

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 83]

Proposed Amendments to Pennsylvania Rules of Disciplinary Enforcement 102, 218 and 219 to Adopt New Terminology to Differentiate Between the Annual Attorney Registration Fees Paid by Active and Inactive Attorneys; and to Provide for the Assessment of a Paper Processing Fee When an Attorney Elects Not to File the Annual Fee Form Electronically, Beginning With the 2015-2016 Assessment Year

Notice of Proposed Rulemaking

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania is considering recommending to the Pennsylvania Supreme Court that the Court amend Pennsylvania Rules of Disciplinary Enforcement 102, 218 and 219 as set forth in Annex A.

Charging attorneys an annual fee to assume or remain on inactive status went into effect beginning with the 2009-2010 assessment year. The annual fee for inactive status is less than the base annual fee assessed against active attorneys, and inactive attorneys are exempt from paying the additional annual fees imposed upon active attorneys by PA RPC 1.15(u), which assessment is for use by the IOLTA Board, and by Enforcement Rule 502(b), which assessment is for use by the Pennsylvania Lawyers Fund for Client Security. The Board believes that clarity would be added to the Enforcement Rules by adopting new terminology to describe and differentiate between the active fees and the inactive fee. To this end, the proposed amendments introduce the terms "active annual fee" and "inactive annual fee." Throughout the proposed Rules, annual "fee" is in the plural when necessary to reflect the combination of fees paid by active attorneys. A new Note after subdivision (a) of Rule 219 serves to explain the source of the fees assessed against active attorneys.

Through amendments to subdivisions (a) and (j)(1) of Rule 219, the Board is also proposing that a paper processing fee of \$25.00 be assessed against attorneys who elect not to file the annual fee form electronically; this assessment would begin with the 2015-2016 assessment year. The Attorney Registration Office (ARO) incurs significant costs both prior to and after the receipt, by mail or delivery in person to the ARO, of a completed annual fee form and the check or money order in payment of the annual fee. These costs, which include materials, labor and handling, are associated with the printing of the annual fee forms and of various documents that are instructional or informational in nature; purchasing envelopes, return envelopes, and postage; placing the annual fee forms and the various inserts into envelopes; maintaining a lockbox; scanning filed forms; negotiating the checks and money orders; and reviewing and rejecting forms that are incomplete or ineligible for processing. The ARO was responsible for the processing of 73,878 registrations during the 2011-2012 assessment year, 74,623 registrations during the 2012-2013 assess-

ment year, and 75,618 registrations for the 2013-2014 registration year as of January 28, 2014. A proposed amendment to Rule 219(a) reflects that the additional \$25.00 paper processing fee as well as the base annual fee paid by both active and inactive attorneys, will be used to defray the costs of registration of attorneys.

Electronic filing reduces the costs associated with attorney registration. The number of electronic filers, however, has not reached a point where the costs associated with the current volume of paper filings have been significantly reduced. When electronic filing first became available, which was during the 2011-2012 assessment year, only slightly more than 20% of registrants filed electronically. During the two subsequent registration periods, that number increased to roughly 28% and 31%, respectively.

A few states have instituted mandatory electronic filing, although a hardship exemption may be granted upon application. While the Board is of the view that mandatory electronic filing in Pennsylvania is on the horizon, the Board decided that it would be appropriate to preserve the *status quo* provided that the increased costs associated with maintaining the current paper system of registration are borne by those attorneys who register in paper form. Attorneys who wish to avoid the paper processing fee have the option of filing the annual fee form electronically and paying a nominal fee, which is currently \$2.75, to cover the cost of processing the electronic payment.

Attorneys who wish to take advantage of the convenience and benefits of electronic filing should do so timely, as electronic filing is no longer available after the Supreme Court enters an order administratively suspending the attorney pursuant to subdivision (f) of Rule 219. Under subdivisions (h) and (k) of Rule 219, administratively suspended attorneys who subsequently register as active or inactive must do so in paper form, thereby requiring the payment of the \$25.00 paper processing fee in addition to the applicable annual fee or fees and other assessments.

Interested persons are invited to submit written comments by mail, email, or facsimile regarding the proposed amendments to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, 601 Commonwealth Avenue, Suite 5600, PO Box 62625, Harrisburg, PA 17106-2625, Email address Dboard.comments@pacourts, Facsimile number (717-231-3382), on or before May 12, 2014.

*By The Disciplinary Board of the
Supreme Court of Pennsylvania*

ELAINE M. BIXLER,
Secretary

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter A. PRELIMINARY PROVISIONS

Rule 102. Definitions.

(a) *General rule.* Subject to additional definitions contained in subsequent provisions of these rules which are

applicable to specific provisions of these rules, the following words and phrases when used in these rules shall have, unless the context clearly indicates otherwise, the meanings given to them in this rule:

* * * * *

Administrative suspension—Status of an attorney, after Court order, who: failed to pay the annual [fee] fees and/or file the form required by subdivisions (a) and (d) of Enforcement Rule 219; failed to pay the inactive annual fee required by subdivision (j)(1) of Enforcement Rule 219 and/or file the form required by subdivisions (c) and (d) of Enforcement Rule 219; was reported to the Court by the Pennsylvania Continuing Legal Education Board under Rule 111(b), Pa.R.C.L.E., for having failed to satisfy the requirements of the Pennsylvania Rules for Continuing Legal Education; failed to pay any expenses taxed pursuant to Enforcement Rule 208(g); or failed to meet the requirements for maintaining a limited law license as a Limited In-House Corporate Counsel, a foreign legal consultant, an attorney participant in defender and legal services programs pursuant to Pa.B.A.R. 311, or a military attorney.

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Subchapter B. MISCONDUCT

Rule 218. Reinstatement.

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(f) The Supreme Court in its discretion may direct that the necessary expenses incurred in the investigation and processing of the petition for reinstatement be paid by the petitioner-attorney. A reinstatement fee of \$300 shall be assessed against a petitioner-attorney who was administratively suspended at the time of the filing of the petition. The annual [fee] fees required by Rule 219(a) and the reinstatement fee, if applicable, shall be paid to the Attorney Registration Office after the Supreme Court order is entered.

* * * * *

Rule 219. Annual registration of attorneys.

(a) Every attorney admitted to practice law in this Commonwealth shall pay an **active** annual fee of \$130.00 and file the annual fee form provided for in this rule. **If an attorney elects not to file the form electronically, an additional \$25.00 paper processing fee shall be paid.** The **active annual fee and paper processing** fee shall be collected under the supervision of the Attorney Registration Office, which shall send or cause to be sent to every attorney, except an attorney who has elected to file the form electronically, the annual fee form. The Attorney Registration Office shall transmit to those attorneys who have elected to file the form electronically a notice by e-mail to register by July 1. Failure to receive the annual fee form by mail or electronically shall not excuse payment of the [fee] fees. The said [fee] fees shall be used to defray the costs of **registration of attorneys, and** disciplinary administration and enforcement under these rules, and for such other purposes as the Board shall, with the approval of the Supreme Court, from time to time determine.

Official Note: PA RPC 1.15(u) imposes an additional annual fee for use by the IOLTA Board, and Pa.R.D.E. 502(b) imposes an additional annual fee for use by the Pennsylvania Lawyers Fund for Client Security.

(b) The following shall be exempt from paying the **active** annual fee required by subdivision (a):

* * * * *

(d) On or before July 1 of each year all attorneys required by this rule to pay an annual fee shall file with the Attorney Registration Office a signed or electronically endorsed form prescribed by the Attorney Registration Office in accordance with the following procedures:

* * * * *

(2) Payment of the annual fee and **paper processing fee** shall accompany the form. IOLTA, trust, escrow and other fiduciary account checks tendered in payment of the [**annual fee**] **said fees** will not be accepted. If the form and payment are incomplete or if a check in payment of the [**annual fee**] **fees** has been returned to the Board unpaid, the annual fee and **paper processing fee** shall not be deemed to have been paid until a collection fee, and one or both of the late payment penalties prescribed in subdivision (f) of this rule if assessed, shall also have been paid. The amount of the collection [,] fee shall be established by the Board annually after giving due regard to the direct and indirect costs incurred by the Board during the preceding year for checks returned to the Board unpaid.

