

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART IV. ADMISSION TO PRACTICE LAW [204 PA. CODE CH. 71]

Order Amending Rule 213 of the Pennsylvania Bar Admission Rules; No. 859 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 24th day of November, 2020, upon the recommendation of the Board of Law Examiners, the proposal having been published for public comment in the *Pennsylvania Bulletin* at volume 50, no. 32 (August 8, 2020):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 213 of the Bar Admission Rules is amended to add subpart (c) as set forth in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and the amendment shall be effective immediately.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART IV. ADMISSION TO PRACTICE LAW

CHAPTER 71. PENNSYLVANIA BAR ADMISSION RULES

Subchapter B. ADMISSION TO THE BAR GENERALLY

PROCEEDINGS BEFORE BOARD

Rule 213. Hearings before the Board.

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Official Note: Based on former Supreme Court Rule 14A. “Other than scholastic” means that the failure to comply with Rule 203(a)(1), (a)(2), or (b)(1) is not reviewable pursuant to Rule 213.

(c) Remote Hearing; Remote Testimony. The Board may, at its own instance or upon request of an applicant, conduct a hearing under subsection (b) via telephone or other method of advanced communication technology (“ACT”). The Board likewise may, in its discretion, allow a witness to testify via ACT. Any witness testifying via ACT must provide valid, government-issued photo identification to the Board office in advance of the witness’s testimony. At least three business days in advance of a remote hearing, the applicant shall provide to the Board the names of all witnesses, and copies of any documents or exhibits that the applicant intends to present at the hearing and which are not already part of the Board’s record. Documents and exhibits shall be transmitted electronically via the Board’s secure website unless otherwise directed by the Board. If an applicant is unable to provide such documents or exhibits in advance of the hearing, the Board may, in its discretion, hold the record open and grant an applicant additional time to

provide such documents or exhibits. Notice of the technology requirements for the remote hearing, along with instructions for counsel regarding use of the technology in the course of the hearing, shall be posted on the Board’s website and included when giving notice of a remote hearing. An applicant is responsible for complying with the technology requirements and for being familiar with their use.

[Pa.B. Doc. No. 20-1728. Filed for public inspection December 11, 2020, 9:00 a.m.]

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 81]

Amendment of Explanatory Comment (5) to Rule 1.5, Pennsylvania Rules of Professional Conduct; No. 204 Disciplinary Rules Doc.

Order

Per Curiam

And Now, this 25th day of November, 2020, upon the recommendation of the Disciplinary Board of the Supreme Court of Pennsylvania to adopt new Explanatory Comment [5] to Rule 1.5 of the Pennsylvania Rules of Professional Conduct (“Pa.R.P.C.”), as published for comment in the *Pennsylvania Bulletin*, 50 Pa.B. 4013 (August 8, 2020):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania, that the new Explanatory Comment [5] to Rule 1.5 of the Pa.R.P.C. is adopted, and that prior Explanatory Comments [5] and [6] are renumbered as [6] and [7], as set forth in the following form.

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

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart A. PROFESSIONAL RESPONSIBILITY

CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

Subchapter A. RULES OF PROFESSIONAL CONDUCT

§ 81.4. Rules of Professional Conduct.

The following are the Rules of Professional Conduct:

CLIENT-LAWYER RELATIONSHIP

Rule 1.5. Fees.

(a) A lawyer shall not enter into an agreement for, charge, or collect an illegal or clearly excessive fee. The factors to be considered in determining the propriety of a fee include the following:

* * * * *

Comment

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Division of Fee

(4) A division of fee is a single billing to a client covering the fee of two or more lawyers who are not in the same firm. A division of fee facilitates association of more than one lawyer in a matter in which neither alone could serve the client as well, and most often is used when the fee is contingent and the division is between a referring lawyer and a trial specialist. Paragraph (e) permits the lawyers to divide a fee if the total fee is not illegal or excessive and the client is advised and does not object. It does not require disclosure to the client of the share that each lawyer is to receive.

Successor Counsel in Contingency Fee Matters

(5) Unlike the situation in (4), which addresses division of fee between lawyers from different firms who are simultaneously representing a client, there may arise a situation where a client enters a contingent fee agreement with one lawyer (“predecessor counsel”), terminates that lawyer’s services without cause, and enters a new contingent fee agreement with a different lawyer (“successor counsel”). In such a situation, and pursuant to a lawyer’s duties as set forth in paragraphs (b) and (c), successor counsel must notify the client, in writing, that some portion of the fee may be due to or claimed by predecessor counsel for services performed prior to the termination, and should discuss with the client the effect of that claim on successor counsel’s proposed fee agreement. If successor counsel will be involved in negotiating fees with predecessor counsel on the client’s behalf, successor counsel should evaluate whether the circumstances give rise to a conflict of interest with the client and, if so, must obtain appropriate informed consent to the conflict as set forth in Rule 1.7. If a dispute arises regarding distribution of the recovery, successor counsel must hold the disputed portion of the funds in trust pending resolution, in accordance with Rule 1.15(f). See ABA Formal Opinion 487 (June 18, 2019) (relating to successive contingent fee agreements). While part II.A of Formal Opinion 487 would require the client’s written informed consent, Rule 1.7 does not require a writing. However, if informed consent is deemed necessary under the circumstances, written consent may benefit both the client and successor counsel for the reasons set forth in Explanatory Comment (20) to Rule 1.7.

Disputes over Fees

[(5)] (6) If a procedure has been established for resolution of fee disputes, such as an arbitration or mediation procedure established by the bar, the lawyer should conscientiously consider submitting to it. Law may prescribe a procedure for determining a lawyer’s fee, for example, in representation of an executor or administrator, a class or a person entitled to a reasonable fee as part of the measure of damages. The lawyer entitled to such a fee and a lawyer representing another party concerned with the fee should comply with the prescribed procedure.

[(6)] (7) It is Disciplinary Board policy that allegations of excessive fees charged are initially referred to Fee Dispute Committees for resolution.

[Pa.B. Doc. No. 20-1729. Filed for public inspection December 11, 2020, 9:00 a.m.]

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE PART II. INTERNAL OPERATING PROCEDURES [210 PA. CODE CHS. 35 AND 65]

Order Adopting Rules 3531 through 3561 of the Pennsylvania Rules of Appellate Procedure; No. 6 Administrative Doc.

Order

And Now, this 24th day of November, 2020, upon recommendation of the Superior Court’s Internal Operating Procedures Committee; the proposal having been published for public comment at 49 Pa.B. 602 (February 9, 2019) and approved by the Commissioned Judges of the Superior Court:

It is Ordered pursuant to Pa.R.A.P. 104 and Pa.R.A.P. 3501 that Rules 3531 through 3561 are adopted in the following form.

This Order shall be effective immediately.

Annex A

TITLE 210. APPELLATE PROCEDURE PART I. RULES OF APPELLATE PROCEDURE ARTICLE III. MISCELLANEOUS PROVISIONS CHAPTER 35. BUSINESS OF THE SUPERIOR COURT

WIRETAPS

Rule 3531. Definitions.

For purposes of Rules 3532—3561, the following words and phrases shall have the meanings set forth below:

Applicant—The Attorney General of Pennsylvania (or a deputy attorney general designated in writing) or a District Attorney (or an assistant district attorney designated in writing) of the county wherein the interception is to be made, who files an application pursuant to the Wiretap Act.

Assigned Judge—A judge of the Superior Court to whom the Supervising Judge assigns to consider an application filed under the Wiretap Act.

Issuing Judge—The judge of the Superior Court who signs a wiretap order.

Supervising Judge—A judge of the Superior Court, designated by the President Judge of the Superior Court, who administers wiretap applications.

Wiretap Act—The Wiretapping and Electronic Surveillance Control Act, 18 Pa.C.S. § 5701 *et seq.*

Rule 3532. Preemption.

Government officials are advised to consult the Wiretap Act. Any Rule of Appellate Procedure inconsistent with the Wiretap Act is preempted by the Wiretap Act.

Rule 3533. Confidential Docket Number.

The Applicant, not a law enforcement officer, shall call the Prothonotary or Deputy Prothonotary for a confidential docket number. All applications, affidavits, progress reports, and orders shall utilize the confidential docket number assigned to the matter.

Rule 3534. Assignment to a Particular Judge.

A. After receiving an assigned docket number from the Prothonotary or Deputy Prothonotary, the Applicant, not a law enforcement officer, shall call the Supervising Judge, inform him or her of the locale of the interception, and request assignment of a judge to consider the application. The Supervising Judge then shall assign a judge of the Superior Court via written order and inform the Applicant of the Assigned Judge.

B. All matters related to a docket number shall be presented to the Assigned/Issuing Judge. In extraordinary circumstances, where the Assigned/Issuing Judge is unavailable or is no longer a judge of the Superior Court, the Applicant or movant shall contact the Supervising Judge for assignment of a substitute judge. In true emergencies, where delay risks death or serious bodily injury, any judge of the Superior Court may issue any order permitted by law.

Rule 3535. Submission of Application to Assigned Judge.

The Applicant shall submit the application, affidavit, and proposed order to the Assigned Judge. If such documentation is to be presented in advance to the Assigned Judge electronically, the documentation shall be encrypted utilizing a security certificate supplied by the Assigned Judge. This *ex parte* proceeding need not be on the record if all the necessary information required by the Assigned Judge is contained in the application. However, any additional testimony or explanation, if supplied orally, must be made of record. A recording device utilizing a removable storage medium or court reporter may be used and must be provided by the Applicant. If a court reporter is used, the Assigned Judge shall direct the court reporter to transcribe the proceedings as expeditiously as possible and to submit the stenographic notes and original transcript to the Assigned Judge for sealing at the earliest possible moment. If a recording device is used, the storage medium shall immediately be turned over to the Assigned Judge and sealed. The Assigned Judge should instruct all present concerning the need for confidentiality.

Comment

This rule is intended to provide a neutral method, which does not depend on a specific software product, for the secure transmission of electronic documents to the Assigned Judge. This rule requires the use of public-key cryptography. It is anticipated that the Applicant will select strong, common, encryption algorithms, secured by the security certificate (i.e. public key), to protect the confidentiality of documents transmitted electronically.

Rule 3536. Content of Application—General.

An application under 18 Pa.C.S. § 5709 must be made upon the personal oath or affirmation of the Applicant and must contain the following:

A. A statement of the Applicant's authority to make the application.

B. A statement of the identity, State Police certification number, and qualifications of the investigative or law

enforcement officer who will supervise the conduct of the interception and the identity of the agency which will conduct the interception.

C. An affidavit by the investigative or law enforcement officer who has knowledge of relevant information justifying the application, including a statement that the Applicant seeks authorization to intercept wire, oral, or electronic communications of the subject(s) of the investigation concerning one or more of the offenses listed in 18 Pa.C.S. § 5708.

D. A statement that the Applicant has discussed the above circumstances of the offenses with the officer who has conducted the investigation to date and has examined the officer's affidavit (which is attached and incorporated by reference).

E. A complete statement of the facts concerning all previous applications known to the Applicant made to any court for authorization to intercept a wire, electronic, or oral communication involving any of the same facilities or places specified in the application, or involving any person whose communication is to be intercepted, and the action taken by the court on each such application.

F. Where the application is for the renewal or extension of an order, a particular statement of facts showing the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain such results.

G. A request that, based on the facts and circumstances set forth in the application and the attached affidavit, the Assigned Judge issue an order pursuant to 18 Pa.C.S. § 5710 authorizing the designated officers to intercept wire, electronic, or oral communications to and from, or on, the described devices or at the described premises until the earlier of:

1. communications are intercepted which reveal:

i. the manner in which the subject(s) and others unknown have participated, are participating, or will participate in the commission of the enumerated offenses,

ii. the identities of their confederates, and

iii. the nature of their operation or criminal enterprise; or

2. a period of 30 days or less.

H. The application shall request that, pursuant to 18 Pa.C.S. § 5712(f), the order direct the communication service provider to furnish the Applicant forthwith with all information, facilities, and technical assistance (including in-progress traces) to accomplish the interception unobtrusively and with a minimum of interference with the services being afforded by the company to the subject(s) and that the company be compensated by the Applicant's office at the prevailing rates.

I. If it is reasonably necessary that law enforcement officers enter the described premises for the purpose of installing, maintaining, or removing intercepting devices, the Applicant shall request that, pursuant to 18 Pa.C.S. § 5712(g), the Assigned Judge authorize the entry of the described premises or facilities by the designated officers as often as necessary solely for the purpose of installing, maintaining, or removing intercepting devices. Prior to such entry, the Issuing Judge must, if practical, be notified in writing of the time and method of each such entry. If prior notice is impractical, the Issuing Judge must be notified within 48 hours of entry.

J. In the event a pen register, mobile communications tracking information, trap and trace device, or telecom-

munication identification interception device has been or is being utilized to support the affidavit under this Rule, the Applicant shall, as part of the application, certify that the authority for the use of the pen register, mobile communications tracking information, trap and trace device, or telecommunication identification interception device which was or is being utilized was obtained pursuant to probable cause. A copy of the affidavit of probable cause submitted in support of the application for the pen register, mobile communications tracking information, trap and trace device, or telecommunication identification must accompany the application for the wiretap.

K. Any applications and all subsequent motions or petitions relating to an application must be presented to the Assigned/Issuing Judge by an attorney-at-law.

L. Form applications are available to assist the Applicant and may be obtained from the Supervising Judge.

Rule 3537. Content of Application—Target Specific Wiretaps.

An application for a target specific wiretap pursuant to 18 Pa.C.S. § 5712.1 that does not comply with 18 Pa.C.S. § 5712(a)(3) and/or 18 Pa.C.S. § 5709(3)(iv) and (v), shall set forth:

A. In the case of oral communications:

1. a full and complete statement as to why specification is not practical and identifies the person committing the offense and whose communications are to be intercepted; and

2. a request that the Assigned Judge find that specification is not practical.

B. In the case of wire or electronic communications:

1. the identity of the person believed to be committing the offense and whose communications are to be intercepted, and the facts showing there is probable cause to believe that the person's actions could have the effect of thwarting interception by changing facilities or devices.

2. a request that the Assigned Judge find that the purpose for the target specific order has been adequately shown.

C. In the event the affiant seeks a supplementary order for a target specific wiretap, such application shall contain:

1. The identity of the investigative or law enforcement officers or agency to whom the authority to intercept wire, electronic, or oral communication is given, and the name and official identity of the Applicant.

2. The identity of or a particular description of the person, if known, whose communications are to be intercepted.

3. The period of time during which the interception is authorized, including a statement as to whether or not the interception shall automatically terminate when the described communication has been first obtained.

4. The facts supporting a showing of reasonable suspicion that the target of the original order has in fact changed communications devices or facilities.

5. The facts supporting a showing of reasonable suspicion that the target of the original order is likely to use the additional facility or device or place for criminal purposes similar to or related to those specified in the original order.

Rule 3538. Content of Application—Mobile Communication Tracking, Pen Registers, Trap and Trace Devices, and Telecommunication Identification Interception Devices.

An application for an order authorizing the installation and usage of pen registers, trap and trace devices, telecommunication identification interception devices and the disclosure or production of mobile communication tracking information shall contain:

A. The Applicant's identity and the identity of the investigative or law enforcement agency conducting the investigation.

B. A certification by the Applicant that the information likely to be obtained is relevant to an ongoing criminal investigation being conducted by that agency.

C. An affidavit by an investigative or law enforcement officer which establishes probable cause for the issuance of an order or extension of an order under 18 Pa.C.S. § 5773.

Rule 3539. Content of Affidavit.

