

# THE COURTS

## Title 234—RULES OF CRIMINAL PROCEDURE

[ 234 PA. CODE CH. 4 ]

### Proposed Revision to the Comments to Pa.Rs.Crim.P. 409, 414, 424, 454 and 455

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania revise the Comments to Rules 409, 414, 424, 454, and 455 to clarify that a magisterial district justice may conduct the trial of a defendant who is under the age of 18 and is charged with a violation of 75 Pa.C.S. § 1543(b) (driving under a DUI-related suspended license) but the sentence may not include incarceration. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Please note that the Committee's Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

The text of the proposed Comment revisions to the rules precedes the Report. Additions are shown in bold; deletions are in bold and brackets.

We request that interested persons submit suggestions, comments, or objections concerning this proposal in writing to the Committee through counsel,

Jeffrey M. Wasileski, Counsel  
 Supreme Court of Pennsylvania  
 Criminal Procedural Rules Committee  
 601 Commonwealth Avenue, Suite 6200  
 Harrisburg, PA 17106-2635  
 fax: (717) 231-9521  
 e-mail: criminalrules@pacourts.us

no later than Friday, November 23, 2012.

*By the Criminal Procedural Rules Committee*

PHILIP D. LAUER,  
*Chair*

#### Annex A

### TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 4. PROCEDURES IN SUMMARY CASES

#### PART B(1). Procedures When Citation Is Issued to Defendant

##### Rule 409. Guilty Pleas.

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##### Comment

\* \* \* \* \*

[ When the defendant is under 18 years of age at the time of the offense and appears as provided in paragraph (C), if a mandatory sentence of imprisonment is prescribed by statute, the issuing authority must forward the case to the court of common pleas for disposition. See the Juvenile Act, 42

Pa.C.S. §§ 6302 and 6303. For procedure upon default in payment of fine or costs, see Rule 456. ]

When the defendant was under 18 years of age at the time of the offense and is charged with a summary offense that would otherwise carry a mandatory sentence of imprisonment as prescribed by statute, the issuing authority shall conduct the trial but the defendant shall not be sentenced to a term of imprisonment. See 42 Pa.C.S. §§ 6302 and 6303 and 75 Pa.C.S. § 6303(b).

For procedure upon default in payment of the fine or costs, see Rule 456.

For appeal procedures in summary cases, see Rules 460, 461, and 462.

For procedures regarding arrest warrants, see Rules 430 and 431.

With regard to the defendant's right to counsel and waiver of counsel, see Rules 121 and 122.

**Official Note:** Previous Rule 59 adopted September 18, 1973, effective January 1, 1974; rescinded July 12, 1985, effective January 1, 1986, and replaced by present Rule [ 430 ] 75. Present Rule 59 adopted July 12, 1985, effective January 1, 1986; amended September 23, 1985, effective January 1, 1986. The January 1, 1986 effective dates are all extended to July 1, 1986; amended May 28, 1987, effective July 1, 1987; amended January 31, 1991, effective July 1, 1991; renumbered Rule 409 and amended March 1, 2000, effective April 1, 2001; Comment revised August 7, 2003, effective July 1, 2004; amended January 26, 2007, effective February 1, 2008; **Comment revised** , 2012, effective , 2012.

*Committee Explanatory Reports:*

\* \* \* \* \*

**Report explaining the proposed Comment revision concerning mandatory incarceration offenses and juveniles published for comment at 42 Pa.B. 6531 (October 13, 2012).**

#### PART B(2). Procedures When Citation Filed

##### Rule 414. Guilty Pleas.

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##### Comment

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[ When the defendant is under 18 years of age at the time of the offense and appears as provided in paragraph (C), if a mandatory sentence of imprisonment is prescribed by the statute, the issuing authority must forward the case to the court of common pleas for disposition. See the Juvenile Act, 42 Pa.C.S. §§ 6302 and 6303. ]

When the defendant was under 18 years of age at the time of the offense and is charged with a summary offense that would otherwise carry a mandatory sentence of imprisonment as prescribed by statute, the issuing authority shall conduct the trial but the defendant shall not be sentenced to a term of imprisonment. See 42 Pa.C.S. §§ 6302 and 6303 and 75 Pa.C.S. § 6303(b).

For procedure upon default in payment of the fine or costs, see Rule 456.

For appeal procedures in summary cases, see Rules 460, 461, and 462.

