

THE COURTS

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CH. 4]

Order Amending Rule 407 of the Rules of Juvenile Court Procedure; No. 723 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 23rd day of January, 2017, upon the recommendation of the Juvenile Court Procedural Rules Committee, the proposal having been published for public comment at 46 Pa.B. 1782 (April 9, 2016):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 407 of the Pennsylvania Rules of Juvenile Court Procedure is amended in the following form.

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

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 4. ADJUDICATORY HEARING

Rule 407. Admissions.

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

1) *Requirements.*

a) Before the court can accept an admission, the court shall determine that the admission is knowingly, intelligently, and voluntarily made.

b) As a part of this determination, the court shall ensure:

i) an attorney has reviewed and completed the admission colloquy with the juvenile pursuant to paragraph (C); and

ii) there is a factual basis for the admission.

c) At the hearing, the court shall conduct an independent inquiry with the juvenile to determine:

i) whether the juvenile understands the nature of the allegations to which he or she is admitting and understands what it means to admit;

ii) whether the juvenile understands that he or she has the right to a hearing before the judge and understands what occurs at a hearing;

iii) whether the juvenile is aware of the dispositions that could be imposed and the consequences of an adjudication of delinquency that can result from an admission;

iv) whether the juvenile has any questions about the admission; and

v) whether there are any other concerns apparent to the court after such inquiry that should be answered.

2) *Agreements.* If the parties agree upon the terms of an admission, the tender shall be presented to the court.

3) *Court [action] Action.* If the court accepts the tender, the court shall enter an order incorporating any agreement. If the court does not accept the tender, the case shall proceed as if no tender had been made.

4) *Limitations on [withdrawals] Withdrawals.* An admission may be withdrawn prior to the court entering the dispositional order. After the court has entered the dispositional order, an admission can be withdrawn only upon a demonstration of manifest injustice.

B. *Incriminating [statements] Statements.* An incriminating statement made by a juvenile in the discussions or conferences incident to an admission that is not ultimately accepted by the court or otherwise permitted to be withdrawn by the court shall not be used against the juvenile over objection in any criminal proceeding or hearing under the Juvenile Act, 42 Pa.C.S. § 6301 *et seq.*

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

1) in writing;

2) reviewed and completed with the juvenile by an attorney;

3) submitted to and reviewed by the court; and

4) substantially in the following form:

ADMISSION COLLOQUY FORM

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

Answer all of the questions on this form. If you do not understand any question, leave it blank and ask your lawyer or the judge.

I admit that I did the following things (attorney shall list the delinquent acts, grading of acts, and counts):

General Information:

- 1) What is your full name? _____
- 2) Do you have any other name or nickname? _____
If yes, state: _____
- 3) How old are you today? _____
- 4) What grade are you in? _____
- 5) Can you read, write, and understand English? _____ **(if yes, go to #6)**
- a) If you cannot read, has someone read this form to you? _____
If so, who? _____ (print name)

(signature of reader verifies that the form has been read to the juvenile)

- b) If you do not read English, have you been given a translator or a lawyer who speaks your language? _____
- c) Did your translator or lawyer read this form to you and explain it? _____
If so, who? _____ (print name)

(signature of reader verifies that the form has been read to the juvenile)

Knowing and Voluntary Admission:

- 6) Are you now a patient in a mental hospital [**or institution**]? _____
- a) If yes, where? _____
- b) Are you being treated for a mental illness [**(which is an illness that causes you to see a doctor for different behavior)**]? _____
- c) If yes, what are you being treated for? _____
- 7) Have you taken any drugs or alcohol yesterday or today that do not make you think clearly? _____
If yes, specify type of drugs and/or alcohol: _____
- 8) Has anyone threatened or forced you to sign this form? _____
If yes, explain: _____
- 9) Have you been promised anything for this admission? _____
If yes, explain: _____

Understanding the Admission:

- 10) Has your lawyer told you what you did was against the law [**(delinquent act)**]? _____
- 11) By admitting what you did, do you understand that you are giving up:
- a) the right to be presumed innocent, which means the judge does not think you broke the law until the D.A. (District Attorney) proves beyond a reasonable doubt that you broke the law (a reasonable doubt is a belief that it is very possible you did not break the law); _____
- b) the right to a hearing by a fair judge [, **which means the judge will listen to what everyone has to say and look at all the evidence before deciding**] ; _____
- c) the right to remain silent and your silence cannot be held against you [, **which means you will not be punished for not speaking**] ; _____
- d) the right to [**be heard, which means you may**] tell the judge your side of the story [**if you want**] ; _____
- e) the right to [**face and cross-examine witnesses, which means you can ask all**] ask witnesses questions;

- f) the right to present witnesses or evidence to help tell your side of the story, but you do not have to do anything;

- g) the right to [**challenge evidence against you, which means you**] tell the judge you disagree with something;

- h) the right to [**make objections and ask for rulings, which means the judge decides**] ask the judge to **decide** if he or she should hear certain [**evidence**] things; and _____
- i) the right to have [**another court, which is an appellate court, a higher court**] review this judge's decision.

12) Do you understand if the judge accepts your admission and believes you need help [(“**treatment, rehabilitation, and supervision**”), **the judge may find you delinquent, which means that you broke the law and need**] (**finds you delinquent**), **the judge may make you get help?** _____

Possible Consequences of Adjudication of Delinquency:

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

14) Are you aware that if you are admitting to _____

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

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

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

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

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

Admission Agreements:

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

19) If you change your mind about admitting to the charges before the judge decides your disposition or consequences, then you can ask the judge to let you take back your admission.

