

THE COURTS

Title 201—RULES OF JUDICIAL ADMINISTRATION

[201 PA. CODE CH. 6]

Title 207—JUDICIAL CONDUCT

PART II. CONDUCT STANDARDS

[207 PA. CODE CH. 51]

Adoption of New Rules of Judicial Administration 601—607 and Rescission of Rules 16—22 and 81 of the Rules Governing Standards of Conduct of Magisterial District Judges; No. 383 Magisterial Rules Doc.

Order

Per Curiam

And Now, this 26th day of March, 2015, *It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 16—22 and 81 of the Rules Governing Standards of Conduct of Magisterial District Judges are rescinded and new Rules of Judicial Administration 601—607 are adopted in the following form.

To the extent that notice of proposed rulemaking would otherwise be required by Pa.R.J.A. No. 103, the immediate promulgation of the new Rules is found to be in the interests of justice and efficient administration.

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

Annex A

TITLE 201. RULES OF JUDICIAL ADMINISTRATION

CHAPTER 6. MAGISTERIAL DISTRICT JUDGES

(*Editor's Note:* Chapter 6 is new and printed in regular type to enhance readability.)

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| Rule | |
| 601. | Certification requirements of interested persons. |
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| 603. | Continuing education requirement: senior magisterial district judges. |
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Rule 601. Certification requirements of interested persons.

(a) Magisterial district judges and arraignment court magistrates who are not members of the bar of this Commonwealth must complete a course of training and instruction in the duties of their respective offices and pass an examination and be certified by the Administrative Office of Pennsylvania Courts prior to assuming office.

(b)(1) Any interested individual may apply to the Minor Judiciary Education Board to be enrolled in the course of training and instruction and take the examination to be certified.

(2) Any individual who has successfully completed the course of training and instruction and passed the examination, but who has not served as a magisterial district judge or arraignment court magistrate shall be certified for only a two-year period, and must complete the continuing education course every year in order to maintain his or her certification.

(c) Any individual certified under paragraph (b) who has not served as a magisterial district judge or arraignment court magistrate within two years will be required to take a review course as defined by the Minor Judiciary Education Board and pass an examination in order to maintain his or her certification by the Administrative Office of Pennsylvania Courts.

Official Note: The text of this rule is taken from Rule 19 of the Rules Governing Standards of Conduct of Magisterial District Judges, rescinded March 26, 2015, effective immediately. Rule 19 was amended in 2006 to limit to two years the period of certification for individuals who have successfully completed the certification course and examination but have not served as judges or arraignment court magistrates. The rule permits individuals who are certified to serve as judges or arraignment court magistrates but who have not done so within two years of certification to take a review course and pass an examination to maintain their certification for an additional two-year period. Admission to the review course and recertification examination under paragraph (c) may be limited by the availability of space. In addition, the rule requires that all certified individuals must attend the annual continuing education course to maintain certification.

Act 17 of 2013, signed by the Governor and immediately effective on June 19, 2013, effectively abolished the Traffic Court of Philadelphia and transferred most of its duties to a new Traffic Division of the Philadelphia Municipal Court. See 42 Pa.C.S. § 1121. Under Act 17, the Traffic Court of Philadelphia is composed of two judges serving on the court on the effective date of the Act and whose terms expire on December 31, 2017. See 42 Pa.C.S. § 1321. Because this Rule concerns the certification and recertification of persons not yet elected to judicial office, all references to the Traffic Court of Philadelphia have been removed.

Rule 602. Continuing education requirement.

(a) Every magisterial district judge shall complete a continuing education program each year equivalent to not less than 32 hours per year in such courses or programs as are approved by the Minor Judiciary Education Board. If a magisterial district judge fails to meet these continuing education requirements, the judge shall be subject to suspension by the Supreme Court until such time as evidence of compliance with such requirements is submitted by the Board, but in no event longer than six months at which time the failure to meet the continuing education requirements shall be grounds for the Supreme Court, after a hearing, to declare a vacancy in that district.

(b) The Minor Judiciary Education Board shall conduct at least one continuing education practicum course, consisting of not less than thirty-two hours, which each magisterial district judge, or senior magisterial district judge, whether law trained or non-law trained, within twelve months of first assuming office, shall be required to attend. The Board shall approve the length of the

program and the course of instruction. Practicum exercises will be a part of the course of instruction. Senior magisterial district judges may petition the Board for a waiver of this requirement.

(c) No judge who is suspended by Order of the Supreme Court of Pennsylvania or the Court of Judicial Discipline shall be permitted to attend any continuing education course or program approved by the Minor Judiciary Education Board during the term of suspension. Notwithstanding the attendance requirements set forth in paragraph (a), the judge shall be provided the opportunity to make up any required hours of continuing education once the period of suspension has expired and an Order has been issued returning the judge to active status.

(d) Paragraph (c) shall not apply to any judge suspended for failure to complete the program described in paragraph (a).

Official Note: The text of this rule is taken, in part, from Rule 20 of the Rules Governing Standards of Conduct of Magisterial District Judges, rescinded March 26, 2015, effective immediately.

Rule 603. Continuing education requirement: senior magisterial district judges.

(a) Any magisterial district judge who has been certified by the Administrative Office of Pennsylvania Courts as eligible to serve as a senior magisterial district judge shall be admitted to the continuing education program sponsored by the Minor Judiciary Education Board every year as required by Rule 602.

(b) In the event the Court Administrator of Pennsylvania notifies the Minor Judiciary Education Board that a senior magisterial district judge has not accepted an assignment for a continuous period of two years, the Minor Judiciary Education Board may refuse to enroll the senior magisterial district judge in the continuing education program.

Official Note: With regard to certification of senior judges, see Pa.R.J.A. No. 701.

The text of this rule is taken from Rule 21 of the Rules Governing Standards of Conduct for Magisterial District Judges, rescinded March 26, 2015, effective immediately.

Rule 604. Continuing education requirement: Philadelphia Municipal Court Traffic Division.

(a) Every judge of the Philadelphia Municipal Court Traffic Division shall complete a continuing education program each year equivalent to not less than twenty (20) hours per year in such courses or programs as are approved by the Minor Judiciary Education Board. If a judge of the Philadelphia Municipal Court Traffic Division fails to meet these continuing education requirements the judge shall be subject to suspension until such time as evidence of compliance with such requirements is submitted by the Minor Judiciary Education Board, but in no event for longer than six months at which time the failure to meet the continuing education requirements shall be grounds for removal.

