

THE COURTS

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CHS. 1, 3, 4, 11, 13 AND 17]

Proposed Modifications to Pa.Rs.J.C.P. 160, 330, 370, 407, 409, 1160 and 1330 and Proposed Adoption of Pa.Rs.J.C.P. 1711, 1712 and 1715

The Juvenile Court Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the modifications to Pa.Rs.J.C.P. 160, 330, 370, 407, 409, 1160, 1330 and adoption of new Pa.Rs.J.C.P. 1711, 1712, and 1715, 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:

Christine Riscili, Counsel
Juvenile Court Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9541
juvenilerules@pacourts.us

All communications in reference to the proposal should be received by September 10, 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 Juvenile Court
Procedural Rules Committee*

KERITH STRANO TAYLOR,
Vice Chair

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 1. GENERAL PROVISIONS

PART C. RECORDS

PART C(1). ACCESS TO JUVENILE RECORDS

Rule 160. Inspecting, Copying, and Disseminating the Official Court Record.

A. *Inspecting.* The official court record is only open to inspection by:

1) the [**judges, masters**] court, juvenile probation officers, and staff of the court;

* * * * *

4) [**a court, its probation**] Probation officers, other officials or professional staff, and the attorney for the defendant for use in preparing a pre-sentence report in a criminal case in which the defendant is convicted and the defendant previously was adjudicated delinquent;

* * * * *

9) a parole board[**, court,**] or county probation official in considering an **individual's parole or in exercising supervision over any** individual who was previously adjudicated delinquent in a proceeding under the Juvenile Act, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information contained in social reports, except at the discretion of the court;

10) the State Sexual Offenders Assessment Board for use in completing assessments; [**and**]

11) other persons authorized by the Court of Common Pleas when determining child custody;

12) the Department of Public Welfare when determining whether the juvenile's name and related information as provided in 23 Pa.C.S. § 6336 should be expunged from the Statewide database; and

[**11**] **13)** with leave of court, any other person, agency, or institution having a legitimate interest in the proceedings or in the work of the unified judicial system.

* * * * *

Comment

Pursuant to paragraph (A)(11), other persons authorized by the court to assist in custody cases have access to the official court record when determining custody, as provided in 23 Pa.C.S. §§ 5328 and 5329.1.

Pursuant to paragraph [(A)(11)] (A)(13), the court may order that any person, agency, or department receive a copy of all or portions of the record. The court order is to state: 1) the specific information the person, agency or department may receive; 2) that the information received shall not be disseminated to any person, agency, or department not listed in the court order; and 3) that any dissemination of the information received is a violation of the court order.

* * * * *

CHAPTER 3. PRE-ADJUDICATORY PROCEDURES

PART C. PETITION

Rule 330. [**Petition: Filing, Contents, Function**] **Delinquency Petition.**

* * * * *

C. *Petition contents.* Every petition shall set forth plainly:

* * * * *

14) the name and address of the juvenile's guardian, or if unknown, the name and address of the nearest adult relative; [**and**]

15) an averment as to whether the case is eligible pursuant to 42 Pa.C.S. § 6307 (b)(1)(ii) for limited public information[**.**]; **and**

16) if the alleged victim of a child abuse report and the alleged act(s) establish that the juvenile is the perpetrator of the child abuse, as defined by the Child Protective Services Law, then the petition shall further contain:

a) specific allegations of facts establishing the conditions in paragraph (C)(16);

b) an allegation that the child abuse and the current delinquency proceeding concern the same factual circumstances; and

c) a request for a special finding that the juvenile is the perpetrator of child abuse against the victim.

Comment

* * * * *

Pursuant to paragraph [(15)] (C)(15), the petitioner is to designate whether the allegations in the juvenile's petition make the case eligible for limited public information. See 42 Pa.C.S. § 6307(b)(2). When the case is designated, the clerk of courts is to mark the file clearly. For information that is available to the public in those eligible cases, see Rule 160.

The Child Protective Services Law (CPSL) permits a founded report to be based upon an adjudication of delinquency or acceptance of a consent decree if the court has entered a finding that the victim of child abuse has been abused by the juvenile alleged to be delinquent, provided that the subject of the abuse report and the adjudication involved the same factual circumstances. 23 Pa.C.S. § 6303(a). Paragraph (C)(16) permits the allegation of abuse to be raised in the petition. The definitions of "perpetrator" and "child abuse" are defined by the CPSL. See *id.* § 6303(a) and (b.1).