The investigative or law enforcement officer's affidavit shall contain the following:

A. The affiant's title, pertinent employment history, authority to conduct investigations, and experience in conducting investigations of similar offenses.

B. The name, qualifications, and State Police certification number of the officers who will supervise and conduct the interception of the communications as well as the agency which will conduct the interception.

C. A statement of the details as to the particular offense that has been, is being, or is about to be committed.

D. The identity of the person or persons, if known, who are believed to be committing one or more of the crimes in 18 Pa.C.S. § 5708, and whose communications will be intercepted.

E. The particular type of communication to be intercepted; *e.g.*, in a gambling case, transmittal and acceptance of wagers placed on the outcome of sporting events and horse race results, line information, etc.

F. Except where an application is filed pursuant to Rule 3537

1. The character and location of the particular communication facilities involved or the particular place where the oral communications will be intercepted;

2. The facts and circumstances establishing probable cause to believe that the subject(s) has committed, is committing or will commit one of the crimes enumerated in 18 Pa.C.S. § 5708;

3. The facts and circumstances establishing probable cause to believe that the particular wire, electronic, or oral communications of the subject(s) concerning those offenses may be obtained through the proposed interception;

4. The facts and circumstances establishing probable cause to believe that the facilities from which, or the place where, the wire, electronic, or oral communications are to be intercepted, are, have been, or are about to be used, in connection with the commission of such offense, or are leased to, listed in the name(s) of, or commonly used by such subject(s).

G. The period of time (not to exceed 30 days) for which the interception will be needed, and if the character of

the investigation is such that the authorization for interception should not automatically terminate when the described type of communication has been first obtained, a particular statement of facts establishing probable cause to believe that additional communications of the same type will occur and should be intercepted thereafter.

H. A particular statement of facts showing that other normal investigative procedures with respect to the offense have been tried and failed or reasonably appear unlikely to succeed if tried or are too dangerous to employ, *e.g.*, standard visual or aural surveillance techniques, questioning of subject under an immunity grant, and/or use of search warrants.

I. The facts supporting these findings of probable cause should be as current as practical. The age of the facts will be considered when determining whether the prosecutor has established probable cause.

Rule 3540. Additional Testimony or Documentary Evidence.

The Assigned Judge may require the Applicant to provide additional testimony or documentary evidence during the *in camera* proceeding.

Rule 3541. Request for Identity of Informant.

Where, pursuant to 18 Pa.C.S. § 5710(b), the Assigned Judge requests the identity of an informant, such proceedings must be on the record, except for the name or information that could lead to the identification of the informant which may be provided *in camera* and off the record.

Rule 3542. Orders—Notice of Confidentiality.

Upon consideration of the application, the Assigned Judge may enter an *ex parte* order authorizing the interception of wire, electronic, or oral communications that are being intercepted anywhere in the Commonwealth. All proposed orders shall include, on the first page, the following notice of confidentiality to third parties:

WIRETAP CONFIDENTIALITY
NOTICE

You have been served with an intercept order pursuant to Pennsylvania's Wiretapping and Electronic Surveillance Control Act, 18 Pa.C.S. §§ 5701—5781 (the "Wiretap Act").

In order to implement wiretaps and electronic surveillance authorized by intercept orders, the assistance of third parties, those outside of law enforcement, is required. You have been made aware of an intercept order because your assistance is required to facilitate wiretapping or other surveillance in an on-going criminal investigation.

This is a very serious and highly confidential matter and must be treated with the utmost care and discretion. Except as specifically authorized under the Wiretap Act, IT IS A CRIME TO WILLFULLY USE OR DISCLOSE THE EXISTENCE OF AN INTERCEPT ORDER. SUCH USE OR DISCLOSURE IS PUNISHABLE BY IMPRISONMENT OF UP TO 2 YEARS, AND A FINE OF UP TO \$5,000.

The Wiretap Act provides as follows:

§ 5719. Unlawful use or disclosure of existence of order concerning intercepted communication

Except as specifically authorized pursuant to this subchapter any person who willfully uses or discloses

the existence of an order authorizing interception of a wire, electronic or oral communication is guilty of a misdemeanor of the second degree.

(A misdemeanor of the second degree is punishable by imprisonment of up to two years, 18 Pa.C.S. § 1104, and a fine of up to \$5,000, *id.* § 1101.)

See also 18 Pa.C.S. §§ 5725, 5726 and 5717.

Rule 3543. Orders—Probable Cause Statement.

A proposed order, except those pertaining to supplementary target specific orders or orders under 18 Pa.C.S. §§ 5771—5773, shall be submitted by the Applicant to the Assigned Judge, and it shall state that based on the application, the Assigned Judge finds probable cause to believe the following:

A. The person(s) whose communication is to be intercepted is committing, has committed, or is about to commit the offense(s) set forth in the application.

B. Particular communications concerning such offense(s) may be obtained through such interception.

C. Normal investigative procedures with respect to such offense(s) have been tried and have failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous to employ.

D. The facilities from which (or the place where) the wire, electronic or oral communications are to be intercepted, are, have been, or are about to be used, in connection with the commission of such offense, or are leased to, listed in the name of, or commonly used by, the subject(s).

E. The investigative or law enforcement officers or agency to be authorized to do the interception are qualified by training and experience to execute the interception sought and are certified under 18 Pa.C.S. § 5724.

F. The application is based on new evidence or information different from and in addition to the evidence or information offered to support any prior order for interception (other than a renewal or extension of an existing order).

Rule 3544. Orders—Supplementary Target Specific.

A proposed order for a supplementary target specific wiretap shall be submitted to the Assigned Judge, and it shall state that based on the application, the Assigned Judge finds reasonable suspicion that:

A. The target of the original target specific wiretap has in fact changed communication devices or facilities or is presently using additional communication devices, communications facilities, or places.

B. The target of the original target specific wiretap is likely to use the specified communications device or facility for criminal purposes similar to or related to those specified in the original order.

C. The Applicant will be responsible for the supervision of the interception.

Rule 3545. Orders—Mobile Communication Tracking, Installation and Use of a Pen Register, Trap and Trace Device, and Telecommunication Identification Interception Device.

A proposed order for mobile communication tracking, installation and use of a pen register, trap and trace device, or a telecommunication identification interception device shall be submitted to the Assigned Judge, and it shall state:

A. There is probable cause to believe that information relevant to an ongoing criminal investigation will be obtained from the targeted telephone.

B. The identity, if known, of the person to whom is leased or in whose name is listed the targeted telephone, or, in the case of the use of a telecommunication identification interception device, the identity, if known, of the person or persons using the targeted telephone.

C. The identity, if known, of the person who is the subject of the criminal investigation.

D. If the order is for a pen register or trap and trace device only, the physical location of the targeted telephone.

E. A statement of the offense to which the information likely to be obtained by the pen register, trap and trace device, or the telecommunication identification interception device relates.

F. Direct, upon the request of the Applicant, the furnishing of information, facilities and technical assistance necessary to accomplish the installation of the pen register under 18 Pa.C.S. § 5771.

G. In the case of a telecommunication identification interception device, direct that all interceptions be recorded and monitored in accordance with 18 Pa.C.S. § 5714(a)(1) and (2) and (b).

H. The order authorizes the disclosure or production of mobile communication tracking information or installation and use of a pen register, trap and trace device, or a telecommunication identification interception device for a period not to exceed 60 days.

I. Extensions of such an order may be granted but only upon an application for an order under 18 Pa.C.S. § 5772 and upon the judicial finding required by 18 Pa.C.S. § 5772(a). The period of each extension shall be for a period not to exceed 30 days.

J. The order be sealed until otherwise ordered by the Issuing Judge.

K. The person owning or leasing the targeted telephone, or who has been ordered by the Issuing Judge to provide assistance to the Applicant, not disclose the existence of the mobile communication tracking, pen register, trap and trace device, or telecommunication identification interception device, or the existence of the investigation to the listed subscriber, or to any other person, unless or until otherwise ordered by the Issuing Judge.

Rule 3546. Orders—Factual Statement.

After reciting the relevant facts, the order shall set forth the following:

A. The identity of the investigative or law enforcement officers or agency to whom authority to intercept is given, *i.e.*, the supervising officer named in the application along with all qualified members of the named agency.

B. The identity of the Applicant and, if the Applicant is a designee, the identity of the District Attorney or Attorney General.

C. The identity of, or a particular description of, the person(s), if known, whose communications are to be intercepted.

D. The character and location of the particular communication facilities as to which, or the particular place as to which, authority to intercept is granted, except where a target specific order is at issue.

E. A particular description of the type of communication to be intercepted and a statement of the particular offense(s) to which it relates.

F. The period of time during which such interception is authorized not to exceed 30 days, or 60 days in the cases of orders authorizing production or disclosure of mobile communication tracking, the installation and use of pen registers, trap and trace devices, or telecommunication identification interception devices, including a statement as to whether or not the interception shall automatically terminate when the described communication has been first obtained. The order shall state that such interception or tracking is authorized only for that period of time necessary under the circumstances to accomplish the objectives of the interception or tracking. The order shall require that the interception or tracking begin and terminate as soon as practicable and that the interception be conducted in such a manner as to minimize or eliminate interception of communications not otherwise subject to interception under the Wiretap Act and require reasonable efforts, whenever possible, to reduce the hours of interception.

G. The order shall require the Applicant to supervise the interception or tracking.

H. The order should require periodic progress reports to the Issuing Judge indicating the progress made toward achieving the objective of the interception or tracking and the need for continued interception.

I. If requested by the Applicant, the order shall direct the pertinent communications common carrier to furnish the Applicant with all information, facilities, and technical assistance necessary to accomplish the interception or tracking unobtrusively and with a minimum of interference with the services being afforded to the subject(s) of the interception. The order shall provide that the common carrier shall be compensated at prevailing rates.

J. If requested by the Applicant, the order shall authorize the entry of the subject premises or facilities (or other premises necessary to gain entry into the subject premises) by the law enforcement officers previously authorized in the order to conduct the interception as often as necessary solely for the purpose of installing, maintaining or removing an interception device. The order shall further provide that such entry is found to be reasonably necessary to accomplish the purposes of the Wiretap Act and shall require that the Issuing Judge be notified of the time and method of each such entry in advance, if practical, and in any event, within 48 hours of entry.

Rule 3547. Orders—Sealing Procedure.

The Issuing Judge shall note on the order the date and time at which it was signed. The original application, affidavit, and order should be placed in an envelope and sealed by the Issuing Judge. The seal should be in the form of an order signed by the Issuing Judge and affixed to the envelope by the Issuing Judge in such a manner as to prevent the removal of the contents without physically disturbing the seal. The confidential docket number should be placed on the envelope. Form sealing orders are available to assist the Applicant and may be obtained from the Supervising Judge.

Rule 3548. Duplicate Original for Communications Common Carrier.

At the time the original order is signed, a duplicate original should also be signed for presentation to the communications common carrier.

Rule 3549. Transmission of Sealed Materials.

The Assigned/Issuing Judge should then mail or hand deliver the envelope, after inserting it in another envelope marked "Confidential," to the appropriate Superior Court Prothonotary office set forth in the sealing order. Alternatively, the materials may be hand delivered by the Applicant.

Rule 3550. Renewal or Extension Procedure.

To obtain an extension pursuant to 18 Pa.C.S. § 5712(b), an application, affidavit, and proposed extension order shall be submitted to the Issuing Judge. The application must have all of the features contained in the original application and must also contain a particular statement of facts showing the results obtained to date from the interception or a reasonable explanation of the failure to obtain such results.

Rule 3551. Verbal Authorization—Application.

A. When permitted by 18 Pa.C.S. § 5713 and/or 18 Pa.C.S. § 5773 an Applicant may make a verbal, instead of written, application.

B. The verbal application should include as many of the elements of a written application and affidavit as can be provided under the emergency conditions. Application for such authorization should be made *in camera*, under oath, and on the record. Upon approval of the Assigned Judge, the application may be made by electronic means, e.g., telephone, Skype, or FaceTime. Moreover, if the Assigned Judge requires the application to be on the record, and the application proceedings cannot be recorded stenographically, the Applicant may, with the permission of all speaking parties, record the proceedings.

1. The verbal application must include sufficient facts for the Assigned Judge to find that an emergency situation exists with respect to the investigation of an offense designated in 18 Pa.C.S. § 5708, and

i. The investigation involves conspiratorial activities characteristic of organized crime; or

ii. A substantial danger to life or limb exists.

2. As a result of the facts supporting these findings, authorization for immediate interception of wire, electronic, or oral communications is needed before a written application could, with due diligence, be submitted and acted upon by the Assigned Judge.

Rule 3552. Verbal Authorization—Order.

If the Assigned Judge finds that the statutory requirements are satisfied, he or she may verbally authorize the interception of wire, electronic, or oral communications conditioned upon the filing within 48 hours of a written application for an interception order.

Rule 3553. Verbal Authorization—Required Written Application.

A. The written application and affidavit required by Rule 3552 shall include, in addition to the normal requirements, a recitation of the date, time, place, and circumstances of the verbal authorization.

B. If the Issuing Judge, after granting verbal authorization, denies a subsequent written application, the Applicant shall, in writing, request that the Issuing Judge cause an inventory to be served as provided in 18 Pa.C.S. § 5716. Similarly, if a subsequent written application is not made or, if made, is denied, the Applicant shall, in writing, request the Issuing Judge to seal and retain any recordings of communications intercepted pursuant to verbal authorization.

Rule 3554. Progress Reports.

If the Issuing Judge orders progress reports pursuant to 18 Pa.C.S. § 5712(d), such reports shall be submitted to the Issuing Judge in a manner consistent with Rule 3535. The Issuing Judge shall seal and file the progress reports in the same manner as applications, set forth in Rule 3547.

Rule 3555. Final Reports.

At the expiration of the order, extensions, or renewals, the Applicant must submit a final report consisting of a complete written list of names of persons intercepted (if known), and evidence of offenses discovered, including those offenses not set forth in the application or order. Where communications relating to offenses other than those specified in the application or order are intercepted, the contents of those communications and any evidence derived therefrom must be included in the final report. In addition to the final report, the Applicant shall, as quickly as practical upon the expiration of the order, extensions, or renewals, submit all monitor's records and recordings to the Issuing Judge for sealing.

Rule 3556. Service of Inventory.

Within a reasonable time, but no later than 90 days after termination of the period of the order or any extension(s) or renewal(s) thereof or the date of denial of an order, the Applicant shall file an application with the Issuing Judge seeking an order that an inventory be served upon persons named in the order as provided in 18 Pa.C.S. § 5716(a) or shall file an application with the Issuing Judge seeking an order that postpones such service pursuant to 18 Pa.C.S. § 5716(b).

Rule 3557. 30-Day Report of Assigned Judge.

Within 30 days after the expiration of an order (or an extension or renewal), or the denial of an order confirming verbal approval of interception, the Applicant shall provide to the Issuing Judge a completed WT-2B form, which is provided by the Administrative Office of United States Courts, for his or her signature. After reviewing the form and making any necessary corrections, the Issuing Judge shall send a copy of the WT-2B form to the Administrative Office of Pennsylvania Courts, the Administrative Office of United States Courts, and the Supervising Judge.

Rule 3558. Unsealing—Motions.

A. A motion by an interested party to unseal an application, report, order, or other material previously placed under seal shall be in writing and shall be presented to the Issuing Judge. The Issuing Judge, upon good cause shown, may order an application, report, order, or other material (or portions thereof) within the Prothonotary's file to be unsealed and may impose such conditions or limitations thereon as may be necessary to safeguard the confidentiality of such information. This provision, however, shall not apply to investigative or law enforcement officers who may disclose the information pursuant to Section 5715 of the Wiretap Act.

