

THE COURTS

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 5]

Order Revising the Comment to Rule 519 of the Rules of Criminal Procedure; No. 435 Criminal Procedural Rules Doc.

Order

Per Curiam

And Now, this 1st day of July, 2013, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interests of justice and efficient administration, and a Final Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the revision to the Comment to Pennsylvania Rule of Criminal Procedure 519 is approved in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective August 1, 2013.

Annex A

**TITLE 234. RULES OF CRIMINAL PROCEDURE
CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES**

PART B(3). Arrest Procedures in Court Cases

(b) Arrests Without Warrant

Rule 519. Procedure in Court Cases Initiated by Arrest Without Warrant.

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Comment

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By statute, a defendant may not be released but must be brought before the issuing authority for a preliminary arraignment when a police officer has arrested the defendant for failure to comply with the registration requirements for sexual offenders, see 18 Pa.C.S. § [4915(E)(2)] 4915.1(e)(2), or when a police officer has arrested the defendant in a domestic violence case, see 18 Pa.C.S. § 2711. *See also* 23 Pa.C.S. § 6113(c) of the Protection from Abuse Act.

With reference to the provisions of paragraph (B)(2) relating to the issuance of a summons, see also Part B(2) of this Chapter, Summons Procedures.

For procedures in summary cases initiated by an arrest without warrant, see Rule 441.

Official Note: Original Rule 118 and 118(a) adopted June 30, 1964, effective January 1, 1965, suspended January 31, 1970, effective May 1, 1970. New Rule 118 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 130 September 18, 1973, effective January 1, 1974; amended December 14, 1979, effective April 1, 1980; amended April 24, 1981, effective July 1, 1981; amended January 28, 1983, effective July 1, 1983; Comment revised July 12, 1985, effective January 1, 1986;

January 1, 1986 effective date extended to July 1, 1986; renumbered Rule 102 and amended August 9, 1994, effective January 1, 1995; Comment revised September 26, 1996, effective immediately; renumbered Rule 518 and amended March 1, 2000, effective April 1, 2001; renumbered Rule 519 and amended May 10, 2002, effective September 1, 2002; amended June 30, 2005, effective August 1, 2006; **Comment revised July 1, 2013, effective August 1, 2013.**

Committee Explanatory Reports:

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Final Report explaining the July 1, 2013 revision of the Comment adding a cross-reference to 18 Pa.C.S. § 4915.1 published with the Court's Order at 43 Pa.B. 4062 (July 20, 2013).

FINAL REPORT¹

Revision to the Comment to Pa.R.Crim.P. 519

Correction to Statutory Cross-Reference

On July 1, 2013, effective August 1, 2013, upon the recommendation of the Criminal Procedural Rules Committee, the Court adopted the revision to the Comment to Rule of Criminal Procedure 519, adding a cross-reference to 18 Pa.C.S. 4915.1(e)(2).

On December 20, 2011, Governor Corbett signed into law Act 111 of 2011 that brings the state into compliance with the federal Adam Walsh Child Protection and Safety Act of 2006. Included in this statute is new section of Title 18, Section 4915.1(e)(2), governing arrest without warrant procedures when a sexually violent defendant fails to register. This new section is identical to former 18 Pa.C.S. § 4915(e)(2).² The Rule 519 Comment had been revised in 2005 to add a cross-reference to this statute because the section, contrary to the release provisions in Rule 519, prohibits the release of a defendant following an arrest without a warrant on charges of failing to register. After reviewing the new statutory provisions, the Committee agreed that, to avoid any confusion that the new section might not be an exception to the release provisions in Rule 519, a reference to the new statutory provision has been added to the Rule 519 Comment and the previous reference to 18 Pa.C.S. § 4915(e)(2) has been removed.

[Pa.B. Doc. No. 13-1298. Filed for public inspection July 19, 2013, 9:00 a.m.]

[234 PA. CODE CH. 10]

Order Revising the Comment to Rule 1013 of the Rules of Criminal Procedure; No. 434 Criminal Procedural Rules Doc.

Order

Per Curiam

And Now, this 1st day of July, 2013, upon the recommendation of the Criminal Procedural Rules Committee;

¹ The Committee's Final 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 Committee's explanatory Final Reports.

² Former 18 Pa.C.S. § 4915, relating to failure to comply with registration of sexual offenders requirements, was derived from 2004, Nov. 24, P.L. 1243, No. 152, § 1; 2006, Nov. 29, P.L. 1567, No. 178, § 3; 2011, Dec. 20, P.L. 446, No. 111, § 1; 2012, July 5, P.L. 880, No. 91, § 1; and expired according to its own terms on December 20, 2012.

the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interests of justice and efficient administration, and a Final Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the revision to the Comment to Pennsylvania Rule of Criminal Procedure 1013 is approved in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective August 1, 2013.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 10. RULES OF CRIMINAL PROCEDURE FOR THE PHILADELPHIA MUNICIPAL COURT AND THE PHILADELPHIA TRAFFIC COURT

PART A. Philadelphia Municipal Court Procedures

Rule 1013. Prompt Trial—Municipal Court.

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Comment

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Paragraph (A)(4) is intended to provide a minimum 60-day period for trial of those cases which become Municipal Court cases when, at the preliminary hearing, in court, or otherwise after preliminary arraignment, all offenses punishable by more than five years imprisonment are discharged.

The time for trial in cases that originate as Court of Common Pleas cases and are transferred to the Municipal Court but are subsequently transferred back to the Court of Common Pleas are governed by Rule 600. See *Commonwealth v. Far*, Pa. , 46 A.3d 709 (2012).

“Order requiring the retrial,” as used in paragraph (H) is intended to include, for example, the declaration of a mistrial, or the withdrawal, rejection of, or successful challenge to a guilty plea.

Official Note: Rule 6013 adopted June 28, 1974, effective prospectively as set forth in paragraphs (A)(1) and (A)(2) of this rule; amended July 1, 1980, effective August 1, 1980; amended October 22, 1981, effective January 1, 1982; the amendment to paragraph (D) as it regards exclusion of defense-requested continuances was specifically made effective as to continuances requested on or after January 1, 1982, and paragraph (H), which provides the time for retrials, was specifically made effective as to retrials required by orders entered on or after January 1, 1982; amended September 3, 1993, effective January 1, 1994; renumbered Rule 1013 and amended March 1, 2000, effective April 1, 2001; amended August 8, 2002, effective January 1, 2003; amended June 26, 2003, effective July 1, 2003; **Comment revised July 1, 2013, effective August 1, 2013.**

Committee Explanatory Reports:

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Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court’s Order at 30 Pa.B. [1477] 1478 (March 18, 2000).

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Final Report explaining the July 1, 2013 Comment revision cross-referencing *Commonwealth v. Far* published with the Court’s Order at 43 Pa.B. 4063 (July 20, 2013).

FINAL REPORT¹

Revision to the Comment to Pa.Rs.Crim.P. 1013

The Time for Trial in Cases Transferred from the Court of Common Pleas to the Municipal Court but are Subsequently Transferred Back to the Court of Common Pleas

On July 1, 2013, effective August 1, 2013, upon the recommendation of the Criminal Procedural Rules Committee, the Court approved the revision to the Comment to Rule of Criminal Procedure 1013, adding a cross-reference to *Commonwealth v. Far*, ___ Pa. ___, 46 A.3d 709 (2012).

On June 18, 2012, the Court issued its opinion in the case of *Commonwealth v. Far*, ___ Pa. ___, 46 A.3d 709 (2012), addressing whether the Rule 600 or Rule 1013 speedy trial provisions should be applied when a case is originally brought in the Philadelphia Court of Common Pleas, remanded to the Municipal Court, and subsequently transferred back to the Court of Common Pleas for a Commonwealth-requested jury trial.

Rule 600 provides that a case in which the defendant is free on bail must be brought to trial within 365 days from the filing of the complaint. Rule 1013 contains the speedy trial provisions applicable to the Philadelphia Municipal Court, specifically paragraph (A)(4) that states that a case that originates in the Philadelphia Court of Common Pleas but is then ordered to be tried in the Philadelphia Municipal Court must commence no later than 180 days from the date on which the preliminary arraignment is held or 60 days from the date on which the order is made, whichever is greater.

