

# THE COURTS

## Title 237—JUVENILE RULES

### PART I. RULES

[ 237 PA. CODE CHS. 1, 2, 5, 8, 11, 12, 13, 15, 16 AND 18 ]

**Order Amending Rules 120, 127, 140, 160, 166, 182, 185, 187, 190, 191, 192, 243, 512, 800, 1120, 1127, 1154, 1166, 1182, 1185, 1187, 1190, 1191, 1243, 1342, 1512, 1608, 1610, 1635 and 1800 of the Rules of Juvenile Court Procedure; No. 732 Supreme Court Rules Doc.**

#### Order

*Per Curiam*

*And Now*, this 6th day of April, 2017, upon the recommendation of the Juvenile Court Procedural Rules Committee, the proposal having been published for public comment at 42 Pa.B. 5480 (August 25, 2012):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 120, 127, 140, 160, 166, 182, 185, 187, 190, 191, 192, 243, 512, 800, 1120, 1127, 1154, 1166, 1182, 1185, 1187, 1190, 1191, 1243, 1342, 1512, 1608, 1610, 1635, and 1800 of the Pennsylvania Rules of Juvenile Court Procedure are amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on September 1, 2017.

#### Annex A

### TITLE 237. JUVENILE RULES

#### PART I. RULES

##### Subpart A. DELINQUENCY MATTERS

##### CHAPTER 1. GENERAL PROVISIONS

##### PART A. BUSINESS OF COURTS

#### Rule 120. Definitions.

\* \* \* \* \*

COURT is the Court of Common Pleas, a court of record, which is assigned to hear juvenile delinquency matters. Court shall include [ **masters** ] **juvenile court hearing officers** when they are permitted to hear cases under these rules and magisterial district judges when issuing an arrest warrant pursuant to Rule 210. Juvenile Court shall have the same meaning as Court.

\* \* \* \* \*

JUVENILE is a person who has attained ten years of age and is not yet twenty-one years of age who is alleged to have, upon or after the juvenile's tenth birthday, committed a delinquent act before reaching eighteen years of age or who is alleged to have violated the terms of juvenile probation prior to termination of juvenile court supervision.

**JUVENILE COURT HEARING OFFICER is an attorney with delegated authority to preside over and make recommendations for delinquency matters. Juvenile court hearing officer has the same meaning as master as used pursuant to 42 Pa.C.S. § 6301 et seq.**

JUVENILE JUSTICE AGENCY is any court, including the minor judiciary, or any other governmental agency specifically authorized to perform the administration of juvenile justice as its function. Juvenile justice agencies include, but are not limited to, organized State and municipal police departments, probation agencies, district or prosecuting attorneys, the Juvenile Court Judges' Commission, the Administrative Office of Pennsylvania Courts, or any such persons, agencies, or departments as determined by the court to be juvenile justice agencies.

\* \* \* \* \*

LAW ENFORCEMENT OFFICER is any person who is by law given the power to enforce the law when acting within the scope of that person's employment.

**[ MASTER is an attorney with delegated authority to hear and make recommendations for juvenile delinquency matters. Master has the same meaning as hearing officer. ]**

MEDICAL FACILITY is any hospital, urgent care facility, psychiatric or psychological ward, drug and alcohol detoxification or rehabilitation program, or any other similar facility designed to treat a juvenile medically or psychologically.

\* \* \* \* \*

#### Comment

\* \* \* \* \*

Under the term "court," to determine if [ **masters** ] **juvenile court hearing officers** are permitted to hear cases, see Rule 187. See Rule 210 for the power of magisterial district judges to issue arrest warrants.

\* \* \* \* \*

The term "judge" refers to a judge of the Court of Common Pleas, including senior judges when they are properly certified. It does not include [ **masters** ] **juvenile court hearing officers** or magisterial district judges. Magisterial district judges, however, are included within the definition of "court" when they have the power to issue arrest warrants pursuant to Rule 210. See discussion *supra* under definition of "court." Arrest warrants are distinguished from bench warrants pursuant to Rules 140 and 141. Only judges of the Court of Common Pleas may issue bench warrants if the juvenile: 1) fails to appear at a hearing; or 2) absconds from the court's supervision.

\* \* \* \* \*

**Official Note:** Rule 120 adopted April 1, 2005, effective October 1, 2005. Amended December 30, 2005, effective immediately. Amended March 23, 2007, effective August 1, 2007. Amended February 26, 2008, effective June 1, 2008. Amended July 28, 2009, effective immediately. Amended December 24, 2009, effective immediately. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended May 20, 2011, effective July 1, 2011. Amended September 7, 2011, effective immediately. Amended September 20, 2011, effective November 1, 2011. Amended May 21, 2012, effective August 1, 2012. Amended June 24, 2013, effective January 1, 2014. Amended June 28, 2013, effective immediately. Amended March 10, 2014, effective immediately. Amended July 28, 2014, effective September 29, 2014. **Amended April 6, 2017, effective September 1, 2017.**

Committee Explanatory Reports:

\* \* \* \* \*

Final Report explaining the amendments to Rule 120 published with the Court's Order at 44 Pa.B. 5447 (August 16, 2014).

Final Report explaining the amendments to Rule 120 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

Rule 127. Recording and Transcribing Juvenile Court Proceedings.

A. Recording. There shall be a recording of all juvenile delinquency proceedings, including proceedings conducted by [ masters ] juvenile court hearing officers, except as provided in Rule 242(B)(2).

\* \* \* \* \*

Comment

\* \* \* \* \*

The rule is intended to apply to all juvenile delinquency proceedings and to ensure all proceedings are recorded, including proceedings before [ masters ] juvenile court hearing officers, with the exception of detention hearings.

\* \* \* \* \*

Official Note: Rule 127 adopted April 1, 2005, effective October 1, 2005. Amended April 6, 2017, effective September 1, 2017.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 127 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 127 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

Rule 140. Bench Warrants for Failure to Appear at Hearings.

\* \* \* \* \*

C. Juvenile.

1) Where to take the juvenile.

a) When a juvenile is taken into custody pursuant to a bench warrant, the juvenile shall be taken without unnecessary delay to the judge who issued the warrant or a judge or [ master ] juvenile court hearing officer designated by the President Judge to hear bench warrants.

b) If the juvenile is not brought before a judge or [ master ] juvenile court hearing officer, the juvenile shall be released unless:

\* \* \* \* \*

2) Prompt hearing.

a) If a juvenile is detained, the juvenile shall be brought before the judge who issued the warrant, a judge or [ master ] juvenile court hearing officer designated by the President Judge to hear bench warrants, or an out-of-county judge or [ master ] juvenile court hearing officer pursuant to paragraph (C)(4) within seventy-two hours.

b) If the juvenile is not brought before a judge or [ master ] juvenile court hearing officer within this time, the juvenile shall be released.

\* \* \* \* \*

4) Out-of-county custody.

\* \* \* \* \*

c) If transportation cannot be arranged immediately, then the juvenile shall be taken without unnecessary delay to a judge or [ master ] juvenile court hearing officer of the county where the juvenile is found.

d) The judge or [ master ] juvenile court hearing officer will identify the juvenile as the subject of the warrant, decide whether detention is warranted, and order or recommend that arrangements be made to transport the juvenile to the county of issuance.

\* \* \* \* \*

D. Witnesses.

1) Where to take the witness.

a) When a witness is taken into custody pursuant to a bench warrant, the witness shall be taken without unnecessary delay to the judge who issued the warrant or a judge or [ master ] juvenile court hearing officer designated by the President Judge to hear bench warrants.

b) If the witness is not brought before a judge or [ master ] juvenile court hearing officer, the witness shall be released unless the warrant specifically orders detention of the witness.

c) A motion for detention as a witness may be filed anytime before or after the issuance of a bench warrant. The judge may order or the [ master ] juvenile court hearing officer may recommend detention of the witness pending a hearing.

\* \* \* \* \*

2) Prompt hearing.

a) If a witness is detained pursuant to paragraph (D)(1)(c) or brought back to the county of issuance pursuant to paragraph (D)(4)(f), the witness shall be brought before the judge or [ master ] juvenile court hearing officer by the next business day.

b) If the witness is not brought before a judge or [ master ] juvenile court hearing officer within this time, the witness shall be released.

\* \* \* \* \*

4) Out-of-county custody.

\* \* \* \* \*

b) The witness shall be taken without unnecessary delay and within the next business day to a judge or [ master ] juvenile court hearing officer of the county where the witness is found.

c) The judge or [ master ] juvenile court hearing officer will identify the witness as the subject of the warrant, decide whether detention as a witness is warranted, and order or recommend that arrangements be made to transport the witness to the county of issuance.

\* \* \* \* \*

F. *Return and execution of the warrant for juveniles and witnesses.*

\* \* \* \* \*

2) The bench warrant shall be returned to the judge who issued the warrant or to the judge or **[ master ] juvenile court hearing officer** designated by the President Judge to hear bench warrants.

\* \* \* \* \*

**Comment**

\* \* \* \* \*

Pursuant to paragraph (C)(1)(a), the juvenile is to be taken immediately to the judge who issued the bench warrant or a judge or **[ master ] juvenile court hearing officer** designated by the President Judge of that county to hear bench warrants. This provision allows the judge or **[ master ] juvenile court hearing officer** the discretion to postpone a hearing, for example, the adjudicatory hearing, until later in the same day while the police officer, sheriff, or juvenile probation officer retrieves the juvenile. If taken into custody on the same day, the juvenile is to be brought immediately before the court for the hearing. However, pursuant to paragraph (C)(1)(b), if a bench warrant specifically provides that the juvenile may be detained in a detention facility, or there are circumstances apparent at the time of the surrender or apprehension that merit detention of the juvenile, the juvenile may be detained without having to be brought before the judge or **[ master ] juvenile court hearing officer** until a hearing within seventy-two hours under paragraph (C)(2)(a). The juvenile is not to languish in a detention facility. Pursuant to this paragraph, if a hearing is not held promptly, the juvenile is to be released. *See* paragraph (C)(2)(b).

At the seventy-two hour hearing, the judge or **[ master ] juvenile court hearing officer** may determine that the juvenile willfully failed to appear and may continue the detention of the juvenile until the rescheduled hearing. If the juvenile is detained, the rescheduled hearing is governed by the time requirements provided elsewhere in these rules. *See* Rules 240, 391, 404, 510 and 605.

\* \* \* \* \*

Pursuant to paragraph (D)(1)(a), the witness is to be taken immediately to the judge who issued the bench warrant or a judge or **[ master ] juvenile court hearing officer** designated by the President Judge of that county to hear bench warrants. This provision allows the judge or **[ master ] juvenile court hearing officer** the discretion to postpone a hearing, for example, an adjudicatory hearing, until later in the same day while the police officer, sheriff, or juvenile probation officer retrieves the witness. The witness is to be brought immediately before the court for the hearing. However, pursuant to paragraph (D)(1)(b), if the judge or **[ master ] juvenile court hearing officer** is not available, the witness is to be released immediately unless the warrant specifically orders detention. Pursuant to paragraph (D)(1)(c), a motion for detention as a witness may be filed. If the witness is detained, a prompt hearing pursuant to paragraph (D)(2) is to be held by the next business day or the witness is to be released. *See* paragraph (D)(2)(b).

