

THE COURTS

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CH. 4]

Proposed Amendment of Pa.R.J.C.P. 409

The Juvenile Court Procedural Rules Committee proposes the amendment of Rule 409 to change the outcome from “termination of jurisdiction” to “dismissal of petition” when the court finds the juvenile is “not in need” for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

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

All communications in reference to the proposal should be received by January 8, 2018. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Juvenile Court
 Procedural Rules Committee*

KELLY L. McNANEY, Esq.,
Chair

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 4. ADJUDICATORY HEARING

Rule 409. Adjudication of Delinquency.

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

1) *Not in [need] Need.* If the court determines that the juvenile is not in need of treatment, supervision, or rehabilitation, the court shall enter an order providing that:

a) [jurisdiction shall be terminated] the petition shall be dismissed and the juvenile shall be released, if detained, unless there are other reasons for the juvenile's detention; and

b) any records, fingerprints, and photographs taken shall be expunged or destroyed.

2) *In [need] Need.*

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

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

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

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

B. *Timing.*

1) If the juvenile is in detention, the court shall make its finding within twenty days of the ruling on the offenses pursuant to Rule 408.

2) If the juvenile is not in detention, the court shall make its finding within sixty days of the ruling on the offenses pursuant to Rule 408.

C. *Extending Time by Agreement.* The time restrictions under paragraphs (B)(1) and (B)(2) may be extended if there is an agreement by both parties.

Comment

Under paragraph (A), absent evidence to the contrary, evidence of the commission of acts that constitute a felony is sufficient to sustain a finding that the juvenile is in need of treatment, supervision, or rehabilitation. See 42 Pa.C.S. § 6341(b).

If the court determines that the juvenile is not in need of treatment, supervision, or rehabilitation and the court enters an order [terminating jurisdiction] dismissing the petition, the victim, if not present, shall be notified of the final outcome of the proceeding. See Victim's Bill of Rights, 18 P.S. § 11.201 *et seq.*

This rule addresses adjudicating the juvenile delinquent or [releasing the juvenile from the court's jurisdiction] dismissing the petition. This determination is different from finding the juvenile committed a delinquent act under Rule 408.

Pursuant to 42 Pa.C.S. § 6308(c)(3), all fingerprints and photographic records are to be destroyed upon order of the court if the juvenile is not adjudicated delinquent.

Pursuant to paragraph (A)(1)(b), the court is to specify which items are to be expunged and which items are to be destroyed. See Rule 172(A)(2) and its Comment.

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

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

For dispositional hearing procedures, see Chapter Five.

Official Note: Rule 409 adopted April 1, 2005, effective October 1, 2005. Amended December 24, 2009, effective immediately. Amended May 26, 2011, effective July 1, 2011. Amended July 28, 2014, effective September 29, 2014. **Amended** , **2018, effective** , **2018.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 409 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 409 published with the Court's Order at 40 Pa.B. 222 (January 9, 2010).

Final Report explaining the amendments to Rule 409 published with the Court's Order at 41 Pa.B. 3180 (June 25, 2011).

Final Report explaining the amendments to Rule 409 published with Court's Order at 44 Pa.B. 5447 (August 16, 2014).

Final Report explaining the amendments to Rule 409 published with Court's Order at Pa.B. (, 2018).

REPORT

Proposed Amendment of Pa.R.J.C.P. 409

The Juvenile Court Procedural Rules Committee proposes the amendment of Rule 409 to change the outcome from "termination of jurisdiction" to "dismissal of petition" when the court finds the juvenile is "not in need."

In a delinquency proceeding, if a court's ruling on the offenses is that the juvenile did not commit the alleged offenses, the Juvenile Act requires the petition be dismissed. *See* 42 Pa.C.S. § 6341(a). Rule 408 tracks this legislatively mandated outcome. *See* Pa.R.J.C.P. 408(B)(1). If the court rules that the juvenile committed the alleged offenses, but the juvenile is not in need, the Juvenile Act requires the proceeding be dismissed. *See* 42 Pa.C.S. § 6341(b). In contrast, Rule 409 states that court shall enter an order terminating jurisdiction. *See* Pa.R.J.C.P. 409(A)(1)(a).

As mentioned, the Juvenile Act has two outcomes: 1) dismissal of the petition; and 2) dismissal of the proceeding. The Juvenile Act requires the delinquency petition to include both the alleged offenses and a statement that the juvenile is in need. *See* 42 Pa.C.S. § 6334(a)(1). Therefore, a failure to substantiate either requirement would result in dismissal of the petition, which then operates to dismiss the proceeding.

Within the Rules, there are two outcomes: 1) dismissal of the petition; and 2) termination of jurisdiction. Procedurally, there is no difference between a dismissal of a petition pursuant to Rule 408 and termination of jurisdiction pursuant to Rule 409 because the outcomes are the same: there is no adjudication of delinquency after consideration of the merits. *See also In Interest of Morrow*, 583 A.2d 816, 818 (Pa. Super. 1990) (jeopardy attached once testimony commenced at the adjudicatory hearing). Moreover, for purposes of expungement, the termination of jurisdiction is considered the same as a dismissed petition. *See* Pa.R.J.C.P. 170(A)(2) and Comment.

The Committee discussed concerns that "jurisdiction," as used in Rule 409, might be conflated with the use of

that term in other parts of the Rules. *See, e.g.*, Pa.R.J.C.P. 630. Accordingly, to resolve any ambiguity, the Committee proposes to amend Rule 409(A)(1)(a) to state that the petition shall be dismissed when the juvenile is found not to be in need.