Official Note: Rule 330 adopted April 1, 2005, effective October 1, 2005; amended August 20, 2007, effective December 1, 2007. Amended January 23, 2009, effective March 1, 2009. Amended December 24, 2009, effective immediately.

* * * * *

PART E. CONSENT DECREE

Rule 370. Consent Decree.

A. [Agreement] Entry of consent decree order.

1) At any time after the filing of a petition and before the entry of an adjudication order, the court may, upon agreement of the attorney for the Commonwealth and the juvenile suspend the proceedings, and continue the juvenile under supervision in the juvenile's home, under terms and conditions negotiated with the juvenile probation office.

2) The order of the court continuing the juvenile under supervision shall be known as a consent decree.

B. [Explanation of conditions] Duties of the court. The court shall explain on the record or in writing:

1) the terms, conditions, and duration of the consent decree pursuant to Rule 373; and

2) the consequences for violating the conditions of the consent decree, which include the petition under which the juvenile was continued under supervision may, in the discretion of the attorney for the Commonwealth following consultation with the juvenile probation officer, be reinstated, and the juvenile held accountable as if the consent decree had never been entered if:

a) prior to discharge by the juvenile probation officer or expiration of the consent decree, there is a filing of a new petition against the juvenile; or

b) the juvenile otherwise fails to fulfill express terms and conditions of the decree.

C. Perpetrator of child abuse.

1) Prior to an entry of a consent decree, if it is alleged in the petition that the juvenile is the perpetrator of child abuse, an admission or a finding by the court on the delinquent act(s), which involve the same factual circumstances, shall be made.

2) If an admission is made, the admission colloquy shall be completed pursuant to Rule 407(A).

3) The juvenile probation officer shall transmit a copy of the consent decree order, including the juvenile's completed admission colloquy, to the county agency.

Comment

* * * * *

Nothing in this rule prohibits the entry of a consent decree after there has been an admission pursuant to Rule 407 or after there has been a ruling on the offenses pursuant to Rule 408. See also Comment to Rule 408.

The Child Protective Services Law (CPSL) permits a founded report to be based upon a consent decree if the court has accepted the decree and entered a finding that the victim of child abuse has been abused by the juvenile, provided that the subject of the abuse report and the consent decree involved the same factual circumstances. 23 Pa.C.S. § 6303(a). Paragraph (C) requires the juvenile to admit or have the court make a finding on the delinquent act(s), which can be determined to be child abuse. If there is an admission to the act(s), it is to be made in a manner that ensures that the admission is knowingly, intelligently, and voluntarily made. See Rule 407(A). The paragraph further requires the juvenile probation officer to transmit a copy of the order approving the consent decree, including the juvenile's completed admission colloquy, to the county agency. The definitions of "perpetrator" and "child abuse" are defined by the CPSL. See *id.* § 6303(a) and (b.1).

When entering into a consent decree, the CPSL mandates an admission, acknowledgement, or a finding by the court to be made when a juvenile is an alleged perpetrator of child abuse. Because an acknowledgement is not a formal admission, it is considered the equivalent to a *nolo contendere* plea, which is not permitted in juvenile court. *In re B.P.Y.*, 712 A.2d 769 (Pa. Super. Ct. 1998). This rule mandates either an admission or a finding by the court.

Official Note: Rule 370 adopted April 1, 2005, effective October 1, 2005. Amended July 28, 2014, effective September 29, 2014.

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CHAPTER 4. ADJUDICATORY HEARING

Rule 407. Admissions.

A. Admissions. At any time after a petition is filed, the juvenile may tender an admission to some or all of the delinquent acts [charged] petitioned.