At the hearing pursuant to paragraph (D)(2)(a), the judge or **[ master ] juvenile court hearing officer** may

determine that the witness willfully failed to appear and find or recommend that the witness is in contempt of court, or that the witness is in need of protective custody. If the judge or **[ master ] juvenile court hearing officer** has made one of these findings, the judge may continue the detention of the witness until the rescheduled hearing. The judge or **[ master ] juvenile court hearing officer** should schedule the hearing as soon as possible. In any event, if the witness is detained, the rescheduled hearing must be conducted by the specific time requirements provided elsewhere in these rules. *See* Rules 240, 391, 404, 510 and 605.

Pursuant to paragraph (D)(4)(b), a witness is to be brought before an out-of-county judge or **[ master ] juvenile court hearing officer** by the next business day unless the witness can be brought before the judge who issued the bench warrant within this time. When the witness is transported back to the county of issuance within seventy-two hours of the execution of the bench warrant, the witness is to be brought before the court by the next business day. *See* paragraph (D)(4)(f).

Pursuant to paragraph (F)(2), the bench warrant is to be returned to the judge who issued the warrant or to the judge or **[ master ] juvenile court hearing officer** designated by the President Judge to hear warrants by the arresting officer executing a return of warrant. *See* paragraph (F)(3).

\* \* \* \* \*

If there is a bench warrant issued, **[ masters ] juvenile court hearing officers** may hear cases in which the petition alleges only misdemeanors. *See* Rule 187(A)(2) and (3). The purpose of the hearing for juveniles pursuant to paragraph (C)(2)(a) or the hearing for witnesses pursuant to paragraph (D)(2)(a) is to determine if the juvenile or witness willfully failed to appear and if continued detention is necessary.

Pursuant to Rule 191, the **[ master ] juvenile court hearing officer** is to submit his or her findings and recommendation to the court. In bench warrant cases, the **[ master ] juvenile court hearing officer** should immediately take his or her recommendation to the judge so the judge can make the final determination of whether the juvenile or witness should be released. *See* Rule 191(C).

If the findings and recommendation are not taken immediately to the judge, the **[ master ] juvenile court hearing officer** is to submit the recommendation within one business day. *See* Rule 191(B).

**Official Note:** Rule 140 adopted February 26, 2008, effective June 1, 2008. Amended September 30, 2009, effective January 1, 2010. Amended April 21, 2011, effective July 1, 2011. Amended September 20, 2011, effective November 1, 2011. **Amended April 6, 2017, effective September 1, 2017.**

*Committee Explanatory Reports:*

\* \* \* \* \*

Final Report explaining the amendments to Rule 140 with the Court's Order at 41 Pa.B. 5355 (October 8, 2011).

**Final Report explaining the amendments to Rule 140 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).**

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** ] juvenile court hearing officers, juvenile probation officers, and staff of the court;

\* \* \* \* \*

**Official Note:** Rule 160 adopted April 1, 2005, effective October 1, 2005. Amended December 30, 2005, effective immediately. Amended August 20, 2007, effective December 1, 2007. Amended May 12, 2008, effective immediately. Amended December 24, 2009, effective immediately. Amended May 21, 2012, effective August 1, 2012. Amended April 6, 2017, effective September 1, 2017.

*Committee Explanatory Reports:*

\* \* \* \* \*

Final Report explaining the amendments to Rule 160 published with the Court's Order at 42 Pa.B. 3203 (June 9, 2012).

Final Report explaining the amendments to Rule 160 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

PART C(2). MAINTAINING RECORDS

Rule 166. Maintaining Records in the Clerk of Courts.

\* \* \* \* \*

Comment

\* \* \* \* \*

The list of docket entries is a running record of all information related to any action in a juvenile case in the court of common pleas of the clerk's county, such as dates of filings, of orders, and of court proceedings, including hearings conducted by [ **masters** ] juvenile court hearing officers. Nothing in this rule is intended to preclude the use of automated or other electronic means for timestamping or making docket entries.

This rule applies to all proceedings in the court of common pleas, including hearings conducted by [ **masters** ] juvenile court hearing officers, at any stage of the delinquency case.

\* \* \* \* \*

**Official Note:** Rule 166 adopted April 1, 2005, effective October 1, 2005. Amended December 24, 2009, effective immediately. Amended May 21, 2012, effective August 1, 2012. Amended April 6, 2017, effective September 1, 2017.

*Committee Explanatory Reports:*

\* \* \* \* \*

Final Report explaining the amendments to Rule 166 published with the Court's Order at 42 Pa.B. 3203 (June 9, 2012).

Final Report explaining the amendments to Rule 166 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

PART D. [ **MASTERS** ] JUVENILE COURT HEARING OFFICERS

Rule 182. Qualifications of [ **Master** ] Juvenile Court Hearing Officer.

A. *Education, Experience, and Training.* To preside as a [ **master** ] juvenile court hearing officer over cases governed by the Juvenile Act, 42 Pa.C.S. § 6301 *et seq.*, an individual shall:

\* \* \* \* \*

B. *Continuing Education.* Upon meeting the requirements of paragraph (A)(3), a [ **master** ] juvenile court hearing officer shall thereafter complete six hours of instruction from a course(s) designed by the Juvenile Court Judges' Commission, in juvenile delinquency law, policy, or related social science research every two years.

C. *Compliance.*

1) A [ **master** ] juvenile court hearing officer shall sign an affidavit attesting that he or she has met the requirements of this rule.

2) Prior to presiding as a [ **master** ] juvenile court hearing officer, the attorney shall send the affidavit to the President Judge or his or her designee of each judicial district where the attorney is seeking to preside as a [ **master** ] juvenile court hearing officer.

3) After submission of the initial affidavit pursuant to paragraph (C)(2), [ **masters** ] juvenile court hearing officers shall submit a new affidavit every two years attesting that the continuing education requirements of paragraph (B) have been met.

Comment

Pursuant to paragraphs (A)(1) & (2), [ **masters** ] juvenile court hearing officers are to be in good standing and have at least five consecutive years of experience as an attorney. It is best practice to have at least two years of experience in juvenile law.

\* \* \* \* \*

For continuing education under paragraph (B), [ **masters** ] juvenile court hearing officers are to attend six hours of instruction from a course or multiple courses designed by the Juvenile Court Judges' Commission. This is to ensure uniform training among [ **masters** ] juvenile court hearing officers.

\* \* \* \* \*

Pursuant to paragraph (C), a [ **master** ] juvenile court hearing officer is to certify to the court that the requirements of this rule have been met prior to presiding as a [ **master** ] juvenile court hearing officer, and submit new affidavits every two years thereafter.

**Official Note:** Rule 182 adopted September 11, 2014, amended July 13, 2015, effective August 1, 2017. Amended April 6, 2017, effective September 1, 2017.

*Committee Explanatory Reports:*

\* \* \* \* \*

Final Report explaining the amendments to Rule 182 published with the Court's Order at 45 Pa.B. 3986 (July 25, 2015).

Final Report explaining the amendments to Rule 182 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

**Rule 185. Appointment to Cases.**

A. *Appointment.* If necessary to assist the juvenile court judge, the president judge or his or her designee may appoint [ **masters** ] **juvenile court hearing officers** to hear designated juvenile delinquency matters.

B. *Prohibited practice.* [ **Masters** ] **Juvenile court hearing officers** shall not engage in practice before the juvenile court in the same judicial district where they preside over juvenile matters.

**Official Note:** Rule 185 adopted April 1, 2005, effective April 1, 2006. **Amended April 6, 2017, effective September 1, 2017.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 185 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

**Final Report explaining the amendments to Rule 185 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).**

Rule 187. Authority of [ **Master** ] **Juvenile Court Hearing Officer.**

A. *Cases to be heard by [ Master ] Juvenile Court Hearing Officer.* A [ **master** ] **juvenile court hearing officer** shall have the authority to preside over only the following:

\* \* \* \* \*

B. *No authority.* A [ **master** ] **juvenile court hearing officer** shall not have the authority to:

\* \* \* \* \*

C. *Right to hearing before judge.* Prior to the commencement of any proceeding, the [ **master** ] **juvenile court hearing officer** shall inform the juvenile, the juvenile's guardian(s), if present, the juvenile's attorney, and the attorney for the Commonwealth that the juvenile and the Commonwealth have a right to have the matter heard by a judge. If the juvenile or the Commonwealth objects to having the matter heard by the [ **master** ] **juvenile court hearing officer**, the case shall proceed before the judge.

**Comment**

A [ **master's** ] **juvenile court hearing officer's** authority is limited under paragraph (A) to specifically those types of cases provided. To implement this rule, Rule 800 suspends 42 Pa.C.S. § 6305(b) only to the extent that [ **masters** ] **juvenile court hearing officers** may not hear all classes of cases.

Under paragraph (B)(2), nothing is intended to limit the [ **master's** ] **juvenile court hearing officer's** ability, in a proper case before the [ **master** ] **juvenile court hearing officer**, to recommend to the court that a warrant be issued. This includes arrest, bench, and search warrants.

Concerning the provisions of paragraph (C), see 42 Pa.C.S. § 6305(b).

See Rule 127 for recording of proceedings before a [ **master** ] **juvenile court hearing officer.**

**Official Note:** Rule 187 adopted April 1, 2005, effective April 1, 2006. **Amended April 6, 2017, effective September 1, 2017.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 187 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

**Final Report explaining the amendments to Rule 187 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).**

Rule 190. Admissions Before [ **Master** ] **Juvenile Court Hearing Officer.**

A. *Types of cases.* A [ **master** ] **juvenile court hearing officer** may accept an admission to any misdemeanor.

B. *Requirements.* The admission requirements of Rule 407 shall be followed.

**Official Note:** Rule 190 adopted April 1, 2005, effective April 1, 2006. **Amended April 6, 2017, effective September 1, 2017.**

*Committee Explanatory Reports:*

**Final Report explaining the amendments to Rule 190 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).**

Rule 191. [ **Master's** ] **Juvenile Court Hearing Officer's** Findings and Recommendation to the Judge.

A. *Announcement of Findings and Recommendation.* At the conclusion of the hearing, the [ **master** ] **juvenile court hearing officer** shall announce in open court on the record, the [ **master's** ] **juvenile court hearing officer's** findings and recommendation to the judge.

B. *Submission of Papers and Contents of Recommendation.* Within one business day, the [ **master** ] **juvenile court hearing officer** shall submit a summary of the recommendation to the juvenile court judge. If requested, a copy of the summary shall be given to the juvenile's attorney, the juvenile, if unrepresented, the attorney for the Commonwealth, and the juvenile probation officer. The summary shall specifically state a recommendation to the judge.