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(e) Upon receipt of a form, or notice of change of information contained therein, filed by an attorney in accordance with the provisions of subdivision (d) of this rule, and of payment of the required [**annual fee**] **fees** to practice law in this Commonwealth, receipt thereof shall be acknowledged on a certificate or license.

(f) Any attorney who fails to complete registration by July 31 shall be automatically assessed a non-waivable late payment penalty established by the Board. A second, non-waivable late payment penalty established by the Board shall be automatically added to the delinquent account of any attorney who has failed to complete registration by August 31, at which time the continued failure to comply with this rule shall be deemed a request to be administratively suspended. Thereafter, the Attorney Registration Office shall certify to the Supreme Court the name of every attorney who has failed to comply with the registration and payment requirements of this rule, and the Supreme Court shall enter an order administratively suspending the attorney. The Chief Justice may delegate the processing and entry of orders under this subdivision to the Prothonotary. Upon entry of an order of administrative suspension, the Attorney Registration Office shall transmit by certified mail, addressed to the last known mailing address of the attorney, or by electronic means, the order of administrative suspension and a notice that the attorney shall comply with Enforcement Rule 217 (relating to formerly admitted attorneys), a copy of which shall be included with the notice.

For purposes of assessing the late payment penalties prescribed by this subdivision (f), registration shall not be deemed to be complete until the Attorney Registration Office receives a completed annual fee form and satisfactory payment of the annual fee and **paper processing fee**, and of all outstanding collection fees and late payment penalties. If a check in payment of the delinquency has been returned to the Board unpaid, a collection fee, as established by the Board under subdivision (d)(2) of this rule, shall be added to the attorney's delinquent account and registration shall not be deemed to be complete until the delinquent account has been paid in full.

The amount of the late payment penalties shall be established by the Board annually pursuant to the provisions of subdivision (h)(3) of this rule.

(g) The Attorney Registration Office shall provide to the Board [**secretary**] **Secretary** a copy of any certification filed by the Attorney Registration Office with the Supreme Court pursuant to the provisions of this rule.

(h) The procedure for reinstatement of an attorney who has been administratively suspended pursuant to subdivision (f) for three years or less is as follows:

(1) The formerly admitted attorney shall submit **by mail or delivery in person** to the Attorney Registration Office the form required by subdivision (d)(1) along with payment of:

(i) the current **active** annual fee **and the paper processing fee required by subdivision (a) of this rule**;

(ii) the **active** annual fee that was due in the year in which the attorney was administratively suspended;

(iii) the late payment penalties required by paragraph (3);

(iv) any unpaid collection fee; **and**

(v) a reinstatement fee of \$300.00.

* * * * *

(i) *Retired Status*: An attorney who has retired shall file with the Attorney Registration Office an application for retirement **or annual fee form, along with payment of any late payment penalties incurred**. Upon the transmission of such application from the Attorney Registration Office to the Supreme Court, the Court shall enter an order transferring the attorney to retired status, and the attorney shall no longer be eligible to practice law. The retired attorney will be relieved from the payment of the [**fee**] **fees** imposed by this rule upon active practitioners and Enforcement Rule 217 (relating to formerly admitted attorneys) shall not be applicable to the formerly admitted attorney unless ordered by the Court in connection with the entry of an order of suspension or disbarment under another provision of these rules. An attorney on retired status for three years or less may be reinstated in the same manner as an inactive attorney, except that the retired attorney shall pay the [**annual**] active **annual** fee for the three most recent years or such shorter period in which the attorney was on retired status instead of the amounts required to be paid by an inactive attorney seeking reinstatement. The Chief Justice may delegate the processing and entry of orders under this subdivision to the Prothonotary.

(j) *Inactive Status*: An attorney who is not engaged in practice in Pennsylvania, has sold his or her practice pursuant to Rule 1.17 of the Pennsylvania Rules of Professional Conduct, or is not required by virtue of his or her practice elsewhere to maintain active licensure in the Commonwealth may request inactive status or continue that status once assumed. The attorney shall be removed from the roll of those classified as active until and unless such inactive attorney makes a request under paragraph (2) of this subdivision (j) for an administrative return to active status and satisfies all conditions precedent to the grant of such request; or files a petition for reinstatement under subdivision (d) of Enforcement Rule 218 (relating to procedure for reinstatement of an attorney who has been on inactive status for more than three years, or who is on inactive status and had not been on active status at

any time within the prior three years) and is granted reinstatement pursuant to the provisions of that Enforcement Rule.

(1) An inactive attorney under this subdivision (j) shall continue to file the annual form required by subdivision (d) and shall pay an **inactive** annual fee of \$70.00. **If an attorney elects not to file the form electronically, an additional \$25.00 paper processing fee shall be paid.** Noncompliance with this provision will result in the inactive attorney incurring late payment penalties, incurring a collection fee for any check in payment that has been returned to the Board unpaid, and being placed on administrative suspension pursuant to and in accordance with the provisions of subdivision (f) of this rule.

(2) *Administrative Change in Status from Inactive Status to Active Status*: An attorney [**on inactive status may**] **who has registered as inactive under subsection (1) of this subdivision (j) may thereafter** request resumption of active status **before the end of the current assessment year** on a form provided by the Attorney Registration Office **for that particular purpose**. Resumption of active status shall be granted unless the inactive attorney is subject to an outstanding order of suspension or disbarment, unless the inactive attorney has sold his or her practice pursuant to Rule 1.17 of the Pennsylvania Rules of Professional Conduct (see Enforcement Rule 218(h)), unless the inactive status has been in effect for more than three years, or unless the inactive attorney had not been on active status at any time within the preceding three years (see Enforcement Rule 218(h)), upon the payment of:

(i) the active **annual** fee for the assessment year in which the application for resumption of active status is made or the difference between the active **annual** fee and the inactive **annual** fee that has been paid for that year; and

(ii) any collection fee or late payment penalty that may have been assessed pursuant to subdivision (f), prior to the inactive attorney's request for resumption of active status.

Where a check in payment of fees and penalties has been returned to the Board unpaid, the Attorney Registration Office shall immediately return the attorney to inactive status, and the arrears shall not be deemed to have been paid until a collection fee, as established by the Board under subdivision (d)(2), shall also have been paid.

Official Note: Subdivisions (h), (i) and (j) of this rule do not apply if, on the date of the filing of the request for reinstatement, the formerly admitted attorney has not been on active status at any time within the preceding three years. See Enforcement Rule 218(h)(1).

(k) *Administrative Change in Status From Administrative Suspension to Inactive Status*: An inactive attorney who has been administratively suspended for failure to file the annual form and pay the [**annual fee**] **fees** required by subdivision (j)(1) of this rule, may request an administrative change in status to inactive status. The Attorney Registration Office shall change the status of an attorney eligible for inactive status under this subdivision upon receipt of:

(1) the annual form required by subdivision (d);

(2) payment of the **inactive** annual fee **and the \$25.00 paper processing fee** required by subdivision (j)(1);

(3) payment of all collection fees and late payment penalties assessed under subdivisions (d)(2) and (f); and

(4) payment of an administrative processing fee of \$100.00.

Where a check in payment of the fees and penalties has been returned to the Board unpaid, the Attorney Registration Office shall immediately return the attorney to administrative suspension, and the arrears shall not be deemed to have been paid until a collection fee, as established by the Board under subdivision (d)(2), shall also have been paid.

An active attorney who has been administratively suspended for failure to file the annual form and pay the active annual fee required by this rule must comply with subdivision (h) before becoming eligible to register as inactive or retired.

* * * * *

(n) A former or retired justice or judge who is not the subject of an outstanding order of discipline affecting his or her right to practice law and who wishes to resume the practice of law shall file with the Attorney Registration Office a notice in writing to that effect. The notice shall:

* * * * *

(iii) be accompanied by payment of the [full] active annual fee for the assessment year in which the notice is filed.

[Pa.B. Doc. No. 14-629. Filed for public inspection March 28, 2014, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CH. 1]

Order Amending Comment to Rule 120 of the Rules of Juvenile Court Procedure; No. 632 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 10th day of March, 2014, upon the recommendation of the Juvenile Court Procedural Rules Committee, the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3); and an Explanatory Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the modifications to the comment to Rule 120 of the Rules of Juvenile Court Procedure are approved in the following form.