In *Commonwealth v. Far*, the defendants were originally charged with felony drug distribution on February 6, 2007. After several continuances of the preliminary hearing due to the Commonwealth’s inability to obtain a chemical laboratory report, the felony charges were withdrawn on July 13, 2007 and the case, which consisted only of misdemeanor charges, was remanded to the Municipal Court. On October 1, 2007, the Commonwealth indicated it would exercise its right to jury trial and petitioned to transfer the case back to the Court of Common Pleas. A preliminary hearing was held on December 7, 2007 and the case was held for trial at the Court of Common Pleas. In February 2008, the defendants moved for dismissal of the charges on speedy trial grounds under Rule 1013(A)(4). The Commonwealth argued that Rule 600 should be applied. The trial court and Superior Court agreed with the defendants’ positions and found a speedy trial violation.

This Court reversed, finding that Rule 1013 did not address the situation in which a case is subsequently transferred back to the Court of Common Pleas. Rule 1000 provides, where there is a procedure that is governed by a statewide procedural rule that is not covered by a Chapter 10 rule or Philadelphia local rule, the statewide rule will govern. Furthermore, Rule 1000 defines the Chapter 10 rules as governing “all proceedings in the Philadelphia Municipal Court” and, because the case was no longer in the Municipal Court, it was no longer a proceeding encompassed by Chapter 10.

¹ The Committee’s Final 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 Committee’s explanatory Final Reports.

The Committee concluded that it would be helpful to refer the bench and bar to this analysis. Therefore, the Comment to Rule 1013 has been revised to add a cross-reference to the opinion in *Far*.

[Pa.B. Doc. No. 13-1299. Filed for public inspection July 19, 2013, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Distribution of Reports of Behavioral Health Evaluations; Family Court Administrative Order No. 2013-01

Order

And Now, this 15th day of May, 2013, considering the objectives and purposes of the Juvenile Act and recognizing the risk of disruption of courtroom operation when confronted by a shifting protocol concerning the management of attorneys of record and Guardians ad litem in delinquent and dependency matters attorneys upon recommendation and approval of the First Judicial District of Pennsylvania Administrative Governing Board, subject to the limitations set forth, and in accordance with the directive entered by the Pennsylvania Supreme Court April 11, 1986, at No. 55 Judicial Administration Docket No. 1, Eastern District defining the duties of administrative judges and the authority provided by Pa.R.J.C.P. Nos. 121, and 1121 for good cause shown:

It Is Hereby Ordered and Decreed that:

1. In delinquency matters, the report of a behavioral health evaluation shall be maintained by the Court. A copy of the report shall be furnished to each of the following:

- Assigned Judge;
- Juvenile Probation Department;
- Defense counsel of record;
- Office of the Philadelphia District Attorney;
- Philadelphia Mental Health Care Corporation;
- Community Behavioral Health

2. In dependency matters, the report of a behavioral health evaluation shall be maintained by the Court. A copy of the report shall be furnished to each of the following:

- Assigned Judge;
- City of Philadelphia Law Department;
- Assigned child advocate/Guardian ad litem;
- Parents; caregivers' attorney(s) of record;
- Philadelphia Mental Health Care Corporation;
- Community Behavioral Health

3. In crossover cases involving delinquency and dependency determinations, the report of a behavioral health evaluation shall be maintained by the Court. A copy of the report shall be furnished to each of the following:

- Assigned Judge;
- Juvenile Probation Department;
- Defense counsel of record;
- Office of the Philadelphia District Attorney;
- City of Philadelphia Law Department;
- Assigned child advocate/Guardian ad litem;
- Parents; caregivers' attorney(s) of record;
- Philadelphia Mental Health Care Corporation;
- Community Behavioral Health;

4. In the event that one of the above recipients requires additional copies of any report, that party shall direct a written request to the assigned Judge of the Court of Common Pleas, Family Division state the reason why the additional copy is needed. Recipients shall not request copies from other recipients, and recipients shall not produce copies to other recipients.

5. Recipients may only copy reports for ease of communication and review within their respective organizations/offices. All copies shall be maintained securely and shall not be published or distributed outside of the recipient's organization/office.

As required by Pa.R.J.C.P. 121 and 1121, this Order has been submitted to the Juvenile Court Procedural Rules Committee for review and written notification has been received from the Committee certifying that the terms set forth in this order are not inconsistent with any general rule of the Supreme Court. This Order shall be filed with the Prothonotary and Clerk of Courts in a docket maintained for Orders issued by the First Judicial District of Pennsylvania, as required by Pa.R.J.C.P. 121(H) and 1121(H). Two certified copies of this Order and a copy on a CD-RPM shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. A copy of the written notification, received from the Juvenile Court Procedural Rules Committee, providing that the local rule is not inconsistent with the Pennsylvania Rules of Juvenile Court Procedure shall also be forwarded to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. This Order will become effective thirty days after publication in the *Pennsylvania Bulletin*. As required by Pa.R.J.C.P. 121(G) and 1121(G), one certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts and will also be published on the Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx> and posted on the First Judicial District's website at <http://courts.phila.gov>. Copies shall be published in *The Legal Intelligencer* and will be submitted to American Lawyer Media, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

By the Court

HONORABLE KEVIN M. DOUGHERTY,
*Administrative Judge
Family Court Division*

[Pa.B. Doc. No. 13-1300. Filed for public inspection July 19, 2013, 9:00 a.m.]

Title 25—LOCAL COURT RULES

BUCKS COUNTY

Order Rescinding Rule of Criminal Procedure No. 101A*1 and Promulgating Rule of Criminal Procedure No. 507A*1; No. AD 3-13

Order

And Now, this 31st day of May, 2013, Bucks County Rule of Criminal Procedure No. 101A *1, promulgated on June 4, 1982, and amended May 27, 1992, is hereby rescinded and Bucks County Rule of Criminal Procedure 507A*1 is hereby promulgated as follows:

Rule 507A*1. Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth—Local Options.

The District Attorney of Bucks County having filed a certification pursuant to Pa.R.Crim.P. 507(B), criminal complaints and arrest warrant affidavits by police officers, as defined in the Rules of Criminal Procedure, charging the following classes of offenses shall not hereafter be accepted by any judicial officer unless the complaint and affidavit have the approval of an attorney for the Commonwealth prior to filing:

Criminal Homicide, 18 Pa.C.S.A. § 2501
 Murder, 18 Pa.C.S.A. § 2502
 Voluntary Manslaughter, 18 Pa.C.S.A. § 2503
 Involuntary Manslaughter, 18 Pa.C.S.A. § 2504
 Drug Delivery resulting in Death, 18 Pa.C.S.A. § 2506
 Murder of Unborn Child, 18 Pa.C.S.A. § 2604
 Voluntary Manslaughter Unborn Child, 18 Pa.C.S.A. § 2605
 Aggravated Assault of Unborn Child, 18 Pa.C.S.A. § 2606
 Homicide by Vehicle, 75 Pa.C.S.A. § 3732
 Homicide by Vehicle While DUI, 75 Pa.C.S.A. § 3735
 Drug Delivery resulting in Death, 18 Pa.C.S.A. § 2506
 Murder of Unborn Child, 18 Pa.C.S.A. § 2604
 Voluntary Manslaughter Unborn Child, 18 Pa.C.S.A. § 2605
 Aggravated Assault of Unborn Child, 18 Pa.C.S.A. § 2606
 Election Code Violations, 18 Pa.C.S.A. 25 Pa.C.S.A. [all offenses]
 Corrupt Organizations, 18 Pa.C.S.A. § 911
 Neglect of Care—Dependent person, 18 Pa.C.S.A. § 2713
 Threat to Use weapons of Mass Destruction, 18 Pa.C.S.A. § 2715
 Weapons of Mass Destruction, 18 Pa.C.S.A. § 2716
 Terrorism, 18 Pa.C.S.A. § 2717
 Kidnapping, 18 Pa.C.S.A. § 2901
 Interference with Custody of Children, 18 Pa.C.S.A. § 2904