B. The Prothonotary, without express written permission from the Issuing Judge, shall not surrender original materials constituting a part of his or her file.

C. The motion should identify with particularity the following:

1. The specific application, report, order, or other materials sought to be unsealed.

2. The purpose for which the order is sought.

3. If the application, report, order, or other materials under seal is/are sought for a trial or other criminal proceeding, the motion shall state the type of proceeding, court docket number(s), the name(s) of the party(ies) involved, the forum, the date(s) and approximate length of time for which such application, report, order, or other materials will be utilized and name(s) and designation(s) of the person(s) having access to the unsealed application, report, order, or other materials.

Rule 3559. Unsealing—Orders.

A. The Issuing Judge may, upon good cause shown by the said motion, order unsealed the application, report, order, or other materials which is/are the subject of the motion for the purpose(s) set forth therein. If the motion to unseal is granted, the order authorizing unsealing shall be limited to the application, report, order, or other materials which is/are the subject of the motion. The unsealing order shall be valid for a period not to exceed 20 days or the length of the trial or other criminal proceeding or investigation, whichever period is shorter.

B. The Issuing Judge may entertain a motion to extend the life of the unsealing order and may grant same upon good cause shown. If the motion to extend is granted, the unsealing order may be extended for a period not to exceed 20 days. The motion to extend must be filed before the expiration of a previously granted motion or extension(s) therefor and should state with particularity the reason(s) for the extensions.

C. The Issuing Judge may also entertain a motion to extend the scope of a previously granted unsealing order. The motion to extend shall be filed before the termination of the trial or other criminal proceeding or investigation for which the application, order, or other materials was/were initially unsealed.

Rule 3560. Responsibility for Unsealed Documents.

After the application, report, order, or other material(s) has/have been turned over to the custody of the requesting party(ies) designated in the motion the said requesting party(ies) shall assume complete responsibility for and the safekeeping of such application, order, report, or other materials for the entire duration of the time set forth in the said unsealing order and, further, shall assume responsibility for the safe return of such application, order, report, or other materials to the Prothonotary.

Rule 3561. Return of Documents to Prothonotary.

The application, report, order, or other materials subject to the unsealing shall be returned to the Prothonotary within 48 hours of the expiration of the life of the unsealing order or within 48 hours of the termination of the trial or other criminal proceeding or investigation, whichever event occurs sooner, unless a timely motion to extend the life of the unsealing order or to extend the scope of a previously granted unsealing order has been filed and granted.

**Amendments to the Superior Court
Operating Procedures**

The Superior Court of Pennsylvania has adopted amendments to its published Operating Procedures. These amendments are reflected in the Superior Court Operating Procedures with amendments to Pa. Code § 65.51 *et seq.*

These changes are effective immediately.

Additions are bold and underlined. Deletions are bracketed and boldface.

**PART II. INTERNAL OPERATING PROCEDURES
CHAPTER 65. OPERATING PROCEDURES OF THE
SUPERIOR COURT**

WIRETAPS

§ 65.51. Introduction.

[Government officials are advised to consult the applicable provisions of the Wiretapping and Electronic Surveillance Control Act, 18 Pa.C.S. § 5701 *et seq.* (“Wiretap Act”). Any Operating Procedure inconsistent with the Wiretap Act is preempted by the statute.]

The procedures for proceedings pursuant to the Wiretapping and Electronic Surveillance Control Act formerly found at this location are now located in Chapter 35 of the Pennsylvania Rules of Appellate Procedure.

§ 65.52. [Confidential Docket Number.] Reserved.

[The applicant for the interception of wire, electronic or oral communication is to call the Prothonotary for a confidential docket number. The confidential docket number is to be written on the envelope containing the application for interception which will subsequently be sealed. All applications, affidavits, progress reports, and orders shall utilize the confidential docket number assigned to the matter.]

§ 65.53. [Assignment to a Particular Judge.] Reserved.

[After receiving an assigned docket number from the Prothonotary, the applicant is to call the Supervising Judge designated by the President Judge to make assignments, and request assignment of a judge to entertain the application. The Supervising Judge, after first ascertaining the locale of the proposed interception from the applicant, shall then determine the availability of a judge. The Supervising Judge then shall assign a judge of the Court with due consideration of the nature and location of the proposed interception and the offense being investigated and inform the applicant of the assigned judge.]

§ 65.54. [Submission of Application to Assigned Judge.] Reserved.

[The applicant should submit the application, affidavit and proposed order to the assigned judge in chambers. This *ex parte* proceeding need not be on the record if all the necessary information required by the judge is contained within the four corners of the application. However, any additional testimony or explanation, if supplied orally, must be made of record. A tape recorder or court reporter may be utilized and must be provided by the applicant. The judge should be requested to direct the court reporter to transcribe the proceedings as expeditiously as possible and to submit the stenographic notes and original transcript to the Court for sealing at the earliest possible moment. The Court should instruct all present concerning the need for confidentiality.

Comment

It is up to the issuing judge whether to simply conduct the entire proceeding on the record. If a

tape recorder is utilized, at the close of the hearing, the tape is to be sealed with the application. Further, the judge may require that all additional information be in writing instead of the taking of any oral testimony.]

§ 65.55. [Additional Testimony or Documentary Evidence.] Reserved.

[In the event the judge requires the applicant to provide additional testimony or documentary evidence, such additional matters must be presented by the Attorney General or the District Attorney or their designee.]

§ 65.56. [Request for Identity of Informant.] Reserved.

[Where, pursuant to § 5710(b) of the Act, the judge requests the identity of an informant, such proceedings must be on the record save for any information that could lead to the identification of the informant.

Comment

The request of the judge for information concerning the informant should be on the record; however, the actual name of the informant must remain confidential.]

§ 65.57. [Content of Application.] Reserved.

[An application under § 5709 must be made upon the personal oath or affirmation of the Attorney General (or a deputy attorney general designated in writing by the Attorney General) or the District Attorney (or an assistant district attorney designated in writing by the District Attorney) of the county wherein the interception is to be made and must contain the following:

A. A statement of the applicant's authority to make the application. 18 Pa.C.S. § 5709(1).

B. A statement of the identity, State Police certification number and qualifications of the investigative or law enforcement officer who will supervise the conduct of the interception and the identity of the agency which will conduct the interception. 18 Pa.C.S. § 5709(2).

C. A sworn statement, i.e., affidavit, by the investigative or law enforcement officer who has knowledge of relevant information justifying the application, see 18 Pa.C.S. 5709(3), including a statement that the applicant seeks authorization to intercept wire, oral, or electronic communications of the subject(s) of the investigation concerning one or more of the offenses listed in 18 Pa.C.S. § 5708.

D. A statement that applicant has discussed all of the above circumstances of the offenses with the officer who has conducted the investigation to date and has examined the officer's affidavit (which is attached and incorporated by reference).

E. A complete statement of the facts concerning all previous applications known to the applicant made to any court for authorization to intercept a wire, electronic, or oral communication involving any of the same facilities or places specified in the application, or involving any person whose communication is to be intercepted, and the action taken by the court on each such application.

F. Where the application is for the renewal or extension of an order, a particular statement of facts showing the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain such results.

G. A request that, based on the facts and circumstances set forth in the application and the attached affidavit, the Court issue an order pursuant to § 5710 of the Act authorizing the designated officers to intercept wire, electronic, or oral communications to and from, or on, the described devices or at the described premises until the earlier of:

1. communications are intercepted which reveal:

(a) the manner in which the subject(s) and others unknown have participated, are participating, or will participate in the commission of the enumerated offenses,

(b) the identities of their confederates, and

(c) the nature of their operation or criminal enterprise; or

2. a period of thirty (30) days or less.

H. The application should request that, pursuant to § 5712(f) of the Act, the order direct the communication service provider to furnish the applicant forthwith with all information, facilities and technical assistance (including in-progress traces) to accomplish the interception unobtrusively and with a minimum of interference with the services being afforded by the company to the subject(s) and that the company be compensated by the applicant at the prevailing rates.

I. The applicant should state whether, in order to accomplish the purposes of the Act, it is reasonably necessary that law enforcement officers enter the described premises for the purpose of installing, maintaining or removing intercepting devices. If so, the applicant should request that, pursuant to § 5712(g) of the Act, the Court should authorize the entry of the described premises or facilities by the designated officers as often as necessary solely for the purpose of installing, maintaining, or removing intercepting devices. Prior to such entry, the judge issuing the order must, if practical, be notified—preferably in writing—of the time and method of each such entry. If prior notice is impractical, the judge must nevertheless be notified within 48 hours of entry.

J. Any legal applications and all subsequent motions or petitions relating to an application must be presented to the Court by an attorney-at-law.]

§ 65.58. [Target Specific Wiretaps. (18 Pa.C.S. § 5712.1).] Reserved.

[Section 5712.1 of the Wiretapping and Electronic Surveillance Control Act, 18 Pa.C.S. § 5712.1, provides that an investigative or law enforcement officer may seek a target specific order. An application for a target specific wiretap must meet the requirements of an application under § 5709 and § 5712, except § 5712(a)(3) and § 5709(3)(iv) and (v), shall not apply if:

A. In the case of oral communications:

i. a full and complete statement as to why specification is not practical and identifies the person

committing the offense and whose communications are to be intercepted. The judge must find that the specification is not practical. *See* 18 Pa.C.S. § 5712.1(a)(1).

B. In the case of wire or electronic communications:

i. the identity of the person believed to be committing the offense and whose communications are to be intercepted, and the applicant shows that there is probable cause to believe that the person's actions could have the effect of thwarting interception by changing facilities or devices. The judge must find that the purpose for the target specific order has been adequately shown. *See* 18 Pa.C.S. § 5712.1(a)(2).

C. In the event the affiant seeks a supplementary order for a target specific wiretap, such application shall contain:

1. The identity of the investigative or law enforcement officers or agency to whom the authority to intercept wire, electronic, or oral communication is given, and the name and official identity of the person who made the application. *See* 18 Pa.C.S. § 5712.1(c)(1).

2. The identity of or a particular description of the person, if known, whose communications are to be intercepted. *See* 18 Pa.C.S. § 5712.1(c)(2).

3. The period of time during which the interception is authorized, including a statement as to whether or not the interception shall automatically terminate when the described communication has been first obtained. *See* 18 Pa.C.S. § 5712.1(c)(3).

4. A showing of reasonable suspicion that the target of the original order has in fact changed communications devices or facilities. *See* 18 Pa.C.S. § 5712.1(c)(4).

5. A showing of reasonable suspicion that the target of the original order is likely to use the additional facility or device or place for criminal purposes similar to or related to those specified in the original order. *See* 18 Pa.C.S. § 5712.1(c)(5).

D. A supplementary order shall not act as an extension of the time limit identified in § 5712 (b). *See* 18 Pa.C.S. § 5712.1(d).]

§ 65.59. [Mobile Communication Tracking, Pen Registers, Trap and Trace Devices, and Telecommunication Identification Interception Devices. (18 Pa.C.S. §§ 5771—5773).] Reserved.

[Sections 5771—5773 of the Wiretapping and Electronic Surveillance Control Act, 18 Pa.C.S. §§ 5771—5773, authorize the installation and usage of pen registers, trap and trace devices, telecommunication identification interception devices and the disclosure or production of mobile communication tracking information upon a showing of probable cause. An applicant may seek such an order from the Superior Court when an application for an order authorizing interception of communications is or has been made for the targeted telephone or another application for interception under the Wiretap Act has been made involving the same investigation. *See* 18 Pa.C.S. § 5772(a). An application for such an order shall contain:

A. The identity and authority of the attorney making the application and the identity of the investigative or law enforcement agency conducting the investigation. 18 Pa.C.S. § 5772(b)(1).

B. A certification by the applicant that the information likely to be obtained is relevant to an ongoing criminal investigation being conducted by that agency. 18 Pa.C.S. § 5772(b)(2).

C. An affidavit by an investigative or law enforcement officer which establishes probable cause for the issuance of an order or extension of an order under section 5773. 18 Pa.C.S. § 5772(b)(3).]

§ 65.60. [Content of Affidavit.] Reserved.

[Section 5709(3) of the Wiretapping and Electronic Surveillance Control Act, 18 Pa.C.S. § 5709(3), provides that the investigative or law enforcement officer shall execute an affidavit setting forth information justifying the application for an order authorizing interception of wire, electronic, or oral communications. The affidavit should contain the following:

A. The affiant's title, pertinent employment history, authority to conduct investigations, and experience in conducting investigations of similar offenses. *See* 18 Pa.C.S. § 5709(2).

B. The name, qualifications, and State Police certification number of the officers who will supervise and conduct the interception of the communications as well as the agency which will conduct the interception. *See* 18 Pa.C.S. § 5709(2).

C. A statement by the affiant setting forth facts which, when viewed in light of the totality of the underlying circumstances, establish their intrinsic reliability.

Comment

See Illinois v. Gates, 462 U.S. 213, 103 S.Ct. 2317 (1983)

D. The identity of the person or persons, if known, who are believed to be committing one or more of the crimes in 18 Pa.C.S. § 5708, and whose communications will be intercepted. *See* 18 Pa.C.S. § 5709(3)(i).

E. The particular type of communication to be intercepted; e.g., in gambling case, transmittal and acceptance of wagers placed on the outcome of sporting events and horse race results, line information, etc. *See* 18 Pa.C.S. § 5709(3)(iii).

F. The character and location of the particular wire oral electronic communication facilities involved or the particular place where the oral communications will be intercepted, see 18 Pa.C.S. § 5709(3)(v), except where target specific orders pursuant to 18 Pa.C.S. § 5712.1 are sought.

G. Where 18 Pa.C.S. § 5712.1, governing target specific wiretaps does not apply, a detailed statement of the facts and circumstances establishing probable cause to believe that:

1. The subject(s) has committed, is committing or will commit one of the crimes enumerated in 18 Pa.C.S. § 5708;

2. The particular wire, electronic, or oral communications of the subject(s) concerning those offenses may be obtained through the proposed interception;

3. The facilities from which, or the place where, the wire, electronic, or oral communications are to be intercepted, are, have been, or are about to be used, in connection with the commission of such offense, or are leased to, listed in the name(s) of, or commonly used by such subject(s).

H. The period of time (not to exceed thirty (30) days) for which the interception will be needed, and if the character of the investigation is such that the authorization for interception should not automatically terminate when the described type of communication has been first obtained, a particular statement of facts establishing probable cause to believe that additional communications of the same type will occur and should be intercepted thereafter.

I. A particular statement of facts showing that other normal investigative procedures with respect to the offense have been tried and failed or reasonably appear unlikely to succeed if tried or are too dangerous to employ, e.g., normal investigative procedures would include standard visual or aural surveillance techniques, questioning of subject under an immunity grant or use of search warrants.

J. The basic probable cause in the affidavit should, whenever practical, be no more than twenty-one (21) days old.

K. In the event a pen register, mobile communications tracking information, trap and trace device, or telecommunication identification interception device has been or is being utilized to support the affidavit under this Rule, the Attorney General, District Attorney, or designee shall, as part of the application, certify that the authority for the use of the pen register, mobile communications tracking information, trap and trace device, or telecommunication identification interception device which was or is being utilized was obtained pursuant to probable cause. *See Commonwealth v. Melilli*, 521 Pa. 405, 555 A.2d 1254 (1989); 18 Pa.C.S. § 5772(b)(3); 18 Pa.C.S. § 5773. A copy of the affidavit of probable cause submitted in support of the application for the pen register, mobile communications tracking information, trap and trace device, or telecommunication identification interception must accompany the application for the wiretap.]