(b) No judge of the Philadelphia Municipal Court Traffic Division who is suspended by Order of the Supreme Court of Pennsylvania or the Court of Judicial Discipline shall be permitted to attend any continuing education course or program approved by the Minor Judiciary Education Board during the term of suspension. Notwithstanding the attendance requirements set forth in paragraph (a), the judge shall be provided the opportunity to make up any required hours of continuing education once

the period of suspension has expired and an Order has been issued returning the judge to active status.

(c) Paragraph (b) shall not apply to any judge suspended for failure to complete the program described in paragraph (a).

(d) This Rule shall expire on January 1, 2018.

Official Note: The text of this rule is taken, in part, from Rule 22 of the Rules Governing Standards of Conduct for Magisterial District Judges, rescinded March 26, 2015, effective immediately.

Act 17 of 2013, signed by the Governor and immediately effective on June 19, 2013, effectively abolished the Traffic Court of Philadelphia and transferred most of its duties to a new Traffic Division of the Philadelphia Municipal Court. See 42 Pa.C.S. § 1121. Section 1121(a)(2) provides that the Traffic Division consists of four judges elected to the Traffic Court prior to the effective date of Act 17 and also that if a vacancy occurs in Traffic Division, it shall not be filled. Act 17 further provides that the Traffic Court of Philadelphia is composed of two judges serving on the court on the effective date of the Act and whose terms expire on December 31, 2017. See 42 Pa.C.S. § 1321. Sections 1121(a)(2) and 1321 expire when Traffic Court is officially abolished by amendment of the Pennsylvania Constitution or on January 1, 2018, whichever date occurs later. Consequently, this Rule will expire on January 1, 2018, when the terms end for the remaining judges elected to the Traffic Court of Philadelphia and assigned to the Philadelphia Municipal Court Traffic Division.

Rule 605. Supervision of magisterial district courts by president judges.

(A) The president judge of the court of common pleas of a judicial district shall exercise general supervision and administrative authority over magisterial district courts within the judicial district.

(B) The president judge's administrative authority over magisterial district courts within the judicial district includes but is not limited to, and shall be governed by, the following:

(1) *Records*—The president judge may designate a person to maintain personnel and other records in such form as directed by the president judge or required by general or local rule.

(2) *Meetings with Magisterial District Judges*—The president judge may require the attendance of magisterial district judges in the judicial district, individually or collectively, at meetings with the president judge or his or her representative.

(3) *Staff in the Magisterial District Courts*—

(a) Except where minimum job qualifications for staff in magisterial district courts are prescribed by the Supreme Court of Pennsylvania, the president judge may prescribe minimum job qualifications for staff in the magisterial district courts in the judicial district.

(b) The president judge may establish a classification system and job descriptions for all authorized staff in the magisterial district courts in the judicial district. The president judge may establish general procedures regarding the hiring, firing, supervision, and discipline of all authorized staff in the magisterial district courts in the judicial district.

(c) Subject to subparagraphs (a) and (b) above, magisterial district judges

(i) shall be responsible for the management of authorized staff in his or her court;

(ii) shall assign work among authorized staff in his or her court, and;

(iii) may select one authorized staff member as personal staff.

(d) In the interest of efficient administration of the judicial district, the president judge may

(i) transfer or reassign a staff member, other than personal staff who may be transferred or reassigned only with the consent of the magisterial district judge, from one magisterial district court in the judicial district to another, and;

(ii) hire and assign, as appropriate, temporary or floater staff.

(e) The president judge may establish a system of performance evaluation for staff in the magisterial district courts in the judicial district.

(f) The president judge may prescribe initial and ongoing training for staff in the magisterial district courts in the judicial district.

(4) *Magisterial District Judge Leave: Coverage During Leave*—

(a) The president judge may coordinate leave for magisterial district judges in the judicial district to assure access to justice and judicial resources.

(b) Subject to the provisions of subparagraph (a) above, magisterial district judges shall enjoy autonomy with respect to choosing when to take leave, subject to reasonable coordination by the president judge with the schedules of the other magisterial district judges in the judicial district.

(5) *Office hours*—In consultation with the magisterial district judges, the president judge may designate the ordinary hours of magisterial district courts in the judicial district in accordance with Rule 103 of the Rules and Standards with Respect to Offices of Magisterial District Judges and the efficient administration of justice.

(6) *Temporary Assignments: Transfer of Cases*—In consultation with the affected magisterial district judge(s), the president judge may order temporary assignments of magisterial district judges or reassignment of cases or certain classes of cases to other magisterial districts within the judicial district or to central courts within the judicial district.

(7) *Conduct of Magisterial District Judges*—When a complaint is received with respect to the conduct of a magisterial district judge, the president judge may, in his or her discretion, review the matter with the affected magisterial district judge and take any action the president judge deems appropriate to assure the efficient administration of justice including, where warranted, informing the appropriate disciplinary authority. Contemporaneous notice of any such action taken by the president judge resulting in reassignment of cases or otherwise affecting the duties of the magisterial district judge shall be given to the Supreme Court of Pennsylvania and the Court Administrator of Pennsylvania.

(8) *Procedural Audits*—The president judge may direct that procedural audits of a magisterial district court be conducted to assure compliance with general and local rules, administrative policies and procedures, and the clerical procedures adopted by the Administrative Office of Pennsylvania Courts for management of cases in the

Magisterial District Judge System. Such procedural audits shall be separate from the fiscal audits conducted by the county controller or state Auditor General which shall be limited in scope to the accounts of the magisterial district judge. Such procedural audits may be conducted by the district court administrator, an outside independent auditor, or such other person as the president judge may designate.

Official Note: The text of this rule is taken from Rule 17 of the Rules Governing Standards of Conduct for Magisterial District Judges, rescinded March 26, 2015, effective immediately.

This rule recognizes that magisterial district judges are the judicial officials charged with the legal and administrative responsibilities within their respective magisterial districts. Designed to further the efficient and effective administration of justice in the unified judicial system, this Rule contemplates a cooperative approach to the administration of the magisterial district courts, acknowledging judicial independence and the supervisory role of the president judges.

Rule 17 was amended in 2003 to more specifically outline the authority, powers, and responsibilities of the president judges with regard to management of the magisterial district judge system. In so doing, however, it was not intended that this be an exclusive list of powers and responsibilities, nor was it intended to limit the president judges' authority to the areas listed. Given the diverse needs of judicial districts throughout Pennsylvania, how president judges exercise this authority will recognizably be varied. In general, president judges have broad authority with regard to management of the magisterial district courts, but it seemed advisable that certain areas of authority and responsibility be specifically defined.

With regard to paragraph (B)(2), president judges or their representatives are encouraged to meet regularly with the magisterial district judges in the judicial district to foster and maintain open lines of communication regarding the management of the magisterial district judge system.

