

THE COURTS

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CHS. 1 AND 19]

Order Amending Rules 127 and 1931 of the Pennsylvania Rules of Appellate Procedure; No. 297 Appellate Procedural Rules Doc.

Order

Per Curiam

And Now, this 1st day of December, 2021, upon the recommendation of the Appellate Court Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 127 and 1931 of the Pennsylvania Rules of Appellate Procedure are amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective January 1, 2022.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE I. PRELIMINARY PROVISIONS

CHAPTER 1. GENERAL PROVISIONS

DOCUMENTS GENERALLY

Rule 127. Confidential Information and Confidential Documents. Certification.

(a) Unless public access is otherwise constrained by applicable authority, any attorney or any unrepresented party who files a document pursuant to these rules shall comply with the requirements of Sections 7.0 and 8.0 of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* (“Public Access Policy”). In accordance with the Policy, the filing shall include a certification of compliance with the Policy and, as necessary, a Confidential Information Form[, **unless otherwise specified by rule or order of court,**] or a Confidential Document Form.

(b) Unless an appellate court orders otherwise, case records or documents that are sealed by a court, government unit, or other tribunal shall remain sealed on appeal.

[**Official Note**] **Comment:** Paragraph (a)—“Applicable authority” includes but is not limited to statute, procedural rule, or court order. *The Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* (“Public Access Policy”) can be found at [<http://www.pacourts.us/public-records>] <https://www.pacourts.us/public-records>. Sections 7.0(D) and 8.0(D) of the Public Access Policy provide that the certification shall be in substantially the following form:

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified*

Judicial System of Pennsylvania that require filing confidential information and documents differently than non-confidential information and documents.

Appropriate forms can be found at [<http://www.pacourts.us/public-records>. Pursuant to Section 7.0(C) of the Policy, a court may adopt a rule or order that permits, in lieu of a Confidential Information Form, the filing of a document in two versions, that is, a “Redacted Version” and an “Unredacted Version.”] <https://www.pacourts.us/public-records>. For certification of the Reproduced Record and Supplemental Reproduced Record in compliance with the Public Access Policy, see Pa.R.A.P. 2152, 2156, 2171, and accompanying notes.

Paragraph (b)—Once a document is sealed, it shall remain sealed on appeal unless the appellate court orders, either *sua sponte* or on application, that the case record or document be opened.

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 19. PREPARATION AND TRANSMISSION OF RECORD AND RELATED MATTERS

RECORD ON APPEAL FROM LOWER COURT

Rule 1931. Transmission of the Record.

(a) *Time for [transmission] Transmission.*

(1) *General [rule] Rule.* Except as otherwise prescribed by this rule or if an extension has been granted pursuant to Pa.R.A.P. 1925(b)(2), the record on appeal, including the transcript and exhibits necessary for the determination of the appeal, shall be transmitted to the appellate court within 60 days after the filing of the notice of appeal. If an appeal has been allowed or if permission to appeal has been granted, the record shall be transmitted as provided by Pa.R.A.P. 1122 or by Pa.R.A.P. 1322, as the case may be. The appellate court may shorten or extend the time prescribed by this subparagraph for a class or classes of cases.

(2) *Children’s [fast track appeals] Fast Track Appeals.* In a children’s fast track appeal, the record on appeal, including the transcript and exhibits necessary for the determination of the appeal, shall be transmitted to the appellate court within 30 days after the filing of the notice of appeal. If an appeal has been allowed or if permission to appeal has been granted, the record shall be transmitted as provided by Pa.R.A.P. 1122 or by Pa.R.A.P. 1322, as the case may be.

(b) *Duty of [trial court] Trial Court.* After a notice of appeal has been filed, the judge who entered the order appealed from shall comply with Pa.R.A.P. 1925, shall cause the official court reporter to comply with Pa.R.A.P. 1922 or shall otherwise settle a statement of the evidence or proceedings as prescribed by this chapter, and shall take any other action necessary to enable the clerk to assemble and transmit the record as prescribed by this rule.

(c) *Duty of [clerk to transmit the record] Clerk to Transmit the Record.* When the record is complete for purposes of the appeal, the clerk of the trial court shall transmit it to the prothonotary of the appellate court. The clerk of the trial court shall number the documents comprising the record and shall transmit with the record a list of the documents correspondingly numbered and

identified with sufficient specificity to allow the parties on appeal to identify each document and whether it is marked as confidential, so as to determine whether the record on appeal is complete. Any Confidential Information Forms [**and the “Unredacted Version” of any pleadings, documents, or other legal papers where a “Redacted Version” was also filed**] shall be separated either physically or electronically and transmitted to the appellate court. Whatever is confidential shall be labeled as such. If any case records or documents were sealed in the lower court, the list of documents comprising the record shall specifically identify such records or documents as having been sealed in the lower court. Documents of unusual bulk or weight and physical exhibits other than documents shall not be transmitted by the clerk unless he or she is directed to do so by a party or by the prothonotary of the appellate court. A party must make advance arrangements with the clerk for the transportation and receipt of exhibits of unusual bulk or weight. Transmission of the record is effected when the clerk of the trial court mails or otherwise forwards the record to the prothonotary of the appellate court. The clerk of the trial court shall indicate, by endorsement on the face of the record or otherwise, the date upon which the record is transmitted to the appellate court.

(d) *Service of the [list of record documents] List of Record Documents.* The clerk of the trial court shall, at the time of the transmittal of the record to the appellate court, mail a copy of the list of record documents to all counsel of record, or if unrepresented by counsel, to the parties at the address they have provided to the clerk. The clerk shall note on the docket the giving of such notice.

(e) *Multiple [appeals] Appeals.* Where more than one appeal is taken from the same order, it shall be sufficient to transmit a single record, without duplication.

(f) *Inconsistency [between list of record documents and documents actually transmitted] Between List of Record Documents and Documents Actually Transmitted.* If the clerk of the trial court fails to transmit to the appellate court all of the documents identified in the list of record documents, such failure shall be deemed a breakdown in processes of the court. Any omission shall be corrected promptly pursuant to Pa.R.A.P. 1926 and shall not be the basis for any penalty against a party.

[*Official Note*] **Comment:** Pa.R.A.P. 1926 provides the means to resolve any disagreement between the parties as to what should be included in the record on appeal.

Paragraph (c)—On January 1, 2022, the Case Records Public Access Policy of the Unified Judicial System was amended to require the filing of the Confidential Information Form and eliminate the filing of “Redacted Versions” and “Unredacted Versions” of pleadings, documents, or other legal papers. Section 9.0(H) of the amended Policy continues to protect “Unredacted Versions” that were filed under the prior version of the Policy. For any “Unredacted Version,” the clerk of the trial court should continue to comply with the requirements of paragraph (c) when transmitting the record to the appellate court.

ADOPTION REPORT

Amendment of Pa.R.A.P. 127 and 1931

On December 1, 2021, the Supreme Court amended Pennsylvania Rules of Appellate Procedure 127 and 1931 to conform the rules to recent amendments to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* adopted on October 6, 2021. The Appellate Court Procedural Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, Comment. The statements contained herein are those of the Committee, not the Court.

Effective January 1, 2022, the amendments to Section 7.0(A) and (C) of the *Policy* require filers to safeguard confidential information using a Confidential Information Form. Prior to the amendments, the *Policy* provided an option for a court to adopt a rule or order to permit the filing of a document in two versions, a “Redacted Version” and an “Unredacted Version” rather than require the use of the Confidential Information Form. In addition, Section 9.0(H) has been added to indicate that the amendments to the *Policy* do not apply retroactively to documents filed with a court prior to their effective date.

Pa.R.A.P. 127 governs confidential information and confidential documents in appellate filings, including the certification that a filing is compliant with the *Policy*; Pa.R.A.P. 1931 governs transmission of the record. Conforming amendments have been made to delete references within the rule and comment relating to the option for a court to require redacted and unredacted versions of a document when safeguarding confidential information.

[Pa.B. Doc. No. 21-2046. Filed for public inspection December 10, 2021, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 200]

Order Amending Rule 205.6 of the Pennsylvania Rules of Civil Procedure; No. 722 Civil Procedural Rules Doc.

Order

Per Curiam

And Now, this 1st day of December, 2021, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 205.6 of the Pennsylvania Rules of Civil Procedure is amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective January 1, 2022.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 205.6. Confidential Information and Confidential Documents. Certification.

Unless public access is otherwise constrained by applicable authority, any attorney, or any party if unrepresented, who files a document pursuant to these rules with the prothonotary's office shall comply with the requirements of Sections 7.0 and 8.0 of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* (Policy) including a certification of compliance with the Policy and, as necessary, a Confidential Information Form[, unless otherwise specified by rule or order of court,] or a Confidential Document Form in accordance with the Policy.

[Official Note] Comment:

Applicable authority includes but is not limited to statute, procedural rule or court order. The *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* (Policy) can be found on the website of the Supreme Court of Pennsylvania at [<http://www.pacourts.us/public-records>] <https://www.pacourts.us/public-records>. Sections 7.0(D) and 8.0(D) of the Policy provide that the certification shall be in substantially the following form:

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

The Confidential Information Form and the Confidential Document Form can be found at [<http://www.pacourts.us/public-records>. In lieu of the Confidential Information Form, Section 7.0(C) of the Policy provides for a court to adopt a rule or order permitting the filing of a document in two versions, a "Redacted Version" and an "Unredacted Version."] <https://www.pacourts.us/public-records>.

ADOPTION REPORT

Amendment of Pa.R.Civ.P. 205.6

On December 1, 2021, the Supreme Court amended Pennsylvania Rule of Civil Procedure 205.6 to conform the rule to recent amendments to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* adopted on October 6, 2021. The Civil Procedural Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, Comment. The statements contained herein are those of the Committee, not the Court.

Effective January 1, 2022, the amendments to Section 7.0(A) and (C) of the Policy require filers to safeguard confidential information using a Confidential Information Form. Prior to the amendments, the Policy provided an option for a court to adopt a rule or order to permit the filing of a document in two versions, a "Redacted Version" and an "Unredacted Version" rather than require the use of the Confidential Information Form. In addition, Section 9.0(H) has been added to indicate that the amendments to the Policy do not apply retroactively to documents filed with a court prior to their effective date.

Pa.R.Civ.P. 205.6 governs confidential information and confidential documents in civil filings, including the certification that a filing is compliant with the Policy. Conforming amendments have been made to delete references within the rule and comment relating to the option for a court to require redacted and unredacted versions of a document when safeguarding confidential information.

[Pa.B. Doc. No. 21-2047. Filed for public inspection December 10, 2021, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1930]

Order Amending Rule 1930.1 of the Pennsylvania Rules of Civil Procedure; No. 723 Civil Procedural Rules Doc.

Order

Per Curiam

And Now, this 1st day of December, 2021, upon the recommendation of the Domestic Relations Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1930.1 of the Pennsylvania Rules of Civil Procedure is amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective January 1, 2022.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1930. RULES RELATING TO DOMESTIC RELATIONS MATTERS GENERALLY

Rule 1930.1. Form of Caption. Confidential Information and Confidential Documents. Certification.

* * * * *

(b) Unless public access is otherwise constrained by applicable authority, any attorney, or any party if unrepresented, who files a document pursuant to these rules with the prothonotary's office shall comply with the requirements of Sections 7.0 and 8.0 of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* (Policy) including a certification of compliance with the Policy and, as necessary, a Confidential Information Form[, unless otherwise specified by rule or order of court,] or a Confidential Document Form in accordance with the Policy.

[Official Note] Comment: Applicable authority includes but is not limited to statute, procedural rule, or court order. The *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* (Policy) can be found on the website of the Supreme Court of Pennsylvania at [<http://www.pacourts.us/public-records>] <https://www.pacourts.us/public-records>. Sections 7.0(D) and 8.0(D) of the Policy provide that the certification shall be in substantially the following form:

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

The Confidential Information Form and the Confidential Document Form can be found at [<http://www.pacourts.us/public-records>. In lieu of the Confidential Information Form, Section 7.0(C) of the Policy provides for a court to adopt a rule or order permitting the filing of a document in two versions, a “Redacted Version” and an “Unredacted Version.”] <https://www.pacourts.us/public-records>.

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ADOPTION REPORT

Amendment of Pa.R.Civ.P. 1930.1

On December 1, 2021, the Supreme Court amended Pennsylvania Rule of Civil Procedure 1930.1 to conform the rule to recent amendments to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania (Policy)* adopted on October 6, 2021. The Domestic Relations Procedural Rules Committee (Committee) has prepared this Adoption Report describing the rulemaking process. The statements contained in this Adoption Report are those of the Committee, not the Supreme Court. An Adoption Report should not be confused with Comments included in the rules. *See* Pa.R.J.A. 103, Comment.

Effective January 1, 2022, the amendments to Section 7.0(A) and (C) of the *Policy* require filers to safeguard confidential information using a Confidential Information Form. Prior to those amendments, the *Policy* provided an option for a court to adopt a rule or an administrative order to permit the filing of a document in two versions, a “Redacted Version” and an “Unredacted Version” rather than require the use of the Confidential Information Form. In addition, Section 9.0(H) has been added to indicate that the amended *Policy* does not apply retroactively to documents filed with a court prior to the amendment’s effective date.

In Domestic Relations matters, Pa.R.Civ.P. 1930.1 governs confidential information and confidential documents, including the certification that a filing is compliant with the *Policy*. The conforming amendments delete references within the rule and comment relating to the option for a court to require redacted and unredacted versions of a document when safeguarding confidential information.

[Pa.B. Doc. No. 21-2048. Filed for public inspection December 10, 2021, 9:00 a.m.]

**Title 231—RULES OF CIVIL
PROCEDURE**

PART II. ORPHANS’ COURT RULES

[231 PA. CODE PART II]

**Order Amending Rule 1.99 of the Pennsylvania
Rules of Orphans’ Court Procedure; No. 892
Supreme Court Rules Doc.**

Order

Per Curiam

And Now, this 1st day of December, 2021, upon the recommendation of the Orphans’ Court Procedural Rules

Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1.99 of the Pennsylvania Rules of Orphans’ Court Procedure is amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective on January 1, 2022.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART II. ORPHAN’S COURT RULES

CHAPTER I. PRELIMINARY RULES

Rule 1.99. Confidential Information and Confidential Documents. Certification.

Unless public access is otherwise constrained by applicable authority, any attorney, or any party if unrepresented, who files a legal paper pursuant to these rules with the clerk shall comply with the requirements of Sections 7.0 and 8.0 of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania (Policy)* including a certification of compliance with the Policy and, as necessary, a Confidential Information Form[, unless otherwise specified by rule or order of court,] or a Confidential Document Form, in accordance with the Policy.

[Note] Comment: Applicable authority includes but is not limited to statute, procedural rule, or court order. The *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania (Policy)* can be found on the website of the Supreme Court of Pennsylvania at [<http://www.pacourts.us/public-records>] <https://www.pacourts.us/public-records>. Sections 7.0(D) and 8.0(D) of the Policy provide that the certification shall be in substantially the following form:

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

The Confidential Information Form and the Confidential Document Form can be found at [<http://www.pacourts.us/public-records>. In lieu of the Confidential Information Form, Section 7.0(C) of the Policy provides for a court to adopt a rule or order permitting the filing of a document in two versions, a “Redacted Version” and an “Unredacted Version.”] <https://www.pacourts.us/public-records>.

ADOPTION REPORT

Amendment of Pa.R.O.C.P. 1.99

On December 1, 2021, the Supreme Court amended Pennsylvania Rule of Orphans’ Court Procedure 1.99 to conform with recent amendments to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania (“Policy”)*. *See* Order of October 6, 2021, No. 556 Judicial Administration Docket. The Orphans’ Court Procedural Rules Committee has prepared this Adoption Report describing the rulemaking process as it relates to Pa.R.O.C.P. 1.99. An Adoption Report should not be confused with Comments to the rules. *See* Pa.R.J.A. 103, Comment. The statements contained herein are those of the Committee, not the Court.

The amendments to the Policy, effective on January 1, 2022, require the statewide use of the Confidential Information Form to safeguard confidential information and eliminate the ability of a court to adopt a rule or order permitting the filing of any document in two versions, redacted and unredacted. In response to this change to the Policy, Pa.R.O.C.P. 1.99 has been amended to remove the exception to the Rule requiring the attachment of a Confidential Information Form, if necessary. The Comment to Pa.R.O.C.P. 1.99 has been amended to delete the last sentence referencing Section 7.0(C) of the Policy, which previously referenced the ability of a court to adopt a rule or order permitting the filing of any document in two versions, redacted and unredacted.

[Pa.B. Doc. No. 21-2049. Filed for public inspection December 10, 2021, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 1, 4 AND 5]

Order Approving the Amendment of the Comments to Rules 113.1, 420, 513 and 578 of the Pennsylvania Rules of Criminal Procedure; No. 533 Criminal Procedural Rules Doc.

Order

Per Curiam

And Now, this 1st day of December, 2021, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the Comments to Rules 113.1, 420, 513, and 578 of the Pennsylvania Rules of Criminal Procedure are amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective on January 1, 2022.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

PART A. Business of the Courts

Rule 113.1. Confidential Information and Confidential Documents. Certification.

Unless public access is otherwise constrained by applicable authority, any attorney, or any party if unrepresented, or any affiant who files a document pursuant to these rules with the issuing authority or clerk of courts' office shall comply with the requirements of Sections 7.0 and 8.0 of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* (Policy). In accordance with the Policy, the filing shall include a certification of compliance with the Policy and, as necessary, a Confidential Information Form [, unless otherwise specified by rule or order of court,] or a Confidential Document Form.

Comment

“Applicable authority,” as used in this rule, includes but is not limited to statute, procedural rule, or court order.

The *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* (Policy) can be found on the website of the Supreme Court of Pennsylvania at: [<http://www.pacourts.us/public-records>] <https://www.pacourts.us/public-records>. The Policy is applicable to all filings by the parties or an affiant in any criminal court case.

Sections 7.0(D) and 8.0(D) of the Policy provide that the certification shall be in substantially the following form:

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Filings may require further precautions, such as placing certain types of information in a “Confidential Information Form.” The Confidential Information Form and the Confidential Document Form can be found at: [<http://www.pacourts.us/public-records/public-records-forms>. In lieu of the Confidential Information Form, Section 7.0(C) of the Policy provides for a court to adopt a rule or order permitting the filing of a document in two versions, a “Redacted Version” and an “Unredacted Version.”] <https://www.pacourts.us/public-records/public-records-forms>.

In addition to the restrictions above, a filing party should be cognizant of the potential impact that inclusion of personal information may have on an individual's privacy rights and security. Therefore, inclusion of such information should be done only when necessary or required to effectuate the purpose of the filing. Consideration of the use of sealing or protective orders also should be given if inclusion of such information is necessary.

While the Public Access Policy is not applicable to orders or other documents filed by a court, judges should give consideration to the privacy interests addressed by the Policy when drafting an order that might include information considered confidential under the Policy.

[**Official Note: New Rule 113.1 adopted January 5, 2018, effective January 6, 2018; amended June 1, 2018, effective July 1, 2018.**

Committee Explanatory Reports:

Final Report explaining the provisions of the new rule published with the Court's Order at 48 Pa.B. 490 (January 20, 2018).

Amendments regarding the changes to the Court's public access policy published with the Court's Order at 48 Pa.B. 3575 (June 16, 2018).]

CHAPTER 4. PROCEDURES IN SUMMARY CASES

PART C. Procedures in Summary Cases When Complaint Filed

Rule 420. Filing of Complaint.

When the affiant is not a law enforcement officer, the affiant shall institute a criminal proceeding in a summary case by filing a complaint with the proper issuing authority.

Comment

With regard to the “proper” issuing authority as used in these rules, see Rule 130.

Complaints filed pursuant to this rule are public records. However, in addition to restrictions placed by law and rule on the disclosure of confidential information, the

filings required by this rule are subject to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* and may require further precautions, such as placing certain types of information in a “Confidential Information Form” [or providing both a redacted and unredacted version of the filing]. See Rule 113.1.

[**Official Note:** Previous Rule 65 adopted September 18, 1973, effective January 1, 1974; rescinded July 12, 1985, effective January 1, 1986, and replaced by present Rules 409(B), 414(B), 424, 430(D), 431, and 456. Present Rule 65, adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986; renumbered Rule 420 and Comment revised March 1, 2000, effective April 1, 2001; Comment revised June 1, 2018, effective July 1, 2018.

Committee Explanatory Reports:

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court’s Order at 30 Pa.B. 1478 (March 18, 2000).

Amendments regarding the Court’s public access policy published with the Court’s Order at 48 Pa.B. 3575 (June 16, 2018).]

CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

PART B(3). Arrest Procedures in Court Cases

(a) Arrest Warrants

Rule 513. Requirements for Issuance; Dissemination of Arrest Warrant Information.

(A) For purposes of this rule, “arrest warrant information” is defined as the criminal complaint in cases in which an arrest warrant is issued, the arrest warrant, any affidavit(s) of probable cause, and documents or information related to the case.

(B) ISSUANCE OF ARREST WARRANT

(1) In the discretion of the issuing authority, advanced communication technology may be used to submit a complaint and affidavit(s) for an arrest warrant and to issue an arrest warrant.

(2) No arrest warrant shall issue but upon probable cause supported by one or more affidavits sworn to before the issuing authority in person or using advanced communication technology. The issuing authority, in determining whether probable cause has been established, may not consider any evidence outside the affidavits.

(3) Immediately prior to submitting a complaint and affidavit to an issuing authority using advanced communication technology, the affiant must personally communicate with the issuing authority in person, by telephone, or by any device which allows for simultaneous audio-visual communication. During the communication, the issuing authority shall verify the identity of the affiant, and orally administer an oath to the affiant. In any telephonic communication, if the issuing authority has a concern regarding the identity of the affiant, the issuing authority may require the affiant to communicate by a device allowing for two-way simultaneous audio-visual communication or may require the affiant to appear in person.

(4) At any hearing on a motion challenging an arrest warrant, no evidence shall be admissible to establish probable cause for the arrest warrant other than the affidavits provided for in paragraph (B)(2).

(C) DELAY IN DISSEMINATION OF ARREST WARRANT INFORMATION

The affiant or the attorney for the Commonwealth may request that the availability of the arrest warrant information for inspection and dissemination be delayed. The arrest warrant affidavit shall include the facts and circumstances that are alleged to establish good cause for delay in inspection and dissemination.

(1) Upon a finding of good cause, the issuing authority shall grant the request and order that the availability of the arrest warrant information for inspection and dissemination be delayed for a period of 72 hours or until receipt of notice by the issuing authority that the warrant has been executed, whichever occurs first. The 72-hour period of delay may be preceded by an initial delay period of not more than 24 hours, when additional time is required to complete the administrative processing of the arrest warrant information before the arrest warrant is issued. The issuing authority shall complete the administrative processing of the arrest warrant information prior to the expiration of the initial 24-hour period.

(2) Upon the issuance of the warrant, the 72-hour period of delay provided in paragraph (C)(1) begins.

(3) In those counties in which the attorney for the Commonwealth requires that complaints and arrest warrant affidavits be approved prior to filing as provided in Rule 507, only the attorney for the Commonwealth may request a delay in the inspection and dissemination of the arrest warrant information.

Comment

This rule was amended in 2013 to add provisions concerning the delay in inspection and dissemination of arrest warrant information. Paragraph (A) provides a definition of the term “arrest warrant information” that is used throughout the rule. Paragraph (B) retains the existing requirements for the issuance of arrest warrants. Paragraph (C) establishes the procedures for a temporary delay in the inspection and dissemination of arrest warrant information prior to the execution of the warrant.

ISSUANCE OF ARREST WARRANTS

Paragraph (B)(1) recognizes that an issuing authority either may issue an arrest warrant using advanced communication technology or order that the law enforcement officer appear in person to apply for an arrest warrant.

This rule does not preclude oral testimony before the issuing authority, but it requires that such testimony be reduced to an affidavit prior to issuance of a warrant. All affidavits in support of an application for an arrest warrant must be sworn to before the issuing authority prior to the issuance of the warrant. The language “sworn to before the issuing authority” contemplates, when advanced communication technology is used, that the affiant would not be in the physical presence of the issuing authority. See paragraph (B)(3).

All affidavits and applications filed pursuant to this rule are public records. However, in addition to restrictions placed by law and rule on the disclosure of confidential information, the filings required by this rule are subject to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* and may require further precautions, such as placing certain types of

information in a “Confidential Information Form” [or providing both a redacted and unredacted version of the filing]. See Rule 113.1.

This rule carries over to the arrest warrant the requirement that the evidence presented to the issuing authority be reduced to writing and sworn to, and that only the writing is subsequently admissible to establish that there was probable cause. In these respects, the procedure is similar to that applicable to search warrants. See Rule 203. For a discussion of the requirement of probable cause for the issuance of an arrest warrant, see *Commonwealth v. Flowers*, 369 A.2d 362 (Pa. Super. 1976).

The affidavit requirements of this rule are not intended to apply when an arrest warrant is to be issued for noncompliance with a citation, with a summons, or with a court order.

An affiant seeking the issuance of an arrest warrant, when permitted by the issuing authority, may use advanced communication technology as defined in Rule 103.

When advanced communication technology is used, the issuing authority is required by this rule to (1) determine that the evidence contained in the affidavit(s) establishes probable cause, and (2) verify the identity of the affiant.

