

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 200]

Order Amending Rule 230.2 of the Pennsylvania Rules of Civil Procedure; No. 743 Civil Procedural Rules Docket

Order

Per Curiam

And Now, this 8th day of August, 2023, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been published for public comment at 53 Pa.B. 1160 (March 4, 2023):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 230.2 of the Pennsylvania Rules of Civil Procedure 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 rule are shown in bold and are underlined.

Deletions from the rule are shown in bold and brackets.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

(Editor's Note: Rule 230.2 as printed in 231 Pa. Code reads "Official Note" rather than "Note.")

Rule 230.2. Termination of Inactive Cases.

(a) ***General Rule.*** At least once a year, the court shall initiate proceedings to terminate cases in which there has been no activity of record for two years or more, and shall report such information to the Court Administrator of Pennsylvania on a form supplied by the Administrative Office of Pennsylvania Courts or in such format as requested from time to time by the Administrative Office of Pennsylvania Courts.

[Note: This rule provides an administrative method for the termination of inactive cases.]

(b) ***Notice of Proposed Termination.***

(1) For each case identified pursuant to subdivision (a), the court shall serve a notice of proposed termination on counsel of record, and on the parties if not represented, **[thirty] 30** days prior to the date of the proposed termination. The notice shall contain the date of the proposed termination and the procedure to avoid termination.

(2) The notice shall be served electronically pursuant to Rule 205.4(g)(1), or pursuant to Rule 440 on counsel of record and on the parties, if not represented, at the last address of record.

[Note: If the notice mailed to an attorney is returned by the postal service, the prothonotary should check the website of the Disciplinary Board of the Supreme Court of Pennsylvania, www.padisciplinaryboard.org, for a current address.

See subdivision (f) for the form of notice.]

(c) ***Termination.*** If no statement of intention to proceed has been filed on or before the date of the proposed termination, the prothonotary shall enter an order as of course terminating the matter for failure to prosecute.

[Note: The prothonotary may not enter an order terminating the action until more than thirty days after service of the notice of proposed termination.

A court officer may certify to the prothonotary those matters which have been inactive and in which no statement of intention to proceed has been filed.]

(d) ***Reinstatement.***

(1) If an action has been terminated pursuant to this rule, an aggrieved party may petition the court to reinstate the action.

(2) If the petition is filed within **[sixty] 60** days after the entry of the order of termination on the docket, the court shall grant the petition and reinstate the action.

[Note: The provision under subdivision (d)(2) for filing a petition within sixty days is not intended to set a standard for timeliness in proceedings outside this rule.]

(3) If the petition is filed more than **[sixty] 60** days after the entry of the order of termination on the docket, the court shall grant the petition and reinstate the action upon a showing that:

(i) the petition was timely filed following the entry of the order for termination; and

(ii) there is a reasonable explanation or a legitimate excuse for the failure to file both:

(A) the statement of intention to proceed prior to the entry of the order of termination on the docket; and [,]

(B) the petition to reinstate the action within **[sixty] 60** days after the entry of the order of termination on the docket.

[Note: The provision under subdivision (d)(2) for filing a petition within sixty days of the entry of the order of termination on the docket is not a standard of timeliness. Rather, the filing of the petition during that time period eliminates the need to make the showing otherwise required by subdivision (d)(3).]

(e) ***Termination with Prejudice.*** Any case which is reinstated pursuant to subdivision (d) shall be subject to termination with prejudice upon a subsequent termination pursuant to subdivision (a). No subsequent reinstatements shall be granted.

(f) **Form Notice of Proposed Termination.** The notice required by subdivision (b) shall be in the following form:

* * * * *

(g) **Form Statement of Intention to Proceed.** The statement of intention to proceed shall be in the following form:

* * * * *

(h) **Required Status Conference.** Upon receipt of a statement of intention to proceed, the court [**may**] **shall** schedule a status conference and establish appropriate timelines to ensure a timely and efficient disposition of the case.

Comment:

This rule provides an administrative method for the termination of inactive cases.

Subdivision (b). If the notice mailed to an attorney is returned by the postal service, the prothonotary should check the website of the Disciplinary Board of the Supreme Court of Pennsylvania, www.padisciplinaryboard.org, for a current address.

Subdivision (c). The prothonotary may not enter an order terminating the action until more than 30 days after service of the notice of proposed termination. A court officer may certify to the prothonotary those matters which have been inactive and in which no statement of intention to proceed has been filed.

Subdivision (d). The provision under subdivision (d)(2) for filing a petition within 60 days of the entry of the order of termination on the docket is not a standard of timeliness. Rather, the filing of the petition during that time period eliminates the need to make the showing otherwise required by subdivision (d)(3). In addition, the standard in subdivision (d)(2) is not intended to set a standard for timeliness in proceedings outside this rule.

(Editor's Note: The following Explanatory Comments have not been previously codified in the Pennsylvania Code. They are printed in medium type to enhance readability.)

Historical Commentary

The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:

EXPLANATORY COMMENT—2003

The Supreme Court of Pennsylvania has promulgated new Rule of Civil Procedure 230.2 governing the termination of inactive cases and amended Rule of Judicial Administration 1901. Two aspects of the recommendation merit comment.

I. Rule of Civil Procedure

New Rule of Civil Procedure 230.2 has been promulgated to govern the termination of inactive cases within the scope of the Pennsylvania Rules of Civil Procedure. The termination of these cases for inactivity was previously governed by Rule of Judicial Administration 1901 and local rules promulgated pursuant to it. New Rule 230.2 is tailored to the needs of civil actions. It provides a complete procedure and a uniform statewide practice, preempting local rules.

This rule was promulgated in response to the decision of the Supreme Court in *Shope v. Eagle*, 551 Pa. 360, 710 A.2d 1104 (1998) in which the court held that “prejudice to the defendant as a result of delay in prosecution is required before a case may be dismissed pursuant to local rules implementing Rule of Judicial Administration 1901.”

Rule of Judicial Administration 1901(b) has been amended to accommodate the new rule of civil procedure. The general policy of the prompt disposition of matters set forth in subdivision (a) of that rule continues to be applicable.

II. Inactive Cases

The purpose of Rule 230.2 is to eliminate inactive cases from the judicial system. The process is initiated by the court. After giving notice of intent to terminate an action for inactivity, the course of the procedure is with the parties. If the parties do not wish to pursue the case, they will take no action and “the prothonotary shall enter an order as of course terminating the matter with prejudice for failure to prosecute.” If a party wishes to pursue the matter, he or she will file a notice of intention to proceed and the action shall continue.

a. Where the action has been terminated

If the action is terminated when a party believes that it should not have been terminated, that party may proceed under Rule 230(d) for relief from the order of termination. An example of such an occurrence might be the termination of a viable action when the aggrieved party did not receive the notice of intent to terminate and thus did not timely file the notice of intention to proceed.

The timing of the filing of the petition to reinstate the action is important. If the petition is filed within thirty days of the entry of the order of termination on the docket, subdivision (d)(2) provides that the court must grant the petition and reinstate the action. If the petition is filed later than the thirty-day period, subdivision (d)(3) requires that the plaintiff must make a showing to the court that the petition was promptly filed and that there is a reasonable explanation or legitimate excuse both for the failure to file the notice of intention to proceed prior to the entry of the order of termination on the docket and for the failure to file the petition within the thirty-day period under subdivision (d)(2).

b. Where the action has not been terminated

An action which has not been terminated but which continues upon the filing of a notice of intention to proceed may have been the subject of inordinate delay. In such an instance, the aggrieved party may pursue the remedy of a common law non pros which exists independently of termination under Rule 230.2.

EXPLANATORY COMMENT—2015

In 2014, the Supreme Court of Pennsylvania made efforts to reduce the inventory of civil cases on the dockets of the Courts of Common Pleas. To expedite that process, it suspended Rule 230.2 governing the termination of inactive cases. Originally adopted in 2003, Rule 230.2 implemented the general policy provisions of Rule of Judicial Administration 1901(a) governing the prompt disposition of matters and the termination of inactive cases. While Pa.R.J.A. No. 1901(a) provided general guidelines for conducting an administrative purge, Rule 230.2 set forth a procedural mechanism for a court to perform an administrative purge of cases that had remained on the civil docket for two or more years with no evidence of any activity.

The Court has amended and reinstated Rule 230.2. The amendments have streamlined the procedure for the trial court to conduct an administrative purge of inactive cases, and are intended to ensure that the civil dockets reflect the current inventory of active cases, while encouraging attorneys to expeditiously litigate their cases.

Several concerns with the suspended Rule 230.2 were identified. The suspended rule did not specify how often a court should conduct an administrative purge; it only provided a procedure should a court decide to conduct an administrative purge. In order to ensure that the civil case inventory is accurate, the amendment of subdivision (a) requires a court to conduct an administrative purge at least once a year. The court is also required to report such information to the Court Administrator of Pennsylvania with a form supplied by the Administrative Office of Pennsylvania Courts.

A second problem identified with suspended Rule 230.2 was the provision for service of the notice of proposed termination in subdivision (b). In subdivision (b)(1), the suspended rule required service of the notice of proposed termination on counsel of record or unrepresented parties at least sixty days prior to the date of termination. To expedite the process, the amendment of subdivision (b)(1) shortens that time frame and require the notice to be served to at least thirty days prior to the date of termination.

The suspended rule did not provide for modern, efficient methods for giving notice to counsel or unrepresented parties that cases were identified as having no activity on the docket for the previous two years. Subdivision (b)(2) of the suspended rule provided for the notice to be served by mail pursuant to Rule 440 at the last address of record. In the event that the notice was returned, publication was required in the legal publication designated by the court for such notices. In conjunction with the shortened time frame in subdivision (b)(1), the amendment of subdivision (b)(2) updates the method for giving notice by allowing the notice to be served electronically pursuant to Rule 205.4 governing electronic filing. The ability to serve notice by mail pursuant to Rule 440 has been retained, but publication in the legal journal when a notice has been returned has been eliminated.

A third problem identified with suspended Rule 230.2 was the filing of statements of intention to proceed in order to keep a case active, but then not requiring any further obligation on counsel or an unrepresented party to move the case forward to resolution. Subdivision (c) of the suspended rule required an attorney or unrepresented party to file a statement of intention to proceed before the termination date stated in the notice in order to prevent the purging of the case from the docket. If no statement of intention to proceed was filed, the prothonotary was directed to enter an order terminating the matter for failure to prosecute. In the newly amended rule, this provision has been retained. However, new subdivision (h) encourages the trial court to manage its cases by scheduling a status conference and establishing appropriate timelines to insure a timely and efficient disposition of the case.

Importantly, the amendment of Rule 230.2 retains the post-termination procedure set forth in subdivision (d) of

the suspended rule, which allows a party to petition the court to reinstate the action. The suspended rule provided certain requirements for reinstatement depending whether the petition is filed within thirty days or beyond thirty days. While the requirements remain unchanged, subdivision (d) has been amended to provide for sixty days rather than thirty days. New subdivision (e), however, limits reinstatements of a case. If any case, previously reinstated, is terminated pursuant to this rule, then it is terminated with prejudice. No additional reinstatements will be granted. This provision is intended to encourage the efficient litigation of cases and to not let them languish on the docket.

CIVIL PROCEDURAL RULES COMMITTEE ADOPTION REPORT

Amendment of Pa.R.Civ.P. 230.2

On August 8, 2023, the Supreme Court of Pennsylvania adopted amendments to Pennsylvania Rule of Civil Procedure 230.2. 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, cmt. The statements contained herein are those of the Committee, not the Court.

On behalf of the Supreme Court, the Committee published for comment a proposed amendment of Pa.R.Civ.P. 230.2 to make mandatory the scheduling of a status conference for all cases and to establish a timeline for timely disposition when a statement of intention to proceed is returned following the issuance of a notice of proposed termination. *See* 53 Pa.B. 1160 (March 4, 2023).

Pa.R.Civ.P. 230.2(a) provides that “[a]t least once a year, the court shall initiate proceedings to terminate cases in which there has been no activity of record for two years or more.” Parties receiving a notice of termination may file a notice of intention to proceed, which serves to preclude termination. The prior version of Pa.R.Civ.P. 230.2(h) provided for *discretionary* court involvement following receipt of such notice: “Upon receipt of a statement of intention to proceed, the court *may* schedule a status conference and establish appropriate timelines to ensure a timely and efficient disposition of the case.” (emphasis added).

This discretionary provision resulted in a practice, in some counties, in which the parties file sequential notices to proceed without engaging in any other case-related activity and without triggering further court involvement. Consequently, inactive civil cases appeared to continue to languish on a court’s docket. To encourage timely and efficient disposition, the amendment of subdivision (h) requires the court to schedule a status conference and establish appropriate timelines to ensure a timely and efficient disposition of the case when a statement of intention to proceed is returned to the court for an inactive case.

The Committee received no comments to publication and made no further substantive changes to the published proposal. Notwithstanding, stylistic revisions to the rule were also made.

The amendments become effective immediately.

[Pa.B. Doc. No. 23-1111. Filed for public inspection August 18, 2023, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CHS. 200 AND 1500]

Order Amending Rules 216, 227.1, 234.6, 1558, 1559, 1565, 1569, 1571, 1572, 1573, and 1574 of the Pennsylvania Rules of Civil Procedure; No. 744 Civil Procedural Rules Docket

Order

Per Curiam

And Now, this 8th day of August, 2023, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been published for public comment at 51 Pa.B. 4262 (August 7, 2021):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 216, 227.1, 234.6, 1558, 1559, 1565, 1569, 1571, 1572, 1573, and 1574 of the Pennsylvania Rules of Civil Procedure are amended in the attached form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective October 1, 2023.

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

Deletions from the rule are shown in bold and brackets.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 216. Grounds for Continuance.

[(A)] (a) * * * * *

(1) * * * *

(2) * * * *

(3) * * * *

[(a)] (i) * * * * *

[(b)] (ii) * * * * *

[(c)] (iii) * * * * *

[(d)] (iv) * * * * *

(4) * * * *

(5) The scheduling of counsel to appear at any proceeding under the Pennsylvania Rules of Disciplinary Enforcement, whether:

[(a)] (i) as counsel for a respondent-attorney before a hearing committee, [**special master**] hearing officer, the Disciplinary Board or the Supreme Court;

[(b)] (ii) as a [**special master**] hearing officer or member of a hearing committee; or

[(c)] (iii) as a member of the Disciplinary Board;

(6) * * * *

[(a)] (i) * * * * *

[(b)] (ii) * * * * *

[(B)] (b) * * * * *

[(C)] (c) * * * * *

[(D)] (d) No continuance shall be granted due to the absence from court of a witness duly subpoenaed, unless:

(1) Such witness will be absent because of facts arising subsequent to the service of the subpoena and which would be a proper ground for continuance under the provisions of [**Rule 216(A)**] Rule 216(a); or

(2) * * * *

(3) The witness, having attended at court has departed without leave, and an application for attachment is made promptly after the discovery of the absence of such witness; or the court is satisfied that the witness has left court for reasons which would be a proper ground for continuance under [**Rule 216(A)**] Rule 216(a).

[(E)] (e) * * * * *

[(F)] (f) [**Rule 216(B)—(E)**] Rule 216(b)—(e) and Rule 217 shall not be applicable to a continuance granted for any of the reasons set forth in [**Rule 216(A)(5) or (6)**] Rule 216(a)(5) or (6).

(Editor’s Note: Rule 227.1 as printed in 231 Pa. Code reads “Official Note” rather than “Note.”)

Rule 227.1. Post-Trial Relief.

(a) * * * *

[*Note:* The motion for post-trial relief replaces the following motions and exceptions: motion for new trial, motion for judgment notwithstanding the verdict, motion upon the whole record after disagreement of a jury, motion in arrest of judgment, motion to remove a nonsuit and exceptions following the decision of the judge in a trial without jury.

The following rules provide for the filing of exceptions, e.g., Equity Rule 1534 (exceptions to a fiduciary’s account), Partition Rule 1569 (exceptions to a master’s report) and Divorce Rule 1920.55-2 (exceptions to a master’s report), Support Rule 1910.12(e) (exceptions to a hearing officer’s report) and Execution Rule 3136(d) (exceptions to sheriff’s schedule of proposed distribution).]

(b) * * * *

[*Note:* If no objection is made, error which could have been corrected in pre-trial proceedings or during trial by timely objection may not constitute a ground for post-trial relief.

Pa.R.E. 103(a) provides that the specific ground for an overruled objection, or the substance of excluded evidence, need not be stated at or prior to trial, or without having made an offer of proof, if the ground of the objection, or the substance of the evidence sought to be introduced, was apparent from the context.]

(c) * * * *

[*Note:* A motion for post-trial relief may be filed following a trial by jury or a trial by a judge without a jury pursuant to Rule 1038. A motion for post-trial relief may not be filed to orders disposing of preliminary objections, motions for judgment on the pleadings or for summary judgment, motions relating to discovery or other proceedings which do not constitute a trial. See *U.S. National Bank in Johnstown v. Johnson*, 487 A.2d 809 (Pa. 1985).

A motion for post-trial relief may not be filed to matters governed exclusively by the rules of petition practice.

The filing of a motion for post-trial relief is prohibited by the following rules: Rule 1557 (order directing partition) and Rule 1930.2 (no post-trial practice in domestic relations matters).]

- (d) * * * * *
- (e) * * * * *
- (f) * * * * *
- (g) * * * * *

[*Note:* See 2 Pa.C.S. § 101 for the definition of “local agency.”]

See section 933(a)(1) of the Judicial Code, 42 Pa.C.S. § 933(a)(1), which provides for jurisdiction of appeals from determinations of particular Commonwealth agencies to be in the courts of common pleas.]

- (h) * * * * *

[*Note:* Subdivision (h) eliminates any distinction with respect to the filing of a motion for post-trial relief between jury and non-jury trials following an appeal from the decision of viewers in eminent domain proceedings.]

- (i) * * * * *

Comment:

Subdivision (a). The motion for post-trial relief replaces the following motions and exceptions: motion for new trial, motion for judgment notwithstanding the verdict, motion upon the whole record after disagreement of a jury, motion in arrest of judgment, motion to remove a nonsuit and exceptions following the decision of the judge in a trial without jury.