C. *Judicial Action.* The judge shall by order:

\* \* \* \* \*

3) send the recommendation back to the [ **master** ] **juvenile court hearing officer** for more specific findings; or

\* \* \* \* \*

**Comment**

The juvenile court may promulgate a form for [ **masters** ] **juvenile court hearing officers** to use. The summary of the recommendation may take the form of a court order to be adopted by the court.

If a party contests the [ **master's** ] **juvenile court hearing officer's** decision, the copy of the summary may be used as an attachment in a motion for a rehearing in front of the judge.

The [ **master's** ] **juvenile court hearing officer's** decision is subject to approval of the judge. When the judge, in rejecting the [ **master's** ] **juvenile court hearing officer's** recommendation, modifies a factual determination, a rehearing is to be conducted. The judge may reject the [ **master's** ] **juvenile court hearing officer's** findings and enter a new finding or disposition without a

rehearing if there is no modification of factual determinations. See *In re Perry*, 459 A.2d 789 (Pa. Super. [ Ct. ] 1983). The juvenile waives the right to complain of double jeopardy if the Commonwealth requests a rehearing before the judge. See *In re Stephens*, 419 A.2d 1244 (Pa. Super. [ Ct. ] 1980).

Nothing in this rule prohibits the court from modifying conclusions of law made by the [ master ] juvenile court hearing officer.

**Official Note:** Rule 191 adopted April 1, 2005, effective April 1, 2006. Amended April 6, 2017, effective September 1, 2017.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 191 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

**Final Report explaining the amendments to Rule 191 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).**

Rule 192. Challenge to [ Master's ] Juvenile Court Hearing Officer's Recommendation.

A. *Time limitation.* A party may challenge the [ master's ] juvenile court hearing officer's recommendation by filing a motion with the clerk of courts within three days of receipt of the recommendation. The motion shall request a rehearing by the judge and aver reasons for the challenge.

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**Official Note:** Rule 192 adopted April 1, 2005, effective April 1, 2006. Amended April 6, 2017, effective September 1, 2017.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 192 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

**Final Report explaining the amendments to Rule 192 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).**

**CHAPTER 2. COMMENCEMENT OF PROCEEDINGS, ARREST PROCEDURES, WRITTEN ALLEGATION, AND PRE-ADJUDICATORY DETENTION**

**PART D. PRE-ADJUDICATORY DETENTION**

**Rule 243. Detention Rehearings.**

\* \* \* \* \*

C. *Forum.* The judge, who heard the original detention hearing or adopted the findings of the [ master ] juvenile court hearing officer, shall hold the rehearing, unless the judge assigns the case to a [ master ] juvenile court hearing officer.

**Comment**

\* \* \* \* \*

Under paragraph (C), only a judge may hold a rehearing, unless the judge orders a [ master ] juvenile court hearing officer to hear the case.

**Official Note:** Rule 243 adopted April 1, 2005, effective October 1, 2005. Amended April 6, 2017, effective September 1, 2017.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 243 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

**Final Report explaining the amendments to Rule 243 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).**

**CHAPTER 5. DISPOSITIONAL HEARING**

**PART B. DISPOSITIONAL HEARING AND AIDS**

**Rule 512. Dispositional Hearing.**

\* \* \* \* \*

**Comment**

\* \* \* \* \*

To the extent practicable, the judge or [ master ] juvenile court hearing officer that presided over the adjudicatory hearing for a juvenile should preside over the dispositional hearing for the same juvenile.

\* \* \* \* \*

**Official Note:** Rule 512 adopted April 1, 2005, effective October 1, 2005. Amended May 17, 2007, effective August 20, 2007. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended May 16, 2011, effective July 1, 2011. Amended May 26, 2011, effective July 1, 2011. Amended July 18, 2012, effective October 1, 2012. Amended April 6, 2017, effective September 1, 2017.

*Committee Explanatory Reports:*

\* \* \* \* \*

Final Report explaining the amendments to Rule 512 published with the Court's Order at 42 Pa.B. 4909 (August 4, 2012).

**Final Report explaining the amendments to Rule 512 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).**

**CHAPTER 8. SUSPENSIONS**

**Rule 800. Suspensions of Acts of Assembly.**

This rule provides for the suspension of the following Acts of Assembly that apply to delinquency proceedings only:

\* \* \* \* \*

6) The Act of July 9, 1976, P.L. 586, No. 142, § 2, 42 Pa.C.S. § 6305(b), which provides that the court may direct hearings in any case or class or cases be conducted by the [ master, ] juvenile court hearing officer, formerly known as a "master," is suspended only insofar as the Act is inconsistent with Rule 187, which allows [ masters ] juvenile court hearing officers to hear only specific classes of cases.

\* \* \* \* \*

**Official Note:** Rule 800 adopted April 1, 2005, effective October 1, 2005. Amended December 30, 2005, effective immediately. Amended March 23, 2007, effective August 1, 2007. Amended February 26, 2008, effective June 1, 2008. Amended March 19, 2009, effective June 1, 2009. Amended February 12, 2010, effective immediately. Amended April 21, 2011, effective July 1, 2011. Amended July 18, 2012, effective October 1, 2012. Amended April 6, 2017, effective September 1, 2017.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 800 published with the Court's Order at 42 Pa.B. 4909 (August 4, 2012).

Final Report explaining the amendments to Rule 800 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

Subpart B. DEPENDENCY MATTERS
CHAPTER 11. GENERAL PROVISIONS
PART A. BUSINESS OF COURTS

Rule 1120. Definitions.

\* \* \* \* \*

COURT is the Court of Common Pleas, a court of record, which is assigned to hear dependency matters. Court shall include [ masters ] juvenile court hearing officers when they are permitted to hear cases under these rules. Juvenile court shall have the same meaning as court.

\* \* \* \* \*

JUDGE is a judge of the Court of Common Pleas.

JUVENILE COURT HEARING OFFICER is an attorney with delegated authority to preside over and make recommendations for dependency matters. Juvenile court hearing officer has the same meaning as master as used pursuant to 42 Pa.C.S. § 6301 et seq.

JUVENILE PROBATION OFFICER is a person who has been appointed by the court or employed by a county's juvenile probation office, and who has been properly commissioned by being sworn in as an officer of the court to exercise the powers and duties set forth in Rule 195, the Juvenile Act, and the Child Protective Services Law.

\* \* \* \* \*

LAW ENFORCEMENT OFFICER is any person who is by law given the power to enforce the law when acting within the scope of that person's employment.

[ MASTER is an attorney with delegated authority to hear and make recommendations for dependency matters. Master has the same meaning as hearing officer. ]

MEDICAL FACILITY is any hospital, urgent care facility, psychiatric or psychological ward, drug and alcohol detoxification or rehabilitation program, or any other similar facility designed to treat a child medically or psychologically.

\* \* \* \* \*

Comment

\* \* \* \* \*

Under the term "court," to determine if [ masters ] juvenile court hearing officers are permitted to hear cases, see Rule 1187.

\* \* \* \* \*

Official Note: Rule 1120 adopted August 21, 2006, effective February 1, 2007. Amended March 19, 2009, effective June 1, 2009. Amended December 24, 2009, effective immediately. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1,

2011. Amended May 20, 2011, effective July 1, 2011. Amended June 24, 2013, effective January 1, 2014. Amended October 21, 2013, effective December 1, 2013. Amended July 28, 2014, effective September 29, 2014. Amended July 13, 2015, effective October 1, 2015. Amended December 9, 2015, effective January 1, 2016. Amended April 6, 2017, effective September 1, 2017.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1120 published with the Court's Order at 45 Pa.B. 7289 (December 26, 2015).

Final Report explaining the amendments to Rule 1120 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

Rule 1127. Recording and Transcribing Juvenile Court Proceedings.

A. Recording. There shall be a recording of all dependency proceedings, including proceedings conducted by [ masters ] juvenile court hearing officers, except as provided in Rule 1242(B)(2).

\* \* \* \* \*

Comment

Some form of record or transcript is necessary to permit meaningful consideration of claims of error and effective appellate review. In re J.H., 788 A.2d 1006 (Pa. Super. [ Ct. ] 2001). See, e.g., Pa.R.A.P. [ Rules ] 1922, 1923, 1924; Commonwealth v. Fields, [ 478 Pa. 479, ] 387 A.2d 83 (Pa. 1978); Commonwealth v. Shields, [ 477 Pa. 105, ] 383 A.2d 844 (Pa. 1978). This rule is intended to provide a mechanism to ensure appropriate recording and transcribing of court proceedings. Pursuant to Rule 1800, 42 Pa.C.S. § 6336(c) was suspended only to the extent that all proceedings are to be recorded, except as provided in Rule 1242 (B)(2). Full minutes are not recordings. This change was to effectuate effective appellate review.

The rule is intended to apply to all dependency proceedings and to ensure all proceedings are recorded, including proceedings before [ masters ] juvenile court hearing officers, except for shelter care hearings.

\* \* \* \* \*

Official Note: Rule 1127 adopted August 21, 2006, effective February 1, 2007. Amended April 6, 2017, effective September 1, 2017.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1127 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Final Report explaining the amendments to Rule 1127 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

PART B(2). COUNSEL

Rule 1154. Duties of Guardian Ad Litem.

A guardian ad litem shall:

\* \* \* \* \*

3) Participate in all proceedings, including hearings before [ masters ] juvenile court hearing officers, and administrative hearings and reviews to the degree necessary to adequately represent the child;

\* \* \* \* \*

**Official Note:** Rule 1154 adopted August 21, 2006, effective February 1, 2007. Amended April 29, 2011, effective July 1, 2011. **Amended April 6, 2017, effective September 1, 2017.**

*Committee Explanatory Reports:*

Final Report explaining the amendments to Rule 1154 published with the Court's Order at 41 Pa.B. 2413 (May 14, 2011).

**Final Report explaining the amendments to Rule 1154 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).**

**PART C(2). MAINTAINING RECORDS**

**Rule 1166. Maintaining Records in the Clerk of Courts.**

\* \* \* \* \*  
**Comment**  
\* \* \* \* \*

The list of docket entries is a running record of all information related to any action in a dependency case in the court of common pleas of the clerk's county, such as dates of filings, of orders, and of court proceedings, including hearings conducted by **[ masters ] juvenile court hearing officers**. Nothing in this rule is intended to preclude the use of automated or other electronic means for time-stamping or making docket entries.

This rule applies to all proceedings in the court of common pleas, including hearings conducted by **[ masters ] juvenile court hearing officers**, at any stage of the dependency case.

\* \* \* \* \*

**Official Note:** Rule 1166 adopted August 21, 2006, effective February 1, 2007. Amended December 24, 2009, effective immediately. **Amended April 6, 2017, effective September 1, 2017.**

*Committee Explanatory Reports:*

\* \* \* \* \*

Final Report explaining the amendments to Rule 1166 published with the Court's Order at 40 Pa.B. 222 (January 9, 2010).