Verification methods include, but are not limited to, a “call back” system, in which the issuing authority would call the law enforcement agency or police department that the affiant indicates is the entity seeking the warrant; a “signature comparison” system whereby the issuing authority would keep a list of the signatures of the law enforcement officers whose departments have advanced communication technology systems in place, and compare the signature on the transmitted information with the signature on the list; or an established password system.

Under Rule 540, the defendant receives a copy of the warrant and supporting affidavit at the time of the preliminary arraignment.

See Rule 556.11 for the procedures for the issuance of an arrest warrant by the supervising judge of an indicting grand jury following indictment of an individual not previously arrested.

DELAY IN DISSEMINATION OF ARREST WARRANT INFORMATION

Paragraph (C) was added in 2013 to address the potential dangers to law enforcement and the general public and the risk of flight when arrest warrant information is disseminated prior to the execution of the arrest warrant. The paragraph provides that the affiant or the attorney for the Commonwealth may request, for good cause shown, the delay in the inspection and dissemination of the arrest warrant information for 72 hours or until receipt of notice by the issuing authority that the warrant has been executed, whichever occurs first. Upon a finding of good cause, the issuing authority must delay the inspection and dissemination.

The request for delay in inspection and dissemination is intended to provide a very limited delay in public access to arrest warrant information in those cases in which there is concern that pre-execution disclosure of the existence of the arrest warrant will endanger those serving the warrant or will impel the subject of the warrant to flee. This request is intended to be an expedited procedure with the request submitted to an issuing authority.

A request for the delay in dissemination of arrest warrant information made in accordance with this rule is not subject to the requirements of Rule 576.

Once the issuing authority receives notice that the arrest warrant is executed, or when 72 hours have elapsed from the issuance of the warrant and the warrant has not been executed, whichever occurs first, the information must be available for inspection or dissemination unless the information is sealed pursuant to Rule 513.1.

The provision in paragraph (C)(2) that provides up to 24 hours in the delay of dissemination and inspection prior to the issuance of the arrest warrant recognizes that, in some cases, there may be administrative processing of the arrest warrant request that results in a delay between when the request for the 72-hour period of delay permitted in paragraph (C)(1) is approved and when the warrant is issued. In no case may this additional period of delay exceed 24 hours and the issuing authority must issue the arrest warrant within the 24-hour period.

When determining whether good cause exists to delay inspection and dissemination of the arrest warrant information, the issuing authority must consider whether the presumption of openness is rebutted by other interests that include, but are not limited to, whether revealing the information would allow or enable flight or resistance, the need to protect the safety of police officers executing the warrant, the necessity of preserving the integrity of ongoing criminal investigations, and the availability of reasonable alternative means to protect the interest threatened by disclosure.

Nothing in this rule is intended to limit the dissemination of arrest warrant information to court personnel as needed to perform their duties. Nothing in this rule is intended to limit the dissemination of arrest warrant information to or by law enforcement as needed to perform their duties.

Pursuant to paragraph (C)(3), in those counties in which the district attorney’s approval is required only for certain, specified offenses or grades of offenses, the approval of the district attorney is required for a request to delay inspection and dissemination only for cases involving those specified offenses.

[Official Note: Rule 119 adopted April 26, 1979, effective as to arrest warrants issued on or after July 1, 1979; Comment revised August 9, 1994, effective January 1, 1995; renumbered Rule 513 and amended March 1, 2000, effective April 1, 2001; amended May 10, 2002, effective September 1, 2002; amended December 23, 2013, effective March 1, 2014; amended November 9, 2017, effective January 1, 2018; Comment revised June 1, 2018, effective July 1, 2018; Comment revised November 27, 2018, effective March 1, 2019.

Committee Explanatory Reports:

Report explaining the August 9, 1994 Comment revisions published at 22 Pa.B. 6 (January 4, 1992); Final Report published with the Court’s Order at 24 Pa.B. 4342 (August 27, 1994).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court’s Order at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the May 10, 2002 amendments concerning advanced communication technology published with the Court’s Order at 32 Pa.B. 2591 (May 25, 2002).

Final Report explaining the December 23, 2013 amendments providing procedures for delay in dis-

semination and sealing of arrest warrant information published with the Court's Order at 44 Pa.B. 243 (January 11, 2014).

Final Report explaining the November 9, 2017 amendments regarding electronic technology for swearing affidavits published with the Court's Order at 47 Pa.B. 7180 (November 25, 2017).

Comment revision regarding the Court's public access policy published with the Court's Order at 48 Pa.B. 3575 (June 16, 2018).

Final Report explaining the November 27, 2018 revision to the Comment cross-referencing post-indictment arrest warrant procedures in Rule 556.11 published with the Court's Order at 48 Pa.B. 7632 (December 15, 2018).]

PART G(1). Motion Procedures

Rule 578. Omnibus Pretrial Motion for Relief.

Unless otherwise required in the interests of justice, all pretrial requests for relief shall be included in one omnibus motion.

Comment

Types of relief appropriate for the omnibus pretrial motions include the following requests:

- (1) for continuance;
- (2) for severance and joinder or consolidation;
- (3) for suppression of evidence;
- (4) for psychiatric examination;
- (5) to quash or dismiss an information;
- (6) for change of venue or venire;
- (7) to disqualify a judge;
- (8) for appointment of investigator;
- (9) for pretrial conference;
- (10) challenging the array of an indicting grand jury;
- (11) for transfer from criminal proceedings to juvenile proceedings pursuant to 42 Pa.C.S. § 6322; and
- (12) proposing or opposing the admissibility of scientific or expert evidence.

The omnibus pretrial motion rule is not intended to limit other types of motions, oral or written, made pretrial or during trial, including those traditionally called motions *in limine*, which may affect the admissibility of evidence or the resolution of other matters. The earliest feasible submissions and rulings on such motions are encouraged.

See Pa.R.E. 702 and 703 regarding the admissibility of scientific or expert testimony. Pa.R.E. 702 codifies Pennsylvania's adherence to the test to determine the admissibility of expert evidence first established in *Frye v. United States*, 293 F.1013 (D.C. Cir. 1923) and adopted by the Pennsylvania Supreme Court in *Commonwealth v. Topa*, 369 A.2d 1277 (Pa. 1977). Given the potential complexity when the admissibility of such evidence is challenged, such challenges should be raised in advance of trial as part of the omnibus pretrial motion if possible. However, nothing in this rule precludes such challenges from being raised in a motion *in limine* when circumstances necessitate it.

All motions filed pursuant to this rule are public records. However, in addition to restrictions placed by law and rule on the disclosure of confidential information, the motions are subject to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* and

may require further precautions, such as placing certain types of information in a "Confidential Information Form" [or providing both a redacted and unredacted version of the filing]. See Rule 113.1.

See Rule 113.1 regarding the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* and the requirements regarding filings and documents that contain confidential information.

See Rule 556.4 for challenges to the array of an indicting grand jury and for motions to dismiss an information filed after a grand jury indicts a defendant.

[**Official Note: Formerly Rule 304, adopted June 30, 1964, effective January 1, 1965; amended and renumbered Rule 306 June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; amended October 21, 1983, effective January 1, 1984; Comment revised October 25, 1990, effective January 1, 1991; Comment revised August 12, 1993, effective September 1, 1993; renumbered Rule 578 and Comment revised March 1, 2000, effective April 1, 2001; Comment revised June 21, 2012, effective in 180 days; Comment revised July 31, 2012, effective November 1, 2012; Comment revised September 21, 2017, effective January 1, 2018; Comment revised January 5, 2018, effective January 6, 2018; Comment revised June 1, 2018, effective July 1, 2018.**

Committee Explanatory Reports:

Report explaining the October 25, 1990 Rule 306 Comment revision published at 20 Pa.B. 1696 (March 24, 1990).

Report explaining the August 12, 1993 Comment revision published at 22 Pa.B. 3826 (July 25, 1992).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the June 21, 2012, revision of the Comment referencing indicting grand jury rules published with the Court's Order at 42 Pa.B. 4153 (July 7, 2012).

Final Report explaining the July 31, 2012 Comment revision adding motions for transfer published with the Court's Order at 42 Pa.B. 5340 (August 18, 2012).

Final Report explaining the September 21, 2017 Comment revision regarding pretrial challenges to the admissibility of expert evidence published with the Court's Order at 47 Pa.B. 6173 (October 7, 2017).

Final Report explaining the January 5, 2018 Comment revisions regarding the Court's public access policy published with the Court's Order at 48 Pa.B. 490 (January 20, 2018).

Comment revisions regarding the Court's public access policy published with the Court's Order at 48 Pa.B. 3575 (June 16, 2018).]

ADOPTION REPORT

Amendment of the Comments to Pa.R.Crim.P. 113.1, 420, 513, and 578

Case Records Public Access Policy of the Unified Judicial System of Pennsylvania

On December 1, 2021, effective January 1, 2022, the Supreme Court amended the Comments to Pa.R.Crim.P. 113.1, 420, 513, and 578 to reflect amendments to

Sections 7.0 and 9.0 of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* adopted on October 6, 2021. The Criminal Procedural Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, Comment. The statements contained herein are those of the Committee, not the Court.

Section 7.0 of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* has been amended to remove subdivision (C). Prior to its deletion, subdivision (C) of Section 7.0 had provided for an alternative to filing a Confidential Information Form. That alternative allowed courts of record to “adopt a rule or order permitting the filing of any document in two versions, a ‘Redacted Version’ and ‘Unredacted Version.’” With the deletion of subdivision (C), filers will no longer be permitted to file a redacted version and an unredacted version of a document and will instead be required to use a Confidential Information Form. To reflect this change, the Comment to Rule 113.1 has been amended to remove the following language, “In lieu of the Confidential Information Form, Section 7.0(C) of the Policy provides for a court to adopt a rule or order permitting the filing of a document in two versions, a ‘Redacted Version’ and an ‘Unredacted Version.’”

Additionally, the Comments to Rules 420, 513, and 578 have been similarly amended, with the language “providing both a redacted and unredacted version of the filing” being deleted. Each Comment, however, still informs the reader that documents filed pursuant to its rule “are subject to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* and may require further precautions, such as placing certain types of information in a ‘Confidential Information Form.’”

A new Section 9.0(H) has also been added to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*. That section provides that “[t]he Unredacted Version of any document filed in accordance with prior versions of this policy” shall not be accessible by the public.

The following commentary has been removed from Rule 113.1:

Official Note: New Rule 113.1 adopted January 5, 2018, effective January 6, 2018; amended June 1, 2018, effective July 1, 2018.

Committee Explanatory Reports:

Final Report explaining the provisions of the new rule published with the Court’s Order at 48 Pa.B. 490 (January 20, 2018). Amendments regarding the changes to the Court’s public access policy published with the Court’s Order at 48 Pa.B. 3575 (June 16, 2018).

The following commentary has been removed from Rule 420:

Official Note: Previous Rule 65 adopted September 18, 1973, effective January 1, 1974; rescinded July 12, 1985, effective January 1, 1986, and replaced by present Rules 409(B), 414(B), 424, 430(D), 431, and 456. Present Rule 65, adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986; renumbered Rule 420 and Comment revised March 1, 2000, effective April 1, 2001; Comment revised June 1, 2018, effective July 1, 2018.

Committee Explanatory Reports:

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the

Court’s Order at 30 Pa.B. 1478 (March 18, 2000). Amendments regarding the Court’s public access policy published with the Court’s Order at 48 Pa.B. 3575 (June 16, 2018).

The following commentary has been removed from Rule 513:

Official Note: Rule 119 adopted April 26, 1979, effective as to arrest warrants issued on or after July 1, 1979; Comment revised August 9, 1994, effective January 1, 1995; renumbered Rule 513 and amended March 1, 2000, effective April 1, 2001; amended May 10, 2002, effective September 1, 2002; amended December 23, 2013, effective March 1, 2014; amended November 9, 2017, effective January 1, 2018; Comment revised June 1, 2018, effective July 1, 2018; Comment revised November 27, 2018, effective March 1, 2019.

Committee Explanatory Reports:

Report explaining the August 9, 1994 Comment revisions published at 22 Pa.B. 6 (January 4, 1992); Final Report published with the Court’s Order at 24 Pa.B. 4342 (August 27, 1994). Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court’s Order at 30 Pa.B. 1478 (March 18, 2000). Final Report explaining the May 10, 2002 amendments concerning advanced communication technology published with the Court’s Order at 32 Pa.B. 2591 (May 25, 2002). Final Report explaining the December 23, 2013 amendments providing procedures for delay in dissemination and sealing of arrest warrant information published with the Court’s Order at 44 Pa.B. 243 (January 11, 2014). Final Report explaining the November 9, 2017 amendments regarding electronic technology for swearing affidavits published with the Court’s Order at 47 Pa.B. 7180 (November 25, 2017). Comment revision regarding the Court’s public access policy published with the Court’s Order at 48 Pa.B. 3575 (June 16, 2018). Final Report explaining the November 27, 2018 revision to the Comment cross-referencing post-indictment arrest warrant procedures in Rule 556.11 published with the Court’s Order at 48 Pa.B. 7632 (December 15, 2018).

The following commentary has been removed from Rule 578:

Official Note: Formerly Rule 304, adopted June 30, 1964, effective January 1, 1965; amended and renumbered Rule 306 June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; amended October 21, 1983, effective January 1, 1984; Comment revised October 25, 1990, effective January 1, 1991; Comment revised August 12, 1993, effective September 1, 1993; renumbered Rule 578 and Comment revised March 1, 2000, effective April 1, 2001; Comment revised June 21, 2012, effective in 180 days; Comment revised July 31, 2012, effective November 1, 2012; Comment revised September 21, 2017, effective January 1, 2018; Comment revised January 5, 2018, effective January 6, 2018; Comment revised June 1, 2018, effective July 1, 2018.

Committee Explanatory Reports:

Report explaining the October 25, 1990 Rule 306 Comment revision published at 20 Pa.B. 1696 (March 24, 1990). Report explaining the August 12, 1993 Comment revision published at 22 Pa.B. 3826 (July 25, 1992). Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court’s Order at 30 Pa.B. 1478 (March 18, 2000). Final Report explaining the June 21, 2012, revision of the Comment referencing indicting grand jury rules published with the

Court's Order at 42 Pa.B. 4153 (July 7, 2012). Final Report explaining the July 31, 2012 Comment revision adding motions for transfer published with the Court's Order at 42 Pa.B. 5340 (August 18, 2012). Final Report explaining the September 21, 2017 Comment revision regarding pretrial challenges to the admissibility of expert evidence published with the Court's Order at 47 Pa.B. 6173 (October 7, 2017). Final Report explaining the January 5, 2018 Comment revisions regarding the Court's public access policy published with the Court's Order at 48 Pa.B. 490 (January 20, 2018). Comment revisions regarding the Court's public access policy published with the Court's Order at 48 Pa.B. 3575 (June 16, 2018).

[Pa.B. Doc. No. 21-2050. Filed for public inspection December 10, 2021, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CHS. 1 AND 4]

Order Amending Rules 148 and 407 of the Pennsylvania Rules of Juvenile Court Procedure; No. 890 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 30th day of November, 2021, upon the recommendation of the Juvenile Court Procedural Rules Committee, the proposal having been published for public comment at 51 Pa.B. 1307 (March 13, 2021):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rules of Juvenile Court Procedure 148 and 407 are amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective on April 1, 2022.

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 1. GENERAL PROVISIONS

PART B(1). EDUCATION AND HEALTH OF JUVENILE

Rule 148. Educational Stability and Removal [**from**]
From Home.

(A) *General Rule.* Any order resulting in the removal of the juvenile from home or a change in placement shall address the educational stability of the juvenile.

(B) *School of Origin.* [**A**] **Subject to statute, a** juvenile removed from home shall remain in their school of origin unless the court finds remaining in the school of origin is not in the juvenile's best interest or protective of the community. If the court finds that it is not in the best interest for the juvenile or protective of the community to remain in the school of origin, then the court may order the juvenile to be enrolled in another school that best meets the juvenile's needs.

(C) *Another School.* [**If**] **Subject to statute, if** a court orders the juvenile to be enrolled in another school pursuant to paragraph (B), then the juvenile shall attend

a public school unless the court finds that a public school is not in the best interest of the juvenile or protective of the community.

Comment

This rule is intended to apply at any point in a delinquency proceeding when the juvenile is removed from home, including pre-dispositional detention placement and post-dispositional modification resulting in the juvenile's out of home placement or a change to that placement. This rule is intended to complement rather than supersede the requirements of Rule 512(D)(6).

In paragraph (B), the best interest determination should be based on factors including the appropriateness of the current educational setting considering the juvenile's needs, the proximity of the school of origin relative to the placement location, and the protection of the community. This paragraph is intended to facilitate educational stability while the juvenile remains under the jurisdiction of the Juvenile Court and to codify the presumption that a juvenile is to remain in their school of origin absent evidence that it is not in the best interest of the juvenile or protective of the community to do so.

In paragraph (C), circumstances indicating that it may not be in the best interest for the juvenile to attend a public school includes the security and safety of the juvenile and treatment needs. Paragraph (C) is intended to codify the presumption that a juvenile is to attend public school while in placement absent evidence demonstrating that it is not in the best interest of the juvenile or protective of the community to do so. The bundling of residential services and educational services should not be permitted without a court order authorizing such.

The application of paragraphs (B) and (C) is subject to statute governing the enrollment of a juvenile adjudicated of certain sexual assault acts committed upon another student enrolled in the same public school entity. See 24 P.S. § 13-1318.1; 18 Pa.C.S. §§ 3121, 3122.1, 3123, 3124.1, 3125, 3126.

For release of information to school, see Rule 163.

Official Note: Rule 148 adopted December 21, 2018, effective May 1, 2019. **Amended November 30, 2021, effective April 1, 2022.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 148 published with the Court's Order at 49 Pa.B. 208 (January 12, 2019).

Final Report explaining the provisions of Rule 148 published with the Court's Order at 49 Pa.B. 610 (February 9, 2019).

Final Report explaining the amendments to Rule 148 published with the Courts' Order at 51 Pa.B. 7627 (December 11, 2021).

CHAPTER 4. ADJUDICATORY HEARING

Rule 407. Admissions.

* * * * *

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

- (1) in writing;
- (2) reviewed and completed with the juvenile by an attorney;
- (3) submitted to and reviewed by the court; and
- (4) substantially in the following form:

ADMISSION COLLOQUY FORM

In re (Juvenile)

_____ JD _____

Delinquent Act(s): _____

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

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

* * * * *

Possible Consequences of Adjudication of Delinquency:

- 13) Do you understand that if you are found delinquent, the judge may make you pay money and place you outside of your home or on probation until you turn 21 years old? _____
- 14) Are you aware that if you are admitting to _____ that your driving license will be suspended now or in the future (which means you will not be able to drive)? (lawyer shall write acts on this line, cross off, or write n/a).
- 15) Do you understand that this case can be used against you in the future? For example, if you break the law again, you may get a longer sentence in jail. _____
- 16) Do you understand that if you are found delinquent, other people may find out about it? You may also have to tell people, including colleges, military recruiters, or employers? _____
- 17) Do you understand that if you are not a U.S. citizen, it may cause problems, which could include being forced to leave the U.S.? _____
- 18) Do you understand that if you are admitting to sexual assault that you cannot attend the same school as the victim? You will either be expelled or transferred to another school or an alternative education program.

Admission Agreements:

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

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

Appeals:

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

* * * * *

Lawyer's Representation and Opportunity to Speak with Guardian

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

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

* * * * *

Comment

* * * * *

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

As used in Question 18 of the admission colloquy in paragraph (C)(4), "sexual assault" includes rape, 18 Pa.C.S. § 3121, statutory sexual assault, 18 Pa.C.S. § 3122.1, involuntary deviate sexual intercourse, 18 Pa.C.S. § 3123, sexual assault, 18 Pa.C.S. § 3124.1, aggravated sexual assault,

18 Pa.C.S. § 3125, and indecent assault, 18 Pa.C.S. § 3126. See 24 P.S. § 13-1318.1(j) (defining "sexual assault").

Pursuant to paragraph (D), the written admission colloquy in paragraph (C) is to be amended when the juvenile is admitting to an act that would render the juvenile eligible for court-ordered involuntary treatment upon attaining 20 years of age and SORNA registration and reporting requirements. See 42 Pa.C.S. §§ 6358, 6403, 9799.13(9), and 9799.15(a)(5). The court is to conduct a colloquy as to the potential consequences of an admission of this type using the form in paragraph (D).

* * * * *

Official Note: Rule 407 adopted April 1, 2005, effective October 1, 2005. Amended January 18, 2012, effective April 1, 2012. Amended January 23, 2017, effective April 3, 2017. Amended May 26, 2021, effective October 1, 2021. **Amended November 30, 2021, effective April 1, 2022.**

Committee Explanatory Reports:

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

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

Final Report explaining the amendments to Rule 407 published with the Courts' Order at 47 Pa.B. 820 (February 11, 2017).

Final Report explaining the amendments to Rule 407 published with the Courts' Order at 51 Pa.B. 3090 (June 5, 2021).

Final Report explaining the amendments to Rule 407 published with the Courts' Order at 51 Pa.B. 7627 (December 11, 2021).

ADOPTION REPORT

Amendment of Pa.R.J.C.P. 148 and 407

On November 30, 2021, the Supreme Court amended Pennsylvania Rules of Juvenile Court Procedure 148 and 407 to reflect provisions of the Act of Nov. 3, 2020, P.L. 1087, No. 110 amending the Public School Code of 1949 to, *inter alia*, add Section 1318.1, prohibiting a juvenile adjudicated delinquent of sexual assault from attending the same public school as the victim. The Juvenile Court Procedural Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. *See* Pa.R.J.A. 103, Comment. The statements contained herein are those of the Committee, not the Court.

Effective January 3, 2021, Act 110 of 2020 amended the Public School Code of 1949 to prohibit a juvenile adjudicated delinquent of sexual assault from attending the same public school as the victim. *See* 24 P.S. § 13-1318.1. This Act marks a change in policy wherein a student may be subject to discipline in school for conduct occurring outside of school. *See* 24 P.S. § 5-510 (granting school board authority to enforce rules against students during such time as students are under supervision, including the time necessarily spent in coming to and returning from school); 24 P.S. § 21-2134 (providing for a period of transition for student returning after being adjudicated delinquent before returning to regular classroom). When a juvenile is adjudicated delinquent of sexual assault and prohibited from attending the same public school as the victim, the public school is required to 1) expel the juvenile; 2) transfer the juvenile to an alternative education program; or 3) reassign the juvenile to another school or educational program within the public school entity.

The Committee proposed the amendment of Pa.R.J.C.P. 148 insofar as the Act operates to supersede the juvenile court's best interest/community protection analysis in determining whether a juvenile should remain in his or her school of origin. Application of the Act does not

appear to invite judicial discretion. The proposed amendment was intended to place the reader on notice that application of the rule may be superseded by statute. A description and citation to the statute are contained in the Comment. A parallel amendment was not made to Pa.R.J.C.P. 1148 because that rule concerns dependency matters.

The Act also imposes a collateral consequence on the juvenile for an admission of certain offenses. While the Act uses the phrase "sexual assault," that phrase is defined to include six enumerated offenses. *See* 24 P.S. § 13-1318.1(j) (defining "sexual assault"). The Committee believed this collateral consequence was significant because it potentially affects a juvenile's education and ability to return to the school of origin, which may impact a juvenile's life beyond any term of supervision.

Accordingly, the Committee proposed amending the admission colloquy set forth in Pa.R.J.C.P. 407(C) to add a question intended to ascertain a juvenile's understanding that returning to a school of origin may not be permitted due to the offense of "sexual assault." Thereafter, the Comment sets forth the enumerated offenses defined by the Act to be a "sexual assault." It is anticipated that the juvenile's counsel will advise the juvenile whether the admitted offense meets that statutory definition.

This proposal was published for comment. *See* 51 Pa.B. 1307 (March 13, 2021). No comments were received.

Post-publication, the additional commentary to Pa.R.J.C.P. 148 was expanded to include citation of the enumerated offenses constituting a "sexual assault" under the Act. Further, question 18 of the colloquy in Pa.R.J.C.P. 407 was revised to add "alternative education program."

These amendments become effective April 1, 2022.

[Pa.B. Doc. No. 21-2051. Filed for public inspection December 10, 2021, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CHS. 2, 3 AND 4]

Order Amending Rules 240, 391 and 404 of the Pennsylvania Rules of Juvenile Court Procedure; No. 891 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 30th day of November, 2021, upon the recommendation of the Juvenile Court Procedural Rules Committee, the proposal having been published for public comment at 50 Pa.B. 3836 (August 1, 2020):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rules of Juvenile Court Procedure 240, 391, and 404 are amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective on April 1, 2022.

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 2. COMMENCEMENT OF PROCEEDINGS, ARREST PROCEDURES, WRITTEN ALLEGATION, AND PRE-ADJUDICATORY DETENTION

PART D. PRE-ADJUDICATORY DETENTION

Rule 240. Detention of Juvenile.

A. *Detention [requirements] Requirements.* If a juvenile is brought before the court or delivered to a detention facility designated by the court, the juvenile probation officer immediately shall:

- 1) examine the written allegation;
- 2) make an investigation, which may include an intake conference with the juvenile, the juvenile's attorney, guardian, or other interested and informed adult; and
- 3) release the juvenile, unless it appears that the juvenile's detention is warranted.

