and/or another adult living in my household have or have not been convicted, pled guilty or no contest to the following crimes in Pennsylvania or any other jurisdiction, as follows:

THE COURTS

NO	YES		Me	Adult in my Household	Date
<input type="checkbox"/>	<input type="checkbox"/>	Contempt for violation of a Protection from Abuse order or agreement;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Driving under the Influence of alcohol or a controlled substance or drugs;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Possession, sale, delivery, manufacturing or offering for sale any controlled substance or other drug or device;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Criminal homicide; Murder;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Aggravated Assault;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Terroristic threats;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Stalking;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Kidnapping;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Unlawful restraint;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	False imprisonment;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Luring a child into a motor vehicle or structure;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Rape, statutory sexual assault, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault, indecent assault, indecent exposure, sexual abuse of children, sexual exploitation of children, sexual intercourse with an animal or incest;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Sex offender non-compliance with registration requirements, statute, court order, probation or parole, or other requirements under 18 Pa.C.S.A. § 3130 and 42 Pa.C.S.A. § 9795.2;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Arson and related offenses;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Concealing death of a child;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Endangering the welfare of children;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Trading, bartering, buying, selling or dealing in infant children;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Prostitution and related offenses;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Obscene and other sexual materials and performances;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Corruption of minors or unlawful contact with a minor;	<input type="checkbox"/>	<input type="checkbox"/>	_____

2. I and/or another adult living in my household have present and/or past history of violent or abusive conduct including the following:

NO	YES		Me	Adult in my Household	Date
<input type="checkbox"/>	<input type="checkbox"/>	A finding of abuse by a Children & Youth Agency or similar agency in Pennsylvania or similar statute in another jurisdiction	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Abusive conduct as defined under the Protection from Abuse Act in Pennsylvania or similar statute in another jurisdiction	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	_____

Please list any evaluation, counseling or other treatment received following conviction: _____

If any conviction above applies to a household member, not a party, state that person's relationship to the child:

3. I acknowledge and understand that I must file an updated notarized affidavit concerning any criminal and/or abusive history if I and/or another adult living in my household is convicted or pleads guilty or no contest to any of the offenses listed in paragraphs 1 or 2 above after the date of this notarized statement.

Signature

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF MONROE

On this, the ____ day of _____, 20__, before me, a Notary Public, the undersigned officer, personally appeared _____, known to me or satisfactorily proven to be the person presenting this affidavit, and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

My Commission Expires: _____

Actions in Divorce

1920.12. Filing and Service of Complaint. Costs.

1. With the filing of a complaint in divorce, the plaintiff shall deposit court costs with the Prothonotary in an amount set forth in the fee schedule adopted by the Court.

1920.43. Motions and Petitions.

1. Motions practice shall be in accordance with Local Rules, 208.2(c), 208.2(d), and 208.3(a).

2. Petitions practice shall be in accordance with Local Rule 206.1(a).

3. All divorce motions or petitions including a praecipe for a master's hearing shall be filed with the Prothonotary.

1920.51. Proceedings Before the Master.

1. Monroe County shall follow the master's hearing procedure set out at Pa.R.C.P. § 1920.55-2.

2. Upon the compliance by both parties with the requirements of Pa.R.C.P. §§ 1920.31 and 1920.33(a) and the deposit of the required fee with the Prothonotary as set forth in the fee schedule adopted by the Court, either party may file a praecipe in the form set out in these Rules, requesting the appointment of a divorce master.

3. The Court Administrator shall assign the master for each case who shall promptly recommend the amount of any additional court costs to be posted by one or both of the parties. In the event additional hearings are necessary, the master shall file a request with the Court Administrator identifying the number of additional hearing days and the amount of additional court costs to be posted by the parties. No hearing date shall be scheduled prior to the payment of court costs.

4. Promptly upon appointment, the master shall issue a notice scheduling a pretrial conference and setting a deadline for the filing and service of pretrial statements in accordance with Pa.R.C.P. § 1920.33(b). Counsel of

record shall attend the pretrial conference; parties shall not attend but shall be available to consult with their counsel by telephone. The notice of the time and date of the pretrial conference and the deadline for the filing of pretrial statements shall be served by the master upon counsel of record, any unrepresented parties, and the Court. In the event that counsel for either party fails to attend the pretrial conference, or fails to file a pretrial statement, the master may recommend that the Court impose sanctions.