Appeals:

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

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

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

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

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

Lawyer’s Representation and Opportunity to Speak with Guardian

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

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

I promise that I have read [**this**] **the** whole form or someone has read [**this**] **the** form to me. I understand it. I am telling the truth. I am saying that I have done the things on page 1. I believe that this admission is best for me. The signature below and initials on each page of this form are mine.

JUVENILE

DATE

I, _____, lawyer for the juvenile, have reviewed this form with my client. My client has told me and I believe that he or she understands this form.

LAWYER FOR JUVENILE

DATE

D. Admission to an Act of Sexual Violence. If a juvenile is making an admission to an act of sexual violence, see 42 Pa.C.S. § 6358, which may render the juvenile eligible for civil commitment for involuntary treatment upon attaining 20 years of age, then the admission colloquy form set forth in paragraph (C) shall be amended to include substantially the following form:

ADDENDUM TO ADMISSION COLLOQUY FORM

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

ELIGIBILITY FOR CIVIL COMMITMENT FOR INVOLUNTARY TREATMENT

CIVIL COMMITMENT CASES

I did at least one of the crimes (in the box below); AND

If the judge says that I am a delinquent; AND

If I am in placement when I turn age 20,

I can go to a different placement against my will.

See 42 Pa.C.S. § 6401 *et seq.*

Check all that are true:

<input type="checkbox"/> Rape, 18 Pa.C.S. § 3121	<input type="checkbox"/> Sexual Assault, 18 Pa.C.S. § 3124.1
<input type="checkbox"/> Involuntary Deviate Sexual Intercourse, 18 Pa.C.S. § 3123	<input type="checkbox"/> Indecent Assault, 18 Pa.C.S. § 3126
<input type="checkbox"/> Aggravated Indecent Assault, 18 Pa.C.S. § 3125	<input type="checkbox"/> Incest, 18 Pa.C.S. § 4302

1) If I am in placement when I am age 20, SOAB (State Sexual Offenders Assessment Board) will look at information about me to see if I have mental problems that make it hard for me to stop doing sexual crimes. _____ initials

See 42 Pa.C.S. § 6358.

2) If SOAB thinks that I need treatment, the judge will have a hearing. _____ initials

See 42 Pa.C.S. § 6358.

3) If the judge agrees I need treatment, I will have a second hearing. _____ initials

See 42 Pa.C.S. § 6358.

4) At the hearing, the judge will decide if I have mental problems that make it likely that I will do sexual crimes again. If the judge says yes, I will go to a different placement for at least one year. _____ initials

See 42 Pa.C.S. §§ 6403 & 6404.

5) The judge will look at my case each year. I will stay in that placement for as long as the judge decides that I have mental problems that make it likely that I will do sexual crimes again. _____ initials

See 42 Pa.C.S. § 6404.

6) If the judge says I can leave placement, I must continue to get treatment when told for my mental problems. The judge will look at my case after one year. _____ initials

See 42 Pa.C.S. §§ 6404.1 & 6404.2.

7) If the judge says I can stop getting treatment after one year, I still must talk to a counselor every month. _____ initials

See 42 Pa.C.S. §§ 6404.1 & 6404.2.

8) If I do not obey these rules or the counselor says I cannot stop my bad actions, I will be sent back to placement. _____ initials

See 42 Pa.C.S. § 6404.2.

Lawyer's Representation and Opportunity to Speak with Guardian

9) Did you talk with your lawyer before you decided to tell the judge you did the crimes (delinquent acts) Yes No

10) Are you okay with what your lawyer did for you? Yes No

11) Did your lawyer answer all your questions? Yes No

12) Did you talk with your parent or guardian about saying you did the crimes? Yes No

If you answered no, would you like to talk with them now? Yes No

I have read this form or someone has read this form to me.

I understand the form and what I have to do. The signature below and initials on each page of this form are mine.

JUVENILE

DATE

I, _____, lawyer for the juvenile, have reviewed this form with my client. My client has informed me and I believe that he or she understands the rights, consequences, and dispositions outlined in this form. I have completed the foregoing sections with my client. I have explained them. I have no issues with my client admitting to the delinquent acts.

LAWYER FOR JUVENILE

DATE

Comment

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

The written colloquy serves as an aid for the court in making its determination that the admission is knowingly, intelligently, and voluntarily made and it does not supplant the court's responsibility to conduct a sufficient inquiry to support its determination pursuant to paragraph (A)(1).

Nothing in this rule prohibits the judge from reviewing the entire written colloquy with the juvenile on the record or asking more questions than required under paragraph (A)(1)(c).

The admission colloquy is similar to a guilty plea colloquy in criminal court; however, the juvenile court judge has special responsibilities under the Juvenile Act in providing a balanced attention to the protection of the community, the imposition of accountability for delinquent acts committed, and the development of competencies to enable juveniles to become responsible and productive members of the community. *See* 42 Pa.C.S. § 6301.

If the court finds an admission is not knowingly, intelligently, and voluntarily made, the case is to proceed to a hearing pursuant to Rule 406. The decision whether an admission is knowingly, intelligently, and voluntarily made is not appealable to another common pleas judge; therefore, the admission may not be presented to another judge once this determination has been made.

Under paragraph (A)(3), if the disposition agreed upon by the parties is unavailable or the court does not agree with the terms of the tender, the case is to proceed as if no tender had been made.

The court is not to accept a plea of *nolo contendere*. *See In re B.P.Y.*, 712 A.2d 769 (Pa. Super. [Ct.] 1998).

If the court does not accept an agreement or finds an admission not to be knowingly, intelligently, and voluntarily made, a motion for recusal of the judge may be appropriate for the adjudicatory hearing.

Pursuant to paragraph (C), an attorney is to review the written admission colloquy with the juvenile prior to entering the courtroom. The practice in some judicial districts permitting the juvenile probation officer to review this colloquy with the juvenile is inconsistent with this rule.