**Final Report explaining the amendments to Rule 1166 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).**

**PART D. [ MASTERS ] JUVENILE COURT HEARING OFFICERS**

**Rule 1182. Qualifications of [ Master ] Juvenile Court Hearing Officer.**

A. *Education, Experience, and Training.* To preside as a **[ master ] juvenile court hearing officer** over cases governed by the Juvenile Act, 42 Pa.C.S. § 6301 *et seq.*, an individual shall:

\* \* \* \* \*

B. *Continuing Education.* Upon meeting the requirements of paragraph (A)(3), a **[ master ] juvenile court hearing officer** shall thereafter complete six hours of instruction from a course(s) designed by the Office of Children and Families in the Courts, in juvenile dependency law, policy, or related social science research every two years.

C. *Compliance.*

1) A **[ master ] juvenile court hearing officer** shall sign an affidavit attesting that he or she has met the requirements of this rule.

2) Prior to presiding as a **[ master ] juvenile court hearing officer**, the attorney shall send the affidavit to the President Judge or his or her designee of each judicial district where the attorney is seeking to preside as a **[ master ] juvenile court hearing officer**.

3) After submission of the initial affidavit pursuant to paragraph (C)(2), **[ masters ] juvenile court hearing officers** shall submit a new affidavit every two years attesting that the continuing education requirements of paragraph (B) have been met.

**Comment**

Pursuant to paragraphs (A)(1) & (2), **[ masters ] juvenile court hearing officers** are to be in good standing and have at least five consecutive years of experience as an attorney. It is best practice to have at least two years of experience in juvenile law.

\* \* \* \* \*

For continuing education under paragraph (B), **[ masters ] juvenile court hearing officers** are to attend six hours of instruction from a course or multiple courses designed by the Office of Children and Families in the Courts. This is to ensure uniform training among **[ masters ] juvenile court hearing officers**.

\* \* \* \* \*

Pursuant to paragraph (C), a **[ master ] juvenile court hearing officer** is to certify to the court that the requirements of this rule have been met prior to presiding as a **[ master ] juvenile court hearing officer**, and submit new affidavits every two years thereafter.

**Official Note:** Rule 1182 adopted September 11, 2014, amended July 13, 2015, effective August 1, 2017. **Amended April 6, 2017, effective September 1, 2017.**

*Committee Explanatory Reports:*

\* \* \* \* \*

Final Report explaining the amendments to Rule 1182 published with the Court's Order at 45 Pa.B. 3986 (July 25, 2015).

**Final Report explaining the amendments to Rule 1182 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).**

**Rule 1185. Appointment to Cases.**

A. *Appointment.* If necessary to assist the juvenile court judge, the president judge or his or her designee may appoint **[ masters ] juvenile court hearing officers** to hear designated dependency matters.

B. *Prohibited practice.* **[ Masters ] Juvenile court hearing officers** shall not engage in practice before the juvenile court in the same judicial district where they preside over dependency matters.

**Comment**

Under paragraph (A), the president judge of each judicial district may restrict the classes of cases to be heard by the **[ master ] juvenile court hearing officer**, in addition to the restrictions of Rule 1187. *See* 42 Pa.C.S. § 6305(b) and Rule 1187.



**Official Note:** Rule 1185 adopted August 21, 2006, effective February 1, 2007. **Amended April 6, 2017, effective September 1, 2017.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1185 published with the Court’s Order at 36 Pa.B. 5599 (September 2, 2006).

**Final Report explaining the amendments to Rule 1185 published with the Court’s Order at 47 Pa.B. 2313 (April 22, 2017).**

Rule 1187. Authority of [ **Master** ] **Juvenile Court Hearing Officer.**

A. *No authority.* A [ **master** ] **juvenile court hearing officer** shall not have the authority to:

- \* \* \* \* \*

B. *Right to hearing before judge.*

1) Prior to the commencement of any proceeding, the [ **master** ] **juvenile court hearing officer** shall inform all parties of the right to have the matter heard by a judge. If a party objects to having the matter heard by the [ **master** ] **juvenile court hearing officer**, the case shall proceed before the judge.

2) If a party objects to having the matter heard by the [ **master** ] **juvenile court hearing officer** pursuant to paragraph (B)(1), the [ **master** ] **juvenile court hearing officer** or the court’s designee for scheduling cases shall immediately schedule a hearing before the judge. The time requirements of these rules shall apply.

**Comment**

A [ **master’s** ] **juvenile court hearing officer’s** authority is limited under this rule. To implement this rule, Rule 1800 suspends 42 Pa.C.S. § 6305(b) only to the extent that [ **masters** ] **juvenile court hearing officers** may not hear all classes of cases.

Under paragraph (A)(1)(c), once the permanency goal has been approved for adoption by a judge, all subsequent reviews or hearings may be heard by the [ **master** ] **juvenile court hearing officer** unless a party objects pursuant to paragraph (B).

Under paragraph (A)(3), nothing is intended to limit the [ **master’s** ] **juvenile court hearing officer’s** ability, in a proper case before the [ **master** ] **juvenile court hearing officer**, to recommend to the court that a warrant be issued. This includes arrest, bench, and search warrants.

Concerning the provisions of paragraph (B), see 42 Pa.C.S. § 6305(b).

Under paragraph (B)(2), it should be determined whenever possible before the date of the hearing whether there will be an objection to having the matter heard before a [ **master** ] **juvenile court hearing officer**. If it is anticipated that there will be an objection, the case is to be scheduled in front of the judge, rather than the [ **master** ] **juvenile court hearing officer** to prevent continuances and delays in the case.

See Rule 1127 for recording of proceedings before a [ **master** ] **juvenile court hearing officer**.

**Official Note:** Rule 1187 adopted August 21, 2006, effective February 1, 2007. **Amended April 6, 2017, effective September 1, 2017.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1187 published with the Court’s Order at 36 Pa.B. 5599 (September 2, 2006).

**Final Report explaining the amendments to Rule 1187 published with the Court’s Order at 47 Pa.B. 2313 (April 22, 2017).**

Rule 1190. Stipulations Before [ **Master** ] **Juvenile Court Hearing Officer.**

A. *Types of cases.* [ **Masters** ] **Juvenile court hearing officers** may accept stipulations in any classes of cases that they are permitted to hear pursuant to Rule 1187.

- \* \* \* \* \*

**Comment**

Under paragraph (A), a [ **master** ] **juvenile court hearing officer** may accept stipulations in those permissible classes of cases pursuant to Rule 1187. In addition, the president judge of each judicial district may further restrict the classes of cases. See Rule 1185.

- \* \* \* \* \*

**Official Note:** Rule 1190 adopted August 21, 2006, effective February 1, 2007. **Amended April 6, 2017, effective September 1, 2017.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1190 published with the Court’s Order at 36 Pa.B. 5599 (September 2, 2006).

**Final Report explaining the amendments to Rule 1190 published with the Court’s Order at 47 Pa.B. 2313 (April 22, 2017).**

Rule 1191. [ **Master’s** ] **Juvenile Court Hearing Officer’s Findings and Recommendation to the Judge.**

A. *Announcement of Findings and Recommendation.* At the conclusion of the hearing, the [ **master** ] **juvenile court hearing officer** shall announce in open court on the record, the [ **master’s** ] **juvenile court hearing officer’s** findings and recommendation to the judge.

B. *Submission of Papers and Contents of Recommendation.* Within two business days of the hearing, the [ **master** ] **juvenile court hearing officer** shall submit specific findings and a recommendation to the juvenile court judge. If requested, a copy of the findings and recommendation shall be given to any party.

C. *Challenge to Recommendation.* A party may challenge the [ **master’s** ] **juvenile court hearing officer’s** recommendation by filing a motion with the clerk of courts within three days of receipt of the recommendation. The motion shall request a rehearing by the judge and aver reasons for the challenge.

D. *Judicial Action.* Within seven days of receipt of the [ **master’s** ] **juvenile court hearing officer’s** findings and recommendation, the judge shall review the findings and recommendation of the [ **master** ] **juvenile court hearing officer** and:

- \* \* \* \* \*

3) send the recommendation back to the [ master ] juvenile court hearing officer for more specific findings; or

\* \* \* \* \*

Comment

The juvenile court may promulgate a form for [ masters ] juvenile court hearing officers to use. The findings and recommendation may take the form of a court order to be adopted by the court.

If a party contests the [ master's ] juvenile court hearing officer's decision, the copy of the findings and recommendation may be used as an attachment in a motion for a rehearing in front of the judge.

The [ master's ] juvenile court hearing officer's decision is subject to approval of the judge. When the judge, in rejecting the [ master's ] juvenile court hearing officer's recommendation, modifies a factual determination, a rehearing is to be conducted. The judge may reject the [ master's ] juvenile court hearing officer's findings and enter a new finding or disposition without a rehearing if there is no modification of factual determinations. See In re Perry, [ 313 Pa. Super. 162, ] 459 A.2d 789 (Pa. Super. 1983).

Nothing in this rule prohibits the court from modifying conclusions of law made by the [ master ] juvenile court hearing officer.

Official Note: Rule 1191 adopted August 21, 2006, effective February 1, 2007. Amended April 6, 2017, effective September 1, 2017.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1191 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Final Report explaining the amendments to Rule 1191 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

CHAPTER 12. COMMENCEMENT OF PROCEEDINGS, EMERGENCY CUSTODY, AND PRE-ADJUDICATORY PLACEMENT

PART C. SHELTER CARE

Rule 1243. Shelter Care Rehearings.

\* \* \* \* \*

C. Forum. The judge, who heard the original shelter care hearing or adopted the findings of the [ master ] juvenile court hearing officer, shall hold the rehearing, unless the judge assigns the case to a [ master ] juvenile court hearing officer.

Comment

\* \* \* \* \*

Under paragraph (C), only a judge may hold a rehearing, unless the judge orders a [ master ] juvenile court hearing officer to hear the case.

Official Note: Rule 1243 adopted August 21, 2006, effective February 1, 2007. Amended April 6, 2017, effective September 1, 2017.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1243 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to Rule 1243 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

CHAPTER 13. PRE-ADJUDICATORY PROCEDURES

PART D. PROCEDURES FOLLOWING FILING OF PETITION

Rule 1342. Pre-Adjudicatory Conference.

\* \* \* \* \*

Comment

\* \* \* \* \*

Under paragraph (A), the court may consider: 1) the terms and procedures for pre-adjudicatory discovery and inspection; 2) the simplification or stipulation of factual issues, including admissibility of evidence; 3) the qualification of exhibits as evidence to avoid unnecessary delay; 4) the number of witnesses who are to give testimony of a cumulative nature; 5) whether expert witnesses will be called; 6) whether the hearing will be scheduled in front of the [ master ] juvenile court hearing officer or judge; and 7) such other matters as may aid in the disposition of the proceeding.

Official Note: Rule 1342 adopted August 21, 2006, effective February 1, 2007. Amended April 6, 2017, effective September 1, 2017.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1342 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Final Report explaining the amendments to Rule 1342 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

CHAPTER 15. DISPOSITIONAL HEARING

PART B. DISPOSITIONAL HEARING AND AIDS

Rule 1512. Dispositional Hearing.