* * * * *

C. *Written admission colloquy.* If a juvenile is making an admission, the colloquy shall be:

- 1) in writing;
- 2) reviewed and completed with the juvenile by an attorney;
- 3) submitted to and reviewed by the court; and
- 4) substantially in the following form:

ADMISSION FORM

In re _____ : _____ JD _____
 (Juvenile) :
 : Delinquent Act(s): _____
 : _____
 : _____
 : _____
 * * * * *

Possible Consequences of Adjudication of Delinquency:

13) Do you understand that if you are found delinquent, the judge may make you pay money and place you outside of your home or on probation until you turn 21 years old? _____

14) Do you understand that if the court finds you broke the law by committing the crime(s), it may find you committed child abuse and your name will be placed on a list that some people can see and you may not be able to work with children forever?

[14] 15) Are you aware that if you are admitting to _____

that your driving license will be suspended now or in the future (which means you will not be able to drive)?

(lawyer shall write acts on this line, cross off, or write n/a).

[15] 16) Do you understand that this case can be used against you in the future? For example, if you break the law again, you may get a longer sentence in jail. _____

[16] 17) Do you understand that if you are found delinquent, other people may find out about it? You may also have to tell people, including colleges, military recruiters, or employers? _____

[17] 18) Do you understand that if you are not a U.S. citizen, it may cause problems, which could include being forced to leave the U.S.? _____

Admission Agreements:

[18] 19) Are you aware that the judge does not have to accept any agreement between you and the D.A.? _____ (write n/a if no agreement)

Appeals:

[19] 20) If you are found delinquent after this admission, you can have a higher court review your case for three reasons:

a) Your admission was not knowingly, intelligently, and voluntarily made, which means you did not understand this admission or were forced to admit; _____

b) The court did not have jurisdiction, which means it was not the proper court to take your admission; or _____

c) The judge's disposition of the charge(s), which means what the judge is going to do with you (like a sentence in adult court), is more than the biggest punishment an adult would get for the same crime. _____

If you do not admit, do you understand you have other rights? _____

Lawyer's Representation and Opportunity to Speak with Guardian:

[20] 21) Are you okay with what your lawyer did for you and how he or she explained everything? _____

[21] 22) Did you talk with your parent or guardian about admitting the charge(s)? _____
 * * * * *

Comment

Pursuant to paragraph (A)(14), if the court makes a finding that the admitted delinquent act(s) meet the definition of child abuse pursuant to 23 Pa.C.S. § 6303(b.2), the juvenile's name is to be placed on the Statewide database that will prohibit the juvenile from working with children in the future.

Under paragraph (A)(1), the court is to determine if the admission is knowingly, intelligently, and voluntarily made by asking questions to ascertain the juvenile's ability to comprehend the written colloquy and to make an admission.

* * * * *

Rule 409. Adjudication of Delinquency.

A. *Adjudicating the juvenile delinquent.* Once the court has ruled on the offenses as provided in Rule 408, the court shall conduct a hearing to determine if the juvenile is in need of treatment, supervision, or rehabilitation.

* * * * *

2) *In need.*

a) If the court determines that the juvenile is in need of treatment, supervision, or rehabilitation, the court shall enter an order adjudicating the juvenile delinquent and proceed in determining a proper disposition under Rule 512.

b) The court also shall order the law enforcement agency that submitted the written allegation:

i) to take, or cause to be taken, the fingerprints and photographs of the juvenile if not previously taken pursuant to this case, and

ii) to ensure that these records, including the case reference number, are forwarded to the central repository maintained by the Pennsylvania State Police.

c) If the court determines that the juvenile was the perpetrator of child abuse against the victim, for the same factual circumstances as alleged in the petition, the court shall include this special finding in its order. Upon entry of the order, the juvenile probation officer shall transmit a copy of this order to the county agency.

B. *Timing.*

* * * * *

Comment

* * * * *

Pursuant to paragraph (A)(2)(b)(ii), a case reference number is to be included to help track this case. See Comment to Rule 170 for further description of a case reference number.

The Child Protective Services Law (CPSL) permits a founded report to be based upon an adjudication of delinquency if the court has entered a

finding that the victim of child abuse has been abused by the juvenile, who has been found to be delinquent, provided that the subject of the abuse report and the adjudication involved the same factual circumstances. 23 Pa.C.S. § 6303(a). Paragraph (A)(2)(c) requires the juvenile probation officer to transmit a copy of the order, which specifically finds child abuse, to the county agency. The definitions of “perpetrator” and “child abuse” are defined by the CPSL. *See id.* § 6303(a) and (b.1).