§ 65.61. [Order: In General. Notice of Confidentiality.] Reserved.

[Section 5710 of the Wiretapping and Electronic Surveillance Control Act, 18 Pa.C.S. § 5710 provides that upon consideration of the application, the Court may enter an ex parte order authorizing interception anywhere in the Commonwealth.

All proposed orders shall include, on the first page, the following notice of confidentiality to third parties:

**WIRETAP CONFIDENTIALITY
NOTICE**

You have been served with an intercept order pursuant to Pennsylvania's Wiretapping and Electronic Surveillance Control Act, 18 Pa.C.S. §§ 5701—5781 (the "Wiretap Act").

In order to implement wiretaps and electronic surveillance authorized by intercept orders, the assistance of third parties, those outside of law enforcement, is required. You have been made aware of an intercept order because your assistance is required to facilitate wiretapping or other surveillance in an on-going criminal investigation.

This is a very serious and highly confidential matter and must be treated with the utmost care and discretion. Except as specifically authorized under the Wiretap Act, **IT IS A CRIME TO WILLFULLY USE OR DISCLOSE THE EXISTENCE OF AN INTERCEPT ORDER. SUCH USE OR DISCLOSURE IS PUNISHABLE BY IMPRISONMENT OF UP TO 2 YEARS, AND A FINE OF UP TO \$5,000.**

The Wiretap Act provides as follows:

§ 5719. Unlawful use or disclosure of existence of order concerning Intercepted communication

Except as specifically authorized pursuant to this subchapter any person who willfully uses or discloses the existence of an order authorizing interception of a wire, electronic or oral communication is guilty of a misdemeanor of the second degree.

(A misdemeanor of the second degree is punishable by imprisonment of up to two years, 18 Pa.C.S. § 1104, and a fine of up to \$5,000, *id.* § 1101.)

See also 18 Pa.C.S. §§ 5725, 5726 and 5717.]

§ 65.62. [Order: Probable Cause Statement.] Reserved.

[A proposed order, except those pertaining to supplementary target specific orders or orders under §§ 5771—5773, should be submitted by the applicant to the Court, and it should state that based on the application, the Court finds probable cause to believe the following:

A. The person(s) whose communication is to be intercepted is committing, has committed, or is about to commit the offense(s) set forth in the application.

B. Particular communications concerning such offense(s) may be obtained through such interception.

C. Normal investigative procedures with respect to such offense(s) have been tried and have failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous to employ.

D. The facilities from which (or the place where) the wire, electronic or oral communications are to be intercepted, are, have been, or are about to be used, in connection with the commission of such offense, or are leased to, listed in the name of, or commonly used by, the subject(s).

E. The investigative or law enforcement officers or agency to be authorized to do the interception are qualified by training and experience to execute the interception sought and are certified under § 5724 of the Act.

F. The application is based on new evidence or information different from and in addition to the evidence or information offered to support any

prior order for interception (other than a renewal or extension of an existing order).]

§ 65.63. [Supplementary Target Specific Orders.] Reserved.

[A proposed order for a supplementary target specific wiretap should be submitted to the Court, and it should state that based on the application, the Court finds reasonable suspicion that:

A. The target of the original target specific wiretap has in fact changed communication devices or facilities or is presently using additional communication devices, communications facilities or places. See 18 Pa.C.S. § 5712.1(b)(1).

B. The target of the original target specific wiretap is likely to use the specified communications device or facility for criminal purposes similar to or related to those specified in the original order. See 18 Pa.C.S. § 5712.1(b)(2).

C. The Attorney General or the District Attorney, or their designees, shall be responsible for the supervision of the interception. See 18 Pa.C.S. 5712.1(e).]

§ 65.64. [Orders for Mobile Communication Tracking, Installation and Use of a Pen Register, Trap and Trace Device, and Telecommunication Identification Interception Device.] Reserved.

[A proposed order for mobile communication tracking, installation and use of a pen register, trap and trace device or a telecommunication identification interception device should be submitted to the Court, and it should state:

A. There is probable cause to believe that information relevant to an ongoing criminal investigation will be obtained from the targeted telephone. 18 Pa.C.S. § 5773(b)(i).

B. The identity, if known, of the person to whom is leased or in whose name is listed the targeted telephone, or, in the case of the use of a telecommunication identification interception device, the identity, if known, of the person or persons using the targeted telephone. 18 Pa.C.S. § 5773(b)(ii).

C. The identity, if known, of the person who is the subject of the criminal investigation. 18 Pa.C.S. § 5773(b)(iii).

D. In the use of pen registers and trap and trace devices only the physical location of the targeted telephone. 18 Pa.C.S. § 5773(b)(iv).

E. A statement of the offense to which the information likely to be obtained by the pen register, trap and trace device or the telecommunication identification interception device relates. 18 Pa.C.S. § 5773(b)(v).

F. Direct, upon the request of the applicant, the furnishing of information, facilities and technical assistance necessary to accomplish the installation of the pen register under section 5771 (relating to general prohibition on use of certain devices and exception). 18 Pa.C.S. § 5773(b)(2).

G. In the case of a telecommunication identification interception device, direct that all interceptions be recorded and monitored in accordance

with section 5714(a)(1) and (2) and (b) (relating to recording of intercepted communications). 18 Pa.C.S. § 5773(b)(3).

H. The order authorizes the disclosure or production of mobile communication tracking information or installation and use of a pen register, trap and trace device, or a telecommunication identification interception device for a period not to exceed 60 days. See 18 Pa.C.S. § 5773(c) (this statutory subsection provision omits reference to mobile communication tracking and therefore the sixty day period is not specifically referenced for mobile communication tracking).

I. Extensions of such an order may be granted but only upon an application for an order under § 5772 and upon the judicial finding required by § 5772(a). The period of each extension shall be for a period not to exceed 30 days.

J. The order be sealed until otherwise ordered by the Court.

K. The person owning or leasing the targeted telephone, or who has been ordered by the court to provide assistance to the applicant, not disclose the existence of the mobile communication tracking, pen register, trap and trace device, or telecommunication identification interception device, or the existence of the investigation to the listed subscriber, or to any other person, unless or until otherwise ordered by the Court.

Comment

The targeted telephone number, if known, should be included in the proposed order.]

§ 65.65. [Order: Factual Statement.] Reserved.

[After reciting the relevant facts, the order must set for the following:

A. The identity of the investigative or law enforcement officers or agency to whom authority to intercept is given (i.e., the Supervising Officer named in the application along with "all qualified members" of the named agency).

B. The identity of the person who made application for authority to intercept. Since only the District Attorney or the Attorney General may swear to the application form, he must be identified along with any designee who actually submits the application to the Court.

C. The identity of, or a particular description of, the person(s), if known, whose communications are to be intercepted.

D. The character and location of the particular communication facilities as to which, or the particular place as to which, authority to intercept is granted, except where a target specific order is at issue.

E. A particular description of the type of communication to be intercepted and a statement of the particular offense(s) to which it relates.

F. The period of time during which such interception is authorized not to exceed thirty (30) days, or sixty (60) days in the cases of orders authorizing production or disclosure of mobile communication

tracking,¹ the installation and use of pen registers, trap and trace devices, or telecommunication identification interception devices, including a statement as to whether or not the interception shall automatically terminate when the described communication has been first obtained. The order shall state that such interception or tracking is authorized only for that period of time necessary under the circumstances to accomplish the objectives of the interception or tracking. The order shall require that the interception or tracking begin and terminate as soon as practicable and that the interception be conducted in such a manner as to minimize or eliminate interception of communications not otherwise subject to interception under the Act and require reasonable efforts, whenever possible, to reduce the hours of interception.

G. The order shall require the Attorney General or the District Attorney or their designees to supervise the interception or tracking.

H. The order should require periodic progress reports to the issuing judge indicating the progress made toward achieving the objective of the interception or tracking and the need for continued interception.

I. If requested by the applicant, the order shall direct the pertinent communications common carrier to furnish the applicant with all information, facilities and technical assistance necessary to accomplish the interception or tracking unobtrusively and with a minimum of interference with the services being afforded to the subject(s) of the interception. The order shall provide that the common carrier shall be compensated at prevailing rates.

J. If requested by the applicant, the order shall authorize the entry of the subject premises or facilities (or other premises necessary to gain entry into the subject premises) by the law enforcement officers previously authorized in the order to conduct the interception as often as necessary solely for the purpose of installing, maintaining or removing an interception device. The order shall further provide that such entry is found to be reasonably necessary to accomplish the purposes of the Act and shall require that the issuing (authorizing) judge be notified of the time and method of each such entry in advance, if practical, and in any event, within forty-eight (48) hours of entry.]

§ 65.66. [Procedure Upon Signing the Order.] Reserved.

[The judge should note on the order the date and time at which it was signed. The original application, affidavit and order should be placed in an envelope and sealed by the judge. The seal should be in the form of an order signed by the judge and affixed to the envelope by the judge in such a manner as to prevent the removal of the contents without physically disturbing the seal. The confidential docket number should be placed on the envelope.]

¹ The sixty day period is not specified by statute for mobile communication tracking in 18 Pa.C.S. § 5773(c). This appears to have been a legislative oversight.

§ 65.67. [Seal.] Reserved.

[The seal should set forth the following:

1. Contents of the envelope;
2. The location at which custody of the sealed item should be maintained;
3. Date, time and location of the signing of the sealing order;
4. Signature of the judge.

Comment

Neither the targeted telephone number nor any other identifying information should be included on the sealing order.]

§ 65.68. [Duplicate Original for Communications Common Carrier.] Reserved.

[At the time the original order is signed, a duplicate original should also be signed for presentation to the communications common carrier.]

§ 65.69. [Renewal or Extension Procedure.] Reserved.

[A. Section 5712(b) of the Wiretapping and Electronic Surveillance Control Act, 18 Pa.C.S. § 5712(b), provides that an interception order may be renewed or extended for a period up to thirty (30) days beyond the expiration date of the original order. To obtain such an extension, it is necessary that an application, affidavit and proposed extension order be submitted to the Court. The application must have all of the features contained in the original application and, pursuant to § 5709(4) of the Act, must also contain a particular statement of facts showing the results obtained to date from the interception or a reasonable explanation of the failure to obtain such results.

B. The procedure for obtaining an extension should in all other respects be the same as that used in obtaining the original order.]

§ 65.70. [Verbal Authorization In General.] Reserved.

[Section 5713 of the Wiretapping and Electronic Surveillance Control Act, 18 Pa.C.S. § 5713, provides that, in certain emergency situations, verbal authorization to intercept wire, electronic, or oral communications may be given by the Court. Similarly, 18 Pa.C.S. § 5773, governing orders for pen registers, mobile communication tracking devices, trap and trace devices, and telecommunication identification interception devices allows verbal authorization under exigent circumstances. Application for such authorization should be made in camera, under oath and on the record. When, due to time limitations, an application cannot be made in person, the application may be made by telephone. Moreover, whenever the application proceedings cannot be recorded stenographically, by a court reporter provided by the applicant, the applicant should, with the permission of all speaking parties, tape record the proceedings.

Comment

The requirement for an under oath and on the record in camera proceeding, as well as the recording of the matter is not covered by statute.]

§ 65.71. [Content of Verbal Application.] Reserved.

[The verbal application should include as many of the elements of a written application and affidavit, supra, as can be provided under the emergency conditions. In any event, the verbal application must include sufficient facts for the Court to find the following:

A. An emergency situation exists with respect to the investigation of an offense designated in § 5708 of the Act.

B. The investigation involves conspiratorial activities characteristic of organized crime; or

C. A substantial danger to life or limb exists.

D. As a result of (A) and (B) or (C), authorization for immediate interception of wire, electronic or oral communications is needed before a written application could, with due diligence, be submitted and acted upon by the Court.]

§ 65.72. [Verbal Authorization Contingent Upon Written Application.] Reserved.

[Based on these findings, the Court may verbally authorize interception, pursuant to § 5713, conditioned upon the filing within forty-eight (48) hours of a written application for an interception order. Such written application and affidavit should be in the form previously described and should, along with the written order, include the following:

A. A recitation of the date, time, place and circumstances of the verbal authorization.

B. The written authorization conferred by the Court is retroactive to the time of the verbal authorization.

C. The authorized interception shall terminate immediately when the communication sought is obtained. Section 5713 of the Act provides that if the subsequent written application is not made, any interception conducted pursuant to verbal authorization will be illegal.

D. Pursuant to 18 Pa.C.S. § 5773, if exigent circumstances exist, the Court may verbally authorize the installation and use of a pen register, trap and trace device, telecommunications identification interception device, or permit mobile communication tracking. However, a written order authorizing the disclosure must be entered within 72 hours of the oral authorization.]

§ 65.73. [Progress Reports.] Reserved.

[Section 5712(c) of the Wiretapping and Electronic Surveillance Control Act, 18 Pa.C.S. § 5712(c), requires that the Attorney General or District Attorney or designee supervise the interception. Pursuant to § 5712(d) of the Act, this Supervising Attorney may be required under the terms of the order to submit periodic progress reports to the Court during the course of the interception. These reports should explain to the Court the progress being made toward achieving the objectives of the interception and should ex-

plain why continued interception is necessary. Progress reports shall be sealed and filed in the same manner as applications.

Comment

The judge may establish the time period for these reports within his or her order. A period of seven (7) days has proven to be practical.]

§ 65.74. [Content of Final Report.] Reserved.

[Pursuant to § 5712(e) of the Act, at the termination of the interception, the Supervising Attorney must submit a final report consisting of a complete written list of names of persons intercepted (if known) and evidence of offenses discovered, including those offenses not set forth in the application or order. Where communications relating to offenses other than those specified in the application or order are intercepted, the contents of those communications and any evidence derived therefrom must be included in the final report.]

§ 65.75. [Motions for Unsealing Orders.] Reserved.

[A motion by an interested party to unseal an application, report, order, or other document previously placed under seal shall be in writing, shall state specifically the reason for the unsealing order and the use to be made of the unsealed application, report, order, or other document, and, when possible, shall be presented to the judge who ordered the same sealed. The Court, upon good cause shown, may order an application, report, order, or other document within the Prothonotary's file to be unsealed and may impose such conditions or limitations thereon as may be necessary to safeguard the confidentiality of such information.

When a motion to unseal is granted, the Prothonotary, within ten (10) days, shall deliver to the requesting party a certified copy of the document(s) unsealed. The Prothonotary, without express written permission from the Court, shall not surrender original documents constituting a part of his or her file.

The motion should identify the following:

A. The specific application, report, order or other contents sought to be unsealed. The application, report, order or other contents sought to be unsealed shall be limited and described with particularity.

B. The purpose for which the order is sought.

1. *Trial or Other Criminal Proceeding.*

If the application, report, order or other contents under seal is/are sought for a trial or other criminal proceeding, the motion shall state the type of proceeding, court docket number(s), the name(s) of the party(ies) involved, the forum, the date(s) and approximate length of time for which such application, report, order or other contents will be utilized and name(s) and designation(s) of the person(s) having access to the unsealed application, report, order, or other contents.

2. *Criminal Investigation.*

If the application, report, order, or other contents under seal is/are sought for the purpose of disclosure to law enforcement or investigative officers in connection with a criminal investigation, the

name(s) of the investigative or law enforcement officer(s) shall be set forth together with his/her/their designation(s), his/her/their authority to conduct said investigation, the purpose of the investigation and the approximate date(s) and length of time for which such application, report, order or other contents are sought.]