The following rules provide for the filing of exceptions, e.g., Rule 1534 (exceptions to a fiduciary’s account), Rule 1569 (exceptions to a hearing officer’s report in partition), Rule 1920.55-2 (exceptions to a hearing officer’s report in an action for divorce), Rule 1910.12(e) (exceptions to a hearing officer’s report in an action for support), and Rule 3136(d) (exceptions to sheriff’s schedule of proposed distribution).

Subdivision (b) states two requirements for the granting of post-trial relief. First, the grounds for the relief requested must have been raised in pre-trial proceedings or at trial and, second, they must be stated in the motion. Under subdivision (b)(1), if no objection is made, error which could have been corrected in pre-trial proceedings, i.e., a ground for a new trial or a judgment notwithstanding the verdict, or during trial by timely objection, may not constitute a ground for post-trial relief. It must be raised timely in pre-trial proceedings or during the trial, thus affording the court the opportunity to correct the error.

Pa.R.E. 103(a) provides that the specific ground for an overruled objection, or the substance of excluded evidence, need not be stated at or prior to trial, or without having made an offer of proof, if the ground of the objection, or the substance of the evidence sought to be introduced, was apparent from the context.

Under subdivision (b)(2), motions which set forth mere “boilerplate” language are specifically disapproved. Rather, the motion must state “the specific grounds therefor.” A post-trial motion must set forth the theories in support thereof “so that the lower court will know what it is being asked to decide.” *Frank v. Peckich*, 391 A.2d 624, 632-633 (Pa. Super. 1978).

Subdivision (c). A motion for post-trial relief may be filed following a trial by jury or a trial by a judge without a jury pursuant to Rule 1038. A motion for post-trial relief may not be filed to orders disposing of preliminary objections, motions for judgment on the pleadings, motions for summary judgment, or motions relating to discovery or other proceedings, which do not constitute a trial. See *U.S. National Bank in Johnstown v. Johnson*, 487 A.2d 809 (Pa. 1985).

A motion for post-trial relief may not be filed to matters governed exclusively by the rules of petition practice.

The filing of a motion for post-trial relief is prohibited by the following rules: Rule 1557 (order directing partition) and Rule 1930.2 (no post-trial practice in domestic relations matters).

Subdivision (g). See 2 Pa.C.S. § 101 for the definition of “local agency.”

See 42 Pa.C.S. § 933(a)(1) providing for jurisdiction of appeals from determinations of particular Commonwealth agencies to be in the courts of common pleas.

Subdivision (h). Any distinction with respect to the filing of a motion for post-trial relief between jury and non-jury trials following an appeal from the decision of viewers in eminent domain proceedings is eliminated.

(Editor’s Note: The following Explanatory Comments have not been previously codified in the *Pennsylvania Code*. They are printed in medium text to enhance readability.)

Historical Commentary

The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:

EXPLANATORY COMMENT—1983

Introduction

The Judicial Code and the Judiciary Act Repealer Act (JARA) have repealed Acts of Assembly which formed the basis for the entry of compulsory nonsuits and post-trial practice. The Code and JARA contemplate that the subject matter of the repealed statutes shall be governed by general rules. These amendments to the Rules of Civil Procedure supply the necessary procedure.

The amendments abolish the distinctions which have existed heretofore in post-trial practice. A party who seeks post-trial relief will do so by filing a Motion for Post-Trial Relief irrespective of whether the action is at law or in equity or whether the action is tried with or without a jury. New Rules 227.1 to 227.4 inclusive apply to all such actions.

A detailed analysis of the changes in practice effected by the amendments follows each rule.

Conforming Amendments

In view of the new consolidated post-trial practice under Rule 227.1, a number of conforming amendments

are made to rules governing the actions in equity and for partition, the family law actions of support and divorce and actions involving minors and incompetents.

The amendment to Rule 1557 governing partition reverses the current practice of filing exceptions to an order directing partition. The amended rule specifically provides that exceptions to such an order shall not be filed. Rather, relief may be sought through an appeal in accordance with Rule of Appellate Procedure 311(a)(6), as indicated in the note to Rule 1557.

The term “exceptions” is used in the rules in contexts other than post-trial practice. No amendment is made to rules using the term in such other contexts. Thus under Rule 227, a party need not take “exception” to any ruling of the trial judge. A party must still file “exceptions” to an auditor’s report under Rule 1530, a master’s report under Partition Rule 1569, a hearing officer’s report under Support Rule 1910.12, a master’s report under Divorce Rule 1920.55 and a schedule of distribution under Execution Rule 3136.

Rule 227.1

Rule 227.1 is entirely new. It includes several subjects not previously covered by the Rules of Civil Procedure.

Subdivision (a) authorizes the court to grant post-trial relief upon motion. This provision is necessary because JARA has repealed the statutes which formerly provided that authorization. The rule specifies the relief which may be granted and does not alter the prior practice.

Subdivision (a) prescribes the filing of a “written Motion for Post-Trial Relief”. Motions for New Trial, for Judgment Notwithstanding the Verdict, and for Judgment Upon the Whole Record will no longer be filed following a trial by jury. Exceptions will no longer be filed following a trial by a judge without a jury or an equity trial. The relief heretofore available through these motions and exceptions remains available through the new Motion for Post-Trial Relief.

Subdivision (b) states two requirements for the granting of post-trial relief. First, the grounds for the relief requested must have been raised in pre-trial proceedings or at trial and, second, they must be stated in the motion.

Subdivision (b)(1) incorporates into the rule the principle of *Dilliplaine v. Lehigh Valley Trust Co.*, 457 Pa. 255, 322 A.2d 114 (1974), that basic and fundamental error is not a ground for a new trial in the absence of a timely objection at the trial. The rule extends the principle to all post-trial relief. A ground for a new trial or a judgment notwithstanding the verdict may not be raised for the first time in the Motion for Post-Trial Relief. It must be raised timely in pre-trial proceedings or during the trial, thus affording the court the opportunity to correct the error.

In *Yudacufski v. Commonwealth, Department of Transportation*, 499 Pa. 605, 454 A.2d 923 (1982), the Supreme Court noted that the Rules of Civil Procedure governing post-trial practice “do not specifically include a requirement that pre-trial rulings must be raised in post-trial motions in order to be preserved.” Subdivision (b) now contains such a provision.

Subdivision (b)(2) specifies the requisites of the motion for post-trial relief. It must state the specific grounds for the relief sought and “how the grounds were asserted in pre-trial proceedings or at trial.”

In requiring the motion to state the specific grounds therefor, motions which set forth mere “boilerplate” lan-

guage are specifically disapproved. A post-trial motion must set forth the theories in support thereof “so that the lower court will know what it is being asked to decide.” *Frank v. Peckich*, 257 Pa.Super. 561, 391 A.2d 624, 632-633 (1978).

The requirement that the motion state how the grounds were raised at trial indicates compliance with the requirements of *Dilliplaine, supra*, and subdivision (b)(1) that there be a timely objection in pre-trial proceedings or at the trial.

Under subdivision (c), the time for filing the post-trial motion remains unchanged at ten days. However, the rule also provides an instance in which the time for filing a post-trial motion may be extended beyond the initial ten day period. There are occasions when a party is displeased with the result of a trial but refrains from filing a post-trial motion unless a post-trial motion is filed by an opposing party. This strategy necessitates a close watch over the dockets, since the party will be foreclosed from filing a motion if the opposing party files its motion on the tenth day. To facilitate practice in this area, subdivision (c) provides that where a post-trial motion has been timely filed by one party, any other party has ten days following the filing of the first post-trial motion in which to file its own motion. As with the other provisions of Rule 227.1, this concept applies to jury, nonjury and equity trials.

Subdivision (d) continues the practice of permitting a party to request post-trial relief in the alternative. When a party elects to so proceed, separate reasons should be set forth in support of each type of relief requested. Again, the document should make the trial judge aware of each request for relief and the grounds in support thereof.

Subdivision (e) provides a rule of judicial economy when both a new trial and judgment are sought in an action. Subdivision (e) provides that the court shall dispose of both requests. Thereafter, if the action is appealed, the appellate court may make a final disposition of the matter. This provision avoids the procedural situation where a trial court grants judgment but fails to rule on the request for a new trial. The action is thereafter appealed and the appellate court must then remand for disposition of the request for new trial. Under subdivision (e), the appellate court would be able to remand the matter directly for a new trial or affirm the ruling of the lower court.

New subdivision (f) provides for the prompt service of copies of the post-trial motion upon every other party to the action and the delivery of a copy to the trial judge.

EXPLANATORY COMMENT—1985

The amendment of Rule 227.1(c)(2) to provide for the filing of a motion for post-trial relief within ten days after nonsuit in a non-jury or an equity trial clarifies, but does not change, existing practice. Although subdivision (c)(2) did not refer to the filing of a motion for post-trial relief after a nonsuit in those instances, subdivision (a)(3) clearly provides for the court upon a written motion to remove a nonsuit without reference to the nature of the trial. The addition of the reference to a nonsuit in subdivision (c)(2) removes any ambiguity that might arise with respect to the time in which a motion for post-trial relief must be filed following a nonsuit in a non-jury or equity trial.

EXPLANATORY COMMENT—1989

The Supreme Court of Pennsylvania has promulgated an amendment to Rule of Civil Procedure 227.1 governing post-trial relief clarifying practice under the rule in two respects. First, notes have been added to subdivisions (a) and (c) explaining the scope of the motion for post-trial relief and the range of actions and proceedings to which the motion applies. The text of these subdivisions is not changed so that practice and procedure under them remain unaffected.

Second, new subdivision (g) is added to the rule specifying the procedure in appeals from final determinations of certain government agencies. The Commonwealth Court has stated that there are no post-trial proceedings in “statutory appeal” proceedings unless mandated by local rule. This practice has caused confusion in several respects. In many cases, post-trial motions have been filed unnecessarily and have resulted in the loss of the right to appeal. In other cases, attorneys have filed motions for post-trial relief and appeals simultaneously because they were unable to discern the proper procedure.

New subdivision (g) prohibits post-trial proceedings in a statutory appeal. The decision of the court in all such cases will be a final, appealable order.

EXPLANATORY COMMENT—1995

Amendments to the Rules of Civil Procedure relating to post-trial practice have been promulgated, allowing parties to minimize post-trial delay and clarifying the procedure with regard to proceedings in eminent domain and the actions of mandamus and partition of real property.

I. Entry of Judgment upon Praecipe**a. Post-Trial Delay**

Prior to the present amendment, parties to an action had no recourse when a motion for post-trial relief remained pending and undecided. The amendment to Rule 227.4 permits any party to an action to file a praecipe for judgment when a timely motion has been filed and remains undecided for more than one hundred twenty days after filing.

The rule is optional with the parties. If settlement negotiations are continuing, they may have little interest in a prompt appeal. If time is not of the essence, they may await the decision of the trial court. However, the rule provides the parties with the ability to “move the case along.”

If a motion remains undecided and a praecipe for judgment is entered at the earliest permissible time, the maximum post-trial delay is one hundred thirty days, i.e., ten days in which to file the motion and one hundred twenty days in which to decide it. The potential delay inherent in Rule of Appellate Procedure 1701(b)(3) providing for reconsideration of an order is avoided by prohibiting reconsideration of the judgment. The judgment entered is effective as to all parties and all issues so that the case in its entirety is ready for the appellate process.

The rule does not provide an automatic limit upon the time in which the court may make its ruling. However, it does provide a time standard by which the parties and the court may proceed.

There is a rule which may operate to prevent the entry of judgment upon the expiration of the one hundred twenty day period. Rule 238(c)(3)(i) provides that if “a

motion for post-trial relief has been filed under Rule 227.1 and a motion for delay damages is opposed, a judgment may not be entered until all motions filed under Rule 227.1 and this rule [Rule 238] have been decided.” A note has been added to call attention to the rule.

b. Waiver of Post-Trial Practice

A second amendment to Rule 227.4 has deleted the provision for entry of judgment upon filing a “waiver in writing of the right to file post-trial motions signed by all parties”. Present Pennsylvania policy is to require the parties to give the trial court the opportunity to correct error through post-trial practice. It follows that post-trial practice should not be subject to waiver.

II. Eminent Domain

Case law had developed an inconsistent practice with respect to the filing of a post-trial motion following trial upon an appeal from the decision of viewers in eminent domain proceedings. Post-trial practice was required following a trial by jury but not after a trial by a judge without a jury. New subdivision (h) has been added to Rule 227.1 eliminating this distinction and requiring post-trial practice whether the trial be by jury or by judge.

EXPLANATORY COMMENT—1996

The note to Rule 227.1(c) has been amended by deleting the second paragraph referring to a case stated. This amendment was required by the abolition of the case stated by Rule 1038.2.

The amendment is technical in nature and does not affect practice or procedure.

EXPLANATORY COMMENT—2004

Prior to the present amendment, Rule of Civil Procedure 227.1(b) was inconsistent with Pennsylvania Rule of Evidence 103(a). Civil Rule 227.1(b) required without exception that grounds for post-trial relief be raised in pre-trial proceedings or at trial. Evidence Rule 103(a), however, did not require that the specific ground for an erroneous evidentiary ruling be raised prior to or at trial if the ground was apparent from the context. The present amendment to Civil Rule 227.1 carves out an exception for matters within the scope of Evidence Rule 103(a), thereby eliminating the inconsistency between the two rules.

EXPLANATORY COMMENT—2015

In *Newman Development Group of Pottstown, LLC v. Genuardi's Family Markets, Inc. and Safeway, Inc.*, 52 A.3d 1233 (Pa. 2012), the Supreme Court of Pennsylvania examined the provisions of Rule 227.1 to determine whether a party must file a motion for post-trial relief following the resolution by the trial court of matters remanded by an appellate court. While it concluded in that case that a motion for post-trial relief was not required because the remand proceeding, which relied on an existing record, was not a trial, even though the trial court drew a different conclusion from that record to comport with the appellate court's directive, the Court held that Rule 227.1 is silent as to any procedure for post-trial relief when a matter has been remanded for further consideration by the trial court. *Id.* at 1251.

To close this gap, the Supreme Court has amended Rule 227.1 by adding new subdivision (i). Specifically addressing the remand context, the amendment would not require the filing of a motion for post-trial relief following

the resolution of matters remanded by an appellate court except under the following circumstances: (1) the appellate court has specified that the remand is for a complete or partial new trial, or (2) the trial court states in its order resolving the issue remanded that a motion for post-trial relief is required in order to preserve those issues for appellate review.

The amendment is intended to give the practitioner certainty as to when a motion for post-trial relief is required in the remand context, and thus, to prevent waiver of those issues upon further appellate review. It is also intended to facilitate the underlying purpose of the rule, which is to allow the trial court to reconsider its determination and to make any corrections before it is appealed without inundating it with unnecessary motions.

(Editor’s Note: Rule 234.6 as printed in 231 Pa. Code reads “Official Note” rather than “Note.”)

Rule 234.6. Form of Subpoena.

A subpoena issued pursuant to Rule 234.1 shall be substantially in the following form:

Commonwealth of Pennsylvania
County of _____

(Caption)

SUBPOENA TO ATTEND AND TESTIFY

* * * * *

Note: This form of subpoena shall be used whenever a subpoena is issuable under Rule 234.1, including hearings in connection with depositions and before arbitrators, [**masters**] **hearing officers**, commissioners, etc.

To require the production of documents or things in addition to testimony, complete paragraph 2.

* * * * *

CHAPTER 1500. EQUITABLE RELIEF

Subchapter B. PARTITION OF REAL PROPERTY

Rule 1558. Preliminary Conference. Appointment of [**Master**] **Hearing Officer**.

(a) The court, after the entry of the order directing partition, shall direct the parties or their attorneys to appear for a preliminary conference to consider

- (1) whether the parties can agree upon a plan of partition or sale;
- (2) the simplification of the issues;
- (3) whether any issues or matters relating to the carrying out of the order of partition shall be referred to a [**master**] **hearing officer**; and
- (4) such other matters as may aid in the disposition of the action.

(b) The court, at any time after the preliminary conference, may appoint a [**master**] **hearing officer** to hear the entire matter or to conduct any sale, or to act upon only specified issues or matters relating to the carrying out of the order of partition.

* * * * *

Rule 1559. [**Master**] **Hearing Officer**. Hearing.

A [**master**] **hearing officer** who is appointed by the court shall make such examinations and hold such hearings as may be necessary, giving reasonable notice thereof. The [**master**] **hearing officer** may employ

appraisers and, with the authorization of the court, such other experts as are necessary to enable the [**master**] **hearing officer** to perform [**his or her**] **the** duties of **the appointment**.

Rule 1565. Retention of Undivided Interests. Election. Parties Not Appearing.

(a) The court shall permit the shares of any two or more co-tenants to remain undivided between them if they so elect by writing filed within such time as the court or [**master**] **hearing officer** shall direct.

(b) The court may permit the shares of any two or more co-tenants who do not appear in the action to remain undivided between them.

* * * * *

Rule 1569. [**Master’s**] **Hearing Officer’s** Report. Exceptions.

(a) A [**master**] **hearing officer** who is appointed by the court shall file a report with respect to the matters submitted. The report shall follow the form of decision in Rule 1570, insofar as the scope of the reference to the [**master**] **hearing officer** permits.

(b) The [**master**] **hearing officer** shall give all persons in interest written notice of the date on which [**he or she**] **the hearing officer** intends to file the report and proposed order and shall specify an address within the county where they may be examined. The [**master**] **hearing officer** may change the report and proposed order as [**he or she**] **the hearing officer** deems proper before filing them, but if any changes are made written notice thereof shall be given to all parties.

(c) Within ten days after notice of the filing of the report, exceptions may be filed by any party to rulings on evidence, to findings of fact, to conclusions of law, and to the proposed order. The court may, with or without taking testimony, remand the report, or enter a decision in accordance with Rule 1570 which may incorporate by reference the findings and conclusions of the [**master**] **hearing officer** in whole or in part.

Rule 1571. Trustees to Satisfy Liens and Charges.

(a) The court, upon motion of any party or person in interest, or upon recommendation of the [**master**] **hearing officer**, may appoint a trustee to receive payment of:

- (1) * * * * *
- (2) * * * * *
- (3) * * * * *
- (b) * * * * *

* * * * *

Rule 1572. Sale Not Confined to Parties.