A report on the disposition is to be sent to the Juvenile Court Judges’ Commission. *See* 42 Pa.C.S. § 6309(d).

For dispositional hearing procedures, see Chapter Five.

* * * * *

Subpart B. DEPENDENCY MATTERS
CHAPTER 11. GENERAL PROVISIONS
PART C. RECORDS

PART C(1). ACCESS TO JUVENILE COURT RECORDS

Rule 1160. Inspection of the Official Court Record.

A. Inspecting. The official court record is only open to inspection by:

1) The [judges, officers, and professional] court and staff of the court;

* * * * *

4) [A court, its probation] Probation officers, other officials or professional staff, and the attorney for the defendant for use in preparing a presentence report in a criminal case in which the defendant is convicted and who prior thereto had been a party to a proceeding under the Juvenile Act, 42 Pa.C.S. § 6301 *et seq.*;

* * * * *

8) A parole board[, court] or county probation official in considering an individual’s parole or in exercising supervision over any individual who was previously adjudicated delinquent in a proceeding under the Juvenile Act, 42 Pa.C.S. § 6301 *et seq.*, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information contained in social reports, except at the discretion of the court[.];

9) The State Sexual Offenders Assessment Board for use in completing assessments; [and]

10) other persons authorized by the Court of Common Pleas when determining child custody;

11) the Department of Public Welfare when determining whether the party’s name and related information as provided in 23 Pa.C.S. § 6336 should be expunged from the Statewide database; and

[10] 12) With leave of court, any other person or agency or institution having a legitimate interest in the proceedings or in the work of the unified judicial system.

B. Copying. Any person, agency, or department permitted to inspect the record pursuant to paragraph (A) may copy or be provided with a copy of the record.

C. Disseminating. Unauthorized dissemination of any information contained in the official court record to a person, agency, or department not

permitted to inspect or copy the record pursuant to this rule may result in a finding of contempt of court.

Comment

See the Juvenile Act, 42 Pa.C.S. § 6307, for the statutory provisions on inspection of all files and records of the court in a proceeding.

Persons specified in 23 Pa.C.S. § 6340 as having access to reports may qualify as persons having a legitimate interest in the proceedings under paragraph [(10)] (A)(10). *See* 23 Pa.C.S. § 6340. **Additionally, pursuant to paragraph (A)(10), other persons authorized by the court to assist in custody cases have access to the official court record when determining custody, as provided in 23 Pa.C.S. §§ 5328 and 5329.1.**

Paragraph (C) protects the party from dissemination of information contained in the official court record to unauthorized sources. Nothing in this rule is intended to preclude the party or the party’s attorney from discussing the case with others, such as, local newspaper reporters. However, specific information concerning the victim should not be disseminated by the party or the party’s attorney.

This rule is meant to include the contents of the official court record as described in Rule 1166, which does not include county agency records.

* * * * *

CHAPTER 13. PRE-ADJUDICATORY PROCEDURES
PART C. PETITION

Rule 1330. [Petition: Filing, Contents, Function, Aggravated Circumstances] Dependency Petition.

* * * * *

C. Aggravated circumstances. A motion for finding of aggravated circumstances may be brought in the petition pursuant to Rule 1701(A).

D. Child Abuse. An allegation for a finding of child abuse may be brought in the petition pursuant to Rule 1711(A).

Comment

* * * * *

The aggravated circumstances, as defined by 42 Pa.C.S. § 6302, are to be specifically identified in the motion for finding of aggravated circumstances.

A motion for a finding of child abuse may be brought in a dependency petition. *See* Rule 1711(A). If child abuse is determined to have occurred after the filing of a petition, a written motion is to be filed pursuant to Rules 1711(B) and 1344.

The act(s) of child abuse, as defined by 23 Pa.C.S. § 6303(b.2), is to be specifically identified in the motion for a finding of child abuse.

Official Note: Rule 1330 adopted August 21, 2006, effective February 1, 2007. Amended July 13, 2015, effective October 1, 2015.

* * * * *

CHAPTER 17. [AGGRAVATED CIRCUMSTANCES]
MOTIONS FOR SPECIAL FINDING
PART A. AGGRAVATED CIRCUMSTANCES

Rule 1701. Motion for Finding of Aggravated Circumstances.