The term "authorized staff" as used in this Rule means staff positions that have been approved, funded, and hired in accordance with all applicable personnel policies and procedures.

Paragraphs (B)(3)(c) and (B)(4)(b) limit the president judges' authority in certain areas that are within the magisterial district judges' discretion. With regard to paragraph (B)(3)(c), see 42 Pa.C.S. §§ 102 and 2301(a)(1), and Canon 2, Rules 2.3(B), 2.8(B), 2.9(A)(3) and (D), 2.10(C), 2.12 and 2.13 of the Rules Governing Standards of Conduct of Magisterial District Judges. With regard to paragraph (B)(4)(b), see Canon 2, Rules 2.1 and 2.5, and Canon 3, Rules 3.1(A), 3.7(A)—(B), 3.8, 3.9, and 3.11(C) of the Rules Governing Standards of Conduct of Magisterial District Judges.

Paragraph (B)(3)(d)(i) gives president judges authority to transfer or reassign magisterial district court staff as needed, except for personal staff as provided in paragraph (B)(3)(c), who may be transferred or reassigned only with the consent of the affected magisterial district judge. It is contemplated that president judges would consult with and give sufficient notice to the affected magisterial district judges before making transfers.

Nothing in paragraph (B)(3)(f) is intended to circumvent any training program established or required by the Supreme Court of Pennsylvania or the Court Administrator of Pennsylvania.

As to paragraph (B)(6), compare Pa.R.Crim.P. 131(B), relating to central locations for preliminary hearings and summary trials. In addition, if the judicial district is part of a regional administrative unit, magisterial district judges may be assigned to any other judicial district in the unit. See Rule 701(E).

Nothing in paragraph (B)(7) is intended to contradict or circumvent the constitutionally established process for the suspension, removal, and discipline of magisterial district judges. See Pa. Const. art. V § 18; see also 207 Pa. Code Part III (Judicial Conduct Board Rules of Procedure) and Part IV (Court of Judicial Discipline Rules of Procedure). President judges do not have authority to suspend or discipline magisterial district judges.

Rule 606. Transfer of dockets and other papers.

(a) Upon the expiration of his or her term of office, the effective date of his or her resignation or removal from office, or upon his or her abandonment of the office or its duties, a magisterial district judge shall deliver all dockets and other official or like papers to the magisterial office established for the magisterial district in which the former or inactive magisterial district judge maintained his or her residence.

(b) If a magisterial district judge dies in office, his or her personal representatives shall make any delivery required under paragraph (a) of this rule.

Official Note: The text of this rule is derived from Rule 16 of the Rules Governing Standards of Conduct of Magisterial District Judges, rescinded March 26, 2015, effective immediately.

Rule 607. Acts of assembly suspended.

All Acts of Assembly or parts thereof inconsistent with Rules 601 through 606 of the Rules of Judicial Administration are suspended to the extent of such inconsistency.

Official Note: The text of this rule is derived from Rule 81 of the Rules Governing Standards of Conduct of Magisterial District Judges, rescinded March 26, 2015, effective immediately.

TITLE 207. JUDICIAL CONDUCT

PART II. CONDUCT STANDARDS

**CHAPTER 51. STANDARDS OF CONDUCT OF
MAGISTERIAL DISTRICT JUDGES**

(Editor's Note: Rules 16—22 and 81 of the Rules Governing Standards of Conduct of Magisterial District Judges, which appear in 207 Pa. Code pages 51-39—51-45, serial pages (373735) to (373741), are reserved.)

Rules 16—22. (Reserved).

Rule 81. (Reserved).

[Pa.B. Doc. No. 15-657. Filed for public inspection April 10, 2015, 9:00 a.m.]

PART II. CONDUCT STANDARDS

[207 PA. CODE CH. 33]

Formal Opinion 2015-1

Notice is hereby given that the Ethics Committee of the Pennsylvania Conference of State Trial Judges has superseded Formal Opinion 98-1 Letters of Reference and has replaced it with Formal Opinion 2015-1 Letters of Reference which is set forth as follows.

EDWARD D. REIBMAN,

Chairperson

Ethics Committee

Pennsylvania Conference of State Trial Judges

Annex A

TITLE 207. JUDICIAL CONDUCT

PART II. CONDUCT STANDARDS

CHAPTER 33. CODE OF JUDICIAL CONDUCT

Subchapter B. FORMAL OPINIONS

§ 15-1. Letters of Reference.

The Ethics Committee of the Pennsylvania Conference of State Trial Judges (“the Committee”) regularly receives inquiries regarding the propriety of sending letters of reference and other similar communications. Because of the frequency of such inquiries, the Committee issued Formal Opinions 93-1 and 98-1 to provide guidance to judicial officers subject to the Code of Judicial Conduct with respect to such matters. By Order of the Supreme Court of Pennsylvania a new code of Judicial Conduct became effective July 1, 2014 (“New Code”). The Committee issues this Formal Opinion to bring its advice in conformity with the New Code, and it supersedes Formal Opinions 93-1 and 98-1.

Under the New Code the overarching principle embodied in Canon 1 is now mandatory. Therefore, as with any inquiry, a judge’s analysis of what conduct is or is not prohibited commences with the application of Canon 1 to the conduct.

Canon 1 of the Code of Judicial Conduct provides that:

A judge shall uphold and promote the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

The Committee has recognized, as have other advisory bodies on judicial conduct throughout the country, that judges are sometimes requested to write letters of reference or similar communications on behalf of persons with whom the judge is familiar. New Rule 1.3 and Comment 2 thereto specifically address letters of reference and provide:

Rule 1.3

Avoiding Abuse of the Prestige of Judicial Office

A judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so.

Comment 2

A judge may provide a reference or recommendation for an individual based upon the judge’s personal knowledge. The judge may use official letterhead if the judge indicates that the reference is personal and if there is no likelihood that the use of the letterhead would reasonably be perceived as an attempt to exert pressure by reasons of the judicial office.

In order to bring consistency to our decisions in this regard and provide guidance to judicial officers subject to the New Code, the Committee has adopted the following guidelines with regard to writing letters of reference:

(1) A judge should never write a letter of reference for a person he or she does not personally know.

(2) A judge may write a letter of reference if it is the type of letter that would be written in the ordinary course of business (e.g., a court employee seeking a reference with regard to the employee's work history) or a judge's personal relationship. The letter should include a statement of the source and extent of the judge's personal knowledge.