§ 65.76. [Order of Court.] Reserved.

[The Court may, upon due cause shown by the said motion, order unsealed the application, report, order, or other contents which is/are the subject of the motion for the purpose(s) set forth therein. If the motion to unseal is granted, the order authorizing unsealing shall be limited to the application, report, order, or other contents which is/are the subject of the motion. The unsealing order shall be valid for a period not to exceed twenty (20) days or the length of the trial or other criminal proceeding or investigation, whichever period is shorter.]

§ 65.77. [Return of Documents to Court.] Reserved.

[The application, report, or order or other contents subject to the unsealing or any extension(s) thereof shall be returned to the Court within forty-eight (48) hours of the expiration of the life of the unsealing order or any extension(s) thereof or within forty-eight (48) hours of the termination of the trial or other criminal proceeding or investigation, whichever event occurs sooner, unless a timely motion to extend the life of the unsealing order or to extend the scope of a previously granted unsealing order has been filed and granted.]

§ 65.78. [Responsibility for Unsealed Documents.] Reserved.

[After a motion for an unsealing order or any extension(s) therefor has/have been granted and the application, report, order or other contents which was/were the subject of the said motion or any extensions(s) therefor granted has/have been turned over to the custody of the investigative or law enforcement officer(s) designated in the motion or any extensions therefor and Order(s) granting same to receive the said application, order, report or other contents for the purpose(s) set forth in the said motion or any extension(s) therefor and Order(s) granting same, the said investigative or law enforcement officer(s) shall assume complete responsibility for and the safekeeping of such application, order, report or other contents for the entire duration of the time set forth in the said unsealing Order or any extension(s) thereof in which said application, order, report or other contents remain in his/her/their custody for the purpose(s) set forth in the said motion or any extension(s) therefor and Order(s) granting same and, further, shall assume responsibility for the safe return of such application, order, report or other contents to the Court pursuant to § 65.77.]

[Pa.B. Doc. No. 20-1730. Filed for public inspection December 11, 2020, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1915]

Proposed Amendment of Pa.R.C.P. No. 1915.11-2

The Domestic Relations Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Pa.R.C.P. No. 1915.11-2—Appointment of Guardian *Ad Litem*—for the reasons set forth in the accompanying publication 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 and underlined; deletions to the text are bolded and bracketed.

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

Bruce J. Ferguson, Counsel
Domestic Relations Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
Fax: 717-231-9531
domesticrules@pacourts.us

All communications in reference to the proposal should be received by February 12, 2021. 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 Domestic Relations
Procedural Rules Committee*

THE HONORABLE DANIEL J. CLIFFORD,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1915. ACTIONS FOR CUSTODY OF MINOR CHILDREN

(Editor's Note. The following text replaces the current rule text in its entirety.)

Rule 1915.11-2. Appointment of Guardian *Ad Litem*.

(a) *Appointment.*

(1) On its own motion or a motion of a party, the court may appoint a guardian *ad litem*.

(2) Prior to appointing a guardian *ad litem*, the court shall find that the appointment is necessary for the court to determine the child's best interest.

(3) The guardian *ad litem*:

(i) shall represent the child's best interest in the custody action;

(ii) shall not act as the child's legal counsel or represent the child's legal interest; and

(iii) shall be a licensed attorney or licensed mental health professional.

(4) The court may order the parties to pay all or part of the guardian *ad litem's* fees or costs.

(b) *Duties and Responsibilities.*

(1) *Reports.* The guardian *ad litem* shall:

(i) file of record any report prepared by the guardian *ad litem*; and

(ii) provide to the parties and the court a copy of the filed report not later than 20 days prior to a hearing or trial.

(A) The court shall determine the admissibility of the report at the hearing or trial.

(B) Prior to disclosing confidential information prohibited by 23 Pa.C.S. § 5336 to the parties, the court shall determine whether the guardian *ad litem* may disclose the information.

(2) *Testimony.* The guardian *ad litem*:

(i) shall attend court proceedings and testify as necessary; and

(ii) shall be subject to cross-examination if called to testify by a party or the court.

(3) *Child's Statement.* The guardian *ad litem's* report or testimony may include a subject child's statement that would be otherwise inadmissible hearsay under Pa.R.E. 802.

Official Note: 23 Pa.C.S. § 5334 is suspended insofar as it (1) requires that a guardian *ad litem* be an attorney, (2) permits the guardian *ad litem* to represent both the best interests and legal interests of the child, (3) provides the guardian *ad litem* the right to examine, cross-examine, present witnesses and present evidence on behalf of the child, and (4) prohibits the guardian *ad litem* from testifying.

PUBLICATION REPORT

Rule Proposal 181

The Domestic Relations Procedural Rules Committee (Committee) is proposing an amendment to Pa.R.C.P. No. 1915.11-2—Appointment of Guardian *Ad Litem*. Specifically, the proposed amendment would permit a guardian *ad litem* (GAL) to testify or include in the GAL's report a minor child's statement even if the statement would be otherwise inadmissible hearsay.

The Committee received a request for rulemaking on the admissibility of a child's statement to a GAL in a custody hearing or trial. The Rules of Civil Procedure provides for the appointment of a GAL when the court finds that it is necessary in determining the child's best interest. As set forth in Pa.R.C.P. No. 1915.11-2, a GAL is required to meet with a child of an appropriate age in order to ascertain the facts.

Often, the child makes statements to the GAL that could impact the court determining the child's best interest. The child's statements are generally considered hearsay under Pennsylvania Rule of Evidence 802 unless an exception would apply, but are often included in a GAL's

report or testimony. As a matter of course, a GAL prepares a report, which is filed and served on the parties and the court, and the GAL also testifies at a hearing or trial. Absent a hearsay exception that would permit the child's statement into evidence, excluding the statement could significantly impact the court's ability to determine the child's best interest.

Generally, the Pennsylvania Rules of Evidence does not provide for the blanket admissibility of a child's hearsay statements made to a GAL, and unlike dependency actions under the Juvenile Act, 42 Pa.C.S. §§ 6301 *et seq.*, in which a hearsay statement may be admissible in dispositional hearings, similar statements in a child custody action are inadmissible unless a hearsay exception applies. As reported to the Committee, the statement's admissibility varies from court to court. Some courts will allow the statement into evidence since it does impact the child's best interest; while other courts will disallow the statement as hearsay unless a hearsay exception applies.

To remedy the disparate treatment of the child's statement, the Committee believes an exception to the hearsay rule is necessary to reflect the admissibility of the statement made to the child's GAL as the statement often is probative of the child's best interest. As the exception would be limited in its application to child custody cases, the Committee believes the child custody procedural rules should provide the exception rather than the Rules of Evidence. Including a hearsay exception in the procedural rules is permitted by the Rules of Evidence, see Pa.R.E. 802, and the Supreme Court has incorporated hearsay exceptions into other procedural rules. See Pa.R.C.P. Nos. 4020 and 4017(g); Pa.R.Crim.P. 574, 542(E), and 1003(E).

As such, the Committee is proposing an amendment to Pa.R.C.P. No. 1915.11-2—Appointment of Guardian *Ad Litem*. The rule proposal rewrites the rule in its entirety; however, the majority of the changes are stylistic and format changes. The substantive change related to the admissibility of a child's hearsay statement to a GAL is included in subdivision (b)(3). As result of the proposed change, the GAL's report and testimony would be treated similarly to an expert witness' report and testimony under Pa.R.E. 701—706.

All comments, concerns, and suggestions concerning this rule proposal are welcome.

[Pa.B. Doc. No. 20-1731. Filed for public inspection December 11, 2020, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1930]

Proposed Amendment of Pa.R.C.P. No. 1930.2

The Domestic Relations Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Pa.R.C.P. No. 1930.2—No Post-Trial Motions. Motions for Reconsideration—for the reasons set forth in the accompanying publication 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 and underlined; deletions to the text are bolded and bracketed.

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

Bruce J. Ferguson, Counsel
Domestic Relations Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
Fax: 717-231-9531
domesticrules@pacourts.us

All communications in reference to the proposal should be received by February 12, 2021. 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 Domestic Relations
Procedural Rules Committee*

THE HONORABLE DANIEL J. CLIFFORD,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1930. RULES RELATING TO DOMESTIC RELATIONS MATTERS GENERALLY

Rule 1930.2. No Post-trial Practice. Motions for Reconsideration.

(a) There shall be no motions for post-trial relief in any domestic relations matter, including Protection of Victims of Sexual Violence or Intimidation matters.

Official Note: See Pa.R.C.P. No. 1957.

(Editor's Note: The following text replaces subdivisions (b)—(e) entirely.)

(b) *Motion for Reconsideration.* Within 30 days of the entry of an order, a party aggrieved by the court's order may file with the court a motion for reconsideration.

(1) *Reconsideration Granted.* If the court grants the motion for reconsideration and enter its order within the 30-day appeal period as provided in Pa.R.A.P. 903:

Official Note: See Pa.R.A.P. 903. A party shall file the Notice of Appeal within 30 days after the entry of the order from which the appeal is taken, except as otherwise set forth in that rule.

(i) The underlying order under reconsideration remains in effect pending the court's reconsideration decision unless the court, upon motion of a party or *sua sponte*:

(A) vacates the underlying order; or

(B) stays the underlying order.

(ii) During the 120-day period provided in subdivision (b)(1)(iii), the court may order additional testimony, and as a result, the court need not render its reconsidered decision within 120 days.

(iii) *Reconsidered Decision.* Except as set forth in subdivision (b)(1)(ii):

(A) the court shall enter the reconsidered decision within 120 days from the date the court granted the motion for reconsideration; or

(B) if the court does not enter a reconsidered decision within 120 days, the underlying order shall be deemed affirmed.

(iv) *Notice of Appeal.* The time for filing a notice of appeal will begin to run anew from:

(A) the day the court enters the reconsidered decision; or

(B) the 121st day after the motion for reconsideration was granted, when the underlying order has been deemed affirmed as provided in subdivision (b)(1)(iii)(B).

(2) *Reconsideration Denied.* If the court denies the motion for reconsideration within the underlying order's 30-day appeal period, the time for filing a notice of appeal will run as if the motion for reconsideration had never been presented to the court.

PUBLICATION REPORT

Rule Proposal 182

The Domestic Relations Procedural Rules Committee (Committee) is proposing an amendment to Pa.R.C.P. No. 1930.2 as that rule relates to a motion for reconsideration. The proposed amendment would address the status of the underlying order pending the trial court's reconsideration. Currently, the Rules of Civil Procedure do not address the order's status. Although the Committee is proposing the amendment, it believes the proposal is merely a codification of current practice.

The Committee received a rulemaking request suggesting that Pa.R.C.P. No. 1930.2 should be amended to clarify the status of the underlying order that a party has requested reconsideration from the trial court. The rule as written provides guidance on requesting reconsideration but does not indicate whether the underlying order is effective pending the trial court's reconsideration.

Unlike other civil actions, post-trial motions are precluded for domestic relations actions. See Pa.R.C.P. No. 1930.2(a). A party seeking relief from a court's order may appeal, request the trial court reconsider its order, or both. As noted in the Pennsylvania Rules of Appellate Procedure, the trial court has the authority to reconsider its order even after an appeal is filed. See Pa.R.A.P. 1701(b). Generally, a domestic relations order appealed is effective unless the appellant requests a stay or supersedeas pending the appeal from the trial court as provided in Pa.R.A.P. 1731(b) and 1732. However, there is no similar provision in the Rules of Civil Procedure as it relates to reconsideration. The Committee is proposing an amendment to Pa.R.C.P. No. 1930.2 that would provide similar treatment of an order pending reconsideration; in other words, the order is effective pending reconsideration unless the moving party requests the trial court stay or vacate the order.

Subdivisions (b) through (e) have been entirely rewritten into an outline format with the substantive change noted above included in subdivision (b)(1)(i). Otherwise, Pa.R.C.P. No. 1930.2 remains substantively unchanged.

All comments, concerns, and suggestions concerning this rule proposal are welcome.

[Pa.B. Doc. No. 20-1732. Filed for public inspection December 11, 2020, 9:00 a.m.]

Title 255—LOCAL COURT RULES

FAYETTE COUNTY

Clerk of Courts Fee Bill; No. 478 MD 2020

Order of Court

And Now, this 2nd day of December, 2020, pursuant to 42 Pa.C.S. § 1725.4(a)(2), the Fayette County Clerk of Courts' request to increase fees and charges effective January 1, 2021, is approved. The fees to be charged and collected by the Clerk of Courts in counties of the second class A and the third through eighth, or equivalent officer in home rule counties of the same class, shall be listed on the following Fee Bill.

The amount of any fee or charge increased pursuant to paragraph (1) of 42 Pa.C.S. § 1725.4 may be increased every three years, provided that the amount of the increase may not be greater than the percentage of increase in the Consumer Price Index for Urban Workers for the immediate three years preceding the increase in the fee or charge.

In addition to any other fee authorized by law, an automation fee of not more than \$5.00 may be charged and collected by the Clerk of Courts of counties of the second class A and the third through eighth class, including home rule counties of the same class, for the initiation of any action or legal proceeding. The automation fee shall be deposited into a special Clerk of Courts automation fund established in each county. Monies in the special fund shall be used solely for the purpose of automation and continued automation update of the Office of the Clerk of Courts.

By the Court

JOHN F. WAGNER, Jr.,
Judge

FAYETTE COUNTY CLERK OF COURTS FEE BILL Effective January 1, 2021

| <i>Criminal Case Filings</i> | |
|---|----------|
| Felony, Misdemeanor | \$157.55 |
| PFA Indirect Criminal Contempt | 141.20 |
| Non-Jury, Plea, ARD, PWOV | 141.20 |
| Summary | 52.15 |
| Out of County Courtesy Supervision | 46.00 |
| Summary Appeal | 46.00 |
| <i>Bail Bonds</i> | |
| Percentage Cash Bail Administrative Fee 30% on amount paid Agent Qualifying Power of Attorney | \$53.20 |
| Bail Piece (Application and Order) | 16.85 |
| Bail Forfeitures | 29.15 |
| Posting Property Bond | 26.05 |
| <i>Filings</i> | |
| Appeals (Higher Court: state fee not included) | \$58.30 |
| Issuance of Bench Warrants | 19.40 |
| Constable Bond/Oath/Card | 22.50 |
| Deputy Constable Appointment/Card | 22.50 |
| Expungement (Miscellaneous Cases) | 53.20 |

| <i>Filings</i> | |
|---|---------|
| ARD Motion and Expungement | 68.55 |
| Miscellaneous Matters | 22.50 |
| Municipal School Tax Report | 18.40 |
| Petitions/Motions generally (following dispositions) | 22.50 |
| Petitions for Parole/Release etc. | 22.50 |
| Private Detective (Individual) Bond/License— 2 years | 232.20 |
| Private Detective (Corporate) Bond/License— 2 years | 333.60 |
| Revocation of ARD, PWOV, Probation/Parole | 22.50 |
| Roads (Including Certification) | 22.50 |
| Summary Appeal (Non-refundable filing fee) | 46.55 |
| Tax Collector Bond/Oath | 22.50 |
| Tax Collector Report | 18.40 |
| <i>Miscellaneous Fees</i> | |
| Certification | \$10.00 |
| Copies (per page) | .25 |
| Clerk of Courts Automation Fee | 5.00 |
| Computer Printouts | 1.00 |
| Exemplification | 22.50 |
| Fax Fees (per page) | 1.75 |
| License Suspension/Reinstatement | 22.50 |
| Postage (per case) | 15.25 |
| Record Search | 11.25 |
| Subpoena (sign/seal) | 5.60 |

[Pa.B. Doc. No. 20-1733. Filed for public inspection December 11, 2020, 9:00 a.m.]