\* \* \* \* \*

Comment

To the extent practicable, the judge or [ master ] juvenile court hearing officer that presided over the adjudicatory hearing for a child should preside over the dispositional hearing for the same child.

\* \* \* \* \*

Official Note: Rule 1512 adopted August 21, 2006, effective February 1, 2007. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended July 13, 2015, effective October 1, 2015. Amended April 6, 2017, effective September 1, 2017.

Committee Explanatory Reports:

\* \* \* \* \*

Final Report explaining the amendments to Rule 1512 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

Final Report explaining the amendments to Rule 1512 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

CHAPTER 16. POST-DISPOSITIONAL PROCEDURES

PART B(2). PERMANENCY HEARING

Rule 1608. Permanency Hearing.

\* \* \* \* \*

Comment

\* \* \* \* \*

To the extent practicable, the judge or [ master ] juvenile court hearing officer who presided over the adjudicatory and original dispositional hearing for a child should preside over the permanency hearing for the same child.

\* \* \* \* \*

Official Note: Rule 1608 adopted August 21, 2006, effective February 1, 2007. Amended December 18, 2009, effective immediately. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended October 21, 2013, effective December 1, 2013. Amended July 13, 2015, effective October 1, 2015. Amended December 9, 2015, effective January 1, 2016. Amended June 14, 2016, effective August 1, 2016. Amended April 6, 2017, effective September 1, 2017.

Committee Explanatory Reports:

\* \* \* \* \*

Final Report explaining the amendments to Rule 1608 published with the Court's Order at 46 Pa.B. 3416 (July 2, 2016).

Final Report explaining the amendments to Rule 1608 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

Rule 1610. Permanency Hearing for Children over Eighteen.

\* \* \* \* \*

Comment

\* \* \* \* \*

To the extent practicable, the judge or [ master ] juvenile court hearing officer who presided over the adjudicatory and original dispositional hearing for a child should preside over the permanency hearings for the same child. In resumption of jurisdiction cases, to the extent practicable, the judge or [ master ] juvenile court hearing officer who presided over the original case should preside over the re-opened case.

\* \* \* \* \*

Official Note: Adopted October 21, 2013, effective December 1, 2013. Amended July 13, 2015, effective October 1, 2015. Amended April 6, 2017, effective September 1, 2017.

Committee Explanatory Reports:

\* \* \* \* \*

Final Report explaining the amendments to Rule 1610 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

Final Report explaining the amendments to Rule 1610 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

PART D. CESSATION OR RESUMPTION OF COURT SUPERVISION OR JURISDICTION

Rule 1635. Hearing on Motion for Resumption of Jurisdiction.

\* \* \* \* \*

Comment

\* \* \* \* \*

A [ master ] juvenile court hearing officer may conduct these hearings. See Rule 1187.

\* \* \* \* \*

Official Note: Adopted October 21, 2013, effective December 1, 2013. Amended July 13, 2015, effective October 1, 2015. Amended April 6, 2017, effective September 1, 2017.

Committee Explanatory Reports:

\* \* \* \* \*

Final Report explaining the amendments to Rule 1635 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

Final Report explaining the amendments to Rule 1635 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

CHAPTER 18. SUSPENSIONS

Rule 1800. Suspensions of Acts of Assembly.

This rule provides for the suspension of the following Acts of Assembly that apply to dependency proceedings only:

\* \* \* \* \*

5) The Act of July 9, 1976, P.L. 586, No. 142, § 2, 42 Pa.C.S. § 6305(b), which provides that the court may direct hearings in any case or classes of cases be conducted by the [ master ] juvenile court hearing officer, is suspended only insofar as the Act is inconsistent with Rule 1187, which allows [ masters ] juvenile court hearing officers to hear only specific classes of cases.

\* \* \* \* \*

Official Note: Rule 1800 adopted August 21, 2006, effective February 1, 2007. Amended March 19, 2009, effective June 1, 2009. Amended September 16, 2009, effective immediately. Amended April 29, 2011, effective July 1, 2011. Amended May 20, 2011, effective July 1, 2011. Amended April 6, 2017, effective September 1, 2017.

Committee Explanatory Reports:

\* \* \* \* \*

Final Report explaining the amendments to Rule 1800 published with the Court's Order at 41 Pa.B. 2839 (June 4, 2011).

Final Report explaining the amendments to Rule 1800 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

FINAL REPORT<sup>1</sup>

**Amendment of Pa.R.J.C.P. 120, 127, 140, 160, 166, 182, 185, 187, 190, 191, 192, 243, 512, 800, 1120, 1127, 1154, 1166, 1182, 1185, 1187, 1190, 1191, 1243, 1342, 1512, 1608, 1610, 1635, and 1800**

On April 6, 2017, the Court amended the Rules of Juvenile Court Procedure to change the term “master” to “juvenile court hearing officer.”

The term “master” was incorporated into the Rules from the Juvenile Act. *See* 42 Pa.C.S. § 6301 *et seq.* The continued use of the term “master” had been rejected by several judicial districts because it was considered archaic, subject to misperception, and inconsistent with the use of “hearing officer” in other proceedings. Accordingly, in some judicial districts the title of “master” had been updated to “hearing officer,” which more accurately reflects the authority to preside over delinquency and dependency matters. The Committee deliberated on the merits of this local practice and agreed that “master” should be updated to the more modern phrase of “hearing officer” within the Rules of Juvenile Court Procedure.

A proposal was published for public comment in the *Pennsylvania Bulletin* at 42 Pa.B 5480 (August 25, 2012) to replace “master” with “hearing officer.” In response to a comment and to differentiate among the different types of hearing officers in other proceedings, a post-publication modification to the proposal expanded the title from “hearing officer” to “juvenile court hearing officer.”

[Pa.B. Doc. No. 17-666. Filed for public inspection April 21, 2017, 9:00 a.m.]

## Title 246—MINOR COURT CIVIL RULES

### PART I. GENERAL

[ 246 PA. CODE CHS. 500 AND 1000 ]

**Proposed Adoption of Pa.R.C.P.M.D.J. No. 514.1 and Amendment of Pa.R.C.P.M.D.J. Nos. 501, 514, 515, 1001, 1002 and 1005**

The Minor Court Rules Committee is planning to propose to the Supreme Court of Pennsylvania the adoption of Pa.R.C.P.M.D.J. No. 514.1, as well as the amendment of Pa.R.C.P.M.D.J. Nos. 501, 514-515, 1001-1002 and 1005, providing for a 30-day appeal period for tenants who are victims of domestic violence in actions involving residential leases, 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 be officially adopted by the Supreme Court.

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

<sup>1</sup> The Committee's Final Report should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

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

Pamela S. Walker, Counsel  
Minor Court Rules Committee  
Supreme Court of Pennsylvania  
Pennsylvania Judicial Center  
PO Box 62635  
Harrisburg, PA 17106-2635  
FAX: 717-231-9526  
minorrules@pacourts.us

All communications in reference to the proposal should be received by June 6, 2017. 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 Minor Court Rules Committee*

ANTHONY W. SAVEIKIS,  
*Chair*

### Annex A

## TITLE 246. MINOR COURT CIVIL RULES

### PART I. GENERAL

#### CHAPTER 500. ACTIONS FOR THE RECOVERY OF POSSESSION OF REAL PROPERTY

##### Rule 501. Definition.

[ A. ] As used in this chapter [ , “action” ]:

(1) “Action” means an action by a landlord against a tenant for the recovery of possession of real property brought before a magisterial district judge.

[ B. As used in this chapter, “complaint” ] (2) “Complaint” shall include, where applicable, the attached and completed Recovery of Real Property Hearing Notice form.

(3) “Victim of domestic violence” means a person who has obtained a protection from abuse order against another individual or can provide other evidence of abuse.

**Official Note:** Distress for rent will not be covered in rules of civil procedure for magisterial district judges, for it is not an action or proceeding before a magisterial district judge and any constable carrying out the “landlord’s warrant” is acting as an agent of the landlord and not as an officer serving process of a magisterial district judge. *See* § 302 of the Landlord and Tenant Act of 1951, 68 P.S. § 250.302. Actions for rent (§ 301 of the Act, 68 P.S. § 250.301) and to defalcate (§ 307 of the Act, 68 P.S. § 250.307) are not included in this chapter, for these are actions of assumpsit. *See also* § 572 of the Act, added by Act of May 3, 1968, P.L. 107, No. 56, § 1, 68 P.S. § 250.512. A number of trespass actions are also detailed in the Landlord and Tenant Act of 1951 (*see* §§ 311—313, 68 P.S. §§ 250.311—250.313), and these would be brought under the rules pertaining to trespass actions. Consequently, this chapter will be concerned only with the action for the recovery of possession of real property. *But see* Rules 503C(8) and 508 as to joinder of actions and cross-complaints.

**The definition of a victim of domestic violence is derived from 68 P.S. § 250.513. For additional definitions related to victims of domestic violence and abuse, see Pa.R.C.P.M.D.J. No. 1202.**

**Rule 514. Judgment; Notice of Judgment or Dismissal and the Right to Appeal.**

A. If it appears at the hearing that the complaint has been proven, the magisterial district judge shall enter judgment against the defendant that the real property be delivered up to the plaintiff and shall enter judgment by separate entries:

- (1) for the amount of rent, if any, which remains due,
- (2) for the amount of damages, if any, for unjust detention,
- (3) for the physical damages, if any, to the leasehold premises, and
- (4) for the costs of the proceeding;

less any amount found due the defendant on any cross-complaint filed by the defendant.

In addition, the magisterial district judge shall make an entry identifying the sum of money found by the magisterial district judge to constitute the monthly rental for the leasehold premises.

B. A money judgment may be rendered for the defendant on a cross-complaint filed by the defendant if the amount found due thereon exceeds any amount found due the plaintiff on the plaintiff's complaint.

C. (1) Judgment shall be given at the conclusion of the hearing or within three days thereafter.

(2) Upon the entry of the judgment, the magisterial district court shall promptly give or mail to the parties written notice of judgment or dismissal.

D. The written notice of judgment or dismissal shall contain:

(1) notice of the right of the parties to appeal, the time within which the appeal must be taken, and that the appeal is to the court of common pleas,

**(2) notice that a defendant in a residential lease action who is a victim of domestic violence may appeal the judgment within 30 days of the date of entry of judgment, as well as filing instructions for asserting such an appeal,**

[ (2) ] (3) notice that, except as otherwise provided in the rules, if the judgment holder elects to enter the judgment in the court of common pleas, all further process must come from the court of common pleas and no further process may be issued by the magisterial district judge, and

[ (3) ] (4) notice that unless the judgment is entered in the court of common pleas anyone interested in the judgment may file a request for entry of satisfaction with the magisterial district judge if the debtor pays in full, settles, or otherwise complies with the judgment.

