

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1910]

Amendment of Rules 1910.3, 1910.16-2, 1910.19 and 1910.27 of the Rules of Civil Procedure; No. 569 Civil Procedural Rules Doc.

Order

Per Curiam

And Now, this 5th day of November, 2012, upon the recommendation of the Domestic Relations Procedural Rules Committee; the proposal having been published for public comment in the *Pennsylvania Bulletin*, 42 Pa.B. 3722 (June 30, 2012):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 1910.3, 1910.16-2, 1910.19 and 1910.27 of the Pennsylvania Rules of Civil Procedure are amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on December 5, 2012.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.3. Parties. Obligor. Obligee.

(a) An action may be brought

* * * * *

(6) by any person who may owe a duty of support to a child or spouse. **If the person to whom a duty of support may be owed does not appear, the action may be dismissed without prejudice for the petitioner to seek further relief from the court.**

(b) The trier of fact shall enter an appropriate [**child support**] order based upon the evidence presented, without regard to which party initiated the support action [**or**], filed a modification petition **or filed a petition for recovery of support overpayment.** The determination of which party will be the obligee and which will be the obligor will be made by the trier of fact based upon the respective incomes of the parties, consistent with the support guidelines and existing law, and the custodial arrangements at the time of the initial or subsequent conference, hearing or trial. If supported by the evidence, the party named as the defendant in the initial pleading may be deemed to be the obligee, even if that party did not file a complaint for support. The provisions of this subdivision do not apply to parties seeking spousal support or alimony pendente lite. Parties seeking spousal support or alimony pendente lite must assert a claim in an appropriate pleading with proper notice served upon the other party.

* * * * *

Rule 1910.16-2. Support Guidelines. Calculation of Net Income.

Generally, the amount of support to be awarded is based upon the parties' monthly net income.

* * * * *

(c) *Monthly Net Income.*

(1) Unless otherwise provided in these [**Rules**] rules, the court shall deduct only the following items from monthly gross income to arrive at net income:

(A) federal, state, and local income taxes;

(B) **unemployment compensation taxes and Local Services Taxes (LST);**

(C) F.I.C.A. payments (Social Security, Medicare and Self-Employment taxes) and non-voluntary retirement payments;

[(C)] (D) **mandatory** union dues; and

[(D)] (E) alimony paid to the other party.

* * * * *

Rule 1910.19. Support. Modification. Termination. Guidelines as Substantial Change in Circumstances. Overpayments.

* * * * *

(g) *Overpayments.*

(1) **Order in Effect.** If there is an overpayment in an amount in excess of two months of the monthly support obligation and a charging order remains in effect, after notice to the parties as set forth below, the domestic relations section shall reduce the charging order by 20% [**of the obligor's share of the basic child support obligation**] or an amount sufficient to retire the overpayment by the time the charging order is terminated. The notice shall advise the [**obligee**] parties to contact the domestic relations section within [**60**] 30 days of the date of the mailing of the notice if [**the obligee**] either or both of them wishes to contest the proposed reduction of the charging order. If [**the obligee**] either party objects, the domestic relations section shall schedule a conference to provide the [**obligee**] objecting party the opportunity to contest the proposed action. If [**the obligee does not respond**] neither party responds to the notice or [**object**] objects to the proposed action, the domestic relations section shall have the authority to reduce the charging order.

(2) **Order Terminated.** If there is an overpayment in any amount and there is no charging order in effect, within one year of the termination of the charging order, the former obligor may file a petition with the domestic relations section seeking recovery of the overpayment. A copy shall be served upon the former obligee as original process. The domestic relations section shall schedule a conference on the petition, which shall be conducted consistent with the rules governing support actions. The domestic relations section shall have the authority to enter an order against the former obligee for the amount of the overpayment in a monthly amount to be determined by the trier of fact after consideration of the former obligee's ability to pay.

* * * * *

Rule 1910.27. Form of Complaint. Order. Income Statements and Expense Statements. Health Insurance Coverage Information Form. Form of Support Order. Form Petition for Modification. **Petition for Recovery of Support Overpayment.**

(a) The complaint in an action for support shall be substantially in the following form:

(Caption)
COMPLAINT FOR SUPPORT

* * * * *

5. Plaintiff seeks to pay support or receive support for the following persons:

* * * * *

7. A previous support order was entered against the plaintiff defendant on _____ in an action at _____ in the amount of \$ _____ (Court, term and docket number)

for the support of _____.

(Name)

There are (no) arrearages in the amount of \$ _____.

The order has (not) been terminated.

8. Plaintiff Defendant last received support from the [Defendant] other party in the amount of \$ _____ on _____.

(Date)

WHEREFORE, Plaintiff requests that an order be entered [against Defendant and in favor of the Plaintiff and] on behalf of the aforementioned child(ren) and or spouse for reasonable support and medical coverage.

* * * * *

(h) A petition for recovery of a support overpayment when a support order remains in effect shall be in substantially the following form:

(Caption)

Petition for Recovery of Support Overpayment in Active Case.

1. Obligor and Obligee are parties in a support action at the docket number captioned above.

2. There is an overpayment owing to Obligor in an amount in excess of two months of the monthly support obligation.

Wherefore, Obligor requests that, pursuant to Pa.R.C.P. No. 1910.19(g)(1), the charging order be reduced by 20% or an amount sufficient to retire the overpayment by the time the charging order is terminated.

I verify that the statements in this petition are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

_____ (date)

_____ (Obligor signature)

(i) A petition for recovery of a support overpayment when a support order has been terminated shall be in substantially the following form:

(Caption)

Petition for Recovery of Support Overpayment in Closed Case.

1. Plaintiff is an adult individual residing at:

2. Defendant is an adult individual residing at:

3. Plaintiff and defendant were parties in a prior support action that was terminated by order dated _____ at docket number _____.

4. There is an overpayment owing to the instant plaintiff.

Wherefore, the plaintiff requests that, pursuant to Pa.R.C.P. No. 1910.19(g)(2), an order be entered against the defendant and in favor of the plaintiff in the amount of the overpayment.

I verify that the statements in this petition are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

_____ (date)

_____ (plaintiff signature)

(j) The order to be attached at the front of the petition for recovery of support overpayment in closed case set forth in subdivision (i) shall be in substantially the following form:

(Caption)

ORDER OF COURT

You, _____, defendant, are ordered to appear at _____ before _____, a conference officer of the Domestic Relations Section, on the _____ day of _____, 20____, at _____ M., for a conference, after which the officer may recommend that an order for the recovery of a support overpayment be entered against you.

You are further ordered to bring to the conference

(1) a true copy of your most recent federal income tax return, including W-2s, as filed,

(2) your pay stubs for the preceding six months, and

(3) the Income Statement and the appropriate Expense Statement, if you are claiming that you have unusual needs or unusual fixed obligations.

Date of Order: _____

J.

YOU HAVE THE RIGHT TO A LAWYER, WHO MAY ATTEND THE CONFERENCE AND REPRESENT YOU. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

(Name)

(Address)

(Telephone Number)

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of _____ 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.