- (a) * * * * *
- (b) * * * * *
- (c) * * * * *

(d) If the court directs a [**master**] **hearing officer** to conduct the sale, the [**master**] **hearing officer**, before accepting payment for the property, shall file a bond in double the amount of the payment or in such lesser amount as shall be fixed by the court.

Rule 1573. Return of Sale and Schedule of Distribution.

(a) Where the sale has been conducted by a [**master**] **hearing officer**, the [**master**] **hearing officer** shall promptly file with the prothonotary a return of sale together with a proposed order which shall

- (1) confirm the sale;
- (2) authorize the [**master**] **hearing officer** to execute and deliver to the purchaser all necessary deeds and other instruments of title;
- (3) contain appropriate provisions for the protection of life tenants, unborn and unascertained remaindermen, persons whose whereabouts are unknown, or other persons in interest, and for the release or discharge of such interests;
- (4) direct distribution of the proceeds to the persons or parties entitled; and
- (5) provide for the payment of costs.

(b) The [**master**] **hearing officer** shall give all persons in interest written notice of the date on which [**he or she**] **the hearing officer** intends to file the return of sale and proposed order, and shall specify an address within the county where they may be examined. The [**master**] **hearing officer** may change the return of sale and proposed order as [**he or she**] **the hearing officer** deems proper before filing them, but if any changes are made written notice thereof shall be given to all parties.

(c) * * * * *

Rule 1574. Costs and Counsel Fees.

Costs shall be paid by the parties in proportion to their interests in the property. The compensation of appraisers, the [**master's**] **hearing officer's** fee, and compensation of experts authorized by the court shall be taxed as part of the costs. Reasonable counsel fees may be charged against the property or fund resulting therefrom, and apportioned among the parties and their counsel in such amount and manner as the court shall deem equitable.

* * * * *

CIVIL PROCEDURAL RULES COMMITTEE

ADOPTION REPORT

Amendment of Pa.R.Civ.P. 216, 227.1, 234.6, 1558, 1559, 1565, 1569, 1571, 1572, 1573, and 1574

On August 8, 2023, the Supreme Court of Pennsylvania adopted amendments of Pennsylvania Rules of Civil Procedure 216, 227.1, 234.6, 1558, 1559, 1565, 1569, 1571, 1572, 1573, and 1574. 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, cmt. The statements contained herein are those of the Committee, not the Court.

Pursuant to multiple requests, the Committee undertook rulemaking to amend the Rules of Civil Procedure to replace the terms “master” and “special master” with “hearing officer.” The purpose of the amendments was two-fold. First, while the term “master” has traditionally identified a quasi-judicial officer and is considered neutral in legal proceedings, a pejorative connotation had been ascribed to the term in modern parlance outside of court.

Second, the term had been either already replaced or proposed to be replaced in other bodies of rules. See 47 Pa.B. 2313 (April, 22, 2017) (amendments to the Rules of Juvenile Court Procedure) and 51 Pa.B. 1006 (February 27, 2021) (proposed amendments to the Rules of Civil Procedure Governing Domestic Relations proceedings). In addition, the Committee had observed that a number of judicial districts have also changed this terminology in their local rules. Stylistic revisions to the rules were also made.

The Committee published the proposal for comment. See 51 Pa.B. 4262 (August 7, 2021). It received no comments to publication and no further substantive changes to the proposal were made.

The amendments become effective on October 1, 2023.

[Pa.B. Doc. No. 23-1112. Filed for public inspection August 18, 2023, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART II. ORPHANS’ COURT RULES

[231 PA. CODE PART II]

Proposed Amendment of Pa.R.O.C.P. 15.2, 15.3, 15.7, 15.8, 15.9, 15.10, and 15.13

The Orphans’ Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.O.C.P. 15.2, 15.3, 15.7—15.10, and 15.13 to establish procedures relating to the Indian Child Welfare Act and Bureau of Indian Affairs regulations, 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.

Additions to the text of the proposal are bolded and underlined; deletions to the text are bolded and bracketed.

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

Pamela S. Walker, Counsel
 Orphans’ Court Procedural Rules Committee
 Supreme Court of Pennsylvania
 Pennsylvania Judicial Center
 PO Box 62635
 Harrisburg, PA 17106-2635
 FAX: 717-231-9546
 orphanscourtproceduralrules@pacourts.us

All communications in reference to the proposal should be received by October 27, 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 Orphans' Court
Procedural Rules Committee*

JULIAN E. GRAY, Esq.,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART II. ORPHANS' COURT RULES

CHAPTER XV. ADOPTIONS

Rule 15.2. Definitions.

In addition to the terms and definitions provided in Rule 1.3, the following words and phrases when used in Chapter XV shall have the following meaning:

* * * * *

"Department"—the Department of Human Services of the Commonwealth;

"Indian child"—any unmarried person who is under age eighteen and is either (a) a member of an Indian tribe or (b) eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe;

"Intermediary"—any person or agency arranging an adoption placement as defined in 23 Pa.C.S. § 2102;

* * * * *

[Explanatory] Comment:

In Philadelphia County, jurisdiction over adoptions, terminations of parental rights, birth records, and related proceedings is exercised through the Family Court Division of the Philadelphia Court of Common Pleas. 20 Pa.C.S. § 713. In all other counties, family court judges who have adjudicated a child dependent, conducted permanency hearings, or conducted other dependency proceedings may be assigned to the Orphans' Court Division for purposes of hearing petitions to terminate parental rights or petitions to adopt a dependent child. 42 Pa.C.S. § 6351(i).

The definition for "Indian child" originates from the Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq. and the Bureau of Indian Affairs regulations, 25 C.F.R. § 23.2.

Rule 15.3. Prerequisites for any Petition to Terminate Parental Rights or Petition to Adopt.

(a) *Separate Petitions for Each Child and Any Adoptee.* Separate petitions **[must] shall** be filed for each child or adult adoptee who is the subject of a proceeding under Rule 15.7 (Voluntary Relinquishment to Agency), Rule 15.8 (Voluntary Relinquishment to Adult Intending to Adopt Child), Rule 15.9 (Alternative Procedure for Relinquishment by Confirmation of Consent to Adoption), Rule 15.10 (Involuntary Termination of Parental Rights), Rule 15.12 (Court Review and Approval of Contact Agreement), Rule 15.13 (Adoption), Rule 15.14 (Registration of Foreign Adoption Decree), Rule 15.15 (Petition for Adoption of a Foreign Born Child), Rule 15.17 (Petition to Modify a Contact Agreement), Rule 15.18 (Petition to Enforce a Contact Agreement), and Rule 15.19 (Petition to Discontinue a Contact Agreement).

(b) *Filing of Original Birth Certificate.* Unless previously filed, the child's original birth certificate or certification of registration of birth shall be filed when the petition to terminate parental rights is filed, and the

clerk shall make the original birth certificate or certification of registration of birth part of the court file pertaining to that child.

(c) Indian Child Welfare Act.

(1) Inquiry.

(i) At the commencement of the initial proceeding to terminate parental rights or to adopt, the court shall inquire as to the efforts made by the agency and the intermediary, if there is one, to determine whether the child is an Indian child and whether any participant has reason to know the child is an Indian child. All responses shall be placed on the record.

(ii) The court shall advise the participants of their obligation to report to the court if they subsequently receive information that provides a reason to know the child is an Indian child.

(2) Finding of Court. The court shall make a finding as to whether there is reason to know the child is an Indian child.

(3) Additional Requirements.

(i) In the event the court has reason to know the child is an Indian child, but lacks sufficient evidence to make such a finding, the court shall confirm due diligence has been used to make such determination, and the court shall treat the child as an Indian child until it can determine, from the record, that the child does not meet the definition of an Indian child.

(ii) If the court has sufficient evidence to conclude the child is an Indian child, then the notification and rights under the Indian Child Welfare Act shall apply.

[Explanatory] Comment:

For the following reasons, a separate petition must be filed for each child and any adult adoptee who is the subject of any one of the enumerated proceedings: (i) privacy concerns; (ii) better and more accurate data collection, especially if siblings do not share the same birth parents; and (iii) facilitating appellate proceedings if an appeal from an order terminating parental rights is taken as to only one of the involved children. The court in its discretion may consolidate separate petitions for any hearing.

A county agency unduly burdened by the costs of filing separate petitions for a group of siblings may petition the court for relief from such filing costs. It is anticipated that such petitions for relief would be made only when the costs are burdensome.

The Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq. and the Bureau of Indian Affairs regulations, 25 C.F.R. § 23.107, require the court at the commencement of the initial proceeding to determine if any participant has reason to know whether the child is an Indian child.

For the definition of "Indian child," see Pa.R.O.C.P. 15.2. The regulations place the burden on the court to ask every participant if there is any reason to know whether the child is an Indian child

and to inform each participant of their ongoing obligation to inform the court if they subsequently learn of any reason to believe the child is an Indian child. Nothing in this rule is intended to prohibit the court from continuing to inquire at every subsequent proceeding. For determination of a reason to know whether a child is an Indian child, see 25 C.F.R. § 23.107. When a court knows or has reason to know that a child is an Indian child, see 25 C.F.R. § 23.111 for notice requirements. See also 25 C.F.R. § 23.11.

For additional requirements concerning the non-emergent placement of an Indian child, see 25 C.F.R. §§ 23.121-122. For the transfer of proceedings to the Indian child's tribe, see 25 C.F.R. §§ 23.115-119. For requirements concerning voluntary proceedings for the placement of an Indian child, see 25 C.F.R. §§ 23.124-127. For the placement preferences of an Indian child, see 25 C.F.R. §§ 23.131-132.

Rule 15.7. Voluntary Relinquishment to Agency.

(a) *Petition.* A petition under 23 Pa.C.S. § 2501 to relinquish parental rights and duties with respect to a child who has been in the care of an agency shall contain the following averments:

(1) the name, address, age, and racial background of each petitioner;

(2) the information required in [**subparagraph (1) subdivision (a)(1)**] as to any parent who is not a petitioner, including the birth father, presumptive father and putative father, or the reasons why the court should find such information is not necessary;

(3) the marital status of the mother as of the time of the child's birth and during one year prior thereto, and her maiden name;

(4) the name, age, date of birth, place of birth, racial background, and gender of the child;

(5) **whether any petitioner has reason to know the child is an Indian child as defined in Rule 15.2;**

(6) the name and address of the agency having care of the child;

[(6)] (7) the date when the child was placed with the agency;

[(7)] (8) the reasons for seeking relinquishment;

[(8)] (9) whether each petitioner has been informed of counseling services concerning the termination of parental rights and the alternatives thereto and provided with a list of qualified counselors and counseling services;

[(9)] (10) whether each petitioner has received any counseling concerning the termination of parental rights and the alternatives thereto and, if so, the name of the organization or qualified counselor providing such counseling services;

[(10)] (11) whether each petitioner has been informed of the opportunity for a birth relative of the child, including the petitioner, to enter into a Contact Agreement with the Prospective Adoptive Parents, once identified;

[(11)] (12) whether the agency's consent to accept custody of the child until such time as the child is adopted is attached to the petition; and

[(12)] (13) that each petitioner understands the petition, has considered the alternatives, and has executed the petition voluntarily.

(b) *Exhibits.* The following exhibits shall be attached to the petition:

(1) Documentation signed by each petitioner as required by 23 Pa.C.S. § 2501(a).

(2) A verified statement from a representative of the agency, counsel for the agency, or counsel representing any other party that written notice was provided to the petitioner birth parent regarding the opportunity of a birth relative to enter into a Contact Agreement, that such notice was provided by hand delivery, by first-class United States mail, postage prepaid, to the last known address, or by electronic transmission in accordance with Rule 15.4(b)(1)(C), and the date(s) that such notice was given. A copy of the notice shall accompany this verified statement.

(3) If, as part of the hearing on the petition, the parental rights of a putative father could be terminated pursuant to 23 Pa.C.S. § 2503(d), and if written notice of the opportunity to enter into a Contact Agreement has been provided to the putative father in advance of the petition's filing, a verified statement from a representative of the agency, counsel for the agency, or counsel representing any other party that written notice was provided to the putative father regarding the opportunity of a birth relative to enter into a Contact Agreement, that such notice was provided by hand delivery, by first-class United States mail, postage prepaid, to the last known address, or by electronic transmission in accordance with Rule 15.4(b)(1)(C), and the date(s) that such notice was given, or the reasons why such notice cannot be given, including efforts made to identify or locate the subject person. If notice was given, a copy of the notice shall accompany this verified statement.

(c) *Hearing and Decree.*

(1) Notice of the hearing on the petition shall be provided in accordance with 23 Pa.C.S. § 2503(b), and in accordance with 23 Pa.C.S. § 2503(d) if the rights of a putative father are to be terminated as part of the same proceeding, and shall be served in accordance with Rule 15.4(b)(1).

(2) On or before the hearing, the court shall be presented with a certificate of service stating that notice of the hearing on the petition was given to the petitioner and all others entitled to a copy of the notice in accordance with 23 Pa.C.S. § 2503 and Rule 15.4(b)(1).

(3) The petitioner birth parent voluntarily relinquishing his or her parental rights shall be present at the hearing and available to be examined under oath.

(4) If as part of hearing on the petition, the parental rights of a putative father could be terminated pursuant to 23 Pa.C.S. § 2503(d), and if notice of the opportunity to enter into a Contact Agreement was not provided to the subject putative father prior to the petition's filing, then on or before the hearing, the court shall be presented with a verified statement from a representative of the agency, counsel for the agency, or counsel representing any other party that written notice was provided to the subject putative father regarding the opportunity of a

birth relative to enter into a Contact Agreement, that such notice was provided by hand delivery, by first-class United States mail, postage prepaid, to the last known address, or by electronic transmission in accordance with Rule 15.4(b)(1)(C), and the date(s) that such notice was given or the reasons why such notice cannot be given, including efforts made to identify or locate the subject person. If notice was given, a copy of the notice shall accompany this verified statement.

(5) At the hearing, the court shall inquire, as provided in Rule 15.3(c), as to the efforts made by the petitioner to determine whether the child is an Indian child and whether anyone present has reason to know whether the child is an Indian child pursuant to Rule 15.3(c). All responses shall be placed on the record.

[Explanatory] Comment:

[Section 2733(c) of the Adoption Act requires the] **The** agency, the intermediary or an attorney for a party [to] **shall** provide notice of the opportunity to enter into a Contact Agreement to the Prospective Adoptive Parents, a birth parent, and, in some instances, a child. **See 23 Pa.C.S. § 2733(c).** Notice to a birth relative who is not a birth parent is not statutorily required, although birth relatives may enter into and become parties to a Contact Agreement.

An original birth certificate or certification of registration of the child's birth must be filed with the clerk by the time of filing the initial petition to terminate parental rights. [**See Rule 15.3(b).**] **See Pa.R.O.C.P. 15.3(b) (pertaining to prerequisites for any petition to terminate parental rights or to adopt).**

The court is required to inquire and determine whether the petitioner has reason to know whether the child is an Indian child. The court is also required to advise the participants of their obligation to report to the court if they subsequently receive information that provides a reason to know the child is an Indian child. See Pa.R.O.C.P. 15.3(c).

Rule 15.8. Voluntary Relinquishment to Adult Intending to Adopt Child.

(a) *Petition.* A petition under 23 Pa.C.S. § 2502 to relinquish parental rights with respect to a child who has been in the exclusive care of Prospective Adoptive Parents shall contain the following averments:

(1) the name, address, age, and racial background of each petitioner;

(2) the information required in [**subparagraph (1) subdivision (a)(1)**] as to any parent who is not a petitioner, including the birth father, presumptive father, and putative father, or the reasons why the court should find such information is not necessary;

(3) the marital status of the mother as of the time of the child's birth and during one year prior thereto, and her maiden name;

(4) the name, age, date of birth, place of birth, racial background, and gender of the child;

(5) whether any petitioner has reason to know the child is an Indian child as defined in Rule 15.2;

(6) the date when the child was placed with the Prospective Adoptive Parents;

[**(6)**] **(7)** the date when the Report of Intention to Adopt was filed;

[**(7)**] **(8)** the reasons for seeking relinquishment;

[**(8)**] **(9)** whether each petitioner has been informed of counseling services concerning the termination of parental rights and the alternatives thereto and provided with a list of qualified counselors and counseling services;

[**(9)**] **(10)** whether each petitioner has received any counseling concerning the termination of parental rights and the alternatives thereto and, if so, the name of the organization or qualified counselor providing such counseling services;

[**(10)**] **(11)** whether each petitioner has been informed of the opportunity for a birth relative of the child, including the petitioner, to enter into a Contact Agreement with the Prospective Adoptive Parents;

[**(11)**] **(12)** whether a Report of Intention to Adopt under 23 Pa.C.S. § 2531 or an adoption petition under Rule 15.13 has been filed;

[**(12)**] **(13)** whether the Prospective Adoptive Parents' consent to accept custody of the child until such time as the child is adopted is attached to the petition; and

[**(13)**] **(14)** that each petitioner understands the petition, has considered the alternatives, and has executed the petition voluntarily.

(b) *Exhibits.* The following exhibits shall be attached to the petition:

(1) A verified statement from a representative of the agency or intermediary, counsel for the agency or intermediary, or counsel representing any other party that written notice was provided to the petitioner birth parent regarding the opportunity to enter into a Contact Agreement, that such notice was provided by hand delivery, by first-class United States mail, postage prepaid, to the last known address, or by electronic transmission in accordance with Rule 15.4(b)(1)(C), and the date(s) that such notice was given. A copy of the notice shall accompany this verified statement.

(2) If, as part of the hearing on the petition, the parental rights of a putative father could be terminated pursuant to 23 Pa.C.S. § 2503(d), and if written notice of the opportunity to enter into a Contact Agreement has been provided to the putative father in advance of the petition's filing, a verified statement from a representative of the agency or intermediary, counsel for the agency or intermediary, or counsel representing any other party that written notice was provided to the putative father regarding the opportunity of a birth relative to enter into a Contact Agreement, that such notice was provided by hand delivery, by first-class United States mail, postage prepaid, to the last known address, or by electronic transmission in accordance with Rule 15.4(b)(1)(C), and the date(s) that such notice was given, or the reason(s) why such notice cannot be given, including efforts made to identify or locate the subject person. If notice was given, a copy of the notice shall accompany this verified statement.