For arrest warrant procedures, see Rules 430 and 431.

With regard to the defendant's right to counsel and waiver of counsel, see Rules [ 122 and 121 ] 121 and 122.

**Official Note:** Previous rule, originally numbered Rule 136, adopted January 31, 1970, effective May 1, 1970; renumbered Rule 64 September 18, 1973, effective January 1, 1974; rescinded July 12, 1985, effective January 1, 1986, and replaced by present Rule [ 455 ] 84. Present Rule 64 adopted July 12, 1985, effective January 1, 1986; amended September 23, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986; amended May 28, 1987, effective July 1, 1987; amended January 31, 1991, effective July 1, 1991; renumbered Rule 414 and amended March 1, 2000, effective April 1, 2001; Comment revised August 7, 2003, effective July 1, 2004; amended January 26, 2007, effective February 1, 2008; **Comment revised** , 2012, **effective** , 2012.

*Committee Explanatory Reports:*

\* \* \* \* \*

**Report explaining the proposed Comment revision concerning mandatory incarceration offenses and juveniles published for comment at 42 Pa.B. 6531 (October 13, 2012).**

**PART C. Procedures in Summary Cases When Complaint Filed**

**Rule 424. Guilty Pleas.**

\* \* \* \* \*

**Comment**

\* \* \* \* \*

[ When the defendant is under 18 years of age at the time of the offense and appears as provided in paragraph (C), if a mandatory sentence of imprisonment is prescribed by statute, the issuing authority must forward the case to the court of common pleas for disposition. See the Juvenile Act, 42 Pa.C.S. §§ 6302 and 6303. ]

When the defendant was under 18 years of age at the time of the offense and is charged with a summary offense that would otherwise carry a mandatory sentence of imprisonment as prescribed by statute, the issuing authority shall conduct the trial but the defendant shall not be sentenced to a term of imprisonment. See 42 Pa.C.S. §§ 6302 and 6303 and 75 Pa.C.S. § 6303(b).

For the procedure upon default in payment of the fine or costs, see Rule 456.

For appeal procedures in summary cases, see Rules 460, 461, and 462.

For procedures regarding arrest warrants, see Rules 430 and 431.

With regard to the defendant's right to counsel and waiver of counsel, see Rules [ 122 and 121 ] 121 and 122.

**Official Note:** Previous rule, originally numbered Rule 140, adopted January 31, 1970, effective May 1, 1970; renumbered Rule 69 September 18, 1973, effective January 1, 1974; Comment revised January 28, 1983, effective

July 1, 1983; rescinded July 12, 1985, effective January 1, 1986, and not replaced in these rules. Present Rule 69 adopted July 12, 1985, effective January 1, 1986; amended September 23, 1985, effective January 1, 1986. The January 1, 1986 effective dates are all extended to July 1, 1986; amended May 28, 1987, effective July 1, 1987; amended January 31, 1991, effective July 1, 1991; renumbered Rule 424 and amended March 1, 2000, effective April 1, 2001; Comment revised August 7, 2003, effective July 1, 2004; amended January 26, 2007, effective February 1, 2008; **Comment revised** , 2012, **effective** , 2012.

*Committee Explanatory Reports:*

\* \* \* \* \*

**Report explaining the proposed Comment revision concerning mandatory incarceration offenses and juveniles published for comment at 42 Pa.B. 6531 (October 13, 2012).**

**PART E. General Procedures in Summary Cases**

**Rule 454. Trial in Summary Cases.**

\* \* \* \* \*

**Comment**

\* \* \* \* \*

[ When the defendant was under 18 years of age at the time of the offense, if a mandatory sentence of imprisonment is prescribed by statute, the issuing authority may not conduct the trial, but must forward the case to the court of common pleas for disposition. See the Juvenile Act, 42 Pa.C.S. §§ 6302 and 6303. ]

When the defendant was under 18 years of age at the time of the offense and is charged with a summary offense that would otherwise carry a mandatory sentence of imprisonment as prescribed by statute, the issuing authority shall conduct the trial but the defendant shall not be sentenced to a term of imprisonment. See 42 Pa.C.S. §§ 6302 and 6303 and 75 Pa.C.S. § 6303(b).

Under paragraph (F)(2)(a), the issuing authority should explain to the defendant that if an appeal is filed, any sentence, including imprisonment, fines, or restitution, will be stayed.