* * * * *

Explanatory Comment—2012

The form complaint for support in subdivision (a) has been amended to accommodate cases initiated pursuant to Rule 1910.3(a)(6). Because a support order may be entered against either party without regard to which party initiated the support action pursuant to Rule 1910.3(b), a party who believes that he or she may owe a duty of support may use the complaint form to initiate the action even if he or she ultimately is determined to be the obligor. In active charging support cases in which there is an overpayment in an amount in excess of two months of the monthly support obligation and the domestic relations section fails to reduce the charging order automatically to recoup the overpayment pursuant to Rule 1910.19(g)(1), the obligor may file a petition for recovery as set forth in subdivision (h) above. A separate form petition has been added in subdivision (i) by which a former support obligor may seek recovery of an overpayment in any amount in terminated cases pursuant to Rule 1910.19(g)(2).

[Pa.B. Doc. No. 12-2218. Filed for public inspection November 16, 2012, 9:00 a.m.]

Title 252—ALLEGHENY COUNTY RULES

ALLEGHENY COUNTY

Civil Rule of the Court of Common Pleas; No. 299 of 2012 Rules Doc.

Order of Court

And Now, to-wit, this 31st day of October, 2012, It Is Hereby Ordered, Adjudged and Decreed that the following Amended Rule of the Court of Common Pleas of Allegheny County, Pennsylvania, Civil Division, adopted by the unanimous proxy vote of the Board of Judges on October 29, 2012, shall be effective upon publication on the UJS web portal:

Rule 220.1 Voir Dire Questionnaires

By the Court

DONNA JO McDANIEL,
President Judge

Local Rule 220.1. Voir Dire.

In all civil actions to be tried before a jury, the parties shall be provided with the responses to the “Juror Questionnaire” completed by the members of the panel at the time that they report for jury duty (see Form), and the members of the panel shall be asked the questions set forth in this Local Rule (except those which all parties shall agree in advance to strike as inappropriate for the type of case involved). The questions shall be propounded by an Assignment Room Clerk, in the presence of all counsel. The voir dire process is open to the public.

The following questions shall be asked in a standard civil lawsuit, that is, one that is something other than a medical malpractice or asbestos case.

(a) *To be Addressed to the Group:*

1) *Clerk*—“This case is expected to last ____ days. Does that impose a serious hardship for anyone?”

2) *Clerk*—“The attorneys in this lawsuit will now introduce themselves, their law firms, and the parties they represent.”

[Attorneys proceed with introductions.]

Clerk—“Have you had any social, business or professional contact with any of these attorneys or their law firms?”

Clerk—“Do you know or have you had any social, business or professional contact or employment with any of the parties, or are any of you stockholders in ____? *[Insert name of company(ies).]*

Clerk—“This lawsuit concerns ____.” *[Insert a description —products liability, motor vehicle accident, fall down, construction, contract, etc.—along with a time period or date and place, if applicable.]*

3) *Clerk*—“The attorneys are now permitted to give you a brief statement about the case.

In their statement, each attorney will say what they believe the evidence will show at trial. You will not hear the actual evidence until the witnesses testify when the trial begins.

You are not to form any conclusions based upon the statements of the attorneys.

You cannot make your decision until the end of the trial.”

[Attorneys proceed, in turn, to deliver their approved voir dire statements.]

[If no party elects to deliver a voir dire statement, then the Clerk proceeds as set forth below.]

Clerk—“Does anyone know anything about this case?”

4) *Clerk*—“The attorneys will now identify for you all of their possible witnesses in this case.”

[Attorneys proceed in turn to identify the names and addresses of all their potential witnesses, including expert witnesses. This list should include all non-party witnesses listed in each party’s pre-trial statement, unless all parties have agreed otherwise.]

Clerk—“Do you know or have you had any association, either yourself or through any member of your family, with any of these individuals?”

(b) *To be Asked Individually:*

Clerk—“We will begin questioning. Juror #1, will you please step forward?”

1) *Clerk*—“Based on anything you have read, seen or heard, do you have any feelings or opinions about a lawsuit seeking money damages?”

a. *Clerk*—“If so, what are those feelings or opinions?”

b. *Clerk*—“Do you think those feelings or opinions might affect your judgment in this case?”

2) *Clerk*—“This case involves a claim for money damages and is the type commonly called a _____ [*products liability, motor vehicle accident, breach of contract, etc.*] lawsuit.”

a. *Clerk*—“Do you have any feelings about this kind of case, or the parties involved in this kind of case, that would tend to make you favor one party or the other; that is, the person bringing the lawsuit or the person being sued?”

b. *Clerk*—“If so, what are those feelings?”

c. *Clerk*—“Will that influence your judgment in this case so that you may not be able to be fair and impartial?”

3) *Clerk*—“Do you have any feelings or opinions as to whether there should be a minimum or maximum amount of money that can be awarded to an injured party?”

4) *Clerk*—“Is there any reason why you feel you cannot serve as a fair and impartial juror in this case?”

The following questions shall be asked in medical malpractice cases:

(c) *To be Addressed to the Group:*

1) *Clerk*—“This case is expected to last _____ days. Does that impose a serious hardship for anyone?”

2) *Clerk*—“The attorneys in this lawsuit will now introduce themselves, their law firms, and the parties they represent.”

[*Attorneys proceed with introductions.*]

Clerk—“Have you had any social, business or professional contact with any of these attorneys or their law firms?”

Clerk—“Do you know or have you had any social, business or professional contact or employment with any of the parties, or are any of you stockholders in _____? [*Insert name of company(ies).*]

Clerk—“This case is a Medical Malpractice lawsuit.” [*Insert a description—along with a time period or date and place, if applicable.*]

3) *Clerk*—“The attorneys are now permitted to give you a brief statement about the case.

In their statement, each attorney will say what they believe the evidence will show at trial. You will not hear the actual evidence until the witnesses testify when the trial begins.

You are not to form any conclusions based upon the statements of the attorneys. You cannot make your decision until the end of the trial.”

[*Attorneys proceed, in turn, to deliver their approved voir dire statements.*]

[*If no party elects to deliver a voir dire statement, then the Clerk proceeds as set forth below.*]

Clerk—“Does anyone know anything about this case?”

4) *Clerk*—“The attorneys will now identify for you all of their possible witnesses in this case.”

[*Attorneys proceed in turn to identify the names and addresses of all their potential witnesses, including expert witnesses. This list should include all non-party witnesses listed in each party's pre-trial statement, unless all parties have agreed otherwise.*]

Clerk—“Do you know or have you had any association, either yourself or through any member of your family, with any of these individuals?”

(d) *To be Asked Individually:*

Clerk—“We will begin questioning. Juror #1, will you please step forward?”

1) *Clerk*—“Based on anything you have read, seen or heard, do you have any feelings or opinions about a lawsuit seeking money damages for personal injuries?”

a. *Clerk*—“If so, what are those feelings or opinions?”

b. *Clerk*—“Do you think those feelings or opinions might affect your judgment in this case?”