B. *Filing of [petition] Petition.* The release of the juvenile shall not prevent the subsequent filing of a petition.

C. *Prompt [hearing] Hearing.* If the juvenile is not released, a detention hearing shall be held no later than [seventy-two] 72 hours after the juvenile is placed in detention. Neither the juvenile nor the juvenile's attorney shall be permitted to waive the detention hearing.

D. *Time [restrictions] Restrictions.* Except as provided in [paragraphs (D)(1) and (D)(2)] **this paragraph**, if the adjudicatory hearing is not held [or notice of request for transfer is not submitted within the ten-day period as specified in Rules 391 and 404], **as required by Rule 404(A), or a transfer hearing is not held, as required by Rule 391(B),** the juvenile shall be released.

1) [A] **Upon motion, a** juvenile may be detained for an additional single period not to exceed [ten] 10 days when the court determines that:

- a) evidence material to the case is unavailable;
- b) due diligence to obtain such evidence has been exercised; **and**
- c) there are reasonable grounds to believe that such evidence will be available at a later date[; and].

[d] **the detention of the juvenile would be warranted.**

2) [A] **Upon motion, a** juvenile may be detained for [successive ten-day intervals] **additional periods, each of which shall not exceed 10 days,** if the delay is caused by the juvenile. The court shall state on the record if failure to hold the hearing resulted from delay caused by the juvenile. Delay caused by the juvenile shall include, but not be limited to:

- a) delay caused by the unavailability of the juvenile or the juvenile's attorney;
- b) delay caused by any continuance granted at the request of the juvenile [or the juvenile's attorney]; or

c) delay caused by the unavailability of a witness resulting from conduct by or on behalf of the juvenile.

3) Whenever extended detention is sought under this paragraph, the court shall consider whether detention remains warranted.

Comment

If a juvenile is detained, the guardian should be notified immediately. See Rules 220 (Procedure in Cases Commenced by Arrest Without Warrant) and 313(B) (Detention from Intake—Notice to Guardian) for notification of the guardian.

Nothing in paragraph (C) is intended to preclude the use of stipulations or agreements among the parties, subject to court review and acceptance at the detention hearing.

Under paragraph (D)(2), if the juvenile causes delay, the juvenile may continue to be held in detention. [**The additional period**] **Additional periods** of detention should not **individually** exceed ten days. [**The court may continue such detention for successive ten-day intervals if the juvenile caused the delay.**] The time restrictions of paragraph (D) apply to a juvenile who is placed in detention, even if previously released.

[**For time restrictions on detention for juveniles scheduled for a transfer hearing to criminal proceedings, see Rule 391.**]

For motions for continuance, see Rule 122.

Under paragraph (D)(3), whenever extension of a juvenile's detention may result, the court should consider whether continued detention is warranted and whether a less restrictive alternative to secured detention is available. Factors for determining whether continued detention is warranted include: protection of the juvenile; protection of others or their property; the risk the juvenile may abscond or be removed from the court's jurisdiction; and whether the juvenile has a parent, guardian, or custodian able to provide supervision and care for the juvenile and return the juvenile to the court when required. See 42 Pa.C.S. § 6325.

For statutory provisions on detention, see 42 Pa.C.S. §§ 6325, 6331, 6335. For the Juvenile Court Judges Commission's Detention Standards, see 37 Pa. Code §§ 200.101 *et seq.* ([2003] 2007).

If a juvenile is detained, the juvenile is to be placed in a detention facility, which does not include a county jail or state prison. See Rule 120 and its Comment for definition of "detention facility."

Official Note: Rule 240 adopted April 1, 2005, effective October 1, 2005. Amended June 28, 2013, effective immediately. Amended May 16, 2017, effective July 1, 2017. **Amended November 30, 2021, effective April 1, 2022.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 240 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 240 published with the Court's Order at 43 Pa.B. 3938 (July 13, 2013).

Final Report explaining the amendments to Rule 240 published with the Court's Order at 47 Pa.B. 3078 (June 3, 2017).

Final Report explaining the amendments to Rule 240 published with the Courts' Order at 51 Pa.B. 7629 (December 11, 2021).

CHAPTER 3. PRE-ADJUDICATORY PROCEDURES

PART G. TRANSFER FOR CRIMINAL PROSECUTION

Rule 391. Time Restrictions for Detention of Juveniles Scheduled for Transfer Hearing.

A. *Generally.* The detention requirements of Rules 240, 241, 242, and 243 shall be followed for juveniles scheduled for a transfer hearing [**except for the time restrictions provided in paragraph (B) of this rule**].

B. *Time Restrictions.* If the transfer hearing is not held within [**ten**] **10** days of the filing of the notice of request for transfer to criminal proceedings, the juvenile shall be released [**except as provided in paragraphs (B)(1) and (B)(2)**] **unless the exceptions of Rule 240(D) apply.**

[**1**] **A juvenile may be detained for an additional single period not to exceed ten days when the court determines:**

a) **that evidence material to the case is unavailable, including a psychological or psychiatric evaluation;**

b) **that due diligence to obtain such evidence or evaluation has been exercised;**

c) **that there are reasonable grounds to believe that such evidence or evaluation will be available at a later date; and**

d) **that the detention of the juvenile would be warranted.**

2) **A juvenile may be detained for successive ten-day intervals if the result of delay is caused by the juvenile. The court shall state on the record if failure to hold the hearing resulted from delay caused by the juvenile. Delay caused by the juvenile shall include, but not be limited to:**

a) **delay caused by the unavailability of the juvenile or the juvenile's attorney;**

b) **delay caused by any continuance granted at the request of the juvenile or the juvenile's attorney; or**

c) **delay caused by the unavailability of a witness resulting from conduct by or on behalf of the juvenile.]**

Comment

The filing of a request for transfer to criminal proceedings resets the [**ten-day**] **10-day** clock for a hearing for the juvenile in detention. The transfer hearing is to be held within [**ten**] **10** days of the filing of a request for transfer to criminal proceedings, not [**ten**] **10** days from the date of detention for the juvenile. This time requirement is different than the time requirement for the adjudicatory hearing under Rule 240(D). *See* Rule 800.

[**Under Paragraph (B)(1), the case may be extended for only one single period of ten days. However, under paragraph (B)(2) when the juvenile causes delay, the case may be extended for successive ten-day intervals.]**

Official Note: Rule 391 adopted April 1, 2005, effective October 1, 2005. **Amended November 30, 2021, effective April 1, 2022.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 391 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 391 published with the Courts' Order at 51 Pa.B. 7629 (December 11, 2021).

CHAPTER 4. ADJUDICATORY HEARING

Rule 404. Prompt Adjudicatory Hearing.

A. *Detained [juvenile] Juvenile.* If the juvenile is detained, an adjudicatory hearing shall be held within [**ten**] **10** days of the filing of the petition. If the adjudicatory hearing is not held within [**ten**] **10** days, the juvenile shall be released unless the exceptions of Rule 240(D) apply.

B. *Non-detained [juvenile] Juvenile.* If the juvenile is not detained, the adjudicatory hearing shall be held within a reasonable time.

[**C. Juveniles transferred from criminal proceedings. Notwithstanding the provisions of paragraphs (A) and (B), if a petition was filed pursuant to Rule 337, an adjudicatory hearing shall be held within ten days of the filing of the petition.]**

Comment

The "filing of a petition" in paragraph (A) includes petitions filed pursuant to Rule 337 if the juvenile is detained following transfer from criminal proceedings.

Official Note: Rule 404 adopted April 1, 2005, effective October 1, 2005. Amended July 31, 2012, effective November 1, 2012. **Amended November 30, 2021, effective April 1, 2022.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 404 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 404 published with the Court's Order at 42 Pa.B. 5350 (August 18, 2012).

Final Report explaining the amendments to Rule 404 published with the Courts' Order at 51 Pa.B. 7629 (December 11, 2021).

ADOPTION REPORT

Amendment of Pa.R.J.C.P. 240, 391, and 404

On November 30, 2021, the Supreme Court amended Pennsylvania Rules of Juvenile Court Procedure 240, 391, and 404 to clarify procedures to permit the extended detention of a juvenile when procedural requirements are not met. The Juvenile Court Procedural Rules Committee has prepared this Adoption Report describing the rule-making process. An Adoption Report should not be confused with Comments to the rules. *See* Pa.R.J.A. 103, Comment. The statements contained herein are those of the Committee, not the Court.

The Juvenile Act permits a juvenile to be detained prior to an adjudicatory hearing. *See* 42 Pa.C.S. § 6325. The Pennsylvania Rules of Juvenile Court Procedure implement this aspect of the Juvenile Act. *See* Pa.R.J.C.P.

240—243. Pre-adjudicatory detention of a juvenile is typically brief because the juvenile is expected to receive a prompt adjudicatory hearing within 10 days of the filing of a petition. *See* Pa.R.J.C.P. 404(A).

If a detained juvenile does not receive a prompt adjudicatory hearing, then the juvenile is to be immediately released. *See* 42 Pa.C.S. § 6335(a); Pa.R.J.C.P. 404(A). However, there are two exceptions to immediate release when the adjudicatory hearing is delayed due to: 1) presently unavailable evidence and the juvenile's life would be in danger, the community would be endangered, or the juvenile will fail to appear at the hearing; or 2) the juvenile. *See* 42 Pa.C.S. § 6335(a), (f). These exceptions are generally codified at Pa.R.J.C.P. 240(D)(1)-(D)(2).

When a timely hearing cannot be held and either exception is applicable, the juvenile is not immediately released. Instead, the juvenile court must decide whether to release the juvenile or continue to detain the juvenile. *See* 42 Pa.C.S. § 6335(a), (f) (permitting, but not requiring, continued detention); Pa.R.J.C.P. 240(D) (same).

The Committee published for comment several amendments to the rules governing extended pre-adjudicatory detention. *See* 50 Pa.B. 3836 (August 1, 2020). First, Rule 391(B) states “if the transfer hearing is not held within ten days of the filing of the notice of request for transfer to criminal proceedings, the juvenile shall be released except as provided in paragraphs (B)(1) and (B)(2).” The text of paragraphs (B)(1) and (B)(2) are almost identical to Rule 240(D) with the exception of “including a psychological or psychiatric evaluation” in paragraph (B)(1)(a). Rather than repeat the language of Rule 240(D), the Committee proposed removing the language from Rule 391(B)(1) and (B)(2) and refer the reader to Rule 240(D). A similar approach had already been taken with Rule 404(A).

Second, Rule 240(D) states “except as provided in paragraph (D)(1) and (D)(2), if the adjudicatory hearing is not held or notice of request for transfer is not submitted within the ten-day period as specified in Rules 391 and 404, the juvenile shall be released.” It was apparent to the Committee that the triggering event for continued detention when a transfer is initiated differs between Rule 391(B) and Rule 240(D). Rule 391(B) is triggered when a transfer hearing is untimely whereas Rule 240(D) is triggered when the notice of request for a transfer hearing is untimely. The Committee believed that the triggering event should be the transfer hearing, not the notice. Therefore, the Committee proposed amending Rule 240(D) to include the transfer hearing and remove mention of the notice.

Third, the Committee proposed introducing a motion requirement to Rule 240(D). This requirement is not separate from that for seeking a continuance, but part of a motion for continuance pursuant to Rule 122. The Committee also proposed expanding the court's consideration of the necessity for continued detention anytime that continued detention is sought. Finally, the Committee proposed removing the juvenile's attorney as a cause for the juvenile's continued detention, as set forth in Rule 240(D)(2)(a)-(b).

In response to the proposal, concern was expressed that the proposed amendment of Rule 240(D)(2)(a), which would result in the juvenile's immediate release for delays attributable to a juvenile's attorney's unavailability, may have ventured beyond procedure and into substantive matters. Further, there was a potential public safety

concern if an attorney's unavailability may otherwise result in the release of a juvenile who may pose a threat to the public.

The Committee acknowledges 42 Pa.C.S. § 6335(f)(1) is unambiguous: if a juvenile's attorney is unavailable, then the juvenile can be further detained. Subjecting a juvenile to further detention is a substantive matter involving one's liberty interest. Any remedy to the application of § 6335(f)(1) lies with the General Assembly through amendment of the Juvenile Act rather than through rulemaking. Accordingly, the proposed amendment of Rule 240(D)(2)(a) was removed from the proposal.

Post-publication, the Committee considered the interplay of Pa.R.J.C.P. 240(D) and Pa.R.J.C.P. 404. The time requirements for an adjudicatory hearing pursuant to paragraphs (A) and (B) of Pa.R.J.C.P. 404 (Prompt Adjudicatory Hearing) pivot on whether a juvenile is detained. However, paragraph (C) treats decertified juveniles differently: “Notwithstanding the provisions of paragraphs (A) and (B), if a petition was filed pursuant to Rule 337, an adjudicatory hearing shall be held within ten days of the filing of the petition.”

Paragraph (C) did not account for whether a juvenile was being detained and often decertifications are complicated cases involving severe types of offenses. The Committee considered whether the hearing deadline should also pivot on whether the juvenile is detained, noting that the Comment to Pa.R.J.C.P. 337 (Filing of Petition After Case has been Transferred from Criminal Proceedings) states: “If the juvenile is detained, an adjudicatory hearing is to be held within ten days of the filing of the petition. *See also* Rule 404.” Additionally, paragraph (C) did not acknowledge that the youth may have been released on bail in criminal court and likewise might not be placed in detention by the juvenile court.

The Committee recommended removing paragraph (C) from Rule 404 so that juveniles transferred from criminal court would be subject to either paragraph (A) or paragraph (B) depending on their detention status. A Comment was added to instruct the reader.

Additional commentary was added post-publication to Pa.R.J.C.P. 240 setting forth the factors to be considered when the court considers whether continued detention is warranted.

These amendments become effective April 1, 2022.

[Pa.B. Doc. No. 21-2052. Filed for public inspection December 10, 2021, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CHS. 11, 13, 14, 15 AND 16]

Order Amending Rules 1120, 1149, 1330, 1409, 1512, 1514, 1515 and 1608—1611 of the Pennsylvania Rules of Juvenile Court Procedure; No. 889 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 30th day of November, 2021, upon the recommendation of the Juvenile Court Procedural Rules

Committee, the proposal having been published for public comment at 51 Pa.B. 3095 (June 5, 2021):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rules of Juvenile Court Procedure 1120, 1149, 1330, 1409, 1512, 1514, 1515, and 1608-1611 are amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective on January 1, 2022.

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart B. DEPENDENCY MATTERS

CHAPTER 11. GENERAL PROVISIONS

PART A. BUSINESS OF COURTS

Rule 1120. Definitions.

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Comment

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The definition of “family finding” is derived from [62 P.S. § 1302] 67 Pa.C.S. § 3102.

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See also [62 P.S. § 1301] 67 Pa.C.S. §§ 3101 et seq. and 42 U.S.C. § 675 (Fostering Connections) to comply with state and federal regulations.

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The definition of “proceeding” includes all formal stages once a shelter care application has been submitted or a petition has been filed, including all subsequent proceedings until supervision is terminated pursuant to Rule 1613.

[*Official Note*: Rule 1120 adopted August 21, 2006, effective February 1, 2007. Amended March 19, 2009, effective June 1, 2009. Amended December 24, 2009, effective immediately. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended May 20, 2011, effective July 1, 2011. Amended June 24, 2013, effective January 1, 2014. Amended October 21, 2013, effective December 1, 2013. Amended July 28, 2014, effective September 29, 2014. Amended July 13, 2015, effective October 1, 2015. Amended December 9, 2015, effective January 1, 2016. Amended April 6, 2017, effective September 1, 2017.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1120 published with the Court’s Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to Rule 1120 published with the Court’s Order at 39 Pa.B. 1614 (April 4, 2009).

Final Report explaining the amendments to Rule 1120 published with the Court’s Order at 40 Pa.B. 222 (January 9, 2010).

Final Report explaining the amendments to Rule 1120 published with the Court’s Order at 41 Pa.B. 2319 (May 7, 2011).

Final Report explaining the amendments to Rule 1120 published with the Court’s Order at 41 Pa.B. 2413 (May 14, 2011).

Final Report explaining the amendments to Rule 1120 published with the Court’s Order at 41 Pa.B. 2839 (June 4, 2011).

Final Report explaining the amendments to Rule 1120 published with the Court’s Order at 43 Pa.B. 3941 (July 13, 2013).

Final Report explaining the amendments to Rule 1120 published with the Court’s Order at 43 Pa.B. 6658 (November 9, 2013).

Final Report explaining the amendments to Rule 1120 published with Court’s Order at 44 Pa.B. 5447 (August 16, 2014).

Final Report explaining the amendments to Rule 1120 published with the Court’s Order at 45 Pa.B. 3987 (July 25, 2015).

Final Report explaining the amendments to Rule 1120 published with the Court’s Order at 45 Pa.B. 7289 (December 26, 2015).

Final Report explaining the amendments to Rule 1120 published with the Court’s Order at 47 Pa.B. 2313 (April 22, 2017).]

PART B(1). EDUCATION AND HEALTH OF CHILD

Rule 1149. Family Finding.

A. Court’s inquiry and determination.

1) The court shall inquire as to the efforts made by the county agency to comply with the family finding requirements pursuant to [62 P.S. § 1301] 67 Pa.C.S. §§ 3101 et seq.

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Comment

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See [62 P.S. § 1301] 67 Pa.C.S. § 3101 for legislative intent regarding family finding and promotion of kinship care.

Family finding is required for every child when a child is accepted for services by the county agency. See [62 P.S. § 1302] 67 Pa.C.S. § 3103. It is best practice to find as many kin as possible for each child. These kin may help with care or support for the child. The county agency should ask the guardian, the child, and siblings about relatives or other adults in the child’s life, including key supporters of the child or guardians.

* * * * *

Paragraph (B)(3) is meant to include notice of intent to adopt, petition to adopt, or voluntary relinquishment of parental rights, or consent to adopt.

[*Official Note*: Rule 1149 adopted July 13, 2015, effective October 1, 2015.

Committee Explanatory Reports:

Final Report explaining the provisions to Rule 1149 published with the Court’s Order at 45 Pa.B. 3987 (July 25, 2015).]

CHAPTER 13. PRE-ADJUDICATORY PROCEDURES

PART C. PETITION

Rule 1330. Petition: Filing, Contents, Function, Aggravated Circumstances.

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Comment

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If a petition is filed after the county agency has discontinued family finding for non-court cases, the county agency is to aver reasons for the discontinuance in the petition. See [62 P.S. § 1302.2(a)] 67 Pa.C.S. § 3104(a).

* * * * *

The aggravated circumstances, as defined by 42 Pa.C.S. § 6302, are to be specifically identified in the motion for finding of aggravated circumstances.

[Official Note: Rule 1330 adopted August 21, 2006, effective February 1, 2007. Amended July 13, 2015, effective October 1, 2015.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1330 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to Rule 1330 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).]

CHAPTER 14. ADJUDICATORY HEARING

Rule 1409. Adjudication of Dependency [&] and Court Order.

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Comment

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If the requirements of Rule 1149 regarding family finding have not been met, the court is to make necessary orders to ensure compliance by enforcing this legislative mandate. See [62 P.S. § 1301] 67 Pa.C.S. §§ 3101 et seq. See also Rules 1242(E)(3) and 1609(D) and Comments to Rules 1242, 1408, 1512, 1514, 1515, and 1608 [, 1609, 1610, and]—1611.

[Official Note: Rule 1409 adopted August 21, 2006, effective February 1, 2007. Amended July 13, 2015, effective October 1, 2015.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1409 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to Rule 1409 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).]

CHAPTER 15. DISPOSITIONAL HEARING

PART B. DISPOSITIONAL HEARING AND AIDS

Rule 1512. Dispositional Hearing.

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Comment

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Pursuant to paragraph (D)(1)(h), the court is to determine whether the county agency has reasonably satisfied the requirements of Rule 1149 regarding family finding. If the county agency has failed to meet the diligent family finding efforts requirements of Rule 1149, the court is to

utilize its powers to enforce this legislative mandate. See [62 P.S. § 1301] 67 Pa.C.S. §§ 3101 et seq. See also Rules 1210(D)(8), 1242(E)(3), 1409(C), 1609(D), and 1611(C) and Comments to Rules 1242, 1408, 1409, 1514, 1515, and 1608 [, 1609, 1610, and]—1611.

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See Rule 1136 for ex parte communications.

[Official Note: Rule 1512 adopted August 21, 2006, effective February 1, 2007. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended July 13, 2015, effective October 1, 2015. Amended April 6, 2017, effective September 1, 2017.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1512 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to Rule 1512 published with the Court's Order at 41 Pa.B. 2319 (May 7, 2011).

Final Report explaining the amendments to Rule 1512 published with the Court's Order at 41 Pa.B. 2413 (May 14, 2011).

Final Report explaining the amendments to Rule 1512 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

Final Report explaining the amendments to Rule 1512 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).]

Rule 1514. Dispositional Finding Before Removal From Home.

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Comment

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Pursuant to paragraph (A)(4), the court is to determine whether the county agency has reasonably satisfied the requirements of Rule 1149 regarding family finding. If the county agency has failed to meet the diligent family finding efforts requirements of Rule 1149, the court is to utilize its powers to enforce this legislative mandate. See [62 P.S. § 1301] 67 Pa.C.S. §§ 3101 et seq. See also Rules 1210(D)(8), 1242(E)(3), 1409(C), 1609(D), and 1611(C) and Comments to Rules 1242, 1408, 1409, 1512, 1515, and 1608 [, 1609, 1610, and]—1611.

[Official Note: Rule 1514 adopted August 21, 2006, effective February 1, 2007. Amended April 29, 2011, effective July 1, 2011. Amended July 13, 2015, effective October 1, 2015.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1514 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to Rule 1514 published with the Court's Order at 41 Pa.B. 2413 (May 14, 2011).

Final Report explaining the amendments to Rule 1514 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).]

Rule 1515. Dispositional Order.

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Comment

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If the requirements of Rule 1149 regarding family finding have not been met, the court is to make necessary orders to ensure compliance by enforcing this legislative mandate. See [62 P.S. § 1301] 67 Pa.C.S. §§ 3101 et seq. See also Rules 1210(D)(8), 1242(E)(3), 1409(C), 1609(D), and 1611(C) and Comments to Rules 1242, 1408, 1409, 1512, 1514, and 1608[, 1609, 1610, and]—1611.

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See *In re Tameka M.*, 525 Pa. 348, 580 A.2d 750 (1990).

[*Official Note*: Rule 1515 adopted August 21, 2006, effective February 1, 2007. Amended April 29, 2011, effective July 1, 2011. Amended July 13, 2015, effective October 1, 2015.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1515 published with the Court’s Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to Rule 1515 published with the Court’s Order at 41 Pa.B. 2413 (May 14, 2011).

Final Report explaining the amendments to Rule 1515 published with the Court’s Order at 45 Pa.B. 3987 (July 25, 2015).]

CHAPTER 16. POST-DISPOSITIONAL PROCEDURES

PART B(2). PERMANENCY HEARING

Rule 1608. Permanency Hearing.

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Comment

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Pursuant to paragraph (D)(1)(h), the court is to determine whether the county agency has reasonably satisfied the requirements of Rule 1149 regarding family finding, including the location and engagement of relatives and kin at least every six months, prior to each permanency hearing. If the county agency has failed to meet the diligent family finding efforts requirements of Rule 1149, the court is to utilize its powers to enforce this legislative mandate. See [62 P.S. § 1301] 67 Pa.C.S. §§ 3101 et seq. See also Rules 1210(D)(8), 1242(E)(3), 1409(C), 1609(D), and 1611(C) and Comments to Rules 1242, 1408, 1409, 1512, 1514, 1515, 1609, and 1611.

* * * * *

See Rule 1610 for permanency hearing for children over the age of eighteen.

[*Official Note*: Rule 1608 adopted August 21, 2006, effective February 1, 2007. Amended December 18, 2009, effective immediately. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended October 21, 2013, effective December 1, 2013. Amended July 13, 2015, effective October 1, 2015. Amended December 9, 2015, effective January 1, 2016. Amended June 14, 2016, effective August 1, 2016. Amended April 6, 2017, effective September 1, 2017. Amended May 17, 2018, effective October 1, 2018.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1608 published with the Court’s Order at 36 Pa.B. 5571 (September 2, 2006).

explaining the amendments to Rule 1608 published with the Court’s Order at 40 Pa.B. 21 (January 2, 2010).

Final Report explaining the amendments to Rule 1608 published with the Court’s Order at 41 Pa.B. 2319 (May 7, 2011).

Final Report explaining the amendments to Rule 1608 published with the Court’s Order at 41 Pa.B. 2430 (May 14, 2011).

Final Report explaining the amendments to Rule 1608 published with the Court’s Order at 43 Pa.B. 6658 (November 9, 2013).

Final Report explaining the amendments to Rule 1608 published with the Court’s Order at 45 Pa.B. 3987 (July 25, 2015).

Final Report explaining the amendments to Rule 1608 published with the Court’s Order at 45 Pa.B. 7289 (December 26, 2015).

Final Report explaining the amendments to Rule 1608 published with the Court’s Order at 46 Pa.B. 3416 (July 2, 2016).

Final Report explaining the amendments to Rule 1608 published with the Court’s Order at 47 Pa.B. 2313 (April 22, 2017).

Final Report explaining the amendments to Rule 1608 published with the Court’s Order at 48 Pa.B. 3321 (June 2, 2018).]