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

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 1. GENERAL PROVISIONS

PART A. BUSINESS OF COURTS

Rule 120. Definitions.

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Comment

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“Placement facility” is not to include any county jail, state prison, penal institution, or other facility used primarily for the execution of sentences of adults convicted of a crime. See 42 Pa.C.S. § 6352(b) for disposition of a delinquent juvenile. [**However, nothing in this rule precludes an adult from being sentenced to a county jail in a contempt proceeding. For example, if a juvenile failed to appear for a juvenile court hearing when summoned and is now eighteen years of age or older, the court may proceed with a contempt hearing and order detention in a county jail.**]

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EXPLANATORY REPORT

March 2014

The Supreme Court of Pennsylvania has adopted the proposed changes to Rule 120. The changes are effective immediately.

This rule change was prompted by concerns brought to the Committee’s attention by the Juvenile Court Judges’ Commission (JCJC) regarding the implications of the recent modifications to Pa.R.J.C.P. 120 Comment and its possible unintended results.

The portion of the Comment, which is causing concern is under the term “placement facility,” and provides, “However, nothing in this rule precludes an adult from being sentenced to a county jail in a contempt proceeding. For example, if a juvenile failed to appear for a juvenile court hearing when summoned and is now eighteen years of age or older, the court may proceed with a contempt hearing and order detention in a county jail.”

The intent of the Rule is for juveniles, who are under the juvenile court jurisdiction vested through the Juvenile Act, 42 Pa.C.S. § 6301 *et seq.*, to be placed in detention or placement facilities with juveniles and not to be detained in jails or holding cells with adults. This includes juveniles over the age of eighteen who are still under juvenile court jurisdiction.

Some judicial districts are reclassifying probation violation or bench warrant hearings as contempt of court hearings to justify detention in a county jail. This clearly was not the intent of the Rule modification.

Because the Comment is causing confusion in many judicial districts, the Comment is being deleted.

[Pa.B. Doc. No. 14-630. Filed for public inspection March 28, 2014, 9:00 a.m.]

Title 255—LOCAL COURT RULES

DELAWARE COUNTY

Local Criminal Rules; Accelerated Rehabilitative Disposition—Conditions of the Program; CP-23-MD 525-14

And Now, this 4th day of March, 2014, it is hereby *Ordered* and *Decreed* that the existing Delaware County Local Criminal Rule 175(a) is rescinded and shall be

renumbered as Delaware County Local Criminal Rule 316(c) Accelerated Rehabilitative Disposition—Conditions of the Program in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Rule 316(c). Accelerated Rehabilitative Disposition—Conditions of the Program.

(c) All candidates must complete the fingerprinting process within thirty (30) days after his/her case is held for the Court of Common Pleas. Failure to complete the fingerprinting process within this time period will render the applicant ineligible for participation in the program. At the arraignment of a case for which an application for the Accelerated Rehabilitative Disposition (ARD) program has been filed, the case shall be assigned to a judge and scheduled for a 180-day pre-trial conference date, provided that, (1) defendant has been represented by counsel and (2) defendant, through counsel, has executed a waiver of Rule 600, the Speedy Trial Rule, for said 180-day period. Where defendant has not been represented by counsel at arraignment, a “return with counsel” date shall be set for defendant.

Comment: See Accelerated Rehabilitative Disposition Administrative Guidelines and Program requirements published from time to time as needed by the District Attorney’s Office

By the Court

CHAD F. KENNEY,
President Judge

ACCELERATED REHABILITATIVE DISPOSITION PROGRAM ADMINISTRATIVE GUIDELINES

Explanation of the Program:

The primary purpose of the Accelerated Rehabilitative Disposition (ARD) Program is to promptly dispose of charges and to eliminate the need for costly and time-consuming trials and other court proceedings. This program is available to certain carefully screened defendants. It is designed primarily for first-time offenders who lend themselves to treatment and rehabilitation and who are unlikely to commit another crime. The District Attorney’s Office of Delaware County, upon application of a defendant, may request the Court of Common Pleas of Delaware County to accept a case for placement in the Program.

A defendant may be considered for participation in the ARD Program if the defendant has no history of prior delinquency or criminal activity or has led a law-abiding life for a substantial period of time before the commission of the present crime. Prior to the District Attorney’s request for admission into the program, the police officer involved with the case will have an opportunity to offer comments on whether the defendant should be considered for the program. The victim of the crime will also have the opportunity to offer comments to the District Attorney. This opportunity will include the submission of a written victim impact statement detailing the physical, psychological and economic effects of the crime on the victim and the victim’s family. The District Attorney’s Office may also determine that there are other circumstances concerning the case or the defendant which disqualify the defendant from participation in the ARD Program. There is no right to participate in the ARD Program. Eligibility is determined on a case-by-case basis and is solely within the discretion of the District Attorney.

Acceptance into and satisfactory completion of the ARD Program offers the defendant an opportunity to earn a

dismissal and potentially a purging of the offense from his/her criminal history. This procedure must be initiated by the defendant after the defendant’s successful completion of the ARD Program and does not automatically occur merely upon a defendant’s placement into, and successful completion of, the Program. Failure to satisfactorily complete the Program will result in removal from the Program and prosecution of the pending charges.

REQUIREMENTS FOR ALL ARD CANDIDATES

THE APPLICANT MUST HAVE AN ATTORNEY

No application for admission to the ARD Program will be considered unless the defendant is represented by an attorney. This is required in order to assure that the applicant’s rights are protected. If the applicant is without adequate financial resources to retain an attorney, the applicant should immediately contact the Office of the Public Defender of Delaware County at (610) 891-4100.

THE APPLICANT MUST WAIVE ARRAIGNMENT

In order to be considered for admission into the ARD Program, the applicant and the attorney must complete the Entry of Appearance and Waiver of Arraignment Form, except for the Common Pleas Transcript Number. The Magisterial District Judge docket number and Common Pleas arraignment date are stated on the Subpoena for Arraignment form which is received from the District Court. THE ENTRY OF APPEARANCE AND WAIVER OF ARRAIGNMENT FORM, ARD RULE 600 WAIVER FORM AND THE ARD APPLICATION FORM MAY BE COMPLETED AND DOWNLOADED FROM THE DELAWARE COUNTY COURT OF COMMON PLEAS WEB SITE OR PROVIDED TO YOU BY THE MAGISTERIAL DISTRICT JUDGE.

THE APPLICANT MUST BE FINGERPRINTED

The name of the fingerprinting agency and the date the applicant was fingerprinted must be stated on the Entry of Appearance and Waiver of Arraignment Form. If the applicant has not been fingerprinted, s/he must be fingerprinted by the arresting agency. The applicant must take a copy of the Criminal Complaint in order to be fingerprinted.

CONDITIONS OF THE PROGRAM

The length of participation in the Program may not exceed two years. Failure to comply with any requirement imposed shall result in immediate removal from the Program and the case shall proceed to trial. An important part of the ARD Program is the requirement that a defendant perform community service. The number of hours of community service will be determined by the District Attorney’s Office. Additional conditions may be imposed before acceptance into the Program, including but not limited to, restitution. You must pay all restitution deemed appropriate to your case by the District Attorney’s Office or you will be removed from the Program.

COSTS FOR ALL ARD CANDIDATES

The defendant must be prepared to pay the costs of the Program on the day of the ARD hearing unless there has been an agreement to the contrary with the District Attorney’s Office prior to the hearing date.

The costs of the program alone are APPROXIMATELY \$1200.00 for Non-DUI cases and APPROXIMATELY \$1400.00 for DUI cases. In addition, state law mandates payment of a monthly probation supervisory fee. This charge must be paid over the period of supervision, however, it may be paid in full on the day of the ARD

hearing. By Order of Court, payment must be by cash, money order, Mastercard, Visa or MAC.

