

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

[ 204 PA. CODE CH. 213 ]

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

Commentary to Section 9.0 of the *Case Records Public Access Policy of the Unified Judicial System* provides in part that, “[t]he Administrative Office of Pennsylvania Courts [AOPC] shall from time to time publish a list of applicable authorities that restrict public access to court records or information. This list shall be published on the Unified Judicial System’s website and in the *Pennsylvania Bulletin*.” In accordance with this directive, the AOPC has updated the attached *Limits on Public Access to Unified Judicial System Case Records*.

The entire policy, including this amendment and other related information, can be found on the Unified Judicial System’s public records webpage located at <http://www.pacourts.us>.

Filed in the Administrative Office of Pennsylvania Courts on March 31, 2023.

GEOFF MOULTON,  
*Court Administrator of Pennsylvania*

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

#### CHAPTER 213. COURT RECORDS POLICIES

#### Subchapter D. CASE RECORDS PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA

*(Editor’s Note: The list which appears in 204 Pa. Code pages 213-56—213-65, serial pages (407010) and (404375)—(404383), is replaced with the following list.)*

#### LIMITS ON PUBLIC ACCESS TO UNIFIED JUDICIAL SYSTEM CASE RECORDS

<i>Subject Area</i>	<i>Record Description</i>	<i>Accessibility</i>	<i>Authority</i>
Civil	Jurors Notes.	No Public Access. Collected and destroyed post-trial.	Pa.R.C.P. 223.2.
Civil	Complaints filed in magisterial district courts.	No Public Access to the minor’s name in a complaint. Minors shall be designated by the initials of their first and last name.	Pa.R.C.P.M.D.J. 803.
Commonwealth Court	Child Line Registry Cases.	No Public Access to documents in the case except Orders and Opinions wherein the court shall use initials of the minor child involved rather than full name.	Admin. Order No. 126 Misc. Docket No. 3 (February 8, 2013).
Criminal	Juror’s Address.	No Public Access.	<i>Commonwealth v. Long</i> , 922 A.2d 892 (Pa. 2007).
Criminal	Sealed affidavit of probable cause for a search warrant.	No Public Access while sealed. The affidavit may not be sealed for more than 60 days unless an extension is received. Extensions may not be longer than 30 days, but an unlimited number of extensions are available. Public may access the affidavit after it has been unsealed.	Pa.R.Crim.P. 211.
Criminal	Unexecuted Search Warrant.	No Public Access until warrant is executed.	Pa.R.Crim.P. 212(A).
Criminal	Arrest Warrant Information.	A court may delay public access for good cause for up to 72 hours. In addition, a court may seal arrest warrant information for a longer period of time.	Pa.R.Crim.P. 513(C), Pa.R.Crim.P. 513.1.

<i>Subject Area</i>	<i>Record Description</i>	<i>Accessibility</i>	<i>Authority</i>
Criminal	Information obtained from or concerning the defendant by a bail agency.	No public access. Information only accessible by the defendant, counsel for the defendant, the issuing authority or judge setting bail, the attorney for the Commonwealth, and the department of probation or parole preparing a presentence report regarding the defendant.	Pa.R.Crim.P. 530(C).
Criminal	Motion filed by attorney for the Commonwealth to present the matter to an indicting grand jury and subsequent order.	No Public Access—the motion and order are sealed.	Pa.R.Crim.P. 556.2.
Criminal	All indicting grand jury proceedings and related documents.	No Public Access. Disclosure may be granted to attorney for the Commonwealth, defendant in a criminal case, witnesses, law enforcement personnel, and upon motion when necessary.	Pa.R.Crim.P. 556.10.
Criminal	Sealed indictments.	No Public Access.	Pa.R.Crim.P. 556.11(E).
Criminal	Sealed records concerning mental health experts.	No Public Access.	Pa.R.Crim.P. 569.
Criminal	Sealed written statements pertaining to protective orders.	No Public Access. The entire text of the statement shall be sealed and preserved in the records of the court to be made available to the appellate court(s) in the event of an appeal.	Pa.R.Crim.P. 573(F).
Criminal	Sealed plea agreement.	No Public Access.	Pa.R.Crim.P. 590.
Criminal	Juror qualification forms.	No Public Access.	Pa.R.Crim.P. 625(A)(3).
Criminal	Juror information questionnaires.	No Public Access. Questionnaires are retained in a sealed file and shall be destroyed upon completion of the jurors' service, unless otherwise ordered by the trial judge.	Pa.R.Crim.P. 632.
Criminal	Sealed verdict.	No Public Access.	Pa.R.Crim.P. 649.
Criminal	Notes taken by jurors.	No Public Access.	Pa.R.Crim.P. 644(B)(7).
Criminal	Pre-sentence reports and related psychiatric psychological reports.	No Public Access.	Pa.R.Crim.P. 703(A).
Criminal	Records revealing the names of human trafficking victims.	No Public Access, unless otherwise ordered by a court in a prosecution involving a victim of human trafficking.	18 Pa.C.S. § 3019(a).
Criminal	Wiretap applications, final reports and orders.	No Public Access except upon showing of good cause before a court of competent jurisdiction.	18 Pa.C.S. § 5715.
Criminal	Names of minor victims of sexual or physical abuse.	No Public Access. Records revealing a victim's name are sealed. A minor victim who is 18 years of age or older at the time of the commencement of the prosecution may waive this protection and allow the court to release the name of the minor victim.	42 Pa.C.S. § 5988.