(3) The letter should ordinarily be addressed and mailed directly to the person or entity for whose information it is being written. On the other hand, if the judge is concerned that a letter addressed to a particular person or entity might be construed as the judge attempting to exert pressure by reason of the judicial office, e.g., in the case of a personal employee of the judge, such as a law clerk, who is seeking other employment, particularly with a lawyer or law firm before the court, the more general address and salutation of "To Whom It May Concern" may be used. Otherwise, the "blank check" letter "To Whom It May Concern" should be avoided as it can be abused more easily by being shopped around indiscriminately and beyond the judge's knowledge or control more so than a letter addressed to a particular person. If the law clerk is still employed by the Court, the law clerk must comply with Rules 1.11(d) and 1.12(b) of the Rules of Professional Conduct and advise the judge if the clerk is seeking employment with any lawyer or firm appearing in front of the judge. The judge will have to determine whether it is advisable to make a recommendation under those circumstances, but the better course would be to wait until the pending matter has concluded.

(4) Letters of reference may be written by a judge for someone whom the judge knows personally and not professionally, such as a relative or close friend, if they are the type that the judge would normally be requested to write as a result of the judge's personal relationship. The relationship should be such that the judge ordinarily would be disqualified from hearing that person's case.

(5) Any letter that may be written by a judge may be written on official stationery as permitted by Rule 1.3, Comment (2).

(6) The letter of reference may not be written if the judge has reason to believe the letter may be used for purposes of litigation.

(7) These guidelines are not intended to contravene Rule 1701(e) of the Rules of Judicial Administration, which remains in effect and provides: "No judge or magisterial district judge shall testify voluntarily as a character witness."

To summarize, letters of reference may be written by a judge if they are of the type that would be written in the ordinary course of business or personal relationships. A judge must take care, however, to be sure that a person with an insubstantial relationship to him or her is not attempting to use the judge's office to advance personal interests.

This Formal Opinion is intended to provide judicial officers subject to the New Code with broad guidance regarding one of the Committee's most frequent areas of inquiry. Judicial officers are reminded that to enjoy the rule of reliance on the Committee's advice, they should

make a written request for advice from the Committee tailored to the particular situation confronted. If a judicial officer subject to the Code has a question concerning the application of these guidelines, he or she should make a specific, written request for advice from a member of the Committee. The New Code provides that, although such opinions are not *per se* binding on the Judicial Conduct Board, the Court of Judicial Discipline, or the Supreme Court of Pennsylvania, action taken in reliance thereon shall be considered in determining whether discipline should be recommended or imposed.

[Pa.B. Doc. No. 15-658. Filed for public inspection April 10, 2015, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1910]

Order Amending Rule 1910.16-6 of the Rules of Civil Procedure; No. 620 Civil Procedural Rules Doc.

Amended Order

Per Curiam

And Now, this 12th day of March, 2015, upon the recommendation of the Domestic Relations Procedural Rules Committee; the proposal having been published for public comment in the *Pennsylvania Bulletin*, 44 Pa.B. 4340 (July 12, 2014):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1910.16-6 of the Pennsylvania Rules of Civil Procedure is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective in 30 days on April 11, 2015.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.16-6. Support Guidelines. Adjustments to the Basic Support Obligation. Allocation of Additional Expenses.

Additional expenses permitted pursuant to this Rule 1910.16-6 may be allocated between the parties even if the parties' incomes do not justify an order of basic support.

* * * * *

(b) *Health Insurance Premiums.*

(1) A party's payment of a premium to provide health insurance coverage on behalf of the other party and/or the children shall be allocated between the parties in proportion to their net incomes, including the portion of the premium attributable to the party who is paying it, as long as a statutory duty of support is owed to the party who is paying the premium. If there is no statutory duty of support owed to the party who is paying the premium, the portion attributable to that person must be deducted

from the premium as set forth in subdivision (2) below. **[Premiums paid by a party to whom no duty of support is owed to cover himself or herself only and that are not necessary to cover the other party or a child as part of a support order shall not be apportioned between the parties.]** If, prior to the entry of a divorce decree, a party's policy covers that party, a child and a spouse and the spouse has separate additional coverage not needed to cover the child and/or the other party, the cost of the spouse's insurance premium shall not be allocated between the parties. If, prior to the entry of a divorce decree, a party provides coverage for that party and a child, but not the spouse, and the spouse has separate coverage, both parties' premiums shall be allocated between the parties in proportion to their respective incomes. If, prior to the entry of a divorce decree, each spouse has his or her own health insurance that does not cover the other party, and there are no children subject to the order, the cost of both parties' premiums shall be allocated between the parties in proportion to their respective incomes. If health insurance coverage for a child who is the subject of the support proceeding is being provided and paid for by a third party resident of either party's household, the cost shall be allocated between the parties in proportion to their net incomes. If the obligor is paying the premium, then the obligee's share is deducted from the obligor's basic support obligation. If the obligee is paying the premium, then the obligor's share is added to his or her basic support obligation. Employer-paid premiums are not subject to allocation.

* * * * *

(3) Pursuant to 23 Pa.C.S. § 4326(a), in every support proceeding, the court must ascertain each parent's ability to provide medical support for the parties' children and the support "order shall include a requirement for medical support to be provided by either or both parents, provided that such medical support is accessible to the children."

(i) The **[non-custodial parent] obligor** bears the initial responsibility of providing health care coverage for the children if it is available at a reasonable cost. "Reasonable cost" to an obligor shall be defined as an amount that does not exceed 5% of the obligor's net monthly income and, when added to the amount of basic child support plus additional expenses the obligor is ordered to pay, does not exceed 50% of the obligor's net monthly income. **If the obligee is providing the coverage, the reasonable amount of the obligor's share shall be defined as an amount that does not exceed 5% of the obligor's net monthly income and, when added to the amount of basic child support plus additional expenses the obligor is ordered to pay, does not exceed 50% of the obligor's net monthly income.**

* * * * *

(c) *Unreimbursed Medical Expenses.* Unreimbursed medical expenses of the obligee or the children shall be allocated between the parties in proportion to their respective net incomes. Notwithstanding the prior sentence, there shall be no apportionment of unreimbursed medical expenses incurred by a party who is not owed a statutory duty of support by the other party. The court may direct that the obligor's share be added to his or her basic support obligation, or paid directly to the obligee or to the health care provider.

(1) For purposes of this subdivision, medical expenses are annual unreimbursed medical expenses in excess of \$250 per person. Medical expenses include insurance co-payments and deductibles and all expenses incurred for reasonably necessary medical services and supplies, including but not limited to surgical, dental and optical services, and orthodontia. Medical expenses do not include cosmetic, chiropractic, psychiatric, psychological or other services unless specifically directed in the order of court.