Title 255—LOCAL COURT RULES

LEHIGH COUNTY

Administrative Order Establishing Uniform Costs for Global Positioning Satellite Monitoring by the Probation/Parole Office; No. AD-18-2020

Order

And Now, this 23rd day of November, 2020, the following Administrative Order establishing uniform costs in criminal cases for certain services rendered by the Probation/Parole Office of Lehigh County is promulgated and is effective for all such services rendered in any criminal case thirty (30) days or more after publication of this Order in the *Pennsylvania Bulletin*. Seven (7) certified copies shall be filed with the Administrative Office of Pennsylvania Courts; that two (2) certified copies shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Criminal Procedural Rules Committee; and that one (1) copy shall be filed with the Clerk of Courts of the Court of Common Pleas of Lehigh County.

GLOBAL POSITIONING SATELLITE MONITORING

Every person who is sentenced to serve part or all of his or her sentence on Global Positioning Satellite Monitoring (house arrest) shall pay a fee of \$14.00 per day to defray the costs of that program, except if the defendant is determined to be indigent.

By the Court

EDWARD D. REIBMAN,
President Judge

[Pa.B. Doc. No. 20-1734. Filed for public inspection December 11, 2020, 9:00 a.m.]

Title 25—LOCAL COURT RULES

LUZERNE COUNTY

Request to Increase Fees of that Section of the Division of Judicial Services and Records, Formerly Referred to as the Office of the Clerk of Courts; No. 10347 of 2020

Petition of Joan Hoggarth, Director of Judicial Services and Records of Luzerne County, to Increase the Fees of that Section of the Division of Judicial Services and Records, Formerly Referred to as the Office of the Clerk of Courts

Joan Hoggarth, Director of Judicial Services and Records of Luzerne County, through her counsel, Romilda P. Crocamo, Esquire, Chief Solicitor for Luzerne County Office of Law, respectfully requests this Honorable Court increase the fees of that section of the Division of Judicial Services and Records formerly referred to as the Office of the Clerk of Courts, as proposed in Exhibit “A” which follows hereto, and avers as follows in support thereof:

1. This Honorable Court has authority to increase the Clerk of Courts’ fees pursuant to 42 P.S. § 21071.1.
2. Pursuant to 42 P.S. § 21071.1, the Clerk of Courts has the right to petition for an increase in fees every three years provided that the amount of the increase is not greater than the percentage of the increase in the Consumer Price Index for Urban Workers for three years immediately preceding the last increase. 42 P.S. § 21071.1.
3. The Luzerne County Clerk of Courts has not raised its fees since January 1, 2017.
4. Section 12.04 of Luzerne County’s Home Rule Charter, effective January 1, 2012, eliminated the Elective Office of the Prothonotary.
5. Section 12.07(E) provides, as follows: “The Division of Judicial Services and Records shall be responsible for: the services and functions that prior to the effective date of this Charter were performed by the *Clerk of Courts*, Coroner, Prothonotary, Recorder of Deeds, Register of Wills, and Sheriff, and any other powers, duties, programs, services, or functions that may be assigned by the Administrative Code.” *Emphasis added.*
6. Joan Hoggarth is the duly appointed Director of Judicial Services and Records of Luzerne County.
7. The proposed fee bill with proposed increases follows hereto and is marked as Exhibit “A.”

8. The current fee bill follows hereto and is marked as Exhibit “B.”

9. It is believed and therefore averred that the proposed percentage increase is within the range authorized by 42 P.S. § 21071.1 in that it does not exceed the percentage of the increase in the Consumer Price Index for Urban Workers for three years immediately preceding the last increase, i.e., November 1, 2011.

Wherefore, Joan Hoggarth, Director of Judicial Services and Records of Luzerne County, through her counsel, respectfully requests this Honorable Court, pursuant to 42 P.S. § 21071.1, approve the fees as set forth in Exhibit “A” effective January 1, 2021.

Respectfully submitted,
Romilda P. Crocamo, Esquire
Chief Solicitor
Luzerne County Office of Law

VERIFICATION

I, JOAN HOGGARTH, Director of Judicial Services and Records of Luzerne County, verify that the statements made in the foregoing PETITION are true and correct to the best of my knowledge. I understand that false statements herein are made subject to the penalties of 18 P.A.C.S. Section 4904, relating to unsworn falsification to authorities.

DATE: _____

JOAN HOGGARTH
Director of Judicial Services and
Records of Luzerne County

Joan Hoggarth, Director of Judicial Services and Records of Luzerne County Request to Increase Fees of that Section of the Division of Judicial Services and Records, Formerly Referred to as the Office of the Prothonotary; No. 10347 of 2020

Order

And Now, this 10th day of November, 2020, upon review and consideration of the Petition of Joan Hoggarth, Director of Judicial Services and Records of Luzerne County to Increase the Fees of that section of the Division of Judicial Services and Records, formerly referred to as the Office of the Prothonotary, and pursuant to 42 P.S. § 21071.1., which authorizes the Prothonotary to increase fees consistent with the percentage of increase in the Consumer Price Index for Urban Workers for the immediate three year period preceding the last increase, the Court takes judicial notice that the proposed increase in fees of 5% or less is within the stated percentage increase.

It is therefore hereby Ordered and Decreed that the Court approves the increases in the fee schedule for that section of the Division of Judicial Services and Records, formerly referred to as the Office of the Prothonotary, effective January 1, 2021, as per the Prothonotary Fee Schedule follows hereto and marked as Exhibit “A.” The Director of Judicial Services and Records of Luzerne County is hereby directed to file this Order and this Order shall be published on the Luzerne County website and in the *Luzerne County Legal Register* and *Pennsylvania Bulletin*.

By the Court

HONORABLE MICHAEL VOUGH,
President Judge

THE COURTS

Exhibit A

Luzerne County—Clerk of Courts Fees

Effective January 1, 2021

| | |
|---|--|
| Appeal Processing for Clerk of Courts (\$58.50 + \$5.00 automation fee) | \$64.75 |
| Appeal Processing for Superior Court | \$90.25 |
| Superior Court Raised Fee as of 11-1-17 (Per AOPC) | |
| Appointment to Fill Vacancy of Office | \$17.75 |
| ARD Dismissal Rule 319 (\$17.50 + \$5.00 automation fee)..... | \$23.00 |
| Bail Bondsmen renewal | \$10.25 |
| Certifications | \$8.75 |
| Civil Judgment Satisfaction (\$17.50 + \$5.00 automation fee)..... | \$23.00 |
| Constable Deputy and Constable Bonds | \$17.75 |
| Copies | ¢0.50 |
| Detective License Applications (Incorporated) | \$434.00 |
| Detective License Applications (Individual) | \$326.00 |
| Expungements Rule 320 (\$17.50 + \$5.00 automation fee)..... | \$23.00 |
| Expungement Fee Under Pa.C.S. Section 1725.7 (Act 5)..... | \$132.00 |
| Filing Petition & Order (\$17.50 + \$5.00 automation fee)..... | \$23.00 |
| Filing of Orders/Motions (2nd Filing)..... | \$8.75 |
| Filings of Resolutions/Ordinances | \$18.00 |
| Filing of Tax Collector's Bonds..... | \$11.75 |
| Limited Access (\$18.00 + \$5.00 automation fee)..... | \$23.00 |
| Liquor License Appeals..... | \$24.00 |
| Microfilm Copies..... | \$1.50 |
| Motion & Order (All Nolle Prose) | \$23.50 |
| Poundage on Bail..... | 3% on the first thousand, 1% on the balance..... |
| Processing all Misc. or Felony Cases During or After Trial..... | \$148.50 |
| Processing all Misc. of Felony Cases During or Before Trial..... | \$83.25 |
| Record Checks (Per Individual) | \$17.75 |
| Short Certificate..... | \$8.25 |
| Subpoenas..... | \$3.50 |
| Summary Appeal (\$48.00 + \$5.00 automation fee)..... | \$53.00 |
| Writ of Habeas Corpus Petitions (\$59.50 + \$5.00 automation fee) | \$64.75 |
| Case Assessments: (Applied by Probation) | |
| Administrative Fee on MD Numbers (\$41.00 + \$5.00 automation fee) | \$46.00 |
| Clerk of Courts Filing Fee (\$122.50 + \$5.00 automation fee)..... | \$127.50 |
| Luzerne County cost each additional count | \$26.50 |

Exhibit B

Luzerne County—Clerk of Courts Fees

Effective January 1, 2017

RE-ISSUED November 1, 2017 (Per AOPC)

| | |
|---|---------|
| Appeal Processing for Clerk of Courts (\$58.50 + \$5.00 automation fee) | \$63.50 |
| Appeal Processing for Superior Court | \$85.50 |
| Appointment to Fill Vacancy of Office | \$17.50 |
| ARD Dismissal Rule 319 (\$17.50 + \$5.00 automation fee)..... | \$22.50 |
| Certifications | \$8.50 |
| Civil Judgment Satisfaction (\$17.50 + \$5.00 automation fee)..... | \$22.50 |
| Constable Deputy and Constable Bonds | \$17.50 |
| Copies | \$.50 |

| | |
|--|---|
| Detective License Applications (Incorporated) | \$425.50 |
| Detective License Applications (Individual) | \$319.50 |
| Expungements Rule 320 (\$17.50 + \$5.00 automation fee) | \$22.50 |
| Expungement Fee under Pa.C.S. Section 1725.7 (Act 5) | \$132.00 |
| Filing Petition & Order (\$17.50 + \$5.00 automation fee) | \$22.50 |
| Filing of Orders/Motions (2nd Filing) | \$8.50 |
| Filing of Resolutions/Ordinances | \$17.50 |
| Filing of Tax Collector’s Bonds | \$11.50 |
| Liquor License Appeals | \$23.50 |
| Microfilm Copies | \$1.50 |
| Motion & Order (all nolle prose) | \$23.00 |
| Poundage on Bail | 3% on the first thousand, 1% on the balance |
| Processing all Misc. or Felony Cases During or After Trial | \$145.50 |
| Processing all Misc. or Felony Cases During or Before Trial | \$81.50 |
| Record checks (per individual) | \$17.50 |
| Short Certificate | \$8.00 |
| Subpoenas | \$3.25 |
| Summary Appeal (\$47.00 + \$5.00 automation fee) | \$52.00 |
| Writ of Habeas Corpus Petitions (\$58.50 + \$5.00 automation fee) | \$63.50 |
| Case Assessments: (Applied by Probation) | |
| Administrative Fee on MD Numbers (\$40.00 + \$5.00 automation fee) | \$45.00 |
| Clerk of Courts Filing Fee (\$120.00 + \$5.00 automation fee) | \$125.00 |

[Pa.B. Doc. No. 20-1735. Filed for public inspection December 11, 2020, 9:00 a.m.]

Title 255—LOCAL COURT RULES

LUZERNE COUNTY

Request to Increase Fees of that Section of the Division of Judicial Services and Records, Formerly Referred to as the Office of the Prothonotary; No. 10346 of 2020

Petition of Joan Hoggarth, Director of Judicial Services and Records of Luzerne County, to Increase the Fees of that Section of the Division of Judicial Services and Records, Formerly Referred to as the Office of the Prothonotary

Joan Hoggarth, Director of Judicial Services and Records of Luzerne County, through her counsel, Romilda P. Crocamo, Esquire, Chief Solicitor for Luzerne County Office of Law, respectfully requests this Honorable Court increase the fees of that section of the Division of Judicial Services and Records formerly referred to as the Office of the Prothonotary as proposed in Exhibit “A” which follows hereto, and avers as follows in support thereof:

1. This Honorable Court has authority to increase the Prothonotary’s fees pursuant to 42 P.S. § 21071.1.

2. Pursuant to 42 P.S. § 21071.1, the Prothonotary has the right to petition for an increase in fees every three years provided that the amount of the increase is not greater than the percentage of the increase in the Consumer Price Index for Urban Workers for three years immediately preceding the last increase. 42 P.S. § 21071.1.

3. The Luzerne County Prothonotary has not raised its fees since January 1, 2016.

4. Section 12.04 of Luzerne County’s Home Rule Charter, effective January 1, 2012, eliminated the Elective Office of the Prothonotary.

5. Section 12.07(E) provides, as follows: “The Division of Judicial Services and Records shall be responsible for: the services and functions that prior to the effective date of this Charter were performed by the Clerk of Courts, Coroner, *Prothonotary*, Recorder of Deeds, Register of Wills, and Sheriff, and any other powers, duties, programs, services, or functions that may be assigned by the Administrative Code.” *Emphasis added.*

6. Joan Hoggarth is the duly appointed Director of Judicial Services and Records of Luzerne County.

7. The proposed fee bill with proposed increases that do not exceed 4% follows hereto and marked as Exhibit “A.”

8. The current fee bill follows hereto and marked as Exhibit “B.”

9. It is believed and therefore averred that the proposed percentage increase is within the range authorized by 42 P.S. § 21071.1 in that it does not exceed the percentage of the increase in the Consumer Price Index for Urban Workers for three years immediately preceding the last increase, i.e., November 1, 2011.

Wherefore, Joan Hoggarth, Director of Judicial Services and Records of Luzerne County, through her counsel, respectfully requests this Honorable Court, pursuant to 42 P.S. § 21071.1, approve the fees as set forth in Exhibit “A” effective January 1, 2021.

Respectfully submitted,
Romilda P. Crocamo, Esquire
Chief Solicitor
Luzerne County Office of Law

VERIFICATION

I, JOAN HOGGARTH, Director of Judicial Services and Records of Luzerne County, verify that the statements made in the foregoing PETITION are true and correct to the best of my knowledge. I understand that false statements herein are made subject to the penalties of 18 P.A.C.S. Section 4904, relating to unsworn falsification to authorities.

DATE: _____

JOAN HOGGARTH
Director of Judicial Services and
Records of Luzerne County

**Joan Hoggarth, Director of Judicial Services and
Records of Luzerne County Request to Increase
Fees of that Section of the Division of Judicial
Services and Records, Formerly Referred to as the
Office of the Prothonotary; No. 10346 of 2020**

Order

And Now, this 10th day of November, 2020, upon review and consideration of the Petition of Joan Hog-

garth, Director of Judicial Services and Records of Luzerne County to Increase the Fees of that section of the Division of Judicial Services and Records, formerly referred to as the Office of the Prothonotary, and pursuant to 42 P.S. § 21071.1., which authorizes the Prothonotary to increase fees consistent with the percentage of increase in the Consumer Price Index for Urban Workers for the immediate three year period preceding the last increase, the Court takes judicial notice that the proposed increase in fees of 5% or less is within the stated percentage increase.

It is therefore hereby Ordered and Decreed that the Court approves the increases in the fee schedule for that section of the Division of Judicial Services and Records, formerly referred to as the Office of the Prothonotary, effective January 1, 2021, as per the Prothonotary Fee Schedule follows hereto and marked as Exhibit "A." The Director of Judicial Services and Records of Luzerne County is hereby directed to file this Order and this Order shall be published on the Luzerne County website and in the *Luzerne County Legal Register* and *Pennsylvania Bulletin*.