Rule 1609. Permanency Hearing Orders.

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Comment

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If the requirements of Rule 1149 regarding family finding have not been met, the court is to make necessary orders to ensure compliance by enforcing this legislative mandate. See [62 P.S. § 1301] 67 Pa.C.S. §§ 3101 et seq. See also Rules 1210(D)(8), 1242(E)(3), and 1409(C) and Comments to Rules 1242, 1408, 1409, 1512, 1514, 1515, 1608, 1610, and 1611.

* * * * *

See Rule 1611 for permanency hearing orders for children over the age of eighteen.

[*Official Note*: Rule 1609 adopted August 21, 2006, effective February 1, 2007. Amended April 29, 2011, effective July 1, 2011. Amended October 21, 2013, effective December 1, 2013. Amended July 13, 2015, effective October 1, 2015.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1609 published with the Court’s Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to Rule 1609 published with the Court’s Order at 41 Pa.B. 2413 (May 14, 2011).

Final Report explaining the amendments to Rule 1609 published with the Court’s Order at 43 Pa.B. 6658 (November 9, 2013).

Final Report explaining the amendments to Rule 1609 published with the Court’s Order at 45 Pa.B. 3987 (July 25, 2015).]

Rule 1610. Permanency Hearing for Children Over Eighteen.

* * * * *

Comment

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Pursuant to paragraph (D), the court is to determine whether the county agency has reasonably satisfied the requirements of Rule 1149 regarding family finding, including the location and engagement of relatives and kin at least every six months, prior to each permanency hearing. If the county agency has failed to meet the diligent family finding efforts requirements of Rule 1149, the court is to utilize its powers to enforce this legislative mandate. *See* [62 P.S. § 1301] 67 Pa.C.S. §§ 3101 *et seq.* *See also* Rules 1210(D)(8), 1242(E)(3), 1409(C), 1609(D), and 1611(C) and *Comments* to Rules 1242, 1408, 1409, 1512, 1514, 1515, 1608, 1609, and 1611.

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When the court has resumed jurisdiction pursuant to Rule 1635, the court is to schedule regular permanency hearings. The county agency is to develop a new transition plan for the child.

[**Official Note: Adopted October 21, 2013, effective December 1, 2013. Amended July 13, 2015, effective October 1, 2015. Amended April 6, 2017, effective September 1, 2017.**]

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1610 published with the Court's Order at 43 Pa.B. 6658 (November 9, 2013).

Final Report explaining the amendments to Rule 1610 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

Final Report explaining the amendments to Rule 1610 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).]

Rule 1611. Permanency Hearing Orders for Children Over Eighteen.

* * * * *

Comment

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If the requirements of Rule 1149 regarding family finding have not been met, the court is to make necessary orders to ensure compliance by enforcing this legislative mandate. *See* [62 P.S. § 1301] 67 Pa.C.S. §§ 3101 *et seq.* *See also* Rules 1210(D)(8), 1242(E)(3), and 1409(C) and *Comments* to Rules 1242, 1408, 1409, 1512, 1514, 1515, 1608, 1609, and 1610.

* * * * *

Pursuant to paragraph (E), the court's order is to address the child's needs concerning health care and disability. *See* Comment to Rule 1609(F).

[**Official Note: Adopted October 21, 2013, effective December 1, 2013. Amended July 13, 2015, effective October 1, 2015.**]

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1611 published with the Court's Order at 43 Pa.B. 6658 (November 9, 2013).

Final Report explaining the amendments to Rule 1611 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).]

ADOPTION REPORT

Amendment of Pa.R.J.C.P. 1120, 1149, 1330, 1409, 1512, 1514, 1515, and 1608—1611

On November 30, 2021, the Supreme Court amended Pennsylvania Rules of Juvenile Court Procedure 1120, 1149, 1330, 1409, 1512, 1514, 1515, and 1608—1611 to reflect the amendment of Title 67 of the Pennsylvania Consolidated Statutes to, *inter alia*, add Chapter 31 governing, in part, the family finding requirements resulting from the Act of June 29, 2019, P.L. 93, No. 14. *See* 67 Pa.C.S. §§ 3101—3104. The Juvenile Court Procedural Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. *See* Pa.R.J.A. 103, Comment. The statements contained herein are those of the Committee, not the Court.

Prior to 2018, matters involving family finding, kinship care, and subsidization of custody were governed by unconsolidated statutes compiled at 62 P.S. §§ 1301—1303.2. The statutory requirements for family finding were implemented and primarily codified in Pa.R.J.C.P. 1149 with corollary references throughout the Pennsylvania Rules of Juvenile Court Procedure. Those rules also contained citations to Title 62 of Purdon's Statutes.

In *Washington v. Department of Public Welfare*, 188 A.3d 1135 (Pa. 2018), the Court held that the manner in which the Act of June 30, 2012, P.L. 668, No. 80 was passed by the General Assembly violated Article III, Section 4 of the Pennsylvania Constitution. Accordingly, the Court struck Act 80 in its entirety as unconstitutional. Act 80 included provisions related to kinship care and custody subsidies. *See* 62 P.S. §§ 1302, 1303, 1303.1, and 1303.2. Thereafter, the General Assembly passed the Act of June 29, 2019, P.L. 93, No. 14, which added the substance of 62 P.S. §§ 1301—1303.2 to 67 Pa.C.S. §§ 3101—3104, retroactive to the date of the Court's decision in *Washington*.

The Committee published a proposal to update the statutory citations within the rules to correspond with those now located in Title 67 of the *Pennsylvania Consolidated Statutes*. *See* 51 Pa.B. 3095 (June 5, 2021). No comments were received.

These amendments become effective January 1, 2022.

[Pa.B. Doc. No. 21-2053. Filed for public inspection December 10, 2021, 9:00 a.m.]

Title 246—MINOR COURT CIVIL RULES

PART 1. GENERAL

[246 PA. CODE CH. 200]

Order Amending Rule 217 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges; No. 464 Magisterial Rules Doc.

Order

Per Curiam

And Now, this 1st day of December, 2021, upon the recommendation of the Minor Court Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 217 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges is amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective on January 1, 2022.

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 200. RULES OF CONSTRUCTION; GENERAL PROVISIONS

Rule 217. Confidential Information and Confidential Documents. Certification.

Unless public access is otherwise constrained by applicable authority, any attorney, or any party if unrepresented, who files a document pursuant to these rules with a magisterial district court shall comply with the requirements of Sections 7.0 and 8.0 of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* (Policy) including a certification of compliance with the Policy and, as necessary, a Confidential Information Form[, **unless otherwise specified by rule or order of court,**] or a Confidential Document Form in accordance with the Policy.

Official Note: Applicable authority includes but is not limited to statute, procedural rule or court order. The *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* (Policy) can be found on the website of the Supreme Court of Pennsylvania at [<http://www.pacourts.us/public-records>] <https://www.pacourts.us/public-records>. Sections 7.0(D) and 8.0(D) of the Policy provide that the certification shall be in substantially the following form:

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

The Confidential Information Form and the Confidential Document Form can be found at [<http://www.pacourts.us/public-records>] <https://www.pacourts.us/public-records>.

ADOPTION REPORT

Amendment of Pa.R.Civ.P.M.D.J. 217

On December 1, 2021, the Supreme Court amended Pennsylvania Rule of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges 217 to conform with recent amendments to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* (“Policy”). See Order of October 6, 2021, No. 556 Judicial Administration Docket. The Minor Court Rules Committee has prepared this Adoption Report describing the rulemaking process as it relates to Pa.R.Civ.P.M.D.J. 217. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, Comment. The statements contained herein are those of the Committee, not the Court.

The amendments to the Policy, effective on January 1, 2022, require the statewide use of the Confidential Information Form to safeguard confidential information and eliminate the ability of a court to adopt a rule or order

permitting the filing of any document in two versions, redacted and unredacted. While the Policy never permitted the filing of redacted/unredacted versions in the magisterial district courts, the Committee recommended deleting an exception to Rule 217, which permitted a rule or order of court to supersede the requirement to attach of a Confidential Information Form, if necessary.

[Pa.B. Doc. No. 21-2054. Filed for public inspection December 10, 2021, 9:00 a.m.]

Title 252—ALLEGHENY COUNTY RULES

ALLEGHENY COUNTY

Civil Division; Local Rules of the Court of Common Pleas; No. AD-2021-203-PJ Rules Doc.

Order of Court

And Now, this 29th day of November, 2021, it is hereby Ordered that the following proposed amendments to local rules of the Court of Common Pleas of Allegheny County, Pennsylvania, Civil Division, adopted by the Board of Judges, shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

KIM BERKELEY CLARK,
President Judge

Rule 205.4. Electronic Filing of Legal Papers in Allegheny County.

Note: This Local Rule has been promulgated in compliance with Pa.R.Civ.P. 239.9(a) which provides, “If a court permits or requires the electronic filing of legal papers with the Department of Court Records, the court must promulgate a local rule designated Local Rule 205.4 which sets forth in detail the practice and procedure to file a legal paper electronically and includes the matters set forth in this rule.”

(a)(1) Except as noted in the subsections below, use of the Allegheny County Department of Court Records Civil/Family Division (hereinafter “DCR”) electronic filing system is permissive for the filing of all legal papers, including original process, in all actions and proceedings brought in or appealed to the court.

Note: A “legal paper” is defined in Pa.R.C.P. 205.4(2) as “a pleading or other paper filed in an action, including exhibits and attachments.”

A. Use of the DCR’s electronic filing system is mandatory for all actions and proceedings involving personal injury or death allegedly caused by asbestos.

B. Use of the DCR’s electronic filing system is not permitted for the following Civil Division Filings:

1. Initial filings in Petitions for Name Change;

Note: Secondary filings in Petitions for Name Change may be filed electronically.

2. Initial filings for Exemplification of Records;

Note: Secondary filings involving Exemplification of Records may be filed electronically.

3. Cases or filings under seal.

C. The following filings are permitted to be filed through the [**DCR**] **DCR’s** electronic filing system but

will not be scheduled for argument unless a party obtains a hearing date as indicated below:

1. The following secondary filings in General Docket [**Cases,**] and Arbitration Docket cases, for which procedures for scheduling argument are set forth in the local rules indicated below: (i) preliminary objections (see Local Rule 1028(c)), (ii) petitions (see Local Rule 206.4(c)); (iii) motions for judgment on the pleadings [; or (iii)] (see Local Rule 1034(a)); and (iv) motions for summary judgment (see Local Rule 1035.2(a)). [For scheduling oral argument, a copy of these filings must be presented to the: (i) Chief Motions Clerk for preliminary objections and (ii) Calendar Control Clerk for motions for summary judgment and motions for judgment on the pleadings.

2. The following secondary filings in compulsory arbitration cases: (i) preliminary objections, (ii) petitions, or (iii) motions. For scheduling oral argument, a copy of these filings must be presented to the Arbitration Clerk in Room 702, City County Building to obtain an argument date.

3.] 2. The following secondary filings in Housing Court cases [: (i) preliminary objections, (ii) petitions, or (iii) motions. For scheduling oral argument, a copy of these filings must be presented to the Housing Court Clerk (Housing Court Help desk, Department of Court Records, City County Building) to obtain an argument date.] for which procedures for scheduling argument are set forth in the local rules indicated below: (i) preliminary objections (see Local Rule 1028(c)), (ii) petitions (see Local Rule 206.4(c)); (iii) motions for judgment on the pleadings (see Local Rule 1034(a)); and (iv) motions for summary judgment (see Local Rule 1035.2(a)).

D. Use of the DCR's electronic filing system is not permitted for the following Family Division [**Filings**] filings:

1. Legal papers relating to Protection From Abuse matters which must be processed with the PFA [**Office**] office in Family Division before they can be filed.

2. Legal papers relating to custody, partial custody or visitation matters which must be processed through the Generations office before they can be filed.

3. Legal papers relating to spousal or child support must be processed through Family Division before they can be filed.

4. Legal papers relating to divorce which contain or address counts or counterclaims for support, alimony pendente lite, alimony or custody, partial custody and visitation, must be processed through the offices to which reference is made in [(C)(1)] (D)(1), (2) or (3) of this subsection.

Note: Divorce pleadings which do not include or address any of the counts enumerated above may be filed electronically, including but not limited to, § 3301(c) or § 3301(d) affidavits of consent, counteraffidavits, waiver of notice of intention to request entry of a decree, notice of intention to request a divorce decree, and praecipe to transmit the record.

5. [**Any and all**] All legal papers which must be presented to a Family Division Judge in motions **court** before filing with the [**Office**] office of the DCR.

(b)(1) Legal papers may be filed using the DCR's electronic filing system in the following file formats only: Portable Document Format (.pdf), Microsoft Word (.doc or .docx), WordPerfect for Windows, version 6.0 or higher (.wpd), TIF (.tif), GIF (.gif), JPEG (.jpg), or PCX (.pcx).

(c)(1) [RESERVED]

(2) The DCR's electronic filing website is dcr.allegHENYcounty.us ("www" does not appear before and ".com" does not appear after this web address). Persons may access the DCR's electronic filing system by first registering and establishing a User ID and password using the "Register" link at the DCR's electronic filing website. The User ID for Pennsylvania licensed attorneys is their Supreme Court of Pennsylvania identification number issued by the [**Court**] court. Non-attorney users may, at the time of registration, designate any combination of letters or numbers they may wish to use as a User ID.

(d)(1) The following credit and debit cards may be used on the DCR's electronic filing website to pay filing-related fees: Visa, MasterCard, Discover, and American Express. Such fees may also be paid by depositing in advance sufficient funds with the DCR. The DCR may also accept payments by electronic checking/ACH (Automatic Clearing House). See the DCR website for additional information.

(2) [RESERVED]

(3) [Intentionally omitted as Allegheny County has not designated a third party to operate the electronic filing system.]

(e) [RESERVED]

(f)(1) When a legal paper has been successfully transmitted electronically, the DCR's electronic filing website shall generate a printable acknowledgement page and shall transmit to the filer an initial [**e-mail**] email confirming the electronic receipt of the legal paper and the date and time thereof. Subsequently, after the DCR has processed the electronic filing, the DCR shall transmit, to the filer, an [**e-mail**] email stating the date and time of acceptance of the filing or stating that the filing has not been accepted and the reasons for non-acceptance. A legal paper will not be considered filed if the DCR responds to the filing by notifying the filer that the filer has not (i) maintained with the DCR sufficient funds to pay the fees and costs of the filing or (ii) authorized payment by credit or debit card of such fees and costs.

(2) The DCR shall maintain an electronic file for the legal papers, including original process, in any civil action or proceeding at law or in equity brought in or appealed to the court, including any action pursuant to the Eminent Domain Code of 1964 or the Municipal Claims Act of 1923.

(3) [RESERVED]

(4) The procedures for payment of the fees and costs of the DCR shall be set forth on the DCR website: [**web-site:**] dcr.allegHENYcounty.us (www. does not appear before and ".com" does not appear after this web address).

(5) [RESERVED]

Local Rule 206.4(c). Procedures for the Disposition of Petitions.**(1) Scope.**

This local rule describes the procedures for an application to **strike and/or** open a default judgment or a judgment of non pros governed by Pa.R.C.P. 206.1 et seq.

Note: This court has not promulgated a local rule, numbered Local Rule 206.1(a)(2), which provides for any other application to be governed by Rule 206.1 et seq.

(2) General Docket and Arbitration Docket Cases—Striking and/or Opening a Default Judgment or a Judgment of Non Pros.

(a) A petition to **strike and/or** open a default judgment **or a judgment of non pros** shall be presented to the **General** Motions Judge. It may be presented only after service of a copy of the petition and notice of the date of presentation on all other parties. Except in cases of emergency or with the consent of all other parties, the date of presentation shall be at least ten (10) days after service of a copy of the petition and notice of the date of presentation.

Note: The court does not schedule the date and time of presentation. The petitioner selects a date and time at which the **General** Motions Judge is hearing motions and petitions. See Civil Division link on the Website of the Common Pleas Court of Allegheny County (www.allegheycourts.us) for the name and courtroom of the judge who is sitting as the **General** Motions Judge and the times that matters which have not been scheduled with the court may be presented. Ordinarily, unscheduled matters may be presented each day at 9:30 A.M. and 1:30 P.M.

If the case is on the trial list, the petition shall be presented to the Calendar Control Judge. See Local Rule 208.3(a)(3).

(b) If, upon presentation of the petition, a rule to show cause is entered, the court order issuing the rule shall set the time within which the answer to the petition shall be filed and the time within which depositions shall be completed. If the court order does not set an argument date, at any time after the date by which the depositions were to be completed, any party may order the cause for argument before the **General** Motions Judge by [**delivering to the Chief Motions Clerk**] **filing** a praecipe to set a date and time for the final argument [**. The party obtaining the time and date for the final argument**] **and transmitting a copy of the praecipe to the following email address: Civilgenmotions@allegheycourts.us. The Chief Motions Clerk shall notify the moving party of the time and date for the final argument and the moving party** shall promptly serve written notice thereof upon all other parties to the proceedings.

[*Note:* The Chief Motions Clerk will be in the Courtroom of the Motions Judge.]

(c) Depositions and other evidence that a court may consider shall be filed at least fourteen (14) days before the argument date.

(d) Briefs are required. The brief of the moving party shall be filed with the Department of Court Records and served on all other parties at least fourteen (14) days prior to the argument. The brief of the party opposing the petition shall be filed at least seven (7) days prior to the argument.

[(3) General Docket Cases—Opening a Judgment of Non Pros.

(a) A petition to open a judgment of non pros shall be presented to the Special Motions Judge. It may be presented only after service of a copy of the petition and notice of the date of presentation on all other parties. Except in cases of emergency or with the consent of all other parties, the date of presentation shall be at least ten (10) days after service of a copy of the petition and notice of the date of presentation.

Note: See “Civil Division” on the Website of the Common Pleas Court of Allegheny County (www.allegheycourts.us) for the name of the judge who is sitting as the Special Motions Judge and the times matters may be presented. Ordinarily, the Special Motions Judge will be available on Fridays.

The moving party may obtain an argument date and time for the presentation by contacting the Assignment Room (Room 700 of the City-County Building, 412-350-5463) on Mondays through Fridays between 1:30 P.M. and 4:30 P.M. Or the moving party may, after giving appropriate notice to all parties, place the matter on the 2:00 P.M. Add-On List, located in the Courtroom of the Special Motions Judge, at any time after 8:30 A.M. on the Friday on which it will be presented.

If the case is on the trial list, the petition shall be presented to the Calendar Control Judge. See Local Rule 208.3(a)(3).

(b) If, upon presentation of the petition, a rule is issued, the court order issuing the rule shall set forth the time within which the answer to the petition shall be filed and within which depositions shall be completed, and the date of the final argument before the Special Motions Judge.

(c) Briefs are not required unless the court order issuing the rule provides for the filing of briefs.

(4) Arbitration Cases—Opening Default Judgments and Judgments of Non Pros.

(a) The original and a copy of the petition to open a default judgment or a judgment of non pros shall be taken to an Arbitration Department Clerk (Room 536, Allegheny County Courthouse). The clerk will place on the original and the copy of the petition a date and time (usually on a Friday at 10:00 A.M.) for an argument before the Special Motions Judge. The clerk will file the original with the Department of Court Records and return the copy to the party filing the petition. This party shall promptly serve copies of the petition on all other parties with notice of the date and time of the argument.

(b) The petitioner shall notify an Arbitration Department Clerk (412-350-5625) if the petition scheduled for argument becomes moot. Otherwise, if the petitioner does not appear on the date of the argument, the court will enter an order dismissing the petition for failure of the moving party to appear.

(5) [(3) Housing Court Cases—Striking and/or Opening Default Judgments and Judgments of Non Pros.

(a) The original and a copy of the petition to **strike and/or** open a default judgment or a judgment of non pros (or a copy if filed electronically) shall be taken to the

Housing Court Clerk (Housing Court Help Desk: First Floor City County Building, **414 Grant Street, Pittsburgh, PA 15219**). The clerk will place, on the original and the copy of the petition, a date and time for an argument before the Housing Court Judge. The clerk will file the original **petition** with the Department of Court Records and return the copy to the party filing the petition. This party shall promptly serve copies of the petition on all other parties with notice of the date and time of the argument.

(b) The petitioner shall notify a Housing Court Clerk (412-350-4462) if the petition scheduled for argument becomes moot. Otherwise, if the petitioner does not appear on the date of the argument, the court will enter an order dismissing the petition for failure of the moving party to appear.

Note: A form for filing a petition to **strike and/or** open a default judgment for pro se petitioners is available at the Housing Court Help Desk.

Local Rule 208.3(a). Procedures for the Disposition of Motions.

[(1) Scope.

(a)(i) **[(1)** As used in this rule, “motion” means any application to the court made in any civil action or proceeding except as provided by subdivisions (b)(1) and (2) of Pa.R.C.P. 208.1.

[Note: The term “motion” as used in Pa.R.C.P. 208.1 and in this local rule does not include preliminary objections (governed by Local Rule 1028(c)), motions for judgment on the pleadings (governed by Local Rule 1034(a)), motions for summary judgment (governed by Local Rule 1035.2(a)), or petitions to open a default judgment or a judgment of non pros (governed by Local Rule 206.4(c)).

(ii) **[(a)** This court has not promulgated a local rule, numbered Local Rule 208.3(b), because this court has not imposed requirements for the filing of a response or a brief with respect to any motion. **However, the parties are encouraged to submit briefs when it is anticipated that the court will want to consider briefs before deciding the issue.**

[(iii)] (b) This local rule does not govern motions filed in **[eminent domain proceedings, asbestos litigation and cases otherwise designated by the Court for special management (Pa.R.C.P. 1041.1 and 1041.2), class actions, cases designated as complex, name changes matters that a re assigned to the Special Name Change Judge (see Local Rule 505 for name changes) rather than the General Motions Judge, and any other cases] specially assigned cases (see the court’s website page for a list of the specially assigned case types) or any other case specially assigned by an order of court to a single judge. Procedures for disposition of motions in specially-assigned cases may be established by case management orders, standard operating procedures, or other directives issued by the assigned judge.**

***Note:* At the time of these amendments the following matters are identified on the Court’s website as specially assigned case types: Abandoned & Blighted Property Conservator (see Local Rules 701 et seq.), Asbestos, Class Action, Commerce & Complex Litigation Center, Construction, County Beverage Tax, Election, Eminent Domain, [Housing], Mortgage Conciliation, Pennsylvania Liquor Con-**

trol Board, Prisoner Rights, Right-to-Know, Save Your Home, Special Name Change (see Local Rule 505), Structured Settlement Approvals, Toxic Substance, Water Exoneration Hearing Board Appeals, and Zoning. This list is periodically updated.

[(iv)] (c) Procedures for disposition of the following are set forth in the following local rules:

(i) Preliminary objections (governed by Local Rule 1028(c)),

(ii) Motions for judgment on the pleadings (governed by Local Rule 1034(a)),

(iii) Motions for summary judgment (governed by Local Rule 1035.2(a)), and

(iv) Petitions to strike and/or open a default judgment or a judgment of non pros (governed by Local Rule 206.4(c)).

(2) Procedure applicable to all motions: A motion may be presented only after service of the copy of the motion and notice of the date, time, and location of presentation on all other parties. Except in cases of emergency, or with the consent of all other parties, the date of presentation shall be at least ten (10) days after service of a copy of the motion and the notice of the date of presentation.

***Note:* If after reviewing Sections (3) through (6) below questions remain as to where a motion should be presented or which judges should hear a particular motion, please send an inquiry email to Civilgenmotions@alleghenycourts.us.**

[(2) General Docket Cases—General Provisions.

(a) Motions described in Local Rule 208.3(a)(3) shall be presented to the Calendar Control Judge, motions described in Local Rule 208.3(a)(4) shall be presented to the Motions Judge, and motions described in Local Rule 208.3(a)(5) shall be presented to the Special Motions Judge. Litigants may contact the Chief Motions Clerk (412-350-5644) if they are uncertain as to which of the judges should hear a particular motion.

(b) A motion may be presented only after service of the copy of the motion and notice of the date of presentation on all other parties. Except in cases of emergency, or with the consent of all other parties, the date of presentation shall be at least ten (10) days after service of a copy of the motion and the notice of the date of presentation.

***Note:* The court does not schedule the date and time of presentation. The moving party/petitioner selects a date and time at which the appropriate judge is scheduled to hear motions. See “Civil Division” on the Website of the Common Pleas Court of Allegheny County (www.allegheny.courts.us) for the name and courtroom of the judge who is sitting as the Calendar Control Judge, General Motions Judge, Discovery Motions Judge, or Housing Motions Judge and the times at which unscheduled matters may be presented. Ordinarily, motions may be presented each day to the Motions Judge at 9:30 A.M. and 1:30 P.M. in Courtroom 703; motions may be presented to the Calendar Control Judge, typically at 8:30 A.M. on days on which there is a call of the list and at 9:00 A.M. on other days on which motions are being heard; motions may be presented to the Discovery Motions Judge only on a Friday (see subsections (5)(c) and (6)(b) below);**

Housing Court Motions are all specifically scheduled through the Housing Court Help Desk, see subparagraph (6) below.

(c) There is no requirement for the filing of a response or the filing of briefs prior to presentation. However, the parties are encouraged to submit briefs when it is anticipated that the court will wish to consider briefs before deciding the issue.]