* * * * *

PART B. CHILD ABUSE

(Editor's Note: Rules 1711, 1712 and 1715 are new and printed in regular type to enhance readability.)

Rule	
1711.	Motion for Finding of Child Abuse.
1712.	Filing of Motion for Finding of Child Abuse.
1715.	Finding of Child Abuse.

Rule 1711. Motion for Finding of Child Abuse.

A. *Dependency Petitions.* A motion for a finding of child abuse may be included in a dependency petition pursuant to Rule 1330 if the alleged perpetrator is a party to the dependency proceeding.

B. *Motion for Child Abuse.* If a party is seeking a finding of child abuse after the filing of the dependency petition, a request for a finding of child abuse shall be made by a written motion pursuant to Rule 1344 if the alleged perpetrator is a party to the dependency proceeding.

C. *Contents of Motion for Child Abuse.* A motion for a finding of child abuse shall allege or include:

- 1) that the child is the alleged victim of a child abuse report;
- 2) the identity of the perpetrator, who is a party to the proceeding;
- 3) that the subject of child abuse and the dependency proceeding concern the same factual circumstances;
- 4) the specific act(s) of child abuse, as defined by the Child Protective Services Law; and
- 5) any available reports substantiating the alleged act(s) of child abuse.

Comment

See 23 Pa.C.S. §§ 6303(a) (defining perpetrator) and (b.1) (defining child abuse).

The Child Protective Services Law (CPSL) permits a founded report to be based upon an adjudication of dependency if the court has entered a finding that the child has been abused, provided that the subject of the abuse report and the adjudication involved the same factual circumstances. 23 Pa.C.S. § 6303(a). Paragraph (A) permits the allegation of abuse to be raised in the petition. Paragraph (B) permits the allegation of abuse to be raised in a written motion after the filing of the dependency petition. Under either procedure, the alleged perpetrator must also be a party to the dependency proceeding. The definitions of "perpetrator" and "child abuse" are defined by the CPSL. See *id.* § 6303(a) and (b.1).

Under paragraph (B), all motions for a finding of child abuse are to be written. See also Rule 1345 (filing and service). Oral motions under Rule 1344 do not apply to motions for a finding of child abuse.

Rule 1712. Filing of Motion for Finding of Child Abuse.

A motion for a finding of child abuse shall be filed by the party seeking the finding with the clerk of courts as soon as possible to prevent undue prejudice against the alleged perpetrator.

Comment

Motions are to be filed as timely as possible. When there is a delay in the filing of the motion, the party seeking the finding is to demonstrate that there were good reasons for the delay and the delay will not unduly prejudice the alleged perpetrator.

Rule 1715. Finding of Child Abuse.

Upon notice and after a hearing, the court may determine whether child abuse occurred. If child abuse is found, the court shall include a statement in its order indicating there was child abuse and name the party as perpetrator of the act(s).

Comment

Because a finding of child abuse involves the same factual circumstances as the dependency matter, it is contemplated that such findings may be made at or after the adjudicatory hearing or in some situations, at a later hearing. It is important that the parties have adequate notice of the scope of the hearing and that a finding of child abuse is a potential outcome of the hearing.

If the court finds the child not to be dependent, then the court may, but is not required to, proceed with a finding concerning whether child abuse occurred. See 23 Pa.C.S. § 6370(b)(2)(ii) (court finding that child abuse has not occurred shall be considered by the county agency to be finding that the report of child abuse is unfounded).

EXPLANATORY REPORT

There have been several recent amendments to the Child Protective Services Law (CPSL). The modifications and new rules are in response to these legislative enactments.

Rules 160 and 1160

Additional paragraphs have been added to these rules to allow masters, hearing officers, conference officers, arbitrators, or other persons authorized to hear custody matters to review the juvenile's official court record when determining those custody matters. Additionally, the Department of Public Welfare may review the official court record to determine whether the perpetrator's name and related information should be expunged from the Statewide database. See 23 Pa.C.S. § 6336 for the information that may be on the Statewide database.

The court, its probation officers, and its staff may always review the official court record regardless of the type or purpose of a hearing. See paragraph (A)(1). Rules 120 and 1120 define "court" as the Court of Common Pleas and masters when they are permitted to hear cases.