2) *Clerk*—“This case involves a claim for money damages and is the type commonly called a Medical Malpractice lawsuit.”

a. *Clerk*—“Do you have any feelings about this kind of case, or the parties involved in this kind of case, that would tend to make you favor either the patient or the healthcare provider?”

b. *Clerk*—“If so, what are those feelings?”

c. *Clerk*—“Will that influence your judgment in this case so that you may not be able to be fair and impartial?”

3) *Clerk*—“Do you have any feelings or opinions as to whether there should be a minimum or maximum amount of money that can be awarded to an injured party?”

4) *Clerk*—“Do you have any feelings or opinions about whether medical malpractice lawsuits affect the costs or availability of medical services?”

“If so, what are those feelings or opinions?”

5) *Clerk*—“Do you feel it is wrong to sue a [*Insert appropriate provider, e.g. doctor, nurse, hospital, nursing home . . .*] even in circumstances where the [*Insert as before.*] was careless in providing medical care to a patient and caused harm to that patient?”

6) *Clerk*—“Do you believe that just because the patient suffered a complication, did not get better, or even died, that the [*Insert appropriate provider, e.g. doctor, nurse, hospital, nursing home . . .*] must have done something wrong so that the patient or family is entitled to compensation?”

7) *Clerk*—“Is there any reason why you feel you cannot serve as a fair and impartial juror in this case?”

The following questions shall be asked in asbestos cases:

(e) *To be Addressed to the Group:*

1) *Clerk*—“This case is expected to last _____ days. Does that impose a serious hardship for anyone?”

2) *Clerk*—“The attorneys in this lawsuit will now introduce themselves, their law firms, and the parties they represent.”

[*Attorneys proceed with introductions.*]

Clerk—“Have you had any social, business or professional contact with any of these attorneys or their law firms?”

Clerk—“Do you know or have you had any social, business or professional contact or employment with any of the parties, or are any of you stockholders in ____? [*Insert name of company(ies).*]

Clerk—“This lawsuit concerns ____.” [*Insert a description-products liability, negligence, etc.—along with a time period or date and place, if applicable.*]

3) *Clerk*—“The attorneys are now permitted to give you a brief statement about the case.

In their statement, each attorney will say what they believe the evidence will show at trial. You will not hear the actual evidence until the witnesses testify when the trial begins.

You are not to form any conclusions based upon the statements of the attorneys. You cannot make your decision until the end of the trial.”

[*Attorneys proceed, in turn, to deliver their approved voir dire statements.*]

[*If no party elects to deliver a voir dire statement, then the Clerk proceeds as set forth below.*]

Clerk—“Does anyone know anything about this case?”

4) *Clerk*—“The attorneys will now identify for you all of their possible witnesses in this case.”

[*Attorneys proceed in turn to identify the names and addresses of all their potential witnesses, including expert witnesses. This list should include all non-party witnesses listed in each party’s pre-trial statement, unless all parties have agreed otherwise.*]

Clerk—“Do you know or have you had any association, either yourself or through any member of your family, with any of these individuals?”

(f) *To be Asked Individually:*

Clerk—“We will begin questioning. Juror #1, will you please step forward?”

1) *Clerk*—“Based on anything you have read, seen or heard, do you have any feelings or opinions about a lawsuit seeking money damages for personal injuries?”

a. *Clerk*—“If so, what are those feelings or opinions?”

b. *Clerk*—“Do you think those feelings or opinions might affect your judgment in this case?”

2) *Clerk*—“This case involves a claim for money damages and is the type commonly called a ____ [*Insert a description-products liability, negligence, etc.*] lawsuit.”

a. *Clerk*—“Do you have any feelings about this kind of case, or the parties involved in this kind of case, that would tend to make you favor one party or the other; that is, the person bringing the lawsuit or the person being sued?”

b. *Clerk*—“If so, what are those feelings?”

c. *Clerk*—“Will that influence your judgment in this case so that you may not be able to be fair and impartial?”

3) *Clerk*—“Do you have any feelings or opinions as to whether there should be a minimum or maximum amount of money that can be awarded to an injured party?”

4) *Clerk*—“Have you or any member of your household or immediate family ever suffered from:

a) Any type of cancer?

b) Asbestosis?

c) Emphysema?

d) Silicosis?

e) Chronic bronchitis?

f) Black lung?

g) Mesothelioma

h) Any other lung or respiratory disease?”

5) *Clerk*—“Have you or any member of your household or immediate family ever been employed by a business engaged in manufacturing, supplying, or removing insulation products containing asbestos?”

6) *Clerk*—“Have you or any member of your household or immediate family ever worked or been exposed to products which you understood to contain asbestos or silica?”

7) *Clerk*—“Have you been exposed to any information from the internet, newspapers, radio, television, or from other people, discussing alleged health problems with asbestos or silica?”

8) *Clerk*—“Have you ever smoked:

a) Cigarettes?

b) Cigars?

c) Pipe?”

9) *Clerk*—“If yes, what year did you stop smoking:

a) Cigarettes?

b) Cigars?

c) Pipe?”

10) *Clerk*—“Is there any reason why you feel you cannot serve as a fair and impartial juror in this case?”

(g) Up to five additional proposed voir dire questions may be submitted by each party or group of parties with joint representation by one counsel. Disputes as to the propriety of these questions shall be handled as set forth in Local Rule 212.2(c). At the time of voir dire, those proposed additional voir dire questions which were permitted by the Calendar Control Judge will be propounded by the Assignment Room Clerk, in the presence of all counsel, individually to each member of the panel.

(h) At the conclusion of individual questions to each member of the panel as set forth in parts (b), (d), (f) and (g) above, counsel will be permitted to ask reasonable

follow-up questions regarding each panel member's responses to prior questions and responses to the Juror Questionnaire. In the absence of agreement by all parties to the contrary, the order of follow-up questioning shall proceed as the parties appear in the caption of the case.

**FIFTH JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF
ALLEGHENY COUNTY
CIVIL DIVISION—JUROR QUESTIONNAIRE**

1) Full Name: _____ Maiden Name (if any): _____

2) Age: _____ Place of Birth: _____

3) Neighborhood or Municipality in which you live: _____
Zip Code: _____

Length of time at current address: _____
Rent or Own: _____

4) Single Married Divorced Widowed
 Separated

Spouse's Name: _____ Spouse's Maiden Name (if any): _____

5) Your Employment/Occupation:

Present Job	Employer	Time at this Job
_____	_____	_____

If Retired:

Last Employer	Last Held Position	Time at this Job
_____	_____	_____

What prior occupations and employers have you had?