(3) Calendar Control Judge.

(a) [Motions] The Calendar Control Judge shall hear the following:

i. All motions in any case that has been listed for trial or has appeared on a published trial list shall be presented to the Calendar Control Judge. This includes all motions that would otherwise have been heard by the General Motions Judge or the [Special] Discovery Motions Judge.

Note: The docket will show if a case has been listed for trial on a published trial list. For docket entries, go to <https://dcr.alleghenycounty.us> and click on Civil/Family Division, then "Search" and enter the docket number.

[(b) In any case, including a case that is not on a published trial list, all motions relating to the following matters shall be presented to the Calendar Control Judge:] ii. All motions relating to the following matters, regardless of whether a case has been listed for trial or has appeared on a published trial list:

[(i)] (a) the compromise, settlement, and discontinuance of an action to which a minor is a party; [and]

Note: See Local Rule 2039 for the procedures governing a petition presented pursuant to Pa.R.C.P. 2039.

[(ii)] (b) the compromise, settlement, and discontinuance of an action to which an incapacitated person is a party;

Note: See Local Rule 2064 for the procedures governing a petition presented pursuant to Pa.R.C.P. 2064.

(c) praecipies to place at issue; and

(d) contested motions for continuance of an arbitration hearing, other than in Housing Court cases (which are presented to the Housing Court Judge. Such motions shall be presented using the Cover Sheet and Adjournment of Hearing Form (Form 208.3(a)) which is available on the Court's website at <https://www.alleghenycourts.us/civil/arbitration.aspx>.

Note: To reschedule an arbitration hearing date with agreement of all parties, an Adjournment of Hearing Form shall be presented to the arbitration email at civilarb@alleghenycourts.us. These procedures are published on the Court's website at <https://www.alleghenycourts.us/courts/arbitration.aspx>.

(b) Presentation:

(i) The Calendar Control Judge does not schedule the date or time of presentation. The moving party/petitioner selects the date and time for presentation.

Note: Calendar Control Motions are generally held at 9:30 a.m. Please refer to the Calendar Control Judge's standard operating procedures and the Calendar Control Motions schedule, which can be found at: https://www.alleghenycourts.us/Civil/Calendar_Control_New.aspx.

(ii) A courtesy copy shall be provided to the Calendar Control Judge in advance of presentation of the motion.

(4) Discovery Motions Judge.

[(a) For any General Docket case that is not on a published trial list, motions and petitions relating to the following matters shall be presented to the Motions Judge:

(i) opening or striking default and confessed judgments;

(ii) requests for preliminary or special injunctive relief;

Note: Enforcement of a court order providing preliminary or special injunctive relief shall be presented to the judge who issued the court order.

(iii) relief provided for in replevin actions under Pa.R.C.P. 1075.1 to 1086;

(iv) relief provided for in the Rules of Civil Procedure governing enforcement of money judgments (Pa.R.C.P. 3101 to 3291) except for discovery in aid of execution which is presented to the Special Motions Judge;

Note: These matters are presented to the Motions Judge for all General Docket cases, including cases that have appeared on a published trial list.

(v) requests to proceed in forma pauperis in General Docket and Arbitration proceedings; and

(vi) continuances of any arguments on the General Argument List.

(b) In any General Docket case that is not on a published trial list, any motions that are not required to be presented to the Special Motions Judge (see subdivision (5)(a) of this Local Rule) or to the Motions Judge (see subdivision (4)(a) of this Local Rule) may be presented to either the Motions Judge or the Special Motions Judge.]

(a) The Discovery Motions Judge shall hear the following:

(i) All discovery motions for General and Arbitration Docket cases that have not yet appeared on a published trial list or been assigned a trial date; with the exceptions set forth below in subsection (iv) this includes Arbitration Docket cases which have been assigned an arbitration hearing date (although such motions are disfavored);

Note: The scheduling of an arbitration hearing does not constitute appearance on a published trial list or the assignment of a trial date.

(ii) All motions relating to pre-complaint discovery;

(iii) Discovery in aid of execution;

(iv) All motions to dismiss based upon affidavits of non-involvement pursuant to Pa.R.C.P. No. 1036 et seq.

(b) The following discovery motions will not be heard by the Discovery Motions Judge and shall be heard by the General Motions Judge:

i. Requests for injunctive relief, including discovery on requests for injunctive relief; and

ii. Discovery disputes relating to or arising out of a Rule to Show Cause issued by the General Motions Judge.

(c) Discovery motions assigned to a specific Judge shall be heard by the assigned judge.

(d) Presentation

(i) The Discovery Motions Judge does not schedule the date of time of presentation, but typically hears all motions at 2:00 p.m. on Fridays, unless otherwise indicated. Scheduling is not required.

(ii) Absent compelling circumstances, the court requires the parties to conduct a meaningful "meet and confer" prior to presentation of any contested motion. The court will inquire into the specifics of the meet and confer during the hearing.

(iii) All parties must bring an additional cover-sheet/caption for the benefit of the Court Reporter.

(iv) The moving party shall, upon entering the court room, present to the clerk all motions and coversheets. The moving party shall indicate whether the motion is contested or uncontested/unopposed. If a party is unable to represent to the clerk affirmative assent to a motion being uncontested/unopposed, the motion shall be classified as contested. See explanatory note below.

a. Uncontested or unopposed motions will be heard first, followed by contested motions.

Note: In presenting a motion as uncontested or unopposed, counsel certifies to the court that a copy of the motion, exhibits, and any proposed order was served on every other party or attorney of record, including notice of the time, date, and location for presentation, and at least ten days have passed or counsel has obtained the consent or affirmation that said motion is not opposed. Mere failure of the opposing party to appear at precisely 2:00 pm does not render a motion uncontested/unopposed. The court in its discretion will determine when enough time has elapsed to render the motion uncontested/unopposed.

[(7)] (5) Housing Court Judge

(a) The Housing Court Judge shall hear the following:

(i) [all] All motions involving Housing Court cases [shall be heard by the Housing Court Judge. This includes all motions heard both before and after the appeal of an award from arbitration.] (See Local Rule 76 Definitions for information relating to which cases shall be assigned to the Housing Court, or ruled upon the Housing Court Judge.);

(ii) All contested requests for the continuance of an arbitration hearing in a Housing Court matter; and

(iii) All Motions for Late Appeal of Disposition from a Magisterial District Judge in a Landlord Tenant Proceeding.

(b) Presentation:

(i) All Housing Court Motions must be filed electronically or in person with the Department of Court Records. No motion will be scheduled for argument unless requested as set forth in subsection (a) or (b) below.

(a) For electronically filed motions, the party must request that the motion be scheduled for oral argument by submitting the motion to the Housing Court Help Desk email at HCHelpdesk@alleghenycourts.us. This party shall immediately serve copies of the motion on all other parties with notice of the date and time of the argument.

(b) If the motion is not electronically filed, the original and a copy of the (motion shall be taken to the Housing Court Clerk (Housing Court Clerk at the Housing Court Help Desk: First Floor City County Building). The clerk will place, on the original and the copy of the motion, a time and date for an argument before the Housing Court Judge. The clerk will file the original with the Department of Court Records and return the copy to the party filing the motion. This party shall immediately serve copies of the motion on all other parties with notice of the date and time of the argument.

[Note: The Housing Court Clerk's scheduling of a motion for an argument on a date after the date of the arbitration hearing does not continue the arbitration hearing unless the moving party obtains a continuance pursuant to paragraph (7)(c) of this Local Rule.

(c) Parties filing Housing Court motions may file their motions electronically and they may also request that the motion be scheduled for oral argument by submitting the motion to the Housing Court Help Desk email at HCHelpdesk@alleghenycourts.us. This party shall immediately serve copies of the motion on all other parties with notice of the date and time of the argument.

to the continuance, the Housing Court Clerk has the authority to sign the Adjournment of Hearing continuing the case (FORM 208.3(a))(see subsection (6)(c) above).]

Note: The moving party will not receive an oral argument date unless the moving party either takes the motion to the Housing Court Help Desk, or submits the motion to the Help Desk email: HCHelpdesk@alleghenycourts.us. For further information concerning Housing Court procedures, forms and protocols Parties should go to the Court's website at https://www.alleghenycourts.us/civil/Housing_Court.aspx.

[(d) requests for the] (ii) The party seeking a contested continuance of an arbitration hearing [will be presented] shall present to the Housing Court Judge[. The party seeking a continuance will present to the Housing Court Judge] an Adjournment of Hearing Form (FORM 208.3(a))(see subsection [(6)(c)] (3)(a)(ii)(d) above), which may be obtained from the Housing Court Clerk at the Housing Court Help Desk: First Floor City County Building, or by going to the Court's website, and specifically the arbitration page where such forms are available to download.

Note: If all parties agree to the continuance, the Housing Court Clerk has the authority to sign the Adjournment of Hearing continuing the case (FORM 208.3(a))(see subsection (3)(a)(ii)(d) above).

[(e) Motion for Late Appeal of Disposition from a Magisterial District Judge in a Landlord Tenant Proceeding.

(i)] (iii) Motion for Late Appeal shall be filed with the Department of Court Records and a copy immediately

provided to the Housing Court Clerk (See Housing Court Help Desk: First Floor City County Building, for Forms relating to Motions for Late Appeal).

[(ii)] **(a)** The Housing Court Clerk will schedule the motion with the Housing Court Judge. **[The filing party is still expected to provide the other party with ten (10) days notice of the scheduled argument date.]** **The motion will generally be scheduled on a date which provides all other parties with ten (10) days' notice of the scheduled argument date.** However, if an eviction is scheduled, the Housing Court Clerk will make every effort to schedule argument on Motion for Late Appeal before the scheduled eviction, although the Court may not be able to schedule a hearing before the eviction date. The filing party is responsible for informing the Housing Court Clerk of the date of any scheduled eviction.

(b) The filing party is required to serve the Motion for Late Appeal upon the opposing party, and if the filing party is the tenant, also required to serve the Motion for Late Appeal upon the Magisterial District Court issuing the Disposition.

[5 *Special*] 6 *General* Motions Judge.

(a) **[For any General Docket case that is not on a published trial list,]** **The General Motions Judge shall hear the following for any General and Arbitration Docket case that has not yet appeared on a published trial list or been for trial:**

(i) **All** motions relating to the following: **[matters shall be presented to the Motions Judge:**

(i) **discovery**

(ii) **[(a) pleadings [(preliminary objections pursuant to Rule 1028)] including amendments, joinder of parties, late joinder of additional defendants;**

[(iii) preliminary objections filed by an additional defendant if an order had been entered permitting the late joinder;

(iv) **[(b) withdrawal and disqualification of counsel;**

[(v)] (c) discontinuances, consolidation, severance, and coordination of actions in different counties (Pa.R.C.P. 213.1); [placing/striking cases at issue;]

[(vi) entry and opening of judgments of non pros and default;

(vii) **(d) transfers between Arbitration and General Docket;**

[(viii)] (e) certificates of merit (Pa.R.C.P. 1042.1 et seq.); [and the filing of an appeal to an arbitration award]

[In any General Docket case that is not on a published trial list, any motions that are not required to be presented to the General Motions Judge (see subdivision (4) (a) of this Local Rule) or to the Discovery Motions Judge (see subdivision (5) (a) of this Local Rule) may be presented to either the Motions Judge or the Special Motions Judge.

(6) Arbitration Cases.

(a)(i) Except as provided in the following subdivisions (a)(ii), (a)(iii), and (a)(iv), all motions involv-

ing arbitration cases, including uncontested motions, shall be heard by the Special Motions Judge.

(ii) **In forma pauperis** petitions will be presented to the Motions Judge.

(iii) Contested requests for the continuance of an arbitration hearing will be presented to the Calendar Control Judge. The party seeking a continuance will present to the Calendar Control Judge an Adjournment of Hearing Form ("Green Sheet"), which is (FORM 208.3(a)) (see subsection (6)(c) below). The Chief Arbitration Clerk has the authority to sign Adjournment of Arbitration Hearing "Green Sheet" Requests for the continuance of an arbitration hearing that are agreed upon by all parties.

(iv) Motions filed after an arbitration award has been appealed shall be presented to the Special Motions Judge unless they affect the timing of the trial of the case, in which event they shall be presented to the Calendar Control Judge.

(b) The original and a copy of any motion shall be taken for filing to an Arbitration Clerk (Room 702 City County Building) or, if filed electronically, a copy of the filed motion shall be presented to the Arbitration Clerk for scheduling oral argument. The clerk will place on the original and the copy of the motion (or upon the copy if filed electronically) a time and date (usually on a Friday at 10:00 A.M.) for an argument before the Special Motions Judge. The clerk will file the original with the Department of Court Records (unless filed electronically) and return the copy to the party filing the motion. This party shall immediately serve copies of the motion on all other parties with notice of the date and time of the argument.

Note: The Arbitration Office's scheduling a motion for an argument on a date after the date of the arbitration hearing does not continue the arbitration hearing unless the moving party obtains a continuance pursuant to paragraph (6)(a)(iii) of this Local Rule.]

(f) requests for injunctive relief, including discovery on requests for injunctive relief; and

(g) discovery disputes relating to or arising out of a Rule to Show Cause issued by the General Motions Judge.

(ii) **All motions for any Arbitration Docket case prior to listing for trial, except:**

(a) discovery motions, which shall be presented to the Discovery Motions Judge;

(b) the compromise, settlement, and discontinuance of an action to which a minor is a party, which shall be presented to the Calendar Control Judge;

(c) the compromise, settlement, and discontinuance of an action to which an incapacitated person is a party, which shall be presented to the Calendar Control Judge;

(d) contested requests for the continuance of an arbitration hearing, which shall be presented to the Calendar Control Judge.

(iii) All petitions to strike and/or open a default judgment or a judgment of non pros (the procedure including presentation, for which is found at Local Rule 206.4(c), not below);

(iv) All motions not otherwise addressed in [this] Local Rules 208.3, 1028(c), 1034(a), or 1035.2(a).

(b) Presentation:

(i) The General Motions Judge typically hears motions daily at 9:30 a.m. and 1:30 p.m. in Courtroom 703. The General Motions Judge does not

schedule the date or time of presentation. The moving party/petitioner selects the date and time for presentation.

(ii) The original motion must be filed with the Department of Court Records. A copy of the motion shall be provided to the Chief Motions Clerk prior to presentation.

(iii) The Chief Motions Clerk will file any order issued by the Court.

(7) FORM 208.3(a) Arbitration Adjournment of Hearing Form and Cover Sheet

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION**

COVER SHEET

Plaintiff(s)

Case Number: _____

vs.

Type of pleading:
Adjournment of Arbitration Hearing

Defendant(s)

Filed on behalf of
(Name of filing party)

Counsel of Record
 Individual, if Pro Se

Address, Telephone Number, and Email Address:

Attorney's State ID: _____

Attorney's Firm ID: _____

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY PENNSYLVANIA
ARBITRATION SECTION**

No. _____, 20 ____

vs.

Presently listed _____

No. of Times Continued _____

Landlord/Tenant Action _____

A false certification of consent of all parties is subject to the provisions of 18 Pa.C.S.A. § 4904(a) pertaining to unsworn falsification to authorities and is sanctionable under 42 Pa.C.S.A. § 2503.

ADJOURNMENT OF HEARING

On _____, 20____, on order of court, the date of hearing is adjourned to _____, 20____.

Stipulation

BY THE COURT

REASON FOR CONTINUANCE:

Note: A Microsoft Word version of this form can be obtained and downloaded from the Civil Arbitration page of the Court's website at Civil | Arbitration (alleghencycourts.us).

Local Rule 253. Taxation of Costs.

(1) *Costs After Judgment.*

Costs shall be taxed by the [**Prothonotary**] **Department of Court Records**. Objections shall be presented to the **General** Motions Judge or, if the case was tried, to the Trial Judge.

(2) *Costs After Settlement.*

In Civil Division cases, absent an agreement to the contrary at the time of a settlement requiring the payment of monetary damages, the paying party or parties shall reimburse the recipient the record costs incurred by that party. Where there are multiple payors, the reimbursement of record costs shall be prorated.

Local Rule 505. Change of Name of a Natural Person.

(1) All proceedings for a change of name pursuant to 54 Pa.C.S. §§ 701—705 shall be brought in the Civil Division, except where an adoption proceeding is commenced in the Orphans' Court Division, in which case the Orphans' Court Division shall adjudicate any change of name ancillary to that proceeding. In cases where an adoption has been concluded in any other court and the only judicial relief sought in Allegheny County is a change of name, the Petition shall be filed in the Civil Division.

Note: See 23 Pa.C.S. § 2904. See also Supreme Court Orphans' Court Rule 15.5(e) where the adopted person has attained majority.

(2) All Petitions (FORM 505A) (see subsection (3)(a) below) shall be filed on the General Docket (GD).

(3) *Requirements for Filing a Petition.*

(a) The Petition shall contain two proposed Orders designated as follows:

(i) Either

(A) Order Scheduling Hearing on Name Change (used if Petition is brought by a person(s) of full legal age) (FORM 505B(i)) (see subsection (3)(b)(i) below), or

(B) Order Scheduling Hearing of Name Change (used if Petition is brought on behalf of a minor) (FORM 505B(ii)) (see subsection (3)(b)(ii) below); and

(ii) Decree for Change of Name (FORM 505C) (see subsection (3)(c) below).

(b) The following is required by the Department of Court Records:

(i) Petition and one (1) extra copy.

(A) If Petitioner's safety would be in jeopardy by reason of the publication of the name change, Petitioner may:

(1) Describe why, under paragraph 6, publication would present a risk; or

(2) Seek to waive publication and/or have the record sealed by presenting a Motion, Affidavit, and Proposed Order to the Special Name Change Judge prior to filing the Petition with the Department of Court Records.

(ii) A completed fingerprint card (if applicable—children 12 or under are not required to have fingerprints taken) (obtained from either a state or local police department). "Name Change" should be written in red across the top of the completed card.

(iii) A stamped 8-1/2" x 11" envelope addressed to:

PA State Police
Central Repository
1800 Elmerton Avenue
Harrisburg, PA 17110

(iv) A stamped letter size envelope addressed to:

Department of Court Records of Allegheny County
First Floor City-County Building
414 Grant Street
Pittsburgh, PA 15219
ATTENTION: Second Deputy

(v) A stamped letter size envelope to the attorney for the filing party, or the pro se party.

(vi) The filing fee applicable to a Petition for a name change.

Note: A current listing of the fees charged by the Department of Court Records can be found on the Department of Court Records web site: <https://dcr.alleghenycounty.us> (no www and no .com).

(c) After Petitioner has been notified that the fingerprinting process has been completed, the petitioner shall take one of the following actions to obtain a hearing date:

(i) submit the petition by email to the [Civilgenmotions@alleghencycourts.us](mailto:civilgenmotions@alleghencycourts.us) email address with a request that the Court issue an Order scheduling the hearing date;

(ii) take the original or a copy of the Petition filed with the Department of Court Records, and the Department of Court Record's file to the Chief Motions Clerk, located in Courtroom 703, City-County Building; or

(iii) if the record has been sealed or publication waived, the Petitioner may take the file to the Special Name Change Judge's chambers instead of the Chief Motions Clerk.

(d) *Scheduling a hearing:*

(i) If the Petition is submitted by email to [Civilgenmotions@alleghencycourts.us](mailto:civilgenmotions@alleghencycourts.us), the General Motions Judge will issue a scheduling Order, and the Chief Motions Clerk shall file the scheduling Order with the

Department of Court Records and return the Scheduling Order by email to the Petitioner;

(ii) If the Petition is taken to the Chief Motions Clerk, the **General** Motions Judge shall schedule the time and date for a hearing; or

(iii) If the Petition is taken to the Special Name Change Judge's chambers, the Special Name Change Judge will set the time and date for a hearing.

(e) Upon receipt of the scheduling Order the Petitioner shall proceed with advertising the Petition in two (2) papers of general circulation; one of the publications shall be the Pittsburgh Legal Journal, the official paper for the publication of legal notices for Allegheny County.

(f) Where the Petitioner has a prior conviction of a felony but is not barred by 54 Pa.C.S. § 702(c) from obtaining a judicial change of name, the Petitioner shall provide the Court with an envelope affixed with sufficient postage and pre-addressed to the following so that copies of the Order Scheduling Hearing on Name Change may be sent:

(i) The District Attorney of Allegheny County
Allegheny County Courthouse
436 Grant Street
Pittsburgh, PA 15219

(ii) To any other District Attorney of any county in which Petitioner was convicted of a felony.

(iii) Office of the Attorney General
Commonwealth of Pennsylvania
1600 Strawberry Square
Harrisburg, PA 17120

(g) In those cases where the Petitioner is seeking to change the name of a minor and a parent files an objection to the Petition or appears to oppose the Petition, the case shall immediately be transferred to the Family Division using FORM 505D (see subsection (3)(d) below) for all further proceedings with respect to the minor's Petition.

(4) FORMS:

(a) FORM 505A Petition for a Name Change

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION**

In Re the Petition of:

DOCKET No. GD _____

_____ (Print Your Current Name)

For a Name Change to:

_____ (Print Your New Name)

VERIFIED PETITION FOR A NAME CHANGE

And now comes Petitioner(s), _____ by this Petition, and upon being duly sworn, respectfully represents and shows this Court:

1. That the Petitioner(s) is of full legal age and is a bona fide resident of the County of Allegheny, Commonwealth of Pennsylvania, whose residence address is _____

Petitioner(s) has been a bona fide resident of Allegheny County, Commonwealth of Pennsylvania for _____ year(s) immediately prior to filing this Petition. Petitioner(s) was born on the _____ day of _____, _____ in the County of _____, State of _____, and Country of _____.

2. Petitioner's(s)' present name is _____.

3. Petitioner(s) is not married or is married to _____.

4. Petitioner(s) is the Father and/or Mother of the following minor children:

None

Name	Date of Birth	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. Petitioner(s) has resided at the following address(es) over the last five (5) years:

6. Petitioner(s) requests the change of name for the following reasons (describe in detail):

7. The proposed change in the Petitioner(s) name, if granted, will not be detrimental to the interests of any other person and is not against the public interest.

8. This Petition is not filed to defraud creditors.

Wherefore, the Petitioner(s), intending to change his/her name, requests that by an Order of this Court, made and entered herein, the Petitioner's(s') name be changed to and decreed to be:

Respectfully submitted,

(Sign Your Current Name)

Address: _____

City, State, Zip: _____

Telephone: _____

[New Page] VERIFICATION

I, (_____), verify that the statements made
(Print Your Current Name)
in the foregoing Petition are true and correct to the best of my knowledge or information and belief.

I understand that this verification is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn fabrication to authorities, which provides that if I knowingly make false averments, I may be subject to criminal penalties.

Date: _____
(Sign Your Current Name)

(b)(i) FORM 505B(i) Order Scheduling Hearing on Name Change (used if Petition is brought by a person(s) of full legal age)

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION**

In Re: Petition of _____ CIVIL DIVISION

_____ GD No. _____

Petitioner(s).

ORDER SCHEDULING HEARING ON NAME CHANGE

AND NOW, this _____ day of _____, 20____, upon hearing of the within motion of _____ Esquire/pro se, attorney for the Petitioner(s) above named, it is ORDERED and DECREED that the within Petition be heard on the _____ day of _____, 20____ at before the **General** Motions Judge. Petitioner(s) shall obtain a judgment search from all counties in which he/she has resided during the last five (5) years. It is further Ordered, that the Petitioner(s) shall advertise once in the Pittsburgh Legal Journal, and once in a newspaper of general circulation in Allegheny County.

THE COURTS

BY THE COURT,

_____, J.

(b)(ii) FORM 505B(ii) Order Scheduling Hearing on Name Change (used if Petition is brought on behalf of a Minor(s))

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

CIVIL DIVISION

In Re: Petition of

CIVIL DIVISION

GD No. _____

Petitioner(s).

ORDER SCHEDULING HEARING ON NAME CHANGE

AND NOW, this _____ day of _____, 20____, upon hearing of the within motion of _____, Esquire/pro se, attorney for the Petitioner(s) above named, it is ORDERED and DECREED that the within Petition be heard on the _____ day of _____, 20____ at _____ before the **General** Motions Judge. Petitioner(s) shall obtain a judgment search from all counties in which he/she has resided during the last five (5) years.

IT IS FURTHER ORDERED, that Petitioner(s) shall obtain an affidavit of consent from the non-petitioning parent and/or serve a copy of this scheduling order by certified and regular mail forthwith.

IT IS FURTHER ORDERED, that the Petitioner(s) shall advertise once in the Pittsburgh Legal Journal, and once in a newspaper of general circulation in Allegheny County.

BY THE COURT,

_____, J.

(c) FORM 505C Decree for Change of Name

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

CIVIL DIVISION

In Re: Petition of

CIVIL DIVISION

GD No. _____

Petitioner(s).

DECREE FOR CHANGE OF NAME

AND NOW, this _____ day of _____, 20____, upon hearing on the within Petition and upon motion of _____, Esquire/pro se, attorney for Petitioner(s), with proof of publication and proof that there are no judgments or decrees of record or any other matter of like effect against Petitioner(s), and it appearing that there are no legal objections to the granting of the prayer of the Petition, it is ORDERED and DECREED that the name(s) of the Petitioner(s) be and are, from and after this date changed to

BY THE COURT,

_____, J.

(d) FORM 505D Case Transfer Order

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION

In Re: Petition for Change of Name of:

GD No.