(3) The signed consents of the Prospective Adoptive Parents to accept custody of the child until such time as the adoption is completed.

(c) *Hearing and Decree.*

(1) Notice of the hearing on the petition shall be provided in accordance with 23 Pa.C.S. § 2503(b), and in accordance with 23 Pa.C.S. § 2503(d) if the rights of a

putative father are to be terminated as part of the same proceeding, and shall be served in accordance with Rule 15.4(b)(1).

(2) On or before the hearing, the court shall be presented with a certificate of service stating that notice of the hearing on the petition was given to the petitioner and all others entitled to a copy of the notice in accordance with 23 Pa.C.S. § 2503 and Rule 15.4(b)(1).

(3) The petitioner birth parent voluntarily relinquishing his or her parental rights shall be present at the hearing and available to be examined under oath.

(4) If as part of hearing on the petition, the parental rights of a putative father could be terminated pursuant to 23 Pa.C.S. § 2503(d), and if notice of the opportunity to enter into a Contact Agreement was not provided to the subject putative father prior to the petition's filing, then on or before the hearing, the court shall be presented with a verified statement from a representative of the agency or intermediary, counsel for the agency or intermediary, or counsel representing any other party that written notice was provided to the subject putative father regarding the opportunity of a birth relative to enter into a Contact Agreement, that such notice was provided by hand delivery, by first-class United States mail, postage prepaid, to the last known address, or by electronic transmission in accordance with Rule 15.4(b)(1)(C), and the date(s) that such notice was given or the reason(s) why such notice cannot be given, including efforts made to identify or locate the subject person. If notice was given, a copy of the notice shall accompany this verified statement.

(5) At the hearing, the court shall inquire, as provided in Rule 15.3(c), as to the efforts made by the petitioner to determine whether the child is an Indian child and whether anyone present has reason to know whether the child is an Indian child pursuant to Rule 15.3(c). All responses shall be placed on the record.

[Explanatory] Comment:

An original birth certificate or certification of registration of the child's birth must be filed with the clerk by the time of filing the initial petition to terminate parental rights. [See Rule 15.3(b).] **See Pa.R.O.C.P. 15.3(b) (pertaining to prerequisites for any petition to terminate parental rights or to adopt).**

The court is required to inquire and determine whether the petitioner has reason to know whether the child is an Indian child. The court is also required to advise the participants of their obligation to report to the court if they subsequently receive information that provides a reason to know the child is an Indian child. See Pa.R.O.C.P. 15.3(c).

For additional information about notice of the opportunity to enter into a Contact Agreement, [see the Explanatory Comment to Rule 15.7] see Pa.R.O.C.P. 15.7, cmt.

Rule 15.9. Alternative Procedure for Relinquishment by Confirmation of Consent to Adoption.

(a) *Petition.* A petition under 23 Pa.C.S. § 2504 to confirm the consent to adoption given by a birth parent, presumptive father, or putative father relinquishing parental rights and agreeing to have the child placed for adoption shall contain the following averments:

(1) the name, address, age, and racial background of the consentor;

(2) the information required in [subparagraph (1)] **subdivision (a)(1)** as to any parent who has not signed a consent to adoption, including the birth father, presumptive father, and putative father, or the reasons why the court should find such information is not necessary;

(3) the marital status of the mother as of the time of the child's birth and during one year prior thereto, and her maiden name;

(4) the name, age, date of birth, place of birth, racial background, and gender of the child;

(5) **whether any petitioner has reason to know the child is an Indian child as defined in Rule 15.2;**

(6) the date when the consent to adoption was executed by the consentor and that the consent was executed in accordance with 23 Pa.C.S. §§ 2711 and 2712;

[(6)] (7) the number of days that have elapsed since the consent to adoption was executed by the consentor;

[(7)] (8) whether the petitioner, counsel for the petitioner, or the agency or intermediary in those cases where the agency or intermediary is not the petitioner, has received any writing from the consentor revoking or attempting to revoke the previously executed consent to adoption;

[(8)] (9) whether the consentor was informed of counseling services concerning the termination of parental rights and the alternatives thereto and provided with a list of qualified counselors and counseling services;

[(9)] (10) whether the consentor received counseling concerning the termination of parental rights and the alternatives thereto and, if so, the name of the organization or qualified counselor providing such counseling services;

[(10)] (11) whether the consentor has been informed of the opportunity for a birth relative of the child, including the consentor, to enter into a Contact Agreement with the Prospective Adoptive Parents, once identified; and

[(11)] (12) whether a consent by the Prospective Adoptive Parents or by the agency to accept custody of the child until such time as the child is adopted is attached to the petition, and if custody is to an individual, whether a Report of Intention to Adopt under 23 Pa.C.S. § 2531 or an adoption petition under Rule 15.13 has been filed.

(b) *Exhibits.* The following exhibits shall be attached to the petition:

(1) The original consent(s) to adoption.

(2) A verified statement from a representative of the agency or intermediary, counsel for the agency or intermediary, or counsel representing any other party that written notice was provided to the consentor regarding the opportunity of a birth relative to enter into a Contact Agreement, that such notice was provided by hand delivery, by first-class United States mail, postage prepaid, to the last known address, or by electronic transmission in accordance with Rule 15.4(b)(2)(C), and the date(s) that such notice was given. A copy of the notice shall accompany this verified statement.

(3) If, as part of the hearing on the petition, the parental rights of a putative father could be terminated pursuant to 23 Pa.C.S. § 2504(c), and if written notice of the opportunity to enter into a Contact Agreement has been provided to the putative father in advance of the petition's filing, a verified statement from a representative of the agency or intermediary, counsel for the agency or intermediary, or counsel representing any other party that written notice was provided to the putative father regarding the opportunity of a birth relative to enter into a Contact Agreement, that such notice was provided by hand delivery, by first-class United States mail postage prepaid, to the last known address, or by electronic transmission in accordance with Rule 15.4(b)(2)(C), and the date(s) on which such notice was given, or the reasons why such notice cannot be given, including efforts made to identify or locate the subject person. If a notice was given, a copy of the notice shall accompany this verified statement.

(4) The signed consents of the Prospective Adoptive Parents or agency to accept custody of the child until such time as the adoption is completed.

(c) *Hearing and Decree.*

(1) Notice of the hearing on the petition shall be in the form specified in 23 Pa.C.S. § 2513(b) and shall be provided and served in accordance with 23 Pa.C.S. § 2504(b) and Rule 15.4(b)(2).

(2) On or before the hearing, the court shall be presented with a certificate of service stating that notice of the hearing on the petition was provided in the form specified in 23 Pa.C.S. § 2513(b) and given to the consenter and all others entitled to a copy of the notice in accordance with 23 Pa.C.S. § 2504(b) and Rule 15.4(b)(2).

(3) If as part of hearing on the petition, the parental rights of a putative father could be terminated pursuant to 23 Pa.C.S. § 2504(c), and if notice of the opportunity to enter into a Contact Agreement was not provided to the subject putative father prior to the petition's filing, then on or before the hearing, the court shall be presented with a verified statement from a representative of the agency or intermediary, counsel for the agency or intermediary, or counsel representing any other party that written notice was provided to the subject putative father regarding the opportunity of a birth relative to enter into a Contact Agreement, that such notice was provided by hand delivery, by first-class United States mail, postage prepaid, to the last known address, or by electronic transmission in accordance with Rule 15.4(b)(2)(C), and the date(s) that such notice was given, or the reason(s) why such notice cannot be given, including efforts made to identify or locate the subject person. If notice was given, a copy of the notice shall accompany this verified statement.

(4) At the hearing, the court shall inquire, as provided in Rule 15.3(c), as to the efforts made by the petitioner to determine whether the child is an Indian child and whether anyone present has reason to know whether the child is an Indian child pursuant to Rule 15.3(c). All responses shall be placed on the record.

[Explanatory] Comment:

An original birth certificate or certification of registration of the child's birth must be filed with the clerk by the time of filing the initial petition to terminate parental rights. [See Rule 15.3(b).] See Pa.R.O.C.P. 15.3(b).

The court is required to inquire and determine whether the petitioner has reason to know whether the child is an Indian child. The court is also required to advise the participants of their obligation to report to the court if they subsequently receive information that provides a reason to know the child is an Indian child. See Pa.R.O.C.P. 15.3(c).

For additional information about notice of the opportunity to enter into a Contact Agreement, [see the Explanatory Comment to Rule 15.7] see Pa.R.O.C.P. 15.7, cmt.

Rule 15.10. Involuntary Termination of Parental Rights.

(a) *Petition.* A petition for involuntary termination of parental rights under 23 Pa.C.S. §§ 2511-2512 shall contain the following averments:

- (1) the name and address of the petitioner(s);
- (2) the basis for the standing asserted by the petitioner(s);
- (3) the name, age, date of birth, place of birth, racial background, and gender of the child;
- (4) **whether any petitioner has reason to know the child is an Indian child as defined in Rule 15.2;**

(5) the name, address, age, and racial background of the birth parents, including the birth father, presumptive father, and putative father;

[(5)] (6) if a birth father, presumptive father or putative father is not identified in **the above** subparagraph, whether a claim for paternity has been filed under 23 Pa.C.S. § 5103 (relating to claim of paternity);

[(6)] (7) the marital status of the mother as of the time of the child's birth and during one year prior thereto, and her maiden name;

[(7)] (8) the date when the child was placed in the care of the petitioner;

[(8)] (9) the date when the child was removed from the parent who is the subject of the petition, if different than the date of placement with the petitioner;

[(9)] (10) specific facts setting forth why the child was voluntarily placed in the custody of an entity or individual or involuntarily removed from the parent who is the subject of the petition;

[(10)] (11) a reference to the applicable subsection(s) of 23 Pa.C.S. § 2511(a) providing the ground(s) for termination and specific facts to support terminating the parental rights of the subject birth parent pursuant to the subsection(s) referenced;

[(11)] (12) whether either parent of the child is entitled to benefits under the Servicemembers Civil Relief Act of 1940, as amended (50 U.S.C. §§ 3901 *et seq.*);

[(12)] (13) one of the following:

[(A)] (i) that the parent who is the subject of the petition has been provided with written notice regarding the opportunity for a birth relative of the child, including the subject birth parent, to enter into a Contact Agreement with the Prospective Adoptive Parents, once identified;

[(B)] (ii) that such written notice will be given to the subject birth parent prior to the hearing by the agency, intermediary or counsel representing a party; or

[(C)] (iii) the reason(s) why such notice cannot be given, including efforts made to identify or locate the subject person.

[(13)] (14) whether a consent by the Prospective Adoptive Parents, or by the agency to accept custody of the child until such time as the child is adopted is attached to the petition, and if custody is to an individual, whether a Report of Intention to Adopt under 23 Pa.C.S. § 2531 or an adoption petition under Rule 15.13 has been filed or the reason why such consent or filing is not required by law; and

[(14)] (15) that each petitioner understands the petition and believes its filing to best serve the developmental, physical and emotional needs, and welfare of the child.

(b) *Exhibits.* The following exhibits shall be attached to the petition:

(1) A verified statement from a representative of the agency or intermediary, counsel for the agency or intermediary, or counsel representing any other party that written notice was provided to the subject birth parent regarding the opportunity of a birth relative to enter into a Contact Agreement, that such notice was provided by hand delivery, by first-class United States mail, postage prepaid, to the last known address, or by such other means as provided in Rule 15.4(b)(3)(A)(iii), and the date(s) that such notice was given, or the reason(s) why such notice cannot be given, including efforts made to identify or locate the subject person. If notice was given, a copy of the notice shall accompany this verified statement.

(2) Except as otherwise provided by law, the signed consent of the petitioner, the Prospective Adoptive Parents, or the agency to accept custody of the child until such time as the adoption is completed.

(c) *Hearing and Decree.*

(1) Notice of the hearing on the petition shall be provided and served in accordance with 23 Pa.C.S. § 2513(b) and Rule 15.4(b)(3).

(2) On or before the hearing, the court shall be presented with a certificate of service stating that notice of the hearing on the petition was given to the petitioner and all others entitled to a copy of the notice in accordance with 23 Pa.C.S. § 2503 and Rule 15.4(b)(3).

(3) If notice of the opportunity to enter into a Contact Agreement was not provided to the subject birth parent prior to the petition's filing, then on or before the hearing, the court shall be presented with a verified statement from a representative of the agency or intermediary, counsel for the agency or intermediary, or counsel representing any other party that written notice was provided to the subject birth parent regarding the opportunity of a birth relative to enter into a Contact Agreement, that such notice was provided by hand delivery, by first-class United States mail, postage prepaid, to the last known address, or by such other means as provided in Rule 15.4(b)(3)(A)(iii), and the date(s) that such notice was given or the reason(s) why such notice cannot be given, including efforts made to identify or locate the subject person. If notice was given, a copy of the notice shall accompany this verified statement.

(4) At the hearing, the court shall inquire, as provided in Rule 15.3(c), as to the efforts made by the petitioner to determine whether the child is an Indian child and whether anyone present has reason to know whether the child is an Indian child pursuant to Rule 15.3(c). All responses shall be placed on the record.

(d) *Appointment of Counsel.*

(1) *Child.* In accordance with 23 Pa.C.S. § 2313(a), the court shall appoint counsel to represent the child in an involuntary termination proceeding when the proceeding is contested by one or both parents. If the court determines that the child requires counsel to represent both the best interests and legal interests of the child, the court shall determine on the record whether counsel can represent both interests without conflict before appointing an individual to serve as both guardian *ad litem* and counsel for the child.

(2) *Parent.* In accordance with 23 Pa.C.S. § 2313(a.1), the court shall appoint counsel for a parent whose rights are subject to termination in an involuntary termination proceeding if, upon petition of the parent, the court determines that the parent is unable to pay for counsel or that payment would result in a substantial financial hardship.

[**Explanatory**] Comment:

An original birth certificate or certification of registration of the child's birth must be filed with the clerk by the time of filing the initial petition to terminate parental rights. [**See Rule 15.3(b).**] **See Pa.R.O.C.P. 15.3(b).**

The court is required to inquire and determine whether the petitioner has reason to know whether the child is an Indian child. The court is also required to advise the participants of their obligation to report to the court if they subsequently receive information that provides a reason to know the child is an Indian child. See Pa.R.O.C.P. 15.3(c).

If the petitioner is an agency, Prospective Adoptive Parents need not have been identified prior to the agency's filing of a petition to involuntarily terminate parental rights. Also, an averment of a present intent to adopt the child is not required if the petitioner is an agency. Where petitioner is an individual, [**see Rule 15.6.**] **see Pa.R.O.C.P. 15.6.** Neither the averments nor evidence set forth in subdivisions (a)(13) and (b)(2) are required when the petition has been filed by a parent seeking to involuntarily terminate the parental rights of the other parent pursuant to 23 Pa.C.S. § 2511(a)(7) (relating to a child conceived as a result of a rape or incest.) *See* 23 Pa.C.S. § 2514.

[**Section 2733(c) of the Adoption Act requires the**] **The** agency or intermediary, counsel representing the agency or intermediary, or counsel representing any other party [**to**] **shall** provide notice to the Prospective Adoptive Parents, birth parents, and, in some instances, a child of the opportunity to enter into a Contact Agreement. The statute does not require notice to birth relatives who are not the birth parents, although birth relatives may enter into and become parties to a Contact Agreement.

It is understood that County Agencies may be encouraged early in the process, even during dependency proceedings, to give notice to a birth parent of the opportunity to enter into a Contact Agreement. Requiring the verified statement to set forth the specific date(s) as to

when notice was given is only to further ensure that the particular notice was given and not to suggest that providing this notice is time sensitive and expires after a certain time.

Rule 15.13. Adoption.

(a) *Petition.* A petition for adoption under 23 Pa.C.S. § 2701 shall contain the following averments:

(1) the name, current address, any other addresses for the past five years, marital status, age, occupation, racial background, and religious affiliation of the petitioners;

(2) the name of the adoptee as it appears on the birth certificate or certification of registration of the child's birth;

(3) the relationship, if any, of the petitioners to the adoptee;

(4) whether the adoptee has resided with the petitioners, and if so, the length of time that adoptee has so resided with the petitioners;

(5) the name and address of the intermediary,

(6) whether the home study and preplacement report under 23 Pa.C.S. § 2530, the Report of an Intention to Adopt under 23 Pa.C.S. § 2531, and the Report of Intermediary under 23 Pa.C.S. § 2533 have been filed;

(7) if there is no intermediary, if no Report of the Intermediary has been or will be filed, or if the adoptee has attained 18 years of age, all vital statistics and other information required in the Report of the Intermediary, so far as is applicable;

(8) whether the original birth certificate or certification of registration of the child's birth has been filed with the clerk where the adoption petition is being filed, and if not whether a birth certificate or certification of registration of the child's birth is attached to the petition as an exhibit, and if not previously filed or attached, the reason why it is has not been filed or is not attached, the efforts made to obtain the birth certificate or certification of registration of birth, and evidence available to establish a date and place of the adoptee's birth;

(9) whether all the consents required by 23 Pa.C.S. § 2711 are attached to the petition as exhibits;

(10) whether the criminal history records information and child abuse clearance certificate for each Prospective Adoptive Parent prepared in accordance with 23 Pa.C.S. § 6344(b) are attached to the petition as exhibits;

(11) whether there are any court orders that remain in effect as of the date of the petition's filing and which:

[(A)] (i) terminate parental rights of any birth parent, presumptive father, or putative father of the adoptee;

[(B)] (ii) establish rights of guardianship or custody of the adoptee in any person or entity other than the birth parent; or

[(C)] (iii) establish or set forth any special conditions concerning placement, custody, guardianship, or adoption of the adoptee;

(12) whether there has been compliance with the Interstate Compact on the Placement of Children if 62 P.S. §§ 761 *et seq.* applies to this placement;

(13) whether any petitioner has reason to know the child is an Indian child as defined in Rule 15.2;

(14) if any of the reports or exhibits listed in [subparagraphs (a)(6)—(a)(12)] subdivisions (a)(6)—

(a)(12) have not been filed or are not attached to the petition, specific averments explaining why such reports have not been filed or exhibits have not been attached and the reasons showing cause why the court may enter a decree of adoption under 23 Pa.C.S. § 2901, notwithstanding the absence of all legal requirements having been met;

[(14)] (15) whether the Prospective Adoptive Parents and the minor adoptee, if required by 23 Pa.C.S. § 2733(c), have been informed of the opportunity to enter into a Contact Agreement with any of the minor adoptee's birth relatives;

[(15)] (16) if an agreement for post-adoption contact and communication has been negotiated and executed by the Prospective Adoptive Parents and one of more birth relatives, an averment of one of the following, as applicable:

[(A)] (i) the date of the order and the name of the court approving the Contact Agreement and that the Contact Agreement and court order are attached as exhibits to the petition; or

[(B)] (ii) a petition to approve the executed proposed agreement for post-adoption contact and communication has been submitted and is pending before the court or is being filed under a separate petition simultaneously with the filing of this petition;

[(16)] (17) whether the adoptee will retain his or her given birth name or the adoptee's proposed new name if a name change is desired;

[(17)] (18) that the petitioners desire to have "a parent-child" relationship established between the petitioners and the adoptee; and

[(18)] (19) that each petitioner has read and understands the petition and believes the adoptee's needs and welfare will be promoted by the adoption.