REQUIREMENTS FOR ALL ARD APPLICANTS:

—WAIVE FORMAL ARRAIGNMENT

14 DAYS BEFORE THE SCHEDULED ARRAIGNMENT THE APPLICANT MUST SUBMIT:

(1) Attorney's Entry of Appearance and Waiver of Arraignment Form

(2) ARD Rule 600 Waiver Form

(3) ARD Application

TO: DELAWARE COUNTY COURT ADMINISTRATOR
COURT HOUSE, MEDIA, PA 19063
(610) 891-4550

—ACCEPT A DELAYED PRE-TRIAL CONFERENCE DATE THAT WILL BE APPROXIMATELY SIX (6) MONTHS AFTER THE FORMAL ARRAIGNMENT DATE

—WAIVE RULE 600 AND SPEEDY TRIAL RIGHTS FROM THE DATE OF FORMAL ARRAIGNMENT THROUGH THE PRE-TRIAL CONFERENCE DATE

MINIMUM DISPOSITIONS FOR DUI APPLICANTS INCLUDE BUT ARE NOT LIMITED TO:

TIER I: BAC 0.08%—0.99%: 12 months probation, 16 hours Community Service work, no license suspension

TIER II: BAC 0.10%—0.159%: 12 months probation, 32 hours Community Service work, 30-day license suspension

TIER III: BAC OVER 0.16%: drugs, accident with bodily injury or refusal: 12 months probation, 64 hours Community Service work, 60-day license suspension

MINOR (UNDER 21 YEARS OF AGE AT THE TIME OF THE OFFENSE): 12 months probation, Tier-appropriate community service hours, 90 days license suspension

THE FOLLOWING REDUCTION IN COMMUNITY SERVICE HOURS MAY BE AVAILABLE ONLY FOR DUI CASES COMMITTED ON OR AFTER FEBRUARY 1, 2004 IF ALL ADDITIONAL REQUIREMENTS ARE COMPLETED WITHIN SIXTY (60) DAYS AFTER THE WAIVER OF THE PRELIMINARY HEARING:

TIER I: Possible reduction from sixteen (16) hours to eight (8) hours

TIER II or Minor: Possible reduction from thirty-two (32) hours to sixteen (16) hours

TIER III: Possible reduction from sixty-four (64) hours to thirty-two (32) hours

ADDITIONAL REQUIREMENTS FOR REDUCTION IN COMMUNITY SERVICE:

A. Waive Preliminary Hearing; AND

B. Undergo CRN Evaluation [schedule by calling (610) 891-4571]; AND

C. Complete the required community service hours [schedule by calling (610) 891-5317]; AND

D. Complete Alcohol Safe Driving Classes [schedule by calling (610) 237-8630]; AND

E. Schedule a Drug and Alcohol Evaluation, if required [schedule by calling (610) 891-4571].

John J. Whelan
District Attorney
Delaware County

[Pa.B. Doc. No. 14-631. Filed for public inspection March 28, 2014, 9:00 a.m.]

DELAWARE COUNTY

Local Criminal Rules; Accelerated Rehabilitative Disposition—Procedure Upon Refusal to Accept the Conditions; CP-23-MD 525-14

And Now, this 4th day of March, 2014, it is hereby *Ordered and Decreed* that the existing Delaware County Local Criminal Rule 175(c) is rescinded and shall be renumbered as Delaware County Local Criminal Rule 317(1) Accelerated Rehabilitative Disposition—Procedure Upon Refusal to Accept the Conditions in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Rule 317(1). Accelerated Rehabilitative Disposition—Procedure Upon Refusal to Accept the Conditions.

(1) *Notice*: If the District Attorney does not recommend a defendant for Accelerated Rehabilitative Disposition, the District Attorney shall notify defendant and his/her attorney, in writing, of that decision. Written notice of the decision shall also be sent to the trial judge. Upon the judge's receipt of such notice, the judge shall schedule a pre-trial conference to be held approximately 30 days from the date of the notice. Notice of the pre-trial conference date shall be sent by regular mail from the court to the defendant, defendant's counsel, the District Attorney and the Court Administrator. The defendant and his/her attorney must appear at said pre-trial conference.

In the event the defendant fails to appear at the pre-trial conference, a bench warrant will be issued and bail will be revoked.

Any prior order or rule issued by this court inconsistent with the rule herein adopted and the same is hereby repealed.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-632. Filed for public inspection March 28, 2014, 9:00 a.m.]

DELAWARE COUNTY

Local Criminal Rules; Accelerated Rehabilitative Disposition—Procedures; CP-23-MD 525-14

And Now, this 4th day of March, 2014, it is hereby *Ordered and Decreed* that the existing Delaware County Local Criminal Rule 175(b) is rescinded.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-633. Filed for public inspection March 28, 2014, 9:00 a.m.]

DELAWARE COUNTY**Local Criminal Rules; Arraignment—Every Defendant Arraigned; CP-23-MD 525-14**

And Now, this 4th day of March 2014, it is hereby *Ordered and Decreed* that the existing Delaware County Local Criminal Rule 303(c) is rescinded and shall be entirely replaced and renamed by Delaware County Local Criminal Rule 571(E) Arraignment—Every Defendant Arraigned in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Criminal Rule 571(E). Arraignment—Every Defendant Arraigned.

Every Defendant against whom an indictment or information has been filed shall be arraigned before the court or its appointed designee.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-634. Filed for public inspection March 28, 2014, 9:00 a.m.]

DELAWARE COUNTY**Local Criminal Rules; Arraignment—Notice; CP-23-MD 525-14**

And Now, this 4th day of March 2014, it is hereby *Ordered and Decreed* that the existing Delaware County Local Criminal Rule 303(d) is rescinded and shall be entirely replaced and renamed by Delaware County Local Criminal Rule 571(F) Arraignment—Notice in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Criminal Rule 571(F). Arraignment—Notice.

If held for court, the defendant will receive notice of the date set for arraignment at the conclusion of the preliminary hearing.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-635. Filed for public inspection March 28, 2014, 9:00 a.m.]

DELAWARE COUNTY**Local Criminal Rules; Arraignment—Presence of Defendant; CP-23-MD 525-14**

And Now, this 4th day of March 2014, it is hereby *Ordered and Decreed* that the existing Delaware County Local Criminal Rule 303(f) is rescinded and shall be entirely replaced and renamed by Delaware County Local Criminal Rule 571(H) Arraignment—Presence of Defendant in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Criminal Rule 571(H). Arraignment—Presence of Defendant.

Except as provided in Local Rule 571(D)(3), the defendant shall appear at arraignment. In the event the

defendant fails to appear, the defendant may be arraigned as a fugitive at the time originally set for arraignment.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-636. Filed for public inspection March 28, 2014, 9:00 a.m.]

DELAWARE COUNTY**Local Criminal Rules; Arraignment—Time; CP-23-MD 525-14**

And Now, this 4th day of March 2014, it is hereby *Ordered and Decreed* that the existing Delaware County Local Criminal Rule 303(e) is rescinded and shall be entirely replaced and renamed by Delaware County Local Criminal Rule 571(G) Arraignment—Time in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Criminal Rule 571(G). Arraignment—Time.

The defendant may be arraigned at any time up to and including immediately before the trial of the case, provided the defendant is given adequate notice of the charge.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-637. Filed for public inspection March 28, 2014, 9:00 a.m.]

DELAWARE COUNTY**Local Criminal Rules; Arraignment—Waiver; CP-23-MD 525-14**

And Now, this 4th day of March 2014, it is hereby *Ordered and Decreed* that the existing Delaware County Local Criminal Rule 303(f)(2) is rescinded and shall be entirely replaced and renamed by Delaware County Local Criminal Rule 571(D)(3) Arraignment—Waiver in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Criminal Rule 571(D)(3). Arraignment—Waiver.

Except where the defendant is charged with the crime of murder, if counsel enters an appearance for the defendant, and counsel and the defendant execute the Entry of Appearance and Waiver of Arraignment form approved by the court, and the same is received by the Court Administrator's Office at least fourteen (14) days before the scheduled arraignment date, neither the defendant nor counsel need appear at arraignment.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-638. Filed for public inspection March 28, 2014, 9:00 a.m.]

DELAWARE COUNTY

Local Criminal Rules; Attorneys—Appearance at or Before Arraignment Court; CP-23-MD 525-14

And Now, this 4th day of March 2014, it is hereby *Ordered* and *Decreed* that the existing Delaware County Local Criminal Rule 302(c) is rescinded and shall be entirely replaced and renamed by Delaware County Local Criminal Rule 120(A)(5) Attorneys—Appearance at or before Arraignment Court in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Criminal Rule 120(A)(5). Appearance at or before Arraignment Court.

An appearance slip shall be furnished by the Court, which shall be in triplicate and in the form as shall be provided from time to time.