<i>Subject Area</i>	<i>Record Description</i>	<i>Accessibility</i>	<i>Authority</i>
Criminal*	Any criminal history record information related to the convictions of certain offenses graded as a misdemeanor of the first, second or third degree, or summary more than 10 years old, or dispositions that are non-convictions, and convictions for which a pardon was granted.	No public access. The court shall not release the information to an individual, noncriminal justice agency or an internet website.	18 Pa.C.S. §§ 9121, 9122.1, and § 9122.2.
Domestic Relations	Information regarding the registration, filing of a petition for, or issuance of a protection from abuse order in either the issuing or enforcing State.	No Public Access via internet publication, if such publication would be likely to publicly reveal the identity or location of the protected party.	18 U.S.C. § 2265(d)(3).
Domestic Relations	Social security number of any individual subject to a divorce decree, support order, paternity determination, or acknowledgement of paternity, which is required in all records of those matters.	No Public Access.	23 Pa.C.S. § 4304.1(a)(3).
Domestic Relations	Child Support Records.	No Public Access, except for PACSES dockets, court orders and opinions.	42 U.S.C. §§ 654(26)(A), 654a(d)(1)(A); 45 CFR §§ 303.21(c)-(d), 307.13(a)(1); 23 Pa.C.S. § 4304.1(d); Sections 2.4 and 3.4 of the Cooperative Agreement.
Domestic Relations	(a) Subject to any inconsistent general rules and to the supervision and direction of the court, the domestic relations section shall have the power and duty to. . . (10) Implement safeguards applicable to all confidential information received by the domestic relations section in order to protect the privacy rights of the parties, including. . . (ii) prohibitions against the release of information on the whereabouts of one party or the child to another party against whom a protective order with respect to the former party or the child has been entered; and (iii) prohibitions against the release of information on the whereabouts of one party or the child to another person if the domestic relations section has reason to believe that the release of the information may result in physical or emotional harm to the party or the child.	No Public Access.	23 Pa.C.S. § 4305 (a)(10)(ii)-(iii).
Domestic Relations	List of weapons ordered to be relinquished by the defendant in an action for protection from abuse.	No Public Access, except (A) upon an order of the court granted upon cause shown; (B) as necessary, by law enforcement and court personnel; or (C) after redaction of information listing any firearm, other weapons or ammunition.	23 Pa.C.S. § 6108(a)(7)(v); 18 Pa.C.S. § 6105.2(f); <i>see also</i> 18 Pa.C.S. § 6128(e).

<i>Subject Area</i>	<i>Record Description</i>	<i>Accessibility</i>	<i>Authority</i>
Domestic Relations	All records pertaining to a confidential address for individuals participating in the Office of Victim Advocate's Address Confidentiality Program.	No Public Access, except for the substitute address provided by the Office of Victim Advocate.	23 Pa.C.S. § 6703(d); <i>see also</i> 23 Pa.C.S. § 5336(b)(1).
Domestic Relations*	Written reports of a guardian <i>ad litem</i> that include specific recommendations relating to the child's best interest and a party's filed response to the report.	No Public Access.	Pa.R.Civ.P. 1915.11-2(d)(3).
Juvenile Court	Juvenile Dependency and Delinquency records.	No Public Access; except as set forth in 42 Pa.C.S. § 6307, Pa.R.J.C.P. 160 and/or 1160, including with leave of court.	42 Pa.C.S. § 6307; Pa.R.J.C.P. 160, 1160.
Landlord-Tenant	Domestic Violence Affidavit filed with the court to stay the execution of an order of possession.	No Public Access to the Domestic Violence Affidavit.	Pa.R.C.P.M.D.J. 514.1.
Orphans' Court	Proceedings related to appointment of guardianship for incapacitated persons.	Shall be closed to the public upon request of the alleged incapacitated person or his counsel. After the individual's death his/her estate may access the record of the guardianship proceedings.	20 Pa.C.S. § 5511(a); <i>In re Estate of duPont</i> , 2 A.3d 516 (Pa. 2010).
Orphans' Court	Records required for foreign adoption decrees.	No Public Access unless a court order is granted upon good cause.	23 Pa.C.S. § 2908(F); Pa.O.C.R. 15.21.
Orphans' Court	Adoption records.	No Public Access unless otherwise ordered.	23 Pa.C.S. § 2915; <i>see also</i> 23 Pa.C.S. § 2906; Pa.O.C.R. 15.21.
Superior Court	The Court may order that parties' names in captions for appeals from divorce, equitable distribution, custody, visitation, or child support decisions be initialized.	No Public Access to the names in the caption. This does not apply to the text of a circulation or order of the Court.	210 Pa. Code § 65.44.
Orphans' Court (Family Court in Philadelphia County or Juvenile Court Section of Family Division in Allegheny County Pa.R.J.A. 2157)	Applications of a minor for judicial approval of decision to have an abortion, under the Abortion Control Act, as well as proceedings and the name of the minor.	No Public Access; sealed dockets, and documents shall be maintained in a closed file marked "confidential" and identified by case number only.	18 Pa.C.S. § 3206(f); Pa.O.C.R. 16.2 and 16.6. Note also Pa.R.J.A. 2157 and Pa.R.A.P. 3801.
General	Records concerning persons in treatment under the Mental Health Procedures Act.	Limited Public Access in compliance with the Mental Health Procedures Act and controlling case law.	50 P.S. § 7111.
General	Court documents, rules, or orders in Gaming Law proceedings.	Any party may request proceeding and record to be sealed if in best interest of any person or Commonwealth.	4 Pa.C.S. § 1518.2(b).
General	Proceedings and records involving juveniles charged with a summary offense before the minor judiciary, the Philadelphia Municipal Court or a Court of Common Pleas.	No Public Access.	42 Pa.C.S. §§ 6303(c), 6307(c), and 6336(g).