Pursuant to paragraph (D), the written admission colloquy in paragraph (C) is to be amended when the juvenile is admitting to an act that would render the juvenile eligible for court-ordered involuntary treatment upon attaining 20 years of age. *See* 42 Pa.C.S. §§ 6358, 6403. The court is to conduct a colloquy as to the potential consequences of an admission of this type using the form in paragraph (D).

The colloquy [**uses**] **forms use** several age-appropriate terms for the juvenile to understand; however, certain legal terms are contained in the form. It is expected that attorneys will explain [**this form**] **these forms** until their clients understand.

[**Pursuant to paragraph (C)(4), the admission colloquy is**] **The forms used for admissions are to be substantially in [this form] the forms found at paragraphs (C)(4) and (D).** The questions set forth are the minimal standard. A judicial district may choose to add requirements to [**its**] **these admission [colloquy] colloquies**. Any addition to the required [**colloquy**] **colloquies** is considered a local rule and the procedures of Rule 121 are to be followed if a judicial district chooses to make additions. *See* Rule 121.

[**Nothing in this rule precludes the court from entering a consent decree after the acceptance of an admission.**]

The admission [**colloquy**] **colloquies** can be downloaded from the Supreme Court's webpage at <http://www.pacourts.us/T/BoardsCommittees/JuvenileCourtProcedural/>. The [**admission form is**] **forms are** also available in Spanish.

The Pennsylvania Juvenile Collateral Consequences checklist is also available on the Supreme Court's webpage.

Nothing in this rule precludes the court from entering a consent decree after the acceptance of an admission.

Official Note: Rule 407 adopted April 1, 2005, effective October 1, 2005. Amended January 18, 2012, effective April 1, 2012. **Amended January 23, 2017, effective April 3, 2017.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 407 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 407 published with the Courts' Order at 42 Pa.B. 664 (February 4, 2012).

Final Report explaining the amendments to Rule 407 published with the Courts' Order at 47 Pa.B. 825 (February 11, 2017).

**FINAL REPORT¹
Amendment of Pa.R.J.C.P. 407**

On January 23, 2017, the Court amended Juvenile Court Procedural Rule 407 to further simplify the admission form and to require an addendum when the juvenile is admitting to an act of sexual violence.

Admission Form

As proposed, the Committee recognized the challenge of creating a more "child-friendly" form while retaining the form's purpose as a vehicle to convey important information to juveniles. To that end, the amendments were intended to be modest and to simplify the form, increase readability, and incorporate more age-appropriate language. Based upon comments received, some of the language proposed to be eliminated has been retained, other language has been further refined, and a new Question 19 added to the form advising the juvenile of their right to withdraw their admission in certain circumstances.

Act of Sexual Violence

A new paragraph (D) has been added to Rule 407 to require colloquy of the juvenile when admitting to an act of sexual violence. See 42 Pa.C.S. § 6358(a) (enumerating offenses). The purpose of this colloquy is to ensure that the juvenile is aware that he or she may be subject to court-ordered involuntary treatment upon attaining 20 years of age pursuant to 42 Pa.C.S. § 6403. The new paragraph requires an addendum to the admission form to include the form set forth in paragraph (D).

[Pa.B. Doc. No. 17-226. Filed for public inspection February 10, 2017, 9:00 a.m.]

**Title 255—LOCAL
COURT RULES**

DAUPHIN COUNTY

Promulgation of Local Rules; No. 1793 S 1989

Order

And Now, this 26th day of January 2017, Dauphin County Local Rules 1910.11.1, 1915.15(c), 1920.1, and 1920.43 are amended as follows:

Rule 1910.11.1.

The **Educational Parenting Seminar Attendance Order** shall be substantially in the following form:

Plaintiff : IN THE COURT OF COMMON PLEAS
: DAUPHIN COUNTY, PENNSYLVANIA
:
: PACSES CASE NUMBER:
:
Defendant : DOCKET NO.

¹ 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.

**EDUCATIONAL PARENTING SEMINAR
ATTENDANCE ORDER**

All parties are ORDERED to attend a four hour educational parenting seminar (Seminar) and file the Certificate of Attendance you will receive at the Seminar at the Domestic Relations Office prior to your hearing before the Court.

The Plaintiff shall attend on _____ at _____M [o'clock] and the Defendant shall attend on _____ at _____M [o'clock]. Any requests for rescheduling must be directed to the [Provider and will be granted only upon cause shown] provider of the Seminar and you will be required to attend the next available Seminar. (See attached [Provider brochure] information sheet for additional information).

You MUST attend and complete the Seminar prior to your Hearing before the Court.

[Failure to attend and complete the Seminar may be considered as Contempt of Court punishable by fine and other appropriate sanctions including up to six (6) months incarceration.]

FAILURE TO APPEAR AT THE SEMINAR AS SCHEDULED OR FAILURE TO REGISTER AND COMPLETE THE PROGRAM WILL BE BROUGHT TO THE ATTENTION OF THE COURT AND MAY RESULT IN THE FINDING OF CONTEMPT OF COURT PUNISHABLE BY FINE AND OTHER APPROPRIATE SANCTIONS.

Rule 1915.15(c). **Educational Parenting Seminar Attendance and Custody Conference Scheduling Order—Custody Complaint, Custody Count in Divorce Complaint or Petition for Modification or Petition for Contempt.**

In addition to the information required by Pa.R.C.P. 1915.15(a) or 1915.15(b), each Custody Complaint, Petition for Modification, Petition for Contempt, or custody count in a Divorce action relating to child custody shall include [a] **an Educational Parenting Seminar Attendance and Custody Conference Scheduling Order** in substantially the following form:

Plaintiff : IN THE COURT OF COMMON PLEAS
: DAUPHIN COUNTY, PENNSYLVANIA
:
: CIVIL ACTION
: CUSTODY
:
Defendant : NO.