\* \* \* \* \*

**Official Note:** Rule 83 adopted July 12, 1985, effective January 1, 1986; amended September 23, 1985, effective January 1, 1986; January 1, 1986 effective dates extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; Comment revised April 18, 1997, effective July 1, 1997; amended October 1, 1997, effective October 1, 1998; Comment revised February 13, 1998, effective July 1, 1998; renumbered Rule 454 and Comment revised March 1, 2000, effective April 1, 2001; amended February 28, 2003, effective July 1, 2003; Comment revised August 7, 2003, effective July 1, 2004; amended March 26, 2004, effective July 1, 2004; amended January 26, 2007, effective February 1, 2008; **Comment revised** , 2012, **effective** , 2012.

*Committee Explanatory Reports:*

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**Report explaining the proposed Comment revision concerning mandatory incarceration offenses and juveniles published for comment at 42 Pa.B. 6531 (October 13, 2012).**

**Rule 455. Trial in Defendant’s Absence.**

\* \* \* \* \*

**Comment**

In those cases in which the issuing authority determines that there is a likelihood that the sentence will be imprisonment or that there is other good cause not to conduct the trial in the defendant’s absence, the issuing authority may issue a warrant for the arrest of the defendant in order to have the defendant brought before the issuing authority for the summary trial. See Rule 430(B). The trial would then be conducted with the defendant present as provided in these rules. See Rule 454.

**[ When the defendant was under 18 years of age at the time of the offense, if a mandatory sentence of imprisonment is prescribed by statute, the issuing authority may not conduct the trial, but must forward the case to the court of common pleas for disposition. See the Juvenile Act, 42 Pa.C.S. §§ 6302 and 6303. ]**

**When the defendant was under 18 years of age at the time of the offense and is charged with a summary offense that would otherwise carry a mandatory sentence of imprisonment as prescribed by statute, the issuing authority shall conduct the trial but the defendant shall not be sentenced to a term of imprisonment. See 42 Pa.C.S. §§ 6302 and 6303 and 75 Pa.C.S. § 6303(b).**

\* \* \* \* \*

**Official Note:** Rule 84 adopted July 12, 1985, effective January 1, 1986; January 1, 1986 effective date extended to July 1, 1986; amended February 1, 1989, effective July 1, 1989; amended April 18, 1997, effective July 1, 1997; amended October 1, 1997, effective October 1, 1998; renumbered Rule 455 and Comment revised March 1, 2000, effective April 1, 2001; Comment revised August 7, 2003, effective July 1, 2004; Comment revised April 1, 2005, effective October 1, 2005; amended August 15, 2005 effective February 1, 2006; **Comment revised** , **2012, effective** , **2012.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Report explaining the proposed Comment revision concerning mandatory incarceration offenses and juveniles published for comment at 42 Pa.B. 6531 (October 13, 2012).**

**REPORT**

***Proposed Revisions to the Comments to Pa.Rs.Crim.P. 409, 414, 424, 454, and 455***

**Juveniles and Mandatory Incarceration In Summary Cases**

The Committee has recently examined a possible conflict between the Rule 454 Comment and provisions within the Juvenile Act regarding the handling of summary offenses for which there is a mandatory sentence of incarceration when the defendant is a juvenile.

The particular Comment language in question states:

When the defendant was under 18 years of age at the time of the offense, if a mandatory sentence of imprisonment is prescribed by statute, the issuing authority may not conduct the trial, but must forward the case to the court of common pleas for disposition. See the Juvenile Act, 42 Pa.C.S. §§ 6302 and 6303.

This language was added as part of a package developed by the Committee that was adopted by the Court in 2004. The Comment language above addressed the provision in the Juvenile Act, 42 Pa.C.S. § 6303(b) that states:

(b) *Minor judiciary.*—No child shall be detained, committed or sentenced to imprisonment by a magisterial district judge or a judge of the minor judiciary unless the child is charged with an act set forth in paragraph (2)(i), (ii), (iii) or (v) of the definition of “delinquent act” in section 6302 (relating to definitions).

42 Pa.C.S. § 6302 excludes summary offenses from the definition of “delinquent act.”

The language was added to the Rule 454 Comment to provide guidance to magisterial district judges (MDJs) on how to dispose of summary cases involving juveniles facing possible mandatory incarceration.<sup>1</sup> The Committee believed that sending these cases to the common pleas court created the least confusion while ensuring no juvenile would be sentenced to imprisonment by a member of the minor judiciary.