Concealment of Whereabouts of Child, 18 Pa.C.S.A. § 2909
 Luring a Child into a Motor vehicle, 18 Pa.C.S.A. § 2910
 Criminal Coercion, 18 Pa.C.S.A. § 2906
 Trafficking of Persons, 18 Pa.C.S.A. § 3002
 Rape, 18 Pa.C.S.A. § 3121
 Statutory Sexual Assault, 18 Pa.C.S.A. § 3122.1
 Involuntary Deviate Sexual Intercourse, 18 Pa.C.S.A. § 3123
 Sexual Assault, 18 Pa.C.S.A. § 3124.1
 Institutional Sexual Assault, 18 Pa.C.S.A. § 3124.2
 Aggravated Indecent Assault, 18 Pa.C.S.A. § 3125
 Indecent Assault (Child Victim), 18 Pa.C.S. Section 3126
 Conduct Relating to Sexual Offenders, 18 Pa.C.S.A. § 3130
 Internet Child Pornography, 18 Pa.C.S.A. § 7624
 Sexual Abuse of Children, 18 Pa.C.S.A. § 6312
 Arson, 18 Pa.C.S.A. § 3301
 Ecoterrorism, 18 Pa.C.S.A. § 3311
 Causing or Risking a Catastrophe, 18 Pa.C.S.A. § 3302
 Commercial Bribery, 18 Pa.C.S.A. § 4108
 Trademark Counterfeiting, 18 Pa.C.S.A. § 4119
 Bigamy, 18 Pa.C.S.A. § 4301
 Incest, 18 Pa.C.S.A. § 4302
 Concealing Death of a Child, 18 Pa.C.S.A. § 4303
 Threats & Other Improper Influence in Official & Political Matters, 18 Pa.C.S.A. § 4702
 Bribery in Official and Political Matters, 18 Pa.C.S.A. § 4701
 Threats and Other Improper Influence in Official and Political Matters, 18 Pa.C.S.A. § 4702
 Retaliation for Past Official Action, 18 Pa.C.S.A. § 4703
 Perjury, 18 Pa.C.S.A. § 4902
 Impersonating a Public Servant, 18 Pa.C.S.A. § 4912
 Failure to Comply with Registration of Sexual Offenders Requirements, 18 Pa.C.S.A. § 4915
 Intimidation of a Witness or Victim, 18 Pa.C.S.A. § 4952
 Retaliation of a Witness or Victim, 18 Pa.C.S.A. § 4953
 Official Oppression, 18 Pa.C.S.A. § 5301
 Interception, Disclosure or Use of Wire or Oral Communications, 18 Pa.C.S.A. § 5703
 Possession, Sale, Distribution, Manufacture or Advertisement of Intercepting Devices, 18 Pa.C.S.A. § 5705
 Criminal Attempt (to commit any of the above-noted offenses) 18 Pa.C.S.A. § 901
 Criminal Solicitation (to commit any of the above-noted offenses) 18 Pa.C.S.A. § 902
 Criminal Conspiracy (to commit any of the above-noted offenses) 18 Pa.C.S.A. § 903

If an attorney for the Commonwealth disapproves a police complaint, arrest warrant affidavit, or both, the attorney shall furnish to the police officer who prepared the complaint, affidavit, or both a written notice of the disapproval, in substantially the following form, and the attorney shall maintain a record of the written notice.

D.A. File Number _____

**COMMONWEALTH OF PENNSYLVANIA—BUCKS COUNTY
NOTICE AND RECORD OF DISAPPROVAL**

Commonwealth of Pennsylvania : Complaint/Affidavit/Application of:
v. :
_____: _____
_____: _____
_____: Charge _____
_____: Police Number _____
_____: Police Department _____

Occurrence Date _____ Time _____ Location _____

SUMMARY OF FACTS AND PROBABLE CAUSE

PCIC/NCIC check reveals no outstanding warrants.

Date: _____ Sources of Information _____

REASON(S) FOR DISAPPROVAL

(Please check appropriate reason)

- IC = Insufficient Corroboration
- IE = Insufficient Evidence
- II = Identification Inconclusive
- IJ = Interest of Justice
- IS = Inadmissible Evidence
- IP = Insufficient Probable Cause
- NS= Insufficient Cause for Nighttime Search
- LJ = Lacks Jurisdiction
- LP = Lacks Prosecutorial Merit
- UW= Unavailable or Uncooperative Witness
- UV = Unavailable or Uncooperative Victim
- WC = Witness Credibility/Contradicted
- ID = Inadequate Description of Persons, Premises, or Property

Other: _____

Disapproved by: _____ Date: _____
Attorney for Commonwealth

In accordance with Pa.R.Crim.P. Rule 507(D), no defendant shall have the right to relief based solely upon a violation of this rule.

BY THE COURT
President Judge

No defendant shall have the right to relief based solely upon a violation of this rule.

This amendment shall become effective on August 1, 2013, after publication in the *Pennsylvania Bulletin*.

By the Court

SUSAN DEVLIN SCOTT,
President Judge

[Pa.B. Doc. No. 13-1301. Filed for public inspection July 19, 2013, 9:00 a.m.]

DELAWARE COUNTY
Application for Bail Without Hearing

And Now, this 28th day of June, 2013, It is hereby Ordered and Decreed that the existing Rule 4005(d) is rescinded and shall be entirely replaced by New Rule 529(f) in accordance with the following language effective September 1, 2013.

New Rule 529(f). Application for Bail Without Hearing.

An application for fixing or reducing bail, without issuance of writ of habeas corpus or requiring the appearance of Commonwealth witnesses, may be made to the assigned judge of the Court of Common Pleas by petition and order addressed to the court provided:

1. A copy of said petition has been presented to the District Attorney and the Bail Agency; and,
2. The District Attorney has no objection thereto, and so certifies on the original Petition.

When determining whether bail should be allowed, or the amount thereof, only the criminal transcript, the police report, or information supplied by the Delaware County Bail Agency need be considered on the application. Defendant is limited to one application, and neither the defendant, nor any prosecuting witness need personally appear before the court on the petition.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 13-1302. Filed for public inspection July 19, 2013, 9:00 a.m.]

DELAWARE COUNTY
Bail Bonds Posted by Corporate Surety

And Now, this 28th day of June, 2013, It is hereby Ordered and Decreed that the existing Rule 4007(e) is rescinded and shall be entirely replaced by New Rule 531(e) in accordance with the following language effective September 1, 2013.

Rescinded Rule 4007(e). Corporate Surety.

Every surety company duly authorized to do business in Pennsylvania may become surety on any bond or obligation required to be filed in this court; provided that a currently effective certificate issued to it by the Insurance Department of the Commonwealth of Pennsylvania, evidencing such right, shall be on file with the Office of Judicial Support and provided that no bond shall be executed by any surety company after May 1 of any year unless such a certificate issued after March 31 of the same year shall have been filed with the Office of Judicial Support, and further provided that, with the exception of bonds filed by insurance companies in motor vehicle misdemeanors, any surety company shall be required to post the sum of \$25,000 as security with the Office of Judicial Support.

New Rule 531(e). Corporate Surety.

Pennsylvania Rule of Criminal Procedure 528(D)(5) recognizes the surety bond of a surety company authorized to do business in the Commonwealth of Pennsylvania as an acceptable form of security to satisfy the full amount of the monetary condition of a defendant's release

on bail. Rule 531 of the Pennsylvania Rules of Criminal Procedure permits, by local rule of Court, additional requirement to be imposed on surety companies approved by the Court. This Regulation sets forth the additional requirement imposed by this Judicial District on corporate sureties and their agents.

1. *Applicability.* This Regulation applies to any corporate surety and its agents seeking to post a bond in satisfaction of the full amount of the monetary condition of a defendant's release on bail.

2. *Definitions.* For purposes of this Regulation:

A "Corporate Surety" is any corporation, limited liability corporation or partnership which engages in the business of providing bail, providing or soliciting bail undertakings, or providing or soliciting indemnity or court indemnity to others on bail undertakings.