6) Please indicate your highest level of education: Elementary Jr. High/Middle School High School (did not graduate) High School Graduate GED Technical/Vocational Training College (did not graduate) College Graduate Advanced Degree

<i>College or University</i>	<i>Degree, Diploma, or Certificate Attained</i>	<i>Major Course of Study</i>

7) Have you ever served in the military? Yes No
If so, in what branch? _____ Years _____ to _____

What did you do? _____ Final Rank _____
Honorable Discharge? Yes No

8) Have you or any members of your family been involved as a plaintiff, defendant, witness or juror in a civil or criminal lawsuit or court case? Yes No

1. Who was involved? _____

2. What was the nature of the lawsuit? _____

3. Were you or your family member the Plaintiff, Defendant, witness or juror? _____

4. What was the outcome? _____

9) Have you ever been involved in an automobile accident? Yes No

10) Are you licensed to drive a motor vehicle? Yes No

11) Do you own or lease a motor vehicle? Yes No

12) Please list your family doctor and/or any other doctors that have treated you in the past two years: _____

13) Please provide the following information about the following people:

	<i>Name</i>	<i>Age</i>	<i>Level of Education</i>	<i>Current Occupation & Employer</i>	<i>Do they reside with you?</i>
Your Mother:					
Your Father:					
Your Spouse:					
Child/Stepchild 1:					
Child/Stepchild 2:					
Child/Stepchild 3:					
Child/Stepchild 4:					
Child/Stepchild 5:					
Child/Stepchild 6:					
Other Adult Member of Household 1:					

	Name	Age	Level of Education	Current Occupation & Employer	Do they reside with you?
Other Adult Member of Household 2:					
Other Adult Member of Household 3:					

14) If you have brothers or sisters, what do they do for a living? _____

15) Do you or any members of your family have a friendship or association with anyone who is a police officer, judge, lawyer, or employee of the court system? If so, please explain: _____

16) Have either you or members of your family ever worked for or done business with the insurance industry or owned stock in an insurance company? Yes No

17) Have either you, members of your family, or any close friends ever worked for or done business with the medical or healthcare field? Yes No

18) Do you have any physical or mental condition or other situation which could affect your ability to serve on a jury? Yes No

I VERIFY, SUBJECT TO THE PENALTIES OF SECTION 4904 OF THE CRIMES CODE (18 Pa.C.S. § 4904) RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES, THAT THE FACTS SET FORTH IN THIS QUESTIONNAIRE ARE TRUE AND CORRECT.

Dated: _____ Signature: _____

[Pa.B. Doc. No. 12-2219. Filed for public inspection November 16, 2012, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CARBON COUNTY

Adoption of Local Rules of Civil Procedure 216, 1012, 2039 and 2206 and Revision of 1018.1, 1915.3 and 1915.7; No. 12-2319; No. 21 DR 2012

Administrative Order No. 22-2012

And Now, this 31st day of October, 2012, it is hereby Ordered and Decreed that, effective December 1, 2012, the Carbon County Court of Common Pleas Adopts Carbon County Rule of Civil Procedure CARB.R.C.P. 216 governing the Grounds for Continuance, CARB.R.C.P. 1012 governing Entry of Appearance, Withdrawal of Appearance and Notice, CARB.R.C.P. 2039 governing Compromise, Settlement, Discontinuance and Distribution and CARB.R.C.P. 2206 governing Settlement Compromise, Discontinuance and Judgment.

It Is Further Ordered and Decreed that the Carbon County Court of Common Pleas Revises CARB.R.C.P. 1018.1 governing Notice to Defend, Form, CARB.R.C.P.

1915.3 governing Commencement of Action, Complaint, Order and CARB.R.C.P. 1915.7 governing Consent Order.

The Carbon County District Court Administrator is Ordered and Directed to

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

2. File two (2) certified copies and one (1) computer diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Civil Procedural Rules Committee.

4. Forward one (1) copy for publication in the *Carbon County Law Journal*.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of the Administrative Order in the Prothonotary's Office and the Domestic Relations Office.

By the Court

ROGER N. NANOVIC,
President Judge

Rule 216. Grounds for Continuance.

All Motions for Continuance shall be filed at least three (3) working days before the scheduled event.

When a Motion for Continuance is requested because of an attachment of another Court, the Attorney shall provide a copy of said attachment with the Motion for Continuance.

Any motion filed that is not in compliance with this rule shall be entertained only if the opportunity to timely file it did not exist previously or the interest of justice requires it.

Rule 1012. Entry of Appearance. Withdrawal of Appearance. Notice.

1. Any attorney representing a party in a proceeding before this Court shall enter his appearance of record in the Prothonotary's Office by filing the appropriate praecipe. The Prothonotary shall promptly docket and make note in the record.

2. Any attorney who provides representation to a Custody or Support litigant at a Custody Conference, Support Conference and/or a Support Hearing shall be permitted to enter a Limited Appearance. The Praecipe for Entry of Limited Appearance is attached hereto as Exhibit "A".

3. Upon completion of the representation, the attorney shall file a Praecipe for Withdrawal of Limited Appearance. This Praecipe shall be filed without leave of court and shall direct the Prothonotary to send all future notices directly to the litigant and shall set forth the

litigant's last-known address. The Praeceptum for Withdrawal of Limited Appearance is attached hereto as Exhibit "B".

**IN THE COURT OF COMMON PLEAS OF
CARBON COUNTY, PENNSYLVANIA
(CIVIL ACTION/DOMESTIC RELATIONS)**

Plaintiff :
: vs. : NO.
: Defendant :

**PRAECIPE FOR ENTRY OF LIMITED
APPEARANCE**

To the Prothonotary:

Kindly enter my Limited Appearance for _____ (Plaintiff's/Defendant's Name), the Plaintiff/Defendant in the above-captioned matter.

This Appearance is limited to providing representation on behalf of this party at the Custody Conference/Support Conference/Support Hearing.

Name of Attorney for (Plaintiff/Defendant)

Firm

Address

City, State, Zip

Telephone Number

Supreme Court ID Number

**IN THE COURT OF COMMON PLEAS OF
CARBON COUNTY, PENNSYLVANIA
(CIVIL ACTION/DOMESTIC RELATIONS)**

Plaintiff :
: vs. : NO.
: Defendant :

**PRAECIPE FOR WITHDRAWAL OF LIMITED
APPEARANCE**

To the Prothonotary:

Kindly withdraw my Limited Appearance for _____ (Plaintiff's/Defendant's Name), the Plaintiff/Defendant in the above-captioned matter.

Withdrawal of this Limited Appearance is permitted pursuant to Carbon County Local Rule of Civil Procedure CARB.R.C.P. 1012. All future notices should be sent directly to (Plaintiff's/Defendant's Name), the Plaintiff/Defendant, at _____ (set forth last-known address for this party).

Name of Attorney for (Plaintiff/Defendant)

Firm

Address

City, State, Zip

Telephone Number

Supreme Court ID Number

Rule 1018.1. Notice to Defend. Form.

