

THE COURTS

Title 255—LOCAL COURT RULES

BUTLER COUNTY

Guardian Ad Litem Appointments; MsD 18-40169

Administrative Order of Court

And Now, this 17th day of July, 2018, the Court orders and directs that the Butler County Guardian-ad-Litem Policies in Custody Matters as follows are adopted for use in Butler County, Pennsylvania. This policy shall be published forthwith in the *Pennsylvania Bulletin*.

It is further ordered that this Administrative Order shall be effective upon publication in the *Pennsylvania Bulletin*.

It is finally ordered that the District Court Administrator shall:

(a) Deliver one copy to the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.

(b) Distribute two paper copies and one electronic copy hereof to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(c) Deliver a copy of the Administrative Order related to the Butler County Guardian-ad-Litem Policies in Custody Matters to the *Butler County Legal Journal* for publication as that organization deems appropriate.

(d) Distribute a copy of the Administrative Order to the Judges of the Court of Common Pleas in Butler County, the Domestic Relations Office, the Custody Conciliator and to the attorneys on the Butler County Family Court list serve.

(e) Publish this Administrative Order on the Butler County Court website.

(f) File a copy of the Administrative Order in the Butler County office of the Butler County Prothonotary for inspection and copying.

By the Court

MARILYN J. HORAN,
Administrative Judge

Butler County Guardian-Ad-Litem Policies in Custody Matters

The following process and procedures shall be followed when appointing a Guardian Ad Litem in a custody matter:

I. Qualifications

1. Pennsylvania Licensed attorney.
2. Practiced family law a minimum of one year.
3. Clearances pursuant to Act 34 (Criminal Record Check) Act 151 (Child Abuse Background Checks), and Act 114 (Finger Printing).
4. Watched the Pre-Service Training for Guardians Ad Litem video and filed accompanying affidavit with Court Administration.
5. Maintain professional liability insurance at a minimum coverage of \$100,000.00 per occurrence and \$300,000.00 in the aggregate per year, subject to commercially reasonable deductibles, retention or co-insurance.
6. Complete a minimum of three hours per year of continuing legal education in relevant substantive areas.

II. Appointments

1. Appointments may be made after the court makes a finding that the appointment is necessary pursuant to Pa.R.C.P. 1915.11-12.

2. The parties may by mutual consent request the appointment of a guardian ad litem.

3. Court Administration shall maintain a list of qualified guardians ad litem from which appointments shall be made.

4. Each year, no later than January 5, an attorney shall provide the following updated documents to Court Administration;

- Professional liability statement (Rider)
- Three CLE credits from the prior year in relevant substantive areas
- Current clearances (if prior is expired)
- Letter of standard hourly rate
- If an attorney no longer meets the qualifications to be appointed, he/she shall immediately notify the judge and Court Administration and his/her name shall be removed from the list until such time as the qualifications are met.

5. Any attorney who meets the qualifications may submit their name to the judge to be placed on the list of guardians ad litem.

6. The specific attorney appointed may be chosen by either mutual consent of the parties or by the judge. To ensure that no one attorney is overloaded with responsibility or there is no other conflict, the court will confirm with the attorney the desire to be appointed on a specific case prior to the issuance of an order of court.

III. Payment

1. If both parties are determined by the court to be indigent, the court may order compensation from the court's budget to be paid at the hourly rate of \$60.00.

2. Otherwise, costs shall be paid by the parties at the standard hourly rate for that guardian ad litem. Pursuant to Pa.R.C.P. 1915.11-2(b), the court may order either or both parties to pay all or part of the costs.

3. Each attorney shall provide to Court Administration a letter setting forth his/her standard hourly rate. That rate shall be noted on the guardian ad litem list kept by Court Administration, and made available to counsel for the parties or the parties if pro-se, for review prior to the appointment of the guardian ad litem.

4. If the cost is to be paid by the parties, the court has the power of contempt for non-payment of costs.

IV. Scope of Appointment

1. The guardian ad litem shall perform all duties in conformity with Pa.R.C.P. 1914-11-12, the Code of Civility, the Rules of Professional conduct, and Pennsylvania law.

2. The appointment shall terminate upon the entry of a final order resolving the complaint/petition pending for which the appointment was made. Except that in extraordinary circumstances the court may, if in the best interest of the child(ren), extend the appointment by order of court.

[Pa.B. Doc. No. 18-1194. Filed for public inspection August 3, 2018, 9:00 a.m.]