Shortly after these changes were adopted, the Legislature passed amendments to 75 Pa.C.S. § 6303 (Rights and Liabilities of Minors), so that it now reads:

(a) Except as provided in subsection (b), any person over the age of 16 years charged with the violation of any provisions of this title constituting a summary offense shall have all the rights of an adult and may be prosecuted under the provisions of this title in the same manner as an adult.

(b) No person shall be sentenced to a term of imprisonment for a violation of any provisions of this title constituting a summary offense committed while the person was under the age of 18 years.

It has come to the attention of the Committee that the practice in some counties in cases in which the defendant is a juvenile charged with violations of 75 Pa.C.S. § 1543(b) is for magisterial district judges (MDJs) to hold the summary trial with the sentence for § 1543(b) offenses being limited to fines only, and no sentence to incarceration being imposed.

The problem was brought to light because the recently redesigned Magisterial District Court System, relying on the language in the Rule 454 Comment, will not permit an MDJ to schedule the summary trial. However, when the MDJs have tried to transfer these cases to the common pleas juvenile court, the juvenile court has rejected these cases because, as noted above, the Juvenile Act excludes summary offenses from the definition of “delinquent acts” and summary cases are not within the jurisdiction of the juvenile court.

The Committee concluded that these cases should be heard before the MDJs. Since the mandatory sentence required by Section 1543(b) now cannot be imposed on a

<sup>1</sup> The only summary offense for which there was then, and is now, a sentence of mandatory incarceration is driving under a DUI-related suspended license as provided in 75 Pa.C.S. § 1543(b).



juvenile, there is no need for the case to be referred to the court of common pleas and it can be treated in the same manner as other summary charges against juveniles.

The Committee is proposing the revision to the Rule 454 Comment that would specifically state that the magisterial district judge shall try the summary offense but that no incarceration could be awarded to a defendant under the age of 18. Although this question arose concerning Rule 454, identical language is contained in Rule 409, 414, 424, and 455. Similar changes are proposed to be made to the Comments to each of those rules.

[Pa.B. Doc. No. 12-1987. Filed for public inspection October 12, 2012, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### SCHUYLKILL COUNTY

**Amend/Adopt Civil Rules of Procedure 1915.1(b); 1915.3(a), (a.1), (a.2); 1915.4(f.1); 1915.4-2(b.1), (1)—(5); S-2092-12**

#### Order of Court

*And Now*, this 27th day of September at 2:00 p.m., Schuylkill County Civil Rules of Procedure previously stated are amended/adopted for use in the Court of Common Pleas of Schuylkill County, Pennsylvania, Twenty-First Judicial District, Commonwealth of Pennsylvania, effective thirty days after publication in the *Pennsylvania Bulletin*.

The Prothonotary of Schuylkill County is Ordered and Directed to do the following:

- 1) File one (1) certified copy of this Order and Rule with the Administrative Office of Pennsylvania Courts.
- 2) Forward two (2) certified copies of this Order and Rule and a computer diskette containing the text of the local rules to the Legislative Reference Bureau.
- 3) Forward one (1) certified copy of this Order and Rule with the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania.
- 4) Forward one (1) copy to the Law Library of Schuylkill County for publication in the *Schuylkill Legal Record*.
- 5) Copies shall be kept continuously available for public inspection in the Office of the Schuylkill County Prothonotary and the Schuylkill County Law Library.

It is further *Ordered* that said rule as it existed prior to the amendment is hereby repealed and annulled on the effective date of said rule as amended, but no right acquired thereunder shall be disturbed.

*By the Court*

WILLIAM E. BALDWIN,  
*President Judge*

#### CUSTODY PROCEDURE

##### Rule 1915.1(b). Definitions.

These rules shall govern all actions for custody, partial custody and visitation, including original actions, petitions for relocation, petitions to modify decrees, registration of foreign decrees and petitions for contempt. The

rules shall be interpreted as supplementing the Rules of Civil Procedure governing custody actions Pa.R.C.P. 1915.1 et seq.