The Committee invites all comments, concerns, and suggestions regarding this rulemaking proposal.

[Pa.B. Doc. No. 17-1961. Filed for public inspection December 1, 2017, 9:00 a.m.]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CH. 400]

Proposed Amendment of Pa.R.C.P.M.D.J. No. 402

The Minor Court Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Pa.R.C.P.M.D.J. No. 402, addressing entry of judgment, 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.

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 January 29, 2018. 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 400. ENFORCEMENT OF JUDGMENTS RENDERED BY MAGISTERIAL DISTRICT JUDGES FOR THE PAYMENT OF MONEY

Rule 402. Request for Order of Execution. Entry of Judgment in Court of Common Pleas **or Philadelphia Municipal Court.**

A. Execution of a judgment for the payment of money rendered by a magisterial district judge may be ordered by a magisterial district judge in whose office the judgment was rendered or entered, provided the plaintiff files in that office

(1) not before the expiration of 30 days from the date the judgment is entered by the magisterial district judge, and

(2) within five years of that date,
a request for an order of execution.

B. The request form shall be attached to the order, return and other matters required by these rules.

C. The plaintiff may enter the judgment, for the purpose of requesting an order of execution thereon, in an office of a magisterial district judge other than that in which it was rendered only if levy is to be made outside the county in which the judgment was rendered and the office in which the judgment is entered for execution is that of a magisterial district judge whose magisterial district is situated in the county in which levy is to be made.

The plaintiff may enter the judgment in such other office by filing therein a copy of the record of the proceedings containing the judgment, certified to be a true copy by the magisterial district judge in whose existing office the judgment was rendered or by any other official custodian of the record.

D.(1) The plaintiff may enter the judgment in the court of common pleas in any county **or the Philadelphia Municipal Court**. When so entered, the indexing, revival and execution of the judgment shall be in accordance with procedures applicable in the court of common pleas **or the Philadelphia Municipal Court**.

(2) The judgment may be entered in the court of common pleas **or the Philadelphia Municipal Court** by filing with the prothonotary **or Philadelphia Municipal Court Administrator** a copy of the record of the proceedings containing the judgment, certified to be a true copy by the magisterial district judge in whose office the judgment was rendered or by any other official custodian of the record.

(3) The judgment may be entered in the court of common pleas **or the Philadelphia Municipal Court** after 30 days from the date the judgment is entered by the magisterial district judge. The judgment may not be entered in the court of common pleas **or the Philadelphia Municipal Court** after five years from the date the judgment is entered by the magisterial district judge.

(4)(a) Within 14 days of entering the judgment in the court of common pleas **or the Philadelphia Municipal Court**, the plaintiff shall file satisfactory proof of the entry of judgment with the magisterial district court that entered the judgment, and the magisterial district court shall vacate the judgment from its docket.

(b) If after 14 days of entering the judgment in the court of common pleas **or the Philadelphia Municipal Court**, the plaintiff fails to comply with subparagraph 4(a) of this rule, the defendant may file such proof with the magisterial district court that entered the judgment, and the magisterial district court shall vacate the judgment from its docket.

(5) Except as provided in [paragraphs] subparagraphs D(4) and D(6) of this rule, once the judgment is entered in the court of common pleas **or the Philadelphia Municipal Court** all further process must come

from [the court of common pleas] that court and no further process may be issued by the magisterial district judge.

(6) The magisterial district judge shall enter satisfaction on the docket of the magisterial district court proceedings upon the filing by any party in interest of a certified copy of the docket entries of the court of common pleas **or the Philadelphia Municipal Court** showing the judgment and satisfaction have been entered in [the court of common pleas] that court.

E.(1) As used in this rule, a judgment marked “expired” is a judgment that cannot be satisfied, revived, or vacated because the five-year period designated in Rule 402 has elapsed.

(2) If the plaintiff does not request an order of execution in a magisterial district court or enter the judgment in a court of common pleas **or the Philadelphia Municipal Court** within five years of the date the judgment was entered by the magisterial district judge, then the judgment shall be marked expired.

Official Note: The discretionary language used throughout paragraphs A, C and D is intended to reflect the various options available to the plaintiff for executing upon a judgment rendered by a magisterial district judge. In contrast, Rule 403A provides that “[u]pon the filing of the request form, the magisterial district judge. . . shall issue the order of execution thereon.”

Under [subdivision] paragraph A of this rule, the execution proceedings are commenced by requesting an “order of execution.” The request may not be filed before the expiration of 30 days after the date the judgment is entered by the magisterial district judge. This will give the defendant an opportunity to obtain a supersedeas within the appeal period. The request must be filed within five years of the date the judgment is entered by the magisterial district judge. No provision has been made for revival of a judgment in magisterial district court proceedings.

[Subdivision] Paragraph C provides for entering the judgment, for the purpose of requesting an order of execution, in an office of a magisterial district judge other than that in which the judgment was rendered when levy is to be made outside the county in which the judgment was rendered. *Compare* Pa.R.C.P. No. 3002.