Title 255—LOCAL COURT RULES

DELAWARE COUNTY

Adoption of Rule 205.4; Electronic Filing and Service of Legal Papers; No. 17-005120

Administrative Order

And Now, to wit, this 5th day of June, 2018, it is hereby *Ordered* that Delaware County Local Rule 205.4 for the Electronic Filing and Service of Legal Papers is *Adopted*.

This local rule (205.4) *Shall* be effective upon publication on the Pennsylvania Unified Judicial System (UJS) web portal at <http://ujportal.pacourts.us/>.

Use of the Delaware County Electronic Filing System *Shall* commence on Monday, July 30, 2018 at 8:30 AM, as provided by Local Rule 205.4 unless otherwise ordered by this court.

By the Court

KEVIN F. KELLY,
President Judge

Local Rule 205.4.

(a)(1) Commencement

(i) On the commencement date, all parties may electronically file all “legal papers” as defined in Pa.R.C.P. No. 205.4(a)(2), with the Office of Judicial Support through Delaware County’s Electronic Filing system as more specifically provided in Pennsylvania Rule of Civil Procedure No. 205.4 and Delaware County Civil Rule 205.4,

(ii) Ninety (90) days from the commencement date, parties shall electronically file all “legal papers” as defined in Pa.R.C.P. No. 205.4(a)(2), with the Office of Judicial Support through Delaware County’s Electronic Filing system as more specifically provided in Pennsylvania Rule of Civil Procedure No. 205.4 and Delaware County Civil Rule 205.4.

Explanatory Note: The term “legal paper” as defined in Pa.R.C.P. No. 205.4(a)(2) encompasses all pleadings and all other papers filed with the Office of Judicial Support—including exhibits and attachments—even if the legal papers are not adversarial in nature and do not require the non-filing party or parties to respond.

(2) As used in this rule the following words shall have the following meanings:

CMS (Case Management System): A Court case management system manages the receipt, processing, storage and retrieval of data associated with a case and performs actions on the data.

Electronic Filing (E-Filing): The electronic transmission, acceptance and processing of a filing. A submission consists of data, one or more documents, and/or images. The definition of electronic filing does not apply to facsimile or e-mail.

Electronic Service (E-Service): The electronic transmission of an original document to all other electronically-registered case participants via the electronic filing system. Upon the completion of any transmission to the electronic filing system, an electronic receipt shall be issued to the sender acknowledging receipt by the electronic filing system.

EFS: Delaware County Electronic Filing System.

(b)(1) *Authorized Electronic Format of Legal Papers Electronically Filed*

All legal papers shall be filed in a portable document format (“pdf”). A legal paper presented for filing in hard copy or in a format other than portable document format shall be converted to a portable document format and maintained by the Office of Judicial Support pursuant to Pa.R.C.P. 205.4(b)(1)

(2) This Rule shall not apply to legal papers related to actions in Support as defined in Pa.R.C.P. 1910.1 through 1910.50 and 1930.1 through 1940.9, Custody, Partial Custody and Visitation of Minor Children under Pa.R.C.P. 1951.1, Special Relief under Pa.R.C.P. 1913.13 or Actions for Divorce or for the Annulments of Marriage under Pa.R.C.P. 1920.1; Protection from Abuse under Pa.R.C.P. 1901.3; Protection of Victims of Sexual Violence or Intimidation under Pa.R.C.P. 1951; Petition for Writ of Seizure pursuant to Pa.R.C.P. 1075; Petition to Postpone Sheriff’s Sale Pa.R.C.P. 3132; Petition to Appoint a Constable. Claim of Exemption pursuant to Pa.R.C.P. 3123.1; Appeal from Denial of Right to Know Request under Pa.R.J.A. 509. This rule shall also not apply to certified zoning records which include blueprints and/or plot plans under Delaware County Local Rule 27. Motions or petitions seeking relief in emergency situations, injunctive relief or stay of proceedings shall not be filed through the EFS system but shall be taken to the Office of Judicial Support to be time-stamped, processed, and docketed and then brought by the party seeking the emergency relief or the stay of proceedings to the Court Administrator for reference to the appropriate judge.

(2) Website. Access to the Website

(i) *Website.* All legal papers shall be filed electronically through Delaware County’s Electronic Filing system Electronic Filing system “EFS” which shall be accessible through the County of Delaware website <http://www.co.delaware.pa.us/ojs/efile.html> or at such other website as may be designated from time to time.