3. *Requirements for Approval.* To become qualified to act as a corporate surety, or agent thereof, with respect to the posting of bail bonds in the Thirty Second Judicial District of Pennsylvania, a corporate surety and its agents must:

a) Present satisfactory proof that the corporate surety is licensed by the Pennsylvania Department of Insurance to do business in the Commonwealth of Pennsylvania and registered with the Department of State.

b) Present satisfactory proof of the agency relationship between the corporate surety and its agent(s). The execution of any bail bond by such agent(s) shall be a valid and binding obligation of the corporate surety;

c) Present satisfactory proof that any agent designated to act on behalf of the corporate surety is duly licensed by the Pennsylvania Department of Insurance;

d) Present satisfactory proof that the corporate surety maintains an office in Delaware County from which its business is conducted, pursuant to 42 Pa.C.S. § 5744, and where service of notices may be made. Every corporate surety shall keep at its office in Delaware County the usual and customary records pertaining to transactions authorized by its license and/or the license of any of its agents, including, but not limited to, such records of bail bonds executed or countersigned by the corporate surety to enable the court to obtain all necessary information concerning such bail bonds for at least 3 years after the liability of the surety has been terminated. Such records must be open at all times to examination, inspection, and copying by the court or its representative, and the court may at any time require the corporate surety to furnish it, in such manner or form as the court requires, any information concerning the bail bond business of the corporate surety;

e) Certify that neither the corporate surety, nor its employees or agents, have been convicted of any criminal offense. The certification must be based on a criminal history search conducted by the Pennsylvania State Police for each employee or agent, and a copy of the search results must be attached to the list of employees or agents and certification submitted with the petition required by Section 5 of this Regulation. The on-line quick search/background check is not acceptable. Conviction of a corporate surety, or any of its employees or agents, will render the corporate surety ineligible to conduct business in the 32nd Judicial District.

f) Post with the Office of Judicial Support as security the minimum sum of \$50,000 in United States currency or unencumbered securities of the United States Government, which will entitle the corporate surety to post bond

in the aggregate sum of \$500,000 or post \$75,000 in US currency or unencumbered securities of the US Government, which will entitle the corporate surety to post bond in the amount of \$1,000,000, and by further posting the sum required for each individual bond or undertaking with the bail authority. Provided, however, that the corporate surety must post additional security with the Office of Judicial Support in the event the corporate surety intends to post bond in excess of \$1,000,000. The additional security to be posted with the Office of Judicial Support must be in units of \$50,000 which will entitle the corporate surety to post bond in the additional sum of \$1,000,000 per unit. No interest will be paid on any deposits;

g) Provide a financial statement certified by a Certified Public Accountant which verifies that the corporate surety has sufficient assets to satisfy all bail obligations undertaken by or on behalf of the corporate surety in the Delaware County and in other jurisdictions in which the corporate surety conducts business. A current certified statement must be filed with the petition required in Section 5 of this Regulations;

h) Certify that only the corporate surety, which is approved by the President Judge of the Delaware County Court of Common Pleas, or his designee, upon petition as provided in this Regulation, may post bail for criminal defendant, in the name exactly as it appears on the surety's license, and not in the name of any agent or other business entity;

i) Certify full compliance with the training and education requirements set forth in Section 7 of this Regulation;

j) Upon approval of the petition required in Section 5 of this Regulation, register with Delaware County and pay to the Office of Judicial Support an initial registration fee of \$400 plus any applicable filing fee, or such amount as may be established from time to time by the 32nd Judicial District, and County Council;

k) Certify that neither the corporate surety nor any agent or employee of such surety, will represent itself, directly or indirectly, as an employee or agent of the Commonwealth of Pennsylvania or Delaware County. The employees and agents of the corporate surety must not wear clothing or present badges or any other form of law enforcement credentials that create the impression of employment of the Commonwealth of Pennsylvania, Delaware County or any of its units, including the Pretrial Services Unit or the Warrant Unit of Delaware County;

l) Each applicant or licensee shall provide to the District Attorney such information as may be required concerning its business practices or business methods, or proposed business practices or methods, as a Corporate Surety. The Solicitor of Delaware County shall also be served with a copy of this information.

m) Certify that the corporate surety, its agents and employees are in compliance with all applicable laws, regulations, rules of court and procedures and that neither the corporate surety nor any of its agents or employees are under suspension or revocation in any jurisdiction.

4. *Standards of Conduct.* To remain qualified to post bond in Delaware County, the corporate surety and its agents must:

a) Maintain compliance with the requirements specified in Section 3 of this Regulation;

b) Provide quarterly statements certified by the corporate surety that it is in compliance with the security posting requirements specified in Section 3 of this regulation;

c) Provide, on a quarterly basis, or as often as requested by the Common Pleas Court President Judge, or his designee, a financial statement certified by a Certified Public Accountant which verifies that the corporate surety has sufficient assets to satisfy all bail obligations undertaken by the corporate surety and all agents acting on its behalf in Delaware County and in other jurisdictions in which the corporate surety conducts business;

d) Satisfy in full any judgment entered against a defendant, or the corporate surety, for a defendant's violation of a bail bond, within thirty (30) days of the issuance of the judgment. In the event the corporate surety fails to satisfy such judgment, the judgment will be satisfied from the funds posted with the Office of Judicial Support pursuant to Section 3 of this Regulation. In that event, the corporate surety will be prohibited from posting additional bail until such time as all judgments entered against the corporate surety are satisfied in full;

e) Immediately notify, in writing, the Common Pleas President Judge, or his designee, and the Office of Judicial Support, if the corporate surety, or any of its employees or agents, has been charged with any criminal offense, or if its license or the license of any of its agents has been revoked, suspended or not renewed in the Commonwealth of Pennsylvania or any other jurisdiction;

f) Certify continued full compliance with the training and education requirements set forth in Section 7 of this Regulation;

g) Annually renew their registration with Delaware County, provide all certifications required by this Regulation and pay to the Office of Judicial Support an annual renewal registration fee of \$200, on or before the anniversary date of the initial authorization to post bail, or such amount as may be established from time to time by the 32nd Judicial District and County Council.

h) Each applicant or licensee shall provide to the District Attorney such information as may be required concerning its business practices or business methods, or proposed business practices or methods, as a Corporate Surety. The Solicitor of Delaware County shall also be served with a copy of this information.

i) Fully comply with all laws, regulations, rules of court and procedures as may be established from time to time.

5. *Prohibited Conduct.* A corporate surety and its agents may not engage in prohibited conduct, which includes the violation of any applicable statute, rule, order or regulation, or the commission of any of the following acts by corporate sureties and/or their agents:

a) Having a license as a corporate surety, or agent thereof, revoked in this or any other state;

b) Being involved in any transaction which shows unfitness to act in a fiduciary capacity or a failure to maintain the standards of fairness and honesty required of a fiduciary;

c) Having any judgment entered which would reduce the surety's net worth below the minimum required for licensure;

d) Being convicted of any criminal offense;

e) Failing to promptly advise the President Judge of any change in circumstances which would materially affect any of the statements, information or certifications required by this Regulation;

f) Using an unregistered agent to post bail or provide any bail undertaking on behalf of the corporate surety;

g) Using an individual or entity not contracted and appointed by the corporate surety to post bail or provide bail undertaking on behalf of the corporate surety;

h) Signing, executing or issuing bonds by a person or entity which is not registered as an agent of the corporate surety and/or for which there is no satisfactory proof of an agency relationship with the corporate surety;

i) Executing a bond without the appropriate counter signature by a licensed and/or authorized agent at time of issue;

j) Failing to account for or pay any premiums held in a fiduciary capacity;

k) Misstating or misrepresenting any material fact in the initial petition required by this Regulation, or in any of the statements, information or certifications required by this Regulation;

l) Failing to preserve, and to retain separately, any collateral obtained as security on any bond;

m) Failing to return collateral taken as security on any bond to the depositor of such collateral, or the depositor's designee, within ten (10) business days of having been notified of the exoneration of the bond and upon payment of all fees owed to the corporate surety, whichever is later;

n) Offering or providing any consideration or gratuity to any person employed by, or incarcerated in, a jail facility, any person who has the power to arrest or to hold any person in custody, or to any officer of court and attorneys to obtain or secure business;

o) Failing to deliver to the defendant, and any person providing collateral on the defendant's behalf, prior to the time the defendant is released from jail, a one-page disclosure form which, at a minimum, must include:

- i. The amount of the bail;
- ii. The amount of the surety's fee, including bail bond premium, preparation fees, and credit transaction fees;
- iii. The collateral that will be held by the surety;
- iv. The defendant's obligations to the surety and the court;
- v. The conditions upon which the bond may be revoked;
- vi. Any additional charges or interest that may accrue;
- vii. Any co-signors or indemnitors that will be required; and
- viii. The conditions under which the bond may be exonerated and the collateral returned;

p) Failing to provide the Delaware County Bail Agency office the fully executed one-page disclosure form required by Section 9(O) of this Regulation at the time bond is posted;

q) Using a bail enforcement agent who has failed to comply with any of the requirements of this Regulation;

r) Advising, requiring or suggesting that, as a condition of posting a bail bond by a corporate surety, a defendant engage the services of a particular law firm or attorney;

s) Preparing or issuing a fraudulent or forged bail bond, power of attorney or other document;

t) Signing, executing, issuing or posting bail bonds by an unlicensed person;

u) Knowingly violating, advising, encouraging, aiding, abetting, or assisting the violation of any applicable statute, court order, rule or regulation;

v) Soliciting or procuring sexual favors as a condition of obtaining, maintaining or exonerating a bail bond, regardless of the identity of the person who performs such favors; and

w) Providing legal advice or a legal opinion in any form.

x) Shall not post bonds if the aggregate maximum amount of unsettled and outstanding bail forfeitures, as determined by the Office of Judicial Support, equals or exceeds the authorized amounts calculated as provided above. The Office of Judicial Support shall promptly notify the President Judge, or his designee, Director of Pre-Trial Bail, District Attorney and the applicable bondsman of any corporate surety having reached this maximum limit. Immediately upon notification, no further bonds by the corporate surety are authorized or acceptable for posting. When full financial settlement has been made of the outstanding bail forfeitures, the Office of Judicial Support shall notify the President Judge, or his designee, and the applicable bondsman that posting of bonds by the corporate surety may resume;

y) Shall not represent or identify itself, directly or indirectly, as employees or agents of the Commonwealth of Pennsylvania or Delaware County. The employees and agents of the corporate surety must not wear clothing or present badges or any other form of law enforcement credentials that create the impression of employment by the Commonwealth of Pennsylvania, Delaware County or any of its units, including the Pretrial Services Unit or the Warrant Unit of Delaware County;

6. *Process to be Utilized in Seeking Approval as a Corporate Surety.*

Any corporate surety which is licensed by the Pennsylvania Department of Insurance may seek approval to post bail in Delaware County by filing a petition and paying the filing fee with the Office of Judicial Support. The petition must provide the information, documents and certifications set forth in Section 4 of this Regulation. Upon filing, the petition shall be assigned to the President Judge, or his designee for determination.

7. *Training and Continuing Education*

To register as a corporate surety desiring to post bail in Delaware County, the corporate surety must certify that all employees and agents who will write any bail on its behalf in Delaware County, not less than thirty (30) hours of education in subjects pertinent to the duties and responsibilities of corporate sureties, including, but not limited to, all laws and regulations relating thereto, the criminal justice system, rights of the accused, bail bond industry ethics, prohibited conduct and apprehension of bail fugitives. Additionally, a corporate surety desiring to post bail in Delaware County must certify that all employees and agents who will write any bail on its behalf in Delaware County have satisfactorily completed not less than eight (8) hours of continuing education in these subjects during the year preceding any renewal of its registration in Delaware County.

8. *Bail Piece Procedure.* Whenever a bail piece is used pursuant to Pa.R.Crim.P. 536(B)(2) and the defendant is apprehended by or on behalf of the corporate surety or its agents, the defendant must be brought to the George W. Hill Correctional Facility or such other location as desig-

nated by a Common Pleas Judge of the 32nd Judicial District after the filing of a petition or presentation of a warrant.

9. *Review and Monitoring.* In accordance with 42 Pa.C.S. § 5747, the District Attorney of Delaware County shall be served with a copy of any petition filed pursuant to this Joint General Court Regulation and shall have the continuing power to investigate the qualification, training, character, and integrity of any Corporate Surety that seeks leave of Court to post bail for criminal defendants as provided in this Regulation, as well as the business practices and business methods of any corporate surety and its Agents who have been approved to post bail as Corporate Surety of as an Agent for the Corporate Surety in Delaware County and may, as appropriate, request, for good cause, denial or revocation of permission to post bail for criminal defendants in Delaware County. The Solicitor of Delaware County shall also be served with a copy of the petition.

Failure to comply with any provision of this rule may result in suspension and the freezing of the surety account.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 13-1303. Filed for public inspection July 19, 2013, 9:00 a.m.]

DELAWARE COUNTY Bail Conditions

And Now, this 28th day of June, 2013, It is hereby Ordered and Decreed that the existing Rule 4006(c) is rescinded and shall be entirely replaced by New Rule 526(d) in accordance with the following language effective September 1, 2013.

New Rule 526(d). Bail Conditions.

(1) The person for whom bail has been set or a private third party surety shall, with the approval of the court or Magisterial District Judge, execute the bail bond and deliver to the Office of Judicial Support (O.J.S.) for deposit in an account designated by order of the President Judge of the Court of Common Pleas, Delaware County, a sum of money equal to 10 percent of the bail, but in no event shall such deposit be less than \$75. Corporate sureties are expressly prohibited from posting the deposit for bail set under this section.

(2) When the conditions for the bail bond have been performed and the defendant discharged from all obligations in the case for which bail was set, the Office of Judicial Support shall return to the defendant or surety 60 percent of the amount deposited. The balance to be retained by the court shall be applied as an administrative cost for this program and the sum retained shall not in any case be less than \$100. The monies retained shall be considered as earned at the time the bail is set and a sum equal to 10 percent posted by the defendant or third party surety.

(3) In the event that bail is ordered either increased or decreased at any time during the proceedings, the fee set forth under Rule 526(d)(2) shall be computed on the basis of the last bail set and posted in the case. The phrase "last bail set" is intended to include post-conviction and/or post-sentence bail.

(4) If the defendant does not comply with the conditions of the bail, the court shall issue a bench warrant for the defendant and enter an order declaring the bail to be forfeited. Notice of the bail forfeiture shall be sent to the defendant third party surety, if any, advising said individuals of the breach of a condition of bail.

(a) If the defendant appears and surrenders to the court within 48 hours after a breach of the condition of bail and issuance of a bench warrant, a forfeiture fee of \$50 may be imposed as a bail reinstatement fee.

(b) If the defendant appears after 48 hours of the initial bail forfeiture and bench warrant, a \$100 fee may be imposed as a bail reinstatement fee.

(c) The Court of Common Pleas may waive such forfeiture fee if the defendant can satisfy the court that his appearance or surrender was impossible or with good cause.

(d) If the defendant does not appear or surrender to the court within 20 days after the notice of bail forfeiture is sent, the court shall enter a certification order for judgment in favor of the county for the full amount of the bail.

(5) When a defendant has failed to comply with the rules and regulations of the bail bond or any additional conditions of his release, he may be brought before the court to determine if additional bail shall be set in his case, or bail revoked.

(6) The following fee schedule shall be implemented:

(a) The administrative fee for percentage bail shall be forty percent (40%).

(b) The cash bail fee shall be four percent (4%) of the first \$1,000. All amounts above \$1,000 shall be two percent (2%).

(c) An administrative fee of \$75 shall be charged whenever a corporate surety posts a bail piece.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 13-1304. Filed for public inspection July 19, 2013, 9:00 a.m.]

DELAWARE COUNTY Realty as Bail

And Now, this 28th day of June, 2013, It is hereby Ordered and Decreed that the existing Rule 4006(e) is rescinded and shall be entirely replaced by New Rule 528(f) in accordance with the following language effective September 1, 2013.

New Rule 528(f). Realty as Bail.

1. If realty is offered to satisfy the bail set for an individual defendant, the following must be provided to the Office of Judicial Support (O.J.S.)—the Bail Agency:

a) A written appraisal by a reputable licensed real estate broker in the county in which the property is situated.

b) Proof of entry of the bail bond as a lien in favor of the County of Delaware in the Prothonotary's Office of the county in which the property is situated.

c) If the property is mortgaged, a letter from the mortgage indicating any unpaid balance due.

d) A current lien and judgment search by a reputable title insurance company.

e) Affidavit of justification of surety as provided in paragraph (4).

2. Upon review of the above documents, a determination must be made by the Office of Judicial Support (O.J.S.)—Bail Agency, that the actual net value of the property is equal to the amount of the bond. Only after the information requested above is supplied and a determination is made that actual net value is at least equal to the amount of the bond, will realty be accepted as consideration for bail.

3. A given piece of realty shall only be used as bail under Section 4006(e) if it has not been posted or is not presently being used for bail for any other charges or defendants, unless allowed by court order.