**EDUCATIONAL PARENTING SEMINAR
[ATTENDANCE] AND CUSTODY CONFERENCE
SCHEDULING ORDER**

AND NOW, upon consideration of the attached Complaint, Petition for Modification or Petition for Contempt of a Custody Order, it is hereby ordered that the parties and their respective counsel appear before Custody Conference Officer _____ on _____, 20 _____ at _____M, Dauphin County Courthouse, 3rd Floor, 101 Market Street, Suite 300, Harrisburg, Pennsylvania for a Custody Conference.

At such Conference, an effort will be made to conciliate and resolve the issues in dispute; or if this cannot be accomplished, to define and narrow the issues to be heard

by the Court and to recommend an interim order pending pretrial/trial. Failure to appear may also result in an interim order being entered.

Children should not attend the conference unless requested by the Custody Conference Officer.

All parties are ORDERED to attend a four hour educational parenting seminar (Seminar) and file with the Prothonotary and bring with you to the Custody Conference your Seminar Certificate of Attendance you will receive at the Seminar. The Plaintiff is scheduled to attend on _____ at _____ M and the Defendant is scheduled to attend on _____ at _____ M. Any requests for rescheduling must be directed to the [Seminar Provider and will be granted only upon cause shown] provider of the Seminar and you will be required to attend the next available Seminar. (See attached information sheet regarding the Seminar).

[ATTEND THE SEMINAR MAY BE CONSIDERED AS CONTEMPT OF COURT PUNISHABLE BY FINE, OTHER APPROPRIATE SANCTIONS INCLUDING UP TO SIX (6) MONTHS INCARCERATION.] FAILURE TO APPEAR AT THE SEMINAR AS SCHEDULED OR FAILURE TO REGISTER AND COMPLETE THE PROGRAM WILL BE BROUGHT TO THE ATTENTION OF THE COURT AND MAY RESULT IN THE FINDING OF CONTEMPT OF COURT PUNISHABLE BY FINE AND OTHER APPROPRIATE SANCTIONS.

IF YOU FAIL TO APPEAR AT THE CUSTODY CONFERENCE AS PROVIDED BY THIS ORDER, WITHOUT PROPER CAUSE SHOWN, AND THE CUSTODY CONFERENCE OFFICER IS SATISFIED THAT PROPER NOTICE OF THE ORDER SCHEDULING THE CONFERENCE HAS BEEN SERVED ON OR PROVIDED TO THAT PARTY, THE CUSTODY CONFERENCE OFFICER SHALL REFER THE MATTER TO THE COURT FOR A CONTEMPT HEARING WHICH CAN RESULT IN THE IMPOSITION OF SANCTIONS INCLUDING FINES, ATTORNEY FEES AND COSTS.

You must complete and file with the Prothonotary a Criminal or Abuse History Verification regarding you and anyone living in your household on or before _____. The Criminal or Abuse History Verification is attached. This form is also available at www.dauphincounty.org/government/Court-Departments/Self-Help-Center.

You must mail a copy of your Criminal or Abuse History Verification to all other parties by _____.

No party may make a change in the residence of any child which significantly impairs the ability of the other party to exercise custodial rights without first complying with all of the applicable provisions of 23 Pa.C.S. § 5337 and Pa.R.C.P. No. 1915.17 regarding relocation.

If any party to this custody action is incarcerated at any stage of the proceedings, the custody conference officer or assigned judge will make reasonable efforts to arrange for the incarcerated party to participate by telephone or video conference. If you, as an incarcerated party, do not think such arrangements have been made, please contact the court administrator's office at [(717) 780-6630] (717) 780-6624 or by mail at 3rd floor, Dauphin County Courthouse, 101 Market Street, Harrisburg, PA 17101.

If any party needs an interpreter at either the custody conference or trial, please contact the

Court Administrator's office at (717) 780-6608 as soon as possible. It takes a minimum of five days to schedule an interpreter and failure to make a timely request could delay the proceedings.

FOR THE COURT:

Date _____ By _____
Custody Conference Officer

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE.

[GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE. IF NEEDED, YOU SHOULD CALL TODAY TO MAKE AN APPOINTMENT PRIOR TO YOUR CUSTODY CONFERENCE.

**DAUPHIN COUNTY LAWYER REFERRAL SERVICE
213 North Front Street
Harrisburg, PA 17101
(717) 232-7536]**

IF YOU DO NOT HAVE A LAWYER AND WANT A LAWYER TO REPRESENT YOU, IMMEDIATELY CONTACT MIDPENN LEGAL SERVICES AT (717) 232-0581 TO OBTAIN LEGAL REPRESENTATION OR REFERRAL TO THE DAUPHIN COUNTY BAR ASSOCIATION LAWYER REFERRAL.

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Dauphin County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact the Court Administrator's Office at [(717) 780-6630] (717) 780-6608. All arrangements must be made at least 72 hours prior to any hearing or conference.

Rule 1920.1. Form of Complaint.

(1) In addition to the information required by Pa.R.C.P. 1920.12, each Divorce or Annulment Complaint shall contain one of the following averments:

A. Plaintiff avers that there are no children of the parties under the age of 18.

B. Plaintiff avers that there are children of the parties under the age of 18 and their names and ages are as follows:

(2) A Divorce or Annulment Complaint or Counterclaim which includes a count for custody shall contain the attachments set forth in Local Rule 1915.3 and follow all other Custody action procedures.

(3) A Divorce or Annulment Complaint which does not include a count for custody, where the parties are parents of children under the age of eighteen (18), shall include the following **Educational Parenting Seminar Scheduling Order**.