Subject Area	Record Description	Accessibility	Authority
General	Transcript of proceedings in the judicial districts within the Unified Judicial System.	A court may order the person preparing the transcript to redact confidential, personal and/or financial data and other identifiers and information listed in Section 7.0 of the Case Records Public Access Policy of the Unified Judicial System.	Pa.R.J.A. 4014.

Note: this may not be a complete listing; the public and court staff are directed to consult federal and state statutes, court rules or case law.

\*New or amended material

[Pa.B. Doc. No. 23-483. Filed for public inspection April 14, 2023, 9:00 a.m.]

## Title 207—JUDICIAL CONDUCT

### PART V. JUDICIAL ETHICS ADVISORY BOARD

#### [ 207 PA. CODE CH. 1 ]

#### Order Amending Rule 104 of the Pennsylvania Rules of the Judicial Ethics Advisory Board; No. 591 Judicial Administration Docket

##### Order

*Per Curiam*

And Now, this 31st day of March, 2023, pursuant to Article V, Section 10 of the Constitution of Pennsylvania, It Is Ordered that:

Rule 104 of the Pennsylvania Rules of the Judicial Ethics Advisory Board is amended in the attached form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective immediately.

Additions to the rules are shown in bold and are underlined.

Deletions from the rules are shown in bold and in brackets.

##### Annex A

#### TITLE 207. JUDICIAL CONDUCT

#### PART V. JUDICIAL ETHICS ADVISORY BOARD

#### CHAPTER 1. RULES OF THE JUDICIAL ETHICS ADVISORY BOARD

#### Subchapter A. PRELIMINARY PROVISIONS

#### Rule 104. Pennsylvania Judicial Ethics Advisory Board.

(a) *General Rule.* The Supreme Court shall appoint a board to be known as the “Pennsylvania Judicial Ethics Advisory Board” (“the Board”), which shall consist of [ **nine** ] **thirteen** members: one judge of the Superior Court; one judge of the Commonwealth Court; [ **three** ] **four** judges of the courts of common pleas; one judge of the Philadelphia Municipal Court; [ **two** ] **four** magisterial district judges who must be members of the Pennsylvania bar; [ **and** ] one member of the Pennsylvania bar who is not a judicial officer; **and one retired judge from any level of the judiciary.** A majority of the Board shall constitute a quorum; action of the Board shall be by majority vote of members attending. No member of the Board may be a member of the Judicial Conduct Board or the Court of Judicial Discipline. The Supreme

Court shall designate one member to serve as Chair and another to serve as Vice-Chair.

(b) *Submissions from Representative Courts and Judicial Organizations.* The President Judges of the Superior and Commonwealth Courts shall submit to the Chief Justice the names of three candidates for each Board position to be filled by a judge of their respective courts. The PCSTJ shall submit to the Chief Justice the names of three candidates for each Board position to be filled by a judge of the Philadelphia Municipal Court. The SCJAP shall submit to the Chief Justice the names of three candidates for each Board position to be filled by a magisterial district judge. The Supreme Court shall select appointees for those positions from the names submitted. In the absence of submissions, the Supreme Court shall proceed to fill the Board positions.

(c) *Terms and Vacancies.* The first nine appointments to the Board shall be for staggered terms as follows: three members appointed for six years, three members for four years, and three members for two years. **The four members appointed to expand the Board to thirteen members will be appointed to staggered terms as follows: one member for six years, two members for four years, and one member for two years.** Thereafter, a new appointment to the Board shall be for a single six-year term. A vacancy shall be filled from the same membership category using the same process from which the vacating member was appointed. Appointments to fill a vacancy shall be for the balance of the term vacated.

\* \* \* \* \*

[Pa.B. Doc. No. 23-484. Filed for public inspection April 14, 2023, 9:00 a.m.]