As to [subdivision] paragraph D, *see* Section 1516 of the Judicial Code, 42 Pa.C.S. § 1516. The [30 day] 30-day limitation in the rule appears to be required by this Section. Certification by the magisterial district judge should not be done before the expiration of 30 days after the date of entry of the judgment. The only method available to renew a judgment would be to record the judgment in the [Prothonotary’s] prothonotary’s **or Municipal Court Administrator’s** office prior to the expiration of the five-year period and then follow the applicable Rules of Civil Procedure for the revival of judgments. *See* Pa.R.C.P. No. 3025 *et seq.*; *see also* Phila. M.C.R. Civ.P. No. 126c. Also, [subdivision] paragraph D makes clear that when the judgment is entered in the court of common pleas **or the Philadelphia Municipal Court**, all further process shall come from [the court of common pleas] that court and that no further process shall be issued by the magisterial district judge except that the magisterial district judge shall enter on the magisterial district court docket vacating of

the judgment due to its entry at the court of common pleas **or the Philadelphia Municipal Court**, or proof of satisfaction of a judgment that had been entered in the court of common pleas **or the Philadelphia Municipal Court** and subsequently satisfied in that court. This exception is necessary so that procedures exist for entering satisfaction of all judgments with the magisterial district court, regardless of whether the judgment has been certified to and satisfied in the court of common pleas **or the Philadelphia Municipal Court**. A plaintiff filing a judgment in the court of common pleas **or the Philadelphia Municipal Court** is required to file satisfactory proof of the entry of judgment with the magisterial district court that entered the judgment, and the magisterial district court will then vacate its judgment. This step ensures that only the enforceable common pleas **or Philadelphia Municipal Court** judgment will be reportable as an outstanding liability of the defendant.

[**Subdivision**] Paragraph E provides that a judgment shall be marked expired if the plaintiff does not request an order of execution in a magisterial district court or enter the judgment in a court of common pleas **or the Philadelphia Municipal Court** within five years of the date the judgment was entered by the magisterial district judge. Limiting the time period for entry of the judgment to five years will give a plaintiff sufficient time to act without indefinitely penalizing a defendant.

REPORT

Proposed Amendment of Pa.R.C.P.M.D.J. No. 402

Entry of Judgment

I. Introduction

The Minor Court Rules Committee (“Committee”) is planning to propose to the Supreme Court of Pennsylvania the amendment of Pa.R.C.P.M.D.J. No. 402. This rule addresses entry of judgment in a magisterial district court or a court of common pleas. The Committee is proposing to (A) clarify the procedure for a request for an order of execution that will take place outside the county where the magisterial district court judgment was rendered, and (B) add the Philadelphia Municipal Court as an additional court where a magisterial district court judgment may be entered.

II. Discussion

(A) Request for an Order of Execution

The Committee has received inquiries in recent years regarding a magisterial district judge’s authority to reject a request for an order of execution that will take place outside the county where the judgment was rendered (*i.e.*, out-of-district execution), and, instead, require the plaintiff to go directly to a magisterial district court in the other county to pursue execution.

Pa.R.C.P.M.D.J. No. 402A currently provides:

Execution of judgment for the payment of money rendered by a magisterial district judge may be ordered by a magisterial district judge in whose office the judgment was rendered or entered provided the plaintiff files in that office

(1) not before the expiration of 30 days after the date the judgment is entered by the magisterial district judge, and

(2) within five years of that date,
a request for an order of execution.

In contrast, Pa.R.C.P.M.D.J. No. 402C provides:

A plaintiff may enter the judgment, for the purpose of requesting an order of execution thereon, in an office of a magisterial district judge other than that in which it was rendered only if levy is to be made outside the county in which the judgment was rendered and the office in which the judgment is entered for execution is that of a magisterial district judge whose magisterial district is situated in the county in which levy is to be made.

The Committee was advised that some magisterial district courts have interpreted the discretionary language in Rules 402A and C as permitting a magisterial district court to reject a request for an order of execution that will take place outside the county where the judgment was rendered, and require the plaintiff to file the request in the other county. The Committee disagrees with this interpretation of the rule, and is of the opinion that the discretionary language used in Rules 402A and C is for the sole benefit of the plaintiff to elect where to enter the judgment for execution.

(B) Philadelphia Municipal Court

Currently, Rule 402 provides, among other things, that a plaintiff may enter a judgment rendered by a magisterial district court in the court of common pleas of any county. *See* Rule 402D(1). When entered in the court of common pleas, the judgment is subject to the indexing, revival and execution procedures applicable in the court of common pleas. *Id.* Entering a judgment in the court of common pleas, and submission of proof thereof to the magisterial district court, has the effect of vacating the underlying magisterial district court judgment, so that only one judgment remains in effect for execution purposes. *See* Rule 402D(4).

While reviewing Rule 302 (pertaining to venue) on a separate matter, a Committee member observed that the venue rule specifically permits the transfer of cases to and from the Philadelphia Municipal Court, while the rule on entry of judgments limits transfers to a magisterial district court or a court of common pleas. The Committee agreed that permitting entry of judgments in the Philadelphia Municipal Court would be useful to litigants, and discussed amending Rule 402 to add the Philadelphia Municipal Court as a court where a magisterial district court judgment may be entered.

The Philadelphia Municipal Court Rules of Civil Procedure permit entry of judgments from other courts: “[j]udgments of other Pennsylvania jurisdictions within the jurisdictional amount of this court may be transferred to this court by filing a certified copy of all the docket entries in the action and a certification of the amount of judgment or a certified copy of the transcript of the judgment.” *See* Phila.M.C.R.Civ.P. No. 125a. Judgments entered in Philadelphia Municipal Court are treated in the same manner as judgments entered in the Court of Common Pleas of Philadelphia County.

Judgment recovered in the Philadelphia Municipal Court shall be a lien upon property in the same manner and to the same extent that judgment recovered in the Court of Common Pleas of Philadelphia County is a lien. All such judgments shall be indexed in the judgment index or indices of Philadelphia County in the same manner as judgments of the court of common pleas are indexed.