Official Note: While cosmetic, chiropractic, psychiatric, psychological or other expenses are not required to be apportioned between the parties, the court may apportion such expenses that it determines to be reasonable and appropriate under the circumstances.

(2) An annual limitation may be imposed when the burden on the obligor would otherwise be excessive.

(3) Annual expenses pursuant to this subdivision (c), shall be calculated on a calendar year basis. In the year in which the initial support order is entered, or in any period in which support is being paid that is less than a full year, the \$250 threshold shall be pro-rated. Documentation of unreimbursed medical expenses that either party seeks to have allocated between the parties shall be provided to the other party not later than March 31 of the year following the calendar year in which the final bill was received by the party seeking allocation. For purposes of subsequent enforcement, unreimbursed medical bills need not be submitted to the domestic relations section prior to March 31. Allocation of unreimbursed medical expenses for which documentation is not timely provided to the other party shall be within the discretion of the court.

(4) If the trier of fact determines that out-of-network medical expenses were not obtained due to medical emergency or other compelling factors, the court may decline to assess any of such expenses against the other party.

[(4)] (5) In cases involving only spousal support or alimony pendente lite, the parties' respective net incomes for purposes of allocating unreimbursed medical expenses shall be calculated after the amount of spousal support or alimony pendente lite is deducted from the obligor's income and added to the obligee's income.

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[Pa.B. Doc. No. 15-659. Filed for public inspection April 10, 2015, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CH. 200]

Proposed Reinstatement and Amendment of Pa.R.C.P. No. 230.2

The Civil Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the reinstatement and amendment of Pa.R.C.P. No. 230.2 governing termination of inactive cases, for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of

those using the rules. They will neither constitute a part of the rules nor will be officially adopted by the Supreme Court.

Additions to the text of the proposal are bolded; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Karla M. Shultz, Counsel
Civil Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9526
civilrules@pacourts.us

All communications in reference to the proposal should be received by May 29, 2015. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Civil Procedural
Rules Committee*

PETER J. HOFFMAN,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 230.2. Termination of Inactive Cases.

(a) **[The court may]** At least once a year, the court shall initiate proceedings to terminate **[a case]** cases in which there has been no activity of record for two years or more **[by serving a notice of proposed dismissal of court case]**, and shall report such information to the Court Administrator of Pennsylvania on a form supplied by the Administrative Office of Pennsylvania Courts or in such format as requested from time to time by the Administrative Office of Pennsylvania Courts.

Official Note: This rule provides an administrative method for the termination of inactive cases.

(b)(1) **[The]** For each case identified pursuant to subdivision (a), the court shall serve **[the notice]** a notice of proposed termination on counsel of record, and on the parties if not represented, **[sixty]** thirty days prior to the date of the proposed termination. The notice shall contain the date of the proposed termination and the procedure to avoid termination.

(2) The notice shall be served **[by mail]** electronically pursuant to Rule 205.4(g)(1), or pursuant to Rule 440 on counsel of record and on the parties, if not represented, at the last address of record. **[If the mailed notice is returned, the notice shall be served by advertising it in the legal publication, if any, designated by the court for the publication of legal notices or in one newspaper of general circulation within the county.]**

Official Note: If the notice mailed to an attorney is returned by the postal service, the prothonotary should check **[a legal directory or contact the Administra-**

tive Office of Pennsylvania Courts] the website of the Disciplinary Board of the Supreme Court of Pennsylvania, www.padisiplinaryboard.org, for a current address. **[Otherwise, publication in the legal newspaper or a newspaper of general circulation within the county is required under this rule if the mailed notice is returned.]**

See subdivision **[(e)]** **(f)** for the form of notice.

(c) If no statement of intention to proceed has been filed **on or before the date of the proposed termination**, the prothonotary shall enter an order as of course terminating the matter **[with prejudice]** for failure to prosecute.

Official Note: The prothonotary may not enter an order terminating the action until more than **[sixty]** thirty days after service of the notice of proposed termination.

A court officer may certify to the prothonotary those matters which have been inactive and in which no statement of intention to proceed has been filed.

(d)(1) If an action has been terminated pursuant to this rule, an aggrieved party may petition the court to reinstate the action.

(2) If the petition is filed within **[thirty]** sixty days after the entry of the order of termination on the docket, the court shall grant the petition and reinstate the action.

Official Note: The provision under subdivision (d)(2) for filing a petition within **[thirty]** sixty days is not intended to set a standard for timeliness in proceedings outside this rule.

(3) If the petition is filed more than **[thirty]** sixty days after the entry of the order of termination on the docket, the court shall grant the petition and reinstate the action upon a showing that

(i) the petition was timely filed following the entry of the order for termination and

(ii) there is a reasonable explanation or a legitimate excuse for the failure to file both

(A) the statement of intention to proceed prior to the entry of the order of termination on the docket and,

(B) the petition to reinstate the action within **[thirty]** sixty days after the entry of the order of termination on the docket.

Official Note: The provision under subdivision (d)(2) for filing a petition within **[thirty]** sixty days of the entry of the order of termination on the docket is not a standard of timeliness. Rather, the filing of the petition during that time period eliminates the need to make the showing otherwise required by subdivision (d)(3).

(e) Any case which is reinstated pursuant to subdivision (d) shall be subject to termination with prejudice upon a subsequent termination pursuant to subdivision (a). No subsequent reinstatements will be granted.

[(e)] **(f)** The notice required by subdivision (b) shall be in the following form:

(Caption)

NOTICE OF PROPOSED TERMINATION OF COURT
CASE

The court intends to terminate this case without further notice because the docket shows no activity in the case for at least two years.

You may stop the court from terminating the case by filing a Statement of Intention to Proceed. The Statement of Intention to Proceed should be filed with the Prothonotary of the Court at

_____ Address
 on or before _____ .
 Date

IF YOU FAIL TO FILE THE REQUIRED STATEMENT OF INTENTION TO PROCEED, THE CASE WILL BE TERMINATED BY THE PROTHONOTARY WITHOUT FURTHER NOTICE.

BY THE COURT;

_____ Date of this Notice
 _____ Officer

[(f) The Statement of Intention to Proceed shall be in the following form:]

(g) The statement of intention to proceed shall be in the following form:

(Caption)

Statement of Intention to Proceed

To the Court:

_____ intends to proceed with the above captioned matter.

Date: _____
 _____ Attorney for _____

(h) Upon receipt of a statement of intention to proceed, the court may schedule a status conference and establish appropriate timelines to insure a timely and efficient disposition of the case.