##### Rule 1915.3. Commencement of Action. Complaint. Order.

(a) Other than pleadings related to relocation, the moving party shall file in the office of the Prothonotary an original and one (1) copy of all pleadings involving custody issues, including complaints, petitions for modifications, special relief or contempt and preliminary objections. The filing shall be accompanied by the payment of the designated filing and administrative fees. The Prothonotary shall immediately transmit the original and copy to the Civil Court Administrator for assignment and scheduling. The Court Administrator will return the original to the Prothonotary and give the copy to the Conciliation Office, which will send to the moving party a copy of the scheduling order and a conciliation questionnaire. The moving party shall be responsible for service of a copy of the pleading, scheduling order and conciliation questionnaire upon all other parties pursuant to Pa.R.C.P. 402.

(a.1) *Relocation*—A party filing a counter-affidavit regarding relocation shall file in the office of the Prothonotary an original and one (1) copy of the counter-affidavit, accompanied by the payment of the designated filing and administrative fees. Upon receipt of service of the counter-affidavit, the relocating party shall expeditiously file in the office of the Prothonotary an original and one (1) copy of the notice of the proposed relocation that was served on the non-relocating party, accompanied by payment of the designated filing and administrative fees, which shall include a custody conciliation conference fee. The relocating party shall attach to this filing a copy of any existing order(s) of Court affecting the custody of the subject child(ren). The Prothonotary shall, immediately after filing, transmit the original and copy of each filing to the Civil Court Administrator for scheduling. The Court Administrator will hold the counter-affidavit of the non-relocating party until the relocating party files the notice of the proposed relocation and pays the required fees, after which the Court Administrator will return the originals to the Prothonotary and give the copies to the Conciliation Office, which shall schedule a conciliation conference within fourteen (14) days and send to all parties a copy of the scheduling order and a conciliation questionnaire.

(a.2) If there is no existing order of Court awarding any of the parties primary custody of the subject child(ren), a party seeking primary custody of the child(ren) shall file a complaint for custody before the case will be assigned for disposition.

##### Rule 1915.4. Prompt Disposition of Custody Cases.

(f.1) *Relocation*—If at the conclusion of the conciliation conference, a custody relocation case remains contested, the Custody Conciliation Officer shall determine if a party is seeking a change in primary custody, partial custody, or visitation. Where primary custody is in dispute, the case shall be transferred to the Civil Court Administrator for assignment to a Judge to be expeditiously heard. Where partial custody or visitation is in dispute, the case shall be transferred to a hearing officer.

##### Rule 1915.4-2. Office Conference. Hearing. Record. Exceptions. Order.

(b.1) *Relocation*

(1) In cases of relocation where primary custody is not in dispute, the hearing officer shall schedule a hearing within fourteen days after the case is assigned for hearing.

(2) Within seven days of the conclusion of the hearing, the hearing officer shall file with the court and serve upon all parties a report in conformance with P.R.C.P. No. 1915.4-2(b)(3).

(3) Exceptions to the hearing officer's report, with an accompanying brief, shall be filed by any party excepting to the hearing officer's report within fourteen days after the report is mailed. A party who opposes exceptions filed by another party shall file an opposing brief within ten days after service of the exceptions.

(4) When exceptions are filed to the hearing officer's report, the Custody Office shall immediately notify the stenographer, who shall complete and file the transcript of the proceedings before the hearing officer within twenty days. Unless granted leave by the court to proceed in forma pauperis, the party filing exceptions shall pay the cost of transcription. If exceptions are filed by more than one party, the transcription costs shall be shared by the excepting parties on a pro rata basis. The transcription costs shall be paid within twenty days of the date of filing exceptions. If the costs are not timely paid, the stenographer shall so notify the court after which the exceptions of the non-paying party may be dismissed.

(5) Exceptions to the hearing officer's report shall be decided on the parties' briefs unless oral argument is requested by praecipe of one of the parties.

[Pa.B. Doc. No. 12-1988. Filed for public inspection October 12, 2012, 9:00 a.m.]

**SCHUYLKILL COUNTY**  
**Amend Civil Rule of Procedure 1915.15 Form of Complaint; S-2093-12**

**Order of Court**

And Now, this 27th day of September at 2:00 p.m., Schuylkill County Civil Rule of Procedure No. 1915.15, Form of Complaint, is amended for use in the Court of Common Pleas of Schuylkill County, Pennsylvania, Twenty-First Judicial District, Commonwealth of Pennsylvania, effective thirty days after publication in the *Pennsylvania Bulletin*.