42 Pa.C.S. § 1124. With regard to judgments of magisterial district courts, 42 Pa.C.S. § 1516, referenced in the Official Note to Rule 402, provides:

[a] judgment of a magisterial district judge shall not operate as a lien on real property until a transcript of the record showing a final judgment of a magisterial district judge has been filed in the manner prescribed by general rules in the office of the clerk of the court of common pleas of the county where the property is situated, or in the office of the clerk of the branch of the court of common pleas embracing such county.

42 Pa.C.S. § 1516.

The Committee did not find that these provisions prohibit entry of magisterial district court judgments in the Philadelphia Municipal Court. The Committee agreed that permitting entry of judgments in the Philadelphia Municipal Court would achieve consistency between the courts, and provide litigants with an additional venue to initiate the judgment enforcement process. Accordingly, the Committee agreed to add references to the Philadelphia Municipal Court in Rule 402, as well as to add references to the Philadelphia Municipal Court and a procedural rule of that court to the Official Note.

III. Proposed Changes

The Committee plans to propose an amendment to the Official Note to Rule 402 to clarify that the discretionary language used in paragraphs A, C and D is intended to reflect the options available to the plaintiff, and contrast those paragraphs with Rule 403A, which provides that “[u]pon the filing of the request form, the magisterial district judge . . . shall issue the order of execution thereon.”

The Committee also plans to propose the amendment of Rule 402 to add references to the Philadelphia Municipal Court throughout paragraphs D and E of the rule. The Committee will also propose amending the Official Note to add references to the Philadelphia Municipal Court, as well as a pertinent reference to Phila.M.C.R.Civ.P. No. 126c.

The Committee will also propose minor stylistic changes throughout Rule 402.

[Pa.B. Doc. No. 17-1962. Filed for public inspection December 1, 2017, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Adoption of Philadelphia Rule of Judicial Administration No. *404—Philadelphia Municipal Court Traffic Division Public Access Policy; Administrative Order No. 01 of 2017

Order

And Now, this 6th day of November, 2017, it is *Ordered* and *Decreed* that:

- (1) Philadelphia Rule of Judicial Administration No. *404. Philadelphia Municipal Court Traffic Division Public Access Policy is adopted effective January 6, 2018; and
- (2) The following Philadelphia Municipal Court Traffic Division Fee Schedule is adopted effective January 6, 2018.

This Administrative Order is issued in accordance with Pa.R.J.A. 103 and shall be filed with the following rule and Fee Schedule with the Office of Judicial Records (formerly the Prothonotary, Clerk of Courts and Clerk of Quarter Sessions) in a docket maintained for Administrative Orders issued by the First Judicial District of Pennsylvania. As required by Pa.R.J.A. 103(d)(5)(ii), two certified copies of this Administrative Order, rule and Fee Schedule shall be distributed to the Legislative Reference Bureau, together with a copy on a computer diskette, for publication in the *Pennsylvania Bulletin*, and shall become effective as previously noted. As required by Pa.R.J.A. 103(d)(6) one certified copy of this Administrative Order, rule and Fee Schedule shall be filed with the Administrative Office of Pennsylvania Courts, shall be published on the website of the First Judicial District at <http://www.courts.phila.gov>, and shall be incorporated in the compiled set of Philadelphia local rules no later than 30 days following publication in the *Pennsylvania Bulletin*. Copies of the Administrative Order, rule and Fee Schedule shall also be published in *The Legal Intelligencer* and will be submitted to American Lawyer Media, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

By the Court

HONORABLE GARY S. GLAZER,

Administrative Judge,

Philadelphia Municipal Court Traffic Division

PHILADELPHIA RULE OF JUDICIAL ADMINISTRATION

Rule *404. Philadelphia Municipal Court Traffic Division Public Access Policy.

(a) *Case Records.* The policy of the Philadelphia Municipal Court Traffic Division (“Traffic Division”) is to provide unrestricted access to its case records except as provided by law and state and local rules. The “case records” of the Traffic Division consist of citations issued or filed as required by law and rules of court, any notices, orders and warrants issued by the Traffic Division and any other legal papers filed with the Traffic Division. However, the following Traffic Division case records shall not be accessible to the public:

(1) Documents containing defendant’s employment and financial information which is provided as required by rules of court to enable the Traffic Division to enter and enforce installment payment orders, including In Forma Pauperis petitions; and

(2) Documents which contain any of the confidential information listed in subsection (b) below, unless the confidential information is redacted.

(b) *Electronic Case Records and Confidential Information.* It is the policy of the Traffic Division to permit the public to access, inspect and obtain electronic case records of the Traffic Division that exist in its case management system, eTIMS and any supporting electronic program, to the fullest extent legally permitted and feasible, except as provided by law, state and local rules, applicable UJS policies, provided that the Traffic Division’s orderly and efficient case flow is not disrupted by the request for electronic case records. However, the following information is deemed confidential and shall not be accessible to the public:

- (1) social security numbers;
- (2) operator license numbers;
- (3) witness information for Traffic Court cases including name, address and other contact information;

(4) financial institution account numbers, credit card numbers, PINS or passwords used to secure accounts;

(5) notes, drafts, and work products related to court administration or any office that is the primary custodian of an electronic case record;

(6) information sealed or protected pursuant to court order;

(7) information to which access is otherwise restricted by federal law, state law, or state court rule; and

(8) information presenting a risk to personal security, personal privacy, or the fair, impartial and orderly administration of justice, as determined by the Court Administrator with the approval of the Administrative Governing Board of the First Judicial District.