EXPLANATORY COMMENT

In 2014, the Supreme Court of Pennsylvania made efforts to reduce the inventory of civil cases on the dockets of the Courts of Common Pleas. To expedite that process, it suspended Rule 230.2 governing the termination of inactive cases. Originally adopted in 2003, Rule 230.2 implemented the general policy provisions of Rule of Judicial Administration 1901(a) governing the prompt disposition of matters and the termination of inactive cases. While Pa.R.J.A. No. 1901(a) provided general guidelines for conducting an administrative purge, Rule 230.2 set forth a procedural mechanism for a court to perform an administrative purge of cases that had remained on the civil docket for two or more years with no evidence of any activity.

The Civil Procedural Rules Committee has reviewed suspended Rule 230.2 and is proposing amendments intended to ensure that the civil dockets reflect the current inventory of active cases and to encourage attorneys to expeditiously litigate their cases. The proposed amendments will streamline the procedure for the trial court to conduct an administrative purge of inactive cases.

Several concerns with Rule 230.2 were identified. The rule did not specify how often a court should conduct an administrative purge; it only provided a procedure should a court decide to conduct an administrative purge. In order to ensure that the civil case inventory is accurate, the proposed amendment in subdivision (a) will require a court to conduct an administrative purge at least once a year. The court will also be required to report such

information to the Court Administrator of Pennsylvania with a form supplied by the Administrative Office of Pennsylvania Courts.

A second problem identified with Rule 230.2 was the provision for service of the notice of proposed termination in subdivision (b). In subdivision (b)(1), the rule required service of the notice of proposed termination on counsel of record or unrepresented parties at least sixty days prior to the date of termination. To expedite the process, the proposed amendment to subdivision (b)(1) will shorten that time frame and require the notice to be served to at least thirty days prior to the date of termination.

The suspended rule did not provide for modern, efficient methods for giving notice to counsel or unrepresented parties that cases were identified as having no activity on the docket for the previous two years. Subdivision (b)(2) provided for the notice to be served by mail pursuant to Rule 440 at the last address of record. In the event that the notice was returned, publication was required in the legal publication designated by the court for such notices. In conjunction with the shortened time frame in subdivision (b)(1), the proposed amendment of subdivision (b)(2) will update the method for giving notice by allowing the notice to be served electronically pursuant to Rule 205.4 governing electronic filing. The ability to serve notice by mail pursuant to Rule 440 is retained, but publication in the legal journal when a notice has been returned has been eliminated.

A third problem identified with Rule 230.2 was the filing of statements of intention to proceed in order to keep a case active, but then not requiring any further obligation on counsel or an unrepresented party to move the case forward to resolution. Subdivision (c) of the suspended rule required an attorney or unrepresented party to file a statement of intention to proceed before the termination date stated in the notice in order to prevent the purging of the case from the docket. If no statement of intention to proceed was filed, the prothonotary was directed to enter an order terminating the matter for failure to prosecute. In the proposal, this provision has been retained. However, new subdivision (h) will encourage the trial court to manage its cases by scheduling a status conference and establishing appropriate timelines to insure a timely and efficient disposition of the case.

Importantly, the proposed amendment of Rule 230.2 will retain its post-termination procedure set forth in subdivision (d), which allows a party to petition the court to reinstate the action. The suspended rule provided certain requirements for reinstatement depending whether the petition is filed within thirty days or beyond thirty days. While the requirements remain unchanged, subdivision (d) will be amended to provide for sixty days rather than thirty days. New subdivision (e), however, will limit reinstatements of a case. If any case, previously reinstated, is terminated pursuant to this rule it would be terminated with prejudice. No additional reinstatements would be granted. This provision is intended to encourage the efficient litigation of cases and not let them languish on the docket.

By the Civil Procedural Rules Committee

PETER J. HOFFMAN,
Chair

[Pa.B. Doc. No. 15-660. Filed for public inspection April 10, 2015, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 4]

Proposed Amendments of Rule 452

The Criminal Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Rule 452 (Collateral), for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They neither will constitute a part of the rules nor will be officially adopted by the Supreme Court.

Additions to the text of the proposal are bolded; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

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

All communications in reference to the proposal should be received by no later than Friday, May 29, 2015. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Criminal Procedural
Rules Committee*

PAUL M. YATRON,
Chair

Annex A

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

PART E. General Procedures in Summary Cases

Rule 452. Collateral.

(A) The issuing authority shall fix the amount of collateral, if any, to be deposited to insure a defendant's appearance at the summary trial, which amount shall not exceed the full amount of the fine and costs.

(B) The collateral deposited shall be in United States currency or a cash equivalent.

(C) The collateral deposited may be forfeited after conviction at the summary trial and applied to payment of the fine [and], costs, and restitution.

Comment

The term "collateral" is intended to convey the dual purpose of the amount of money that is deposited. First, the amount deposited is used as bail to secure the defendant's appearance at the summary trial. Second, the amount deposited is used as security, and may be forfeited in the event of a conviction to satisfy any fine [and], costs, and restitution.

A defendant may not be penalized or denied a hearing because he or she cannot pay the full amount of the fine and costs as collateral.

Although this rule permits an issuing authority to fix collateral in an amount up to the full amount of fine and costs the issuing authority is not required to fix collateral or any particular amount of collateral, and may set an amount less than the fine and costs. The issuing authority may also release the defendant on recognizance when the issuing authority has reasonable grounds to believe that the defendant will appear or the defendant is without adequate resources to deposit collateral. To request a lower amount of collateral or to be released on recognizance, the defendant must appear personally before the issuing authority to enter a plea, as provided in Rules 408, 413, and 423.

For the purpose of paragraph (B), any guaranteed arrest bond certificate issued by an automobile club or association pursuant to 40 P.S. § 837 (1959) would constitute a "cash equivalent."

Paragraph (C) was amended in 2015 to clarify that collateral may be forfeited for the payment of restitution as well as for the fine and costs that have been assessed by an issuing authority. See 18 Pa.C.S. § 1106(d) for the authority of a magisterial district judge to impose restitution on a defendant.

Official Note: Rule 81 adopted July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986; Comment revised February 1, 1989, effective July 1, 1989; Comment revised May 14, 1999, effective July 1, 1999; renumbered Rule 452 and Comment revised March 1, 2000, effective April 1, 2001; **amended** , **2015**, **effective** , **2015**.

Committee Explanatory Reports:

Final Report explaining the May 14, 1999 Comment revisions published with the Court's Order at 29 Pa.B. 2775 (May 29, 1999).

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

Report explaining the proposed addition of "restitution" to the list of items for which collateral may be forfeited after conviction published for comment at 45 Pa.B. 1846 (April 11, 2015).