5. If a pretrial conference or any portion of a hearing day is held, the master shall receive a fee in the amount to be determined by the fee schedule adopted by the Court, payable from the court cost deposits. The master shall be compensated for any additional full or partial days of hearings.

6. The praecipe for master's hearing shall be in the form set out as follows:

Form—Praecipe for Master's Hearing in Divorce

COURT OF COMMON PLEAS OF MONROE COUNTY

FORTY-THIRD JUDICIAL DISTRICT COMMONWEALTH OF PENNSYLVANIA

_____ : NO. ____ CIVIL 20__
_____ : NO. ____ DR 20__
vs. :
_____ :
_____ :

PRAECIPE FOR MASTER'S HEARING IN DIVORCE TO THE PROTHONOTARY OF SAID COURT:

Kindly request the Court Administrator to schedule a Master's Hearing in the above divorce case.

- () The case is now at issue.
- () Estimated time required for Hearing is __ day(s).
- () Approximate value of marital assets is \$_____.

This case to be tried by and notices sent to:

_____ Attorney(s) for Plaintiff(s)	_____ Attorney(s) for Defendant(s)
_____ Address	_____ Address
_____ Telephone Number	_____ Telephone Number
_____ Attorney I.D. Number	_____ Attorney I.D. Number

I hereby certify that the above entitled case is at issue and ready for Hearing; that discovery is complete or foreclosed; that I have completed all discovery and know of no discovery on the part of opposing counsel which will delay a hearing; that the moving party and witnesses are available and ready to proceed; that Inventories have been filed; that the attorneys of record are named above; and that an initial filing fee of \$750.00 has previously been paid; and that the per diem Hearing Fee and Costs Deposit, previously determined by the Court Administrator, has concurrently been deposited with the Court.

Dated _____, Esquire
Attorney for _____

1920.54. Settlement Before Scheduled Hearing.

In the event that the parties settle all claims prior to hearing, the parties and counsel shall appear before the master and state the terms of their settlement on the

record. Said appearance is waived if by the close of business on the day before the scheduled hearing the parties file with the Prothonotary and deliver to the master an executed divorce settlement agreement and affidavits of consent. Where parties settle on the record or by the filing of a written divorce settlement agreement, the master shall file a report and recommendation within thirty days of the scheduled hearing date.

1920.55-2. Master's Report.

Following the conclusion of the final hearing, the master shall file the record and the report and recommendation within:

- a) twenty days in uncontested actions, or
- b) thirty days after the receipt by the master of the transcript in contested actions.

Counsel for the parties shall file briefs or memoranda of law within fifteen days after the filing of the transcript. The service of the master's report and recommendations and the filing of exceptions shall follow the procedures set out in Pa.R.C.P. § 1920.55-2. The parties shall serve a copy of any exceptions they file upon the master, by regular mail or by personal service by a competent adult at the master's principal office.

Following the conclusion of the final hearing, the master shall file the record and the report and recommendation within:

- a) twenty days in uncontested actions, or
- b) thirty days after the receipt by the master of the transcript in contested actions.

Counsel for the parties shall file briefs or memoranda of law within fifteen days after the filing of the transcript. The service of the master's report and recommendations and the filing of exceptions shall follow the procedures set out in Pa.R.C.P. § 1920.55-2. The parties shall serve a copy of any exceptions they file upon the master, by regular mail or by personal service by a competent adult at the master's principal office.

[Pa.B. Doc. No. 11-1987. Filed for public inspection November 18, 2011, 9:00 a.m.]

MONROE COUNTY

Amendment of Monroe Co. R.C.P. 205.2(a)—Filing, Form, and Removal of Documents

Order

And Now, this 27th day of October, 2011, Monroe County Rule of Civil Procedure 205.2(a) is amended as indicated in the following and shall become effective following publication in the U.J.S. Web Portal.