(c) *Request for Bulk Electronic Case Records or Data.* Standard reports will be made available to Requesters upon payment of the requisite fee. Requests for combined electronic case records ("bulk records") shall be reviewed and approved on a case-by-case basis. Any request for bulk records that can be compiled using an existing report format shall be granted. Any request for bulk records or data which cannot be compiled using an existing report format will be granted if the request is not onerous, and the Traffic Division has available personnel and resources needed to compile the information requested without adversely impacting the operations of the First Judicial District or otherwise disrupting its orderly and efficient case flow. Requests for electronic case records will be subject to fees and costs adopted by the Traffic Division from time to time.

(d) *Remote Access to Case Records and Electronic Case Records.* The Traffic Division is not required to provide remote access to case records or electronic case records. From time to time, however, the Traffic Division may provide electronic access to all or some such case records and/or electronic case records, in accordance with this rule and other applicable law, rules or regulations.

(e) *Fees. Forms.* The Traffic Division shall adopt a Public Access Fee Schedule and Request Forms, which may be amended from time to time and which shall be posted on the FJD website, <http://www.courts.phila.gov>.

First Judicial District of Pennsylvania

Philadelphia Rule of Judicial Administration No. *404

Philadelphia Municipal Court Traffic Division Public Access Policy¹

PUBLIC ACCESS FEE SCHEDULE Effective January 6, 2018

1) *Copies of Case Records.* Unless otherwise provided by applicable authority, \$0.25 shall be charged per page for Case Records of the Philadelphia Municipal Court Traffic Division, whether provided in a paper or electronic format, whether duplicated by photocopying or printing from electronic media.

2) *Historical Data File.* The sum of \$3,000 will be charged for a file consisting of agreed upon electronic data-fields spanning a five (5) year period, for each report type requested from the Municipal Court Traffic Division.

3) *Recurring Reports.* Recurring monthly reports are available at the cost of \$300 per month. A list of the

¹ The Case Management System of the Philadelphia Municipal Court Traffic Division is maintained by a third-party provider. The cost for requested data may be higher depending on the amount the third-party provider will charge the Traffic Division for producing the requested report. An estimate will be provided to the Requester for approval and pre-payment before the requested report is produced.

available recurring (standard) reports may be posted on the website of the First Judicial District.

4) *Weekly Reports.* Recurring Reports which are provided on a monthly basis can also be provided on a weekly basis for an additional fee of \$85 per week.

5) *Daily Reports.* Recurring Reports which are provided on a monthly basis can also be provided on a daily basis for an additional fee of \$85 per day.

6) *Ad Hoc, Non-Recurring, Requests.* Will be provided at a cost based on a standard programming fee of @ \$85 per hour, plus \$300 per report.

7) Record requested on media such as CD, DVD or other memory devices are subject to a minimum fee of \$5 or actual cost. Postage will be added, at actual cost, if delivery is requested by U.S. mail or other expedited delivery.

[Pa.B. Doc. No. 17-1963. Filed for public inspection December 1, 2017, 9:00 a.m.]

PHILADELPHIA COUNTY

Rescission of the Public Access Policy of the First Judicial District of Pennsylvania Adopted Octo- ber 15, 2012, and Adoption of Phila.R.J.A. Nos. *401, *402 and *403; No. 02 of 2017

Order

And Now, this 13th day of November, 2017, as required by the Order issued by the Supreme Court of Pennsylvania on January 6, 2017 in connection with the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts, No. 477 Judicial Administration Docket, it is *Ordered* and *Decreed* as follows:

1) The Public Access Policy of the First Judicial District of Pennsylvania adopted on October 15, 2012 (AGB Order No. 06 of 2012) is rescinded, effective January 6, 2018;

2) Philadelphia Rules of Judicial Administration No. *401, *402 and *403, as follows, are adopted effective January 6, 2018; and

3) The following First Judicial District's Public Access Fee Schedule is adopted effective January 6, 2018.

This Order is issued in accordance with Pa.R.J.A. 103 and shall be filed with the following rules with the Office of Judicial Records (formerly the Prothonotary, Clerk of Courts and Clerk of Quarter Sessions) in a docket maintained for Orders issued by the First Judicial District of Pennsylvania. As required by Pa.R.J.A. 103(d)(5)(ii), two certified copies of this Order and rules shall be distributed to the Legislative Reference Bureau, together with a copy on a computer diskette, for publication in the *Pennsylvania Bulletin*. As required by Pa.R.J.A. 103(d)(6) one certified copy of this Order and rules shall be filed with the Administrative Office of Pennsylvania Courts, shall be published on the website of the First Judicial District at <http://www.courts.phila.gov>, and shall be incorporated in the compiled set of Philadelphia local rules no later than 30 days following publication in the *Pennsylvania Bulletin*. Copies of the Order and rules shall also be published in *The Legal Intelligencer* and will be submitted to American Lawyer

Media, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

By the Court

HONORABLE SHEILA WOODS-SKIPPER,
Chair,
Administrative Governing Board of
the First Judicial District of Pennsylvania
President Judge,
Court of Common Pleas of
Philadelphia County

**PHILADELPHIA RULE OF JUDICIAL
ADMINISTRATION**

Rule *401. Policy Concerning Access to Case Records of the Court of Common Pleas and Philadelphia Municipal Court Civil and Criminal Divisions, in Conjunction with the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts (“UJS Case Records Policy”).

(a) *Confidential Information.* When a document (including exhibits) contains any of the confidential information listed in Section 7.0 of the UJS Case Records Policy, the filer shall file a Redacted Version and an Unredacted Version of the document, as provided below.