It shall be the responsibility of defense attorney to enter an appearance at or before Arraignment Court.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-639. Filed for public inspection March 28, 2014, 9:00 a.m.]

DELAWARE COUNTY

Local Criminal Rules; Continuances—Motions; CP-23-MD 525-14

And Now, this 4th day of March 2014, it is hereby *Ordered* and *Decreed* that the existing Delaware County Local Criminal Rule 301(d) is rescinded and shall be entirely replaced and renamed by Delaware County Local Criminal Rule 106(D)(1) Continuances—Motions in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Criminal Rule 106(D)(1). Continuances—Motions.

All motions for continuance must be presented personally to the assigned trial judge prior to trial, or at the time of trial to the assigned trial judge, by the moving party on a form (provided by the court) which is used for the purpose of a continuance. Opposing counsel shall be notified prior to the filing of any motion for continuance.

The Office of Judicial Support will ensure that the information on the continuance form is immediately and accurately recorded on the Clerk's Certificate and that the court's copy of the application is filed permanently with the record papers.

The required forms are available from the Office of Judicial Support and shall be in the form as approved from time to time by the court.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-640. Filed for public inspection March 28, 2014, 9:00 a.m.]

DELAWARE COUNTY

Local Criminal Rules; Copy of Notice of Appeal—Summary Cases; CP-23-MD 525-14

And Now, this 4th day of March 2014, it is hereby *Ordered* and *Decreed* that the existing Delaware County Local Criminal Rule 86(h) is rescinded and shall be entirely replaced and renamed by Delaware County Local Criminal Rule 460(C)(1) Copy of Notice of Appeal—Summary Cases in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Criminal Rule 460(C)(1). Copy of Notice of Appeal—Municipal Ordinance.

In summary cases involving violation of municipal ordinances, a copy of the notice of appeal shall also be served within five (5) days after filing by the designated court officer upon the Solicitor of the municipality involved.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-641. Filed for public inspection March 28, 2014, 9:00 a.m.]

DELAWARE COUNTY

Local Criminal Rules; Definitions; CP-23-MD 525-14

And Now, this 4th day of March 2014, it is hereby *Ordered* and *Decreed* that the existing Delaware County Local Criminal Rule 3 is rescinded and shall be entirely replaced by Delaware County Local Criminal Rule 103 in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Criminal Rule 103. Definitions.

CLERK OF COURTS—As applied to the Court of Common Pleas, the personnel of the Office of Judicial Support who are responsible for the receipt of documents transmitted to the Court by litigants and transmission of notice of orders entered by and process issued under the authority of the Court and who maintain the official criminal case file and list of docket entries and to perform such other duties as required by rule or law.

OFFICE OF JUDICIAL SUPPORT—That office formerly designated and exercising the powers and performing the duties of the Office of Clerk of Courts of Delaware County.

DIRECTOR OF THE OFFICE OF JUDICIAL SUPPORT—The officer exercising the powers and performing the duties previously performed by the Clerk of Courts as specified in Subchapter (c) of Chapter 27 of the Judicial Code, at 1976, July 9, P. L. 586, No. 142, § 2, eff. June 27, 1978, as cited in 42 Pa.C.S. § 2701, et seq.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-642. Filed for public inspection March 28, 2014, 9:00 a.m.]

DELAWARE COUNTY

Local Criminal Rules; Examination and Challenge of Trial Jurors—Procedure for Voir Dire Examination; CP-23-MD 525-14

And Now, this 4th day of March, 2014, it is hereby *Ordered and Decreed* that the existing Delaware County Local Criminal Rule 1106(f) is rescinded and shall be entirely replaced and renamed by Delaware County Local Criminal Rule 631(F) Examination and Challenge of Trial Jurors—Voir Dire Examination in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Rule 631(F). Examination and Challenge of Trial Jurors—Voir Dire Examination.

The trial judge shall conduct the voir dire examination in each case. Counsel may present special questions to the trial judge before examination for voir dire: a trial judge will rule on special questions, on the record, and out of the hearing of the jury, and will allow those questions found appropriate to be propounded to the jury by the trial judge.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-643. Filed for public inspection March 28, 2014, 9:00 a.m.]

DELAWARE COUNTY

Local Criminal Rules; Examination and Challenges of Trial Jurors—Contact with Jurors; CP-23-MD 525-14

And Now, this 4th day of March, 2014, it is hereby *Ordered and Decreed* that the existing Delaware County Local Criminal Rule 1127(a)—(c) is rescinded and shall be entirely replaced and renamed Delaware County Local Criminal Rule 631(F)(a)—(c) Examination and Challenges of Trial Jurors—Contact with Jurors in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Rule 631(F)(a)—(c). Examination of and Challenges of Trial Jurors—Contact with Jurors.

(a) Before the trial of a case, no attorney, party or witness shall communicate or cause another to communicate with anyone he or she knows to be a member of the venire from which the jury will be selected for the trial of the case.

(b) During the trial of a case, no attorney, party or witness shall communicate with or cause another to communicate with any member of the jury.

(c) After the conclusion of the trial, no attorney, party or witness shall initiate communications with or cause another to initiate communications with any member of the jury without first receiving permission of the court.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-644. Filed for public inspection March 28, 2014, 9:00 a.m.]

DELAWARE COUNTY

Local Criminal Rules; Failure to Appear; CP-23-MD 525-14

And Now, this 4th day of March 2014, it is hereby *Ordered and Decreed* that the existing Delaware County Local Criminal Rule 303(i) is rescinded effective thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-645. Filed for public inspection March 28, 2014, 9:00 a.m.]

DELAWARE COUNTY

Local Criminal Rules; Filing and Service by Parties—Omnibus Pretrial Motions; CP-23-MD 525-14

And Now, this 4th day of March 2014, it is hereby *Ordered and Decreed* that the existing Delaware County Local Criminal Rule 306(b) is rescinded and shall be entirely replaced and renamed by Delaware County Local Criminal Rule 576(B)(5) Filing and Service by Parties—Omnibus Pretrial Motions accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Criminal Rule 576(B)(5). Filing and Service by Parties—Omnibus Pretrial Motions.

An original and five (5) copies of such pre-trial motions shall be filed with the Office of Judicial Support. The Office of Judicial Support upon time stamping and docking said original motion shall timely forward the original and four (4) copies to the Court Administrator, who shall keep a copy pursuant to Pa.R.C.P 576 and forward the original and three (3) copies to the trial judge for service upon the filing party or attorney if represented, and District Attorney.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-646. Filed for public inspection March 28, 2014, 9:00 a.m.]

DELAWARE COUNTY

Local Criminal Rules; Filing—Summary Cases; CP-23-MD 525-14

And Now, this 4th day of March 2014, it is hereby *Ordered and Decreed* that the existing Delaware County Local Criminal Rule 86(j) is rescinded and shall be entirely replaced and renamed by Delaware County Local Criminal Rule 460(A)(1) Filing—Summary Cases in accordance with language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

**Delaware County Local Criminal Rule 460(A)(1).
Filing—Summary Cases.**

Notice of appeal shall be filed with the Office of Judicial Support.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-647. Filed for public inspection March 28, 2014, 9:00 a.m.]

DELAWARE COUNTY

Local Criminal Rules; Fines or Costs—Consolidation; CP-23-MD 525-14

And Now, this 4th day of March 2014, it is hereby *Ordered and Decreed* that the existing Delaware County Local Criminal Rule 219 is rescinded and shall be entirely replaced and renamed by Delaware County Local Criminal Rule 706(e) Fines or Costs—Consolidation in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Criminal Rule 706(e). Fines or Costs—Consolidation.

Where separate indictments or informations have been found charging criminal offenses at the same time or growing out of the same transaction, costs will be taxed on only one indictment.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-648. Filed for public inspection March 28, 2014, 9:00 a.m.]

DELAWARE COUNTY

Local Criminal Rules; Listing Appeal for Hearing—Municipal Ordinance; CP-23-MD 525-14

And Now, this 4th day of March 2014, it is hereby *Ordered and Decreed* that the existing Delaware County Local Criminal Rule 86(i) is rescinded and shall be entirely replaced and renamed by Delaware County Local Criminal Rule 460(G) Listing Appeal for Hearing—Municipal Ordinance in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Criminal Rule 460(G). Listing Appeal for Hearing—Municipal Ordinance.