**Official Note:** Paragraph A of this rule requires that the plaintiff appear and give testimony to prove the complaint before the magisterial district judge can enter judgment against the defendant, even when the defendant fails to appear for the hearing. The magisterial district judge may not enter a default judgment in a possessory action, including a judgment for money only. See Rule 512A and Note. The various issues that the magisterial district judge must determine at the hearing include: whether notice to quit was given to the defendant in accordance with law or that no notice was required under the terms of the lease; the amount or rent due, if any; damages to the leasehold premises, if any; the

amount found to constitute the monthly rental, and; the amount of the security deposit held by the landlord, if any.

As to the notice to quit requirement, see Section 501 of The Landlord and Tenant Act of 1951, 68 P.S. § 250.501. See also *Patrycia Bros., Inc. v. McKeefrey*, 38 Pa. D. & C.2d 149 (Delaware County C.P. 1966).

The separate entries provided in paragraph A are made necessary as a result of the rental deposit provisions for appeal or certiorari contained in Rules 1008B and 1013B, as well as the wage attachment provisions contained in Section 8127 of the Judicial Code, 42 Pa.C.S. § 8127.

[ **Subdivision** ] Paragraph B of this rule makes provision for a money judgment for the defendant if the defendant prevails in a greater amount on the defendant's cross-complaint.

For procedure for entry of satisfaction of money judgments, see Rule 341.

**Paragraph D of this rule provides for certain notices the magisterial district court shall include in the written notice of judgment or dismissal.**

**Subparagraph D(2) is intended to facilitate the provisions of 68 P.S. § 250.513, which extends the appeal period for a victim of domestic violence in a case arising out of a residential lease from 10 days to 30 days. A defendant who is a victim of domestic violence may file a domestic violence affidavit with the magisterial district court within 10 days of the date of entry of judgment in order to stay the issuance of an order of possession until after the 30th day following the date of entry of the judgment. See Rule 514.1.**

As to paragraph [ **D(2)** ] **D(3)**, see Rule 402D and Note. As to paragraph [ **D(3)** ] **D(4)**, see Rule 341.

(*Editor's Note:* Rule 514.1 is proposed to be added and printed in regular type to enhance readability.)

**Rule 514.1. Domestic Violence Affidavit.**

A. A defendant in a residential lease action who is a victim of domestic violence may file a domestic violence affidavit with the magisterial district court within 10 days of the date of entry of the judgment in order to prohibit the issuance of an order of possession until after the 30th day following the date of entry of judgment.

B. The domestic violence affidavit shall be on a form prescribed by the State Court Administrator, and affirm that the defendant is a victim of domestic violence.

C. The filing of the domestic violence affidavit with the magisterial district court shall operate as a supersedeas, and will terminate as of the filing of an appeal with the prothonotary pursuant to Rule 1002 or 30 days after the date of entry of the judgment, whichever is earlier.

D. The magisterial district court shall enter the domestic violence affidavit on the docket of the magisterial district court proceedings of the residential lease action.

E. The defendant shall serve a copy of the domestic violence affidavit on the plaintiff by mailing it to the plaintiff at the address as listed on the complaint form filed in the magisterial district court or as otherwise appearing in the records of that office, or the attorney of record, if any, of the plaintiff.

F. The defendant shall attach a copy of the domestic violence affidavit to an appeal filing made pursuant to Rule 1002.

**Official Note:** The appeal period for a victim of domestic violence in a case arising out of a residential lease is 30 days, rather than 10 days. *See* 68 P.S. § 250.513(b). A defendant who is a victim of domestic violence must file a domestic violence affidavit with the magisterial district court in order to prevent the issuance of an order for possession, and avail himself or herself of the additional time within which to file an appeal pursuant to Rule 1002. The filing of the affidavit will prohibit the issuance of an order of possession until after the 30th day following the date of entry of judgment, giving the defendant time to make the necessary appeal filing with the prothonotary pursuant to Rule 1002. If the defendant does not file a domestic violence affidavit with the magisterial district court within 10 days following the date of entry of judgment, any further filings to assert the 30-day appeal period due to domestic violence status must occur with the prothonotary, and may require additional filings, such as a request for *nunc pro tunc* relief.

The domestic violence affidavit set forth in Paragraph B shall contain the name of the victim, the name of the perpetrator, the perpetrator's relationship to the victim, the dates, locations and descriptions of incidents of domestic violence, and any protection from abuse orders sought or obtained against the perpetrator. The affidavit shall contain the defendant's verification that the statements made in the affidavit are true and correct to the best of the defendant's knowledge, information and belief, and that any false statements are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities. Any subsequent action by a plaintiff to strike an affidavit of domestic violence shall be conducted in accordance with the relevant Rules of Civil Procedure.

#### **Rule 515. Request for Order for Possession.**

A. If the magisterial district judge has rendered a judgment arising out of a non-residential lease that the real property be delivered up to the plaintiff, the plaintiff may, after the 15th day following the date of the entry of the judgment, file with the magisterial district judge a request for an order for possession. The request shall include a statement of the judgment amount, return, and all other matters required by these rules.

B. (1) Except as otherwise provided in subparagraph (2), if the magisterial district judge has rendered a judgment arising out of a residential lease that the real property be delivered up to the plaintiff, the plaintiff may after the 10th day but within 120 days following the date of the entry of the judgment, file with the magisterial district judge a request for an order for possession. The request shall include a statement of the judgment amount, return, and all other matters required by these rules.

(2) In a case arising out of a residential lease, if before the plaintiff requests an order for possession,

(a) an appeal, **domestic violence affidavit** or writ of certiorari operates as a supersedeas; or

(b) proceedings in the matter are stayed pursuant to a bankruptcy proceeding; and

(c) the supersedeas or bankruptcy stay is subsequently stricken, dismissed, lifted, or otherwise terminated so as to allow the plaintiff to proceed to request an order for possession,

the plaintiff may request an order for possession only within 120 days of the date the supersedeas or bankruptcy stay is stricken, dismissed, lifted, or otherwise terminated.

**Official Note:** The [ **fifteen days in subdivision** ] **15 days in paragraph A** of this rule, when added to the [ **16 day** ] **16-day** period provided for in Rule 519A, will give the defendant time to obtain a supersedeas within the appeal period. *See* Rules 1002, 1008, 1009, and 1013.

The 1995 amendment to section 513 of The Landlord and Tenant Act of 1951, 68 P.S. § 250.513, established a [ **ten-day** ] **10-day** appeal period from a judgment for possession of real estate arising out of a residential lease, **and a 30-day appeal period for defendants found to be victims of domestic violence**; therefore, the filing of the request for order for possession in subparagraph B(1) is not permitted until after the appeal period has expired. In cases arising out of a residential lease, the request for order for possession generally must be filed within 120 days of the date of the entry of the judgment.

Subparagraph B(2) provides that in a case arising out of a residential lease, if a supersedeas (resulting from an appeal, **domestic violence affidavit**, or writ of certiorari) or bankruptcy stay is stricken, dismissed, lifted, or otherwise terminated, thus allowing the plaintiff to proceed with requesting an order for possession, the request may be filed only within 120 days of the date the supersedeas or bankruptcy stay is stricken, dismissed, lifted, or otherwise terminated.

**A supersedeas resulting from the filing of a domestic violence affidavit will terminate as of the filing of an appeal with the prothonotary pursuant to Rule 1002 or 30 days after the date of entry of the judgment, whichever is earlier.**

The time limits in which the plaintiff must request an order for possession imposed in [ **subdivision** ] **paragraph B** apply only in cases arising out of residential leases and in no way affect the plaintiff's ability to execute on the money judgment. *See* Rule 516, Note, and Rule 521A.

At the time the plaintiff files the request for an order for possession, the magisterial district court should collect server fees for all actions through delivery of possession. Thereafter, if the order for possession is satisfied 48 hours or more prior to a scheduled delivery of possession, a portion of the server costs may be refundable. *See* Rules 516 through 520 and [ **Section 2950(d) of the Judicial Code, 42 Pa.C.S. § 2950(d)** ] **44 Pa.C.S. § 7161(d)**.

### **CHAPTER 1000. APPEALS**

#### **APPELLATE PROCEEDINGS WITH RESPECT TO JUDGMENTS AND OTHER DECISIONS OF MAGISTERIAL DISTRICT JUDGES IN CIVIL MATTERS**

##### **Rule 1001. Definitions.**

As used in this chapter:

[ (1) **Judgment**—A judgment rendered by a magisterial district judge under Rule 319, 322 or 514.

(2) **Appeal**—An appeal from a judgment to the court of common pleas.

(3) **Certiorari**—An examination by the court of common pleas of the record of proceedings before a magisterial district judge to determine questions raised under Rule 1009A.

(4) *Supersedeas*—A prohibition against any further execution processes on the judgment affected thereby.

(5) *Court of common pleas*—The court of common pleas of the judicial district in which is located the magisterial district wherein the questioned action of the magisterial district judge took place.

(6) *Claimant*—Includes a defendant with respect to a defendant's cross-complaint or supplementary action filed pursuant to Rule 342 in the action before the magisterial district judge.

(7) *Defendant*—Includes a plaintiff with respect to the defendant's cross-complaint or supplementary action filed pursuant to Rule 342 in the action before the magisterial district judge.

(8) *Service by certified or registered mail*—The mailing of properly addressed certified or registered mail.

(9) *Proof of service*—A verified written statement that service was made by personal service or by certified or registered mail, with the sender's receipt for certified or registered mail attached thereto if service was made by mail. ]

(1) "Appeal" means an appeal from a judgment to the court of common pleas.

(2) "Certiorari" means an examination by the court of common pleas of the record of proceedings before a magisterial district judge to determine questions raised under Rule 1009A.

(3) "Claimant" includes a defendant with respect to a defendant's cross-complaint or supplementary action filed pursuant to Rule 342 in the action before the magisterial district judge.

(4) "Court of common pleas" means the court of common pleas of the judicial district in which is located the magisterial district wherein the questioned action of the magisterial district judge took place.

(5) "Defendant" includes a plaintiff with respect to the defendant's cross-complaint or supplementary action filed pursuant to Rule 342 in the action before the magisterial district judge.

(6) "Judgment" means a judgment rendered by a magisterial district judge under Rules 319, 322 or 514.

(7) "Proof of service" means a verified written statement that service was made by personal service or by certified or registered mail, with the sender's receipt for certified or registered mail attached thereto if service was made by mail.

(8) Service "by certified or registered mail" means the mailing of properly addressed certified or registered mail.

(9) "Supersedeas" means a prohibition against any further execution processes on the judgment affected thereby.

(10) "Victim of domestic violence" means a person who has obtained a protection from abuse order against another individual or can provide other evidence of abuse.

*Official Note:* Although one of the purposes of the definitions in this rule is to avoid needless repetition

throughout these appellate rules, some of the definitions are intended to state or clarify the law as well.

In connection with the definition of "appeal" in [ **subdivision (2) ] paragraph (1)**, see also Rule 1007 and the note thereto.