As required by Pa.R.C.P.1018.1(c), the following shall be designated in the notice to defend as the person from whom legal referral can be obtained:

**North Penn Legal Services
2 East Broad Street, Suite 205
Hazleton, PA 18201
Phone 1-877-953-4250
Fax (570) 455-3625**

or

**Carbon County Lawyer Referral
777 Blakeslee Blvd. Dr., Suite 2
Lehighton, PA 18235
Phone 1-610-379-4950
Fax (610) 379-4952**

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

The person to be named in the notice shall be pursuant to CARB.R.C.P.1018.1.

A proposed order substantially in the same form as Form "A" following this rule shall be attached to the complaint or petition.

An Affidavit substantially in the same form as Form "B" following this rule shall be attached to the complaint or petition.

**"FORM A"
IN THE COURT OF COMMON PLEAS OF
CARBON COUNTY, PENNSYLVANIA
CIVIL ACTION—LAW**

_____, :
Plaintiff/Petitioner :
: vs. : NO.
: Defendant/Respondent :
_____, :
- Counsel for Plaintiff
_____, :
- Counsel for Defendant

ORDER OF COURT

AND NOW this ___ day of _____, 20___, it is hereby ORDERED and DECREED as follows:

1. This Order of Court shall govern the custodial situation of the following children:

2. In accordance with the statutory laws of this Commonwealth, each party shall be provided all access to the medical, dental, religious and school records of the chil-

d(ren) involved. Absent an emergency situation, each party shall be informed in regard to the medical and dental needs of the child(ren) involved.

3. Jurisdiction of the child(ren) and this matter shall remain with the Court of Common Pleas of Carbon County, Pennsylvania, unless or until jurisdiction would change under the Uniform Child Custody Jurisdiction Act.

4. The welfare of the child(ren) shall be the primary consideration of the parties in any application of the terms of this Agreement. The parties shall exert every reasonable effort to foster a feeling of affection between the child(ren) of the other party. Neither party shall do anything to estrange the child(ren) from the other party, to injure the opinion of the child(ren) as to the other party, or to hamper the free and natural development of the child(ren)'s love and respect of the other party.

5. Primary Physical custody of the child(ren) shall be as follows:

6. The Plaintiff/Defendant, Father/Mother, shall have partial physical custody and visitation rights in accordance with the following schedule:

- (a) During the week: _____
- (b) Weekends: _____;
- (c) Major Holidays: _____;
- (d) Minor Holidays: _____;
- (e) Mother's Day and Mother's Birthday shall be with the Mother;
- (f) Father's Day and Father's Birthday shall be with the Father.
- (g) Child(ren)'s Birthday(s): _____;
- (h) Vacation/Summers: _____;
- (i) Other times: _____.

7. All other periods of partial custody by either party shall be by mutual agreement of both parties after reasonable request, and such agreement shall not be unreasonable withheld.

8. Each party agrees to keep the other advised of their current residential address and telephone number. Each party shall be entitled to speak to the child(ren) by telephone at reasonable times and intervals when the child(ren) is/are in the custody of the other party.

9. Each party agrees to give to the other a general itinerary of all vacations they plan to take with the child(ren).

10. Each party shall endeavor to give at least twenty-four (24) hours prior notice to the other in the event that it will not be possible to exercise any of the rights herein identified.

11. The custodial parent(s) shall not change the residence of the child(ren) if such change significantly impairs the custodial schedule or the ability of the other parent to spend time with the child(ren) and participate in the child(ren)'s life. In the event the custodial parent desires to relocate as described above, he/she shall provide Notice as required by 23 P. S. 5337. No relocation shall occur without written consent of the other parent, or without Order of Court.

12. The attached "Appendix to Order" is incorporated herein and shall be part of this Order.

BY THE COURT:

J.

APPENDIX TO ORDER

Certain rules of conduct generally applicable to custody matters are set forth below and are binding on both parties, the breach of which could become the subject of contempt proceedings before this Court, or could constitute grounds for amendment of our order. If these general rules conflict with the specific requirements of our order, the order shall prevail.

1.

Neither party will undertake nor permit in his or her presence the poisoning of the minor child's mind against the other party by conversation which explicitly or inferentially derides, ridicules, condemns, or in any manner derogates the other party.

2.

The parties shall not conduct arguments or heated conversations when they are together in the presence of their child(ren).

3.

Neither party will question the child(ren) as to the personal lives of the other parent except insofar as necessary to insure the personal safety of the child(ren). By this we mean that the child(ren) will not be used as a spy on the other party. It is harmful to a child to be put in the role of "spy".

4.

Neither party will make extravagant promises to the minor child(ren) for the purposes of ingratiating himself or herself to the minor child(ren) at the expense of the other party; further, any reasonable promise to the child(ren) should be made with the full expectation of carrying it out.

5.

The parties should at all times consider the child(ren)'s best interests, and act accordingly. It is in a child(ren)'s best interests to understand that he or she is trying desperately to cope with the fact of his parents' separation, and needs help in loving both parents, rather than interference of censure.

6.

The parties should remember that they cannot teach their child(ren) moral conduct by indulging in improper conduct themselves. Children are quick to recognize hypocrisy, and the parent who maintains a double standard will lose the respect of his or her child(ren).

7.

Weekend and evening visitation shall be subject to the following rules:

A. Arrangements will be worked out beforehand between the parties without forcing the child(ren) to make choices and run the risk of parental displeasure. However, the child shall be consulted as to his or her schedule.

B. Visitation rights should be exercised at reasonable hours and under circumstances reasonably acceptable to the other party and to the needs and desires of the minor child(ren).

C. If a party finds him or herself unable to keep an appointment, he or she should give immediate notice to the other party, so as to avoid subjecting the child(ren) to unnecessary apprehension and failure of expectations.

D. The party having custody of the child(ren) should prepare him or her both physically and mentally for the visitation with the other party and have him or her available at the time and place mutually agreed upon.

E. If either party or the child(ren) has plans which conflict with a scheduled visit and wish to adjust such visitation, the parties should make arrangements for an adjustment acceptable to the schedules of everyone involved. Predetermined schedules are not written in stone, and both parties should be flexible for the sake of the child(ren).

F. If a party shows up for a visit under the influence of alcohol or drugs, the visit may be considered forfeited on those grounds alone.

8.

During the time that the child(ren) is/are living with a party, that party has the responsibility of imposing and enforcing the rules for day-to-day living. However, unless otherwise ordered, both parents should consult with one another on the major decisions affecting the child(ren)'s life, such as education, religious training, medical treatment, and so forth.