In conformity with Pa.R.C.P. 239.8, the Court Administrator shall submit a copy of the amended rule to the Supreme Court Civil Procedural Rules Committee for promulgation and subsequent submission to the Administrative Office of Pa. Courts for publication on the Pa. Judiciary Web Application Portal. Copies shall be kept continuously available for public inspection in the Office of the Monroe County Prothonotary, the Office of the Court Administrator and the Monroe County Law Library.

In addition to the previous submission, the Court Administrator shall forward certified copies as follows: one copy to the Administrative Office of Pa. Courts; two copies and computer diskette to the Legislative Reference

Bureau for publication in the *Pennsylvania Bulletin*; and one copy to the *Monroe County Legal Reporter* for publication.

By the Court

RONALD E. VICAN,
President Judge

Local Rule 205.2(a). Filing, Form and Removal of Documents.

Cite Rule As: MonroeCo.R.C.P. 205.2(a)

(1) Filing of Documents:

(i) All documents filed in any office of the Court shall be endorsed with the day and exact time of filing, which endorsement, in the absence of fraud, accident, or mistake shall be conclusive evidence of such date and time of filing.

(ii) A proposed order shall accompany all motions or other requests for relief.

(iii) No original documents shall be faxed to the prothonotary's office without prior leave of court.

(2) Form:

(i) No pleading, papers, affidavits, or other documents may be filed in any office of the Court on paper other than 8 1/2" x 11" in size.

(ii) No paper shall be filed in any office of the Court unless it is written in ink, clearly legible, printed or typewritten in print no smaller than typewriting with lines (except quotations) not closer than typewriting double spacing; contains the caption of the proceeding, including the name and division of the Court, identifying case number, the names of the parties, the title of the proceeding, and the name of the paper.

(iii) In medical malpractice actions, the designation "Medical Malpractice" shall appear beneath the case number. (This is suggested language and designation).

(iv) All papers filed shall be endorsed with the name, address, telephone number, and I.D. number of the attorney filing it or the name, address and telephone number of the party if there is no attorney. The caption of any paper filed subsequent to a Complaint need only state the name of the first party on each side with an appropriate indication of the other parties.

(v) A filed document in a case shall not contain any of the personal data identifiers listed in this rule unless otherwise required by law or permitted by order of court, or unless redacted in conformity with this rule. The personal data identifiers covered by this rule and the required redactions are as follows:

(a) Social Security numbers—only last four digits of that number shall be used;

(b) Dates of Birth—only the year shall be used;

(c) Financial Account numbers—only the last four digits shall be used;

(d) A party wishing to file a document containing the personal data identifiers listed above may file, under seal, a summary reference list indicating the redacted information and corresponding complete personal data identifiers;

(e) Responsibility for redacting these personal identifiers rests solely with the parties. Documents will not be reviewed by the Prothonotary for compliance with this Rule.

(vi) While the use of backers is not required, it is strongly encouraged as a means to assist the Court in readily identifying and reviewing filed documents.

(vii) All papers and other documents shall be securely affixed at the top.

(3) *Removing Records and Documents:*

(i) Except as hereinafter provided, no record or document shall be taken from the Office of the Prothonotary or staff without a written order signed by the President Judge requiring the return of such record or document within a specified time; provided, however, that under no circumstances shall a bond or recognizance be removed while the same continues in force and effect. In cases where the President Judge authorizes the removal of records or documents, the Prothonotary or staff, as the case may be, shall take a written receipt for the records or documents removed and shall cause the same to be noted in a book maintained for such purpose and filed with the record papers in the case, which receipt shall be cancelled upon return of the records or documents removed.

(ii) In cases pending in the Court or in proceedings held before duly appointed officers of the Court, the Prothonotary or staff may deliver record papers or dockets to the appointed officer of the Court, accepting in return such officer's written receipt which shall be noted and filed as hereinbefore set forth.

(iii) The delivery provisions of this rule do not apply to Judges, Judges' staff, Court Administrator and members of the Court Administrator's staff.

[Pa.B. Doc. No. 11-1988. Filed for public inspection November 18, 2011, 9:00 a.m.]