(1) *Redacted Version.* The Redacted Version of the document shall not include any of the confidential information listed in Section 7.0(A), and must be redacted in a manner that is visibly evident to the reader. The Redacted Version of the document shall be accessible by the public.

(2) *Unredacted Version.* The Unredacted Version of the document shall contain all information, including the confidential information listed in Section 7.0(A). The Unredacted Version of the document shall not be accessible by the public.

(3) A Redacted Version of a document which contains confidential information does not need to be filed for case types that are sealed or exempt from public access pursuant to applicable authority.

(b) *Confidential Documents.*

The documents listed in Section 8.0(A) of the UJS Case Records Policy shall be filed together with the Confidential Document Form. When a document is filed using the First Judicial District’s Electronic Filing System, the Confidential Document Form will be generated by the Electronic Filing System upon entry of the requisite information by the filer. All confidential documents filed in connection with each filing can be uploaded at the same time. A Confidential Document Form need not be used for case types that are sealed or exempt from public access pursuant to applicable authority. Confidential documents filed together with the Confidential Document Form are not accessible by the public; however, the Confidential Document Form is accessible by the public.

(c) *Access to Case Records at a Court Facility*

The information described in Section 9.0 of the UJS Case Records Policy is not accessible by the public at any First Judicial District court facility.

(d) *Remote Access.*

(1) *By the Parties.* Counsel of record or unrepresented parties shall continue to have remote access to documents and other legal papers filed in their case(s) only.

(2) *By the Public.* Before providing remote access to Case Records or dockets to the public, each Court or

Division of the First Judicial District must insure that the information and documents listed and described in Section 10.0 are not remotely accessible by the public.

(e) *Fee Schedules.* The First Judicial District shall adopt a Fee Schedule, as provided in Section 6.0 of the UJS Case Records Policy, which shall be posted on the court’s website at www.courts.phila.gov and posted in each court facility’s filing office in an area accessible to the public.

Rule *402. Electronic Case Records. Court of Common Pleas and Philadelphia Municipal Court Civil and Criminal Divisions.

(a) Electronic case record information maintained by the First Judicial District is available as provided in this rule to the extent its release is authorized or restricted by law, state and local rules, and applicable policies of the Unified Judicial System.

(b) Requests for electronic case record information shall be made on forms provided by the First Judicial District from time to time.

(c) Standard reports will be made available to Requesters upon payment of the requisite fee. Requests for combined electronic case records (“bulk records”) shall be reviewed and approved on a case-by-case basis. Any request for bulk records that can be compiled using an existing report format shall be granted. Any request for bulk records or data which cannot be compiled using an existing report format will be granted if the request is not onerous, and the First Judicial District has available personnel and resources needed to compile the information requested without adversely impacting the operations of the First Judicial District or otherwise disrupting its orderly and efficient case flow.

(d) Requests for electronic case records will be subject to fees and costs adopted by the First Judicial District from time to time. The First Judicial District must assess, charge and collect the fees and other charges that are required by law and other legal authority. See, e.g. 42 Pa.C.S. § 1725, 42 P.S. § 21015 et seq., and 42 P.S. § 21081.

(1) The First Judicial District shall adopt a Public Access Fee Schedule which shall be posted on the court’s website at www.courts.phila.gov and posted in each court facility’s filing office in an area accessible to the public.

(2) The Public Access Fee Schedule may be amended from time to time by the First Judicial District.

(3) Requesters may be required to pay the estimated cost of any report before release of the approved electronic case information.

Rule *403. Financial Records of the Court of Common Pleas and Philadelphia Municipal Court Civil and Criminal Divisions.

(a) Pennsylvania Rule of Judicial Administration No. 509 implements Section 304 of The Right to Know Law which requires Judicial Agencies to provide financial records. See Act 3 of 2008, 65 P.S. § 67.304. Financial Records maintained by the First Judicial District are presumed to be open to any member of the public for inspection or copying during established business hours as provided in Pennsylvania Rule of Judicial Administration No. 509 and this rule.

(1) Information regarding First Judicial District Contracts and Purchase Orders of \$5,000 or more issued after July 1, 2008 is available through the UJS Web Portal,

<https://ujportal.pacourts.us/DocumentPostings/Search.aspx>, by selecting "Philadelphia" in the "Judicial Office" field.

(2) Financial records may also be requested by completing the First Judicial District Financial Records Request Form, which is available on the First Judicial District's website at www.courts.phila.gov.

(b) The First Judicial District shall designate an Open-Records Officer and Appeals Officer, as required by 65 P.S. § 67.502 and 65 P.S. § 67.503.

(c) The First Judicial District shall adopt a Fee Schedule, which shall be available on the First Judicial District's website at www.courts.phila.gov. The Fee Schedule may be amended from time to time. Pre-payment will be required if expected compliance costs exceed \$100.

First Judicial District of Pennsylvania

Philadelphia Rule of Judicial Administration Nos. *401, *402 and *403 Court of Common Pleas and Municipal Court Civil and Criminal Divisions

PUBLIC ACCESS FEE SCHEDULE Effective January 6, 2018

1) *Copies of Official Case Records and Financial Records.* Unless otherwise provided by applicable authority¹, \$0.25 shall be charged per page for Official Case Records and Financial Records provided in a paper or electronic format, whether duplicated by photocopying or printing from electronic media.