REPORT

Proposed Amendments to Pa.R.Crim.P. 452

Collateral Retained for Restitution in Summary Cases

Retention of summary case collateral has long been permitted under Rule 452(C) which states, "The collateral deposited may be forfeited after conviction at the summary trial and applied to payment of the fine and costs." Recently, the Committee has been presented with the question of whether collateral that had been previously set could be similarly applied to pay restitution awarded in summary cases. This question was prompted by the Court's recent adoption of amendments to Rule 528 (Monetary Condition for Release of Bail) and Rule 535 (Receipt for Deposit; Return of Deposit) that provided procedures in court cases for applying bail that would be otherwise returnable to case assessments including restitution. The suggestion was made to amend Rule 452 to include specific mention of restitution.

The language regarding forfeiture of collateral has been in Rule 452 (then Rule 81) since it was first adopted in

1985. It appears that this provision developed in consideration of the traditional summary citation case, usually involving traffic offenses, where the defendant is permitted to post collateral for a fixed fine and costs while awaiting the summary trial. This collateral then could be applied to the fine and costs if the defendant failed to appear or could be applied directly if the defendant were convicted. In these types of cases, restitution was rarely awarded. However, in developing the rule, the Committee does not appear to have considered other summary cases, such as non-traffic offenses, where there is no fixed fine and restitution can be a factor in the potential sentence.

Additionally, at the time, there was a question among some issuing authorities of their power to impose restitution as part of a summary sentence. Certainly, if there was previously a question on the authority of MDJs to award restitution, that has been addressed statutorily in paragraph (d) of Section 1106 of Title 18, the general restitution provision. Furthermore, the summary case rules contain numerous references to the award of restitution in summary cases. For example, Rule 403 (Contents of Citation), while not requiring restitution to be listed on the citation, contains Comment language making passing reference to the award of restitution as part of a summary sentence. Similarly, Rule 462 (Trial *De Novo*) references restitution as part of the sentence.

Furthermore, based on anecdotal reports, the collection of restitution by magisterial district judges in summary cases appears to have been a long-standing practice, particularly in non-traffic summaries such as criminal mischief, bad checks, retail theft and other crimes where there may have been loss of property or damages.

The allowance under Rule 452(C) that collateral may be forfeited to be applied to case assessments was, until recently, one of the major differences between summary collateral and court case bail. As noted in the Comment to Rule 452, collateral has a dual purpose as bail to secure the defendant's appearance at the summary trial, and as security for the payment of fines and costs. With the Court's recent approval of the changes to Rules 528 and 535 which permits returnable bail money to be retained to pay case assessments, that distinction has become less pronounced.

The Committee has concluded that there is not a compelling reason why collateral should not be used to satisfy restitution. Furthermore, it is inconsistent to permit the application of bail money to restitution in court cases but not collateral for restitution in summary cases. This is especially compelling in light of the Committee's recent examination of procedures to enhance the collection of restitution in court cases.¹

Therefore, the proposed rule change would add the word "restitution" to the list of assessments to which collateral may be applied. Comment language would provide some additional detail including a cross-reference to the statutory authority for awarding restitution.

[Pa.B. Doc. No. 15-661. Filed for public inspection April 10, 2015, 9:00 a.m.]

¹ See 44 Pa.B. 2369 (April 19, 2014), that contains the Committee's proposal for new Rule 705.1 (Restitution), amendment of Rule 454 (Trial in Summary Cases), and revision of the Comments to Rules 455 (Trial in Defendant's Absence) and 704 (Procedure at Time of Sentencing) to standardize the procedures by which restitution is awarded in criminal cases.

Title 25—LOCAL COURT RULES

BUCKS COUNTY

Rescission of Rule of Criminal Procedure 4007*(e)(2) and Promulgation of Rule of Criminal Procedure 535(G), (H), (I) and (J); AD-1-2015

Order

And Now, this 25th day of March, 2015, it is hereby Ordered and Decreed that Bucks County Rule of Criminal Procedure 4007*(e) is rescinded and Bucks County Rule of Criminal Procedure 535(G), (H), (I) and (J) is promulgated as follows:

(G) *Authorization for Cash Bail.* A Magisterial District Judge shall allow, and the court may allow, defendants charged with a crime or crimes to furnish as bail with the Magisterial District Judge or clerk of court a sum of money in U.S. currency equal to 10 percent of the full amount of the bail fixed by the Magisterial District Judge or the Court. The Magisterial District Judge or the Court may require a third person to act as surety and may require the surety, as well as the defendant, to execute the required bail bond. The sum of money may be furnished by the defendant or by a third party, and the bail bond shall disclose who furnished the money. No surety company or professional bail bondsman, or agent thereof, shall act as third party surety under the provisions of this Rule. In the event a member of law enforcement is selected to act as surety, he or she will not be obligated to pay any sums of money in the event of bail forfeiture.

(H) When the conditions of the bail bond have been performed and the accused has been discharged from all obligations of the bail bond, the Clerk of Courts shall return the amount deposited less the balance to be retained by the Clerk of Courts as administrative costs, which shall be one hundred dollars (\$100.00). If the amount deposited is less than one hundred dollars (\$100.00), the Clerk of Courts shall retain as administrative costs the amount deposited with no balance to be refunded. The monies retained by the Court shall be considered as earned at the time the bail undertaking is executed. The retention fee withheld by the Magisterial District Judge or by the Clerk of Courts shall be for the use of the County and shall be received and accounted for by the Clerk of Courts. The retention fee withheld by the Magisterial District Judge shall be forwarded immediately to the Clerk of Courts upon receipt.

(I) In addition to the provisions of Pa.R.Cr.P. No. 535(E), if the Court orders the defendant to pay the fine and the costs of prosecution, the balance of the amount deposited pursuant to Section (G) above by the defendant or surety, if any, may be applied to the payment of said fine and costs upon written authorization of the depositor.

(J) Upon authorization in writing of the party who furnished the deposit, the Court or its designee may order whatever amount is repayable from such deposit to be paid as the depositor directs.

This Order shall be effective April 1, 2015.

By the Court

HONORABLE JEFFREY L. FINLEY,
President Judge

[Pa.B. Doc. No. 15-662. Filed for public inspection April 10, 2015, 9:00 a.m.]