Plaintiff : IN THE COURT OF COMMON PLEAS
 : DAUPHIN COUNTY, PENNSYLVANIA
 :
 : CIVIL ACTION
 :
 Defendant : NO.

EDUCATIONAL PARENTING SEMINAR
 SCHEDULING ORDER

All parties are ORDERED to attend a four hour educational parenting seminar (Seminar) and file with the Prothonotary the Certificate of Attendance you will receive at the Seminar. The Plaintiff is scheduled to attend on _____ at ____M [o'clock] and the Defendant is scheduled to attend on _____ at ____M [o'clock]. Any requests for rescheduling must be directed to the [**Provider and will be granted only upon cause shown**] provider of the Seminar and you will be required to attend the next available Seminar. (See attached [**Provider brochure**] information sheet for additional information).

FAILURE TO APPEAR AT THE SEMINAR AS SCHEDULED OR FAILURE TO REGISTER AND COMPLETE THE PROGRAM WILL BE BROUGHT TO THE ATTENTION OF THE COURT AND MAY RESULT IN A FINDING OF CONTEMPT OF COURT PUNISHABLE BY FINE AND OTHER APPROPRIATE SANCTIONS. [INCLUDING UP TO SIX (6) MONTHS INCARCERATION.]

If you fail to attend this seminar, no divorce decree will be granted where there are children under the age of 18 until both parties attend the Seminar.

Rule 1920.43. Pre-Hearing Divorce Matters, Special Relief, Advance Distribution, Discovery [**Issues**], Post-Divorce Issues (Other than Exceptions to Master's Report).

(a) [**All**] Petitions for Special Relief and motions raising pre-trial and post-divorce issues other than Exceptions to Master's Report in divorce cases [**shall**] **may at the court's discretion** be assigned to the Divorce Master.

(b) Any Pre-Hearing or Post-Divorce Petition or Motion in a divorce matter shall comply with Dauphin County Rule 205.2(a)(3)(b) and shall include the following:

(1) A certification by the filing party that (s)he disclosed the full text of the Petition or Motion and the Proposed Order to all parties by facsimile or electronic communication and that concurrence to both the Petition or Motion and Proposed Order has been given or denied by each party in accordance with Dauphin County Local Rule 208.2(d).

(2) If concurrence to both the Petition or Motion and the Proposed Order is denied by any party or any party has not responded in a timely manner, the Petition or Motion shall be deemed to be contested and the moving party shall attach:

- (a) A Rule to Show Cause in accordance with Pa.R.C.P. 206.5;
- (b) A Proposed Order;
- (c) A Certificate of Service;

(d) A Self Represented Party Entry of Appearance if unrepresented by legal counsel.

(3) If all parties concur, the Petition or Motion shall be deemed to be uncontested and the filing party shall attach the proposed agreed Order.

(c) If the Petition or Motion is deemed to be contested, a Rule to Show Cause shall be issued by a Family Court Judge.

(1) When a response to the Rule to Show Cause is filed, **the Court may direct the Divorce Master to address the issues in dispute. In that event**, the moving party shall file an original and a copy of a Motion for Appointment of Master with the Prothonotary together with the \$75.00 administrative fee in accordance with Dauphin County Rule 1920.51.

(2) The Prothonotary shall promptly forward the Motion for Appointment of Master to the Court Administrator's Office. A Family Court Judge will appoint the Divorce Master to hear the Pre-Hearing matter.

(3) The Divorce Master will schedule a Pre-Hearing Conference.

(4) If an agreement is reached at the Pre-Hearing Conference, the Divorce Master shall file a Memorandum memorializing the agreement with the Prothonotary and shall forward the agreed Order to a Family Court Judge for review.

(5) If an agreement is not reached at the Pre-Hearing Conference, the Divorce Master shall schedule a hearing.

(6) Following the hearing, The Divorce Master shall file with the Prothonotary a Report and Recommendation and Proposed Order regarding the Pre-Hearing matter within ten (10) days from the date of the hearing. A copy of the Report and Recommendation and Proposed Order shall be mailed to all parties.

(7) The Prothonotary shall promptly forward the Report and Recommendation and Proposed Order to the Court Administrator's Office for assignment to a Family Court Judge to issue an Order.

(8) Within ten (10) days from the date of the Court Order, for good cause shown, e.g. immediate irreparable harm or other extraordinary circumstances, a party may petition the Court to reconsider the Order.

(d) At any point after the Divorce Complaint has been filed, a party may request the appointment of the master to address discovery by filing an original and a copy of a Motion for Appointment of Master with the Prothonotary together with the \$75.00 administrative fee in accordance with Dauphin County Local Rule 1920.51.

These amendments shall be effective thirty (30) days from date of publication.

By the Court

RICHARD A. LEWIS,
 President Judge

[Pa.B. Doc. No. 17-227. Filed for public inspection February 10, 2017, 9:00 a.m.]

FAYETTE COUNTY**Local Rule of Civil Procedure 210.1; No. 172 of 2017, G.D.****Order**

And Now, this 25th day of January, 2017, pursuant to Pennsylvania Rule of Judicial Administration 103(c), it is hereby ordered that Fayette County Local Rule of Civil Procedure 210.1 is rescinded, effective 30 days after publication in the *Pennsylvania Bulletin*.

The Prothonotary is directed as follows:

(1) One copy of this order shall be filed with the Administrative Office of Pennsylvania Courts.

(2) Two copies and CD-ROM of this order shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One copy shall be sent to the Fayette County Law Library and the Editor of the *Fayette Legal Journal*.

The Administrative Office of Fayette County Courts is directed as follows:

(1) Publish a copy of this order on the website of Administrative Office of Fayette County Courts.