The Prothonotary of Schuylkill County is Ordered and Directed to do the following:

- 1) File one (1) certified copy of this Order and Rule with the Administrative Office of Pennsylvania Courts.
- 2) Forward two (2) certified copies of this Order and Rule and a computer diskette containing the text of the local rules to the Legislative Reference Bureau.
- 3) Forward one (1) certified copy of this Order and Rule with the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania.
- 4) Forward one (1) copy to the Law Library of Schuylkill County for publication in the *Schuylkill Legal Record*.
- 5) Copies shall be kept continuously available for public inspection in the Office of the Schuylkill County Prothonotary and the Schuylkill County Law Library.

It is further *Ordered* that said rule as it existed prior to the amendment is hereby repealed and annulled on the effective date of said rule as amended, but no right acquired thereunder shall be disturbed.

*By the Court*

WILLIAM E. BALDWIN,  
*President Judge*

**THE COURT OF COMMON PLEAS OF  
SCHUYLKILL COUNTY  
TWENTY-FIRST JUDICIAL DISTRICT OF  
PENNSYLVANIA**

Plaintiff : No: S-  
:  
:  
vs. : Custody  
:  
:  
Defendant :

**ORDER OF COURT**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ , at \_\_\_\_ o'clock \_\_.m.; you are hereby ORDERED to appear as follows:

You have been sued in Court to obtain Custody or Partial Custody of the child(ren) named in the Complaint.

**I. PARENT EDUCATION PROGRAM**

1. ALL PARTIES NAMED ABOVE SHALL ATTEND AND COMPLETE THE "KIDS FIRST" PROGRAM. THE PROGRAM IS REQUIRED FOR ALL PARTIES PARTICIPATING IN A CUSTODY ACTION. PARTICIPATION IS REQUIRED WHETHER OR NOT AN AGREEMENT IS SUBMITTED.

2. EACH OF YOU SHALL CONTACT "KIDS FIRST" WITHIN TEN (10) DAYS OF RECEIVING THIS ORDER TO REGISTER AND ATTEND THE NEXT AVAILABLE PROGRAM. IF YOU FAIL TO COMPLY WITH THE PROVISIONS OF THIS ORDER, CONTEMPT CHARGES AGAINST YOU SHALL BE FILED WITH THE COURT.

TO SCHEDULE AND REGISTER FOR THE "KIDS FIRST" PROGRAM CONTACT ANTHONY LIBASSI BY ONE OF THE FOLLOWING:

- (a) internet: WWW.LIBASSIMEDIATION.COM
- (b) telephone: 570-558-1002  
888-215-7445 (toll free)
- (c) mail: ANTHONY LIBASSI  
200 Adams Avenue, First Floor  
Scranton, PA 18503

YOU ARE EACH REQUIRED TO PAY A FEE OF FORTY DOLLARS (\$40.00) DIRECTLY TO THE "KIDS FIRST" PROGRAM AT THE TIME OF REGISTRATION.

**3. LOCATION OF 'KIDS FIRST' PROGRAMS:**

SCHUYLKILL COUNTY COURTHOUSE  
401 N. 2ND STREET  
POTTSVILLE, PA 17901

FAILURE TO COMPLY WITH THE TERMS OF THIS ORDER MAY RESULT IN FINES, IMPRISONMENT OR OTHER SANCTIONS.

**II. CUSTODY CONCILIATION CONFERENCE**

You are ORDERED to appear in person at the Custody Conciliation Office, of the Schuylkill County Courthouse on \_\_\_\_\_, for a Custody Conciliation Conference.

You are further ORDERED to bring with you the fully completed conciliation questionnaire provided by the Court.

If you fail to appear as provided by the Order, an Order of Custody or Partial Custody may be entered against you or the Court may issue a Warrant for your arrest.

### III. GENERAL PROVISIONS

YOU SHOULD TAKE THIS PAPER (and the attached papers) 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 LEGAL HELP.

Pennsylvania Bar Association Lawyer Referral Service  
100 South Street, P. O. Box 186, Harrisburg, PA 17108  
1-800-692-7375

Counsel and pro se litigants without counsel are Ordered to immediately consult their schedules for conflicts and to promptly request a continuance where necessary because of a prior attachment or emergency situation. All requests for a continuance of a Custody Conciliation Conference must be made on the APPLICATION FOR CONTINUANCE form available from the offices of the Court Administrator, Custody Conciliator or Prothonotary in the Schuylkill County Courthouse. The application must be filed in the Prothonotary Office. A continuance will be granted only upon good cause shown.