4. If realty is offered as surety, the owner shall present justification for such by filing an affidavit containing the following information for such surety:

a) Owner's name, address, age and occupation.

b) A general description of the real estate which is offered as surety.

c) A statement of the manner in which title is obtained, including the deed or will book reference of the recording of such instrument of title.

d) A statement for all encumbrances, including taxes, upon said real estate.

e) A statement of any and all other surety undertakings.

f) A statement of the assessed market and rental value of the real estate.

g) A statement that the real estate is not being contemplated or actually negotiated for in any sale.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 13-1305. Filed for public inspection July 19, 2013, 9:00 a.m.]

DELAWARE COUNTY

Release of Defendant on Defendant's Own Recognition or on Bail

And Now, this 28th day of June, 2013, It is hereby Ordered and Decreed that the existing Rule 4003(c) is rescinded and shall be entirely replaced by New Rule 524(d) in accordance with the following language effective September 1, 2013.

New Rule 524(d). Release of Defendant.

When a prisoner/defendant is to be released on bond, unsecured bail, nominal bail, on his/her own recognition, or non-monetary conditions, said prisoner/defendant shall be interviewed by a representative of the Bail Agency of Delaware County to determine whether he/she has counsel and to arrange for counsel if the prisoner does not have an attorney. If not interviewed

prior to release, the defendant shall report to the Bail Agency within 72 hours of release.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 13-1306. Filed for public inspection July 19, 2013, 9:00 a.m.]

DELAWARE COUNTY

Surety for Nominal Bail

And Now, this 28th day of June, 2013, It is hereby Ordered and Decreed that the existing Rule 4007(a)(v)(1) is rescinded.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 13-1307. Filed for public inspection July 19, 2013, 9:00 a.m.]

DELAWARE COUNTY

Undesirable Bondsmen

And Now, this 28th day of June, 2013, It is hereby Ordered and Decreed that the existing Rule 4006(f)(1) is rescinded.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 13-1308. Filed for public inspection July 19, 2013, 9:00 a.m.]

FRANKLIN AND FULTON COUNTIES

Adoption and Amendment of Local Rules of Civil Procedure; Misc. Doc. 2013-2648

Order Pursuant to Pa.R.C.P. 239.8

June 26th, 2013, *It Is Hereby Ordered* that the following Rules of the Court of Common Pleas of the 39th Judicial District of Pennsylvania, Franklin and Fulton County Branches, Domestic Relations Division, are amended or adopted as indicated this date, to be effective upon publication on the Pennsylvania Judiciary's Web Application Portal:

Local Rule of Civil Procedure 39-1910.10 is amended and shall now read as follows.

Local Rule of Civil Procedure 39-1910.12 is adopted and shall read as follows.

It Is Further Ordered that The District Court Administrator shall:

1. Transmit a copy of this order and the foregoing rules to the Domestic Relations Procedural Rules Committee for transmittal to the Administrative Office of Pennsylvania Courts (AOPC) for publication on the Pennsylvania Judiciary's Web Application Portal.

2. Distribute two (2) certified paper copies and one (1) computer diskette or CD-ROM copy to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Provide one (1) certified copy of the Local Rule changes to the Franklin County Law Library and one (1) certified copy to the Fulton County Law Library.

4. Keep such local rule changes, as well as all local civil rules, continuously available for public inspection and copying in the Office of the Prothonotary of Franklin County, the Domestic Relations Section of Franklin County, and the Office of Prothonotary of Fulton County. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary and/or Domestic Relations shall furnish to any person a copy of any local rule.

5. Arrange to have the local rule changes published on the Franklin County Bar Association web site at www.franklinbar.org/

6. Arrange to have the local rule changes published on the Franklin County Government web site at www.franklincountypa.gov.

By the Court

DOUGLAS W. HERMAN,
President Judge

Rule 39-1910.10. Support Hearing Procedures.

Actions in support in the **Franklin County Branch** shall proceed as prescribed by Pa.R.C.P. 1910.12 and 39th Jud. Dist. R.C.P. 39-1910.12. The "hearing officer" referred to in Pa.R.C.P. 1910.12 is designated as the Support Master. Actions in support in the **Fulton County Branch** shall proceed as prescribed by Pa.R.C.P. 1910.11 and 39th Jud. Dist. R.C.P. 39-1910.11.

Rule 39-1910.12. Office Conference, Master Hearing, Record, and Exceptions. (Franklin County Branch).

a. *Procedure, generally:* Support actions shall proceed in accordance with the alternative hearing procedure set forth in Pa.R.C.P. 1910.12.

b. *Procedure following office conference:* The interim order entered following office conference pursuant to Pa.R.C.P. 1910.12(b)(1) shall state that any party may within twenty days after mailing of a copy of the order file a written demand with Domestic Relations Section for a hearing before the Support Master. A demand for hearing before the Support Master shall not stay the order entered under Pa.R.C.P. 1910.12 (b)(1) unless the Court so directs. If no party files a demand for hearing before the Support Master within the 20 day period, the order shall constitute a final order. If a demand for hearing is filed, the Domestic Relations Section shall schedule a de novo hearing before the Support Master and give notice to the parties. Prior to the hearing before the Support Master, the party demanding a hearing may withdraw the demand without the consent of the opposing party. The opposing party may file a separate demand for hearing (cross appeal) to preserve the opposing party's right to a hearing on the opposing party's issues; however said demand must be filed within the original 20 day period as set forth above or it will be deemed untimely.

c. *Demand for hearing; issues:* The demand for hearing shall be in writing on a form to be provided by the Domestic Relations Section and it shall indicate issues that the party wishes the Support Master to address at

the hearing. The party must select the type of hearing being requested, routine hearing or complex hearing.

1. A Routine Hearing is a hearing that is expected to need not more than 60 minutes to complete and which will not involve complex questions of law or fact.

2. A Complex Hearing is one that is expected to require more than 60 minutes to complete and/or will involve complex questions of law or fact. Discovery shall be permitted pursuant to Pa.R.C.P. 1910.12(c)(3). The party requesting a complex hearing must petition the court, using the demand for hearing form (mentioned above), for allowance to schedule a complex hearing.

3. Failure of the party to select either a routine hearing or a complex hearing on the "Demand for Hearing" form will result in the Domestic Relations Section scheduling the matter for a routine hearing lasting not more than 60 minutes.

d. *Filing fee; pauper status:* Except as set forth in subsection (3) below, the party shall pay a \$25.00 filing fee to the Domestic Relations Section at the time of filing the demand for hearing.

1. The demand for hearing shall not be accepted and no hearing shall be scheduled by Domestic Relations if not accompanied by the filing fee.

2. The filing fee is non-refundable.

3. If a party is unable to pay the filing fee, the party must seek leave of court using a form to be provided by the Domestic Relations Section in order to have the fee waived.

e. *Proceedings Before the Master:* Proceedings before the Support Master shall be conducted substantially as follows:

1. *Record de novo hearing before the Master:* All hearings scheduled before the Support Master shall be de novo, on-the-record hearings. All witnesses shall be under oath and a digital or stenographic record of the testimony shall be made. The notes of testimony shall not be transcribed unless:

A. Required by the Support Master to prepare the report and recommendation to the Court, or

B. Ordered and paid for by the party or parties following the filing of Exceptions by a party in accordance with paragraph (h) below.

2. *Pre-Trial Memorandum:* For either a routine or complex hearing, the Support Master may require a pre-trial memorandum to be prepared in advance of the hearing before the Support Master.

A. If required by the Support Master, the Pre-Trial Memorandum shall be filed at Domestic Relations at least 7 days before the hearing. The following shall apply:

1) Failure of the appealing party to file a pre-trial hearing memorandum may be considered an abandonment of claims and a withdrawal of the appeal. The court may impose other sanctions as appropriate.

2) Failure of the opposing/responding party to file a pre-trial hearing memorandum may be treated as not contesting the appellant's claims and may be deemed a waiver of all other issues on appeal. The court may impose other sanctions as appropriate.

3) For a routine hearing, the pre-trial hearing memorandum shall contain the following: an explanation of each issue expected to be raised at the hearing; a description of the facts to be proven related to the support

action; identification of witnesses and the facts to which each witness will testify; a description of exhibits other than those required by the Pennsylvania Rules of Civil Procedure; and the relief being sought.