## Title 237—JUVENILE RULES

### PART I. RULES

#### [ 237 PA. CODE CH. 11 ]

#### Proposed Amendment of Pa.R.J.C.P. 1187

The Juvenile Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pennsylvania Rule of Juvenile Court Procedure 1187 governing the authority of juvenile court hearing officers for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A.

103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be adopted by the Supreme Court.

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

Daniel A. Durst, Chief Counsel  
 Juvenile Court Procedural Rules Committee  
 Supreme Court of Pennsylvania  
 Pennsylvania Judicial Center  
 P.O. Box 62635  
 Harrisburg, PA 17106-2635  
 FAX: 717-231-9541  
 juvenilerules@pacourts.us

All communications in reference to the proposal should be received by May 26, 2023. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Juvenile Court  
 Procedural Rules Committee*

THE HONORABLE ALICE BECK DUBOW,  
*Chair*

### Annex A

## TITLE 237. JUVENILE RULES

### PART I. RULES

#### Subpart B. DEPENDENCY MATTERS

#### CHAPTER 11. GENERAL PROVISIONS

#### PART D. JUVENILE COURT HEARING OFFICERS

#### Rule 1187. Authority of Juvenile Court Hearing Officer.

[ A. ] (a) *No [ authority ] Authority.* A juvenile court hearing officer shall not have the authority to:

1) preside over:

[ a ] (i) termination of parental rights hearings;

[ b ] (ii) adoptions;

[ c ] (iii) any hearing in which any party seeks to establish a permanency goal of adoption or change the permanency goal to adoption;

2) enter orders for [ emergency or ] protective custody pursuant to [ Rules 1200 and 1210 ] Rule 1202(A)(2) or Rule 1210;

3) issue warrants; and

4) issue contempt orders.

[ B. ] (b) *Right to [ hearing before judge ] Hearing Before Judge.*

1) Prior to the commencement of any proceeding, the juvenile court hearing officer shall inform all parties of the right to have the matter heard by a judge. If a party objects to having the matter heard by the juvenile court hearing officer, the case shall proceed before the judge.

2) If a party objects to having the matter heard by the juvenile court hearing officer pursuant to [ paragraph (B)(1) ] subdivision (b)(1), the juvenile court hearing

officer or the court's designee for scheduling cases shall immediately schedule a hearing before the judge. The time requirements of these rules shall apply.

### Comment

A juvenile court hearing officer's authority is limited under this rule. To implement this rule, Rule 1800 suspends 42 Pa.C.S. § 6305(b) only to the extent that juvenile court hearing officers may not hear all classes of cases.

[ Under paragraph (A)(1)(c) ] Pursuant to subdivision (a)(1)(iii), once the permanency goal has been approved for adoption by a judge, all subsequent reviews or hearings may be heard by the juvenile court hearing officer unless a party objects pursuant to [ paragraph (B) ] subdivision (b).

Subdivision (a)(2) is not intended to limit the juvenile court hearing officer's ability to recommend to the court that an order for protective custody be issued during any proceeding, including a permanency review hearing, if witnesses are available to provide sufficient evidence to a judge at the time of the recommendation.

[ Under paragraph (A)(3), nothing ] Subdivision (a)(3) is not intended to limit the juvenile court hearing officer's ability, in a proper case before the juvenile court hearing officer, to recommend to the court that a warrant be issued. This includes arrest, bench, and search warrants.

Concerning the provisions of [ paragraph (B) ] subdivision (b), see 42 Pa.C.S. § 6305(b).

[ Under paragraph (B)(2) ] Pursuant to subdivision (b)(2), it should be determined whenever possible before the date of the hearing whether there will be an objection to having the matter heard before a juvenile court hearing officer. If it is anticipated [ that ] there will be an objection, the case [ is to ] should be scheduled in front of [ the ] a judge, rather than the juvenile court hearing officer, to prevent continuances and delays in the case.

See Rule 1127 for recording of proceedings before a juvenile court hearing officer.

[ Official Note: Rule 1187 adopted August 21, 2006, effective February 1, 2007. Amended April 6, 2017, effective September 1, 2017.

#### *Committee Explanatory Reports:*

**Final Report explaining the provisions of Rule 1187 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).**

**Final Report explaining the amendments to Rule 1187 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017). ]**

### SUPREME COURT OF PENNSYLVANIA JUVENILE COURT PROCEDURAL RULES COMMITTEE

#### PUBLICATION REPORT

#### Proposed Amendment of Pa.R.J.C.P. 1187

The Juvenile Court Procedural Rules Committee ("Committee") proposes to amend Rule 1187 of the Pennsylvania Rules of Juvenile Court Procedure to clarify that a juvenile court hearing officer (JCHO) is not prohibited from recommending an order for protective custody.