By the Court

HONORABLE MICHAEL VOUGH,
President Judge

Exhibit A

PROTHONOTARY'S FEE BILL
LUZERNE COUNTY

Pursuant to ACT 98-164 of January 21, 1999, the following fees are fixed by the Prothonotary and effective:

EFFECTIVE: January 1, 2021

| | |
|---|----------|
| APPEALS: From the Court of Common Pleas to any Appellate Court | \$68.00 |
| Plus Appellate Court Fee (separate check) | \$90.25 |
| ARBITRATIONS: Where arbitration proceedings are processed by the Prothonotary's Office (\$50,000.00 Limit) | \$61.25 |
| APPEAL OF ARBITRATOR'S DECISION | \$453.25 |
| ASSIGNMENTS | \$12.00 |
| AUDITOR'S REPORT: (School, etc.) | \$66.00 |
| BUILDING AGREEMENTS: Stipulations | \$30.50 |
| Waivers | \$30.50 |
| CERTIFICATIONS: | |
| Certifying copy of any paper—First Page | \$8.75 |
| Additional pages | \$4.50 |
| Certification of Notary Public, Justice of Peace, Motor Vehicle or similar paper | \$6.50 |
| CERTIFICATION OF TRIAL READINESS | \$11.00 |
| COMMENCEMENT OF ACTIONS (by Summons, Petition or Complaint): | |
| Civil Actions, Declaration of Taking, Equity, Lis Pendens, Name Change, Mortgage Foreclosure, Quiet Title, Minors Compromise Settlement, Petition to Open/Strike Judgment, Suspension of Motor Vehicle, Tax Assessment Appeal, Transfers from Other Jurisdictions, Notice of Appeal from Magistrate, Appeal from Zoning Hearing Board, Miscellaneous | \$170.75 |
| Statement of Objection: (Magistrate) | \$66.50 |
| PFA | \$135.50 |
| PFA State surcharge | \$100.00 |
| COPIES: (Made by customer) | ¢0.50 |
| COPIES: (Made by employees) | \$2.25 |
| DECLARATORY JUDGMENT | \$183.75 |
| DECREES: (Entry of any decree which is final) | \$14.00 |

THE COURTS

7015

| | |
|---|-------------------|
| DISCONTINUANCE: (On any case filed before January 3, 2005) | \$12.00 |
| DIVORCE ACTION: (basic no-fault) | \$181.75 |
| (Add \$43.50 for each count after the first) | |
| DIVORCE COUNTER CLAIM: (Additional Count) | \$43.50 |
| DIVORCE: (Additional Count of Custody) | \$44.00 |
| Special Note: | |
| The AOPC has informed us that effective January 1, 2019, \$8.50 is to be collected on all custody case filings. The fee is the result of Act 119 of 1996 (commonly referred to as the Jen and Dave fee). The purpose of the fee is to fund a new automated system to make criminal charge information available to parties involved in custody cases. | |
| CUSTODY ACTION | \$179.75 |
| EXECUTIONS: Money Judgment, Mortgage Foreclosure & Municipal | \$34.75 |
| Possession, Writ of | \$34.75 |
| Attachment | \$34.75 |
| Seizure, Writ of | \$34.75 |
| Judgment (Out of County Execution) | \$16.50 |
| EXEMPLIFICATION OF RECORDS | \$23.50 |
| FAX: Long Distance | (per page) \$3.00 |
| Local | (per page) \$3.00 |
| FINANCIAL STATEMENT | \$28.25 |
| JUDGMENTS: Complaint in Confession of Judgment | \$143.50 |
| New Filing: Entry of any Judgment or Decree, which is final whether by Agreement, Demurrer, Non Pros, or Preliminary Objection or Motion on Verdict of Award, by Court Order, Finding Opinion, Default, Etc. | |
| Notes (DSB) | \$39.25 |
| Transfer of Judgment from other Counties | \$39.25 |
| Transcripts J.P. or Magistrates | \$31.50 |
| LIENS: | |
| Municipal | \$38.75 |
| Mechanics | \$38.75 |
| Federal | \$38.75 |
| Flood Protection Authority Lien | \$39.25 |
| Commonwealth | \$39.25 |
| MASTERS FEE: | |
| Moving Party | \$400.00 |
| Responding Party | \$400.00 |
| NOTARY PUBLIC: Registration of Signature of Notary Public | \$4.75 |
| NOTICE TO RETAKE MAIDEN NAME | \$11.00 |
| NOTICE TO RESUME PRIOR SURNAME | \$21.75 |
| POUNDAGE: For handling of money put into Court: | |
| For each dollar of the first \$1,000.00 | @0.45 |
| For each additional dollar over \$1,000.00 | @0.15 |
| PRAECIPE TO DISSOLVE ATTACHMENT | \$13.00 |
| PRAECIPE FOR LIS PENDENS: (Subsequent filing) | \$27.25 |
| PRAECIPE TO REISSUE WRIT OR REINSTATE COMPLAINT | \$6.50 |
| PRAECIPE TO TRANSMIT RECORD | \$47.25 |
| RECORDING: Filing any paper, account of document required by law to be recorded, not otherwise provided for or included herein | |
| for or included herein | \$12.00 |
| REVIVALS: Reviving the lien of any Judgment by Amicable Proceedings | |
| Reviving the lien of any Judgment by Adverse Proceedings | \$34.75 |
| PRELEASE OF JUDGMENT | \$8.00 |
| RETURN CHECK CHARGE | \$35.00 |
| SUBPOENA (under seal) Each | \$5.50 |

SATISFACTION:

| | |
|--|----------|
| On any case filed before January 3, 2005..... | \$12.00 |
| Commonwealth Satisfaction on any case filed before January 3, 2005 | \$12.00 |
| Federal Lien Release..... | \$12.00 |
| Clerk of Courts Satisfaction | \$39.25 |
| SEARCH: Five Years | \$27.25 |
| Each Additional Year..... | \$5.50 |
| Naturalization Search (Per Person) | \$27.25 |
| WRIT OF CERTIORARI | \$134.75 |

Exhibit B

**PROTHONOTARY'S FEE BILL
LUZERNE COUNTY**

Pursuant to ACT 98-164 of January 21, 1999, the following fees are fixed by the Prothonotary and effective:

EFFECTIVE JANUARY 1, 2016

Re-Issued December 1, 2017 (Per AOPC)

Re-Issued January 1, 2018 (Master's Fee)

Re-Issued January 1, 2019 (Custody Fee, Jen and Dave)

Re-issued 2020 (Master's Fee to \$400.00)

| | |
|---|---------------------------|
| APPEALS: From the Court of Common Pleas to any Appellate Court | \$65.50 |
| Plus Appellate Court Fee (separate check)..... | \$90.25 |
| | As of 11-30-2017 per AOPC |
| ARBITRATIONS: Where arbitration proceedings are processed by the Prothonotary's Office (\$50,000.00 Limit)... | \$59.00 |
| APPEAL OF ARBITRATOR'S DECISION | \$435.75 |
| ASSIGNMENTS | \$11.50 |
| AUDITOR'S REPORT: (School, etc.) | \$63.50 |

As of 11-30-2017 per AOPC

| | |
|---|---------|
| BUILDING AGREEMENTS: Stipulations | \$29.25 |
| Waivers | \$29.25 |

CERTIFICATIONS:

| | |
|--|--------|
| Certifying copy of any paper—First Page..... | \$8.50 |
| Additional pages..... | \$4.25 |
| Certification of Notary Public, Justice of Peace, Motor Vehicle or similar paper | \$6.25 |

| | |
|--|---------|
| CERTIFICATION OF TRIAL READINESS | \$10.50 |
|--|---------|

COMMENCEMENT OF ACTIONS (by Summons, Petition or Complaint):

| | |
|--|----------|
| Civil Actions, Declaration of Taking, Equity, Lis Pendens, Name Change, Mortgage Foreclosure, Quiet Title, Minors Compromise Settlement, Petition to Open/Strike Judgment, Suspension of Motor Vehicle, Tax Assessment Appeal, Transfers from Other Jurisdictions, Notice of Appeal from Magistrate, Appeal from Zoning Hearing Board, Miscellaneous | \$164.25 |
|--|----------|

As of 11-30-2017 per AOPC

| | |
|---|---------|
| Statement of Objection: (Magistrate)..... | \$64.00 |
|---|---------|

As of 11-30-2017 per AOPC

| | |
|----------|----------|
| PFA..... | \$130.25 |
|----------|----------|

As of 11-30-2017 per AOPC

| | |
|---------------------------|----------|
| PFA State surcharge | \$100.00 |
|---------------------------|----------|

| | |
|----------------------------------|-------|
| COPIES: (Made by customer) | ¢0.50 |
|----------------------------------|-------|

| | |
|-----------------------------------|--------|
| COPIES: (Made by employees) | \$2.25 |
|-----------------------------------|--------|

| | |
|----------------------------|----------|
| DECLARATORY JUDGMENT | \$176.75 |
|----------------------------|----------|

As of 11-30-2017 per AOPC

| | |
|---|---------|
| DECREES: (Entry of any decree which is final) | \$13.50 |
|---|---------|

THE COURTS

7017

| | |
|---|--|
| DISCONTINUANCE: (On any case filed before January 3, 2005) | \$11.50 |
| DIVORCE ACTION: (basic no-fault) | \$174.75 |
| (Add \$41.75 for each count after the first) | As of 11-30-2017 per AOPC |
| DIVORCE COUNTER CLAIM: (Additional Count)..... | \$41.75 |
| | As of 11-30-2017 per AOPC |
| DIVORCE COUNTER CLAIM: (Additional Count of Custody) | \$42.25 |
| | As of 1-1-2019 per AOPC |
| Special Note: | |
| *The AOPC has informed us that effective January 1, 2019 \$8.50 is to be collected on all custody case filings. The fee is the result of Act 119 of 1996 (commonly referred to as the Jen and Dave fee). The purpose of the fee is to fund a new automated system to make criminal charge information available to parties involved in custody cases. | |
| CUSTODY ACTION | \$172.75* |
| | As of 1-1-2019 per AOPC |
| EXECUTIONS: Money Judgment, Mortgage Foreclosure & Municipal | \$33.50 |
| Possession, Writ of | \$33.50 |
| Attachment | \$33.50 |
| Seizure, Writ of | \$33.50 |
| Judgment (Out of County Execution) | \$15.75 |
| EXEMPLIFICATION OF RECORDS | \$22.50 |
| FAX: Long Distance | (per page) \$3.00 |
| Local | (per page) \$3.00 |
| FINANCIAL STATEMENT | \$27.25 |
| JUDGMENTS: Complaint in Confession of Judgment | \$138.00 |
| New Filing: Entry of any Judgment or Decree, which is final whether by Agreement, Demurrer, Non Pros, or Preliminary Objection or Motion on Verdict of Award, by Court Order, Finding Opinion, Default, Etc. | \$21.50 |
| Notes (DSB) | \$37.75 |
| Transfer of Judgment from other Counties | \$37.75 |
| Transcripts J.P. or Magistrates | \$30.25 |
| LIENS: | |
| Municipal | \$37.25 |
| Mechanics | \$37.25 |
| Federal | \$37.25 |
| Flood Protection Authority Lien | \$37.75 |
| Commonwealth | \$37.75 |
| MASTERS FEE: | |
| Moving Party | \$200.00 |
| Responding Party | \$200.00 |
| | As of 1-1-2018 Local Rule 1920-51 #12036 of 2017 |
| NOTARY PUBLIC: Registration of Signature of Notary Public | \$4.50 |
| NOTICE TO RETAKE MAIDEN NAME | \$10.50 |
| NOTICE TO RESUME PRIOR SURNAME | \$21.00 |
| POUNDAGE: For handling of money put into Court: | |
| For each dollar of the first \$1,000.00 | ¢0.45 |
| For each additional dollar over \$1,000.00 | ¢0.15 |
| PRAECIPE TO DISSOLVE ATTACHMENT | \$12.50 |
| PRAECIPE FOR LIS PENDENS: (Subsequent filing) | \$26.25 |
| PRAECIPE TO REISSUE WRIT OR REINSTATE COMPLAINT | \$6.25 |
| PRAECIPE TO TRANSMIT RECORD | \$45.50 |

| | |
|--|----------|
| RECORDING: Filing any paper, account of document required by law to be recorded, not otherwise provided for or included herein | \$11.50 |
| REVIVALS: Reviving the lien of any Judgment by Amicable Proceedings..... | \$21.50 |
| Reviving the lien of any Judgment by Adverse Proceedings | \$33.50 |
| RELEASE OF JUDGMENT | \$7.75 |
| RETURN CHECK CHARGE..... | \$35.00 |
| SUBPOENA (under seal) Each..... | \$5.25 |
| SATISFACTION: | |
| On any case filed before January 3, 2005..... | \$11.50 |
| Commonwealth Satisfaction on any case filed before January 3, 2005 | \$11.50 |
| Federal Lien Release..... | \$11.50 |
| Clerk of Courts Satisfaction | \$37.75 |
| SEARCH: Five Years | \$26.25 |
| Each Additional Year..... | \$5.25 |
| Naturalization Search (Per Person) | \$26.25 |
| WRIT OF CERTIORARI | \$129.50 |

[Pa.B. Doc. No. 20-1736. Filed for public inspection December 11, 2020, 9:00 a.m.]

Title 255—LOCAL COURT RULES

LUZERNE COUNTY

Request to Increase Fees of that Section of the Division of Judicial Services and Records, Formerly Referred to as the Office of the Register of Wills/Clerk of Orphans Court; No. 10345 of 2020

Petition of Joan Hoggarth, Director of Judicial Services and Records of Luzerne County, to Increase the Fees of that Section of the Division of Judicial Services and Records, Formerly Referred to as the Office of the Register of Wills/Clerk of Orphans Court

Joan Hoggarth, Director of Judicial Services and Records of Luzerne County, through her counsel, Romilda P. Crocamo, Esquire, Chief Solicitor for Luzerne County Office of Law, respectfully requests this Honorable Court increase the fees of that section of the Division of Judicial Services and records formerly referred to as the Office of the Register of Wills/Clerk of Orphans Court as proposed in Exhibit “A” which is attached hereto, and avers as follows in support thereof:

1. This Honorable Court has authority to increase the Office of the Register of Will/Clerk of Orphan Court’s fees pursuant to 42 P.S. § 21022.1.

2. Pursuant to 42 P.S. § 21022.1, in third class counties, the register of wills may establish, increase, decrease, modify or eliminate fees and charges with the approval of the President Judge. Thereafter, such fees and charges shall be established, increased, decreased, modified or eliminated as determined by the register of wills and the President Judge. Id.

3. The Luzerne County Office of the Register of Will/Clerk of Orphan Court has not raised its fees since April 1, 2010 and that increase only involved a few documents.

4. Section 12.04 of Luzerne County’s Home Rule Charter, effective January 1, 2012, eliminated the Elective Office of the Office of the Register of Wills/Clerk of Orphan Court.

5. Section 12.07(E) provides, as follows: “The Division of Judicial Services and Records shall be responsible for: the services and functions that prior to the effective date of this Charter were performed by the Clerk of Courts, Coroner, Prothonotary, Recorder of Deeds, *Register of Wills*, and Sheriff, and any other powers, duties, programs, services, or functions that may be assigned by the Administrative Code.” *Emphasis added.*

6. Joan Hoggarth is the duly appointed Director of Judicial Services and Records of Luzerne County.

7. The proposed fee bill with proposed increases follows hereto and marked as Exhibit “A.”

8. The current fee bill follows hereto and marked as Exhibit “B.”

9. It is believed and therefore averred that the proposed percentage increase is within the range authorized by pursuant to 42 P.S., with the approval of the President Judge.

10. Wherefore, Joan Hoggarth, Director of Judicial Services and Records of Luzerne County, through her counsel, respectfully requests this Honorable Court, pursuant to 42 P.S. § 21022.1, approve the fees as set forth in Exhibit “A” effective January 1, 2021.