FORM "B"
IN THE COURT OF COMMON PLEAS OF
CARBON COUNTY, PENNSYLVANIA
CIVIL ACTION—LAW

_____, :
Plaintiff/Petitioner :
 :
vs. : NO. :
 :
_____, :
Defendant/Respondent :
 :
- Counsel for Plaintiff
- Counsel for Defendant

AFFIDAVIT

I, _____, hereby swear or affirm that I, or a member of my household (Circle One) **HAVE** **HAVE NOT** been charged, convicted of, or pleaded guilty or no contest to any of the following offenses, either in the Commonwealth of Pennsylvania or in another jurisdiction with substantially equivalent offenses as listed below:

- 18 Pa.C.S. Ch. 25 (relating to criminal homicide)
- 18 Pa.C.S. § 2702 (relating to aggravated assault)
- 18 Pa.C.S. § 2706 (relating to terroristic threats)
- 18 Pa.C.S. § 2709.1 (relating to stalking)
- 18 Pa.C.S. § 2901 (relating to kidnapping)
- 18 Pa.C.S. § 2902 (relating to unlawful restraint)
- 18 Pa.C.S. § 2903 (relating to false imprisonment)
- 18 Pa.C.S. § 2910 (relating to luring a child into a motor vehicle or structure)
- 18 Pa.C.S. § 3121 (relating to rape)
- 18 Pa.C.S. § 3122.1 (relating to statutory sexual assault)
- 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse)
- 18 Pa.C.S. § 3124.1 (relating to sexual assault)
- 18 Pa.C.S. § 3125 (relating to aggravated indecent assault)
- 18 Pa.C.S. § 3126 (relating to indecent assault)

- 18 Pa.C.S. § 3127 (relating to indecent exposure)
- 18 Pa.C.S. § 3129 (relating to sexual intercourse with animal)
- 18 Pa.C.S. § 3130 (relating to conduct relating to sex offenders)
- 18 Pa.C.S. § 3301 (relating to arson and related offenses)
- 18 Pa.C.S. § 4302 (relating to incest)
- 18 Pa.C.S. § 4303 (relating to concealing death of child)
- 18 Pa.C.S. § 4304 (relating to endangering welfare of children)
- 18 Pa.C.S. § 4305 (relating to dealing in infant children)
- 18 Pa.C.S. § 5902(b) (relating to prostitution and related offenses)
- 18 Pa.C.S. § 5903(c) or (d) (relating to obscene and other sexual materials and performances)
- 18 Pa.C.S. § 6301 (relating to corruption of minors)
- 18 Pa.C.S. § 6312 (relating to sexual abuse of children)
- 18 Pa.C.S. § 6318 (relating to unlawful contact with minor)
- 18 Pa.C.S. § 6320 (relating to sexual exploitation of children)
- Section 6114 (relating to contempt for violation of order or agreement)
- The former 75 Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance)
- 75 Pa.C.S. Ch. 38 (relating to driving after imbibing alcohol or utilizing drugs)

Section 13 (a) (1) of the act of April 14, 1972 (P. L. 233, No. 64), known as The Controlled Substance, Drug, Device and Cosmetic Act, to the extent that it prohibits the manufacture, sale or delivery, holding, offering for sale or possession of any controlled substance or other drug or device.

IF PARTY, LIST OFFENSE OR OFFENSES BELOW:

NONE: _____

IF YES:

NAME OF PARTY	OFFENSE	DATE
_____	_____	_____
_____	_____	_____
_____	_____	_____

LIST NAMES OF ADULTS RESIDING IN HOUSEHOLD:

IF AN OFFENSE ADDRESSES A MEMBER OF HOUSEHOLD AND NOT A PARTY, LIST THE NAME OF HOUSEHOLD MEMBER AND OFFENSE BELOW:

NONE: _____

IF YES:

NAME OF HOUSEHOLD MEMBER	OFFENSE	DATE
_____	_____	_____
_____	_____	_____
_____	_____	_____

VERIFICATION

I, the undersigned, do hereby verify that the statements made herein are true and correct to the best of my own personal knowledge, information and belief. I understand that false statements made herein are subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsifications to authorities).

DATE: _____

Rule 1915.7. Consent Order.

A proposed consent order substantially in the same form as Form "A" following this Rule shall be attached to the stipulation or agreement.

"FORM A"
IN THE COURT OF COMMON PLEAS OF
CARBON COUNTY, PENNSYLVANIA
CIVIL ACTION—LAW

Plaintiff vs. NO. Defendant
Counsel for Plaintiff
Counsel for Defendant

ORDER OF COURT

AND NOW this ___ day of _____, 20___, upon review of the attached Agreement between the parties regarding custody of the child(ren), it is hereby

ORDERED and DECREED that said Agreement is approved and shall be incorporated into this Order of Court as if more fully set forth herein.

The custodial parent(s) shall not change the residence of the child(ren) if such change significantly impairs the custodial schedule or the ability of the other parent to spend time with the child(ren) and participate in the child(ren)'s life. In the event the custodial parent desires to relocate as described above, he/she shall provide Notice as required by 23 P. S. 5337. No relocation shall occur without written consent of the other parent, or without Order of Court.

The attached "Appendix to Order" is incorporated herein and shall be part of this Order.

BY THE COURT:
_____ J.

IN THE COURT OF COMMON PLEAS OF
CARBON COUNTY, PENNSYLVANIA
CIVIL ACTION—LAW

Plaintiff vs. NO. Defendant
Counsel for Plaintiff
Counsel for Defendant

AGREEMENT FOR ENTRY OF SHARED CUSTODY
ORDER OF COURT

AND NOW, this ___ day of _____, 20___, the following agreement is entered into upon stipulation of the parties:

1. This Agreement and ensuing Order of Court shall govern the custodial situation of the following children:

2. In accordance with the statutory laws of this Commonwealth, each party shall be provided all access to the medical, dental, religious and school records of the child(ren) involved. Absent an emergency situation, each party shall be informed in regard to the medical and dental needs of the child(ren) involved.

3. Jurisdiction of the child(ren) and this matter shall remain with the Court of Common Pleas of Carbon County, Pennsylvania, unless or until jurisdiction would change under the Uniform Child Custody Jurisdiction Act.

4. The welfare of the child(ren) shall be the primary consideration of the parties in any application of the terms of this Agreement. The parties shall exert every reasonable effort to foster a feeling of affection between the child(ren) of the other party. Neither party shall do anything to estrange the child(ren) from the other party, to injure the opinion of the child(ren) as to the other party, or to hamper the free and natural development of the child(ren)'s love and respect of the other party.

5. Primary Physical custody of the child(ren) shall be as follows:

6. The Plaintiff/Defendant, Father/Mother, shall have partial physical custody and visitation rights in accordance with the following schedule:

- (a) During the week:_____
(b) Weekends:_____
(c) Major Holidays:_____
(d) Minor Holidays:_____
(e) Mother's Day and Mother's Birthday shall be with the Mother;
(f) Father's Day and Father's Birthday shall be with the Father.
(g) Child(ren)'s Birthday(s):_____
(h) Vacation/Summers:_____
(i) Other times:_____

7. All other periods of partial custody by either party shall be by mutual agreement of both party after reasonable request, and such agreement shall not be unreasonably withheld.

8. Each party agrees to keep the other advised of their current residential address and telephone number. Each party shall be entitled to speak to the child(ren) by telephone at reasonable times and intervals when the child(ren) is/are in the custody of the other party.