The Committee has discussed the merits of rulemaking that would permit a JCHO to seek a protective custody order during a permanency hearing. The genesis of these discussions is the occasion when a JCHO hears evidence during a permanency review hearing that would indicate the necessity for an order for protective custody. *Cf.* 1606. When those circumstances arise, the Committee believes the JCHO should be able to immediately contact a judge and recommend such an order provided witnesses are available to the judge at the time of the recommendation. While such an ability may be implicit under Pa.R.J.C.P. 1187, a majority of the Committee favored amending the commentary to clarify the authority of the JCHO.

The Committee invites all comments, concerns, and suggestions regarding this rulemaking proposal.

[Pa.B. Doc. No. 23-485. Filed for public inspection April 14, 2023, 9:00 a.m.]

## Title 252—ALLEGHENY COUNTY RULES

### ALLEGHENY COUNTY

#### Civil Division Local Rules of the Court of Common Pleas; No. AD-2023-86-PJ Rules Docket

#### Order of Court

*And Now*, this 4th day of April, 2023, it is hereby *Ordered* that the following 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*.

*By the Court*

KIM BERKELEY CLARK,  
*President Judge*

#### Rules Governing Abandoned and Blighted Properties Conservatorship Act under Title 68 P.S. § 1101 et seq.

#### Rule 701. Initiation of Conservatorship Action.

(1) A conservatorship action is commenced and assigned a CS docket number by the filing of a Petition for the Appointment of a Conservator (“Petition”) with the Department of Court Records and payment of the applicable filing fee.

(2) The petitioner must file a notice of filing of the petition with the Department of Court Records after filing the petition for appointment of a conservator. (See Form 703, Notice of Filing of a Petition for the Appointment of a Conservator.)

(3) The petitioner must file a praecipe for *lis pendens* with the Department of Court Records for indexing against the property, and a *lis pendens* with the Department of Real Estate. *Note:* The Judge has the discretion to remove the *lis pendens*.

(4) A copy of the petition filed with the Department of Court Records must be submitted to conservatorship calendar@alleghenycourts.us to receive a hearing date.

(5) The petition must be filed by an eligible “party in interest” as defined in 68 P.S. § 1103 of the Abandoned and Blighted Properties Conservatorship Act, 68 P.S. § 1101 et seq. (“the Act”).

*Note:* The Abandoned and Blighted Property Conservatorship Act provides a mechanism to transform abandoned and blighted properties into productive reuse by authorizing the filing of a petition with the Court of Common Pleas by certain named interested parties seeking the appointment of a Conservator who will be authorized to take possession of the property, undertake its rehabilitation, and as appropriate, ultimately sell the premises unless reclaimed by the owner(s).

#### Rule 702. Contents of Petition for Appointment of Conservator.

(1) The petition must name as respondent(s) the owner(s) of the property at issue.

*Note:* The petitioner must undertake a substantial examination of the public record to determine all parties who may be deemed an owner and not merely rely on the last recorded deed.

(2) The petition must contain the following:

(a) The identity and addresses of all lienholders and other secured creditors of the owners, including judgment creditors of owners;

(b) Street address of the property, including ZIP Code, extended ZIP Code, and tax parcel ID (block and lot number);

(c) Proof that the proposed conservator is entitled to appointment pursuant to sections 1103, 1105(e), and 1111 of the Act;

*Note:* The Court may request but is not limited to the following: a copy of the title report; a copy of any citations for municipal code violations; a copy of any citations declaring the structure a public nuisance; an affidavit supporting the petitioner’s qualifications as a “party in interest”; an affidavit of one or more neighbors on their firsthand knowledge of the vacancy and physical condition of the property; an affidavit outlining the petitioner’s intent with the property, including whether the property will be designated for affordable housing; and/or an affidavit of one or more neighbors on whether appointment of a conservator would benefit the property.

(d) A sworn statement that, to the best of the petitioner’s knowledge, the property meets the conditions for conservatorship set forth within Section 1105(d) of the Act;

(e) A proposed Order of Court; and

(f) A notice of filing of a petition for the appointment of a conservator. (See Form 703, Notice of Filing of a Petition for the Appointment of a Conservator.)

(3) In addition to the items identified in subparagraph (2) of this Rule, a non-profit acting as petitioner shall attach the following:

(a) Proof that the nonprofit is operated within Allegheny County;

(b) Proof that the nonprofit is eligible to receive a Certificate of Good Standing from the Pennsylvania Department of State; and

(c) Proof that the nonprofit has passed a resolution authorizing the filing of the petition, and if seeking to serve as conservator, proof that it is authorized to perform all of the duties required of a conservator

(4) A petitioner (other than a nonprofit corporation acting as a petitioner) shall attach proof that the petitioner is located within the 2,000 feet of the subject property.

#### Rule 703. Notification and Service of the Petition.

(1) The petitioner shall conspicuously post the Notice of the Filing of the Petition, including the Allegheny County

docket number, the Order and the hearing date, on the subject property pursuant to Section 1104(d)(1) of the Act. The Notice of the Filing of the Petition shall be substantially in the form set forth below (See FORM 703).