Upon the perfecting of defendant's appeal by filing a notice of appeal within thirty (30) days of the conviction, the Court Administrator will list the case for a hearing at the next appropriate date designated after the Magisterial District Judge files a transcript in the Office of Judicial Support. A hearing on appeals from summary judgment shall be held not less than ten (10) days after the transcript of the Magisterial District Judge is filed in

the Office of Judicial Support. Notice of hearing on appeal from summary judgment shall be given to all parties by the Office of Judicial Support.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-649. Filed for public inspection March 28, 2014, 9:00 a.m.]

DELAWARE COUNTY

Local Criminal Rules; Orders and Court Notices—Service; CP-23-MD 525-14

And Now, this 4th day of March 2014, it is hereby *Ordered and Decreed* that the existing Delaware County Local Criminal Rule 114 is rescinded and shall be entirely replaced and renamed by Delaware County Local Criminal Rule 114(B)(4) Orders and Court Notices—Service in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Criminal Rule 114(B)(4). Orders and Court Orders—Service.

Orders and court notices may be served by the Office of Judicial Support, the Court Administrator's Office, or the Court.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-650. Filed for public inspection March 28, 2014, 9:00 a.m.]

DELAWARE COUNTY

Local Criminal Rules; Orders and Court Notices—Service; CP-23-MD 525-14

And Now, this 4th day of March 2014, it is hereby *Ordered and Decreed* that the existing Delaware County Local Criminal Rule 114(B) is rescinded effective thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-651. Filed for public inspection March 28, 2014, 9:00 a.m.]

DELAWARE COUNTY

Local Criminal Rules; Pleas and Plea Agreements; CP-23-MD 525-14

And Now, this 4th day of March, 2014, it is hereby *Ordered and Decreed* that the existing Delaware County Local Criminal Rule 319(d) is rescinded and shall be renumbered as Delaware County Local Criminal Rule 590(D) Pleas and Plea Agreements in accordance with the

language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Rule 590(D). Pleas and Plea Agreements.

The approved plea of guilty form (attached hereto) is to be completed by the defense attorney and defendant prior to the entry of the plea of guilty. The defendant is to read or have his attorney read to him each paragraph contained in the guilty plea statement and the defendant is to initial each paragraph after he has fully discussed with his attorney the rights he is waiving in each individual paragraph. The defendant is to sign the guilty plea form in the presence of his attorney after he fully understands and agrees to the terms of the plea.

The defense attorney shall sign the guilty plea agreement certifying to the court that he has fully explained to the defendant the terms of the plea agreement and that the defendant understands what he is doing. The defense attorney shall be prepared to question the defendant during the guilty plea colloquy as to the defendant's understanding of the plea agreement and the rights being waived therein. The defense attorney may read and question from the guilty plea statement if the court so requests. The defendant and his attorney must be prepared to fully state their understanding of any plea agreement at the time the plea is entered.

The guilty plea statement shall be submitted to the court at the time of the plea and shall be made part of the record. The guilty plea statement shall be furnished by the Court as provided from time to time.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-652. Filed for public inspection March 28, 2014, 9:00 a.m.]

DELAWARE COUNTY

**Local Criminal Rules; Post Sentence Procedures—
Filing of Post-Sentence Motions; CP-23-MD
525-14**

And Now, this 4th day of March, 2014, it is hereby *Ordered* and *Decreed* that the existing Delaware County Local Criminal Rule 1123(g) is rescinded and shall be entirely replaced and renamed by Delaware County Local Criminal Rule 720(E) Post Sentence Procedures—Filing of Post-Sentence Motions in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Bulletin*.

Delaware County Local Rule 720(E). Post Sentence Procedures—Filing of Post-Sentence Motions.

Post Sentence motions shall be filed in accordance with Pa.R.Crim.P. 720. Such motions shall be timely filed with the Office of Judicial Support, and copies thereof shall be promptly served upon the trial judge, the attorney for the Commonwealth, and any other counsel of record or upon pro se parties.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-653. Filed for public inspection March 28, 2014, 9:00 a.m.]

DELAWARE COUNTY

**Local Criminal Rules; Post Sentence Procedures—
Generally; CP-23-MD 525-14**

And Now, this 4th day of March, 2014, it is hereby *Ordered* and *Decreed* that the existing Delaware County Local Criminal Rule 1410 is rescinded and shall be entirely replaced and renamed by Delaware County Local Criminal Rule 720(B)(1)(d) Post Sentence Procedures—Generally in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Rule 720(B)(1)(d). Post Sentence Procedures—Generally.

All petitions for parole or modification of sentence shall set forth the history of the case, the name of the sentencing Judge, the date of the sentence and the terms, the date of commitment and the reasons for the application. A notice shall accompany the petition which may be signed by the trial judge who will determine if a hearing is necessary. Said petitions shall be filed with the Office of Judicial Support and copies thereof shall be served promptly upon the District Attorney and other counsel of record, if any. If the defendant is incarcerated, it shall be incumbent upon the District Attorney to make arrangements for the defendant's appearance at the hearing.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-654. Filed for public inspection March 28, 2014, 9:00 a.m.]

DELAWARE COUNTY

**Local Criminal Rules; Post Sentence Procedures—
Service of Briefs; CP-23-MD 525-14**

And Now, this 4th day of March, 2014, it is hereby *Ordered* and *Decreed* that the existing Delaware County Local Criminal Rule 1123(i) is rescinded and shall be entirely replaced and renamed Delaware County Local Criminal Rule 720(B)(2)(b) Post Sentence Procedures—Service of Briefs in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Rule 720(B)(2)(b). Post Sentence Procedures—Service of Briefs.

(b) The moving party shall serve a brief upon the opposing party and trial judge thirty (30) days prior to the date listed for argument; the reply brief shall be served upon opposing party and two copies upon the trial judge ten (10) days before the date listed for argument. Failure to comply may result in dismissal of the motion or other appropriate sanctions.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-655. Filed for public inspection March 28, 2014, 9:00 a.m.]

DELAWARE COUNTY

**Local Criminal Rules; Post Sentence Procedures—
Transcript; CP-23-MD 525-14**

And Now, this 4th day of March, 2014, it is hereby *Ordered and Decreed* that the existing Delaware County Local Criminal Rule 1123(h) is rescinded and shall be entirely replaced and renamed by Delaware County Local Criminal Rule 720(B)(2)(c)(1) Post Sentence Procedures—Transcript in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

**Delaware County Local Rule 720(B)(2)(c)(1). Post
Sentence Procedures—Transcript.**

Post-verdict motions, shall be served on the trial judge with a proposed order for the transcription of those portions of the notes of testimony, charge of the court, argument and any other portions of the trial, when needed, and reasons therefor in preparing its brief in support of post-verdict or post sentence motions. The moving party shall serve upon the official court reporter and the District Attorney a conformed copy of the trial judge's order for transcription.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-656. Filed for public inspection March 28, 2014, 9:00 a.m.]

DELAWARE COUNTY

**Local Criminal Rules; Preservation of Testimony
After Institution of Criminal Proceedings—Place
of Deposition; CP-23-MD 525-14**

And Now, this 4th day of March, 2014, it is hereby *Ordered and Decreed* that the existing Delaware County Local Criminal Rule 9015(j) is rescinded and shall be entirely replaced and renamed Delaware County Local Criminal Rule 500(3) Preservation of Testimony after Institution of Criminal Proceedings—Place of Deposition in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

**Delaware County Local Rule 500(3). Preservation of
Testimony after Institution of Criminal Proceed-
ings—Place of Deposition.**

A deposition pursuant to this rule may be taken at any place agreed to by the parties unless the court for cause shown otherwise orders. In the absence of any agreement, it shall take place at the Delaware County Courthouse.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-657. Filed for public inspection March 28, 2014, 9:00 a.m.]