(b) *Exhibits.* Unless the petition contains averments explaining why an exhibit is not attached, the following exhibits shall be attached to the petition:

(1) Unless previously filed with the clerk where the adoption petition is being filed, a birth certificate or certification of registration of the child's birth.

(2) The consents required by 23 Pa.C.S. § 2711, as applicable.

(3) Unless previously filed, the Report of the Intermediary with the exhibits required under 23 Pa.C.S. § 2534.

(4) The criminal history records information and child abuse clearance certificate for each Prospective Adoptive Parent prepared in accordance with 23 Pa.C.S. § 6344(b).

(5) Copies of any court orders referenced in [**subparagraph (a)(11)] subdivision (a)(11).**

(6) Written approval by the Interstate Compact on the Placement of Children if 62 P.S. §§ 761 *et seq.* applies to this placement.

(7) A verified statement from a representative of the agency or intermediary, counsel representing the agency or intermediary, or counsel representing any other party that written notice was provided to the Prospective Adoptive Parents and to the minor adoptee, if required by 23 Pa.C.S. § 2733(c), regarding the opportunity to enter into a Contact Agreement, that such notice was provided by hand delivery, by first-class United States mail, postage prepaid, to the last known address, or by electronic

transmission in accordance with Rule 15.4(b)(1)(C), and the date(s) that such notice was provided. A copy of the notice shall accompany this verified statement.

(8) If previously approved, the Contact Agreement and the court order approving the Contact Agreement.

(c) *Notice or Consent—Parents of Child.*

(1) Notice of the hearing on the petition for adoption shall be given to the birth parent, putative father, and presumptive father in accordance with Rule 15.4 unless the parental rights of such birth parent, putative father, or presumptive father were terminated in a prior proceeding.

(2) If, as part of the adoption hearing, the petitioners are seeking court approval of an executed proposed agreement for post-adoption contact and communication, the petitioner shall mail a copy of the petition to approve the proposed agreement and the accompanying exhibits in accordance with [**subparagraph (d)(1) of Rule 15.12**] **Rule 15.12(d)(1)** to the individuals and entities therein listed, shall file a certificate of service as provided in [**subparagraph (d)(2) of Rule 15.12**] **Rule 15.12(d)(2)**, and shall provide notice of the adoption hearing to these individuals and entities as provided in [**subparagraph (f)(3) of Rule 15.12**] **Rule 15.12(f)(3)**.

(d) *Investigation.* A petition for adoption shall be subject to investigation as prescribed by local rules. The investigation report shall cover the matters alleged in the petition, any other matters that may affect the welfare of the adoptee, and the information required by 23 Pa.C.S. §§ 2535 and 2724.

(e) *Hearing.* The court shall schedule a hearing to allow for testimony pursuant to 23 Pa.C.S. §§ 2721—2724. Petitioner(s) and the adoptee shall appear at the hearing. **At the hearing, the court shall inquire, as provided in Rule 15.3(c), as to the efforts made by the petitioner to determine whether the child is an Indian child and whether anyone present has reason to know whether the child is an Indian child pursuant to Rule 15.3(c). All responses shall be placed on the record.** After a hearing, if the court determines that the adoption can be granted, the court shall enter a decree conforming to the requirements of 23 Pa.C.S. §§ 2901-2902, 2904.

(1) If the petition for adoption contains averments requesting that the court waive a statutory requirement of the Adoption Act, the court shall determine if the petitioner has shown cause for failing to meet the statutory requirement and has demonstrated that the adoptee's needs and welfare nevertheless will be best served by entering a decree of adoption.

(2) At the hearing on the petition for adoption, there shall be offered in evidence a report, verified by the petitioners or counsel, setting forth the amount of fees and expenses paid or to be paid to counsel, and any other fees, costs and expenses paid or to be paid to an intermediary or to any other person or entity, in connection with the adoption. The court may request an itemization of any of the amounts reported.

(f) *Adult—Change of Name.* When the person to be adopted is over the age of 18 years and desires to assume the surname of the adopting parents, evidence showing compliance with the law relating to change of name [**must**] **shall** be introduced before a decree will be made. See 54 Pa.C.S. § 702.

[**Explanatory**] Comment:

The court, in its discretion, can dispense with any statutory requirement of the Adoption Act for cause shown. See 23 Pa.C.S. § 2901. As a result, if petitioner is unable to satisfy all the prerequisites or attach all the exhibits required by the Adoption Act, the adoption petition should not be dismissed summarily. Rather, the petitioner should be afforded an opportunity to demonstrate why a statutory requirement has not or cannot be met and why the proposed adoptee's best interests nevertheless are served by granting the adoption petition. *In re Adoption of R.B.F. and R.C.F.*, 803 A.2d 1195 (Pa. 2002). If, upon reviewing the petitioner's averments as to why a statutory requirement should be waived, the court determines that cause has been demonstrated, the court can grant the relief requested and dispense with the relevant statutory requirement without conducting a hearing. However, if the court is not inclined to waive the pertinent statutory requirement, the petitioner is entitled to a hearing and an opportunity to present evidence in support of the averments in the petition. See *In re Adoption of R.B.F. and R.C.F.*

[**Subparagraph (c)(1) of this Rule**] **Subdivision (c)(1)** applies if a parent's parental rights are being terminated as part of the hearing on the adoption petition. In such cases, the birth parent, putative father, or presumptive father whose rights are being terminated must receive notice of the adoption hearing in accordance with Rule 15.4. On the other hand, such persons do not need to be notified of the adoption hearing if (i) he or she previously consented to the adoption and his or her consent was confirmed by the court as provided in 23 Pa.C.S. § 2504 and Rule 15.9; (ii) he or she previously relinquished his or her parental rights as provided in 23 Pa.C.S. §§ 2501, 2502 and Rule 15.7 or Rule 15.8 as applicable; or (iii) his or her parental rights were involuntarily terminated by the court as provided in 23 Pa.C.S. §§ 2511 *et seq.* and Rule 15.10.

The court is required to inquire and determine whether the petitioner has reason to know whether the child is an Indian child. The court is also required to advise the participants of their obligation to report to the court if they subsequently receive information that provides a reason to know the child is an Indian child. See Pa.R.O.C.P. 15.3(c).

**SUPREME COURT OF PENNSYLVANIA
ORPHANS' COURT PROCEDURAL RULES
COMMITTEE**

PUBLICATION REPORT

Proposed Amendment of Pa.R.O.C.P. 15.2, 15.3, 15.7, 15.8, 15.9, 15.10, and 15.13

The Orphans' Court Procedural Rules Committee ("Committee") is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.O.C.P. 15.2, 15.3, 15.7—15.10, and 15.13 to provide procedures relating to the Indian Child Welfare Act ("Act") and Bureau of Indian Affairs regulations.

The Act creates a policy for the United States:

to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families by the establishment of minimal Federal standards for the removal of Indian children from their families and the placement of such children in foster or adoptive homes which will reflect the unique

values of Indian culture, and by providing for assistance to Indian tribes in the operation of child and family service programs.

25 U.S.C. § 1902. *See also Haaland v. Brackeen*, 599 U.S. ___, 143 S.Ct. 1609, 1623 (2023) (“The Act thus aims to keep Indian children connected to Indian families.”) The Act further provides “[a]n Indian tribe shall have jurisdiction exclusive as to any State over any child custody proceeding involving an Indian child...” 25 U.S.C. § 1911.

In 2016, the Bureau of Indian Affairs promulgated regulations relating to the Act. The regulations require state courts to determine on the record, at the initial proceeding, whether a child subject to a “child custody proceeding” is an Indian child. *See also* 25 U.S.C. § 1903; 25 C.F.R. § 23.2 (defining “child custody proceeding”); 25 C.F.R. § 23.103 (identifying proceedings in which the Act applies). The courts must also advise the participants of an ongoing obligation to inform the court if any of them subsequently learns the child is an Indian child. 25 C.F.R. § 23.107. If there is reason to know the child is an Indian child, several protections outlined in the Act and regulations must be afforded to the child.

The Committee began rulemaking to implement the Bureau of Indian Affairs regulations in the adoption rules. However, a federal district court in the Northern District of Texas held portions of the Act to be unconstitutional and certain of the regulations to be invalid. *See Brackeen v. Zinke*, 338 F.Supp.3d 514 (N.D. Tx. 2018). The case was appealed to the Fifth Circuit Court of Appeals and the District Court’s order was stayed. *See Brackeen v. Berhardt*, appeal docketed, No. 18-11479 (5th Cir. Nov. 19, 2018). Because *Brackeen* involved the Act and regulations relied upon by the Committee in rulemaking, the Committee suspended rulemaking pending the outcome of the litigation. On June 15, 2023, the Supreme Court decided the appeal, holding that the Act was constitutional. *See Haaland v. Brackeen*, 599 U.S. ___, 143 S.Ct. 1609 (2023).

With *Brackeen* decided, the Committee proposes amending Rules 15.2, 15.3, 15.7, 15.8, 15.9, 15.10, and 15.13 to require orphans’ courts at the initial proceeding to inquire as to the efforts made by the agency or intermediary, if there is one, to determine whether the child is an Indian child and whether any participant has reason to know the child is an Indian child. The court would be required to advise the participants of an ongoing obligation to inform the court if any of them subsequently learn the child is an Indian child.

Rule 15.2 contains the statutory definition from the Act for “Indian child.” The definition applies to those rules requiring that the initiating filing contain an allegation of whether a child is an Indian child. Rule 15.3(c) contains the requirements for the inquiry and determination of whether a child is an Indian child. The requirements apply to those rules containing findings related to the initial proceedings, *i.e.*, commencement of proceedings.

Five rules providing for initial proceedings were identified: 1) Rule 15.7—voluntary relinquishment to agency; 2) Rule 15.8—voluntary relinquishment to adult intending to adopt child; 3) Rule 15.9—alternative procedure for relinquishment by confirmation of consent to adoption; 4) Rule 15.10—involuntary termination of parental rights; and 5) Rule 15.13—adoption. Proposed amendments relating to identification of an Indian child were added to each rule.

It should be noted that proceedings involving the same child could have multiple “initial proceedings,” such as a

termination of parental rights hearing and a hearing on an adoption petition. The same individual may not be the petitioner for all initial proceedings and not all parties may be present at earlier proceedings. Therefore, to identify Indian children as soon as possible and to accommodate the various methods of initiating a proceeding, the pleading, inquiry, and determination requirements have been added to all five proceedings with an understanding that it may be duplicative in some scenarios.

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

[Pa.B. Doc. No. 23-1113. Filed for public inspection August 18, 2023, 9:00 a.m.]

Title 25—LOCAL COURT RULES

BEAVER COUNTY

Local Rules of Civil Procedure; Administrative Doc. No: 10055-2023

Administrative Order

It is hereby Ordered that Beaver County’s Local Rules of Civil Procedures are modified per the following.

Pursuant to Pa.R.J.A. 103, the District Court Administrator is directed to:

1. File one (1) certified copy of this Administrative Order with the Administrative office of Pennsylvania Courts via email to adminrules@pacourts.us;
2. File two (2) paper copies and one (1) electronic copy in Microsoft Word format only to bulletin@palrb.us with Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;
3. Publish a copy of this Administrative Order on the Beaver County Court of Common Pleas website, <https://www.beavercountypa.gov/departments/courts>, after publication in the *Pennsylvania Bulletin*;
4. Incorporate the change rule into the Local Rules of this Court within thirty (30) days after publication of the Local Rules in the *Pennsylvania Bulletin*;
5. Keep a copy of this Administrative Order continuously available for public inspection and copying in the Beaver County Law Library.

By the Court

RICHARD MANCINI,
President Judge

Local Rules of Civil Procedure

Preface

The Local Rules of the Court of Common Pleas of Beaver County are intended to supplement the Pennsylvania Rules of Civil Procedure. The latter’s system of numbering has been preserved. A local rule dealing with the same or related subject matter as that dealt with by a Pennsylvania Rule of Civil Procedure has been given the same number as the Pennsylvania Rule of Civil Procedure and is preceded by the letter “L” to indicate its local character. All local rules should be read in connection with the Pennsylvania Rules of Civil Procedure bearing the same numbers.

The rules of construction found in the Pennsylvania Rules of Civil Procedure shall apply to all Local Rules of the Court of Common Pleas of Beaver County.

The Local Rules may be cited as "Beaver County L.R. No. _____."

LR205.1. Court Action on Legal Papers.

Any party who desires the signature of, or action by a judge on a legal paper and who [**has delivered or**] will deliver the paper to the Prothonotary for filing in accordance with Pa.R.C.P. No. 205.1, must **first** present the paper in motions court for entry of the order.

Note: The paper must be presented to the court personally by or through counsel. After action is taken on the paper, the court will return the paper to counsel for filing and service. This rule does not apply to motions for summary judgment, motions for judgment on pleadings or post-trial motions.

LR205.2(a). Requirements for Pleadings and Other Legal Papers.

All pleadings and other legal papers shall be printed in double space on white paper size 8 1/2 x 11 inches and

secured by an appropriate metal or plastic fastener. The use of a gummed or taped substance is not permitted. Exhibits shall be tabbed **at the bottom of the page** and labeled. Wherever a copy of a writing is attached to a pleading, brief or other paper submitted to the Court, such copy shall be clearly legible and faithfully represent the original in every respect. The Court may require [**a substitute copy to be made**] **a legible copy be substituted** and filed before the pleading, brief or other paper will be considered by the Court.

[See http://www.pacourts.us/NR/rdonlyres/F0D81C59-2E56-4BB2-9A1FCD0D48E1D48A/0/CoverSheetCPCivilFilings_100226.pdf for the statewide Cover Sheet]

See <http://www.pacourts.us/forms> for the standard cover sheet for civil filings.

LR205.2(b). Cover Sheet.

(1) *Complaint/initial pleading*

In addition to the state required cover sheet, a complaint or initial pleading shall be accompanied by a Beaver County cover sheet. The cover sheet shall be in the form set forth below:

Court of Common Pleas of Beaver County

Civil Division

<p>For Prothonotary Use Only (Docket Number)</p>
--

Civil Cover Sheet

PLAINTIFF'S NAME	DEFENDANT'S NAME
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS
	DEFENDANT'S NAME
	DEFENDANT'S ADDRESS

TOTAL NO. OF PLAINTIFF	TOTAL NO. OF DEFENDANTS	COMMENCEMENT OF ACTION <input type="checkbox"/> Complaint <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer from Other Jurisdictions
-------------------------------	--------------------------------	--

AMOUNT IN CONTROVERSY <input type="checkbox"/> [\$25,000] \$35,000 or less <input type="checkbox"/> Over [\$25,000] \$35,000	CASE TYPE <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Medical Malpractice <input type="checkbox"/> Other Professional Liability <input type="checkbox"/> Product Liability <input checked="" type="checkbox"/> [] Other: _____	<input type="checkbox"/> Mortgage Foreclosure <input type="checkbox"/> Ejectment <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> Quiet Title	<input type="checkbox"/> Partition <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Replevin <input type="checkbox"/> Asbestos <input type="checkbox"/> Domestic Relations <input type="checkbox"/> Divorce <input type="checkbox"/> Custody
ARBITRATION CASE <input type="checkbox"/> Yes <input type="checkbox"/> No			

TO THE PROTHONOTARY:			
NAME OF PLAINTIFF'S/PETITIONER/APPELLANT'S ATTORNEY (OR PRO SE LITIGANT):		ADDRESS (SEE INSTRUCTIONS)	
PHONE NUMBER	FAX NUMBER	EMAIL ADDRESS	
SIGNATURE	SUPREME COURT IDENTIFICATION NO	DATE	

The cover sheet shall also be published on the Court website, www.beavercountypa.gov.

(2) *Subsequent pleadings*

All subsequent pleadings shall be accompanied by a cover sheet in the form as published on the Court website, www.beavercountypa.gov.

LR206.1(a). Petition Definition, Content, Form.

Where all persons affected by the request for relief have not consented thereto, the following applications for relief are included in the definition of "Petition" and shall be governed by Pa.R.C.P. No. 206.1 et seq.

1. An application for coordination of actions filed in different counties under Pa.R.C.P. No. 213.1.
2. An application to strike off a discontinuance.
3. An application to reinstate an action terminated by reason of inactivity which is presented pursuant to Pa.R.C.P. No. 230.2(d)(3).
4. Applications to transfer an action for convenience of parties and witnesses or to secure a fair and impartial trial.
5. Applications for sanctions under Pa.R.C.P. No. 1023.2 (**Motion for Sanctions**) or 1042.7 (**Entry of Judgment of Non Pros for Failure to File Certification**) or 4019 (**Sanctions**) or LR212.3 (**Imposition of Sanctions for Obdurate Conduct**) or LR229.1 (**Sanctions for Failure to Pay an Award From an Arbitration or Dispute Resolution**).
6. Applications to intervene.
7. Applications for attorney fees under 42 Pa.C.S.A. § 2503.
8. Application to open a confessed judgment
9. Any other application requesting a Rule to Show Cause under any rule, statute or case authority.