(2) A copy of the Notice and Petition, including all exhibits, shall be served pursuant to the Act on the following individuals and entities:

- (a) The owner(s) of the subject property;
- (b) The solicitor of the municipality (political subdivision) in which the subject property is located;
- (c) The Allegheny County Law Department (445 Fort Pitt Blvd # 300, Pittsburgh PA 15219);
- (d) All municipal authorities known to have provided service to the subject property; and
- (e) All lienholders.

(3) Except as set forth in subsection (a) below, service shall be made by registered or certified mail to each of the above individuals and entities at their last known address. If service cannot be completed by registered or certified mail, service must be completed in accordance with Section 1104(d)(2—5) of the Act.

(a) Service may be effectuated by email upon any entity or individual that has agreed to accept service by email.

(4) Proof of service of the Notice and Petition shall be filed with the Department of Court Records. Proof of service shall include an executed affidavit of service by posting and one of the following:

- (a) a signed return receipt of the certified or registered mail attached to an Affidavit of Service, or
- (b) an executed affidavit of personal service if service is completed by personal service, or
- (c) an affidavit filed by the serving party evidencing service by email pursuant to 3(a), or
- (d) by a filed acceptance of service by the party served, or
- (e) If service is made by alternative means pursuant to Order of Court, then proof of service shall be made pursuant to Pa.R.C.P. 430.

(5) FORM 703—Notice of Filing of a Petition for the Appointment of a Conservator

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

,			
	Petitioner,		No.: CS
v.			
,			
	Respondent.		

NOTICE OF FILING OF  
A PETITION FOR THE APPOINTMENT OF A CONSERVATOR

A petition has been filed under the Abandoned and Blighted Property Conservatorship Act, 68 P.S. §§ 1101—1111 (2008), for appointment of a Conservator to take possession of and rehabilitate the property located at:

\_\_\_\_\_ Block & Lot No. \_\_\_\_\_

A hearing on the Petition for the Appointment of a Conservator will be scheduled by the Court. As required by local rule, the Petitioner shall serve or mail a copy of this Notice, the Petition for the Appointment of a Conservator together with all exhibits, and a copy of the court order scheduling a hearing. A copy of this Notice (without the Petition for the Appointment of a Conservator, exhibits or court order) will also be posted at the property.

YOU ARE RECEIVING THIS NOTICE BECAUSE PUBLIC RECORDS REVEAL  
THAT YOU MAY BE ONE OF THE FOLLOWING:

Owner of Property at issue. If you are the record owner or an owner claiming a right to title to the premises and want to be heard in this matter, you must file an answer and appear at the hearing. If you do not file an answer, the court may proceed without you and you may lose your rights to the property. A conservator may be appointed to take possession of the property, incur expenses that will be a lien against the property, and sell the property. You will still be responsible for your obligations as the owner, including expenses incurred by the conservator.

Lienholder/Secured Creditors. If you are a lien holder or other secured creditor and want to be heard in this matter, you must file a petition to intervene and you may seek to be appointed as Conservator. If you do not file an answer, the court may proceed without you and you may lose your rights to the property. A conservator may be appointed to take possession of the property, incur expenses that will be a lien against the property, and sell the property. The conservator lien may have priority over your lien or other rights.

Allegheny County/ Political Subdivision/ Municipality. As a political subdivision in which the property is located, you may file a petition to intervene may seek to be appointed as the conservator.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office below to find out where you can get legal help.



Lawyer Referral Service  
 Allegheny County Bar Association  
 400 Koppers Building  
 436 Seventh Avenue  
 Pittsburgh, PA 15219  
 Telephone: (412) 261-5555  
<https://www.getapittsburghlawyer.com/>

Lleve esta demanda a un abogado inmediatamente. Si no tiene abogado o si tiene el dinero suficiente de pagar tal servicio, vaya en persona o llame por telefono a la oficina cuya direccion encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal.

El Servicio de la Referencia del abogado  
 Asociación de Barra de Condado de Allegheny  
 400 Koppers Building  
 436 Seventh Avenue  
 Pittsburgh, PA 15219  
 Telefónico: (412) 261-5555  
<https://www.getapittsburghlawyer.com/>

*Note:* The above Notice of Filing should be conspicuously posted on the property, prominently displayed on the property using a sign affixed to a stake that is no less than four (4) feet in height and displayed prominently on the front of the physical dwelling if such a building exists.

**Rule 704. Answer to Petition and Petition to Intervene.**

- (1) A respondent may file an answer to the petition.
- (2) A “party in interest” as defined by Section 1103 of the Act, seeking to intervene pursuant to Section 1105 of the Act, shall either file and serve a petition to intervene prior to the hearing date or attend the hearing.
- (3) A party in interest may file a motion to schedule an expedited pretrial conference to address the facts at issue with the parties and the Court. The assigned Judge may schedule a pretrial conference prior to the scheduled hearing if the conference will not disrupt the scheduled conservatorship hearing date.
- (4) A praecipe of appearance shall be filed and served on all parties for any attorney who intends to appear for or on behalf of a respondent or party in interest prior to the hearing for the appointment of the conservator.