(ii) Use of the EFS shall be in accordance with the local rule and instructions contained on the website.

(iii) *Access to the Website.* To obtain access to the Delaware County Electronic Filing System, counsel and self-represented litigant must apply for and receive a User Name and Password.

(iv) Registered users shall be individuals, and not law firms, agencies, corporations nor other groups.

(v) User access may be suspended to prevent fraud, to maintain security of the system and network, to prevent an unacceptable level of congestion, or to prevent a disruption to the EFS or another user.

(d)(1) Payment of Filing Fees under the EFS system.

(i) The Office of Judicial Support will accept for payment of all filing fees through PayPal.

(ii) The Office of Judicial Support will not accept advance deposits for future filings.

(e) Reserved

(f)(1) Filing Status Messages

(i) Upon receipt of the electronic document, the Office of Judicial Support shall provide the filing party with an acknowledgment, which includes the date and time the document was received by the Delaware County Electronic Filing system.

(ii) After review of the electronic document, the Office of Judicial Support shall provide the filing party with e-mail notification, or notification on the Delaware County Electronic Filing System, that the document has been accepted for filing (“filed”) or refused and not accepted for filing.

(2) *Official Record*

(i) When an electronic document is accepted, the document is the official record.

(3) *Signatures and Verifications*

(i) The electronic filing of documents utilizing the issued User Name and Password as provided by this rule and Pa.R.C.P. No. 205.4, constitutes the party’s signature on electronic documents as provided by Pa.R.C.P. No. 1023.1 and, if the filing party is an attorney, constitutes a certification of authorization to file it as provided in Pa.R.C.P. No. 205.1.

(ii) The electronic document filed by a party must include a signature block, and the name of the filer under whose User Name and Password the document is submitted. The document may be submitted with the filers scanned signature or “/s/” and the filer’s named typed in the space where the signature would otherwise appear on the document.

(iii) If an attorney is the filing party, the Pennsylvania Supreme Court Attorney Identification number must be included under the signature line. The correct format for an attorney signature is as follows:

/s/ Attorney name
Pa Supreme Court ID#
Attorney for (Plaintiff/Defendant) XYZ Corporation
ABC Law Firm
ADDRESS
TELEPHONE NUMBER
FAX NUMBER - (FAX)
E-MAIL ADDRESS

(iv) An authorized electronic filer must not allow their user name and password to be used by anyone other than an agent who is authorized by the electronic filer.

(v) Electronic filers shall notify the Office of Judicial Support’s Help Desk immediately if there has been any unauthorized use of their EFS user name and password.

(vi) The Verification required by Pa.R.C.P. Nos. 206.1 and 1024 and the signature page(s) of any document or legal paper executed by a client or other persons other than the filing party must be scanned and attached to the electronic filing in a portable document format at the time the legal paper is submitted.

(vii) Documents requiring signatures of more than one party must be scanned and attached to the electronic filing in a portable document format at the time the legal paper is submitted.

(viii) The original of a sworn or verified document that is electronically filed (e.g. affidavit) or is contained with an electronic filing (e.g. verification) shall be maintained by the electronic filer and made available upon direction of the court or reasonable request of the signatory or opposing party.

Explanatory Note: This subsection is designed to address issues which may arise regarding signatures on legal documents. A filer’s use of the User Name and Password issued through the Delaware County Electronic Filing System is the filer’s “electronic signature”. However, legal documents often require verifications executed by non-filers. In addition, many legal documents require

multiple signatures. Deficiencies in content and execution could be subject to preliminary objections. In order to avoid prejudicial delay, this section requires the filing party to scan such legal documents or signature pages and include them as part of the electronic filing at the time of submission. Original copies should be kept as provided for in Pa.R.C.P. No. 205.4(b)(4).

(4) *Electronic Filing Fees and Costs.*

(i) The Office of Judicial Support shall collect an electronic filing user fee for each legal paper or exhibit filed as established by the Office of Judicial Support with the approval of the President Judge of the Delaware County Court of Common Pleas.

(ii) In addition to such electronic filing user fee, the Office of Judicial Support is authorized to charge a fee as set forth from time to time for each page of a legal paper or exhibit which is filed in hard copy format and which must be converted by the Office of Judicial Support to a portable document format.

(iii) Electronic filers shall alert the EFS to any payment errors within forty-five (45) days of the payment date by notifying the Office of Judicial Support’s Help Desk.