In addition to the requirements of Pa.R.C.P. No. 206.1 et seq., a petition shall set forth the history of prior judicial activity in the case. The history shall include the nature and date of prior judicial activity and the name of the judge who handled the matter. Any Exhibit attached thereto shall be a legible photocopy or other reproduction of the original.

Each petition filed with the Court shall contain a proposed order for the Court's consideration. Said pro-

posed order shall follow the provisions of Pa.R.C.P. 206.5, with alternative provisions in paragraph (d)(4) and (5), so that the Court may determine whether to proceed with depositions or an evidentiary hearing on disputed issues of material fact.

LR206.1(b). Presentation of Petitions.

The Court will be available to receive petitions at the times and in accordance with the practice which is published for the presentation of motions in the annual Court Calendar. **The original petition should be presented to the Court in scheduled Motions Court prior to filing with the Prothonotary.**

Note: The prescribed time to receive motions appears on the Beaver County web site: [<http://www.beavercounty.org/motions.htm>] <http://www.beavercounty.pa.gov/departments/courts/>.

LR206.1(c). Notice to All Parties.

The Court will not entertain a petition in any matter unless the opposing party or his counsel has consented in writing or has received three (3) business days written notice of the intention to present the petition. The petition shall set forth the manner in which notice has been given, attaching a copy thereof. Counsel may present a petition after oral notice only in emergency situations. Ex parte petitions will not be entertained without prior notice unless notice is not possible.

Note: The filing party is strongly encouraged to send a courtesy copy of the petition to the chambers of the Civil Administrative Judge and the Judge assigned to the case.

LR206.4(c). Procedures for Issuance of a Rule to Show Cause.

(1) Upon petition, the issuance of a rule to show cause shall be discretionary pursuant to Pa.R.C.P. No. 206.5.

(2) Whether or not the petition has been filed, it shall be presented to the Court by counsel for the petitioner at the time prescribed for the receipt of motions by the Court, provided noticed is given in accordance with LR206.1(c).

Note: The prescribed time to receive motions appears on the Beaver County web site: [<http://www.beavercounty.org/> Links are available to the Court and then to Motions Court] <https://www.beavercounty.pa.gov/departments/courts/>.

CERTIFICATE OF COMPLIANCE FOR RULE 1915d

I certify that I have complied with Local Rule 1915d as noted below.

Talked by phone

(date)

Met in Person

(date)

Telephoned/Left message

(date)

Emailed

(date)

Emergency

Other:

Domestic Violence Waiver

Unable to Confer because:

Date

Signature

Print Name

LR210. Form of Briefs.

In addition to the requirements of Pa.R.C.P. No. 210, briefs shall comply with the following requirements:

[A.] (a) Except for quotations, briefs shall be double spaced, single sided on white paper size 8 1/2 x 11 inches and shall not exceed 10 pages, excluding exhibits and cover sheets, in length unless otherwise permitted by Order of Court for cause shown **[or by agreement of the parties by filed stipulation]**.

[B.] (b) Briefs shall contain:

1. a procedural history of the case;
2. a statement or counter-statement of facts;
3. a statement of the questions involved;
4. legible copies of any documents which are attached thereto;
5. an argument with citations to the authority relied upon;
6. a conclusion setting forth the requested relief sought.

[C.] (c) Any exhibits attached thereto must be tabbed **at the bottom of the page** and identified.

(d) Only a single brief may be filed by each party unless granted leave of court for additional briefing.

LR211A. Oral Arguments.

The court will be available to hear oral arguments on the dates designated on the court calendar or such other dates as may be determined by the court. **[LR211B Argument Lists.]**

LR211B. Argument Lists.

(1) Cases shall be placed on the argument list by Praecept of a party or by order of court. Immediately after the last day to file a praecipe for argument, the Court Administrator shall compile a list of cases to be argued. Thereafter, the Court Administrator shall assign the cases to those judges assigned to preside over civil cases, schedule the cases for oral argument, **and** cause notice of the assignment and the time and place for oral argument to be mailed to all parties unrepresented by counsel as well as all counsel of record **[, and publish the assigned list in the *Beaver County Legal Journal*].**

(2) The praecipe for argument shall be in the form approved and revised from time to time by the court. The original praecipe for argument shall be filed with the Prothonotary and a copy thereof delivered to the Court Administrator.

(3) All interested parties must be present for the oral argument **[; failure to appear may result in an order being entered against the party].**

(4) Cases may be submitted on briefs only without oral argument upon written, filed stipulation of all parties

filed with the Prothonotary and a copy of the stipulations shall be delivered to the Court Administrator.

LR211C. Briefing Schedule.

(1) The moving party's brief and a praecipe for argument shall be simultaneously filed with the Prothonotary and a copy provided [submitted] to the Court Administrator [and served in accordance with the following schedule:]. Failure to do so may result in the matter being denied or dismissed upon motion or sua sponte.

[(a) where the moving party files the praecipe for argument, not later than simultaneously therewith;

(b) where the responding party files the praecipe for argument or the court orders the matter on the argument list, at least twenty (20) days prior to the argument date;

If the moving party fails to timely submit a brief, the court may deny the relief sought or impose other sanctions.]

(2) The responding party's brief shall be submitted to the Court Administrator and served at least ten (10) days prior to the argument date [provided that the moving party's brief has been timely served. If the brief is not timely submitted, the court may prohibit the responding party from presenting oral argument or may impose other sanctions].

LR211D. Miscellaneous Provisions.

(1) Any issue which has not been timely raised and [properly discussed in a timely submitted brief may be deemed absolutely to have been waived] briefed may be deemed to have been waived.

(2) Each party will be allowed fifteen (15) minutes to present oral argument subject, however, to the court's power to limit or extend the time for argument. The time for argument shall be limited to not more than thirty (30) minutes for each side notwithstanding the existence of more than two moving or responding parties. The maximum time shall be divided between or among the moving parties or between or among the responding parties as they may decide.

(3) Oral argument will not be continued except on written motion, for cause shown. Such motion shall be subject to L208.3(a).

[LR212.1 Civil Actions. Certification for Trial. Time for Initiating Motions for Pre-Trial Judgment or Discovery.

The following rule shall apply to only those civil actions filed prior to January 1, 2019 (any actions filed on that date or thereafter shall be governed by LR301—pertaining to civil case management):

A. All civil actions which are to be tried by a jury may be tried, at the earliest, during the term of trials next following the filing of a Certificate of Readiness for Trial.

Note: This provision is intended to constitute the Notice Required by Pa.R.C.P. No. 212.1(a).

B.(1) A civil action shall be certified for trial by jury, judge or board of arbitration, by filing with

the Prothonotary of Beaver County a Certificate of Readiness for Trial. A copy of the Certificate of Readiness for Trial shall likewise be transmitted by the moving party to the Court Administrator of Beaver County.

(2) No case may be certified for trial without having first given at least sixty (60) days written notice of intention to do so to all other parties or their counsel of record.

The notice of intent to certify for trial shall be given to counsel for all parties in all companion cases. Thereafter, the filing of a certificate of readiness for trial shall operate as the certification for trial of all companion cases unless exceptions thereto are filed pursuant to subdivision five (5) hereof.

(3) After a case has been certified for trial, no motion for judgment on the pleadings or for summary judgment may be filed without having first secured leave of court to do so for cause shown.

(4) After a case has been certified for trial, no discovery, including an independent medical examination, may be initiated without having first secured leave of court to do so for cause shown.

(5) Any other party may file exceptions to the certificate of readiness within ten (10) days of the filing thereof. The exceptions shall be presented to the judge assigned to receive civil motions after notice pursuant to Rule L208.3(a) has been given.

Note: The purpose of subdivision (2) is to provide parties with an opportunity to initiate appropriate pre-trial procedures prior to the certification of the case for trial. Failure to do so prior to certification for trial may result in the waiver of the right to do so under subdivisions (3) and (4).]

LR212.2A. Pre-Trial Conference and Pre-Trial Statements.

[A.] Unless otherwise directed by the court, a Pre-Trial Conference shall be scheduled by the Court Administrator for every case certified for jury trial, or by the Court in a case management order. Pre-Trial Conferences shall be scheduled on those dates designated for that purpose on the court calendar and on such other dates as may from time to time be designated by the court.

(1) [Prior] No less than twenty (20) days prior to the Pre-Trial Conference, a party shall provide the opposing party with a copy of all documents or records secured through an authorization of the opposing party. Any such documents or records not so provided may not be used at trial for any purpose except for good cause shown.

(2) Pre-Trial statements which comply with Pa.R.C.P. No. [212 Shall] 212.2 shall be submitted to the judge assigned to conduct the Pre-Trial Conference not later than seven (7) days prior thereto. Failure to file a timely pre-trial statement may result in continuance of the Pre-Trial Conference and sanctions in the form of counsel fees payable to opposing counsel. In addition[,] to the requirements of Pa.R.C.P. No. 212.2, the Pre-Trial Statement shall contain:

(a) A statement of legal and evidentiary issues which are anticipated to arise together with a citation to authority:

(b) An itemized statement of all medical and hospital and other bills and expenses claimed;

(c) An itemized statement of lost earnings and impairment of earning power together with the basis therefore;

(d) A statement, if applicable, as to the plaintiff's selection of the limited or full tort option. If a limited tort option applies, a statement to support eligibility for recovery of non-economic damages shall be included;

[Note: Although Pa.R.C.P. No. 212.2(a)(5) requires the inclusion of an expert report or proper answer to interrogatory, and the note thereto permits physician notes or records in lieu of a report, neither copies of hospital records, nor illegible office notes, are to be included.]

(e) All trial exhibits are to be marked for identification but need not be attached to the Pre-Trial Statement.

Note: Although Pa.R.C.P. No. 212.2(a)(5) requires the inclusion of an expert report or proper answer to interrogatory, and the note thereto permits physician notes or records in lieu of a report, neither copies of hospital records, nor illegible office notes, are to be included.

(3) Unless excused by the court upon cause shown, the Pre-Trial Conference shall be attended by [trial] counsel as well as the plaintiff, a representative of the defendant's insurance carrier who has settlement authority, a representative of the MCARE Fund, **a representative of any Commonwealth or local agency**, and any defendant whose personal approval of a settlement offer is required and has not been given. **Counsel attending the Pre-Trial Conference will be deemed to be trial counsel and may only be substituted for good cause shown.**

[Note: Where a liability insurance carrier, the MCARE Fund or a party has given counsel written authority to settle in an amount deemed by the court to be reasonable, the court will probably excuse attendance at the Pre-Trial Conference. All requests to be excused should be by formal motion setting forth the reasons for the request and shall be presented in accordance with LR208.3(a).]

If trial counsel is excused by the court from attending, substitute counsel shall be equally familiar with the case and its issues or sanction may be imposed.]

(4) After the Pre-Trial Conference has concluded, no Supplemental Pre-Trial Statement may be filed without leave of court for cause shown.

LR212.2B. Case Management Conference and Complex Cases.

[A.] (1) At any time after the pleadings have closed (e.g., Complaint, Answer and New Matter and Reply to New Matter), any party may move the Court, or the Court may move on its own[,] to schedule a case management conference, without the need for consent from the other party or parties.

[B.] (2) After receiving the motion, the Court shall schedule a case management conference[,] at which the Court will set a discovery schedule, date for filing of

dispositive motions, date for exchange of expert reports, and a date for a pretrial conference. Said dates will only be extended for good cause shown.

[C.] (3) If the case is a complex case (one that involves significant legal and factual issues, has multiple experts, will take more than several days to try and requires significant attention of the Court in connection with pretrial and trial motions), the party filing the motion for a case management conference should advise the Court of that fact in the motion so that a special schedule and trial date can be set.

LR212.3. Pre-Trial Conference—Imposition of Sanctions for Obdurate Conduct.

[A.] (a) The Court may request the presence of an official court stenographer, or utilize the digital audio recording system, during a pre-trial conference. **[The record shall not be transcribed unless ordered by the presiding judge.]**

B.] (b) The presiding judge shall recommend a settlement amount to counsel for parties if the judge determines that he or she can fairly evaluate the case for settlement purposes. The recommendation and the reasons in support thereof shall be included in the stenographer's notes as well as the parties' settlement positions and the reasons therefore.

[C.] (c) The court may make a finding that a party has engaged in obdurate conduct in regard to the party's settlement position either sua sponte or on petition of another party. In either event, not later than ten (10) days after a jury verdict or a decision of the court, upon petition of a party or the court, a rule shall be issued to show cause why counsel fees should not be awarded under 42 Pa.C.S.A. § 2503(7). The Petition Practice set forth in Pa.R.C.P. No. 206.1 et seq. will apply.

[D.] (d) The court should consider and weigh the following factors determining whether or not to impose sanctions:

1. The facts and circumstances which existed at the time of the pre-trial conference;
2. Whether there was a change in such facts or circumstances to account for a variation between the plaintiff's demand, the defendant's offer and the jury's verdict;
3. The final settlement demand and offer;
4. The settlement value;
5. Whether there was substantial merit to the parties' claim or defense, and;
6. Whether a party's settlement position had a reasonable basis in law or in fact.

LR213. Joinder of Cases.

All Orders which join separately filed actions shall specify whether the joinder is intended to provide for a joint trial or hearing, or is intended to consolidate the actions for all purposes. The Order shall further specify the caption(s) and court number(s) to be utilized thereafter.

LR213A. Motion for Joint Hearing or Trial.

All Motions for a Joint Hearing or Trial shall contain a Proposed Order of Court in substantially the following form:

(Caption)

ORDER

AND NOW, this ____ day of _____, upon consideration of the foregoing Motion for Joint Hearing or Trial, it is hereby ORDERED and DECREED that a joint hearing or trial shall be held in the cases of _____, _____ filed at No. _____, and _____, filed at No. _____. Each case shall maintain its separate caption and case number. The Prothonotary shall docket this Order at both case numbers and shall place a duplicate copy of same in the file at No. _____. All future filings shall be docketed and maintained separately at the case number they relate to.

BY THE COURT:

_____, J.

LR213B. Motion for Consolidation.

Motions to Consolidate shall contain a Proposed Order of Court in substantially the following form:

(Caption)

ORDER

AND NOW, this ____ day of _____, upon consideration of the foregoing Motion to Consolidate, it is hereby ORDERED and DECREED that the cases of _____ at No. _____, and _____ at No. _____, shall be consolidated for all purposes at No. _____. The Prothonotary shall transfer all previous filings at No. _____ to the consolidated case number at No. _____. All future filings shall be captioned and docketed as follows:

vs.

and

No. _____

vs.

BY THE COURT:

_____, J.

Note: Rules LR213, LR213A and LR213B are intended to clarify for the parties, Court, Prothonotary and Appellate Courts, the intended effect of a joinder and whether the cases are to have a separate or consolidated identity as discussed by the Pennsylvania Superior Court in *Keefer v. Keefer*, 741 A.2d 808 (Pa. Super. 1999).

LR214. Trial Lists.

[A.] (a) The Court Administrator shall maintain a master list of cases to be tried before a jury and a master list of cases to be tried by a judge without a jury. Cases shall be placed on either list pursuant to order of court.

[B.] (b) After consultation with the court, the Court Administrator shall prepare a list of cases to call for trial before a jury from the master list. The trial list shall be prepared so as to give preference in accordance with Pa.R.C.P. No. 214 and then as the court may see fit. Cases that have not been given preference shall be listed for trial, as nearly as possible, in the chronological order in which they were placed on the master trial list.

The Court Administrator shall then mail a notice of trial to counsel for each party and to each party not represented by counsel. Notice may be by regular mail addressed to counsel or the party at the address they have endorsed on their last pleading.

[C.] (c) The Court Administrator shall assign cases from the master list of non-jury cases to a judge and give notice of the assignment by regular mail to counsel for each party and each party not represented by counsel. All scheduling of such cases will be done by the assigned judge.

LR217. Costs on Continuance.

[A.] (a) Bills of costs must set forth the names of witnesses, the dates of their attendance the number of miles actually traveled by them, and the place from which mileage is claimed. The bill shall be verified by the affidavit of the party filing it or his attorney that the witnesses named were actually present in Court, and that, in his opinion they were material witnesses. A copy of the bill of costs shall be served on opposing counsel pursuant to Pa.R.C.P. 440.

[B.] (b) The party upon whom a bill of costs has been served waives all objections to it unless, within ten (10) days after such service, exceptions thereto are filed. Thereafter, the issue shall be determined by the Court in accordance with Pa.R.C.P. No. 206.1—206.7.

[C.] (c) Where the plaintiff resides out of the state, or is a foreign corporation, the defendant, upon filing a petition, may have a rule issued on the plaintiff to enter

security for costs within twenty (20) days after notice. In the meantime, all proceedings may be stayed. Upon proof of default filed, the court may enter a judgment of non pros.

[LR220.1. Voir Dire of Prospective Jurors.

Voir Dire of Prospective Jurors will be conducted in accordance with Pa.R.C.P. 220.1.

The standard questions in Pa.R.C.P. 220.1 may be deleted or revised to accommodate the particular case either by agreement of counsel for all parties or by leave of court. Additional questions may be posed to prospective jurors by agreement of counsel for all parties or by leave of court. Such deletions, revisions or additions may be requested orally during voir dire provided that all parties or their counsel consent thereto. Otherwise, all deletions, revisions and additions to the list of questions shall be in writing, filed with the Prothonotary and submitted to the trial judge or, if unknown, to the Court Administrator and served on all other parties or their counsel at least seven (7) days prior to the first day of trial term and, unless agreed upon by counsel for all parties, shall not be propounded to the prospective jurors without court approval.]

[LR 233] LR223.1 Custody and Storage of Trial Exhibits.

[A.] (a) All non-documentary exhibits and documentary exhibits larger than 8.5 x 11 inches shall remain in the custody of the moving party and shall be removed from the courthouse at the conclusion of the trial. Such exhibits shall be retained by the moving party until conclusion of the case and shall be produced upon order of the trial judge to do so when necessary.

[B.] (b) Any party desiring to utilize a magnified copy of a document or photograph or image at trial, either in hard copy or on a projection screen, shall first submit the original or a copy thereof to be marked as an exhibit for receipt into evidence.