**Rule 705. Process for Scheduling a Hearing.**

- (1) To obtain a hearing date on a Conservatorship case, the requesting party must do the following:
  - (a) File a Motion to Obtain a Hearing with the Department of Court Records, and
  - (b) Submit the Motion to Obtain a Hearing to [conservatorshipcalendar@alleghenycourts.us](mailto:conservatorshipcalendar@alleghenycourts.us).

*Note:* The Motion to Obtain a Hearing will not need to be presented and argued unless oral argument is requested by any party in interest; it will be at the Court’s discretion whether or not the hearing requested will be scheduled. If the Court has not acted on the Motion to Obtain a Hearing within twenty one (21) days, the Moving party is encouraged to email the [conservatorshipcalendar@alleghenycourts.us](mailto:conservatorshipcalendar@alleghenycourts.us) email inbox requesting that the Motion be ruled upon.

- (2) This rule applies to any hearings related to the Act requested by any party in interest.
- (3) Any Motion to Obtain a Hearing shall state clearly whether it is contested to the best of the filing party’s knowledge at the time of the filing.

*Note:* Identifying whether the Motion to Obtain a Hearing is contested may assist in determining whether a status conference or Rule to Show Cause hearing is necessary.

(4) An Order scheduling a Status Conference or Rule to Show Cause hearing following the filing and submission of the Motion to Obtain a Hearing will be filed with the Department of Court Records, and the Department of Court Records shall serve the Order upon the parties pursuant to Pa.R.C.P. 236.

(5) Any Motion to Obtain a Hearing filed pursuant to this Rule shall be served pursuant to Local Rule 703.

(6) Any Motion for Alternative Service shall be presented to the General Motions Judge pursuant to the procedures set forth in Local Rule 208.3(a). The Motion shall substantially include the following, consistent with Pa.R.C.P. 430:

(a) An affidavit stating the nature and extent of the investigation made to determine the whereabouts of the defendant and the reasons why service cannot be made. The affidavit shall set forth the movant’s good faith effort to locate the respondent(s); good faith efforts include

- i. Inquiries of postal authorities including inquiries pursuant to the Freedom of Information Act, 39 C.F.R. Part 265;
- ii. Inquiries of relatives, neighbors, friends, and employers of the respondent(s);
- iii. Examinations of local telephone directories, courthouse records, voter registration records, local tax records, local assessment records, and motor vehicle records,
- iv. A reasonable internet search;
- v. Lexis Public Records search;
- vi. Examination of the Allegheny County Orphan’s Court/Registry of Wills for any estates filed on behalf of Respondent; and
- vii. Search for any obituaries of respondent.

(b) A proposed order with the relief requested which includes posting and publication.

**Rule 706. Hearing on Petition.**

- (1) The petitioner must produce the following evidence at the hearing:
  - (a) That the property meets the conditions for conservatorship set forth in Section 1105(d) of the Act;

- (b) Evidence of standing;
  - (b) Proof of service that complies with these Local Rules, and
  - (c) Schedule of encumbrances for certification under Section 11105(e)(1) of the Act.
- (2) Any party in interest who appears at the hearing may be permitted to present evidence to support or contest the petition.

(3) The Court has discretion to permit a party in interest who has not filed an answer or other responsive pleading, including a petition to intervene, to do so or to postpone the hearing or permit said party in interest to participate in the hearing.

**Rule 707. Conditional Relief. Respondent's Request for Period to Abate Conditions.**

If conditional relief is granted to permit the owner(s) a specified amount of time to remedy or remedy the conditions, the owner(s) must post a straight bond with the Allegheny County Department of Court Records per Section 1105(f)(3) of the Act in the amount of the estimated costs of repair outlined within the petition for appointment of conservator, unless the Court orders otherwise.

**Rule 708. Appointment of a Conservator.**

If a conservator is appointed, the Order may set forth the powers, duties and obligations of the conservator, including requirements which must be met before the conservator may exercise any authorized powers and duties, such as securing any necessary bond and/or insurance and may also require the conservator, and any other individual(s) who must enter the premises to assist with the preparation of the final plan, to execute right of entry authorizations and provide certificates of additional insurance.

**Rule 709. Declining Appointment as Conservator. Removal of Conservator.**

(1) At any time, the conservator may decline the appointment as conservator, and the petitioner may propose another competent entity to be appointed as the new conservator by submitting a Motion to Remove and Replace Conservator to the assigned Judge. The Court will schedule a hearing on the motion to determine whether the proposed conservator meets the definition of a "competent entity" pursuant to Section 1103 of the Act.

(2) A conservator may be removed by the Court at any time upon the request of the conservator, or upon a motion by a party in interest alleging that the conservator is not carrying out its responsibilities.

(3) After a hearing, the Court may find the conservator to be incompetent and appoint a competent entity as conservator or the Court may terminate the conservatorship.

**Rule 710. Filing of Final Plan.**

(1) The petitioner may attach a proposed Final Plan for Abatement to the petition in lieu of a preliminary plan and the conservator may present the same at the initial conservatorship hearing.