Rule 330

This rule provides that the petition must contain extra allegations if the alleged delinquent act(s) establish that the juvenile is the perpetrator of the child abuse in a delinquency case. Those allegations include: 1) specific facts that establish the juvenile is the perpetrator of child abuse; 2) that the child abuse and the current delinquency proceeding concern the same factual circumstances; and 3) a request for a special finding that the juvenile is the perpetrator of child abuse against the victim.

Rule 370

If it is alleged in the petition that the juvenile is the perpetrator of child abuse, before a consent decree can be ordered, the juvenile must admit to the delinquent act(s) pursuant to Rule 407 or the court must make a finding pursuant to Rule 408 when ruling on the offenses after an adjudicatory hearing. The court cannot enter a consent decree order if it has proceeded to adjudicating the juvenile delinquent pursuant to Rule 409. See Comment to Rules 370 and 408.

After the entry of the consent decree order, the juvenile probation officer must transmit a copy of the order to the county agency.

Rule 407

An additional paragraph has been added to the admission colloquy. It explains that the juvenile will be placed on the Statewide database for child abuse offenders. Because of this admission, the juvenile is prohibited from working with children.

Rule 409

If the juvenile is adjudicated delinquent and the court finds that the juvenile was the perpetrator of child abuse against the victim for the same factual circumstances alleged in the delinquency petition, the court must include this finding in its adjudication order. The juvenile probation officer must send a copy of the order to the county agency.

Rule 1330

This rule provides that the petition must contain extra allegations if the alleged act(s) establish that the child is the victim of child abuse and another party to the proceeding is the perpetrator of the child abuse. Those allegations include: 1) that the child is the alleged victim of the child abuse report; 2) the identity of the perpetrator, who is a party to the proceeding; 3) that the child abuse and the dependency proceeding concern the same factual circumstances; 4) the specific act(s) of child abuse; and 5) any available reports substantiating the act(s) of child abuse.

Rule 1711

This is a new rule that governs the filing of a motion for a finding of child abuse. A motion for a finding of child abuse may be included in the dependency petition or be made pursuant to Rule 1344 if the alleged perpetrator is a party to the dependency proceeding.

The motion must allege or include: 1) that the child is the alleged victim of the child abuse report; 2) the identity of the perpetrator, who is a party to the proceeding; 3) that the child abuse and the dependency proceeding concern the same factual circumstances; 4) the specific act(s) of child abuse; and 5) any available reports substantiating the act(s) of child abuse.

Rule 1712

As soon as a party is aware that the dependency proceedings and the specific alleged act(s) of child abuse involve the same factual circumstances, a motion seeking a finding of child abuse must be filed. This should be as timely as possible to prevent undue prejudice to the alleged perpetrator.

Rule 1715

If there is a motion seeking a finding of child abuse, the alleged perpetrator must receive notice of the hearing to determine whether child abuse occurred. It should be clear to the alleged perpetrator that the purpose of the hearing is not only a dependency proceeding but to determine if child abuse occurred and if the court finds the party to be a perpetrator of child abuse, the perpetrator will be placed on the Statewide database prohibiting the party from working with children.

If child abuse is found at this hearing, the court must issue an order including a statement indicating that the party committed child abuse as defined by the Child Protective Services Law, 23 Pa.C.S. § 6303(b.1).

[Pa.B. Doc. No. 15-1451. Filed for public inspection August 7, 2015, 9:00 a.m.]

Title 25—LOCAL COURT RULES

CARBON COUNTY

Commencement of Proceedings—Surcharge on Protection From Abuse Order; No. 15-1753

Administrative Order No. 10-2015

And Now, this 17th day of July, 2015, pursuant to 23 Pa.C.S.A. § 6101 et seq, it is hereby

Ordered and Decreed that, effective August 1, 2015, the Carbon County Court of Common Pleas *Directs* that the County of Carbon maintain a separate line item for the twenty-five dollar (\$25.00) surcharge collected on all Protection From Abuse cases to be used by the Carbon County Court of Common Pleas pursuant to 23 Pa.C.S.A. § 6106(d)(2)(ii).