Note: The purpose of this rule is to eliminate problems encountered by the court stenographers relating to custody and storage of large exhibits. The rule is not intended to limit the exhibits which are either shown to the jury or sent out with the jury during deliberation.

[C.] (c) A hard copy of any photograph or document admitted into evidence at a trial must be provided to the court.

[LR229.1. Sanctions for Failure to Pay an Award from an Arbitration or Dispute Resolution from which No Appeal has been Taken.

A. As used in this rule, the following words shall have the following meaning:

“Award.” The finding of a Board of Arbitration, an arbitrator(s), or a dispute resolution proceeding

which compels payment, in any form of monetary exchange, to a prevailing party from a non-prevailing party.

B. The provisions of this rule shall not apply to the annuity or future installment portion of a structured settlement award.

C. The Prevailing Party and Non-prevailing Party may agree in writing to modify or waive any of the provisions of this rule.

D. A Non-prevailing Party shall have thirty-five (35) calendar days from receipt of an award within which to deliver the award to the prevailing Party or its counsel.

E. If awarded funds are not delivered to the Prevailing Party or its counsel within aforesaid thirty-five day period, the Prevailing Party may present to the Court a Petition for Sanctions which shall include:

(a) an affidavit attesting to nonpayment;

(b) a copy of any document evidencing the procedural history of the matter;

(c) a copy of the award;

(d) a copy of a receipt reflecting delivery of the award more than thirty-five (35) days prior to the date of filing of the Petition; and

(e) the form of Order specified in paragraph (G) below. The attorney shall certify to the Court the applicable interest rate specified in paragraph F below and shall certify that the Petition and its accompanying documents have been served on all interested counsel.

F. Upon receipt of the Rule to Show Cause, the Petition and its supporting documentation required by paragraph (E) above, the Non-prevailing Party shall have twenty (20) days to file an Answer to the Rule and thereafter shall conduct discovery and appear for a hearing, if the Court deems necessary. If the Court finds that the Non-prevailing Party has violated this local rule and that there is no material dispute as to the terms of the award, the Court shall impose sanctions in the form of simple interest calculated at the rate equal to the prime rate as listed in the first edition of the Wall Street Journal published for the calendar year last preceding the date on which the Petition was filed, running from the thirty-fifth day to the date of delivery of the award; reasonable attorneys' fees incurred in the preparation and presentation of the Petition and any subsequent action related thereto; and such other sanction as the Court deems necessary, including liquidated damages not in excess of 10% of the award.

G. The Petition shall be accompanied by two Orders in substantially the following form:

ORDER

AND NOW, this ____ day of _____, 20 __, a Rule is issued upon _____ to show cause why sanctions should not be imposed for failure to deliver awarded funds to _____ or _____ within thirty-five (35) days after receipt of an award. Rule returnable twenty (20) days hereafter, or _____, 20 __, by which time an Answer shall be filed. If necessary, a hearing or discovery on this matter will be held following the return of the Rule at a time or in a manner to be designated by the Court. Thereafter, an appropriate Order shall be entered.

BY THE COURT:

_____, J.

ORDER

AND NOW, this ____ day of _____, 20 __, upon consideration of the Petition for Sanctions and its attachments, the Answer thereto, and upon a finding that payment was not made to _____ or _____ within thirty-five days of receipt of the award in the above captioned action, and _____ conduct in failing to deliver the awarded funds is dilatory, obdurate and vexatious, it is hereby ORDERED and DECREED that in addition to the award of \$(____), _____ is ordered to pay forthwith simple interest thereon at the rate of _____ on \$(____) from _____ to the date of delivery of the awarded funds, together with \$(____) in attorneys' fees, and \$ ____ in liquidated damages, pursuant to Beaver County Local Rule 229.1.

BY THE COURT:

_____, J.]

CIVIL CASE MANAGEMENT

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

[(2)] (b) 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.] 1. 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)] (c) Civil cases included within this rule shall be those matters governed by the Pennsylvania Rules of Civil Procedure, with the exception of the following:

- [a.] 1. Actions in mortgage foreclosure (see LR1143);
- [b.] 2. Actions subject to compulsory arbitration;
- [c.] 3. Actions pursuant to protection from abuse;
- [d.] 4. Actions for support;

[e.] 5. Actions for custody, partial custody, and visitation of minor children;

[f.] 6. Actions of divorce or annulment of marriage; and

[g.] 7. Real estate assessment appeals (see LR8000.5).

[(4)] (d) 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 Management 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.

[(5)] (e) 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.] 1. 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.] 2. 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 en-

courages parties to engage in these or other forms of ADR in an attempt to reduce costs and expedite litigation.

[(6)] (f) 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.] 1. 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.] 2. 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.] 3. 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.] 4. 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.] 5. 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.

[(7)] (g) 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.] 1. 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.] 2. 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.] 3. Any other sanction the Court deems appropriate.

[(8)] (h) 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
(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

Submitted By: _____

LR430. Service by Publication.

The *Beaver County Legal Journal* is designated as the publisher of legal notices in Beaver County. Unless the manner of publication of service of process or notice is otherwise specified by law or rule of court, such service or notice shall be made by publishing the same once in the *Beaver County Legal Journal* and once in a newspaper of general circulation in Beaver County.

LR1018.1. Notice to Defend.

The following organization shall be named in the Notice to Defend as the organization from whom legal help can be obtained:

Lawyer Referral Service of the Beaver
 County Bar Association
 788 Turnpike Street
 Beaver, PA 15009
 Telephone Number: 724-728-4888
<http://bcba-pa.org/lawyer-referral-service/>

LR1028(c). Procedures for Disposition of Preliminary Objections.

(1) Except as otherwise permitted by Order of Court for cause shown [**or by agreement of the parties by filed stipulation,**] Preliminary Objections shall not exceed five (5) pages in length and supporting briefs as well as briefs in opposition shall not exceed [**10**] **ten (10)** pages in length. Preliminary objections shall be placed on the argument list by the Court Administrator upon the filing of a Praeceptum for Argument by either party.

[(1)] (2) **The preliminary objections, a supporting brief, and a Praeceptum for Argument all must be filed simultaneously with the Prothonotary and copies provided to the Court Administrator by the filing party. Failure to do so may result in the preliminary objections being overruled sua sponte or upon motion. A Praeceptum for Argument form can be secured from the Prothonotary. [The original must be filed with the Prothonotary and a copy must be delivered by the filing party to the Court Administrator, along with a copy of the preliminary objections.**

(2)] (3) Upon receipt of a copy of the **preliminary objections, supporting brief, and** Praeceptum for Argument [**and the preliminary objection**], the Court Administrator shall place the case on a list to be argued [**assign the case to a judge**] and send notice of the date, time and place of oral argument. In appropriate cases, the court may order the matter to be decided on briefs only unless a party requests oral argument thereafter.

[(3)] (4) Where preliminary objections raise an issue under Pa.R.C.P. 1028(a)(1), (5), (6), (7) or (8), the filing party shall first present a Motion for a Scheduling Order in Civil Motions Court, along with a copy of the preliminary objections which the party intends to file attached as an exhibit and accompanied by an Order in substantially the following form:

ORDER

AND NOW, this _____ day of _____, _____, upon consideration of the foregoing Motion for a Scheduling Order, it is hereby ordered that:

- (1) The attached preliminary objections shall be filed by the moving party, endorsed with a notice to plead, within _____ days of this Order;
- (2) Non-moving parties shall file response(s) to the preliminary objections, if required, within _____ days of this Order;
- (3) All discovery related to the issues raised in the preliminary objections shall be completed by _____;
- (4) Any evidence that the parties wish the court to consider shall be filed with the Prothonotary by _____;
- (5) The moving party shall file a Praeceptum for Argument with the Court Administrator after the expiration of the discovery period, but no later than _____;

(5A) Alternatively, argument shall be held on _____, _____ at ___:___ in Courtroom _____ of the Beaver County Courthouse;

(6) The brief of the moving party shall be filed by _____ and any response briefs shall be filed by _____; and

(7) Notice of the entry of this order shall be provided to all other parties by the moving party.

BY THE COURT:

_____, J.

At the time of the presentation of the motion, the Court shall issue a scheduling Order in accordance with the proposed Order set forth above. Failure of a party to comply with this subsection may result in sanctions.

[(4)] (5) The briefing schedule is governed by LR211C unless otherwise ordered by the court. **Only a single brief may be filed by each party unless granted leave of court for additional briefing.**

LR1034(a). Disposition of a Motion for Judgment on the Pleadings.

(1) Except as otherwise permitted by Order of Court for cause shown [**or by agreement of the parties by filed stipulation,**] Motions for Judgment on the Pleadings shall not exceed five (5) pages in length and supporting briefs as well as briefs in opposition shall not exceed [**10**] **ten (10)** pages in length. Motions for Judgment on the Pleadings shall be placed on the argument list by the Court Administrator upon the filing of a Praecepte for Argument by either party.

[(1)] (2) **The Motion for Judgment on the Pleadings, a supporting brief, and a Praecepte for Argument all must be filed simultaneously with the Prothonotary and copies provided to the Court Administrator by the filing party. Failure to do so may result in the Motion for Judgment on the Pleadings being denied sua sponte or upon motion.** A Praecepte for Argument form can be secured from the Prothonotary. [**The original Praecepte must be filed with the Prothonotary and a copy must be delivered by the filing party to the Court Administrator, along with a copy of the Motion for Judgment on the Pleadings.**]

[(2)] (3) Upon receipt of a copy of the Praecepte for Argument and the Motion for Judgment on the Pleadings, the Court Administrator shall place the case on the list to be argued [**, assign the case to a judge**] and send notice of the date, time and place of oral argument.

[(3)] (4) The briefing schedule is governed by LR211C unless otherwise ordered by the court. **Only a single brief may be filed by each party unless granted leave of court for additional briefing.**

LR1035.2(a). Disposition of Motions for Summary Judgment.

(1) Except as otherwise permitted by Order of Court for cause shown [**or by agreement of the parties by filed stipulation,**] Motions for Summary Judgment shall not exceed five (5) pages in length and supporting briefs as well as briefs in opposition shall not exceed [**10**] **ten (10)** pages in length. Motions for Summary Judgment shall be placed on the argument list by the Court Administrator upon the filing of a Praecepte for Argument by either party.

[(1)] (2) **The Motion for Summary Judgment, a supporting brief, and a Praecepte for Argument all must be filed simultaneously with the Prothonotary and copies provided to the Court Administrator by the filing party. Failure to do so may result in the Motion for Summary Judgment being denied sua sponte or upon motion.** A Praecepte for Argument form can be secured from the Prothonotary. The original Praecepte must be filed with the Prothonotary and a copy must be delivered by the filing party to the Court Administrator, along with a copy of the Motion for Summary Judgment.

[(2)] (3) Upon receipt of a copy of the Praecepte for Argument and the Motion for Summary Judgment, the Court Administrator shall place the case on the list to be argued, assign the case to a judge and send notice of the date, time and place of oral argument.

[(3)] (4) The briefing schedule is governed by LR211C unless otherwise ordered by the court. **Only a single brief may be filed by each party unless granted leave of court for additional briefing.**

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

[(2)] (b) 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)] (c) 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)] (d) 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)] (e) 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)] (c) may result in sanctions, at the discretion of the Court including, but not limited to:

[a.] 1. 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.] 2. 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.] 3. Any other sanction the Court deems appropriate.

[(6)] (f) 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 (c)—(f) 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 _____

Submitted By: _____

LR1147(a)(2). Mortgage Foreclosure.

[1.] In order to comply with Pa.R.C.P. No. 1147(a)(2), every complaint in mortgage foreclosure shall contain a full and complete description of the land subject to the mortgage. NOTE: A Metes and bounds description of the land is preferable. The attachment as an Exhibit to the complaint of a copy of the deed which conveyed the land to the mortgagor(s) will usually constitute compliance with this rule. A reference in the complaint to a recorded deed or mortgage for a fuller description will not constitute compliance with this rule.

[2. The Prothonotary of Beaver County shall not accept for filing a complaint in mortgage foreclo-

sure which does not contain a full and complete description of the land subject to the mortgage.]

COMPULSORY ARBITRATION

1301A. [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 \$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 \$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 \$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 of [Chairman] Chair.

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 [Chairman] Chair 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] Chair of Boards of Arbitrators. Persons who have been determined to be eligible shall file a written consent to serve as an Arbitrator or [Chairmen] Chair with the Court Administrator. Arbitrators and [Chairmen] Chair shall be selected alphabetically as nearly as possible by the Court Administrator in accordance with L1302D 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] Chair 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)] (1) 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)] (2) 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)] (3) 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. Continuances requested within 10 calendar days of the scheduled arbitration will not be granted barring unfore-

seen 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)] (4) 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)] (5) 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)] (6) 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)] (7) All appeals from Arbitration shall be considered an initial case filing pursuant to LR301 and scheduled for a case management conference by the Prothonotary.

LR1302F. 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**] **Chair** position will only be filled by another eligible [**Chairman**] **Chair**). 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 twenty (20) calendar days prior thereto, then that Arbitrator shall be removed from the list of eligible Arbitrators. 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.

LR1303A. Arbitration Hearings—Notice.

[(a)] (1) 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**] **Chair**.

[(b)] (2) 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)] (3) 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)] (4) 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)] (5) 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,**] **and** if all present parties agree and have complied with LR1303A(d) and (e), [**as the case may be,**] **the matter may** 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.

LR1306.1. Sanctions for Failure to Pay an Award from an Arbitration or Dispute Resolution from Which No Appeal Has Been Taken.

(a) As used in this rule, the following words shall have the following meaning:

"Award." The finding of a Board of Arbitration, an arbitrator(s), or a dispute resolution proceeding which compels payment, in any form of monetary exchange, to a prevailing party from a non-prevailing party.

(b) The provisions of this rule shall not apply to the annuity or future installment portion of a structured settlement award.

(c) The Prevailing Party and Non-prevailing Party may agree in writing to modify or waive any of the provisions of this rule.

(d) A Non-prevailing Party shall have thirty-five (35) calendar days from receipt of an award within which to deliver the award to the prevailing Party or its counsel.

(e) If awarded funds are not delivered to the Prevailing Party or its counsel within aforesaid thirty-five day period, the Prevailing Party may present to the Court a Petition for Sanctions which shall include:

- 1. an affidavit attesting to nonpayment;**
- 2. a copy of any document evidencing the procedural history of the matter;**
- 3. a copy of the award;**
- 4. a copy of a receipt reflecting delivery of the award more than thirty-five (35) days prior to the date of filing of the Petition; and**
- 5. the form of Order specified in paragraph (G) below. The attorney shall certify to the Court the applicable interest rate specified in paragraph F below and shall certify that the Petition and its accompanying documents have been served on all interested counsel.**

(f) Upon receipt of the Rule to Show Cause, the Petition and its supporting documentation required by paragraph (E) above, the Non-prevailing Party shall have twenty (20) days to file an Answer to the Rule and thereafter shall conduct discovery and appear for a hearing, if the Court deems necessary. If the Court finds that the Non-prevailing Party has violated this local rule and that there is no material dispute as to the terms of the award, the Court shall impose sanctions in the form of simple interest calculated at the rate equal to the prime rate as listed in the first edition of the Wall Street Journal published for the calendar year last preceding the date on which the Petition was filed, running from the thirty-fifth day to the date of delivery of the award; reasonable attorneys' fees incurred in the preparation and presentation of the Petition and any subsequent action related thereto; and such other sanction as the Court deems necessary, including liquidated damages not in excess of 10% of the award.

(g) The Petition shall be accompanied by two Orders in substantially the following form:

ORDER

AND NOW, this ____ day of _____, 20____, a Rule is issued upon _____ to show cause why sanctions should not be imposed for failure to deliver awarded funds to _____ or _____ within thirty-five (35) days after receipt of an award. Rule returnable twenty (20) days hereafter, or _____, 20____, by which time an Answer shall be filed. If necessary, a hearing or discovery on this matter will be held following the return of the Rule at a time or in a manner to be designated by the Court. Thereafter, an appropriate Order shall be entered.

BY THE COURT:

_____, J.

ORDER

AND NOW, this ___ day of _____, 20 ___, upon consideration of the Petition for Sanctions and its attachments, the Answer thereto, and upon a finding that payment was not made to _____ or _____ within thirty-five days of receipt of the award in the above captioned action, and conduct in failing to deliver the awarded funds is dilatory, obdurate and vexatious, it is hereby ORDERED and DECREED that in addition to the award of \$(_____), _____ is ordered to pay forthwith simple interest thereon at the rate of _____ on \$(_____) from _____ to the date of delivery of the awarded funds, together with \$(_____) in attorneys' fees, and \$ _____ in liquidated damages, pursuant to Beaver County Local Rule 229.1.

BY THE COURT:

_____, J.

[CLASS ACTIONS

LR1703. Class Actions—Assignment to a Judge.

A party who commences a class action shall forthwith deliver a copy of the complaint to the Court Administrator who shall forthwith assign the case to a Judge of the Court assigned to preside over civil cases.]

ACTIONS PURSUANT TO PROTECTION FROM ABUSE ACT

LR1901.5. Procedure for Enforcement of Protection from Abuse Orders.

A. When a defendant is arrested for violation of a Protection From Abuse Order issued by the Court or a Temporary Protection Order issued by a District Justice, the defendant shall be preliminarily arraigned by a District Justice forthwith.

B. In that event, a complaint for a violation of an existing order must be filed with the District Justice by the plaintiff in such action or by the police. The complaint shall be substantially in following form:

(Caption)

COMPLAINT FOR INDIRECT CRIMINAL CONTEMPT FOR VIOLATION OF PROTECTION FROM ABUSE ORDER

I, the undersigned, do hereby state:

- 1. My name is _____ and I live at _____ ;
2. I accuse _____, who lives at _____, with violating a Protection From Abuse Order entered by Judge _____ on the ___ day of ___, 20 ___ (attach a copy of the Order if available);
3. The date (and the day of the week) when the accused committed the offense was on or about _____ ;
4. The place where the offense was [in the County of Beaver] _____ ;
5. The acts committed by the accused were _____ ; all of which were in violation of the Protection From Abuse Order entered in accordance with the Protection From Abuse Act, 35 P.S. § 10181, et seq.;
6. If the defendant has not already been arrested, I ask that a warrant of arrest be issued and that the accused be required to answer the charges I have made.