(2) The Final Plan for Abatement must fully comply with Section 1106(b) of the Act and shall specifically set forth the scope of work to be performed, financing details, and other relevant terms.

(3) The Final Plan for Abatement may include a request to grant a lien or security interest with priority per

Section 1108(b) of the Act and may also include a request to borrow funds to implement the Final Plan for Abatement.

*Note:* Although petitioners may attach a proposed Final Plan for Abatement to the petition in lieu of a preliminary plan, and may present that Final Plan for Abatement at the initial conservatorship hearing, such methods may not allow adequate time for interested parties, heirs and others to object, interplead, and/or participate in the litigation. Rarely will it be appropriate for a petitioner to request the entry of the Final Plan of Abatement at the initial conservatorship hearing due to the extreme relief the petitioner is seeking, which may be to terminate the property rights of another who may not yet have notice of the petition.

**Rule 711. Hearing on Final Plan and Court Approval.**

(1) If a Final Plan for Abatement is not presented at the initial conservatorship hearing, the conservator shall file with the Department of Court Records and serve on the parties a Final Plan for Abatement no less than thirty (30) days prior to the Final Plan for Abatement hearing date.

(2) The conservator shall file a motion for a hearing on the Final Plan for Abatement with the Department of Court Records and serve said documents on all parties.

(3) To obtain a hearing date on the Final Plan for Abatement, the conservator shall follow the procedures set forth in Local Rule 705.

(4) If the proposed Final Plan for Abatement is denied, the conservator shall file an Amended Final Plan for Abatement, and comply with subsections (2) and (3) of this Local Rule to obtain a new hearing date. Once the Final Plan for Abatement is approved, no changes may be made unless authorized by the Court.

**Rule 712. Status Reports.**

The Court may require status reports at least annually from the date of the appointment of a conservator.

**Rule 713. Filing of an Account.**

Upon completion of the rehabilitation or demolition of the subject property, the conservator shall file a full account of all funds expended by the conservator. The account shall include a summary of actions taken by the conservator, and a detailed report verifying each of the items in the scope of work approved by the court was in fact completed and if it was not completed, the conservator shall provide sufficient justification for non-completion.

**Rule 714. Conservator's Lien.**

(1) The conservator shall file a motion to obtain a hearing on the conservator's lien with the Department of Court Records and serve said motion on all parties.

(2) To obtain a hearing date on the conservator's lien, the conservator shall follow the procedure set forth in Local Rule 705.

**Rule 715. Sale of Subject Property. Distribution of Proceeds.**

(1) The conservator shall seek an Order to sell the property by submitting for an application for sale to the assigned Judge.

(a) The conservator is required to obtain at least one (1) fair market value appraisal of the subject property.

(b) The conservator must provide notice of the hearing in accordance with Local Rule 705.

(2) The conservator shall follow the procedures set forth in Local Rule 705 to obtain a hearing date on the application for sale.

**Rule 716. Request for Special Relief.**

(1) Any party in interest may request special relief during the pendency of a conservatorship action by filing a motion setting forth the special relief requested and following the procedures set forth in Local Rule 705.

**Rule 717. Termination of Conservatorship.**

(1) To terminate a conservatorship, a conservator or any party in interest may petition the Court pursuant to Local Rule 705.

[Pa.B. Doc. No. 23-486. Filed for public inspection April 14, 2023, 9:00 a.m.]

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## Title 255—LOCAL COURT RULES

### CLINTON COUNTY

#### Crime Victim's Compensation Fund, Victim Witness Services; No. AD-4-2018; Correction

This notice corrects a Clinton County Court order previously published at 53 Pa.B. 1664 (March 25, 2023).

Paragraph 2 of the document was published incorrectly. Paragraph 2 should read as follows:

2. The assessment of the Crime Victim Services and Compensation Fee which was previously known as the Crime Victim's Compensation Fund and the Victim Witness Services Fund shall increase to a total of Two Hundred and 00/100 (\$200.00) Dollars unless otherwise ordered by this Court.

The remainder of the order is accurate as published.

[Pa.B. Doc. No. 23-487. Filed for public inspection April 14, 2023, 9:00 a.m.]

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## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that Steven B. Fabrizio, (# 64656), having been disbarred in the District of Columbia Court of Appeals, the Supreme Court of Pennsylvania issued an Order March 31, 2023, disbaring Steven B. Fabrizio, from the Bar of this Commonwealth, effective April 30, 2023.

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

MARCEE D. SLOAN,  
*Board Prothonotary*

[Pa.B. Doc. No. 23-488. Filed for public inspection April 14, 2023, 9:00 a.m.]

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## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that Jeffery R. Price, (# 55707), having been disbarred in the State of Utah, the Supreme Court of Pennsylvania issued an Order March 31, 2023, disbaring Jeffery R. Price, from the Bar of this Commonwealth, effective April 30, 2023.

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

MARCEE D. SLOAN,  
*Board Prothonotary*

[Pa.B. Doc. No. 23-489. Filed for public inspection April 14, 2023, 9:00 a.m.]

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