SCHUYLKILL COUNTY

Administrative Order 2011.3; Residential Mortgage Foreclosure Diversion Program; No. AD-128-2011

Administrative Order

And Now, this 4th day of November, 2011, at 8:30 a.m., *It Is Hereby Ordered*, that Schuylkill County Residential Mortgage Foreclosure Diversion Program is adopted and shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

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.
- 3) Send one (1) certified copy to the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania.
- 4) Forward one (1) copy to the *Schuylkill Legal Record* for Publication.
- 5) Keep continuously available for public inspection and copying in the Office of the Prothonotary.

By the Court

WILLIAM E. BALDWIN,
President Judge

Administrative Order : No. AD-128-2011
2011.3 :
Residential Mortgage Foreclosure :
Diversion Program :

Order of Court

And Now, this 4th day of November, 2011 at 8:30, a.m., the Schuylkill County Court of Common Pleas hereby establishes the Residential Mortgage Foreclosure Diversion Program as follows:

I. All complaints for mortgage foreclosure of residential owner-occupied properties shall be accompanied by a Certification Cover Sheet certifying the real estate location, the occupancy status, and the contact information for plaintiff's representative and/or counsel for plaintiff. The Certification Cover Sheet shall be filed with the complaint and the complaint shall not be accepted by the Prothonotary's Office without the Certification Cover Sheet. (Attachment A—Certification Cover Sheet).

II. Upon the filing of a complaint in a residential mortgage foreclosure action, the Prothonotary shall provide a copy of the Mortgage Foreclosure Diversion Program "Urgent Notice" to the plaintiff or counsel for plaintiff. (Attachment B—"Urgent Notice"). The plaintiff shall serve a copy of the "Urgent Notice" along with the complaint on the defendant[s] in accordance with the Pennsylvania Rules of Civil Procedure.

III. Plaintiff shall file a Certificate of Service stating that the complaint, Certification Cover Sheet and "Urgent Notice" were served upon the defendant[s].

IV. Service of the complaint, Certification Cover Sheet, and "Urgent Notice" upon the defendant[s] shall result in an automatic stay of any further proceedings, such as the filing of an answer or the filing for a default judgment, for ninety (90) days from the date of service.

V. Within seven (7) days following service of the complaint and "Urgent Notice," the defendant[s] shall contact Schuylkill Community Action to schedule an appointment for an intake meeting with the Housing Counselor. The intake meeting shall occur within fourteen (14) days of the initial contact. The defendant[s] shall bring to the meeting and provide to the Housing Counselor all requested financial and employment information to enable the Housing Counselor to draft a written Mortgage Modification Plan.

At the completion of the intake meeting, the Housing Counselor shall provide the defendant[s] a Certification of Participation and assist the defendant[s] in serving the Certification on the plaintiff. If the plaintiff does not receive a Certification of Participation within thirty (30) days following service of the complaint and "Urgent Notice," the plaintiff may petition the Court, after notice to the defendant[s], to lift the stay.

Within thirty (30) days of the intake meeting, the Housing Counselor shall submit to the plaintiff or the plaintiff's representative a Mortgage Modification Plan or a statement that the Housing Counselor was unable to develop a plan. If no plan is submitted, the plaintiff may immediately petition the Court, after notice to the defendant[s], to lift the stay. If a plan is submitted, the Housing Counselor shall attempt to negotiate a resolution of the default with the plaintiff's representative. If the plaintiff's representative fails to participate in negotiations with the Housing Counselor, the Housing Counselor may assist the defendant[s] in petitioning the Court, after notice to the plaintiff, to extend the stay until negotiations occur.

If an agreement is reached through negotiations, the plaintiff's representative shall prepare any documents necessary to implement the agreement and withdraw the complaint. If no agreement is reached through negotiations, the Housing Counselor shall complete the Request for a Court Supervised Conciliation Conference (Attach-

ment D) and forward it to the Court Administrator. The defendant[s] shall indicate on the Request if the assistance of a Schuylkill County pro bono Attorney to serve as a neutral facilitator at the Conciliation Conference is being requested.

The primary role of the pro bono Attorney will be to facilitate the negotiations at the Conciliation Conference between the Housing Counselor, the defendant[s], and plaintiff's representative. The pro bono Attorney shall not be required to file an entry of appearance and the Conciliation Conference is the only proceeding that he/she is required to attend. Once a pro bono Attorney has agreed to participate and assist the defendant[s] at the Conciliation Conference, the Mortgage Modification Plan will be immediately provided to that Attorney.