9. Each party agrees to give to the other a general itinerary of all vacations they plan to take with the child(ren).

10. Each party shall endeavor to give at least twenty-four (24) hours prior notice to the other in the event that it will not be possible to exercise any of the rights herein identified.

11. It is the intention of the parties that this agreement will be adopted into an Order of Court.

12. The filing fee for the stipulated order shall be paid by the _____ (Indicate Plaintiff or Defendant) to the Prothonotary of Carbon County simultaneous with the filing of the stipulated order.

13. **The custodial parent(s) shall not change the residence of the child(ren) if such change significantly impairs the custodial schedule or the ability of the other parent to spend time with the child(ren) and participate in the child(ren)'s life. In the event the custodial parent desires to relocate as described above, he/she shall provide Notice as required by 23 P. S. 5337. No relocation shall occur without written consent of the other parent, or without Order of Court.**

WITNESS AS TO PLAINTIFF PLAINTIFF

WITNESS AS TO DEFENDANT DEFENDANT

APPENDIX TO ORDER

Certain rules of conduct generally applicable to custody matters are set forth below and are binding on both parties, the breach of which could become the subject of contempt proceedings before this Court, or could constitute grounds for amendment of our order. If these general rules conflict with the specific requirements of our order, the order shall prevail.

1.

Neither party will undertake nor permit in his or her presence the poisoning of the minor child's mind against the other party by conversation which explicitly or inferentially derides, ridicules, condemns, or in any manner derogates the other party.

2.

The parties shall not conduct arguments or heated conversations when they are together in the presence of their child(ren).

3.

Neither party will question the child(ren) as to the personal lives of the other parent except insofar as necessary to insure the personal safety of the child(ren). By this we mean that the child(ren) will not be used as a spy on the other party. It is harmful to a child to be put in the role of "spy".

4.

Neither party will make extravagant promises to the minor child(ren) for the purposes of ingratiating himself or herself to the minor child(ren) at the expense of the other party; further, any reasonable promise to the child(ren) should be made with the full expectation of carrying it out.

5.

The parties should at all times consider the child(ren)'s best interests, and act accordingly. It is in a child(ren)'s best interests to understand that he or she is trying desperately to cope with the fact of his parents' separation, and needs help in loving both parents, rather than interference of censure.

6.

The parties should remember that they cannot teach their child(ren) moral conduct by indulging in improper conduct themselves. Children are quick to recognize hypocrisy, and the parent who maintains a double standard will lose the respect of his or her child(ren).

7.

Weekend and evening visitation shall be subject to the following rules:

A. Arrangements will be worked out beforehand between the parties without forcing the child(ren) to make choices and run the risk of parental displeasure. However, the child shall be consulted as to his or her schedule.

B. Visitation rights should be exercised at reasonable hours and under circumstances reasonably acceptable to the other party and to the needs and desires of the minor child(ren).

C. If a party finds him or herself unable to keep an appointment, he or she should give immediate notice to the other party, so as to avoid subjecting the child(ren) to unnecessary apprehension and failure of expectations.

D. The party having custody of the child(ren) should prepare him or her both physically and mentally for the visitation with the other party and have him or her available at the time and place mutually agreed upon.

E. If either party or the child(ren) has plans which conflict with a scheduled visit and wish to adjust such visitation, the parties should make arrangements for an adjustment acceptable to the schedules of everyone involved. Predetermined schedules are not written in stone, and both parties should be flexible for the sake of the child(ren).

F. If a party shows up for a visit under the influence of alcohol or drugs, the visit may be considered forfeited on those grounds alone.

8.

During the time that the child(ren) is/are living with a party, that party has the responsibility of imposing and enforcing the rules for day-to-day living. However, unless otherwise ordered, both parents should consult with one another on the major decisions affecting the child(ren)'s life, such as education, religious training, medical treatment, and so forth.

Rule L2039. Compromise, Settlement, Discontinuance and Distribution.

A. Settlements:

(1) Motions for Settlement of a case in which a minor or incapacitated person has an interest shall be filed and served pursuant to Carbon County Local Rule of Civil Procedure CARB R.C.P. 208.3(a).

(2) The petition shall:

(A) Set forth the factual circumstances of the case;

(B) State the reasons why the settlement is a reasonable one; and

(C) Be accompanied by the following:

(1) A proposed order of distribution;

(2) A written report of a physician setting forth the present condition of the minor or incapacitated person;

(3) A statement under oath by a parent or guardian certifying (a) the present physical or mental condition of the minor or incapacitated person, and (b) approval of the proposed settlement and distribution thereof;

(4) A statement of the professional opinion of counsel as to the reasonableness of the proposed settlement and the basis for such opinion;

(5) In the event that the minor is fourteen years of age or over, his or her written approval of the proposed settlement and distribution thereof; and

(6) If there is to be an allocation between parents and children or among children, the amounts allocated to each party

(3) The Order of Distribution shall include an award of counsel fees. The standard for the award of counsel fees in the representation of minors is that such fees must be reasonable in accordance with the guidelines set forth in Rule 1.5 of the Rules of Professional Conduct. Under normal circumstances a counsel fee in the amount of twenty-five percent (25%) of the fund recovered shall be considered reasonable, subject to the approval of the Court. The attorney fee determined shall be reduced by the amount of collateral payments received as counsel fees for representation involving the same matter from third parties such as Blue Cross/Blue Shield.

(4) The approving Judge, to whom the Petition is submitted, may, at his or her discretion, require the personal appearance of the minor, guardians, physicians, or any other relevant party, as well as, the production of any other evidence deemed necessary for adjudication of the Petition.

B. Distribution:

(1) Motions for Allowance of Distribution of funds in which a minor or incapacitated person has an interest shall be filed and served pursuant to Carbon County Local Rule of Civil Procedure CARB R.C.P. 208.3(a).

(2) The petition shall include:

(A) The facts and circumstances surrounding the origination of the minor's fund;

(B) A chronological statement of all prior requests for allowance, including the reasons there for, the amounts thereof, and the disposition;

(C) The age of the minor at the time the fund was created and the minor's present age;

(D) The original amount of the minor's fund and the present balance of same; and

(E) The circumstances and reasons supporting the request for allowance.

(3) All petitions shall be accompanied by:

(A) A proposed Order;

(B) A copy of the Original Petition for Compromise and the Order of Distribution;

(C) Copies of all prior requests for allowances and the Orders with respect to same;

(D) Substantiating documentation to support the proposed request; and

(E) A consent filed by the petitioner.

Rule L2206. Settlement Compromise, Discontinuance and Judgment.

(1) Court approval of settlements in wrongful death cases shall be required only where a minor or incapacitated person has an interest.

(2) Motions for Settlement of a case in which a minor or incapacitated person has an interest shall be filed and served pursuant to Carbon County Local Rule of Civil Procedure CARB R.C.P. 208.3(a).

(3) The petition shall:

(A) Set forth the factual circumstances of the case;

(B) State the reasons why the settlement is a reasonable one;

(C) Be accompanied by the following:

(1) A proposed order approving the settlement and allocation between wrongful death and survival; the proposed order shall comply substantially with the prescribed format in Form A.