(5) *Other Procedures Necessary to the Operation of a System of Electronic Filing:* authorized by Pa.R.C.P. No. 205.4(f), the following administrative procedures are adopted:

(i) If a document is accepted, it shall be deemed to have been filed as of the date and time it was received by the Delaware County Electronic Filing System; provided, however, that if a document is submitted without the requisite fee, the document shall be deemed to have been accepted for filing as of the date payment was received. The Office of Judicial Support is authorized to refuse for filing a document submitted without the requisite payment. If the electronic document other than original process is accepted for filing, it will be electronically served as authorized by Pa.R.C.P. No. 205.4(g)(1)(ii) and service shall be effectuated as provided in Pa.R.C.P. No. 205.4(g)(2)(ii).

(ii) *Termination Notice.* In addition to the procedures set forth in Pa.R.C.P. No. 230.2, in cases where a party is a registered user of the Delaware County Electronic Filing System, notice of proposed termination may also be electronic.

(iii) An electronic filer is not required to file any paper copies unless specifically required by the court.

Note: In addition to the electronic paper, a Judge may request counsel or a self-represented litigant to provide a courtesy copy of a pleading(s) or other such material including but not limited to a memorandum of law, a pre-trial binder for the Court including relevant pleadings, a pre-trial memo, if any, stipulations and pre-labeled exhibits which may be useful to a Judge in preparation for trial. The Court may also request courtesy motions, petitions and answers to such pleadings from time to time.

(iv) An electronic filer is not required to file multiple copies of documents unless requested by the Court, or as specified elsewhere in these local rules. If documents are to be served electronically, the electronic filer is not required to provide envelopes, unless requested by the Court or as specified elsewhere in the local rules, except for those parties who are to receive the document by regular mail or other means of service as required by other rules.

(v) Electronic filing is permitted at all times when the EFS is available. If the EFS is unavailable at the time a registered user attempts to file a document, the registered user shall make reasonable efforts to file the document as soon as the unavailability ends.

(vi) If a registered user believes the unavailability of the EFS prevented a timely filing to the party's prejudice, the registered user may submit a motion to the court within ten (10) days of the registered user's unsuccessful attempt to file the document. The motion shall state the date and time of the first unsuccessful attempt to file the document electronically, the date(s) and time(s) of any subsequent attempts to file the document electronically, and why the delay was prejudicial.

(vii) The filing deadline for any document filed electronically is 11:59:59PM EST/EDT.

(viii) *Documents with Attachments.* Attachments, including exhibits, that are part of any filing, shall be filed electronically at the same time as the document.

(ix) An attachment or exhibit that exceeds the technical standards for the EFS or is unable to be electronically filed must be filed as ordered by the court. A Notice of Exhibit Attachment shall be filed in the EFS referencing such an exhibit with specificity and stating the reason why the exhibit was not filed electronically.

(x) The Court may, on its own motion or for good cause shown, order a filing be made under seal. Filings requested to be made under seal shall be submitted to the Office of Judicial Support over the counter rather than through EFS.

(xi) Sealed or confidential documents may be submitted for electronic filing in a manner that maintains confidentiality under applicable law.

(xii) Filings not under seal are public and parties shall comply with the Public Access policy related to case records of the Appellate and Trial Courts of the Unified Judicial System of Pennsylvania under 204 Pa. Code 213.81 and Delaware County Administrative Rule No. 17-5120.

Note: As required by Pa.R.C.P. No. 205.4(c)(1), access to the Delaware County Electronic Filing System shall be available at all times, except for required maintenance. However, legal papers can only be reviewed during normal court hours. Therefore, parties are cautioned to file required legal papers in advance of any filing deadline to enable timely correction and re-submission in the event a legal paper is not accepted or is refused for filing. The Office of Judicial Support may refuse for filing any legal paper submitted without the required filing fees as provided by 42 Pa.C.S. § 1725(c)(2)(xix), or, at the Office of Judicial Support's discretion, may authorize the filer to submit the required filing fees within a stated time period after which the Office of Judicial Support may refuse the legal paper for filing if payment is not received.

(6) If a legal paper is refused for filing, the Office of Judicial Support shall specify the reason. Subject to the provisions of subsection Rule 205.4(e)(1)(i), a legal paper refused for filing shall be deemed as not having been filed.

(7) Neither the Court nor the Office of Judicial Support are required to maintain a hard copy of any legal paper or exhibit, notice, or order filed or maintained electronically under this rule.