4) For a complex hearing, the pre-trial hearing memorandum shall contain in addition to all the items listed above, the following information: identification of legal authority (statutes, court cases, or rules) relating to the party's position on each issue raised; and an indication of the length of hearing needed to present all the evidence and witnesses' testimony for both sides of the support action.

B. Upon receiving the parties' Pre-Trial Memorandum, the Domestic Relations Section shall mail copies of the same to each party prior to the hearing before the court.

3. *Rules of Evidence shall apply:* The hearing before the Support Master shall be a formal judicial proceeding and the Pennsylvania Rules of Evidence shall apply. The Support Master shall decide all questions of law including rulings on motions and objections.

4. *Master's Report, Content:* Within 14 days following the conclusion of the Master's hearing, and 30 days in a complex case, the Master shall file and transmit to the assigned judge a report containing a Recommended Order of Court. The Master's Report may be in narrative form, but shall comply with the specific requirements of subsections (A) or (B) below.

A. *Complaint for Support:* In cases where a hearing has been held upon a Complaint for Support, the Support Master's Report shall contain, at a minimum:

- 1) A summary of the testimony.
- 2) Findings of fact.
- 3) A recommendation containing the amount of support to be paid and by whom and for whom it is to be paid and the effective date of the recommended order.
- 4) A discussion of the reasons for the recommendation.
- 5) A summary of the Master's calculations.

B. *Petition for Modification:* In cases in which a Hearing has been held upon a Petition for Modification of an Existing Support Order, the Support Master's Report shall contain at a minimum:

- 1) A summary of the testimony.
- 2) Findings of fact.
- 3) A recommendation that the Petition for Modification be granted or denied. In cases in which the Master recommends that the Petition for Modification be granted, the recommendation shall include the recommended modified order of support containing the amount of support to be paid and by whom and for whom it is to be paid and the effective date of the recommended order.
- 4) A discussion of the reasons for the recommendation.
- 5) A summary of the Master's calculations.

5. *Service of Report; Exceptions to Report; Final Order:* The Domestic Relations Section shall give notice of the filing of the Support Master's Report and Recommended Order by forwarding a copy of the same to the parties and their counsel, if any, by ordinary mail. In addition, the Domestic Relations Section shall advise counsel and pro se parties of their right to file exceptions to the Report and Recommended Order and that the failure to file exceptions shall result in the Support Master's Recommended Order becoming the Order for Support.

f. *Exceptions to Report; time for filing:* Within 20 days after the date of mailing of the Support Master's Report, any party may file Exceptions to the report or any part thereof. Exceptions shall comply with the specific requirements set forth in sections (j) through (m) below. If exceptions are not filed within 20 days, the Support Master's Recommended Order shall then become a final Order for Support. If exceptions are filed, any other party may file exceptions within 20 days of the date of service of the original exceptions. A form entitled "Exceptions to the Support Master's Recommendation" is available at the Domestic Relations Section.

g. *Interim Order not stayed:* The Order recommended by the Support Master shall continue in effect until the exceptions have been resolved by the Court.

h. *Request for transcript:* The party who first files Exceptions shall obtain an order directing that the notes of testimony be transcribed. The party filing the Exceptions shall bear the cost of producing the transcript. If both parties file Exceptions, the cost of the transcript shall be shared equally. The Court may reallocate the costs of the transcript as part of the final order. A form entitled "Request for Transcript" is available at the Domestic Relations Section.

i. *Pauper status; no cost:* Any party who has been granted pauper status pursuant to section (d)(3) above shall not be assessed any cost for producing the transcript.

j. *Exceptions, specificity:* Each Exception to the Master's Report regarding child support, spousal support, or alimony pendent lite shall be set forth specifically and concisely the ground for each exception based upon factual findings or a claim of error of law.

1. *Finding of Fact:* An exception asserting that the Support Master made a finding of fact unsupported by the evidence of record or failed to find a fact that the evidence supports shall

- A. Identify the erroneous finding;
- B. State specifically the finding which should have been made by the Support Master; and
- C. Identify any documents in evidence which support, or any witnesses whose testimony supports the finding which should have been made by the Support Master.

2. *Error of Law:* An exception asserting that the Support Master made an error of law shall identify the statute, rule, regulation, judicial decision or appellate case law not applied or improperly applied by the Support Master.

k. *Exceptions; incomes and support amount:* All Exceptions shall include a statement of:

1. The excepting party's claim as to the obligor's income available for support, together with a statement of the record evidence of the obligor's income;
2. The excepting party's claim as to the obligee's income available for support, together with a statement of the record evidence of the obligee's income; and
3. The amount of support which should have been ordered.

l. *Assignment of Judge:* A party shall, at the time exceptions are filed, also file with the Domestic Relations Section a request for decision on the party's exceptions. The Domestic Relations Section shall assign a judge and transmit the paperwork to the judge through Court Administration. The assigned judge, as necessary, may

issue an order requiring a response to the exceptions, or schedule oral argument or may issue an order setting a briefing schedule. A form entitled "Request for Decision on the Exceptions" is available at the Domestic Relations Section.

m. *Sanctions for Non-compliance*: Exceptions which are not in compliance with this rule or which are not briefed as ordered may be deemed to have been waived. The Court may impose other sanctions for non-compliance as appropriate in the Court's discretion.

[Pa.B. Doc. No. 13-1309. Filed for public inspection July 19, 2013, 9:00 a.m.]

SUPREME COURT

Reestablishment of the Magisterial Districts within the 7th Judicial District; No. 352 Magisterial Rules Doc.

Amended Order

And Now, this 3rd day of July, 2013, the Order dated April 24, 2013 that Reestablished the Magisterial Districts of the 7th Judicial District (Bucks County) of the Commonwealth of Pennsylvania, is hereby *Amended* as follows: Dublin Township, listed as included in Magisterial District 07-3-03, shall be listed as Dublin Borough. The Order of April 24, 2013 shall remain in effect in all other respects.

RONALD D. CASTILLE,
Chief Justice of Pennsylvania

[Pa.B. Doc. No. 13-1310. Filed for public inspection July 19, 2013, 9:00 a.m.]

Reestablishment of the Magisterial Districts within the 8th Judicial District; No. 350 Magisterial Rules Doc.

Amended Order

And Now, this 3rd day of July, 2013, the Order dated April 23, 2013 that Reestablished the Magisterial Districts of the 8th Judicial District (Northumberland County) of the Commonwealth of Pennsylvania, is hereby *Amended* as follows: Turbotville Township, listed as included in Magisterial District 08-3-02, shall be listed as Turbotville Borough. The Order of April 23, 2013 shall remain in effect in all other respects.

RONALD D. CASTILLE,
Chief Justice of Pennsylvania

[Pa.B. Doc. No. 13-1311. Filed for public inspection July 19, 2013, 9:00 a.m.]

Reestablishment of the Magisterial Districts within the 10th Judicial District; No. 356 Magisterial Rules Doc.

Amended Order

And Now, this 3rd day of July, 2013, the Order dated May 9, 2013 that Reestablished the Magisterial Districts of the 10th Judicial District (Westmoreland County) of the Commonwealth of Pennsylvania, is hereby *Amended*

as follows: Magisterial District 10-3-01 shall be realigned effective September 1, 2013. In addition, Magisterial District 10-2-01 shall be realigned as follows: Effective September 1, 2013, Southwest Greensburg Borough shall be added to Magisterial District 10-2-01 and Hunker Borough, New Stanton Borough, and Hempfield Township (New Stanton Voting District) shall be removed from the Magisterial District. Effective January 1, 2018, Unity Township (Voting Districts Crabtree, Dennison, Kuhns, Marguerite, and Mutual) shall be added to the Magisterial District. The Order of May 9, 2013 shall remain in effect in all other respects.

RONALD D. CASTILLE,
Chief Justice of Pennsylvania

[Pa.B. Doc. No. 13-1312. Filed for public inspection July 19, 2013, 9:00 a.m.]

Reestablishment of the Magisterial Districts within the 15th Judicial District; No. 302 Magisterial Rules Doc.