Under [ **subdivision (3) ] paragraph (2)**, certiorari is restricted to an examination of the record of the proceedings before the magisterial district judge, which will appear on the complaint forms prescribed by the State Court Administrator. See *Flaherty v. Atkins*, [ **189 Pa. Super. 550**, ] 152 A.2d 280 (Pa. Super. 1959). This is a narrow form of certiorari, both with respect to procedure and the matters which can be considered under Rule 1009A. Since an aggrieved party will be entitled to a broad form of appeal de novo under these rules, there seems to be no justification for providing also for a broad form of certiorari. These restrictions on the writ of certiorari are authorized by § 26 of the Schedule to Article V of the 1968 Constitution. The writ of error, which at common law was probably available only to review the proceedings of a court of record (see *Beale v. Dougherty*, 3 Binn. 432 (1811)), is not a form of appellate process permitted by these rules. See also *County of Carbon v. Leibensperger*, [ **439 Pa. 138**, ] 266 A.2d 632 (Pa. 1970) (court of common pleas cannot issue writ of prohibition).

[ **The definition of "supersedeas" in subdivision (4) points out the proper office and limited nature of a supersedeas. See also Rules 1008 and 1013 and the notes thereto. ]**

Under [ **subdivision (9) ] paragraph (7)**, there is no requirement that the sender's receipt for certified mail be postmarked. There is no return receipt requirement for certified or registered mail. It is no longer necessary that the proof of service be under oath or affirmation; however, the statement is now made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

**The definition of "supersedeas" in paragraph (9) points out the limited nature of a supersedeas. See also Rules 1008 and 1013 and the notes thereto.**

Under paragraph (10), the definition of a victim of domestic violence is derived from 68 P.S. § 250.513. For additional definitions related to victims of domestic violence and abuse, see Pa.R.C.P.M.D.J. No. 1202.

## APPEAL

### Rule 1002. Time and Method of Appeal.

A. A party aggrieved by a judgment for money, or a judgment affecting the delivery of possession of real property arising out of a nonresidential lease, may appeal therefrom within [ **thirty (30) ] 30** days after the date of the entry of the judgment by filing with the prothonotary of the court of common pleas a notice of appeal on a form [ **which** ] that shall be prescribed by the State Court Administrator together with a copy of the Notice of Judgment issued by the magisterial district judge. The Prothonotary shall not accept an appeal from an aggrieved party [ **which** ] that is presented for filing more than [ **thirty (30) ] 30** days after the date of entry of the judgment without leave of Court and upon good cause shown.

[ **B. A ] B. (1) Except as otherwise provided in subparagraph (2)**, a party aggrieved by a judgment for

the delivery of possession of real property arising out of a residential lease may appeal therefrom within [ **ten (10)** ] **10** days after the date of the entry of judgment by filing with the prothonotary of the court of common pleas a notice of appeal on a form [ **which** ] **that** shall be prescribed by the State Court Administrator, together with a copy of the Notice of Judgment issued by the magisterial district judge. The prothonotary shall not accept an appeal from an aggrieved party [ **which** ] **that** is presented for filing more than [ **ten (10)** ] **10** days after the date of entry of judgment without leave of court and upon good cause shown.

(2) **A defendant who is aggrieved by a judgment for the delivery of possession of real property arising out of a residential lease, and who is a victim of domestic violence, may appeal the judgment within 30 days after the date of the entry of judgment by filing with the prothonotary of the court of common pleas a notice of appeal on a form that shall be prescribed by the State Court Administrator, together with a copy of the Notice of Judgment issued by the magisterial district judge, and the domestic violence affidavit. The prothonotary shall not accept an appeal from an aggrieved party that is presented for filing more than 30 days after the date of entry of judgment without leave of court and upon good cause shown.**

**Official Note:** The [ **thirty day limitation in subdivision ] 30-day limitation in paragraph A** of this rule is the same as that found in the Judicial Code § 5571(b), 42 Pa.C.S. § 5571(b), as amended by § 10(67) of the Judiciary Act Repealer Act, Act of April 28, 1978, P.L. 202, No. 53. The [ **ten day limitation in subdivision B of this rule** ] **10-day limitation in subparagraph B(1) of this rule, as well as the 30-day limitation in subparagraph B(2)**, is designed to implement the time for appeal set forth in § 513 of the Landlord and Tenant Act of 1951 (Act No. 1995-33, approved July 6, 1995) (Act No. 1995-33 was suspended by the Pa. Supreme Court on March 28, 1996 by Order of Court insofar as the Act is inconsistent with Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges, as adopted by that Order.) [ **The two subdivisions of this rule are** ] **This rule is intended to clarify that where the right of possession of residential real estate is at issue, and the tenant is not a victim of domestic violence, the shorter, [ ten day ] 10-day period for appeal applies; where the appeal is taken from any judgment for money, [ or ] a judgment affecting a nonresidential lease, or a judgment affecting the delivery of possession of real property arising out of a residential lease where the defendant is a victim of domestic violence** under these rules, the [ **thirty day** ] **30-day** period of time for appeal applies. A party may appeal the money portion of a judgment only within the [ **thirty day** ] **30-day** appeal period specified in [ **sub-section** ] **paragraph A** of this rule. It is the intent of this rule that no supersedeas under Pa.R.C.P.M.D.J. No. 1008 shall be issued by the Prothonotary after the [ **ten (10) day** ] **10-day** period for filing an appeal, unless a **tenant who is a victim of domestic violence files an appeal within 30 days of the date of entry of judgement** or by order of court.

The method of appeal is by filing with the prothonotary a "notice of appeal" on a form to be prescribed by the

State Court Administrator. Copies of this same form will be used for service under Pa.R.C.P.M.D.J. No. 1005. This permits use of the same form for filing and service. No useful purpose would be served by having two forms, one called an "appeal" for filing and another called a "notice of appeal" for service.

**The domestic violence affidavit set forth in Paragraph B(2) shall be on a form to be prescribed by the State Court Administrator. The domestic violence affidavit shall contain the name of the victim, the name of the perpetrator, the perpetrator's relationship to the victim, the dates, locations and descriptions of incidents of domestic violence, and any protection from abuse orders sought or obtained against the perpetrator. The affidavit shall contain the defendant's verification that the statements made in the affidavit are true and correct to the best of the defendant's knowledge, information and belief, and that any false statements are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities. Any subsequent action by a plaintiff to strike an affidavit of domestic violence shall be conducted in accordance with the relevant Rules of Civil Procedure.**

The 1990 amendment is intended to encourage the complete utilization of the hearing process available before the magisterial district judge.

A copy of the Notice of Judgment must be filed since it will contain the separate entries required by Pa.R.C.P.M.D.J. No. [ **514.A** ] **514A** and will be needed by the Prothonotary.

#### **Rule 1005. Service of Notice of Appeal and Other Papers.**

A. The appellant shall by personal service or by certified or registered mail serve a copy of [ **his** ] **the** notice of appeal upon the appellee and upon the magisterial district judge in whose office the judgment was rendered. If required by Rule 1004B to request a rule upon the appellee to file a complaint, [ **he** ] **the appellant** shall also serve the rule by personal service or by certified or registered mail upon the appellee. The address of the appellee for the purpose of service shall be [ **his** ] **the** address as listed on the complaint form filed in the office of the magisterial district judge or as otherwise appearing in the records of that office. If the appellee has an attorney of record named in the complaint form filed in the office of the magisterial district judge, the service upon the appellee may be made upon the attorney of record instead of upon the appellee personally.

B. The appellant shall file with the prothonotary proof of service of copies of [ **his** ] **the** notice of appeal, and proof of service of a rule upon the appellee to file a complaint if required to request such a rule by Rule 1004B, within [ **ten (10)** ] **10** days after filing the notice of appeal.

C. In lieu of service and proof of service pursuant to [ **subparagraphs A. and B. of this Rule** ] **paragraphs A and B of this rule**, the court of common pleas may, by local rule, permit or require that the appellant file with the notice of appeal a stamped envelope pre-addressed to the appellee at [ **his** ] **the** address as listed on the complaint form filed in the office of the magisterial district judge or as otherwise appearing in the records of that office, or the attorney of record, if any, of the



appellee, and a stamped envelope pre-addressed to the magisterial district judge in whose office the judgment was rendered. Copies of the notice of appeal, and Rule pursuant to 1004B, if applicable, shall thereupon be mailed by the prothonotary or court by first class mail, with such service and any return being noted on the court's docket.

D. The party filing a complaint under Rule 1004 shall forthwith serve it upon the opposite party in the appeal by leaving a copy for or mailing a copy to [ **him at his** ] the address as shown in the magisterial district court records mentioned in [ **subdivision** ] **paragraph A** of this rule. If the opposite party has an attorney of record either in the magisterial district court or court of common pleas proceeding, service upon the opposite party may be made upon the attorney of record instead of upon the opposite party personally.

E. Service and proof of service may be made by attorney or other agent.

**Official Note:** [ **Subdivision** ] **Paragraph A** requires service of a copy of the notice of appeal upon the magisterial district judge as well as upon the appellee, or [ **his** ] the appellee's attorney of record. **The notice of appeal includes all documents filed with the prothonotary, including a domestic violence affidavit, if applicable.** This copy, when received by the magisterial district judge, may operate as a supersedeas under Rule 1008. As to [ **subdivision** ] **paragraph B**, there is no return receipt requirement for service by certified or registered mail and consequently no such receipt need be filed with the prothonotary, although if service is by certified or registered mail the sender's receipt must be attached to the proof of service. See Rule [ **1001(9)** ] **1001(7)** and the last paragraph of the note to Rule 1001. The notice of appeal and the proof of service may be filed simultaneously. See also Rule 1006 and its note. [ **Subdivision** ] **Paragraph C** prescribes a pleading type service of the complaint, which may be made by ordinary mail, upon the opposite party in the appeal or [ **his** ] the party's attorney of record.

## REPORT

### *Proposed Adoption of Pa.R.C.P.M.D.J. No. 514.1 and Amendment of Pa.R.C.P.M.D.J. Nos. 501, 514-515, 1001-1002 and 1005*

#### **Appeals by Victims of Domestic Violence in Residential Lease Actions**

##### I. Introduction

The Minor Court Rules Committee ("Committee") is planning to propose to the Supreme Court of Pennsylvania the adoption of Pa.R.C.P.M.D.J. No. 514.1, as well as the amendment of Pa.R.C.P.M.D.J. Nos. 501, 514-515, 1001-1002 and 1005. These rules will provide a 30-day appeal period in residential lease actions for tenants who are victims of domestic violence.