It Is Further Ordered and Decreed that, effective July 1, 2015, the Carbon County Court of Common Pleas *Directs* that the County of Carbon maintain, in the same separate line item referenced heretofore, the fifty dollar (\$50.00) Contempt for Violation of Order surcharge collected on all Protection From Abuse cases to be used by the Carbon County Court of Common Pleas pursuant to 23 Pa.C.S.A. § 6114(b)(2)(ii)(B).

1. The Carbon County District Court Administrator is *Ordered and Directed* to File one (1) certified copy of this Administrative Order and Local Rules with the Administrative Office of Pennsylvania Courts.

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

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

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

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

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

By the Court

ROGER N. NANOVIC,
President Judge

[Pa.B. Doc. No. 15-1452. Filed for public inspection August 7, 2015, 9:00 a.m.]

CARBON COUNTY

Commencement of Proceedings—Surcharge on Protection of Victims of Sexual Violence or Intimidation Order; No. 15-1754

Administrative Order No. 11-2015

And Now, this 17th day of July, 2015, pursuant to 23 Pa.C.S.A. § 62A01 et seq, it is hereby

Ordered and Decreed that, effective August 1, 2015, the Carbon County Court of Common Pleas *Directs* that the County of Carbon maintain a separate line item for the twenty-five dollar (\$25.00) surcharge collected on all Protection of Victims of Sexual Violence or Intimidation cases to be used by the Carbon County Court of Common Pleas pursuant to 23 Pa.C.S.A. § 62A05(c)(1)(2)(ii).

It Is Further Ordered and Decreed that, effective July 1, 2015, the Carbon County Court of Common Pleas *Directs* that the County of Carbon maintain, in the same separate line item referenced heretofore, the fifty dollar (\$50.00) Contempt for Violation of Order surcharge collected on all Protection of Victims of Sexual Violence or Intimidation cases to be used by the Carbon County Court of Common Pleas pursuant to 23 Pa.C.S.A. § 62A14(d)(5)(ii)(B).

1. The Carbon County District Court Administrator is *Ordered and Directed* to File one (1) certified copy of this Administrative Order and Local Rules with the Administrative Office of Pennsylvania Courts.

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

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

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

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

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

By the Court

ROGER N. NANOVIC,
President Judge

[Pa.B. Doc. No. 15-1453. Filed for public inspection August 7, 2015, 9:00 a.m.]

LEHIGH COUNTY

Firearm and Tool Mark Laboratory Fees; 39-AD-3-2015

Administrative Order

And Now this 22nd day of July, 2015, it is *Hereby Ordered*, pursuant to 16 P. S. § 1403 and 42 Pa.C.S.A. § 1725.3, any person who pleads guilty or nolo contendere, who is convicted, or who is placed in any diversionary program (i.e. ARD) for any criminal offense shall, in addition to any fines, penalties or costs, in every case where the Supervisor of the Lehigh County Firearms & Tool Mark Laboratory, or his/her representative testified in court proceedings for the prosecution and/or sentencing of the offense, be sentenced to pay a testimony fee of Thirty-Eight (\$38.00) Dollars per hour. The fees so collected shall be paid into the General Fund of the County of Lehigh, but separately identified in the County's records so that the amounts collected during any given period can be readily ascertained.

It Is Ordered that this Administrative Order shall be effective thirty (30) days after publication thereof in the *Pennsylvania Bulletin*, and shall govern all matters then pending.

It Is Further Ordered that in accordance with Pa.R.Crim.P. 105, the Court Administrator of Lehigh County shall:

(a) File one (1) certified copy hereof with the Administrative Office of the Pennsylvania Courts;

(b) Distribute two (2) certified copies hereof and one (1) CD-Rom copy that complies with the requirements of Pa. Code § 13.11(b), with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(c) File one (1) certified copy hereof with the Criminal Procedural Rules Committee;

(d) Publish one (1) copy of this Order on the United Judicial System's web site at: <http://ujportal.pacourts.us/localrules/ruleselection.aspx>;

(e) Supervise the distribution hereof to all Judges of this Court.

By the Court

CAROL K. MCGINLEY,
President Judge

[Pa.B. Doc. No. 15-1454. Filed for public inspection August 7, 2015, 9:00 a.m.]