2) *Historical Electronic Case Records Data File.* A file consisting of agreed upon electronic data fields spanning a five (5) year period, as follows:

(a) \$25,000 for electronic data maintained by the below Courts/Divisions:

- (i) Court of Common Pleas, Civil
- (ii) Court of Common Pleas, Orphans'
- (iii) Municipal Court, Civil²

(b) \$10,000 for each Court or Division for electronic data maintained by that Court or Division:

- (i) Court of Common Pleas, Civil
- (ii) Court of Common Pleas, Orphans'
- (iii) Municipal Court, Civil²

(c) \$3,000 for each report type (e.g. "Case Record" or "Judgment File") for each of the following Courts or Divisions:

- (i) Court of Common Pleas, Civil
- (ii) Court of Common Pleas, Orphans'
- (iii) Municipal Court, Civil²

3) *Recurring Reports.* Until otherwise provided, recurring monthly reports are available at the cost of \$300 per month. A list of the available recurring (standard) reports may be posted on the website of the First Judicial District and may be amended from time to time.

4) *Weekly Reports.* Recurring Reports which are provided on a monthly basis will be provided on a weekly basis for the monthly fee, and an additional cost of \$85 per week.

¹ See, e.g. 42 Pa.C.S. § 1721, 42 P.S. § 21015 et seq., and 42 P.S. § 21081.

² The Case Management System for this Division is maintained by a third-party provider. The cost for requested data may be higher depending on the amount the third-party provider will charge the District for producing the requested report. An estimate will be provided to the Requester for approval and pre-payment before the requested report is produced.

5) *Daily Reports.* Recurring Reports which are provided on a monthly basis will be provided on a daily basis for the monthly fee, and an additional cost of \$85 per business day

6) *Ad Hoc, Non-Recurring, Requests.* Will be provided at a cost based on a standard programming fee of @ \$85 per hour, plus \$300 per report.

7) Record requested on media such as CD, DVD or other memory devices are subject to a minimum fee of \$5 or actual cost. Postage will be added, at actual cost, if delivery is requested by U.S. mail or other expedited delivery. Other costs incurred in producing Financial Records will be assessed at actual cost.

[Pa.B. Doc. No. 17-1964. Filed for public inspection December 1, 2017, 9:00 a.m.]

Title 255—LOCAL COURT RULES

LAWRENCE COUNTY

Adoption of Local Rule of Judicial Administration 510; No. 90182 of 2017, A.D.

Administrative Order of Court

And Now, this 6th day of November, 2017, it is *Ordered* that Lawrence County Local Rule of Judicial Administration L510 is adopted, effective January 6, 2018, as follows:

Rule L510. Confidential Information Form.

Pursuant to § 7 of the Public Access Policy of the Uniformed Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts, persons who file documents that contain confidential information as defined by the Policy shall use and file a Confidential Information Form (CIF) or a Confidential Document Form (CDF), as applicable, in order to comply with the Policy. Parties are expressly prohibited from filing two versions of any document, i.e., a redacted version and an unredacted version. The forms shall be available in each filing office as well as on the Public Records page of the UJS website at <http://www.pacourts.us/public-record-policies>.

This rule may be cited as L.C.R.J.A. 510.

The Prothonotary shall exit a copy of this Order to all Lawrence County Judges; all Lawrence County Magisterial District Court Judges; Court Administration; and to the Lawrence County Prothonotary and Clerk of Courts.

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

1. File one (1) copy with the Administrative Office of Pennsylvania Courts.

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

3. Publish the Order on the Lawrence County Court website at www.co.lawrence.pa.us, and in the *Lawrence County Law Journal* and the *New Castle News*.

4. File one (1) copy of the local rule with the Lawrence County Law Library and the Office of the County Commissioners for public inspection and copying.

By the Court

DOMINICK MOTTO,
President Judge

[Pa.B. Doc. No. 17-1965. Filed for public inspection December 1, 2017, 9:00 a.m.]

LEHIGH COUNTY

Adoption of Local Rule of Judicial Administration 510—Filing of Legal Papers with Confidential Information; 2017-J-63

Administrative Order

And Now, this 8th day of November 2017, *It Is Ordered That* Lehigh County Local Rule of Judicial Administration 510 is hereby *Adopted*, effective January 6, 2018.

It Is Further Ordered That the Court Administrator of Lehigh County shall file: one (1) certified copy of this Order and Lehigh County Rule of Judicial Administration 510 with the Administrative Office of Pennsylvania Courts; and two (2) certified copies with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. This Local Rule shall also be published on the Court's website and incorporated into the complete set of Lehigh County Local Rules.

By the Court

EDWARD D. REIBMAN,
President Judge

Rule 510. Filing of Legal Papers with Confidential Information.

Pursuant to Section 7 of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trials Courts, persons who file documents that contain confidential information as defined by the Policy shall use and file a Confidential Information Form, along with the redacted document, in order to comply with the Policy. The Confidential Information Form shall be available in each filing office as well as on the court's website at www.lccpa.org.

[Pa.B. Doc. No. 17-1966. Filed for public inspection December 1, 2017, 9:00 a.m.]

MERCER COUNTY

Administrative Order; No. 2017-3297

And Now, this 9th day of November 2017, The Court Hereby *Approves, Adopts and Promulgates* the following Mercer County Administrative Order. This Order will become effective upon publication in the *Pennsylvania Bulletin*.

It is further *Ordered and Directed* that the Court Administrator of Mercer County shall file one (1) certified copy of this Order with the Administrative Office of Pennsylvania Courts and furnish two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

It is further *Ordered and Directed* that this Order shall be kept continuously available for public inspection and

copying in the Office of the Clerk of Courts of Mercer County and the Office of the Prothonotary of Mercer County. This Order shall be published in the *Mercer County Law Journal*.