##### II. Discussion

In recent years, the Committee has been examining the procedural rules governing appeals from judgments of magisterial district courts in an effort (1) to clarify the appeal periods for all civil and landlord-tenant judgments, and (2) to provide additional time for appeal to victims of domestic violence when a judgment arises out of a residential lease and contains an award of possession. With regard to the second point, the Committee sought to incorporate certain provisions of the Landlord and Tenant

Act of 1951 ("Act"), Act of April 6, 1951, P.L. 69, *as amended*, 68 P.S. § 250.513(b), into the rules. This section specifically provides that "within thirty days after a judgment by a lower court arising out of a nonresidential lease or a residential lease involving a victim of domestic violence, either party may appeal to the court of common pleas. . . ." 68 P.S. § 250.513(b) (emphasis added). Provisions to incorporate a 30-day appeal period for victims of domestic violence in residential lease actions were included in prior proposed rules that were published in the *Pennsylvania Bulletin* in 2012 and 2014. See 42 Pa.B. 7525 (December 15, 2012); 44 Pa.B. 4342 (July 12, 2014). While most provisions of the 2012 and 2014 proposals have been discontinued and are no longer under review, the Committee has continued developing a proposal on a 30-day appeal period for victims of domestic violence in residential lease actions.

After much discussion and review, the Committee proposes the following approach: a defendant who is a victim of domestic violence, defined as "a person who has obtained a protection from abuse order against another individual or can provide other evidence of abuse," may file a newly-created domestic violence affidavit with the magisterial district court within 10 days after the date of the entry of judgment so as to prohibit the issuance of an order for possession. By prohibiting the issuance of the order for possession will permit the defendant who has filed the domestic violence affidavit to appeal the magisterial district court judgment within the allowed 30-day period without the risk of eviction. If the defendant does not file the affidavit with the magisterial district court within the 10-day period after the date of the entry of judgment, any further filings by the defendant to assert the 30-day appeal period due to domestic violence status must occur with the prothonotary, and may require additional filings, such as a request for *nunc pro tunc* relief. Additionally, any challenges by the plaintiff to the domestic violence affidavit would have to be made to the court of common pleas.

When the defendant files the domestic violence affidavit with the magisterial district court within 10 days after the date of the entry of judgment, both the magisterial district court and the plaintiff are put on notice that the defendant has asserted the 30-day appeal period due to domestic violence status. The Committee proposes that the affidavit contain the name of the victim and perpetrator, the perpetrator's relationship to the victim, the dates, locations and descriptions of domestic violence, and any protection from abuse orders sought or obtained against the perpetrator. The proposed affidavit will also contain the defendant's verification that the statements made in the affidavit are true and correct to the best of the defendant's knowledge, information and belief, and that any false statements are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

##### III. Proposed Changes

*Rule 501:* The definition of "victim of domestic violence" has been added to Rule 501, as well as a reference in the note to 68 P.S. § 250.513 and Rule 1202. The Committee also proposes stylistic changes to Rule 501.

*Rule 514:* A provision is added to Rule 514D to require the magisterial district judge to provide notice of the 30-day appeal period for domestic violence victims on the written notice of judgment, as well as instructions for properly making such an appeal. The Committee also proposes stylistic changes to Rule 514.

*Rule 514.1:* New Rule 514.1 provides (1) specific instructions for the filing of the domestic violence affidavit with the magisterial district court to prohibit the issuance of an order for possession, (2) that the affidavit shall be on an AOPC form, (3) that the defendant shall serve the affidavit on the plaintiff, and (4) that the defendant will attach a copy of the affidavit to the notice of appeal. The note to Rule 514.1 advises that failure to file the domestic violence affidavit within 10 days following the entry of judgment means that the defendant will have to make the filing with the prothonotary, which could require additional filings such as a request for *nunc pro tunc* relief. The note also sets forth the content of the domestic violence affidavit, and explains that any filings by the plaintiff to strike the affidavit must be made pursuant to the Rules of Civil Procedure.

*Rule 515:* A reference to the new domestic violence affidavit is added to Rule 515B(2)(a) regarding the types of filings that will operate as a supersedeas. A provision has been added to the note to indicate that a supersedeas resulting from the filing of a domestic violence affidavit will terminate as of the filing of an appeal with the prothonotary or 30 days after the date of entry of the judgment, whichever is earlier. The statutory citation regarding constable fees has been updated. The Committee also proposes stylistic changes to Rule 515.

*Rule 1001:* The definitions have been alphabetized, with corresponding changes to references in the note. A definition of “victim of domestic violence” has been added. The Committee also proposes stylistic changes to Rule 1001.

*Rule 1002:* Rule 1002B(2)(a) has been amended to provide for a 30-day appeal period for victims of domestic violence. Rule 1002B(2)(a) provides that a defendant who is a victim of domestic violence shall appeal the judgment within 30 days after the date of entry of the judgment by filing the notice of appeal along with the domestic violence affidavit. The note sets forth the content for the domestic violence affidavit. The Committee also proposes stylistic changes to Rule 1002.

*Rule 1005:* An updated citation to a definition is made in the note, as well as stylistic changes. The note provides that the notice of appeal includes all documents filed with the prothonotary, including the domestic violence affidavit if applicable.

[Pa.B. Doc. No. 17-667. Filed for public inspection April 21, 2017, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

**IFA Insurance Company; Administrative Doc. No. 02 of 2017**

#### Order

*And Now*, this 31st day of March, 2017, upon consideration of the attached Show Cause Order regarding Liquidation of IFA Insurance Company issued by the Superior Court of New Jersey, Chancery Division—Mercer County, Docket No. MER-C-20-17, it is hereby *Ordered* and *Decreed* that all cases in which IFA Insurance Company is a named party shall be placed in deferred status until further notice.

It is further *Ordered* and *Decreed* that all actions currently pending against any insured of IFA Insurance Company shall be placed in deferred status until further notice.

This Administrative Order is issued in accordance with the April 11, 1986 order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration, Docket No. 1, and with the March 26, 1996 order of the Supreme Court of Pennsylvania, Eastern District, No. 164 Judicial Administration, Docket No. 1, as amended. This Order shall be filed with the Office of Judicial Records in a docket maintained for Orders issued by the First Judicial District of Pennsylvania and shall be published in *The Legal Intelligencer*, and will be posted on the First Judicial District’s website at <http://courts.phila.gov>. One certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts; two certified copies of this Order, and a copy on a computer diskette, shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. Copies shall be submitted to American Lawyer Media, the Jenkins Memorial Law Library, and the Law Library for the First judicial District of Pennsylvania.

*By the Court*

JACQUELINE F. ALLEN,  
*Administrative Judge  
Trial Division*

[Pa.B. Doc. No. 17-668. Filed for public inspection April 21, 2017, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### LUZERNE COUNTY

**Adoption of New Rule of Judicial Administration Uniform Rules Regarding Broadcasting, Taking of Photographs, Audio, Video or Motion Pictures of Judicial Proceedings in the Hearing Room or Courtroom or its Environs; Local Rule of Judicial Administration; No. 3634 of 2017**

#### Order

*And Now*, this 22nd day of March, 2017, *It Is Hereby Ordered* and *Decreed* that the Luzerne County Court of Common Pleas adopts the following local rule governing uniform rules regarding broadcasting, taking of photographs, audio, video, or motion pictures of judicial proceedings in the hearing room or courtroom or its environs for the 11th Judicial District of the Commonwealth of Pennsylvania:

The Luzerne County District Court Administrator is *Ordered* and *Directed* to do the following:

1) File one (1) copy of these Rules with the Administrative Office of Pennsylvania Courts via email to [adminrulespa@courts.us](mailto:adminrulespa@courts.us).

2) File two (2) paper copies and one (1) electronic copy in a Microsoft Word format only to [bulletin@palrb.us](mailto:bulletin@palrb.us) with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3) Publish these Rules on the Luzerne County Court website at [www.luzernecountycourts.com](http://www.luzernecountycourts.com).

4) File one (1) copy shall be kept continuously available for public inspection and copying in the Office of Judicial Services and Records of Luzerne County and the Wilkes-Barre Law and Library Association.

5) File one (1) electronic copy of these Rules in Microsoft Word format only to law.library@luzernecounty.org for publication in the *Luzerne Legal Register*.

Said Local Rule of Judicial Administration shall be effective in the 11th Judicial District of the Commonwealth of Pennsylvania thirty (30) days after publication in the *Pennsylvania Bulletin* and upon publication on the Luzerne County website.

*By the Court*

RICHARD M. HUGHES, III,  
*President Judge*

**Luz.Co.R.Jud.A. 1910; Uniform Rules regarding Broadcasting, Taking of Photographs, Audio, Video, or Motion Pictures of Judicial Proceedings in the Hearing Room or Courtroom or its Environs**

**Rule 1910. Broadcasting, Taking of Photographs, Video or Motion Pictures.**

1. No sound recording, photograph, video recording, cellular phone recording, motion picture of any type may be made or taken of any judicial proceeding which includes during, immediately before or immediately after said proceeding or in any hearing room or courtroom or in the area immediately surrounding the entrances or exits of such rooms, without the prior permission of the presiding judge, the presiding hearing officer or the designee of the presiding judge or the presiding hearing officer.

2. All electronic devices, including, but not limited to, cellular phones, tablets, laptops and cameras, shall be powered off (not simply muted) in all hearing rooms, courtrooms and in the area immediately surrounding the entrances and exits of such rooms unless permission to activate such device has been first obtained in advance from the presiding judge, the presiding hearing officer or the designee of the presiding judge or the presiding hearing officer. This directive specifically includes parties, witnesses, support staff of participants and attorneys. This provision does not apply to any Deputy Sheriff.

3. No photograph, video recording or motion picture of any witness, juror, police officer, judge or judicial officer connected to a pending judicial proceeding may be taken or made in the courthouse or in any building housing a courtroom or hearing room, whether or the court is actually in session, without the prior permission of the presiding judge, the presiding hearing officer or the designee of the presiding judge or presiding hearing officer.

4. The transmission in any form by any means of any conversation or testimony taken by any electronic means during or anytime thereafter any judicial proceeding without the prior permission of the presiding judge, the presiding hearing officer or the designee of the presiding judge or presiding hearing officer is strictly prohibited.

5. Violation of this Order may constitute contempt of court and result in the confiscation of such device and the deletion of any offending data or material on such device, the imposition of a fine of up to \$1,000.00 and/or imprisonment of up to six (6) months upon a finding of contempt of this rule.

6. The presiding judge, the presiding hearing officer the District Court Administrator, the designee of the presiding judge, the presiding hearing officer or the District Court Administrator, including the courtroom staff of the presiding judge or presiding hearing officer and the Sheriff of Luzerne County or his deputy, are authorized to enforce this Order, including taking immediate possession of any offending device.

7. Any device confiscated pursuant to this Order that is not claimed by its lawful owner within seven (7) business days of such confiscation shall be deemed forfeited to the County of Luzerne.

[Pa.B. Doc. No. 17-669. Filed for public inspection April 21, 2017, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

Notice is hereby given that on April 6, 2017, pursuant to Rule 214(d)(5), Pa.R.D.E., the Supreme Court of Pennsylvania ordered that David Leonard Quatrella (# 33822) be placed on Temporary Suspension from the practice of law, effective May 5, 2017. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,  
*Prothonotary*  
*The Disciplinary Board of the*  
*Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 17-670. Filed for public inspection April 21, 2017, 9:00 a.m.]