VI. At the conclusion of the Conciliation Conference, the Court may order that the stay be lifted, that the stay be continued for a reasonable time to allow for further voluntary negotiations and/or the preparation and execution of documents to implement any agreement or any other action the Court deems appropriate.

WILLIAM E. BALDWIN
President Judge

Attachment A

IN THE COURT OF COMMON PLEAS OF SCHUYLKILL COUNTY, PENNSYLVANIA CIVIL DIVISION

Plaintiff) No.
v.)
Defendant)

MORTGAGE FORECLOSURE DIVERSION PROGRAM CERTIFICATION COVER SHEET

Pursuant to the Administrative Order dated _____, 2011, issued by the Honorable William E. Baldwin, P.J., I hereby certify that the premises at issue in this action is located at:

_____, PA _____

I certify that the premises is:

- an owner occupied residential premises exposed to judicial sale to enforce a residential mortgage;
not a residential premises within the meaning of the aforementioned order;
not owner occupied as of this date;
is not exposed to judicial sale to enforce a residential mortgage;
vacant.

The undersigned verifies that the statements made herein are true and correct. I understand that false statements are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date: _____
Signature of Plaintiff's Counsel or Plaintiff's Representative

Address

Phone Number

Attachment B

URGENT NOTICE

SCHUYLKILL COUNTY COURT OF COMMON PLEAS RESIDENTIAL MORTGAGE FORECLOSURE DIVERSION PROGRAM

You have been served with a mortgage foreclosure complaint that could cause you to lose your home. If you own and live in the residential property which is the subject of this foreclosure action, you may participate in negotiation proceedings in an effort to resolve this matter with your lender. The matter has been stayed for 90 days in order to allow you time to work with your lender.

If you do not have an attorney, you must take the following steps to keep the stay in effect and be eligible to request a court-supervised conciliation conference. First, within seven (7) days of your receipt of this "Urgent Notice," you must contact a Housing Counselor, at Schuylkill Community Action, and schedule an appointment.

SCHUYLKILL COMMUNITY ACTION
225 NORTH CENTRE STREET, POTTSVILLE, PA 17901.
570-622-1995.

Second, once you have contacted the Housing Counselor, you must be prepared to meet and provide all requested financial and employment information within fourteen (14) days of your telephone contact. This information is necessary so that the Housing Counselor can prepare a modification plan and negotiate with your lender on your behalf. If necessary, the Housing Counselor will help you prepare a Request for a Court Supervised Conciliation Conference. If you do so, and a conciliation conference is scheduled, you will have an opportunity to meet with your lender in a further attempt to work out reasonable arrangements. You may also request the services of a pro bono Attorney. If you fail to take any of the required steps, the stay will be lifted and the mortgage foreclosure action will proceed.

IF YOU WISH TO SAVE YOUR HOME, YOU MUST ACT QUICKLY AND TAKE THE APPROPRIATE STEPS REQUIRED BY THIS NOTICE.

Attachment C

IN THE COURT OF COMMON PLEAS OF SCHUYLKILL COUNTY, PENNSYLVANIA CIVIL DIVISION

Plaintiff) No.
v.)
Defendant)

MORTGAGE FORECLOSURE DIVERSION PROGRAM CERTIFICATION OF PARTICIPATION

This certification must be filed in the Prothonotary's Office and a copy must be sent to Plaintiff within thirty (30) days of service of the Complaint and "Urgent Notice."

I, _____, represent that I am the owner of the property listed below, my primary residence, and which is the subject of a mortgage foreclosure action. I certify that, as required by the Schuylkill County Residential Mortgage Foreclosure Diversion Program, I have met with the Housing Counselor identified below and provided all necessary financial and employment information. I also understand that within thirty (30) days of the intake meeting, the Housing Counselor will forward a Mortgage Modification Plan on my behalf to the Plaintiff for consideration or a statement that the Housing Counselor was unable to develop a plan.