(2) Amend the complete set of Fayette County Local Rules no later than 30 days following the publication in the *Pennsylvania Bulletin*.

By the Court

JOHN F. WAGNER, Jr.,
President Judge

[Pa.B. Doc. No. 17-228. Filed for public inspection February 10, 2017, 9:00 a.m.]

LANCASTER COUNTY**Amendment of Rule 570A and Abolishment of Rules 570B and 570C of Local Rules of Criminal Procedure; CPJ. No. 7, Page 1357; No. 7 AD 2017****Administrative Order**

And Now, this 24th day of January 2017, it is hereby

Ordered, to be effective 30 days after publication in the *PA Bulletin*, the Lancaster County Court of Common Pleas adopts the following local rules governing amendment of Rule 570A and abolishment of Rules 570B and 570C for the 2nd Judicial District.

The Lancaster County 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 Lancaster County Court website at www.court.co.lancaster.pa.us.

4. Incorporation of the local rule into the set of local rules on www.court.co.lancaster.pa.us within thirty (30) days after the publication of the local rule in the *Pennsylvania Bulletin*.

5. File one (1) copy of the local rule in the appropriate filing office for public inspection and copying.

By the Court

DENNIS E. REINAKER,
President Judge

L.C.R.Crim.P. No. 570A. Status Conference.**A. Scheduling of Status Conference**

1. Within 45 days of the arraignment conducted in accordance with Local Rule 571, each case in which an Information has been issued and which has not already been disposed of by, nolle prosequi, or other final action, shall be assigned to a judge and scheduled for a status conference.

2. The District Court Administrator shall provide notice of the status conference to counsel no later than seven days before the conference and shall provide notice to pro se defendants pursuant to Pa.R.Crim.P. 114.

3. The appearance of the assigned attorney for the Commonwealth and the defense attorney or the pro se defendant shall be mandatory. The status conference shall take place in open court, unless agreed by the defendant to be in chambers.

4. No status conference may be continued or rescheduled absent compelling reasons and with the approval of the judge to whom the case has been assigned.

B. Information Provided at Status Conference

1. The general purpose of the status conference is to determine the likely disposition of the assigned case prior to the Pretrial conference conducted in accordance with Local Rule 570B. Accordingly, at the time of the status conference the parties shall be prepared to provide, at a minimum, the following information: (1) whether the case is scheduled, or will be scheduled, for a guilty plea or Accelerated Rehabilitative Disposition; (2) whether all discovery has been provided in accordance with the Pennsylvania Rules of Criminal Procedure; (3) whether all Pretrial motions have been timely filed; and (4) any additional information necessary for the court to complete the Status Conference Order.

2. A pro se defendant who does not intend to remain pro se throughout the pendency of the case shall advise the court at the status conference of the status of the defendant's efforts to secure legal representation.

C. Failure to Appear for Status Conference

1. If a pro se defendant fails to appear for a duly scheduled and noticed status conference, the court may, in its discretion, issue a bench warrant and forfeit bail.

2. If an attorney for the Commonwealth or defense attorney fails to appear for a duly scheduled and noticed status conference, the court may take such disciplinary action as it deems appropriate, including, but not limited to, disciplinary action under the Rules of Professional Conduct or instituting proceedings for contempt.

D. Order Following Status Conference

1. At the conclusion of the status conference the court shall enter a Status Conference Order reflecting the disposition of the case as represented by the parties (e.g., guilty plea, nolo contendere plea, ARD or nolle prosequi), or if the matter shall be scheduled for a subsequent Status Conference, or if the matter is to be listed for trial, or if a bench warrant has been issued and bail has been forfeit.

2. The completed Status Conference Order shall be filed with the Clerk of Courts at the conclusion of the status conference.

E. Listing Matter for Trial

1. Any case to be listed for trial shall be scheduled for the Friday immediately preceding the anticipated trial week.

2. A Call of the Criminal Trial List shall occur for cases remaining on the trial list as of the Friday immediately preceding the trial week. The purpose of this call of the list shall be to establish a trial priority for the following week as well as to dispose of any outstanding cases by way of guilty plea, nolo contendere plea, ARD or nolle prosequi.

3. Any case not resolved by the date of its initial Call of the Criminal Trial List shall thereafter remain exclusively with the assigned judge for disposition.

4. The appearance of the assigned attorney for the Commonwealth, the defense attorney, and the defendant, whether pro se or represented by counsel shall be mandatory unless excused by the assigned judge. The Call of the Criminal Trial List shall take place in open court, unless agreed by the defendant to be in chambers.

Revised 9-19-16 Effective 3-13-17

L.C.R.Crim.P. No. 570B.

[This rule has been rescinded in its entirety.]

Revised 9-19-16 Effective 3-13-17

L.C.R.Crim.P. No. 570C.

[This rule has been rescinded in its entirety.]

Revised 9-19-16 Effective 3-13-17

[Pa.B. Doc. No. 17-229. Filed for public inspection February 10, 2017, 9:00 a.m.]

SOMERSET COUNTY

**Consolidated Rules of Court; Administrative Order
No. 1 of 2017; No. 4 Misc. 2017**

Adopting Order

Now, this 24th day of January, 2017, it is hereby *Ordered*:

1. Somerset County Rules Of Judicial Administration 4001, 4010, 4020, 4030, 4040, 4041, 4050, 4060, 4070, 4080, and 5000.30 are *Renumbered*, effective thirty (30) days after publication in *The Pennsylvania Bulletin* and on the Unified Judicial System Portal.