Amended Order

And Now, this 3rd day of July, 2013, the Order dated January 24, 2013 that Reestablished the Magisterial Districts of the 15th Judicial District (Chester County) of the Commonwealth of Pennsylvania, is hereby *Amended* as follows: The elimination of Magisterial District 15-2-05, shall be effective January 6, 2014. The Order of January 24, 2013 shall remain in effect in all other respects.

RONALD D. CASTILLE,
Chief Justice of Pennsylvania

[Pa.B. Doc. No. 13-1313. Filed for public inspection July 19, 2013, 9:00 a.m.]

Reestablishment of the Magisterial Districts within the 16th Judicial District; No. 331 Magisterial Rules Doc.

Amended Order

And Now, this 3rd day of July, 2013, the Order dated March 12, 2013 that Reestablished the Magisterial Districts of the 16th Judicial District (Somerset County) of the Commonwealth of Pennsylvania, is hereby *Amended* as follows: Shanksville Borough shall be included in Magisterial District 16-3-01. The Order of March 12, 2013 shall remain in effect in all other respects.

RONALD D. CASTILLE,
Chief Justice of Pennsylvania

[Pa.B. Doc. No. 13-1314. Filed for public inspection July 19, 2013, 9:00 a.m.]

Reestablishment of the Magisterial Districts within the 18th Judicial District; No. 304 Magisterial Rules Doc.

Amended Order

And Now, this 3rd day of July, 2013, the Order dated January 31, 2013 that Reestablished the Magisterial Districts of the 18th Judicial District (Clarion County) of the Commonwealth of Pennsylvania, is hereby *Amended* as follows: West Highland Township, included in Magiste-

rial District 18-3-02 shall be listed as Highland Township. In addition, Emlenton Borough included in Magisterial District 18-3-03, is hereby removed. The Order of January 31, 2013 shall remain in effect in all other respects.

RONALD D. CASTILLE,
Chief Justice of Pennsylvania

[Pa.B. Doc. No. 13-1315. Filed for public inspection July 19, 2013, 9:00 a.m.]

Reestablishment of the Magisterial Districts within the 19th Judicial District; No. 320 Magisterial Rules Doc.

Amended Order

And Now, this 3rd day of July, 2013, the Order dated February 27, 2013 that Reestablished the Magisterial Districts of the 19th Judicial District (York County) of the Commonwealth of Pennsylvania, is hereby *Amended* as follows: York Borough, listed as included in Magisterial District 19-2-02, shall be listed as York Township. The Order of February 27, 2013 shall remain in effect in all other respects.

RONALD D. CASTILLE,
Chief Justice of Pennsylvania

[Pa.B. Doc. No. 13-1316. Filed for public inspection July 19, 2013, 9:00 a.m.]

Reestablishment of the Magisterial Districts within the 25th Judicial District; No. 322 Magisterial Rules Doc.

Amended Order

And Now, this 3rd day of July, 2013, the Order dated March 7, 2013 that Reestablished the Magisterial Districts of the 25th Judicial District (Clinton County) of the Commonwealth of Pennsylvania, is hereby *Amended* as follows: The municipalities of Avis Borough, Dunnstable Township, Gallagher Township, Pine Creek Township, and Wayne Township shall be included in Magisterial District 25-3-01 instead of 25-3-03. This amended order is effective immediately. The Order of March 7, 2013 shall remain in effect in all other respects.

RONALD D. CASTILLE,
Chief Justice of Pennsylvania

[Pa.B. Doc. No. 13-1317. Filed for public inspection July 19, 2013, 9:00 a.m.]

Reestablishment of the Magisterial Districts within the 28th Judicial District; No. 340 Magisterial Rules Doc.

Amended Order

And Now, this 3rd day of July, 2013, the Order dated April 23, 2013 that Reestablished the Magisterial Dis-

tricts of the 28th Judicial District (Venango County) of the Commonwealth of Pennsylvania, is hereby *Amended* as follows: The elimination of Magisterial District 28-2-04, shall be effective January 6, 2014. The Order of April 23, 2013 shall remain in effect in all other respects.

RONALD D. CASTILLE,
Chief Justice of Pennsylvania

[Pa.B. Doc. No. 13-1318. Filed for public inspection July 19, 2013, 9:00 a.m.]

Reestablishment of the Magisterial Districts within the 36th Judicial District; No. 315 Magisterial Rules Doc.

Amended Order

And Now, this 3rd day of July, 2013, the Order dated February 25, 2013 that Reestablished the Magisterial Districts of the 36th Judicial District (Beaver County) of the Commonwealth of Pennsylvania, is hereby *Amended* as follows: Ellwood City Borough shall be included in Magisterial District 36-3-01. The Order of February 25, 2013 shall remain in effect in all other respects.

RONALD D. CASTILLE,
Chief Justice of Pennsylvania

[Pa.B. Doc. No. 13-1319. Filed for public inspection July 19, 2013, 9:00 a.m.]

Reestablishment of the Magisterial Districts within the 39th Judicial District; No. 308 Magisterial Rules Doc.

Amended Order

And Now, this 3rd day of July, 2013, the Order dated February 11, 2013 that Reestablished the Magisterial Districts of the 39th Judicial District (Franklin and Fulton Counties) of the Commonwealth of Pennsylvania, is hereby *Amended* as follows: Orrstown Borough and Shippensburg Borough shall be in Magisterial District 45-3-04, instead of Magisterial District 45-3-03. The Order of February 11, 2013 shall remain in effect in all other respects.

RONALD D. CASTILLE,
Chief Justice of Pennsylvania

[Pa.B. Doc. No. 13-1320. Filed for public inspection July 19, 2013, 9:00 a.m.]

Reestablishment of the Magisterial Districts within the 45th Judicial District; No. 353 Magisterial Rules Doc.

Amended Order

And Now, this 3rd day of July, 2013, the Order dated April 24, 2013 that Reestablished the Magisterial Districts of the 45th Judicial District (Lackawanna County)

of the Commonwealth of Pennsylvania, is hereby *Amended* as follows: Scott Township shall be in Magisterial District 45-3-03, instead of Magisterial District 45-3-04. In addition, Abington Township, included in Magisterial District 45-3-01, should instead be listed as Waverly Township. The Order of April 24, 2013 shall remain in effect in all other respects.

RONALD D. CASTILLE,
Chief Justice of Pennsylvania

[Pa.B. Doc. No. 13-1321. Filed for public inspection July 19, 2013, 9:00 a.m.]

Reestablishment of the Magisterial Districts within the 47th Judicial District; No. 300 Magisterial Rules Doc.

Amended Order

And Now, this 3rd day of July, 2013, the Order dated January 18, 2013 that Reestablished the Magisterial Districts of the 47th Judicial District (Cambria County) of the Commonwealth of Pennsylvania, is hereby *Amended* as follows: The elimination of Magisterial District 47-3-04, shall be effective January 6, 2014. The Order of January 18, 2013 shall remain in effect in all other respects.

RONALD D. CASTILLE,
Chief Justice of Pennsylvania

[Pa.B. Doc. No. 13-1322. Filed for public inspection July 19, 2013, 9:00 a.m.]

Reestablishment of the Magisterial Districts within the 53rd Judicial District; No. 327 Magisterial Rules Doc.

Amended Order

And Now, this 3rd day of July, 2013, the Order dated March 12, 2013 that Reestablished the Magisterial Districts of the 53rd Judicial District (Lawrence County) of the Commonwealth of Pennsylvania, is hereby *Amended* as follows: South New Castle Borough shall be included in Magisterial District 53-3-04. The Order of March 12, 2013 shall remain in effect in all other respects.

RONALD D. CASTILLE,
Chief Justice of Pennsylvania

[Pa.B. Doc. No. 13-1323. Filed for public inspection July 19, 2013, 9:00 a.m.]

Reestablishment of the Magisterial Districts within the 55th Judicial District; No. 329 Magisterial Rules Doc.

Amended Order

And Now, this 3rd day of July, 2013, the Order dated March 12, 2013 that Reestablished the Magisterial Districts of the 55th Judicial District (Potter County) of the Commonwealth of Pennsylvania, is hereby *Amended* as follows: Oswayo Township is added to Magisterial District 55-4-01, effective immediately. The Order of March 12, 2013 shall remain in effect in all other respects.

RONALD D. CASTILLE,
Chief Justice of Pennsylvania

[Pa.B. Doc. No. 13-1324. Filed for public inspection July 19, 2013, 9:00 a.m.]