FD No.

(a) minor(s)

Petitioner(s):

CASE TRANSFER ORDER

AND NOW, the ___ day of ___, 20 ___, the Court makes the following findings:

1. The subject of the Petition for a Change of Name is

who (is a) (are) minors.

2. The non-petitioning parent has filed an objection to the proposed Petition for Change of Name or has appeared before the Court and opposes the Petition.

It is therefore ORDERED, ADJUDGED and DECREED as follows:

1. Pursuant to Local Rule 505(3)(f) this matter is hereby transferred to the Family Division for all further proceedings with respect to the Petition for Change of Name.

2. The Department of Court Records shall conduct a search of its records to determine if the family involved in this contested name change has an existing Family Division docket number. If there is an existing Family Division docket number, this Petition shall be matched to the existing file and transferred to the Family Division. If there is no existing Family Division docket number, the Department of Court Records shall assign a Family Division docket number and open a case file. In either event, the above-referenced [General Division] docket number shall be cross-referenced with the Family Division docket number.

3. The party who filed the Petition for Change in Name shall be responsible for serving the Family Division scheduling order on the opposing party in a manner consistent with the Rules of Civil Procedure.

4. The party who filed the Petition for Change of Name shall provide the following information:

A. Name(s), Address(es) and Date(s) of Birth of the minor(s) involved:

Table with 3 columns: Name, Address, Date of Birth. Multiple rows for listing minors.

B. Name of the father of the minor child(ren)

Address and telephone number of the father

Date of Birth of the father

C. Name of the mother of the minor child(ren)

Address and telephone number of the mother

Date of Birth of the mother

- D. List any prior Family Court involvement and case numbers: (Examples of these cases include: Protection from Abuse, Child Support, Child Custody, and Divorce. _____)

BY THE COURT,

_____, J.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006. Amended December 27, 2019, effective February 19, 2020.

Local Rule 1001. Civil Actions Raising Claims for Relief Heretofore Asserted in an Action in Equity.

(1) A civil action that raises only claims for relief heretofore asserted in equity shall be assigned to an individual judge when the case has been placed at issue pursuant to Local Rule 214.

Note: A request for assignment to an individual judge may be made to Calendar Control using FORM 1001 (see subsection (3) below).

(2) A civil action that raises claims for relief heretofore asserted in an action in equity and claims for relief heretofore asserted in the action of assumpsit and/or the action in trespass will not be assigned to an individual judge prior to trial without a court order entered pursuant to a motion or by the court sua sponte.

Note: A motion for the assignment of a case to an individual judge shall be presented to **[the Special Motions Judge if the case is not on a published trial list and to]** the Calendar Control Judge **[if]** or the Administrative Judge regardless of whether the case is on a published trial list.

- (3) FORM 1001 Request for Assignment of Equity Claims to an Individual Judge

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

CIVIL DIVISION

(CAPTION)

(CASE NUMBER)

TO: Calendar Control Clerk
734 City-County Building
414 Grant Street
Pittsburgh, PA 15219

REQUEST FOR ASSIGNMENT OF EQUITY CLAIMS TO AN INDIVIDUAL JUDGE

This is a nonjury case that raises only claims for relief heretofore asserted in equity. A copy of this request has already been furnished to all other parties.

DATED: _____

Local Rule 1028(c). Procedures for the Disposition of Preliminary Objections.

- (1) *General Docket and Arbitration Docket Cases.*

(a)(i) **[If not filed electronically, preliminary objections shall be filed with the Chief Motions Clerk. If filed electronically, a copy of the preliminary objections shall be taken to the Chief Motions Clerk.] Preliminary objections shall be filed with the Department of Court Records.**

[Note: The Chief Motions Clerk (telephone number 412-350-5644) will be in the Courtroom 703, City-County Building.]

(ii) **[The Chief Motions Clerk shall schedule the time and date for an argument.] A request to schedule the date and time for argument shall be transmitted by email to the following email address: civilpos@allegheycourts.us, accompanied by a PDF copy of the preliminary objections and brief and a proposed order in Microsoft Word format.**

Note: If preliminary objections are filed to preliminary objections, these preliminary objections will be scheduled

for argument at the same time as the argument for the preliminary objections which are the subject of the preliminary objections.

In cases of multiple defendants, if any other defendants have not filed responsive pleadings at the time another defendant files preliminary objections, **[the Chief Motions Clerk will not schedule an]** argument on these preliminary objections **will not be scheduled** sooner than sixty (60) days after filing.

In an arbitration case, the filing of preliminary objections or the scheduling of the preliminary objections for an argument on a date after the date of the arbitration hearing does not continue the arbitration hearing unless the moving party obtains a continuance pursuant to Local Rule 208.3(d).

[(iii) Unless filed electronically, the Chief Motions Clerk will file the preliminary objections with the Department of Court Records.

(iv) **[(iii) The party filing the preliminary objections shall, promptly after filing, serve copies of these preliminary objections on all other parties and shall promptly serve all other parties with notice of the date and time**

of the argument, **[if such has been set] after the date and time for argument has been set.**

(b)(i) Except for preliminary objections raising issues of fact, which are governed by subdivision (c), **and Arbitration Docket cases**, a brief and proposed order of court **[, each separately tabbed under the same cover sheet,] shall be filed with** all preliminary objections. **[No preliminary objections will be accepted by the Chief Motions Clerk until a brief is attached.]** Failure to **[attach] file** a brief **with preliminary objections** shall be cause for denial of the preliminary objections.

Note: In an Arbitration Docket case, there are no requirements for the filing of briefs. Frequently, the motion refers to the controlling legislation and case law.

(ii) Any party opposing preliminary objections shall file a brief in opposition to the preliminary objections at least seven (7) days prior to the argument.

(iii) A brief shall not exceed ten (10) double-spaced pages except in cases designated complex or where permitted by order of court entered pursuant to a motion presented to the **General** Motions Judge.

(c)(i) Where preliminary objections contain grounds raising issues of fact under Pa.R.C.P. 1028(a)(1), (5), or (6), they: shall be titled on the cover sheet "Preliminary Objections Raising Questions of Fact"; shall be endorsed with a notice to plead; shall not have a brief attached; and will be scheduled for argument not sooner than ninety (90) days after filing.

(ii) All evidence that the parties wish the court to consider shall be filed with the Department of Court Records at least twenty (20) days prior to the argument.

(iii) The party which filed the preliminary objections shall file its brief at least fourteen (14) days prior to the argument; the parties opposing the preliminary objections shall file their briefs at least seven (7) days prior to argument.

(d)(i) If the preliminary objections include the ground of improper venue, they: shall be titled on the cover sheet "Preliminary Objections Raising Questions of Venue"; shall be endorsed with a notice to plead; shall be accompanied by a brief and proposed order of court, as provided for in paragraph (1)(b) of this Local Rule; and shall include all preliminary objections as required under Pa.R.C.P. 1028(b).

(e) If the moving party fails to schedule argument on preliminary objections, any other party is permitted to schedule argument **[by presenting a copy of the preliminary objections to the Chief Motions Clerk as provided elsewhere in these Rules] in the manner set forth in subsection (1)(a)(ii), above.**

[(3)] (2) Housing Court Proceedings.

(a) If not filed electronically, the original and a copy of the preliminary objections shall be taken to the Housing Court Clerk (Housing Court Help Desk: First Floor City County Building). The Housing Court Clerk will place, on the original and the copy of the preliminary objections, a time and date for an argument before the Housing Court Judge. The Housing Court Clerk will file the original with

the Department of Court Records and return the copy to the party filing the preliminary objections. This party shall promptly serve copies of the preliminary objections on all other parties with notice of the date and time of the argument. If filed electronically, the filing party shall take a copy of the preliminary objections to the Housing Court Clerk, and the Housing Court Clerk will place on the copy of the preliminary objections a time and date for an argument before the Housing Court Judge. This party shall promptly serve copies of the preliminary objections on all other parties with notice of the date and time of the argument.

(i) The moving party, after contacting all other parties, shall notify the Housing Court Clerk prior to the argument (412-350-4462) if the matters raised in the preliminary objections are resolved. Otherwise, if the moving party does not appear on the date of the argument, the court will enter an order dismissing the preliminary objections for failure of the moving party to appear.

(ii) The moving party, after a discussion with other parties, shall notify the Housing Court Clerk if the preliminary objections are moot because of the filing of an amended pleading.

Local Rule 1034(a). Procedures for the Disposition of a Motion for Judgment on the Pleadings.

(1) *General Docket and Arbitration Docket Cases.*

(a)(i) A motion for judgment on the pleadings shall be filed with the Department of Court Records. **[The original and a copy of the motion for a judgment on the pleadings (or a copy if filed electronically) shall be taken to the Calendar Control Office (Room 734 of the City—County Building). A member of the staff shall place on the original and a copy of the motion (or upon the copy if filed electronically) the date of the argument list on which the motion will be argued.] A request to schedule the date and time for argument shall be transmitted by email to the following email address: civilmsjops@alleghenycourts.us, accompanied by a PDF copy of the motion and brief and a proposed order. The motion will be placed on an argument list, the date and time of which shall be published in the Pittsburgh Legal Journal.**

Note: Motions for judgment on the pleadings filed before **[2:00 P.M.] 4:00 P.M.** on the **[fortieth (40th)] forty second (42nd)** day before the next argument list will be placed on that list. Motions filed less than **[forty (40)] forty-two (42)** days before the date of the next argument list will be placed on the following argument list. No motion for judgment on the pleadings shall be placed on an argument list or otherwise scheduled for argument if the case has appeared on a published trial list prior to the filing of the motion without an order of court entered by the Calendar Control Judge.

(ii) **[After the motion has been filed with the Department of Court Records, the moving party shall promptly serve copies of the motion for judgment on the pleadings on all other parties with notice of the date of the argument list on which the motion will be argued and file a certificate of service.] The party filing the motion shall, promptly after filing, serve copies of the motion on all other parties and file a certificate of service. Furthermore, upon notification of the date of the argument list on which the motion will be argued,**

the moving party shall promptly serve all other parties with notice of the date and time of the argument and file a certificate of service.

Note: Argument lists are placed under “Civil Division” on the Website of the Common Pleas Court (www.allegheycourts.us) at least thirty (30) days before the date scheduled for argument. The list will identify the judge who will hear the argument.

In an arbitration case, the filing of a motion for judgment on the pleadings or the scheduling of the motion for an argument on a date after the date of the arbitration hearing does not continue the arbitration hearing unless the moving party obtains a continuance pursuant to Local Rule 208.3(d).

(iii) If the motion has been resolved, the moving party shall promptly notify the court. Prior to the publication of the argument list, notice shall be given to the Calendar Control Clerk (412-350-5417). After publication of the argument list, notice shall be given to the secretary of the judge to whom the argument has been assigned.

(iv) **[The] In a General Docket case, the** brief of the moving party and proposed order of court shall **[be attached to the motion under the same cover and separately tabbed] be filed with the motion.** Any party opposing the motion must file a brief at least seven (7) days prior to the argument and furnish a copy of the brief to the judge to whom the argument is assigned. **In an Arbitration Docket case, there are no requirements for the filing of briefs. Frequently, the motion refers to the controlling legislation and case law.**

(b) This rule does not govern motions for judgment on the pleadings filed in asbestos litigation and cases otherwise designated by the court for special management (Pa.R.C.P. 1041.1 and 1041.2), class actions, cases designated as complex, and other cases specially assigned by an order of court to a single judge.

[(2) Arbitration Proceedings.

(a) **The original and a copy of the motion for judgment on the pleadings (or a copy if filed electronically) shall be taken for filing to an Arbitration Clerk, Room 702 Seventh Floor, City-County Building for scheduling of argument. The clerk will place on the original and the copy of the motion (or upon the copy if filed electronically) a time and date (usually on a Friday at 10:00 A.M.) for an argument before the Special Motions Judge. The clerk will file the original (or the copy if filed electronically) with the Department of Court Records and return a copy to the party filing the motion. This party shall promptly serve copies of the motion on all other parties with notice of the date and time of the argument.**

Note: The Arbitration Section’s scheduling a motion for judgment on the pleadings for an argument on a date after the date of the arbitration hearing does not delay the arbitration hearing unless the moving party obtains a continuance pursuant to Local Rule 208.3(a)(6)(a)(iii).

(b) There are no requirements for the filing of briefs. Frequently, the motion refers to the controlling legislation and case law.

(c) The moving party, after contacting the other parties, shall notify an Arbitration Clerk (412-350-5625) if the motion is withdrawn. Otherwise, if the

moving party does not appear on the date of the argument, the court will enter an order dismissing the motion for failure of the moving party to appear.

(3)] (2) Housing Court Proceedings.

(a) The original and a copy of the motion for judgment on the pleadings (or a copy if filed electronically) shall be taken to the Housing Court Clerk (Housing Court Help Desk: First Floor City County Building). The Housing Court Clerk will place, on the original and the copy of the motion (or a copy if filed electronically), a time and date for an argument before the Housing Court Judge. The clerk will file the original with the Department of Court Records and return the copy to the party filing the motion. This party shall promptly serve copies of the motion on all other parties with notice of the date and time of the argument.

Note: The Housing Court Clerk scheduling of oral argument on a motion for judgment on the pleadings on a date after the date of the arbitration hearing does not delay the arbitration hearing unless the moving party obtains a continuance pursuant to Local Rule 208.3(a)(6)(a)(iii).

(b) There are no requirements for the filing of briefs. Frequently, the motion refers to the controlling legislation, statute, regulation and case law.

(c) The moving party, after contacting the other parties, shall notify the Housing Court Clerk if the motion is withdrawn. Otherwise, if the moving party does not appear on the date of the argument, the court will enter an order dismissing the motion for failure of the moving party to appear.

Local Rule 1035.2(a). Procedures for the Disposition of a Motion for Summary Judgment.

(1) *General Docket and Arbitration Docket Cases.*

The procedures for the disposition of a motion for summary judgment are identical to the procedures for the disposition of a motion for judgment on the pleadings described in Local Rule 1034(a)(1), and in addition a response in opposition to the motion shall be filed as provided for in Pa.R.C.P. 1035.3.

[(2) Arbitration Proceedings.

The procedures for the disposition of a motion for summary judgment are identical to the procedures for the disposition of a motion for judgment on the pleadings described in Local Rule 1034(a)(2).]

(2) Housing Court Cases.

The procedures for the disposition of a motion for summary judgment are identical to the procedures for the disposition of a motion for judgment on the pleadings described in Local Rule 1034(a)(2).

Local Rule 1301. Scope.

(1) The following civil actions shall first be submitted to and heard by a Board of Arbitrators:

(a) Civil actions, proceedings and appeals or issues therein where the demand is for **[\$35,000] \$50,000** or less (exclusive of interest and costs);

(b) Replevin without bond and replevin with bond once bond has been set by the Court;

(c) Appeals from final judgments of Magisterial District Judges; and

(d) Matters transferred to Compulsory Arbitration by the Court even though the original demand may have exceeded [**\$35,000**] **\$50,000**.

(2) The following civil actions are not subject to Compulsory Arbitration as set forth, above:

(a) Actions seeking only an accounting;

Note: In an action seeking both money damages and an accounting, a Board of Arbitrators may award money damages but may not order an accounting.

(b) Actions seeking only equitable relief; and

Note: In an action seeking both money damages and equitable relief, a Board of Arbitrators may award money damages but may not order equitable relief.

(c) Actions in which the Commonwealth is a party defendant or an employee of the Commonwealth is a party defendant under the provisions of 42 Pa.C.S., Chapter 85B (relating to actions against Commonwealth parties).

(3) A Board of Arbitrators may not enter an award in favor of any party in excess of [**\$35,000**] **\$50,000** (exclusive of interest and costs).

Note: While a Board of Arbitrators may hear a lawsuit in which any party claims an amount in excess of [**\$35,000**] **\$50,000**, the award of the Board of Arbitrators to any party may not exceed [**\$35,000**] **\$50,000** (exclusive of interest and costs). However, with the agreement of all parties, a Board of Arbitrators may award up to the amount agreed upon in excess of [**\$35,000**] **\$50,000** if all parties also agree that the arbitration award is final and cannot be appealed to Court.

(4) If a party files a counterclaim or a cross-claim seeking an award in excess of [**\$35,000**] **\$50,000** (exclusive of interest and costs), any party may file a petition to transfer the entire case to the General Docket. At the discretion of a judge, such a counterclaim or cross-claim may be severed and transferred to the General Docket.

Local Rule 1302. List of Arbitrators. Appointments to Board. Oath.

(1) Subject to approval by the [**Special Motions Judge or the**] **Calendar Control Judge** of the Civil Division of the Court, lawyers who are actively engaged in the practice of law in Allegheny County shall be appointed to serve as arbitrators.

(2) Only lawyers who are "active" on the rolls of The Disciplinary Board of the Supreme Court of Pennsylvania are to be treated as lawyers "actively engaged in the practice of law" for purposes of subsection (1).

(3) An Arbitration Clerk shall appoint to each Board of Arbitrators three (3) lawyers summoned from the list of approved lawyers, according to the directions of the [**Special Motions Judge**] **Calendar Control Judge** of the Civil Division.

Local Rule 1308. Appeal. Arbitrators' Compensation. Notice.

(1) In addition to satisfying the requirements of Pa.R.C.P. 1308(a), a party appealing an award shall also pay to the [**Prothonotary**] **Department of Court Records** any fee required for filing the appeal.

(2) A member of a Board of Arbitration who has signed an award or filed a minority report in each of the cases heard before that Board shall receive compensation of

\$150 per diem after the filing of that member's reports/awards. In cases requiring hearings of unusual duration or involving questions of unusual complexity, the [**Special Motions Judge**] **Calendar Control Judge** of the Civil Division, on petition of the members of the Board and for cause shown, may allow additional compensation.

Local Rule 1320. Small Claims Procedure.

The following procedure shall govern Small Claims, which include appeals from Magisterial District Judges where the damages claimed do not exceed the sum of \$3,000 (exclusive of interest and costs), and civil actions where the damages claimed do not exceed the sum of \$3,000 (exclusive of interest and costs).

(1) The Complaint may be simplified to contain only the names and addresses of the parties, a statement indicating concisely the nature and amount of the claim, the signature of the plaintiff or the plaintiff's attorney (Pa.R.C.P. 1023), an endorsement (Pa.R.C.P. 1025), a Notice of Hearing Date and three copies of a Notice of Intention to Appear as set forth in subparagraph (3) hereof.

(2) Every Complaint filed in Compulsory Arbitration as a Small Claim, whether filed by a plaintiff against a defendant or by a defendant against an additional defendant, shall contain a Notice of Hearing Date, Notice to Defend, and Notice of Duty to Appear at Arbitration Hearing (FORM 1320A) (see subsection (9)(a) below). The Notice of Hearing Date and Notice of Duty to Appear shall immediately follow the Notice (to Defend) which is required by Pa.R.C.P. 1018.1(b).

(3) The filed Notice of Intention to Appear shall be a sufficient answer to the Complaint (FORM 1320B) (see subsection (9)(b) below).

(4) A counterclaim which qualifies as a "Small Claim" as defined herein may be set forth in either the filed Notice of Intention to Appear or a separate pleading, by a statement indicating concisely the nature and amount of same. The counterclaim filed as a separate pleading shall be in substantially the same form as the Complaint, without the Notice of Hearing or Notice of Intention to Appear.

(5) No reply to a counterclaim shall be required. If one is filed, it may be limited to a general denial.

(6) The provisions of Local Rules 212.1, 212.2 and 212.3 shall not apply to actions involving only Small Claims as defined herein.

(7) Except as otherwise provided by order of the [**Special Motions Judge**] **Discovery Motions Judge** upon good cause shown, in Small Claims proceedings, there shall be no discovery by deposition upon oral examination or upon written interrogatories under Pa.R.C.P. 4005 and 4007 or requests for admissions under Pa.R.C.P. 4014.

(8) The [**Prothonotary**] **Department of Court Records**, on praecipe of the plaintiff accompanied by a certificate as required by Pa.R.C.P. 237.1(a)(2), shall enter judgment against the defendant for failure to file either a responsive pleading or a copy of the Notice of Intention to Appear within twenty (20) days from service thereof, with damages to be assessed in the manner provided by the rules.

(9)(a) *FORM 1320A Notice of Hearing Date, Notice to Defend and Notice of Duty to Appear at Arbitration Hearing*

THE COURTS

IN THE COURT OF COMMON [PLEASE] PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION

ARBITRATION DOCKET

No. _____

Plaintiff,

vs.

HEARING DATE: _____

Defendant.

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the attached copy of the suit papers, YOU MUST complete and detach two of the copies of the attached "Notice of Intention To Appear." One completed copy of the "Notice of Intention to Appear" must be filed or mailed to [the Prothonotary's Office] Department of Court Records, First Floor, City/County Building, 414 Grant Street, Pittsburgh, PA 15219 and the other completed copy must be mailed to:

within TWENTY (20) days from the date these papers were mailed. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lost money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERRAL SERVICE, The Allegheny County Bar Association
[11th] 4th Floor Koppers Building, 436 Seventh Avenue
Pittsburgh, Pennsylvania 15219
Telephone: (412) 261-5555

HEARING NOTICE

YOU HAVE BEEN SUED IN COURT. The above Notice to Defend explains what you must do to dispute the claims made against you. If you file the written response referred to in the Notice to Defend, a hearing before a board of arbitrators will take place in [Room 523 of the Allegheny County Courthouse, 436 Grant Street, Pittsburgh, Pennsylvania] the Arbitration Assembly Room, Courtroom Two, Seventh Floor City-County Building, Pittsburgh, PA 15219, on _____, [Insert date and year] at 9:00 A.M. IF YOU FAIL TO FILE THE RESPONSE DESCRIBED IN THE NOTICE TO DEFEND, A JUDGMENT FOR THE AMOUNT CLAIMED IN THE COMPLAINT MAY BE ENTERED AGAINST YOU BEFORE THE HEARING.

DUTY TO APPEAR AT ARBITRATION HEARING

If one or more of the parties is not present at the hearing, THE MATTER MAY BE HEARD AT THE SAME TIME AND DATE BEFORE A JUDGE OF THE COURT WITHOUT THE ABSENT PARTY OR PARTIES. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.

NOTICE: You must respond to this complaint within twenty (20) days or a judgment for the amount claimed may be entered against you **before the hearing.**

If one or more of the parties is not present at the hearing, the matter may be heard immediately before a judge without the absent party or parties. **There is no right to a trial de novo on appeal from a decision entered by a judge.**

(b) FORM 1320B Notice of Intention to Appear

NOTICE OF INTENTION TO APPEAR

(Three copies required)

To the Plaintiff or the
Plaintiff's Attorney

Case Caption _____

Hearing Date _____

I intend to appear at the hearing scheduled for the above date and defend against the claim made against me.

I do not owe this claim for the following reasons:

I certify that I have mailed a copy of this Notice to the Plaintiff or the Plaintiff's attorney.

Date: _____ Sign here: _____

Address: _____

Local Rule 3146. Judgment Against Garnishee Upon Default or Admission in Answer to Interrogatories.

(1) The hearing to assess the amount of the judgment shall be scheduled before the **General** Motions Judge. Written notice to the garnishee in the form provided by Pa.R.C.P. 3146(a)(2) shall be served in accordance with Pa.R.C.P. 440 at least twenty days prior to the scheduled hearing. The Plaintiff shall serve the garnishee with a copy to the Defendant. Service shall be evidenced by a certificate of service.

(2) The agency to be named in the notice provided by Pa.R.C.P. 3146 shall be:

Lawyer Referral Service
Allegheny County Bar Association
[11th] 4th Floor Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
Telephone: (412) 261-5555

[Pa.B. Doc. No. 21-2055. Filed for public inspection December 10, 2021, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BEAVER COUNTY

Local Rules of Civil Procedure; Administrative Doc. No. 10224-2021

Administrative Order

November 22, 2021

It is hereby Ordered that Beaver County LR301 (re: civil case management system) is modified, LR1143 (mortgage foreclosures) is adopted, LR1301, et seq. (arbitrations) is modified, LR1915, et seq. (custody and divorce) is modified, and LR8000.5 (tax assessments) is modified as follows.

Pursuant to Pa.R.J.A. 103(d), the Beaver County District Court Administrator is Directed to:

1. file one (1) copy of the Local Rules with the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.

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

3. publish the Local Rules on the Court of Common Pleas of Beaver County website at <http://www.beavercounty.gov/Depts/Courts>.

4. incorporate the Local Rules into the Local Rules of this Court within thirty (30) days after publication of the Local Rules in the *Pennsylvania Bulletin*.

5. file one (1) copy of the Local Rules with the Beaver County Prothonotary and the Beaver County Law Library for public inspection and copying.

Said Local Rules of Civil Procedure shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin* and upon publication on the Beaver County website.

By the Court

RICHARD MANCINI,
President Judge

LR301. Initial Case Management Conference.

The Court shall hold civil case management conferences for all civil matters (excluding those set forth in subsection (3) below), one day per month as shall be designated

in the Court calendar. The Court Administrator shall set forth dates for case management conferences for the subsequent calendar year no later than October of the current year so that conferences can properly be scheduled.

For all new filings in civil matters:

(1) The Prothonotary shall assign the case to a judge on a rotating basis using the Infocon system.