(2) A statement of the professional opinion of counsel as to the reasonableness of the proposed settlement and the basis for such opinion;

(3) A statement setting forth the proposed allocation between wrongful death and survival actions and the amount proposed to be allocated to each beneficiary;

(4) A statement clearly identifying those parties believed to be beneficiaries under each of the actions, attaching a copy of the will of the decedent, if any;

(5) A statement setting forth the following:

(a) The time between the injury and death;

(b) Whether or not the decedent was conscious, and the circumstances prior to his or her death;

(c) The amount of the medical and funeral bills;

(d) The amount of the decedent's wage loss; and

(e) The age, employment and any other circumstances of any potential beneficiaries under the Wrongful Death Act.

(6) A certification of service of notice and a copy of the petition to all parties with a possible interest, together with a list of those persons notified.

(7) A letter from the Department of Revenue stating either their approval or objection to the proposed settlement.

**IN THE COURT OF COMMON PLEAS OF
CARBON COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW**

Plaintiff :
:
:
vs. : NO.
:
:
Defendant :

ORDER OF COURT

OR

AND NOW, this day of , 20 , upon consideration of the Motion to Compromise Wrongful Death and Survival Action filed on , 20 , it is hereby ORDERED that Petitioner is authorized to enter into a settlement with Defendant(s) in the gross sum of (\$).

It is further ORDERED and DECREED that the settlement proceeds be distributed as follows:

- 1. To: _____, Esq. \$_____ For Costs
2. To: _____, Esq. \$_____ Counsel Fees
3. The balance of the settlement, the sum of \$_____ is apportioned as follows:
Wrongful Death Claim \$_____
Survival Claim \$_____
a. The Wrongful Death Claim shall be paid as follows:
I. To: Spouse; and/or \$_____
ii. Adult Child(ren) \$_____
iii. To: Minor Child(ren)1 \$_____
as provided hereunder

OPTION 1

Counsel is hereby authorized to execute all documentation necessary to purchase saving certificate(s), from federally insured banks or savings institutions having an office in Carbon County, in the sum of \$ _____, each not to exceed the insured amount, with the funds payable to the minor upon majority. The certificate shall be titled in the name of the minor and shall be restricted as follows:

_____, a minor, not to be redeemed except for renewal in its entirety, not to be withdrawn, assigned, negotiated, or, otherwise alienated before the minor attains majority, except upon prior Order of Court.

Counsel shall open a savings account in the sum of \$ _____ in the name of the minor. The savings account shall be restricted as follows:

_____, a minor, not to be withdrawn, before the minor attains majority, except for the payment of city, state, and federal income taxes on the interest earned by the savings certificate and savings account, or upon prior Order of Court.

OPTION 2

To: _____, Guardian \$_____ of the Estate of _____, a minor; provided, however, that no payment shall be made to the guardian until the guardian has posted additional security as may be required by the Orphans' Court Division of Carbon County pursuant to 20 Pa.C.S. § 5121, et seq. An appropriate Petition shall be filed with the Orphans' Court within thirty (30) days.

1 In the event the beneficiary is an incapacitate person, appropriate changes are to be made. Counsel shall set forth in the Order a separate provision for each minor or incapacitated person.

[To: Guardian of the Estate of \$_____

_____, a minor, upon appointment by the Orphans' Court Division of Carbon County and upon the posting of any security as required by the said Orphans' Court pursuant to 20 Pa.C.S. § 5121, et seq. An appropriate Petition shall be filed with the Orphans' Court within thirty (30) days. Counsel shall not make any Distribution to said Guardian upon appointment until this provision is fully complied with.]; and/or

iv. To: Parent(s) \$_____

b. The Survival Claim, in the sum of \$_____

shall be paid to _____, Administrator/Executor of the Estate of _____, Deceased; provided, however, that counsel shall not distribute any funds to the said Administrator/Executor until additional security as may be required by the Register of Wills of Carbon County pursuant to 20 Pa.C.S. § 3323(b)(3) is posted.

Within thirty (30) days from the date of this Order, counsel shall file with the Motion's Court an Affidavit from counsel certifying compliance with this Order.

BY THE COURT:

_____ J.

[Pa.B. Doc. No. 12-2220. Filed for public inspection November 16, 2012, 9:00 a.m.]

DAUPHIN COUNTY

Promulgation of Local Rules; No. 1793 S 1989

Order

And Now, this 1st day of Nov. 2012, Dauphin County Local Rules of Civil Procedure 1915.3(a)2 and (b)2, 1915.7(a)4, 1915.13e, and 1920.51A are amended as follows:

Rule 1915.3. Custody Actions.

(a) Commencement of Custody Actions

* * * * *

2. In addition to the filing fees assessed for the filing of complaints, an additional administrative fee in the amount of [\$110.00] \$150.00 shall be paid to the Prothonotary simultaneously with the filing of the custody complaint or the divorce complaint which contains a custody count.

* * * * *

(b) Subsequent actions (petitions for modification or contempt)

* * * * *

2. An administrative fee of [\$110.00] \$150.00 shall be paid to the Prothonotary simultaneously with the filing of either the petition for modification of a custody order or a petition for contempt of a custody order.

* * * * *

Rule 1915.7. Agreements and Consent Orders.

(a) Agreements and consent orders filed contemporaneously with the custody complaint:

* * * * *

4. An administrative fee of [**\$110.00**] **\$150.00** shall be paid to the Prothonotary in accordance with Rule 1915.3 (a) or (b).

* * * * *

Rule 1915.13. Applications for Special Relief (Emergency Petitions for Custody).

* * * * *

e. An administrative fee of [**\$110.00**] **\$150.00** shall be paid to the Prothonotary in accordance with Rule 1915.3 (a) or 1915.3 (b). The filing party need only pay the administrative fee associated with the custody complaint or petition for modification or contempt. There shall be no additional administrative fee associated with the filing of the application for special relief.

* * * * *

Rule 1920.51A. Filing Fee; Compensation of Master and Stenographer.

(1) Upon the filing of the Complaint, the plaintiff shall pay to the Prothonotary, in addition to any other charges, an administrative fee in the amount of [**\$100.00**] **\$125.00**.

(2) A Motion for Appointment of Master and a proposed order shall be in the form prescribed by Pa.R.C.P. 1920.74 and shall be filed with the Prothonotary. Simultaneously with the filing of the Motion for Appointment of Master, an administrative fee of [**\$125.00**] **\$150.00** shall be paid to the Prothonotary in addition to any other charges. Divorce Masters shall be appointed by the Court when the requirements of Dauphin County Local Rule 1920.51(a)(3) have been met.

* * * * *

These amendments shall be effective January 1, 2013.
By the Court

TODD A. HOOVER,
President Judge

[Pa.B. Doc. No. 12-2221. Filed for public inspection November 16, 2012, 9:00 a.m.]