2. The Somerset County Court Administrator is directed to:

A. File one (1) copy of this Order and the following Local Rules of Judicial Administration with the Administrative Office of Pennsylvania Courts via email to rulescommittees@pacourts.us;

B. File two (2) certified copies of this Order along with electronic copy to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

C. Publish the Local Rules of Judicial Administration on the Somerset County website;

D. Within thirty (30) days after publication of the Local Rules of Judicial Administration in the *Pennsylvania*

Bulletin, incorporate the Rules into the complete set of Local Rules published on the Somerset County website;

E. File one (1) copy of the Local Rules of Judicial Administration in the Office of the Prothonotary of Somerset County, which copy shall be continuously available for inspection in said Office.

F. File proof of compliance with this Order in the docket for this Order, which shall include a copy of each transmittal letter.

**Renumbering of Rules of Judicial Administration
4001, 4010, 4020, 4030, 4040, 4041, 4050, 4060, 4070,
4080 and 5000.30; Administrative Order 1-2017;
No. 4 Misc. 2017**

Administrative Order

And Now, this 23rd day of January, 2017, it is ordered that the Somerset Rules of Judicial Administration set forth as follows are *Renumbered* as follows:

<i>Current Number</i>	<i>New Number</i>
4001	3501
4010	3510
4020	3520
4030	3530
4040	3540
4041	3541
4050	3550
4060	3560
4070	3570
4080	3580
5000.30	4090

All headings and/or titles that are associated with the previously renumbered Rules shall remain unchanged.

By the Court

D. GREGORY GEARY,
President Judge

[Pa.B. Doc. No. 17-230. Filed for public inspection February 10, 2017, 9:00 a.m.]

SOMERSET COUNTY

**Consolidated Rules of Court; Administrative Order
No. 2 of 2017; No. 4 Misc. 2017**

Adopting Order

Now, this 24th day of January, 2017, it is hereby *Ordered*:

1. Somerset County Rules Of Judicial Administration 5000.4, 5000.5, 5000.6, 5000.7, 5000.8, 5000.12, 5000.14, 5000.20, 5000.21, 5000.22 and 5000.23 are *Rescinded*, effective thirty (30) days after publication in *The Pennsylvania Bulletin* and on the Unified Judicial System Portal.

2. The Somerset County Court Administrator is directed to:

A. File one (1) copy of this Order and the following Local Rules of Judicial Administration with the Administrative Office of Pennsylvania Courts via email to rulescommittees@pacourts.us;

B. File two (2) certified copies of this Order along with electronic copy to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

C. Publish the Local Rules of Judicial Administration on the Somerset County website;

D. Within thirty (30) days after publication of the Local Rules of Judicial Administration in the *Pennsylvania Bulletin*, incorporate the Rules into the complete set of Local Rules published on the Somerset County website;

E. File one (1) copy of the Local Rules of Judicial Administration in the Office of the Prothonotary of Somerset County, which copy shall be continuously available for inspection in said Office.

F. File proof of compliance with this Order in the docket for this Order, which shall include a copy of each transmittal letter.

Rescission of Rules of Judicial Administration 5000.4, 5000.5, 5000.6, 5000.7, 5000.8, 5000.12, 5000.14, 5000.20, 5000.21, 5000.22 and 5000.23; Administrative Order 2-2017; No. 4 Misc. 2017

Administrative Order

And Now, this 23rd day of January, 2017, it is ordered that the Somerset Rules of Judicial Administration 5000.4, 5000.5, 5000.6, 5000.7, 5000.8, 5000.12, 5000.14, 5000.20, 5000.21, 5000.22 and 5000.23 are *Rescinded*.

By the Court

D. GREGORY GEARY,
President Judge

[Pa.B. Doc. No. 17-231. Filed for public inspection February 10, 2017, 9:00 a.m.]

SOMERSET COUNTY

Consolidated Rules of Court; Administrative Order No. 3 of 2017; No. 4 Misc. 2017

Adopting Order

Now, this 24th day of January, 2017, it is hereby *Ordered*:

1. Somerset County Rules Of Judicial Administration 101, 4007 and 4008 governing court reporting and transcripts are *Adopted*, effective thirty (30) days after publication in *The Pennsylvania Bulletin* and on the Unified Judicial System Portal.

2. The Somerset County Court Administrator is directed to:

A. File one (1) copy of this Order and the following Local Rules of Judicial Administration with the Administrative Office of Pennsylvania Courts via email to rulescommittees@pacourts.us;

B. File two (2) certified copies of this Order along with electronic copy to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

C. Publish the Local Rules of Judicial Administration on the Somerset County website;

D. Within thirty (30) days after publication of the Local Rules of Judicial Administration in the *Pennsylvania Bulletin*, incorporate the Rules into the complete set of Local Rules published on the Somerset County website;

E. File one (1) copy of the Local Rules of Judicial Administration in the Office of the Prothonotary of Somerset County, which copy shall be continuously available for inspection in said Office.

F. File proof of compliance with this Order in the docket for this Order, which shall include a copy of each transmittal letter.

Local Rules of Judicial Administration 101, 4007 and 4008; Administrative Order 3-2017; No. 4 Misc. 2017

Administrative Order

And Now, this 23rd day of January, 2017, *It is Hereby Ordered* that the Court of Common Pleas of Somerset County, Pennsylvania adopts the following Local Rules of Judicial Administration governing court reporting and transcripts.

By the Court

D. GREGORY GEARY,
President Judge

Rule 101. Title and Citation of Rules.

These rules shall be known as the Somerset County Local Rules of Judicial Administration and may be cited as "Som.C.L.R.J.A."

Rule 4007. Requests for Transcripts.

(A) All requests for transcripts shall be submitted on the standardized state form "Request for Transcript or Copy," which includes the current rates charged. The form can be obtained from the District Court Administrator, any court filing office, or downloaded at www.co.somerset.pa.us.