Premises Address: _____, PA _____

Housing Counselor's Name: _____

Date of Intake Meeting: _____

VERIFICATION

I verify that the statements made herein are true and correct. I understand that false statements are made subject to penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____ Signature of Defendant

Attachment D

IN THE COURT OF COMMON PLEAS OF SCHUYLKUILL COUNTY, PENNSYLVANIA CIVIL DIVISION

Plaintiff) No.
)
v.)
)
)
)
Defendant)

REQUEST FOR COURT SUPERVISED CONCILIATION CONFERENCE

As the Defendant in this matter, I am requesting that a Court Supervised Conciliation Conference be scheduled.

I am OR am not requesting the assistance of a pro bono Attorney to serve as a neutral facilitator at the Conciliation Conference.

Defendant's Signature

Housing Counselor's Signature

Lois A. Wallauer Court Administrator Schuylkill County Court of Common Pleas 401 N. Second Street Pottsville, PA 17901

[Pa.B. Doc. No. 11-1989. Filed for public inspection November 18, 2011, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

[Correction]

Notice of Administrative Suspension

An error occurred in the document which appeared at 41 Pa.B. 5957 (November 5, 2011). The citation to Rule 111(b) Pa.R.C.L.E. was incorrect. The correct citation is to Pennsylvania Rules of Disciplinary Enforcement 219. The correct version of the document is as follows:

Notice is hereby given that the following attorneys have been Administratively Suspended by Order of the Supreme Court of Pennsylvania dated September 20, 2011, pursuant to Pennsylvania Rules of Disciplinary Enforcement 219 which requires that all attorneys admitted to practice in any court of this Commonwealth must pay an annual assessment of \$200.00. The Order became effective October 20, 2011.

Notice with respect to attorneys having Pennsylvania registration addresses, which have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

- Abreu, Aismara Janet New York, NY
Acchione, Thomas John Phoenix, MD
Acosta, Rafael Damian Newark, DE
Agee, William Paul Newark, NJ
Aham-Neze, L. Obioma Houston, TX
Alencewicz, Robert G. Florham Park, NJ
Arnett, Jeffrey Lovett Morgantown, WV
Bah, Mohamed Sadu Washington, DC
Baldus, Bradford A. Kingshill, Virgin Islands
Bamford, Sean Patrick Laytonsville, MD
Bart, Andrew Ian Brooklyn Heights, NY
Beauvais, Danielle Hillsboro, OR
Bennett, Eva Raczkowski Douglas, AK
Berman, Eric M. Babylon, NY
Bileci, Michael Lawrence Woodbury, NJ
Bilka, Nicholas Joseph Washington, DC
Blasko, John Patrick France
Blythe, Kenneth Alan Greensboro, NC
Boler, Megan Denise Charlotte, NC
Boyer, John Scott Moorestown, NJ
Brady, George Moore, III Washington, DC
Brown, Michael T. Capitol Heights, MD
Bucknor, Kevin Bruce Houston, TX
Burg, Ivy Barton Columbia, MD
Butler, Cynthia L. Washington, DC
Butler, David Earl Vestal, NY
Cahill, Susan Lynne Rozet, WY
Carson-Smith, Winifred Y. Washington, DC
Cavanaugh, Theresa Z. Washington, DC
Chuey-Cosca, Mary Kay Cincinnati, OH
Conwell, John Fredrick Riva, MD
Cord, John J., Jr. Glen Burnie, MD
Crabtree, Scott Christopher Saugus, MA
DeGrouchy, William John Stone Harbor, NJ