The moving party shall immediately serve on all interested parties a copy of the original pleading, this order, "Kids First" registration and information, and a custody conciliation questionnaire; and shall further file an affidavit verifying service.

Americans With Disabilities Act of 1990: The court of Common Pleas of Schuylkill 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.

### IV. INMATE PROVISIONS

YOU ARE A NAMED PARTY IN AN ACTION SEEKING CUSTODIAL RIGHTS REGARDING YOUR CHILD(REN). THE SCHUYLKILL COUNTY CUSTODY CONCILIATION OFFICE WILL AFFORD YOU THE OPPORTUNITY TO HAVE INPUT VIA TELEPHONE AT THE CONFERENCE WITH THE CUSTODY CONCILIATOR. YOU ARE RESPONSIBLE FOR ARRANGING THE TELEPHONE CONFERENCE THROUGH THE APPROPRIATE PRISON PERSONNEL ONCE YOU ARE NOTIFIED OF THE DAY AND TIME OF THE CONFERENCE. YOU MUST PROVIDE THE CUSTODY CONCILIATION OFFICE WITH A TELEPHONE NUMBER AND A CONTACT PERSON SO THAT THE CUSTODY CONCILIATION OFFICE CAN CONTACT THE PERSON AT THE SCHEDULED TIME FOR THE CUSTODY CONFERENCE.

IN THE EVENT THAT YOU ELECT TO PARTICIPATE IN THE CONFERENCE VIA TELEPHONE CONFERENCE YOU MUST NOTIFY OUR OFFICE WITH THE APPROPRIATE CONTACT INFORMATION AT LEAST FORTY-EIGHT (48) HOURS PRIOR TO THE SCHEDULED CONFERENCE.

IN ADDITION YOU HAVE THE RIGHT TO FILE A WRIT OF HABEAS CORPUS AD TESTIFICANDUM.

IF YOU ELECT NEITHER APPROACH, YOU MAY SUBMIT AN INFORMAL BRIEF AT LEAST TWENTY-FOUR (24) HOURS PRIOR TO THE SCHEDULED CONFERENCE THAT SETS FORTH YOUR PROPOSAL REGARDING THE CUSTODIAL ISSUES REGARDING YOUR CHILD(REN). YOUR BRIEF WILL BE CONSIDERED AT THE TIME OF THE SCHEDULED CONFERENCE.

BY THE COURT,

Date: \_\_\_\_\_

[Pa.B. Doc. No. 12-1989. Filed for public inspection October 12, 2012, 9:00 a.m.]

## WESTMORELAND COUNTY

### Adoption of Rule of Judicial Administration WJ110; No. 3 of 2012

#### Order

*And Now This* 18th day of September, 2012 *It Is Hereby Ordered* that this Court's Order of August 23, 2012 adopting Westmoreland County Rule of Judicial Administration WJ110 is rescinded.

*It Is Further Ordered* that Westmoreland County Rule of Judicial Administration WJ110 is hereby adopted.

*By the Court*

GARY P. CARUSO,  
*President Judge*

#### Rule WJ110. Oaths and Acknowledgments.

All court assistants, whether full-time, part-time or temporary, and all court reporters are authorized to administer oaths and affirmations and to take acknowledgments pursuant to 42 Pa.C.S.A. § 327.

[Pa.B. Doc. No. 12-1990. Filed for public inspection October 12, 2012, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that Layne Scott Gordon, having been disbarred from the practice of law in the State of New Jersey by Order of the Supreme Court of New Jersey dated September 6, 2011, the Supreme Court of Pennsylvania issued an Order on September 28, 2012, disbaring Layne Scott Gordon from the Bar of this Commonwealth, effective October 28, 2012. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Secretary*

*The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 12-1991. Filed for public inspection October 12, 2012, 9:00 a.m.]

**Notice of Suspension**

Notice is hereby given that Arleen Caballero Gonzalez having been suspended from the practice of law in the State of New Jersey for a period of 3 months by Order of the Supreme Court of New Jersey dated December 6, 2011, the Supreme Court of Pennsylvania issued an Order dated September 28, 2012 suspending Arleen Caballero Gonzalez from the practice of law in this Commonwealth for a period of 3 months, effective October 28, 2012. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Secretary*  
*The Disciplinary Board of the*  
*Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 12-1992. Filed for public inspection October 12, 2012, 9:00 a.m.]

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