Respectfully submitted,
Romilda P. Crocamo, Esquire
Chief Solicitor
Luzerne County Office of Law

VERIFICATION

I, JOAN HOGGARTH, Director of Judicial Services and Records of Luzerne County, verify that the statements made in the foregoing PETITION are true and correct to the best of my knowledge.

I understand that false statements herein are made subject to the penalties of 18 P.A.C.S. Section 4904, relating to unsworn falsification to authorities.

DATE: _____

JOAN HOGGARTH
 Director of Judicial Services and
 Records of Luzerne County

**Joan Hoggarth, Director of Judicial Services and
 Records of Luzerne County Request to Increase
 Fees of that Section of the Division of Judicial
 Services and Records, Formerly Referred to as the
 Office of the Register of Wills/Clerk of Orphans
 Court; No. 10345 of 2020**

Order

And Now, this 10th day of November, 2020, upon review and consideration of the Petition of Joan Hoggarth, Director of Judicial Services and Records of Luzerne County to Increase the Fees of that section of the Division of Judicial Services and Records, formerly referred to as the Office of the Register of Wills/Clerk of Orphans Court, and pursuant to 42 P.S. § 21022.1, which

authorizes the register of wills to increase fees and charges with the approval of the President Judge.

It is therefore hereby Ordered and Decreed that the Court approves the increases in the fee schedule for that section of the Division of Judicial Services and Records, formerly referred to as the Office of the Register of Wills/Clerk of Orphans Court, effective January 1, 2021, as per the Register of Wills/Clerk of Orphans Court Fee Schedule follows hereto and marked as Exhibit "A." The Director of Judicial Services and Records of Luzerne County is hereby directed to file this Order and this Order shall be published on the Luzerne County website and in the *Luzerne County Legal Register* and *Pennsylvania Bulletin*.

By the Court

HONORABLE MICHAEL T. VOUGH,
President Judge

| Exhibit A | |
|--|--|
| Register of Wills/Clerk of Orphans Court Fee Schedule—Effective January 1, 2021 | |
| | Accounts—(See Table) |
| \$15.00 | Account (No Balance for Distribution) |
| | Adoptions (See Table) |
| \$10.00 | Answer/Reply filing |
| \$35.00 | Appeal to Orphans' Court |
| \$100.00 \$85.50 | Appeal to Superior/Supreme Court SEPARATE CHECK payable to 'Superior Court of Pennsylvania' |
| \$5.00 | Appearance/Withdrawal |
| \$10.00 | Automation Fee (First Filings)* |
| \$20.00 | Bond (Performance) |
| \$30.00 | Brief |
| \$10.00 | Award of Real Estate |
| \$10.00 | Caveat Informal/Formal with Bond |
| \$5.00 | Certificate Testamentary/Administration/Guardian/Trustee/Testamentary Guardian |
| \$2.00 | Certified Copy by office staff only |
| \$2.00 | Certificate Update |
| \$25.00 | Certified Birth or Death Certificate or Marriage License |
| \$10.00 | Claims |
| \$50.00 | Commissions Fee |
| \$0.50 | Copy per page in office if made by customer. The fee for staff made copies is higher. |
| \$10.00 | Discharge of Executor/Administrator—Petition and Order |
| \$10.00 | Exceptions to Adjudication |
| \$50.00 \$100.25 | Exemplified Copy of Record Preparation Exemplified Copy of Record Filing*** |
| | Family Settlement Agreement (See Table) |
| | Guardianship*** (See Table) |
| \$25.00 | Inheritance Tax Certification |
| \$25.00 | Inheritance Tax Return (If no file number add Automation Fee \$10) Supplemental—\$5.00 |
| \$10.00 | Inventory (first page) Each additional page \$3.00 |
| \$40.25 | JCS/ATJ/CJEA—State Fee. Imposed on the initial/first filing of a Petition in the Register of Wills/Clerk of The Orphan's Court, including but not limited to: Petition for Grant of Letters, Petition for Citation, Small Estate Petition, Petition for Adoption, Petition for Termination and Petition for Appointment of Guardian.** |

| Exhibit A | | |
|---|---|-------------------------------------|
| | Letters Testamentary/ Administration (See Table) | |
| \$25.00 | Letters of Administration DBN or DBNCTA | |
| \$50.00 | Marriage License (Cash only) | |
| \$25.00 | Motion for a teleconference for a marriage license application for an incarcerated party | |
| \$15.00 | Objections | |
| \$50.00 | Petitions with existing File Number | |
| \$10.00 | Praecipe | |
| \$10.00 | Receipt and Release/Disclaimer/Assignment (per name) | |
| \$10.00 | Renunciation | |
| \$35.00 | Returned Check | |
| \$10.00 | Satisfaction of Claim | |
| \$10.00 | Stipulation | |
| \$30.00 | Search Fee for any purpose | |
| \$20.00 | Will (Probate Only)* | |
| \$50.00*** | Small Estate Petition | |
| | | |
| | | |
| *** | Add Automation Fee (\$10) JCS/ ATJ/ CJEA Fee \$40.25 | |
| Family Settlement Agreement | | |
| \$15.00 | Fee is based on the amount of Gross Probate Estate | |
| \$35.00 | Not exceeding \$25,000 Gross Estate | |
| \$60.00 | \$25,001 to \$50,000 Gross Estate | |
| \$100.00 | \$50,001 to \$75,000 Gross Estate | |
| \$150.00 | \$75,001 to \$100,000 Gross Estate | |
| \$250.00 | \$100,001 to \$200,000 Gross Estate | |
| \$50.00 | \$200,001 to \$400,000 Gross Estate Each additional \$200,000 or part thereof | |
| | | |
| Letters Testamentary/Letters of Administration | | |
| | | |
| \$50.00 | Estates not exceeding \$10,000 | Pre-Paid Fees at time of Probate |
| \$85.00 | Over \$10,000 but not exceeding \$25,000 | Automation Fee\$10.00 |
| \$120.00 | Over \$25,000 but not exceeding \$50,000 | JCS/ATJ/CJEA Fee\$40.25 |
| \$155.00 | Over \$50,000 but not exceeding \$75,000 | Inheritance Tax Return\$25.00 |
| \$190.00 | Over \$75,000 but not exceeding \$100,000 | Inventory\$10.00 |
| \$260.00 | Over \$100,000 but not exceeding \$200,000 | Renunciation (if needed) \$10.00 |
| \$500.00 | Over \$200,000 but not exceeding \$500,000 | Short Certificate (Each) \$5.00 |
| \$1,000.00 | Over \$500,000 but not exceeding \$1,000,000 | |
| \$2,000.00 | Over \$1,000,000 but not exceeding \$2,000,000 | |
| \$200.00 | Each additional sum of \$1,000,000 or part thereof | |
| Note: | Additional Probate Fee: Probate fees shown on this fee bill are subject to final appraisalment. | |
| | | |
| | | |
| Miscellaneous Documents and Graduated Fees | | |
| PETITION FOR ADJUDICATION based on Balance for Distribution includes Risk Distribution | | |
| \$10.00 | Not exceeding \$500.00 | |
| \$20.00 | \$501 to \$5,000 | |

| Letters Testamentary/Letters of Administration | |
|--|--|
| \$45.00 | \$5,001 to \$10,000 |
| \$75.00 | \$10,001 to \$20,000 |
| \$100.00 | \$20,001 to \$50,000 |
| \$200.00 | \$50,001 to \$100,000 |
| \$325.00 | \$100,001 to \$250,000 |
| \$400.00 | \$250,001 to \$500,000 |
| \$250.00 | Each additional \$500,000 or part thereof |
| Note: | ACCOUNTS Filed concurrently with Petition for Adjudication. First page \$100 each additional page \$1.00 |

Adoptions:

| | | |
|----------------------------------|----------|--------------------------------------|
| Counseling Fee | \$75.00 | (Separate check filed with Petition) |
| Petition for Adoption w/number | \$150.00 | |
| Petition for Adoption w/o number | \$200.25 | |
| Termination of Parental Rights | \$60.25 | (Voluntary and Involuntary) |

Guardianship of Incapacitated Person:***

| | |
|----------------------------------|---------|
| Petition for Appointment | \$50.00 |
| Report of Guardian (Estate only) | \$15.00 |
| Report of Guardian (Person) | 0 |

Instruments not specifically listed will be charged at a rate comparable to this schedule for a like instrument as determined by the Register.

Please use approved forms available at AOPC Website (www.pacourts.us)

For other miscellaneous documents not listed here, please call the office at 570-825-1555 or 570-825-1672.

EFFECTIVE January 1, 2021

Exhibit B

Register of Wills/Clerk of Orphans Court Fee Schedule

| | |
|----------|---|
| | Accounts—(See Table) |
| \$15.00 | Account (No Balance for Distribution) |
| | Adoptions (See Table) |
| \$10.00 | Answer filing |
| \$35.00 | Appeal to Orphans’ Court |
| \$100.00 | Appeal to Superior/Supreme Court |
| \$85.50 | SEPARATE CHECK payable to ‘Superior Court of Pennsylvania’ |
| \$5.00 | Appearance / Withdrawal |
| \$10.00 | Automation Fee (First Filings)* |
| \$20.00 | Bond (Performance) |
| \$10.00 | Award of Real Estate |
| \$10.00 | Caveat Informal/Formal with Bond |
| \$5.00 | Certificate Testamentary/Administration/Guardian/Trustee/Testamentary Guardian |
| \$2.00 | Certified Copy (if Copy Provided) |
| \$2.00 | Certificate Update |
| \$25.00 | Certified Birth or Death Certificate or Marriage License |
| \$10.00 | Claims |
| \$50.00 | Commissions Fee |
| \$0.50 | Copy per page in office if made by customer. The fee for staff made copies is higher. |
| \$10.00 | Deed—Executed by Register |
| \$10.00 | Discharge of Executor/Administrator—Petition and Order |
| \$10.00 | Exceptions to Adjudication |

| Exhibit B | | |
|--|--|--|
| \$50.00 | Exemplified Copy of Record Preparation | |
| \$100.25 | Exemplified Copy of Record Filing*** | |
| | Family Settlement Agreement (See Table) | |
| | Guardianship*** (See Table) | |
| \$25.00 | Inheritance Tax Certification | |
| \$25.00 | Inheritance Tax Return (If no file number add Automation Fee \$10) | |
| \$10.00 | Inventory (first page) Each additional page \$3.00 | |
| \$40.25 | JCS/ATJ/CJEA—State Fee. Imposed on the initial/first filing of a Petition in the Register of Wills/Clerk of The Orphan’s Court, including but not limited to: Petition for Grant of Letters, Petition for Citation, Small Estate Petition, Petition for Adoption, Petition for Termination and Petition for Appointment of Guardian.** | |
| | Letters Testamentary/ Administration (See Table) | |
| \$25.00 | Letters of Administration DBN or DBNCTA | |
| \$50.00 | Marriage License (Cash only) | |
| \$15.00 | Objections | |
| \$50.00 | Petitions with existing File Number | |
| \$10.00 | Praecipe | |
| \$10.00 | Receipt and Release/Disclaimer/Assignment (per name) | |
| \$10.00 | Renunciation | |
| \$35.00 | Returned Check | |
| \$10.00 | Satisfaction of Claim | |
| \$30.00 | Search Fee for any purpose | |
| \$20.00 | Will (Probate Only)* | |
| \$50.00*** | Small Estate Petition | |
| | | |
| | | |
| | | |
| *** | Add Automation Fee (\$10) JCS/ ATJ/ CJEA Fee \$40.25 | |
| Family Settlement Agreement | | |
| | Fee is based on the amount of Gross Probate Estate | |
| \$15.00 | Not exceeding \$25,000 Gross Estate | |
| \$35.00 | \$25,001 to \$50,000 Gross Estate | |
| \$60.00 | \$50,001 to \$75,000 Gross Estate | |
| \$100.00 | \$75,001 to \$100,000 Gross Estate | |
| \$150.00 | \$100,001 to \$200,000 Gross Estate | |
| \$250.00 | \$200,001 to \$400,000 Gross Estate | |
| \$50.00 | Each additional \$200,000 or part thereof | |
| | | |
| Letters Testamentary/Letters of Administration | | |
| \$50.00 | Estates not exceeding \$10,000 | Pre-Paid Fees at time of Probate |
| \$85.00 | Over \$10,000 but not exceeding \$25,000 | Automation Fee. \$10.00 |
| \$120.00 | Over \$25,000 but not exceeding \$50,000 | JCS/ATJ/CJEA Fee \$40.25 |
| \$155.00 | Over \$50,000 but not exceeding \$75,000 | Inheritance Tax Return \$25.00 |
| \$190.00 | Over \$75,000 but not exceeding \$100,000 | Inventory \$10.00 |
| \$260.00 | Over \$100,000 but not exceeding \$200,000 | Renunciation (if needed) \$10.00 |
| \$500.00 | Over \$200,000 but not exceeding \$500,000 | Short Certificate (Each) \$5.00 |
| \$1,000.00 | Over \$500,000 but not exceeding \$1,000,000 | |
| \$2,000.00 | Over \$1,000,000 but not exceeding \$2,000,000 | |

| Letters Testamentary/Letters of Administration | | |
|--|--|--------------------------------------|
| \$200.00 | Each additional sum of \$1,000,000 or part thereof | |
| Note: | Additional Probate Fees: Probate fees shown on this fee bill are subject to final appraisalment. | |
| | | |
| | | |
| Miscellaneous Documents and Graduated Fees | | |
| ACCOUNTS Filed concurrently with Petition for Adjudication | | |
| First Page \$100 each additional page \$1.00 | | |
| PETITION FOR ADJUDICATION based on Balance for Distribution <i>includes Risk Distribution</i> | | |
| Not exceeding \$500.00 | | \$10.00 |
| \$501 to \$5,000 | | \$20.00 |
| \$5,001 to \$10,000 | | \$45.00 |
| \$10,001 to \$20,000 | | \$75.00 |
| \$20,001 to \$50,000 | | \$100.00 |
| \$50,001 to \$100,000 | | \$200.00 |
| \$100,001 to \$250,000 | | \$325.00 |
| \$250,000 to \$500,000 | | \$400.00 |
| Each additional \$500,000 or part thereof | | \$250.00 |
| Adoptions: | | |
| Counseling Fee | \$75.00 | (Separate check filed with Petition) |
| Petition for Adoption w/number | \$150.00 | |
| Petition for Adoption w/o number | \$200.25 | |
| Termination of Parental Rights | \$60.25 | (Voluntary and Involuntary) |
| Guardianship of Incapacitated Person:*** | | |
| Petition for Appointment | \$50.00 | |
| Report of Guardian (Estate only) | \$15.00 | |
| Report of Guardian (Person) | 0 | |
| Instruments not specifically listed will be charged at a rate comparable to this schedule for a like instrument as determined by the Register. | | |
| Please use approved forms available at AOPC Website (www.pacourts.us) | | |
| For other miscellaneous documents not listed here, please call the office at 570-825-1555 or 570-825-1672. | | |
| EFFECTIVE November 30, 2017 | | |
| *Corrected January 14, 2019 as to Adoptions | | |

[Pa.B. Doc. No. 20-1737. Filed for public inspection December 11, 2020, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Steven Blane Hayhurst (# 66370), having been disbarred in New Jersey, the Supreme Court of Pennsylvania issued an Order on November 24, 2020, disbaring Steven Blane Hayhurst

from the Bar of this Commonwealth, effective December 24, 2020. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,
Board Prothonotary

[Pa.B. Doc. No. 20-1738. Filed for public inspection December 11, 2020, 9:00 a.m.]