(8) If a legal paper is electronically filed, the Delaware County Civil Electronic Filing System will automatically serve all persons who have previously submitted electronic filings in the same case, pursuant to Delaware County Civil Rule *205.4 and Pa.R.C.P. No. 205.4(g) but the filing party must serve all others as required by rules of Court. All legal papers filed in a hard-copy format must be served by the filing party as required by rules of court.

Note: A party has the responsibility of providing legal papers and other correspondence to the Delaware County Sheriff's Office for service of original process pursuant to Pa.R.C.P. 400-425. The Delaware County Electronic Filing Service or CMS program does not encompass the Delaware County Sheriff's Office.

(9) Documents shall use the universal PDF standard and shall be no more than 25 megabytes (mb). Files that exceed this limit must be split into multiple files so that each individual file is less than 25 megabytes (mb).

(10) Color shall be Black and White, resolution of 300 dpi. If a filer has a document that is color or greystroke, the document shall not be filed electronically but must be submitted to the Office of Judicial Support.

(11) All pleadings must conform to Pennsylvania Rule of Civil Procedure 204.1(1) so that the size of the document be 8 1/2 inch by 11 inch paper.

(12) Any font that is not part of the Microsoft default font list must be embedded in the PDF document

(13) PDF properties (Title, Author, Subject, and Keywords) should be removed from the document. Documents cannot be password protected or encrypted. Documents names shall not include any special characters such / : * ? " < >

(g)(2) *Service by Electronic Transmission*

(i) Service shall be made to registered users through the EFS and to all others as otherwise provided in the Pennsylvania Rules of Civil Procedure. Service by the EFS is complete upon transmission on a Saturday, a Sunday, a holiday recognized by Delaware County, or after 5:00PM EST/EDT, shall be considered complete on the next day that is not a Saturday, Sunday or recognized Delaware County holiday.

(ii) Other than original service, the electronic filer shall not be required to serve a paper copy of the electronic filing on the opposing party if the opposing party is a registered user on the EFS and the electronic filing has been served on them through the EFS.

(h) An AOPC Civil Court Cover Sheet pursuant to Pa.R.C.P. No. 205.5 shall be required and must be scanned separately from the original pleading

Note: The following documents may be filed through the EFS system. The Office of Judicial Support, once accepted, will forward the document to Court Administration for review and processing:

(1) Certificate of Readiness pursuant to Local Rule 241; (2) Debtor's Exemption under Local Rule 3123; (3) Application for Continuance in arbitration cases pursuant to Delaware County Local Rule 1303(f) or for a hearing related to a petition or motion (Local Rule 206.1(a)(1) and 208.3(b)(1)); (4) License Suspension Appeal (Local Rule 29); (5) Tax Assessment Appeal (Local Rule 30); (6) Board of View (Local Rule 62 (k)); and (8) Request for Extension pursuant to Local Rule 1028.

Once filed through the EFS system, the document will be processed by the Court Administrator and notice of the outcome and/or a hearing date, if any, will be sent electronically to the filing party. The party requesting a continuance shall provide advance notice to all parties in a case, state if the continuance is opposed or unopposed, and be responsible to notify all parties of the outcome of the request prior to a listed hearing or event.

Applications for Continuance in assigned cases may be filed electronically at the Court's discretion subject to the assigned judge's guidelines.

Motions or petitions seeking relief in emergency situations or stay of proceedings shall not be filed through the EFS system but shall be taken to the Office of Judicial Support to be time-stamped, processed, and docketed and then brought by the party seeking the emergency relief or the stay of proceedings to the Court Administrator for reference to the appropriate judge.

Note: This rule is adopted as required by Pa.R.C.P. No. 239.9.

[Pa.B. Doc. No. 18-1195. Filed for public inspection August 3, 2018, 9:00 a.m.]

SUPERIOR COURT

Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts; No. 1 Administrative Doc.

Order

And Now this 18th day of December, 2017, in accordance with Section 7(C) of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts*, It is hereby *Ordered* that all documents filed with the Superior Court of Pennsylvania that contain confidential information shall be filed in two versions, a redacted version and an unredacted version.

This Order shall be effective January 6, 2018.

SUSAN PEIKES GANTMAN,
President Judge

[Pa.B. Doc. No. 18-1196. Filed for public inspection August 3, 2018, 9:00 a.m.]
