

THE COURTS

Title 210—APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES

[210 PA. CODE CH. 65]

Amendments to the Superior Court Operating Procedures

The Superior Court of Pennsylvania has adopted an amendment to its published Operating Procedures. The amendment is reflected in the Superior Court Operating Procedures with the adoption of Pa. Code § 65.44

This change was approved on December 16, 2020, effective on January 1, 2021.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES

CHAPTER 65. OPERATING PROCEDURES OF THE SUPERIOR COURT

DECISIONAL PROCEDURES

§ 65.44. Confidentiality Issues.

The names of the parties in a caption for an appeal from a divorce, equitable distribution, custody, visitation or child support decision shall include the full names of the parties. The Court, however, in its discretion, may order that the names of the parties listed in the caption be initialized if the Court determines that a child may be identified from the full names of the parties in the caption. This rule applies only to the names in the caption and does not apply to the text of a circulation or order of the Court. In such documents, the name of the child shall be initialized or the document shall refer to the child as "Child."

[Pa.B. Doc. No. 21-3. Filed for public inspection December 31, 2020, 9:00 a.m.]

Title 255—LOCAL COURT RULES

DELAWARE COUNTY

Local Rule No. 507 Approval of Police Complaints and Arrest Affidavits by the Attorney for the Commonwealth; No. MD 1545-17

Administrative Order

And Now, this 9th day of December, 2020, it is hereby *Ordered and Decreed* that the following local Rule 507 is *Adopted*.

This local Rule 507 *Shall* become effective thirty (30) days after publication of the same in the *Pennsylvania Bulletin*.

Upon publication of the following local Rule 507 and the same taking effect, the previous local Rule(s) 507A¹ *Shall* be contemporaneously *Rescinded*.

By the Court

KEVIN F. KELLY,
President Judge

Rule 507. Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth.

(A) The District Attorney of Delaware County having past filed a certificate pursuant to Pennsylvania Rule of Criminal Procedure 507—Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth, as defined in the Rules of Criminal Procedure, charging the following criminal offenses:

- Criminal Homicide in violation of 18 Pa.C.S.A. Section 2501;
- Murder in any degree in violation of 18 Pa.C.S.A. Section 2502;
- Voluntary Manslaughter in violation of 18 Pa.C.S.A. Section 2503;
- Involuntary Manslaughter in violation of 18 Pa.C.S.A. Section 2504;
- Causing or aiding suicide in violation of 18 Pa.C.S.A. Section 2505;
- Drug delivery resulting in death in violation of 18 Pa.C.S.A. Section 2506;
- Criminal Homicide of unborn child in violation of 18 Pa.C.S.A. Section 2603;
- Murder in any degree of unborn child in violation of 18 Pa.C.S.A. Section 2604;
- Voluntary Manslaughter of unborn child in violation of 18 Pa.C.S.A. Section 2605;
- Aggravated Assault of unborn child in violation of 18 Pa.C.S.A. Section 2606;
- Homicide by Vehicle in violation of 75 Pa.C.S.A. Section 3732;
- Homicide by Vehicle While Driving Under the Influence in violation of 75 Pa.C.S.A. Section 3735;
- Aggravated Assault by vehicle While Driving Under the Influence in violation of 75 Pa.C.S.A. Section 3735.1;
- Aggravated Assault by Vehicle in violation of 75 Pa.C.S.A. Section 3732.1;
- Rape in violation of 18 Pa.C.S.A. Section 3121;
- Statutory Sexual Assault in violation of 18 Pa.C.S.A. Section 3122.1;
- Involuntary Deviate Sexual Intercourse in violation of 18 Pa.C.S.A. Section 3123;
- Sexual Assault in violation of 18 Pa.C.S.A. Section 3124.1;
- Institutional Sexual Assault in violation of 18 Pa.C.S.A. Section 3142.2;
- Aggravated Indecent Assault in violation of 18 Pa.C.S.A. Section 3125; and

¹ See Orders dated March 4, 2014, No. MD 525-2014, and 44 Pa.B. 1878 (March 29, 2014); and Order dated February 10, 2020, No. MD 1545-17 and 50 Pa.B. 1504 (March 14, 2020).

- Personal Use Marijuana, 35 Pa.C.S.A. Section 780-113(a)(31).

Such police complaints and/or arrest warrant affidavits shall not hereafter be accepted by any judicial officer unless the Complaint and/or Affidavit have the approval of a *Deputy District Attorney, Chief Assistant District Attorney* or the *First Assistant District Attorney* of the Delaware County District Attorney’s Office prior to filing.

(B) Upon disapproval of a police complaint, arrest warrant affidavit and/or both by a reviewing Commonwealth’s attorney, the lawyer for the Commonwealth shall furnish to the police officer who prepared the complaint, affidavit, or both a written notice of the disapproval, in substantially the following form, and the Commonwealth’s attorney shall maintain a record of the written notice.

 District Attorney File No. _____

NOTICE AND RECORD OF DISAPPROVAL
 COMMONWEALTH OF PENNSYLVANIA

VS.

Occurrence Date: _____

SUMMARY OF FACTS AND PROBABLE CAUSE:

CLEAN/NCIC check reveals no outstanding warrants:
 Date _____

Complaint/Affidavit/

Application of: _____

Charge: _____

Police Number: _____

Police Department: _____

Time: _____

Location: _____

REASON(S) FOR DISAPPROVAL (Please check appropriate reason)

- _____ IC=Insufficient Corroboration
- _____ IE=Insufficient Evidence
- _____ II=Identification Inconclusive
- _____ IJ=Interest of Justice
- _____ IS=Inadmissible Evidence
- _____ IP=Insufficient Probable Cause
- _____ LJ=Lacks Jurisdiction
- _____ LP=Lacks Prosecutorial Merit
- _____ UW=Unavailable or Uncooperative Witness

- _____ UV=Unavailable or Uncooperative Victim
- _____ WC=Witness Credibility Contradicted
- _____ ID=Inadequate Description of Persons,
 Premises Or Property
- _____ NS=Insufficient Cause for
 Nighttime Search

Other: _____

Source of Information _____

DISAPPROVED BY: _____

Attorney for the Commonwealth

Date: _____

(C) No defendant shall have the right to any relief of any kind based solely on a violation of this Rule.

[Pa.B. Doc. No. 21-4. Filed for public inspection December 31, 2020, 9:00 a.m.]

Title 255—LOCAL COURT RULES

WESTMORELAND COUNTY

**Rescinding Rules W1920.55-2a(c) and Adopting
 New Rule W1920.55-2a(c); No. 3 of 2020**

Order

And Now, this 7th day of December, 2020, *It Is Hereby Ordered* that Westmoreland County Rule of Civil Procedure W1920.55-2a(c) is rescinded and new Rules

W1920.55-2a(c) is adopted. This change is effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

RITA DONOVAN HATHAWAY,
President Judge

Rule W1920.55-2a. All Counts Master’s Report. Notice. Exceptions. Final Decree.

(c) The excepting party must request the transcript and make a deposit of fifty (50) dollars towards the preparation of the transcript. The final cost of the tran-

script will be billed against the excepting party at a rate of \$2.00 per page less the fifty (50) dollars deposited. Failure to request or pay for the transcript may result in dismissal of the exceptions.

[Pa.B. Doc. No. 21-5. Filed for public inspection December 31, 2020, 9:00 a.m.]