By the Court

THOMAS R. DOBSON,
President Judge

Public Access Policy; Administrative Order 2017-3297

Administrative Order

And Now, this 2nd day of November, 2017, *It Is Hereby Ordered* that the Court of Common Pleas of Mercer County, Pennsylvania, adopts Option 1 of the Public Access Policy of the Unified Judicial System of Pennsylvania. Confidential information filed in accordance with the Public Access Policy shall be on a standardized Confidential Information Form provided by the Administrative Office of Pennsylvania Courts. The form shall be available in each filing office and on the AOPC web site at: <http://www.pacourts.us/public-records>

By the Court

THOMAS R. DOBSON,
President Judge

[Pa.B. Doc. No. 17-1967. Filed for public inspection December 1, 2017, 9:00 a.m.]

WARREN AND FOREST COUNTIES

Public Access Local Rule of Judicial Administration; No. 51 of 2017 Misc.

Administrative Order

And Now, this 14th day of November, 2017, it is hereby *Ordered and Decreed* that the Warren/Forest County Court of Common Pleas adopts Local Rule of Judicial Administration Rule R.J.A. L510 governing the Public Access Policy effective January 6, 2018.

The Warren/Forest District Court Administrator is *Ordered* to do the following:

1. File one (1) copy to the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.
2. File two (2) paper copies and one (1) electronic copy in a Microsoft Word format only to bulletin@palrb.us with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. Publish these Rules on the Warren/Forest County Court website at www.warrenforestcourt.org.
4. File one (1) copy of the local rule in the appropriate filing office for public inspection and copying.

By the Court

MAUREEN A. SKERDA,
President Judge

Rule R.J.A. L510. Public Access Policy.

(A) Pursuant to Section 7 of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case records of the Appellate and Trial Courts, persons who file documents that contain confidential information as defined by the Public Access Policy shall use and file a Confidential Information Form in order to comply with the Policy. The form shall be available in each

filing office as well as the Court Website, at www.warrenforestcourt.org and are located at the Public Records page of the UJS Website at <http://www.pacourts.us/public-records>.

[Pa.B. Doc. No. 17-1968. Filed for public inspection December 1, 2017, 9:00 a.m.]

WESTMORELAND COUNTY
Preliminary Hearings; No. 3 of 2017

Administrative Order of Court

And Now, this 19th day of October, 2017, *It Is Hereby Ordered* that Westmoreland County Criminal Procedure WC542 is hereby rescinded and new Rule WC542 is adopted. This change is effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

RICHARD E. McCORMICK, Jr.,
President Judge

Rule WC542. Preliminary Hearings.

(a) *Audio Recordings of Testimony from Preliminary Hearings*

(1) The magisterial district judge shall record testimony at preliminary hearings when requested by the district attorney or defendant's counsel.

(2) The magisterial district judge shall save the recording locally and back the recording up to the County's server upon completion of the preliminary hearing.

(3) The district attorney or defendant's counsel may obtain a copy of the recording from the court administrator by applying in writing within thirty days of the defendant's formal arraignment.

(4) When a preliminary hearing is held at the Westmoreland County Courthouse, court administration shall ensure that testimony is recorded.

(b) *Scheduling Court Arraignment*

(1) The court administrator shall assign and promulgate arraignment dates, judges and courtrooms. The magisterial district judge shall set as the date for court arraignment the next scheduled court arraignment date which falls no sooner than the eighth Friday following the preliminary hearing or waiver of the same. Arraignment shall be scheduled for 8:30 a.m. If the preliminary hearing or waiver occurs on a Friday, that Friday shall be counted as the first Friday.

(2) The magisterial district judge shall:

A. advise the defendant and counsel of the time, date, and place of arraignment, and that failure to appear at arraignment may result in the defendant's arrest and forfeiture of bond;

B. complete a court arraignment form;

C. require the defendant to sign the court arraignment form indicating that the defendant is aware of the time and place of arraignment and the obligation to appear; and

D. provide the defendant with a copy of the court arraignment form, retain a copy; and forward the original with the official record to the clerk of courts as required by Pa.R.Crim.P. 547.

[Pa.B. Doc. No. 17-1969. Filed for public inspection December 1, 2017, 9:00 a.m.]

**DISCIPLINARY BOARD OF
THE SUPREME COURT**

Notice of Suspension

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated November 14, 2017, Keith Hall Barkley (# 70521) who resides in Gotha, FL, is Suspended from the Bar of this Commonwealth for a period of two years. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

JULIA M. FRANKSTON-MORRIS, Esq.,
Secretary
*The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 17-1970. Filed for public inspection December 1, 2017, 9:00 a.m.]

SUPREME COURT

**Designation of Chair and Vice-Chair of Juvenile
Court Procedural Rules Committee; No. 751 Supreme
Court Rules**

Order

Per Curiam

And Now, this 16th day of November, 2017, the Honorable Jennifer R. Sletvold is hereby designated as Chair, and the Honorable R. Stephen Barrett is designated as Vice-Chair, of the Juvenile Court Procedural Rules Committee, commencing February 1, 2018.

[Pa.B. Doc. No. 17-1971. Filed for public inspection December 1, 2017, 9:00 a.m.]

**Reappointment to Juvenile Court Procedural Rules
Committee; No. 750 Supreme Court Rules**

Order

Per Curiam

And Now, this 16th day of November, 2017, the Honorable Thomas P. Rogers, Montgomery County, is hereby reappointed as a member of the Juvenile Court Procedural Rules Committee for a term of three years, commencing February 1, 2018.

[Pa.B. Doc. No. 17-1972. Filed for public inspection December 1, 2017, 9:00 a.m.]