(2) A case management conference shall be automatically scheduled at the time of the initial case filing by the Prothonotary, utilizing the Infocon system, to be held on the third month following the month of the initial case filing, on a date set forth in the Court calendar.

a. Initial case filings shall include appeals from civil judgments of the Magisterial District Courts, appeals from compulsory arbitration and those cases initiated by Writs of Summons.

Note: Cases originally filed in compulsory arbitration shall not automatically be scheduled for a case management conference pursuant to subsection (3) below. However, appeals from compulsory arbitration will be treated as an initial case filing for purposes of civil case management and will be scheduled for a case management conference by the Prothonotary at the time of the filing of the appeal. Parties in this circumstance may wish to move the Court for a case management conference sooner (see LR212.2B) since fact discovery will presumably have been completed by this time.

(3) Civil cases included within this rule shall be those matters governed by the Pennsylvania Rules of Civil Procedure, with the exception of the following:

- Actions in mortgage foreclosure (**see LR1143**);
- Actions subject to compulsory arbitration;
- Actions pursuant to protection from abuse;
- Actions for support;
- Actions for custody, partial custody, and visitation of minor children;
- Actions of divorce or annulment of marriage; and
- Real estate assessment appeals (**see LR8000.5**).

(4) Eminent domain cases shall be included within the civil case management system. However, a case management conference shall not be scheduled upon the filing of a declaration of taking because a declaration of taking does not commence an action (In Re Condemnation of Stormwater Man-

agement Easements v. Valley Forge Railways, Ltd., 829 A.2d 1235 (Pa. Cmwlth. 2003)). Rather, upon presentation of a petition for appointment of a Board of View, which does commence an action and which must be filed at a separate case number, to institute a separate case, the Court will schedule a case management conference to set a schedule for that separate action.

[4] (5) At least 7 days prior to the case management conference, each party shall file with the Prothonotary, provide a copy to the Court, and serve a copy on opposing parties or counsel for opposing parties, a brief case summary, not to exceed three (3) pages in length:

a. This case summary shall be substantially in accordance with Form 301A and shall set forth the general nature of the case, whether there are any motions for judgment on the pleadings or preliminary objections pending or anticipated, suggested dates for the completion of expert and fact discovery, suggested dates by which to file dispositive motions, amenability of the parties to alternative dispute resolution and a proposed date for a pre-trial conference;

b. If the case was initiated by a Writ of Summons or is an appeal from a civil judgment of the Magisterial District Courts to which a complaint has not yet been filed, the party shall notify the Court whether the party intends to file a complaint within 90 days from the date of the conference.

Note: While there is no formal local rule pertaining to mechanisms for alternative dispute resolution (ADR), in the Court's experience, parties often agree to case mediation, binding or non-binding private arbitration, high/low agreements or binding 6-member jury trials, all of which have been successful in resolving cases. The Court encourages parties to engage in these or other forms of ADR in an attempt to reduce costs and expedite litigation.

[5] (6) At the time of the case management conference, the Court shall, after consultation with the parties, issue a case management order setting forth a timeline for discovery, the filing of dispositive motions, the exchange of expert reports, the scheduling of alternative dispute resolution (if applicable) and shall place the case on a list for a pre-trial conference.

a. In matters it deems complex or otherwise in its sole discretion, the Court may defer setting a deadline on any of the items set forth in subsection (6) and may schedule one or more review conferences at which time the Court can address or re-address the case management order.

b. If the case was not initiated as one subject to compulsory arbitration but the Court determines at the time of the conference that it should have been filed as

such, the Court may order the case to proceed through arbitration and schedule the arbitration hearing at that time.

c. If the case is one initiated by a Writ of Summons to which a complaint has not yet been filed, the Court shall make inquiry of whether Plaintiff anticipates filing a complaint within 90 days of the conference. If a complaint is not anticipated, or the Court deems it appropriate, the Court may schedule a review conference at a time when the Court can re-address the case management order, or the Court may, in its discretion, set a schedule for the filing of a complaint and the close of all pleadings.

d. If the case is an appeal from a civil judgment of the Magisterial District Courts, and a complaint has been filed, the Court may schedule the case for arbitration, or it may, in its discretion, schedule a review conference at a later time.

e. If the case is an appeal from a civil judgment of the Magisterial District Courts, and a complaint has not been filed, the Court shall make inquiry of whether Plaintiff anticipates filing a complaint within 90 days of the conference. If a complaint is not anticipated, or the Court deems it appropriate, the Court may schedule a review conference at a time when the Court can re-address the case management order, or the Court may, in its discretion, set a schedule for the filing of a complaint and the close of all pleadings.

[6] (7) Failure of one or both parties to appear at the time of the case management conference or a party's failure to prepare the case summary as required in subsection (5) may result in sanctions, at the discretion of the Court including, but not limited to:

a. The scheduling of a subsequent conference where one party fails to appear and an award of counsel fees to the party appearing, See 42 Pa.C.S.A. § 2503(7) (relating to dilatory, obdurate or vexatious conduct);

b. The adoption of the proposed schedule provided by the party appearing where one party fails to appear, or by the party in compliance with these rules where one party fails to provide the Court with a case summary;

c. Any other sanction the Court deems appropriate.

[7] (8) Nothing in this section shall be construed as to prevent either party from presenting a motion requesting a case management conference or from the Court *sua sponte* doing so, pursuant to LR212.2B, such that the Court may enter a new or amended case management order at that time.

Note: Parties are encouraged to engage in pre-trial discovery at the earliest possible opportunity in accordance with the Pennsylvania Rules of Civil Procedure. Nothing contained in this rule should be construed as to prevent the parties from engaging in discovery prior to the case management conference.

FORM 301A

([CAPTION] COVER SHEET WITH CAPTION)

LR301 CIVIL CASE SUMMARY

NATURE OF THE CASE

1. Please set forth the general nature of the case:

PENDING/ANTICIPATED PRELIMINARY OBJECTIONS/MOTIONS FOR JUDGMENT ON THE PLEADINGS

2. Are there any pending or anticipated preliminary objections or motions for judgement on the pleadings in this case?
Yes _____ No _____

If yes, please provide more detail:

SUGGESTED DATES

3. Set forth suggested dates for the following:
Date by which fact discovery should be completed:
Date by which expert reports should be exchanged:
Dates by which dispositive motions and responses thereto should be filed:
Dates proposed for pre-trial conference:

WRIT OF SUMMONS/MDJ APPEAL

4. Is this a case which has either been initiated by a Writ of Summons or is an appeal of a civil judgment from the Magisterial District Courts and a complaint has not yet been filed? Yes _____ No _____
If so, does the Plaintiff anticipate filing a complaint within 90 days of the case management conference?
Yes _____ No _____

ADR

5. Are you interested in attempting to resolve this case by a method of alternative dispute resolution? Yes _____
No _____
a. If yes, select one or more of the following:
Mediation Arbitration Binding 6-Member Jury Panel

MORTGAGE FORECLOSURE**LR1143. Initial Case Management Conference.**

The Court shall hold case management conferences for all mortgage foreclosure actions, one day per month as shall be designated in the Court calendar. The Court Administrator shall set forth dates for case management conferences for the subsequent calendar year no later than October of the current year so that conferences can properly be scheduled.

For all new filings in mortgage foreclosures:

(1) The Prothonotary shall assign the case to a judge using the Infocon system.

(2) A case management conference shall be automatically scheduled at the time of the initial case filing by the Prothonotary, utilizing the Infocon system, to be held on the first month following the month of the initial case filing, on a date set forth in the Court calendar.

(3) At least 7 days prior to the case management conference, each party shall file with the Prothonotary, provide a copy to the Court, and serve a copy on opposing parties or counsel for opposing parties, a brief case summary, not to exceed three (3) pages in length:

a. This case summary shall be substantially in accordance with Form 1143(a) and shall set forth whether there are any motions for judgment on the pleadings or preliminary objections pending or anticipated, suggested dates for the completion of discovery, suggested dates by which to file dispositive motions, amenability of the parties to participate in Housing Opportunities of Beaver County mortgage conciliation program.

(4) At the time of the case management conference, the Court shall, after consultation with the parties, issue a case management order setting forth a timeline for discovery, the filing of dispositive motions and shall place the case on a list for pre-trial conference.

(5) Failure of one or both parties to appear at the time of the case management conference or a party's failure to prepare the case summary as required in subsection (3) may result in sanctions, at the discretion of the Court including, but not limited to:

a. The scheduling of a subsequent conference where one party fails to appear and an award of counsel fees to the party appearing. See 42 Pa.C.S.A. § 2503(7) (relating to dilatory, obdurate or vexatious conduct);

b. The adoption of the proposed schedule provided by the party appearing where one party fails to appear, or by the party in compliance with these rules where one party fails to provide the Court with a case summary;

c. Any other sanction the Court deems appropriate.

(6) Nothing in this section shall be construed to prevent either party from presenting a motion, requesting a case management conference, or to prevent the Court from sua sponte doing so pursuant to LR212.2B, such that the Court may enter a new amended case management order at that time.

Note: Parties are encouraged to engage in pre-trial discovery at the earliest possible opportunity

in accordance with the Pennsylvania Rules of Civil Procedure. Nothing contained in this rule should be construed as to prevent the parties from engaging in discovery prior to the case management conference.

Should a case be removed from the Residential Mortgage Foreclosure Conciliation Program, a case management conference shall be scheduled by the Court under the conditions of paragraphs (3)—(6) above.

FORM 1143(a)

(COVER SHEET WITH CAPTION)

LR1143 MORTGAGE FORECLOSURE CASE SUMMARY

PENDING/ANTICIPATED PRELIMINARY OBJECTIONS/MOTIONS FOR JUDGEMENT ON THE PLEADINGS

1. Are there any pending or anticipated preliminary objections or motions for judgement on the pleadings in this case?

Yes _____ No _____

If yes, please provide more detail:

SUGGESTED DATES

2. Set forth suggested dates for the following:

Date by which fact discovery should be completed: _____

Dates by which dispositive motions and responses thereto should be filed:

Dispositive motions _____

Responses thereto _____

Date proposed for pre-trial conference: _____

3. Are you interested in applying to the Housing Opportunities of Beaver County mortgage conciliation program?

Yes _____ No _____

Has the Defendant made application for the program?

Yes _____ No _____

COMPULSORY ARBITRATION

LR1301A. [Untitled].

These Rules apply to the following civil matters or issues which shall be submitted to compulsory arbitration under Section 7361 of the Judicial Code **and were filed with the Prothonotary after January 1, 2022:**

1. All civil actions, as defined in Pa.R.C.P. No. 1001(a) and (b)(1), as amended, for money damages where the amount in controversy on any claim is [**\$25,000.00**] **\$35,000** or less, exclusive of interest and costs. The amount in controversy shall be determined from the pleadings, by agreement of the parties or by the court.

2. Where no appearance has been entered or a default judgment has been entered in a civil action and the plaintiff desires to have the damages assessed in an amount not to exceed [**\$25,000.00**] **\$35,000**.

3. By agreement of reference signed by the parties or their counsel. Such agreement shall define the issues and contain such stipulation as to facts, admissions or waivers of defenses or proofs as are agreed upon.

4. Cases in which the amount in controversy exceeds [**\$25,000.00**] **\$35,000** but does not exceed \$50,000.00 may be submitted to arbitration under these rules where all parties have consented thereto in writing and such written consent is filed.

5. For all actions filed prior to January 1, 2022, the arbitration limit shall remain \$25,000.00 pursuant to the former LR1301A, unless all parties have consented otherwise, in writing, and such written consent is filed.

Note: Notwithstanding the increase in the arbitration limit to \$35,000.00, on appeal, parties who make an election pursuant to Pa.R.C.P. No. 1311.1 will be limited to \$25,000.00.

LR1301B. Exceptions.

These rules shall not apply to the following matters:

1. Action in Ejectment;
2. Action to Quiet Title;
3. Action in Replevin, unless authorized by the court;
4. Action in Mandamus;
5. Action in Quo Warranto;
6. Action of Mortgage Foreclosure;
7. Actions upon Ground Rent;
8. Foreign Attachment;
9. Fraudulent Debtors Attachment; and
10. Where claims for relief were heretofore asserted in an action in equity.

LR1301C. Compensation of Board.

Each member of the Board of Arbitration who has signed an award, whether as a majority or as a dissenter, shall receive as compensation a daily fee in an amount as set by the Court from time to time by special order. Where hearings exceed one day, the arbitrators may petition the court for additional compensation which may be granted for cause shown. Any such request should be made prior to submitting the award to the Court Administrator as required by Local Rule 1306.

LR1301D. Procedure for Payment.

Upon the filing of the arbitrator's award, the Prothonotary shall certify such filing to the County Commissioners and to the County Controller, together with the names of the members of the Board and an Order for payment. The County Commissioners and Controller shall thereupon pay the applicable fee to each member of the Board. Such fees shall not be taxed as costs in the case.

LR1301E. Discovery.

Discovery in Compulsory Arbitration cases subject to these rules shall be governed by LR4011 and shall be completed on the last business day of the fourth month after the month of the initial filing, unless leave of court for an extension of time is secured for cause shown.

LR1302A. Eligibility to Serve as Arbitrators.

Only persons actively engaged in the practice of law in Beaver County shall be eligible to serve as Arbitrators. For purposes of this rule, "persons actively engaged in the practice of law" is defined as: persons who are authorized by the Pennsylvania Supreme Court to practice law and who regularly maintain their principal office in Beaver County for the practice of law, excluding all attorneys employed full time by Beaver County unless their Department Head consents in writing to their eligibility. **Any person who desires to serve as an Arbitrator must attend an arbitration seminar approved by the Court Administrator.**

LR1302B. Qualifications as Chairman.

Only persons admitted to the practice of law for at least fifteen (15) years and who have extensive civil trial experience are eligible to serve as Chairmen of the Boards of Arbitrators.

LR1302C. List of Arbitrators.

The Court Administrator of Beaver County shall, with the approval of the President Judge, on or before October 1 of each year, compile a list of persons eligible to serve as Arbitrators including persons eligible to serve as Chairmen of Boards of Arbitrators. Persons who have been determined to be eligible shall file a written consent to serve as an Arbitrator or Chairman with the Court Administrator. Arbitrators and Chairmen shall be selected alphabetically as nearly as possible by the Court Administrator in accordance with LR1302D from the persons who have filed a consent to serve.

LR1302D. Selection of Board.

Boards of Arbitrators shall be selected by the Court Administrator to serve on each arbitration day designated by the Court. Two Arbitrators and a Chairman shall be selected from the list of eligible persons who have consented to serve and appointed to each Board. At least one of the two other arbitrators shall have significant civil trial experience. The Court Administrator shall give each Arbitrator at least ninety (90) days written notice of the date the Arbitrator is to serve.

LR1302E. Scheduling of Cases.

(a) All cases subject to Compulsory Arbitration, shall be scheduled for hearing on the arbitration date for the sixth month after the month of the initial case filing.

(b) Upon the initial filing of a case subject to Compulsory Arbitration, the Prothonotary shall issue an Arbitration Order setting forth the deadline for discovery and the Arbitration hearing date. The filing party shall serve a copy of the Arbitration Order with the initial filing and shall deliver a copy of the Arbitration Order to the Court Administrator.

(c) All requests for a continuance with good cause shown must be submitted to and approved by the Court to a date to be selected by the Court Administrator. **[Copies of all hearing notices shall be filed with proof of mailing.] Continuances requested within 10 calendar days of the scheduled arbitration will not be granted barring unforeseen circumstances arising and/or good cause shown. Copies of all orders associated with the motion to continue must be served on all parties by the presenting party.**

(d) The Court Administrator shall schedule a sufficient number of cases for hearing on each arbitration day and give written notice of the hearing date to counsel for all parties and to pro se litigants at least forty-five (45) days prior to the scheduled hearing date.

(e) When scheduling cases for hearing, the Court Administrator shall avoid the creation of conflicts of interest with Arbitrators. The notice of hearing shall identify the members of the Board of Arbitration. Any objection to an Arbitrator shall be made to the Court within twenty (20) days of mailing the notice and, if sustained, will be grounds to continue the hearing.

(f) If the case is initiated by Writ of Summons and no Complaint has been filed as of the time of the scheduled arbitration hearing, the Arbitration panel shall refer the case to the Civil Administrative judge for ruling.

(g) All appeals from Arbitration shall be considered an initial case filing pursuant to LR301 and scheduled for a case management conference by the Prothonotary.

LR 1302F. Vacancies and Substitute Arbitrators.

An Arbitrator who has a conflict or is unable to attend a scheduled hearing date must immediately notify the Court Administrator. The Court Administrator shall appoint a substitute Arbitrator of similar experience (i.e., a Chairman position will only be filled by another eligible Chairman). Absent good cause, if an Arbitrator is unable to serve, then the Arbitrator must provide notice to the Court Administrator twenty (20) calendar days prior to the scheduled hearing date.

Should a vacancy on the Board of Arbitration occur for any reason prior to hearing, or should a member of the Board be unable to serve or fail to attend on the arbitration day, the Court Administrator shall be notified and shall appoint a substitute. The appointment of the substitute Arbitrator shall be communicated to all parties or their counsel prior to the commencement of the hearing. If a party has an objection to the substitute, it shall be made forthwith or be waived.

Should an Arbitrator fail to appear on the scheduled arbitration day, without good cause, or without having notified the Court Administrator at least **[ten (10)] twenty (20) calendar** days prior thereto, then that Arbitrator shall be removed from the list of eligible

Arbitrators. [In the event a substitute Arbitrator cannot be appointed, sanctions may be imposed against the delinquent Arbitrator.] Sanctions may be imposed against the delinquent Arbitrator. A delinquent Arbitrator may petition the Court for reinstatement onto the list of eligible Arbitrators for good cause shown.

[LR1303.] LR1303A. Arbitration Hearings—Notice.

(a) Arbitration hearings shall be conducted at the Beaver County Courthouse pursuant to assignment by the Court Administrator. Prior to the commencement of the hearing, the Prothonotary shall administer the oath of office in the form mandated by Pa.R.C.P. 1312, to each arbitrator and deliver the file to the Chairman.

(b) Counsel will only be permitted to participate in the arbitration hearing if they have filed an Entry of Appearance with the Prothonotary's Office.

Note: Coverage counsel/local counsel is encouraged to enter their appearance as "co-counsel" so that out-of-county counsel will continue to receive notices from the Court.

(c) If a party believes a case will require over an hour for presentation, then at least thirty (30) calendar days prior to the arbitration hearing that party should present a motion to the Civil Motion's Judge requesting more time for arbitration. In its discretion, the Court may schedule any cases which require more time for a non-jury trial. The Board of Arbitrators shall have discretion to allow expansion of or to limit the time for the presentation of a case.

(d) Every Complaint filed initially in Compulsory Arbitration, whether filed by a plaintiff against a defendant or by a defendant against an additional defendant, shall contain a Notice of Duty to Appear at Arbitration Hearing (FORM 1303) following the Notice to Defend which is required by Pa.R.C.P. 1018.1(b).

(e) For any case which is not filed initially in Compulsory Arbitration, including but not limited to, appeals from a civil judgment of a Magisterial District Court and cases which are transferred or assigned to arbitration by Order of Court, or for those cases where FORM 1303 was not included in the Complaint as required by LR1303A(d), any party seeking a claim for money damages shall file with the Prothonotary and serve on all other parties not less than sixty (60) days prior to the scheduled arbitration hearing, a Notice of Duty to Appear at Arbitration Hearing (FORM 1303).

Note: Failure of a party seeking a claim for money damages to comply with Rule LR1303A(d) or (e) would result in that party being barred from proceeding with a non-jury trial in lieu of an arbitration as provided in LR1303B.

LR1303B. Failure to Appear for Hearing.

(a) If a party fails to appear for a scheduled arbitration hearing, the matter may, if all present parties agree and have complied with LR1303A(d) and (e), as the case may be, be transferred immediately to a Judge of the Court of Common Pleas, if available, for an ex parte hearing on the merits and entry of a non-jury verdict, from which there shall be no right to a trial de novo on appeal.

(b) A non-jury verdict entered at a hearing held pursuant to LR1303B(a) shall not exceed \$25,000.00 (exclusive of interest and costs) to any party.

Note: This local rule results in the loss of the right to a trial de novo on appeal, as described in the local rule. A dismissal or judgment which results from this local rule will be treated as any other final judgment in a civil action, subject to Pa.R.C.P. 227.1. A licensed attorney appearing for a party is considered an appearance for purposes of this rule.

FORM 1303 NOTICE OF DUTY TO APPEAR AT
ARBITRATION HEARING

(Caption)

DUTY TO APPEAR AT ARBITRATION HEARING

YOU HAVE BEEN SUED IN COURT. The Notice to Defend contained in the Complaint explains what you must do to dispute the claims made against you. If you file the written response referred to in the Notice to Defend, a hearing before a board of arbitrators will take place at a time and place to be designated by the Beaver County Court Administrator.

IF YOU FAIL TO FILE THE RESPONSE DESCRIBED IN THE NOTICE TO DEFEND, A JUDGMENT FOR THE AMOUNT CLAIMED IN THE COMPLAINT MAY BE ENTERED AGAINST YOU BEFORE THE HEARING.

IF ONE OR MORE OF THE PARTIES IS NOT PRESENT AT THE HEARING, THE MATTER MAY BE HEARD AT THE SAME TIME AND DATE BEFORE A JUDGE OF THE COURT WITHOUT THE ABSENT PARTY OR PARTIES. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.

INFORMATION ABOUT THE DATE, TIME AND LOCATION OF THE ARBITRATION HEARING CAN BE OBTAINED FROM THE BEAVER COUNTY COURT ADMINISTRATOR'S OFFICE SET FORTH BELOW:

Beaver County Court Administrator

Beaver County Courthouse

810 3rd St.

Beaver, PA 15009

Telephone: (724) 770-4700

LR1304. Powers of Arbitrators.

The Board of Arbitrators shall have the powers conferred upon them by law, including the power to permit the amendment of any pleading. The Arbitrators' permission and the amendment must be filed in writing promptly.

Note: 1. See Pa.R.C.P. Nos. 1303(b) and 1304(a) for the power of arbitrators to act when a party fails to appear or is not ready.

LR1306. Arbitration Award.

The Board shall submit its award to the Court Administrator who shall note the same on its records and forthwith file the award with the Prothonotary. Failure to submit the Award promptly may result in the imposition of sanctions, including forfeiture of the Arbitrator's fees.

ACTIONS FOR CUSTODY, PARTIAL CUSTODY AND VISITATION OF MINOR CHILDREN

LR1915a. Custody (Corresponds to Pa.R.C.P. 1915.3, 1915.4, 1915.4-1, 1915.4-2, 1915.4-3 and 1915.4-4).

1. *Scheduling the Custody Conference.* When filing a claim for custody or partial custody in a Complaint or a subsequent claim, the moving party shall:

(a) Present the pleading to the Administrative Custody Judge during Motions Court to obtain the Court's signature on the scheduling Order. Immediately thereafter, obtain a date and time for the Conference from the Administrative Custody Judge. The Judge's Chambers will make a copy of the pleading and Order to be forwarded to Juvenile Services Division.

(b) File the original pleading and Order in the Prothonotary's Office.

(c) Serve a clocked copy of the pleading and Order on counsel of record and/or unrepresented parties, with proof of service to be filed in the Prothonotary's Office, and a copy of the proof of service to be provided to the Child Custody Conference Officer at or prior to the time set for the Conference.

(d) When a Petition for Contempt of a Custody Order is filed, the Judge shall schedule the Contempt Petition for a Status Conference or Hearing before the Court, or for a Conciliation Conference before a Conference Officer. If a Petition for Contempt is filed at or about the same time as a Petition for Modification of a Custody Order, the Judge may order the Contempt Petition to be mediated by the Conference Officer at the same time as the Petition for Modification. If the matter is not resolved at the Conciliation Conference, the Court shall schedule a Status Conference or a Hearing on the Contempt matter, or if Exceptions are filed to the Proposed Order of Custody, the Judge may consolidate the Contempt matter with the Pre-Trial Conference and/or Trial scheduled on the Modification Petition.

(e) In order to facilitate compliance with the requirements of the Uniform Child Custody Jurisdiction Enforcement Act, a party shall provide the Court with all known information concerning a Custody proceeding pending in another state which involves the same parties or children.

Note: In particular, the Court should be informed of the following: (1) the name and address of the Court in which such case is pending; (2) the caption of such case; (3) the name, address and telephone number of the Judge to whom the case might have been assigned, and (4) any Orders entered in such case. Information provided under this Rule should be submitted in writing and attached to the Complaint/Petition.

(f) All Petitions for Modification of Custody Orders shall have attached thereto, unless excused by the Court for good cause shown, copies of the Petitioner's Certificate of Completion of the mandatory Educational Seminar as required in LR1915A, as well as proof of compliance with all counseling and other services mandated in the Order sought to be modified. If such proof and the Certificate of Completion are not attached, the Court may refuse to entertain the Petition.

2. *Preliminary Objections.* Any party filing Preliminary Objections raising issues of jurisdiction or venue of the Court to act, shall, concurrently with filing the same with the Prothonotary, deliver a true and correct copy of the Preliminary Objections to the Judge assigned to handle Custody matters and to opposing counsel and/or to any

party not represented by counsel. The Judge will schedule the matter for Argument on a priority schedule to dispose of the issues as expeditiously as possible.