CHESTER COUNTY**Arrest Warrant Procedures in Juvenile Delinquency Cases and Designation of Issuing Authorities; Administrative Regulation No. 2-2015**

And Now, this 20th day of March, 2015, pursuant to Pennsylvania Rules of Juvenile Court Procedure Nos. 121 and 210.A, and consistent with prior Chester County Court of Common Pleas Administrative Regulation Nos. 1-2006 and 10-2010, it is hereby *Ordered* and *Decreed* that juvenile court local rule L-210.A shall be rescinded in its entirety and replaced in its entirety by the following, also numbered juvenile court local rule L-210.A.

All magisterial district judges of Chester County (Fifteenth Judicial District) are hereby designated as issuing authorities for arrest warrants for juveniles in delinquency cases.

Applications for Chester County juvenile arrest warrants made pursuant to Pa.R.J.C.P. 210.A, with approval of an attorney for the Commonwealth pursuant to Pa.R.J.C.P. 210.B and 231.B when required, shall be submitted to the local magisterial district judge during business hours and to the "on-call" magisterial district judge after business hours.

Pursuant to Pa.R.J.C.P. Nos. 121.C, the number of this local rule is keyed to Pa.R.J.C.P. 210.A, pertaining to arrest warrant procedures in juvenile delinquency cases and designation of issuing authorities.

Effective Date

In accordance with Pa.R.J.C.P. 121.F(4), this Administrative Regulation shall become effective thirty (30) days after publication of this order in the *Pennsylvania Bulletin*.

Publication

In accordance with Pa.R.J.C.P. 121.F, G and H, the Chester County Court Administrator is hereby directed to immediately perform the following tasks:

(1) One (1) certified copy of this Administrative Regulation shall be filed with the Administrative Office of the Pennsylvania Courts;

(2) One (1) copy of this Administrative Regulation shall be published on the UJS portal at: <http://ujportal.pacourts.us/localrules/ruleselection.aspx>;

(3) Two (2) certified copies of this Administrative Regulation, a copy of this Administrative Regulation on a computer diskette, CD-ROM, or as an electronic copy that complies with the requirements of 1 Pa. Code § 13.11(b)—(f), and a copy of the written notification received from the Juvenile Court Procedural Rules Committee providing that this Administrative Regulation is not inconsistent with the Pennsylvania Rules of Juvenile Court Procedure, shall be submitted to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(4) One certified copy of this Administrative Regulation shall be sent to the Chester County Law Library and the Editor of the *Chester County Law Reporter* for publication;

(5) One certified copy of this Administrative Regulation shall be filed with the Chester County Clerk of Courts

Office and kept continuously available by that office for public inspection and copying.

By the Court

JACQUELINE CARROLL CODY,
President Judge

[Pa.B. Doc. No. 15-663. Filed for public inspection April 10, 2015, 9:00 a.m.]

WASHINGTON COUNTY**Local Rule Amendments; 1901.1-1 Actions Pursuant to the Protection From Abuse Act; 1901.1-2 Commencement in Court; 1901.1-3 Emergency Relief by the Minor Judiciary; No. 2015-1****Order**

And Now, this 19th, day of March, 2015; *It Is Hereby Ordered* that the previously-stated local rules be amended as follows.

These rule changes will become effective thirty days after publication in the *Pennsylvania Bulletin*.

By the Court

KATHERINE B. EMERY,
President Judge

L-1901.1-1. Actions Pursuant to the Protection from Abuse Act.

Pursuant to the authority set forth in the Protection from Abuse Act of December 19, 2009, P.J. 1240, as amended, 23 Pa.C.S. § 6101 et seq., the following practices, procedures, and rules are promulgated.

It is the purpose and policy of the Court of Common Pleas of Washington County, Pennsylvania, to implement and effectuate the Protection from Abuse Act and its amendments to protect victims from abuse, to streamline and facilitate enforcement; to establish duties upon the Prothonotary, the Sheriff, Magisterial District Judges, and police departments; and to provide for emergency relief.

L-1901.1-2. Commencement in Court.

a. Petitions for Protection from Abuse shall be presented to the assigned judge, who shall schedule a hearing on the petition. If the plaintiff petitions for a temporary order, and alleges immediate and present danger of abuse, the Court may conduct an ex parte proceeding and may enter a temporary order as it deems appropriate.

b. *Assistance and advice to individuals not represented by counsel*

1. Forms sufficient for this purpose shall be provided by the Washington County Prothonotary, Domestic Violence Services of Southwestern Pennsylvania, or other individual as designated by the court.

2. Clerical assistance to help with writing and filing the petition shall be provided by the Prothonotary, Domestic Violence Services of Southwestern Pennsylvania, or other individual as designated by the court.

3. The Prothonotary shall provide written instructions, in English and in Spanish, to the local domestic violence program, to the Southwestern Pennsylvania Legal Aid Society, and to the Washington County Bar Association Lawyer Referral Service.

4. Petitions shall be accepted by the common pleas court between 9:00 a.m. and 4:00 p.m., Monday through Friday, excepting court holidays.

5. The Prothonotary shall accept petitions, and any other filings, after normal business hours, when so directed by the common pleas court.

L-1901.1-3. Emergency Relief by the Minor Judiciary.

a. A petition for protection from abuse may be filed before the on-call magisterial district judge from 3:45 p.m. each day until 9:00 a.m. the next business day, Monday through Friday. The on-call magisterial district judge shall also accept a petition for protection from abuse from 3:45 p.m. the last day of the business week to 9:00 a.m. of the first day of the next business week.

b. An order issued under subsection (a) will expire at 4:00 p.m. on the next business day.

c. Magisterial District Judge.

1. The magisterial district judge shall certify the emergency order issued under subsection (a) and the petition to the Court.

2. The magisterial district judge shall advise the plaintiff that the plaintiff is responsible for picking up the certified record at the magisterial district judge's office on the next business day of court and filing it with the Prothonotary of Washington County.

3. The magisterial district judge shall advise the plaintiff regarding the procedure for initiating a contempt charge.

4. The magisterial district judge shall advise the plaintiff of the existence of programs for victims of domestic violence and the availability of legal assistance.

d. Prothonotary.

1. The Prothonotary shall accept the certified record from the magisterial district judge for filing and assign a case number.

2. The Prothonotary shall provide the plaintiff with a copy of the petition and emergency order and advise the plaintiff to take the documents to the Domestic Violence Services of Southwestern Pennsylvania.

e. Assigned Judge.

1. The assigned judge shall schedule hearings on protection orders issued under subsection (a), and shall review and continue in effect protection orders that are necessary to protect the plaintiff until the hearing.

2. The assigned judge may order service of the petition, emergency and temporary order by the Sheriff of Washington County pursuant to L-1901.1-4(b).

[Pa.B. Doc. No. 15-664. Filed for public inspection April 10, 2015, 9:00 a.m.]