(B) The requesting party shall deliver the original request to the District Court Administrator, and serve copies of the formal request to:

1. the judge presiding over the matter;
2. the lead court reporter; and
3. opposing counsel, but if not represented, the opposing party.

(C) Requests for daily, expedited, same day or rough draft transcripts shall be filed with the District Court Administrator at least 10 days prior to the proceeding. Copies of the written request shall be delivered as required in subsection (B). In the event of an emergency, a party may request by oral motion a daily, expedited, same day or rough draft transcript.

(D) When a private litigant requests a transcript:

1. the litigant requesting the transcript shall make a deposit payment of 75% of the estimated transcript cost, which amount shall be nonrefundable.

2. upon notification from the District Court Administrator that the deposit has been received, the court reporter(s) shall begin preparation of the transcript.

3. upon completion of the transcript, the court reporter(s) shall notify the lead court reporter of the completion, shall indicate the balance due, and shall deliver a copy of the transcript to the judge presiding over the matter for judge's review and approval.

4. upon receipt of final payment, the approved original transcript shall be filed in the appropriate office, and any copies ordered shall be delivered to the parties.

5. all payments shall be by check or money order, made payable to "Somerset County", and delivered to the District Court Administrator. Cash will not be accepted.

(E) When a litigant requests a transcript, but cannot pay for the transcript because of alleged economic hardship, the court shall determine economic hardship pursuant to the procedure set forth in Rule 4008(B). In cases of economic hardship, where the matter is under appeal or a transcript is necessary to advance the litigation, the costs of procuring the transcript shall be waived or otherwise adjusted by the court. In cases of economic hardship where there is no appeal pending or there exists no obvious need for the transcript to advance the litigation, the requesting party must demonstrate reasonable need before the court shall waive or adjust the cost of obtaining the transcript.

(F) When a transcript is requested for which the court or county is responsible for the cost, the court reporter shall prepare the transcript at the direction of the judge presiding over the matter, who will determine the priority of the request.

Rule 4008. Transcript Costs Payable by a Requesting Party Other Than the Commonwealth or a Subdivision Thereof.

(A) *Costs*

(1) The costs payable by a requesting party, other than the Commonwealth or a subdivision thereof, for a transcript in an electronic format shall be:

- (a) for an ordinary transcript, \$2.50 per page;
- (b) for an expedited transcript, \$3.50 per page, if the court reporter is able to accommodate the request;
- (c) for a daily transcript, \$4.50 per page, if the court reporter is able to accommodate the request;
- (d) for same day delivery, \$6.50 per page, if the court reporter is able to accommodate the request;
- (e) for rough draft, \$1.00 per page, if the court reporter is able to accommodate the request;
- (f) for realtime feed, \$1.00 per page, if the court reporter is able to accommodate the request; and
- (g) for complex litigation, a surcharge of \$2.00 per page.

(2) When the transcript is prepared in bound paper format, the costs shall be in accordance with paragraph (1) relating to electronic format plus a surcharge of \$0.25 per page.

(B) *Economic hardship—minimum standards*

(1) Transcript costs for ordinary transcripts in matters under appeal or where the transcript is necessary to advance the litigation shall be waived for a litigant who has been permitted by the court to proceed in forma pauperis or whose income is less than 125% of the poverty line as defined by the U.S. Department of Health and Human Services (HHS) poverty guidelines for the current year.

(2) Transcript costs for ordinary transcripts in matters under appeal or where the transcript is necessary to advance the litigation shall be reduced by one-half for a litigant whose income is less than 200 percent of the poverty line as defined by the HHS poverty guidelines for the current year.

(3) Transcript costs for ordinary transcripts in matters that are not subject to an appeal, where the transcript is not necessary to advance the litigation, may be waived at

the court's discretion for parties who qualify for economic hardship under subdivision (B)(1) or (B)(2) and upon good cause shown.

(4) The application to waive all or a portion of costs for ordinary transcripts shall be supported by an affidavit substantially in the form required by Rule 240(h) of the Pennsylvania Rules of Civil Procedure. Such application should be prepared in the form of a Petition to Waive All or a Portion of the Transcript Costs and submitted with the request for transcript.

(C) *Assignment and allocation of transcripts costs*

(1) *Assignment of costs.* The requesting party, or party required by general rule to file a transcript, shall be responsible for the cost of the transcript. Costs shall not be assessed against any party for transcripts prepared at the initiation of the court.

(2) *Allocation of costs.* When more than one party requests the transcript, or are required by general rule to file the transcript, the cost shall be divided equally among the parties.

(D) *Copies of transcript*

A request for a copy of any transcript previously ordered, transcribed and filed of record shall be provided according to the following schedule:

- (1) \$0.75 per page bound, paper format; and,
- (2) \$0.50 per page electronic copy.

(E) *Additional Costs*

A trial judge may impose a reasonable surcharge in cases such as mass tort, medical malpractice or other unusually complex litigation, where there is a need for court reporters to significantly expand their dictionary. Such surcharges are at the discretion of the trial judge.

Said Local Rules of Judicial Administration shall be effective in the 16th Judicial District of the Commonwealth of Pennsylvania thirty (30) days after publication in the *Pennsylvania Bulletin* and upon publication on the Somerset County website.

[Pa.B. Doc. No. 17-232. Filed for public inspection February 10, 2017, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that Tyler James Larsen having been suspended from the practice of law in the State of Utah by Opinion dated June 16, 2016; the Supreme Court of Pennsylvania issued an Order dated January 23, 2017 suspending Tyler James Larsen from the practice of law in this Commonwealth for a period of six months, effective November 4, 2016. 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*.

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

[Pa.B. Doc. No. 17-233. Filed for public inspection February 10, 2017, 9:00 a.m.]