DELAWARE COUNTY

**Local Criminal Rules; Preservation of Testimony
by Videotape Recording—Directions Not to An-
swer; CP-23-MD 525-14**

And Now, this 4th day of March, 2014, it is hereby *Ordered and Decreed* that the existing Delaware County Local Criminal Rule 9015(i) is rescinded and shall be entirely replaced and renamed Delaware County Local Criminal Rule 501(B)(8)(c) Preservation of Testimony by Videotape Recording—Directions Not to Answer in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

**Delaware County Local Rule 501(B)(8)(c). Preserva-
tion of Testimony by Videotape Recording—
Directions Not to Answer.**

Under circumstances where the witness is directed by an attorney not to answer a question or line of questions, the attorney asking the questions may, at his or her option, request, where practical, an immediate ruling by a judge or where the obtaining of such a ruling is not practical, may defer that part of the videotape deposition until said ruling may be had. For this purpose, the assigned trial judge may be reached by telephone for ruling. The aforesaid ruling should be immediately reduced to writing or placed on the videotape at the option of the attorneys by a stipulation which sets forth the question, the ruling and the name of a judge and the stipulation should be forthwith filed of record.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-658. Filed for public inspection March 28, 2014, 9:00 a.m.]

DELAWARE COUNTY

**Local Criminal Rules; Preservation of Testimony
by Videotape Recording—Oath; CP-23-MD
525-14**

And Now, this 4th day of March, 2014, it is hereby *Ordered and Decreed* that the existing Delaware County Local Criminal Rule 9015(f) is rescinded and shall be entirely replaced and renamed Delaware County Local Criminal Rule 501(A)(1) Preservation of Testimony by Videotape Recording—Oath in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

**Delaware County Local Rule 501(A)(1). Preserva-
tion of Testimony by Videotape Recording—Oath.**

The Oath shall be administered by a court reporter if present. Otherwise, any attorney present at the deposition, or an officer of the court, is authorized to administer the oath to a witness.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-659. Filed for public inspection March 28, 2014, 9:00 a.m.]

DELAWARE COUNTY**Local Criminal Rules; Preservation of Testimony by Videotape Recording—Objections; CP-23-MD 525-14**

And Now, this 4th day of March, 2014, it is hereby *Ordered and Decreed* that the existing Delaware County Local Criminal Rule 9015(g) is rescinded and shall be entirely replaced and renamed Delaware County Local Criminal Rule 501(B)(8)(a) Preservation of Testimony by Videotape Recording—Objections in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Rule 501(B)(8)(a). Preservation of Testimony by Videotape Recording—Objections.

If objections have been made by any of the parties during the course of depositions, the operator shall note said objection and the objecting parties shall have the appropriate portion of said deposition transcribed within ten (10) days after its recording or within such other period of time as the parties may stipulate and shall submit same to the assigned trial judge for the purpose of obtaining rulings on said objections. For that purpose, the assigned trial judge may view the entire videotape recording, any portion thereof, or listen to an audiotape recording thereof or read the transcript if it is deemed necessary.

In the event that the presence of a judge has been waived by the stipulation of the parties, the judge shall rule on the objections prior to the date set for trial of the action and shall give notice to the parties of his or her rulings and his or her instructions for editing. The editing shall reflect the rulings of the judge and shall remove all reference to the objections. The judge may also permit further depositions of said witnesses. The party taking the depositions shall cause the videotape to be edited in accordance with the instructions of the judge.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-660. Filed for public inspection March 28, 2014, 9:00 a.m.]

DELAWARE COUNTY**Local Criminal Rules; Preservation of Testimony by Videotape Recording—Objections at Trial; CP-23-MD 525-14**

And Now, this 4th day of March, 2014, it is hereby *Ordered and Decreed* that the existing Delaware County Local Criminal Rule 9015(h) is rescinded and shall be entirely replaced and renamed Delaware County Local Criminal Rule 501(B)(8)(b) Preservation of Testimony by Videotape Recording—Objections at Trial in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Rule 501(B)(8)(b). Preservation of Testimony by Videotape Recording—Objections at Trial.

There shall be no objection at trial unless specifically allowed by the court and the edited videotape may be offered at the trial by either party.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-661. Filed for public inspection March 28, 2014, 9:00 a.m.]

DELAWARE COUNTY**Local Criminal Rules; Pretrial Conference; CP-23-MD 525-14**

And Now, this 4th day of March 2014, it is hereby *Ordered and Decreed* that the existing Delaware County Local Criminal Rule 303(h) is rescinded effective thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-662. Filed for public inspection March 28, 2014, 9:00 a.m.]

DELAWARE COUNTY**Local Criminal Rules; Prosecution—Municipal Ordinances; CP-23-MD 525-14**

And Now, this 4th day of March 2014, it is hereby *Ordered and Decreed* that the existing Delaware County Local Criminal Rule 86(k) is rescinded and shall be entirely replaced and renamed by Delaware County Local Criminal Rule 460(H) Prosecution—Municipal Ordinances in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Criminal Rule 460(H). Prosecution—Municipal Ordinances.

In cases involving municipal ordinances, the Solicitor of the municipality involved shall subpoena all witnesses for the prosecution and conduct the hearing on behalf of the prosecution.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-663. Filed for public inspection March 28, 2014, 9:00 a.m.]

DELAWARE COUNTY**Local Criminal Rules; Witnesses—Subpoena; CP-23-MD 525-14**

And Now, this 4th day of March 2014, it is hereby *Ordered and Decreed* that the existing Delaware County

Local Criminal Rule 144 is rescinded and shall be entirely replaced and renamed by Delaware County Local Criminal Rule 545(c) Witnesses—Subpoena in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Criminal Rule 545(c). Witnesses—Subpoena.

The issuance of a subpoena from the Court of Common Pleas through the Office of Judicial Support shall be sufficient for the summoning of witnesses for the Commonwealth or the Defendant in any criminal proceeding before a Magisterial District Judge. Service of the subpoena shall be the responsibility of the party requesting the subpoena and the appearance of the witness.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-664. Filed for public inspection March 28, 2014, 9:00 a.m.]

DELAWARE COUNTY

Local Rule of Criminal Procedure 507A; CP-23-MD 525-14

Order

And Now, this 4th day of March, 2014, it is hereby *Ordered and Decreed* that the following Local Rule is hereby adopted. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

By the Court

CHAD F. KENNEY,
President Judge

Proposed Local Rule 507A

Rule 507A. Approval of Police Complaints and Arrest Warrant Affidavits By Attorney For the Commonwealth.

(A) The District Attorney of Delaware County, having filed a certificate pursuant to Pennsylvania Rule of Criminal Procedure 507, Criminal Complaints and Arrest Warrant Affidavits by police officers, as defined in the Rules of Criminal Procedure charging the following criminal offenses:

Criminal Homicide in violation of 18 Pa.C.S.A. Section 2501;

Murder in any degree in violation of 18 Pa.C.S.A. Section 2502;

Voluntary Manslaughter in violation of 18 Pa.C.S.A. Section 2503;

Involuntary Manslaughter in violation of 18 Pa.C.S.A. Section 2504;

Causing or aiding suicide in violation of 18 Pa.C.S.A. Section 2505;

Drug delivery resulting in death in violation of 18 Pa.C.S.A. Section 2506;

Criminal Homicide of unborn child in violation of 18 Pa.C.S.A. Section 2603;

Murder in any degree of unborn child in violation of 18 Pa.C.S.A. Section 2604;

Voluntary Manslaughter of unborn child in violation of 18 Pa.C.S.A. Section 2605;

Aggravated Assault of unborn child in violation of 18 Pa.C.S.A. Section 2606;

Homicide by Vehicle in violation of 75 Pa.C.S.A. Section 3732; and

Homicide by Vehicle While Driving Under the Influence in violation of 75 Pa.C.S.A. Section 3735

Aggravated Assault by vehicle While Driving Under the Influence in violation of 75 Pa.C.S.A. Section 3735.1;

Aggravated Assault by Vehicle in violation of 75 Pa.C.S.A. Section 3732.1;

Rape in violation of 18 Pa.C.S.A. Section 3121;

Statutory Sexual Assault in violation of 18 Pa.C.S.A. Section 3122.1;

Involuntary Deviate Sexual Intercourse in violation of 18 Pa.C.S.A. Section 3123;

Sexual Assault in violation of 18 Pa.C.S.A. Section 3124.1;

Institutional Sexual Assault in violation of 18 Pa.C.S.A. Section 3142.2; and

Aggravated Indecent Assault in violation of 18 Pa.C.S.A. Section 3125;

shall not hereafter be accepted by any judicial officer unless the Complaint and Affidavit have the approval of a Deputy District Attorney of the Delaware County District Attorney's Office prior to filing.