DePamphilis, Dominic Roman Egg Harbor Township, NJ	Kates, Richard Andrew Metuchen, NJ	Polin, Richard L. Salisbury, MD	Seem, Steven Joseph Arlington, VA
DeSimone, Mark Anthony Boca Raton, FL	Kelin, Richard Scott West Orange, NJ	Powell, Wayne Mullica Hill, NJ	Seiple, Terry Guthrie, Jr. Boulder, CO
Dewland, Mark C. Cherry Hill, NJ	Kloecker, Michelle M. Bloomsbury, NJ	Price, Peter Eyre, Jr. Peoria, IL	Smolin, Michele Ann Cleveland, OH
Dickens, Lynette C. Suwanee, GA	Krysiak, Susan E. North Cape May, NJ	Rachuba, Rosina Anna Bridgeton, NJ	Suter, Dana Christine East Brunswick, NJ
Dodig, Lorrie Matty Cinnaminson, NJ	La Polt, Monica Indianapolis, IN	Rainone, Michael C. Binghamton, NY	Tenny, Nathan Andrew APO, AA
DuBois, Austin Fitzgerald Haddonfield, NJ	Lubin, David S. Beachwood, NJ	Rednor, Howard S. Trenton, NJ	Thelen, Christine Elizabeth Central Point, OR
Ellen, Benita Webster Palmyra, VA	Magargee, W. Scott, IV Charlottesville, VA	Reeves, Elizabeth Anne Solomons, MD	Thomas, Windell Wilfred Hyattsville, MD
Evans, Leslie S. Brooklyn, NY	Maher, Steven J. Naples, FL	Riblett, Gail F. Wilmington, DE	Thornton, Tamika Nicole Trenton, NJ
Franks, Kimberly Scott Springfield, VA	McCartan, Kathleen Patricia Austin, TX	Richards, Travis J. Mount Holly, NJ	Tomei, Kimberly Ann Manalapan, NJ
Gambone, Angela Collingswood, NJ	McGinnis, Mary L. North Cape May, NJ	Roberts, Kelly Anne Wilmington, DE	Tong, Kin-Wah Eatontown, NJ
Georgino, Damian C. Rancho Santa Fe, CA	McGinty, David Brandon Opelika, AL	Roberts, Paul Andrew Reston, VA	Tumpson, Barry P. Simpsonville, SC
Green, Rebecca B. Washington, DC	Merritt, John Milton Oklahoma City, OK	Rodriguez, Ruben A. Woodbury, NJ	Tyminski, Patricia Daffodil Los Angeles, CA
Harmon, Joshua Lee Las Vegas, NV	Millar, Fredrick Lloyd Sacramento, CA	Rosenello, Regina North Wildwood, NJ	Vazquez, Joe Alexis New York, NY
Heimbuch, William J. Hackensack, NJ	Mitchell, Charles L. New York, NY	Sanders, Robert Alexander Bowie, MD	Waddington, Michael S. Evans, GA
Henderson, Carolyn V. Rockville, MD	Moghaddam, Ali Michael, II Los Angeles, CA	Scolaro, Richard S. Jamesville, NY	Williams, Kevin Theodore Detroit, MI
Henley, Angela Cecile McLean, VA	Mollenthiel, Ashley Theresa Collingswood, NJ	Scott, Andrea K. Los Angeles, CA	Williams, Shermela Jarnez Atlanta, GA
Henry, Scott Randall Cape Coral, FL	Moore, Marc Alan, Sr. East Liverpool, OH		York, Carol M. Wilmington, DE
Herdelin, Thomas McGlade Haddonfield, NJ	Mundie, Steven Andrew New York, NY		SUZANNE E. PRICE, <i>Attorney Registrar</i> <i>The Disciplinary Board of the</i> <i>Supreme Court of Pennsylvania</i>
Heston, Michael E. Mount Laurel, NJ	Nelson, Keith Barclay Washington, DC		
Hickman, Keith O'Neal Sierra Vista, AZ	Niksa Thomas St. Albans, VT		
High, Elizabeth Carleton Atlanta, GA	Novin, Allison Courtney Voorhees, NJ		
Hoehing, Kimberly A. Wenonah, NJ	O'Connell, Jennifer Lynn Estero, FL		
Holloway, Charlisa M. Middletown, DE	Ogden, Judith Stilz Morrow, GA		
Holmes, Joshua David Pennsville, NJ	Parsard, Keston Orane Brooklyn, NY		
Hughes, Tara Jones Milton, GA	Pauley, Troy A. Kansas City, MO		
Hull, John Daniel, IV San Diego, CA	Peluso, Matthew Angelo Lambertville, NJ		
Jackson, Ronald Douglas Portland, OR	Pike, Kenneth Ronald Medford, NJ		
Jensen, James Clark Morristown, NJ	Pina, Stephen A., II Deptford, NJ		
Johnson, Jared Russell Las Vegas, NV	Plunk, Jay E., Jr. Hainesport, NJ		

[Pa.B. Doc. No. 11-1873. Filed for public inspection November 4, 2011, 9:00 a.m.]