3. *Conduct of Conciliation Conference Officer.*

(a) The Child Custody Conference Officer will convene a Conciliation Conference, as scheduled by the Court, which Conference shall be attended by the parties and their legal counsel, if any.

(b) Before counsel appears before the Child Custody Conference Officer, counsel must enter his/her Appearance on the record in the Prothonotary's Office, provide notice to all opposing counsel or party(ies) and have proof of entry of Appearance available at the Conference.

(c) Counsel for the parties, or the parties themselves if unrepresented, are to provide true and correct copies of any exhibits to be shown to the Child Custody Conference Officer at the Conference, to counsel for the opposing party or to the opposing party if unrepresented, at least five (5) days prior to the scheduled Conference. Failure to comply may, at the discretion of the Child Custody Conference Officer, result in the exclusion of the exhibit from consideration, the rescheduling of the Conference to allow the opposing party an opportunity to respond or other action deemed appropriate by the Child Custody Conference Officer, keeping in mind the Officer's need to evaluate the best interest of the child(ren).

(d) The parties, counsel and the Child Custody Conference Officer, as mediator or conciliator, shall make a good-faith effort to resolve the issues and reach agreement on custody and/or partial custody. The Child Custody Conference Officer shall conduct the Conciliation Conference as an informational and conciliatory proceeding rather than confrontational or adversarial.

(e) No scheduled Custody Conference shall be rescheduled by any party or counsel without the prior expressed consent of the opposing party or counsel or Order of Court issued upon a Motion to Continue submitted in accordance with LR208.3(a)(3).

4. *Procedure After Conciliation Conference.*

(a) If the parties reach agreement, the Child Custody Conference Officer shall submit an Agreed Order to the Court bearing the written consents, evidenced by signatures of the parties and their counsel, if any. Neither the parties nor counsel need to appear before the Court for the Court's approval of the Agreed Order.

(b) If, for any reason, the parties do not reach agreement, the Child Custody Conference Officer shall file a written report with the Court within five (5) business days, unless otherwise extended by agreement of counsel, or the parties if unrepresented. The report shall be in a narrative form and shall include the positions of the parties, proposed settlements of the parties, if any, and the recommendation of the Child Custody Conference Officer, together with reasoning for the recommendations and either a Proposed Order or a Temporary Order. Upon receipt and review of the report, the Court shall issue a Proposed Order or a Temporary Order and promptly provide a copy thereof, together with a copy of the Child Custody Conference Officer's report, except for that portion of the report relating to comments from the minor child(ren), to counsel for the parties, or the parties themselves if not represented by counsel.

(c) A Proposed Order shall be entered as a Final Order unless Exceptions thereto are filed by either party within twenty (20) days after the effective date set forth in the Proposed Order. Exceptions may also be filed to a Tempo-

rary Order at any time during the existence of the Temporary Order, but the Court will decide whether the Exceptions will be remanded back to the Child Custody Conference Officer for further proceedings and recommendation or set down by the Court for a Pre-Trial Conference as provided for herein. The Court may Order, if circumstances warrant, that should Exceptions be filed, the Proposed Order shall be effective as a Temporary Order pending further Order of Court.

(d) Exceptions to the Proposed Order or Temporary Order must be in writing and should state, with particularity, the portion(s) of the Order objected to. The Exceptions must be filed with the Prothonotary, and copies thereof must be delivered forthwith to the Court Administrator's Office, as well as to all counsel and/or unrepresented parties of record.

(e) Failure of any party, having primary or shared physical custody of a child, to appear at a scheduled Conciliation Conference or Pre-Trial Conference will result in the scheduling of the matter for a Hearing before the Court and may result in imposition of sanctions by the Court.

(f) Failure of any party, not having primary physical custody of a child, to appear at a scheduled Conciliation Conference or Pre-Trial Conference may result in the Court's entry of a Proposed Final Order or a Temporary Order, as the Court determines to be warranted under the circumstances found to be present, and may result in the imposition of sanctions.

5. *Pre-Trial Conference.*

(a) Upon receipt of the Exceptions by the Court Administrator's Office, the Court will schedule a Pre-Trial Conference to be attended by all counsel and parties, whether represented by counsel or not. A Pre-Trial Conference with the Court will be scheduled in every case and will be waived only with the consent of the Court.

(b) No later than five (5) days prior to the date scheduled for Pre-Trial Conference, each attorney and each party not represented by counsel must file a completed Pre-Trial Information Statement, on or in a form approved by the Court, at the Court Administrator's Office for the presiding Judge, with copies provided to opposing counsel and/or unrepresented parties of record.

(c) Failure of any party, having primary or shared physical custody of a child, to appear at a scheduled Conciliation Conference or Pre-Trial Conference, will result in the scheduling of the matter for a Hearing before the Court and may result in imposition of sanctions by the Court.

(d) Failure of any party, not having primary physical custody of a child, to appear at a scheduled Pre-Trial Conference, may result in the Court's entry of a Proposed Final Order or a Temporary Order, as the Court determines to be warranted under the circumstances found to be present, and may result in the imposition of sanctions.

LR1915b. Reduced-Fee Program.

1. Any individual who is referred under Neighborhood Legal Services Association's Pro Bono or Reduced-Fee Programs to a participating member of the Beaver County Bar Association for representation as a litigant in a Custody Action and who is certified by NLSA to be income eligible under Legal Services regulations, shall be granted leave to proceed In Forma Pauperis. Counsel representing these individuals shall present to the Prothonotary a Praeceptum for Permission to Proceed In Forma Pauperis, which shall be endorsed by counsel, and which

shall have attached to it a Certificate of Eligibility prepared by NLSA. The Praeceptum shall be substantially in the following form:

(CAPTION)

Praeceptum to Proceed in Forma Pauperis

To the Prothonotary: Kindly allow {Plaintiff's/Defendant's Name}, the Plaintiff/Defendant, to proceed In Forma Pauperis.

I, {Attorney's Name}, attorney for the party proceeding In Forma Pauperis, certify that I believe the party is unable to pay the costs and that I am providing free legal services or reduced-fee legal services to the party pursuant to the Reduced-Fee or Pro Bono Referral Programs of Neighborhood Legal Services Association. The party's Certificate of Eligibility prepared by Neighborhood Legal Services Association is attached hereto.

Name of Attorney for {Plaintiff/Defendant}
Address
Telephone Number
Supreme Court ID Number

2. Any participating member of the Beaver County Bar Association who provides representation to a Custody litigant on a Motion for Special Relief or at a Child Custody Conference pursuant to a referral from NLSA's Pro Bono or Reduced-Fee Programs, shall be permitted to enter a Limited Appearance. The Praeceptum for Entry of Limited Appearance shall be substantially in the following form:

(Caption)

Praeceptum for Entry of Limited Appearance

To the Prothonotary: Kindly enter my Limited Appearance for {Plaintiff's/Defendant's Name}, the Plaintiff/Defendant, in the above-captioned matter. This Appearance is limited to providing representation {on the filed on behalf of this party/at the Custody Conference scheduled in this matter for [date of Conference]}.

Name of Attorney for {Plaintiff/Defendant}
Address
Telephone Number
Supreme Court ID Number

3. Upon completion of the representation under the above-described referral programs, the attorney shall file a Praeceptum for Withdrawal of Limited Appearance. This Praeceptum shall be filed without leave of Court, and it shall not be required to, but may, contain information about another attorney who may be entering his/her Appearance [**at the same time**] **contemporaneously**. This Praeceptum shall direct the Prothonotary to send all future notices directly to the client and shall set forth the client's last-known address. The Praeceptum for Withdrawal of Limited Appearance shall be substantially in the following form:

(Caption)

Praeceptum for Withdrawal of Limited Appearance **Pursuant to LR 1915b**

To the Prothonotary: Kindly withdraw my Limited Appearance for {Plaintiff's/Defendant's Name}, the Plaintiff/Defendant, in the above-captioned matter.

LR1915.11-1. Parenting Coordination.

Beaver County implements a Parenting Coordination program pursuant to Pa.R.C.P. 1915.11-1.

(a) Appointment of a Parenting Coordinator.

(1) Appointment of a Parenting Coordinator shall be considered and appointed by the Court pursuant to Pa.R.C.P. 1915.11-1.

Any party seeking a reduced fee must present a Petition to Proceed in forma pauperis to the Family Court Motion Judge within (3) days of the appointment order absent good cause shown. The form can be found at: <http://www.beavercountypa.gov/Depts/Courts/LawLib/>.

(b) Roster of Approved Parenting Coordinators. The roster of the Court's approved Parenting Coordinators shall be posted at the Court Administration Office located in the Beaver County Courthouse. An attorney or mental health professional seeking to be included on the Beaver County Court's roster of qualified individuals to serve as a Parenting Coordinator shall submit a letter to the Beaver County Court Administration and shall include:

(1) An affidavit attesting the applicant has qualifications found in Pa.R.C.P. 1915.11-1;

(2) An acknowledgment the applicant will follow the Association of Family and Conciliation Courts (AFCC) Parenting Coordinator guidelines and has read the American Psychological Association (APA) Parenting Coordinator Guidelines; and

(3) An acknowledgment of responsibility to accept reduced fee or no fee assignments each year no more than twenty (20) hours a year, as needed. (Appointments for reduced or no fee assignments will be made on a rotating basis for all Parenting Coordinators on the Court's roster).

AFCC Parenting Coordinator guidelines are posted at: <https://www.afccnet.org/>; and the APA Parenting Coordinator Guidelines are posted at: <https://www.apa.org/>.

(c) Parenting Coordinator Recommendations.

(1) The Parenting Coordinator shall file their Summary and Recommendations with the Prothonotary and the Judge assigned to the case, or if no assignment has been made, the Family Court Administrative Judge, within two (2) days after the last communication with the parties on the issues in accordance with Pa.R.C.P. 1915.11-1(f). Proof of service shall be filed.

(2) Objections to Parenting Coordinator's Recommendation(s) and Petition for a Record Hearing.

a) A party objecting to the Recommendations must file original Objections and a Petition for a Record Hearing with the Prothonotary and must deliver a copy to the assigned Family Court Judge, or if none, to the Family Court Administrative Judge, within five (5) days of service of the Sum-

mary and Recommendations together with a Proof of Service upon all parties and the Parenting Coordinator.

b) The Objections and Petition shall be required as directed in Pa.R.C.P. 1915.11-1(f).

c) In the event Objections are filed, the Court receiving a copy of the objection shall schedule a timely proceeding.

(3) Court Review of Parenting Coordinator's Recommendations. If no objections to the Parenting Coordinator's Recommendation are filed with the Prothonotary, the Judge assigned to the case, or if none, the Family Court Administrative Judge, will review the Recommendation in accordance with Pa.R.C.P. 1915.11-1(f)(4).

(d) Fees. Parties who request the appointment of a Parenting Coordinator or who are identified by the Court as benefiting from the appointment of a Parenting Coordinator shall pay the Parenting Coordinator as follows:

(1) At a rate to be determined at the time of the appointment.

(2) Absent good cause shown, each party shall pay fifty percent (50%) of the hourly fee, or the fee may be allocated as deemed appropriate by the Court. See Pa.R.C.P. 1915.11-1.

(3) Absent good cause shown, each party shall pay up to \$500.00 as an initial retainer, or the retainer may be allocated. See Pa.R.C.P. 1915.11-1.

(4) If after review of the In Forma Pauperis Petition, the parties combined gross income and family size is at or below federal poverty guidelines, the Parenting Coordinator's fee shall be considered for a waiver/reduced fee or one paid by the County of Beaver.

(e) Miscellaneous.

(1) A Parenting Coordinator shall not be required to make a Recommendation to the Court, at their discretion, on every disputed issue raised by the parties.

(2) The appointing Judge may reject a Recommendation from a Parenting Coordinator without a proceeding, at their discretion, if the disputed issue exceeds the authority set forth in Pa.R.C.P. 1915.11-1.

ACTIONS OF DIVORCE OR ANNULMENT OF MARRIAGELR1920.33(b). Pre-Trial Conference.

When a divorce case which contains contested claims is at issue, either party may present to the judge assigned to divorce matters a motion for a pre-trial conference. A party requesting a pre-trial conference must first have filed an inventory prepared in compliance with Pa.R.C.P. No. 1920.33(a); the motion requesting the pre-trial conference must so certify.

Advance notice must be given in accordance with [LR208.3(a)3] LR208.3(a)(3). At least five (5) calendar

days prior to a scheduled pre-trial conference, each party shall file, serve, and deliver to the trial judge a pre-trial statement prepared in compliance with Pa.R.C.P. No. 1920.33(b). This requirement will be strictly enforced. The issues to be addressed at a pre-trial conference shall include settlement, simplification of any unresolved issues, and whether the court or a Master will hear any unresolved issues.

[LR1920.42 Affidavit under Section 3301(d) of the Divorce Code.

The affidavit required under Section 3301(d) of the Divorce Code (the "Affidavit") shall be filed with the Prothonotary before it is served. The opposing party must be served with a certified copy of the Affidavit. The moving party must wait a minimum of twenty (20) days after service of the Affidavit before serving the Notice of Intention to File Praecipe to Transmit the Record and Counter Affidavit or filing the Waiver of Notice authorized by Pa.R.C.P. 1920.42(e).]

LR1920.43. Special Relief.

A party seeking special relief must give notice to opposing counsel, or to an unrepresented opposing party, of his or her intention to seek such special relief in accordance with LR206.1(c). If immediate relief is requested, or if the request for relief is such as would likely be opposed, a copy of the notice, the petition, and the proposed order shall be delivered to the judge to whom the request is to be made at least three (3) business days before the request is to be presented.

LR1920.51. Proceedings Before Master.

If a party seeks to continue a hearing or other proceeding which has been set by the Master, and the other party opposes the continuance, the motion requesting a continuance of the matter pending before the Master shall be presented to the judge who appointed the Master in accordance with LR208.3(a)3.

LR1920.55-2. Exceptions to a Master's Report.

Counsel or an unrepresented party who files exceptions to a Master's Report shall, concurrently with the filing, deliver a copy of the exceptions to the judge who appointed the Master.

LR8000.5. Pretrial Procedure.

The Court shall hold Initial Case Management Conferences for all real estate tax assessment appeal cases on dates and times set by the Court.

(a) For all new filings in real estate tax assessment appeal cases:

(1) The Prothonotary shall assign the case to a judge using the Infocon system.

(2) An Initial Case Management Conference shall be automatically scheduled at the time of the initial case filing by the Prothonotary, utilizing the Infocon system, to be held on a date to be determined by the Court.

(3) At least 7 days prior to the case management conference, each party shall file with the Prothonotary, provide a copy to the Court, and serve a copy on opposing parties or counsel for opposing parties, a brief case summary, not to exceed three (3) pages in length:

a. This case summary shall be substantially in accordance with Form 8000.5A and shall set forth suggested dates for the completion of expert and fact discovery, suggested dates by which to file dispositive motions, and a proposed date for a pre-trial conference.

(4) At the time of the case management conference, the Court may, after consultation with the parties, issue a case management order assigning the case to the residential property case management track pursuant to LR 8000.5(b), the non-residential property case management track pursuant to LR 8000.5(c), submit the case to a master for disposition pursuant to LR 8000.6, 8000.7, 8000.8, and 8000.9, or enter a case management order setting forth specially-set deadlines for discovery, the filing of dispositive motions, the exchange of expert reports, and the scheduling of a pre-trial conference.

[(a)] (b) If assigned to the residential property case management track at the time of the case management conference, the following schedule shall govern the appeal:

(1) The Court Administrator shall schedule a first pretrial conference within ninety (90) days of the case management conference. At the time of the pretrial conference, all counsel and the parties, or a designated representative, shall be present.

(2) If after the first pretrial conference, the parties have not negotiated in good faith or for other reasons, this Court may, in its discretion, order the parties to exchange appraisal reports (if appropriate) within ninety (90) days. If a party fails to provide an appraisal within the time period provided by this rule, by leave of court, or within such time as agreed to by the parties and approved by the Court, then, upon motion, the Court may preclude that party from presenting any evidence of valuation at trial.

(3) Each party of record shall file a Pretrial Memorandum within one hundred and twenty (120) days of the case management conference. The Pretrial Memorandum shall set forth (1) the contended assessed value of the subject real estate; (2) the names of all witnesses to be called at the hearing; (3) a list of all exhibits intended to be introduced at the hearing; (4) any pre-trial motions, with supporting legal authority; (5) a summary of any legal issues; and (6) a copy of any appraisal to be presented at the hearing.

(4) The Court Administrator shall schedule a conciliation conference within one hundred and eighty (180) days of the filing of the appeal. At the time of conciliation, all counsel and the parties, or a designated representative, shall be present. The property owner, or their designated representative, shall have full authority to settle. The conciliation conference may be the same day as the hearing before the master.

(5) These deadlines shall only be extended for good cause shown via motion presented during Tax Assessment Appeal Motions Court in compliance with LR208.3(a).

[(b)] (c) If assigned to the non-residential property case management track at the time of the case management conference, the following schedule shall govern the appeal:

(1) Discovery requests shall be propounded within forty-five (45) days of the filing of the appeal.

(2) Responses to discovery shall be furnished within forty-five (45) days of the date of the requests.

(3) The Court Administrator shall schedule a first pretrial conference within ninety (90) days of the case management conference. At the time of the conference, all counsel and the parties, or a designated representative, shall be present.

(4) If after the first pretrial conference, the parties have not negotiated in good faith or for other reasons, this Court may, in its discretion, order the parties to exchange appraisal reports (if appropriate) within ninety (90) days. If a party fails to provide an appraisal within the time period provided by this rule, by leave of court, or within such time as agreed to by the parties and approved by the Court, then, upon motion, the Court may preclude that party from presenting any evidence of valuation at trial.

(5) Each party of record shall file a Pretrial Memorandum within one hundred and eighty (180) days of the case management conference. The Pretrial Memorandum shall set forth (1) the contended assessed value of the subject real estate; (2) the names of all witnesses to be called at the hearing; (3) a list of all exhibits intended to be introduced at the hearing; (4) any pre-trial motions, with supporting legal authority; (5) a summary of any legal issues; and (6) a copy of any appraisal to be presented at the hearing.

(6) The Court Administrator shall schedule a conciliation conference within one hundred eighty days (180) days of the case management conference. At the time of conciliation, all counsel and the parties, or a designated representative, shall be present. The property owner, or their designated representative, shall have full authority to settle. The conciliation conference may be the same day as the hearing before the master.

(7) These deadlines shall only be extended for good cause shown via motion presented during Tax Assessment Appeal Motions Court in compliance with LR208.3(a).

FORM 8000.5A

(COVER SHEET WITH CAPTION)

1. LR 8000.5A REAL ESTATE TAX ASSESSMENT APPEAL SUMMARY NATURE OF THE CHALLENGE
Please set forth the general nature and reasons for the appeal.

2. PENDING/ANTICIPATED PRELIMINARY OBJECTIONS/MOTIONS FOR JUDGMENT ON THE PLEADINGS
Are there any pending or anticipated preliminary objections or motions for judgment on the pleadings in this case? Yes _____ or No _____

If yes, please provide more detail:

3. SUGGESTED DATES

Set forth suggested dates for the following:

a. Date by which fact discovery should be completed:

b. Date by which expert reports should be exchanged:

c. Dates by which dispositive motions and responses thereto should be filed:

d. Dates proposed for pre-trial conference:

4. ALTERNATIVE MASTER DISPOSITION

The parties shall state reasons, if any, why the case should not be submitted to a master.

Title 255—LOCAL COURT RULES**BUCKS COUNTY****Amended Clerk of Courts Fee Bill Effective January 1, 2022; Administrative Order No. 103 of 2021****Order**

And now, this 30th day of November, 2021, the Office of the Clerk of Courts Fee Bill effective January 1, 2022, as follows hereto and incorporated herein, is hereby approved by the undersigned, President Judge of the Bucks County Court of Common Pleas, pursuant to 42 Pa.C.S. § 1725.4(a)(1).

By the Court

WALLACE H. BATEMAN, Jr.,
President Judge

Fee Bill 2022**Adopted pursuant to Act No. 36 of 2000****Effective January 1, 2022****MISDEMEANORS AND FELONIES DISPOSED OF BEFORE TRIAL***

For each case ** \$240.00

MISDEMEANORS AND FELONIES DISPOSED OF DURING OR AFTER TRIAL*

For each case ** \$296.00

SUMMARY/CONTEMPT MATTERS

For each Summary case** \$34.00

Notes:

* For purposes of this Fee Bill, a trial begins in a non-jury trial when the prosecution begins its opening statement and in a jury trial when the jury is sworn.

** A "case" is each separate complaint, transcript, or Bill of Information unless consolidated for trial by Order of Court.
Fees set by: Brian Munroe, Clerk of Courts

ADDITIONAL CHARGES ON EACH INFORMATION OR TRANSCRIPT**WHETHER DISPOSED OF BEFORE, DURING, OR AFTER TRIAL**

(Not totally inclusive of all STATE-mandated ACTS)

Charges Mandated by Act 113 of 2001: (portion to County; and portion to State)

FELONY INFORMATION	\$71.00
MISDEMEANOR INFORMATION	\$61.50
SUMMARY CONVICTION except Motor Vehicle	\$54.00
SUMMARY CONVICTION—Motor Vehicle Case	\$42.50
SUMMARY CONVICTION—Motor Vehicle Case with Hearing Demanded	\$51.50

Note: If multiple convictions are involved, only one set of costs will be assessed (highest amount) for each case.

Defendants sentenced to County Probation supervision or placed on County Parole	\$40.00 per month
Defendants subject to A.R.D. agreement or Probation pursuant to Section 17	\$350.00 (ARD Administrative Fee and Supervision Fee)

ADMINISTRATIVE MANAGEMENT FEE cost of handling money paid into court	\$30.00 (maximum)
BENCH WARRANT (Certifications)	\$23.00
WITNESS FEE (For Commonwealth Witnesses)	7 cents per mileage plus \$5.00 per witness per day
CONSTABLE COSTS (from D.J. level)	ACTUAL COST
SHERIFF FEE	\$5.00
TRANSPORTATION Costs	ACTUAL COSTS
Cost of CRIME LAB fees for Commonwealth	ACTUAL COSTS
PAROLE VIOLATION Additional Hearings	\$56.00

ARD/Section 17 VIOLATION Additional Hearings	\$56.00
AUTOMATION FEE (for each initial action or initial legal proceeding)	\$5.00
LAW LIBRARY	\$20.00
BOOKING CENTER FEE	\$250.00
FORENSIC LAB FEE (DUI)	\$150.00

ADDITIONAL FEES

Certifications (includes Drivers License notifications to PA Dept of Transportation and Bail Forfeitures)	\$12.00
APPEALS to Superior, Supreme, or Commonwealth Courts (PLUS \$90.25 check made payable to Appellate Court eff. 11-01-17)	\$63.00
FILING OF ALL OTHER MATTERS IN THE CLERK OF COURTS' OFFICE (includes Bail Assignments) *Addtl \$5 Automation Fee if Misc Case created *	\$21.00*
RECORD SEARCHES (includes name search, one docket print, and/or up to 5 copies from file)	\$21.00
SERVICE CHARGE FOR BAD CHECKS or cancelled Money Orders Received OR Credit/Debit Card reversals	\$35.00
Request to STOP PAYMENT on a check	\$34.00
COPY CHARGE (per page)	\$0.30
MICROFILM COPIES (per page)	\$1.50
DOCKET PRINT OUT (up to 20 pages, each additional \$0.30 per page)	\$5.00
FAX charge	\$1.00
Electronic media copy fee	\$10.00 per CD
SUBPOENA	\$4.25
BAIL PIECE	\$12.00
EXEMPLIFICATIONS (Certifications) Each Additional page	\$12.00 \$1.40
APPEAL FROM SUMMARY CONVICTION * Addtl \$5 Automation Fee *	\$63.00*
EXPUNGEMENT/LIMITED ACCESS PETITION/ORDER (Service includes 5 certified copies of Order) * Addtl \$5 Automation Fee if Misc Case created (1 case per petition or if multiple cases on the same petition, additional certification fees may apply)	\$115.00* (Additional \$132.00 mandated by Act 5 of 2016)

BAIL PROCESSING FEES

BAIL ADMINISTRATIVE FEE (entering and servicing bail (includes Bond)—See Local Rule Crim 535(G)(H)(I)(J). If less than \$100, no refund; exception ROR	\$100.00
R.O.R/Unsecured BAIL BOND	\$12.00
REAL ESTATE BAIL	\$23.00

JUVENILE MATTERS

INITIAL HEARING (each docket)	\$56.00
ADDITIONAL HEARING (per juvenile)	\$43.50

PETITIONS FOR PRIVATE DETECTIVE LICENSE

FILING FEE	\$52.00
INITIAL LICENSE—INDIVIDUAL (2 YEARS)	\$200.00
INITIAL LICENSE—CORPORATION (2 YEARS)	\$300.00
RENEWAL OF LICENSE PROCESSING FEE	\$21.00
RENEWED LICENSE—INDIVIDUAL (3 YEARS)	\$300.00
RENEWED LICENSE—CORPORATION (3 YEARS)	\$450.00
FEE for PROCESSING FINGERPRINT CARDS *PLUS : Check payable to Commonwealth of Pennsylvania (per fingerprint card)—\$17.50	\$12.00*

[Pa.B. Doc. No. 21-2057. Filed for public inspection December 10, 2021, 9:00 a.m.]

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