(B) Upon disapproval of a police complaint, arrest warrant affidavit, or both by an attorney for the Commonwealth, the attorney for the Commonwealth 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 for the Commonwealth shall maintain a record of the written notice.

NOTICE AND RECORD OF DISAPPROVAL
COMMONWEALTH OF PENNSYLVANIA

VS.

Occurrence Date: _____

District Attorney of
Delaware County
File Number: _____

Complaint/Affidavit/
Application of: _____
Charge: _____
Police Number: _____
Police Department: _____
Time: _____
Location: _____

SUMMARY OF FACTS AND PROBABLE CAUSE:

PCIC/NCIC check reveals no outstanding warrants:

Date _____ Source of Information _____

REASON(S) FOR DISAPPROVAL (Please check appropriate reason)

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

Other: _____

DISAPPROVED BY: _____

Attorney for the Commonwealth

DATE: _____

(C) No defendant shall have the right to any relief of any kind based solely on a violation of this Rule.

(D) This Local Rule shall become effective: _____.

[Pa.B. Doc. No. 14-665. Filed for public inspection March 28, 2014, 9:00 a.m.]

JEFFERSON COUNTY

Administrative Order Increasing Family Law Master Deposit in Divorce Cases; No. 7-2014 AD

Order Amending Local Rule 1920.51

And Now, this 14th day of March 2014, *It Is Ordered That* Jeff. Co. R.C.P. 1920.51 is hereby amended to increase the deposit the party requesting the Family Law Master shall make from \$300.00 to \$500.00 and to give the Family Law Master the authority to recommend that the non-moving party pay half of that amount, or \$250.00. In all other respects, the Rule, as previously amended, shall remain in full force and effect.

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

By the Court

HONORABLE JOHN HENRY FORADORA,
President Judge

[Pa.B. Doc. No. 14-666. Filed for public inspection March 28, 2014, 9:00 a.m.]

The Court Administrator is directed to:

- 1) File seven (7) certified copies of the Administrative Order with the Administrative Office of the Pennsylvania Courts; and
- 2) Submit the following items to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*:
 - a) two (2) certified copies of the Administrative Order;
 - b) a copy of the Administrative Order on a computer diskette.
- 3) Send one (1) certified copy to the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania.
- 4) Forward one (1) copy to the *Schuylkill Legal Record* for Publication.
- 5) Keep continuously available for public inspection and copying in the Office of the Prothonotary.

By the Court

WILLIAM E. BALDWIN,
President Judge

Order of Court

And Now, this 5th day of March, 2014 at 10:00, a.m., the Schuylkill County Court of Common Pleas hereby revises the established Residential Mortgage Foreclosure Diversion Program as follows:

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

SCHUYLKILL COUNTY

Administrative Order 2014.1; Revised Residential Mortgage Foreclosure Diversion Program; No. AD-20-2014

Administrative Order

And Now, this 5th day of March, 2014, at 10:00 a.m., *It Is Hereby Ordered*, that the Schuylkill County Residential Mortgage Foreclosure Diversion Program, Section V, is revised and shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

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

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

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

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

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

Within forty-five (45) days of the intake meeting, the Housing Counselor shall submit to the plaintiff or the plaintiff's representative a Mortgage Modification Plan or a statement that the Housing Counselor was unable to develop a plan. If no plan is submitted, the plaintiff may immediately petition the Court, after notice to the defendant[s], to lift the stay. If a plan is submitted, the Housing Counselor shall attempt to negotiate a resolution of the default with the plaintiff's representative. If the plaintiff's representative fails to participate in negotiations with the Housing Counselor, the Housing Counselor may assist the defendant[s] in petitioning the Court, after notice to the plaintiff, to extend the stay until negotiations occur. Attachment D, the Request for Extension of Stay Form, should be completed and filed in the Prothonotary's Office.

If an agreement is reached through negotiations, the plaintiff's representative shall prepare any documents necessary to implement the agreement and withdraw the complaint. If no agreement is reached through negotiations, the Housing Counselor shall complete the Request for a Court Supervised Conciliation Conference (Attachment E) and forward it to the Court Administrator. The defendant[s] shall indicate on the Request if the assistance of a Schuylkill County pro bono Attorney to serve as a neutral facilitator at the Conciliation Conference is being requested.

The primary role of the pro bono Attorney will be to facilitate the negotiations at the Conciliation Conference between the Housing Counselor, the defendant[s], and plaintiff's representative. The pro bono Attorney shall not be required to file an entry of appearance and the Conciliation Conference is the only proceeding that he/she

is required to attend. Once a pro bono Attorney has agreed to participate and assist the defendant[s] at the Conciliation Conference, the Mortgage Modification Plan will be immediately provided to that Attorney.

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

WILLIAM E. BALDWIN
President Judge

Attachment A

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

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

**MORTGAGE FORECLOSURE DIVERSION
PROGRAM
CERTIFICATION
COVER SHEET**
STATUS OF FORECLOSED PREMISES AS
RESIDENTIAL AND OWNER OCCUPIED

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

Premises Address: _____, PA _____

OCCUPANCY STATUS:

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

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

Date: _____

Signature of Plaintiff or
Counsel for Plaintiff

(Print Name)

(Address of Counsel or Plaintiff)

(Phone Number)

Attachment B
"URGENT NOTICE"

SCHUYLKILL COUNTY COURT OF COMMON PEAS
RESIDENTIAL MORTGAGE FORECLOSURE
DIVERSION PROGRAM

You have been served with a foreclosure complaint that could cause you to lose your home.

If you own and live in the residential property which is the subject of this foreclosure action, you may be able to participate in court-supervised conciliation conference in an effort to resolve this matter with your lender.

If you do not have an attorney, you must take the following steps to be eligible for a conciliation conference. First, within seven (20) days of your receipt of this Notice, you must contact a housing counselor to schedule an appointment at:

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

Second, once you have contacted the housing counselor, you must be promptly meet with that housing counselor within fourteen (20) days of your telephone contact. During that meeting, you must provide the housing counselor with all the requested financial information so that a loan resolution proposal can be prepared on your behalf. If necessary, the housing counselor will help you prepare and file a Request for Conciliation Conference with the Court. If you do so and a conciliation conference is scheduled, you will have an opportunity to meet with a representative of your lender in an attempt to work out reasonable arrangements with your lender before the mortgage foreclosure suit proceeds forward.

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

Attachment C

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

Plaintiff) No.
v.)
Defendant)

MORTGAGE FORECLOSURE DIVERSION
CERTIFICATION OF PARTICIPATION

(Defendant must file in the Prothonotary's Office and copy must be sent to Plaintiff's Attorney)

I represent that I am the owner of the property listed below, which is my primary residence, and certify that as required by the Schuylkill County Residential Mortgage Foreclosure Diversion Program, I have met with the housing counselor identified below and provided all financial and employment information. It is my understanding that within thirty (30) days after the Intake Meeting, the Housing Counselor will forward the Mortgage Modification Plan to the mortgagee.

Premises Address: _____, PA _____

(Name of Housing Counselor—Agency)

Date of Intake: _____

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

Date: _____ Signature of Defendant

Attachment D

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

Plaintiff) No.
v.)
Defendant)

MORTGAGE FORECLOSURE DIVERSION
PROGRAM
REQUEST FOR EXTENSION OF STAY

This Request for Extension of Stay must be filed in the Prothonotary's Office and a copy must be sent to Plaintiff.

I, _____, represent that I am the owner of the property listed below, my primary residence, and which is the subject of a mortgage foreclosure action. As the defendant in this matter, I am requesting an extension of the ninety (90) days stay from the date of service of the complaint which was _____ be granted until the negotiations required by Paragraph V of the Schuylkill County Mortgage Foreclosure Diversion Program have been held.

The reason(s) for the extension are:

Premises Address: _____, PA _____

Housing Counselor's Name: _____

Date of Intake Meeting: _____

Defendant's Signature _____ Date _____

Attachment E

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

Plaintiff) No.
v.)
Defendant)

**REQUEST FOR COURT SUPERVISED
CONCILIATION CONFERENCE**

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

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

Defendant's Signature

Housing Counselor's Signature

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

[Pa.B. Doc. No. 14-667. Filed for public inspection March 28, 2014, 9:00 a.m.]