I verify that the statements made in the complaint are true and correct to the best of my knowledge, information and belief. I further understand that any false statements made herein are subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date _____ (Signature of Affiant)

The above subscribed affiant personally appeared before me on _____, _____, signed the complaint in my presence and asserted that the facts therein are true and correct; and wherefore it appears that there is probable cause for the issuance of process.

(SEAL) (Issuing Authority)

C. At the Preliminary Arraignment, the defendant shall be notified:

(a) that he or she is charged with indirect criminal contempt for violation of the Protection From Abuse Order. A copy of the complaint shall be given to the defendant;

(b) that a hearing will be held before a judge of the Court on the first available date; and

(c) that the defendant is entitled to be represented by counsel and, if unable to afford counsel and otherwise qualifies, counsel will be appointed.

D. Bail shall be set to insure defendant's presence at the contempt hearing in accordance with Pennsylvania Rule of Criminal Procedure No. 4004 including, without limitation, the condition that the defendant not contact the petitioner or members of the petitioner's household, or anyone with whom the petitioner then resides, directly or indirectly.

E. If the defendant is not able to post bail, he shall be committed to the Beaver County Jail. Bail may be thereafter posted through Beaver County Pre-Trial Services at the earliest appropriate time.

F. The office of the District Justice shall cause the following completed forms and bail, if entered, to be forwarded immediately to the Beaver County Court Administrator's Office, Beaver County Courthouse:

(a) complaint charging a violation of the Protection From Abuse Order; (b) probable cause affidavit, if any; and (c) certificate of bail and commitment.

G. Upon receipt of papers from the District Justice, the [**Office of the Beaver County**] Court Administrator will forward said papers to the appropriate Judge of the Court who will set a hearing on the contempt charge at the earliest possible time.

ACTIONS FOR SUPPORT

LR1910[**A**]. Procedure.

(a) Actions for support shall proceed as prescribed by Pa.R.C.P. 1910.11.

(b) Support Motions shall be governed by LR208.3(b).

[**(b)**] **(c)** A conference scheduled as a result of the filing of a complaint or petition shall be continued by the Domestic Relations Section only if the parties, or their counsel, agree thereto in writing or if an order of Court is obtained directing the same. A motion seeking such an order shall be presented [**in Motions Court after appropriate notice of same is given to the opposing party or that party's lawyer pursuant to local rule LR208.3(a)3**] **pursuant to LR208.3(b).**

[**(c)**] **(d)** A demand for de novo hearing filed after the entry of [**an**] **a Proposed Interim Order [following a Domestic Relations conference should set forth the issues to be raised with specificity. A copy of the demand for de novo hearing is to be served within five days of its filing upon the opposing party or that party's counsel of record] must be served pursuant to Pa.R.C.P. 440.**

[**LR1910B. Appearance of Counsel.**]

(e) Appearance and Withdrawal of Counsel

[**(a)**] **(1)** All counsel shall file a Praecipe for Appearance with the Domestic Relations Section, [**which includes the attorney's name, business address, telephone and facsimile numbers, and Supreme Court identification number**]. If counsel fails to enter his or her appearance as prescribed by this Rule, he or she shall not [**be entitled to**] receive copies of orders, notices, or other record matters.

[**(b)**] **(2)** Following entry of a final order [**from the matter for which counsel entered his or her appearance as set forth in LR1910B(a)**], counsel may withdraw his or her appearance by filing of record a praecipe to withdraw [**to which is attached**] **with** a certificate of service [**on that attorney's client as well as on the opposing party or that party's counsel forthwith**].

[**LR1910C. Special Relief Orders.**

All motions seeking immediate relief shall be presented to the assigned Motions Judge after notice of same is given to the opposing party or that party's counsel of record pursuant to local rule LR208.3(a)3.

A copy of any such motion which is anticipated to be contested shall be delivered to the Motions Judge at least twenty four hours prior to presentation.

LR1910D. Temporary Suspension of Order.

(a) An enforcement officer of the Domestic Relations Division who suspends or adjusts any order in the absence of an order to do so, must send written notification of the suspension or adjustment, and the reason therefore, to all parties the same day that the action is taken.

(b) Under circumstances where it is anticipated that continuation of a support order will result in an uncollectible overpayment of that obligation any party may move the court for a suspension of the obligation in accordance with Rule L1910C.

LR1910E. Review of Court Files.]

(f) Review of Court Files

Parties, and their attorneys of record [**in the Domestic Relations action**], may upon written request at the Domestic Relations Office view the entire file [**maintained by the Domestic Relations Office**], with the exception of the confidential notes of the hearing officers. No documents from the file may be removed from the Domestic Relations Office.

[**LR1910F. Marriage Settlement Agreement and Divorce Decree.**]

(g) Marriage Settlement Agreement and Divorce Decree

A party who wishes to terminate an alimony pendente lite obligation or to [**initiate enforcement of**] collect an alimony obligation in accordance with the **specific** terms of a divorce decree or a decree with marriage settlement agreement shall forward a true and correct copy of the decree to the Domestic Relations Division with a copy of the request forwarded to the opposing counsel or the opposing party if not represented by counsel. [**Unless the decree or decree with marriage settlement agreement specifically directs collection of alimony by the Domestic Relations Division, the Domestic Relations Division will not enforce collection without a court order.**]

ACTIONS FOR CUSTODY, PARTIAL CUSTODY AND VISITATION OF MINOR CHILDREN

LR1915[**a. Custody (Corresponds to Pa.R.C.P. 1915.3, 1915.4, 1915.4-1, 1915.4-2, 1915.4-3 and 1915.4-4)**].

(a) Actions for custody shall be as prescribed by Pa.R.C.P. 1915.4-3.

(b) Custody Motions shall be governed by LR208.3(b).

[**1.**] **(c) 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)] (1) Present the **original and one copy of 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)] (2) File the original pleading and Order in the Prothonotary's Office.

[(c)] (3) Serve a clocked copy of the pleading and Order on counsel of record and/or unrepresented parties **pursuant to Pa.R.C.P. 1930.4 (original process) or 440 (other than original process)**, 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] (4) **Upon the filing of** a Petition for Contempt of a Custody Order **[is filed]**, the Judge shall schedule the Contempt Petition for a **[Status Conference] status conference** or **[Hearing] hearing** before the Court, or for a **[Conciliation Conference] conciliation conference** before a **[Conference Officer] 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)] (5) 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 **or completed** 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)] (6) All **[Petitions] petitions** for **[Modification] modification** of **[Custody Orders] custody orders** shall have attached thereto, unless excused by the Court for good cause shown, copies of the Petitioner's **[Certificate] certificate** of **[Completion] completion** of the mandatory Educational Seminar as required in **[LR1915A] LR1915C**, 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] certificate** of **[Completion] completion** are not attached, the Court may refuse to entertain the **[Petition] petition**.

[2.] (d) 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] Administrative Judge** 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] argument or hearing**.

[3.] (e) *Conduct of Conciliation Conference Officer.*

[(a)] (1) The **[Child Custody]** Conference Officer will convene a **[Conciliation Conference] conciliation conference**, as scheduled by the Court, which **[Conference] conference** shall be attended by the parties and their legal counsel, if any.

[(b)] (2) 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] conference**.

[(c)] (3) 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] 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] 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)] (4) 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 **an** 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)] (5) 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.] (f) *Procedure After Conciliation Conference.*

[(a)] (1) 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)] (2) 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)] (3) 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 Temporary 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)] (4) 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**] **Administrative Judge**, as well as to all counsel and/or unrepresented parties of record.

[(e)] (5) Failure of any party, having [**primary or shared**] **any form of** physical custody of a child, to appear at a scheduled [**Conciliation Conference or Pre-Trial Conference will**] **conciliation conference may result in the Court's entry of a proposed Final or Temporary Order or in the** scheduling of the matter for a Hearing before the Court and may result in imposition of sanctions by the Court **or dismissal of the requested relief**.

[(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.] (g) *Pre-Trial Conference.*

[(a)] (1) Upon receipt of the Exceptions [**by the Court Administrator's Office**], the Court will schedule a Pre-Trial Conference to be attended by all **parties and counsel [and parties, whether represented by counsel or not], if any**. [**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)] (2) 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)] (3) Failure of any party, having [**primary or shared**] **any form of** physical custody of a child, to appear at a scheduled [**Conciliation Conference or**] Pre-Trial Conference, [**will**] may result in the **the Court's entry of a proposed Final or Temporary Order or in the** scheduling of the matter for a Hearing before the Court and may result in imposition of sanctions by the Court **or dismissal of the requested relief**.

[(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.]

(h) *Reduced-Fee Program*

[1.] (1) Any individual who is referred under Neighborhood Legal Services Association's (NLSA) 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 Praecepte 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 Praecepte shall be substantially in the following form:

(CAPTION)

Praecepte 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.] (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.] (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 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 LR1915b

To the Prothonotary: Kindly withdraw my Limited Appearance for {Plaintiff's/Defendant's Name}, the Plaintiff/Defendant, in the above-captioned matter. All future notices should be sent directly to {Plaintiff's/Defendant's Name}, the Plaintiff/Defendant, at {set forth last-known address for this party}.

 Name of Attorney for {Plaintiff/Defendant}
 Address
 Telephone Number
 Supreme Court ID Number

[LR1915C. Educational Seminar Pertaining to Children of Divorcing Parents.]

(i) Educational Seminar Pertaining to Children of Divorcing Parents

(1) All parties to Custody Actions [**filed on or after June 1, 1994 where the interests of children under the age of eighteen (18) years are involved,**] shall, unless excused by the Court, complete [**a program which we have entitled**] **within a specified time** the Educational Seminar Pertaining to Children of Divorcing Parents (the "Seminar") **or other educational program selected by the Court.**

(2) All parties shall register for the first available [**Seminar**] **seminar** after the date the Defendant has been served with process. [**Counsel for the Plaintiff shall require the Plaintiff to register for the Seminar and shall have a**] **A** copy of the [**attached**] Notice and Registration Form **shall be** served on the Defendant at the same time as the Complaint. Failure of a party to successfully complete the Seminar will result in sanctions by the Court[**, including Contempt**].

[LR1915d. Custody Motions.

No motion relating to custody (Special Relief and Emergency Relief) will be entertained by the court unless counsel for the parties or any self-represented party involved shall have first conferred and attempted to resolve the issues. All such motions shall have a written certification of the moving party attached. The certification shall state the date and manner of the conference with respect to each matter in dispute and that counsel or any self-represented party was unable to resolve the issues.

In the event counsel or self-represented party have not conferred, counsel for the moving party or the self-represented party shall certify the reason or reasons therefore.

In the event that both parties are self-represented and both parties are subject to a mutual Protection from Abuse Order, the parties are excluded from conferring to resolve the dispute. A Certificate of Compliance form must be attached and completed "unable to confer due to a Protection from Abuse Order."

FORM:

CIVIL DIVISION—LAW

_____ ,	:	
Plaintiff	:	
vs.	:	No. _____
_____ ,	:	
Defendant	:	

CERTIFICATE OF COMPLIANCE FOR RULE 1915d

I certify that I have complied with Local Rule 1915d as noted below.

<input type="checkbox"/> Talked by phone	_____
	(date)
<input type="checkbox"/> Met in Person	_____
	(date)
<input type="checkbox"/> Telephoned/Left message	_____
	(date)
<input type="checkbox"/> Emailed	_____
	(date)
<input type="checkbox"/> Emergency	_____
<input type="checkbox"/> Other:	_____

<input type="checkbox"/> Domestic Violence Waiver	_____
<input type="checkbox"/> Unable to Confer because:	_____

Date

Signature

Print Name]

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.

(2) 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/>

(3) Should the parties' combined gross income and family size fall at or below the poverty guidelines the Parenting Coordinator's fee shall be considered for a waiver or to be paid by the County of Beaver.

(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)] (2) 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 Summary 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 MARRIAGE

LR1920. Motions.

Divorce Motions shall be governed by LR208.3(b).

LR1920.33(b). Pre-Trial Conference.

(1) 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).]**

(2) At least five (5) calendar days prior to a scheduled pre-trial conference, each party shall file, serve, and deliver to the trial judge **and opposing counsel or party, if unrepresented,** 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] Hearing Officer** will hear any unresolved issues.

[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] Hearing Officer.

If a party seeks to continue a hearing or other proceeding which has been set by the **[Master] Hearing Officer**, and the other party opposes the continuance, the motion requesting a continuance of the matter pending before the **[Master] Hearing Officer** shall be presented to the judge who appointed the **[Master] Hearing Officer** in accordance with **[LR208.3(a)(3).] LR208.3(b).**

LR1920.55-2. Exceptions to a [Master's] Hearing Officer's Report.

Counsel or an unrepresented party who files exceptions to a **[Master's] Hearing Officer's** Report shall, concurrently with the filing, deliver a copy of the exceptions to the judge who appointed the **[Master] Hearing Officer**.

LR1930.5(b). Discovery in Domestic Relations Matters.

Written discovery in all divorce cases shall be limited to a combined total of 50 interrogatories, including subparts, and 15 requests for production / admissions, unless leave of court to seek additional discovery is first secured for cause shown.

MINORS AS PARTIES

LR2039A. Approval of Compromise and Settlement by the Court.

The Court may approve the compromise, settlement or discontinuance of an action filed on behalf of a minor or an action in which a minor has interest without a hearing provided that the petition complies with LR2039B. Should the Court determine that a hearing is necessary, the Petition will be entertained pending the hearing. **If there is an existing civil docket, the Petition shall be**

presented as a civil motion; if not, the Petition shall be presented as an Orphan's Court motion.

LR2039B. Content of Petition.

A petition for leave to compromise, settle or discontinue an action in which a minor is a party, or an action in which a minor has an interest shall set forth:

- [(a)] (1) the facts out of which the cause of action arose;
- [(b)] (2) the elements of damage sustained;
- [(c)] (3) all expenses incurred or to be incurred, including the counsel fees requested;
- [(d)] (4) the facts relied upon by the adverse party; and,
- [(e)] (5) all circumstances relevant to the propriety of granting the petition including any significant medical reports and records.

INCAPACITATED PERSONS AS PARTIES

LR2064. Approval of Compromise and Settlement of the Court.

The procedure to secure Court approval of the compromise and settlement of actions in which incapacitated persons have an interest shall be governed by LR2039A and LR2039B.

ACTIONS FOR WRONGFUL DEATH

LR2206. Approval of Compromise and Settlement of Actions for Wrongful Death.

The procedure to secure Court approval of the compromise and settlement of an action for wrongful death in which a minor or incapacitated person has an interest shall be governed by LR2039A and LR2039B.

DEPOSITIONS AND DISCOVERY

LR4002. Place of Depositions.

Unless counsel for all parties agree otherwise, all discovery depositions shall take place in Beaver County. Depositions for use at trial may be taken outside Beaver County upon agreement of counsel or leave of court.

Note: It is contemplated that depositions will take place in the office of counsel for a party so long as the office is located in Beaver County.

LR4011. Limitation of Scope of Written Discovery and Deposition.

[A.] (a) Written discovery in all civil cases shall be limited to 30 written interrogatories, 10 requests for admission, and 15 requests upon a party for production of documents and things, including subparts, unless leave of court to seek additional discovery is first secured for cause shown and except in those cases governed by Pa.R.C.P. 1930.5 (domestic relations matters) and [**personal injury**] claims under LR1301A et seq. (compulsory arbitration).

[B.] (b) In order to avoid unreasonable annoyance or expense, all requests for discovery or depositions in cases governed by Rule LR1301A et seq. (compulsory arbitration) shall be limited in personal injury claims to the standard interrogatories, attached hereto as Form A and Form B, unless leave of court to seek additional discovery is first secured for cause shown. In cases governed by Rule LR1301A et seq. (compulsory arbitration) which do not involve personal injury claims, discovery shall be **[governed by LR4011A and LR4011C] limited to 10 written interrogatories, 5 requests for admission, and 5 requests upon a party for production of documents and things, including subparts, unless leave of court to seek additional discovery is first secured for cause shown. Unless otherwise ordered by the Court for cause shown, or by agreement of the parties, there shall be no discovery depositions permitted in cases governed by Rule LR1301A et seq. (compulsory arbitration).**

[C.] (c) In order to avoid unreasonable annoyance or expense, unless otherwise ordered by the Court for cause shown, or by agreement of the parties, discovery depositions shall be limited to 1 1/2 hours in length with an additional 1/2 hour per each additional party. The total accumulated time allotted each side for all discovery depositions shall not exceed five (5) hours.

FORM A

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY
PENNSYLVANIA
CIVIL ACTION

_____ ,	:	
Plaintiff	:	
vs.	:	No. _____
_____ ,	:	
Defendant	:	

PLAINTIFF'S ARBITRATION DISCOVERY REQUESTS FOR PERSONAL INJURY CLAIMS

These discovery requests are directed to _____ .

Within thirty (30) days following receipt of these requests, you shall provide the information sought in these discovery requests to every other party in this lawsuit.

IDENTITY OF DEFENDANT(S)

1. Set forth your full name and address.

INSURANCE

- 2. (a) Is there any insurance agreement that may provide coverage to you for this incident? Yes _____ No _____
- (b) If so, list the name of each company and the amount of protection that may be available.

WITNESSES

3. List the names, present addresses and telephone numbers (if known) of any persons who witnessed the incident (including related events before and after the incident) and any relationship between the witness and you.

STATEMENTS AND OTHER WRITINGS

- 4. (a) Do you have any written or oral statements from any witnesses, including the defendant? Yes _____ No _____
- (b) If you answered yes, attach any written statements signed, adopted or approved by any witness, attach a written summary of any other statements (including oral statements), and identify any witnesses from whom you obtained a stenographic, mechanical, electrical or other recording that has not been transcribed. (This request does not cover a statement made by a party to that party's attorney.)

I have _____ have not _____ fully complied with request 4(b).

(c) Do you have any photographs, maps, drawings, diagrams, etc. that you may seek to introduce at trial? Yes _____ No _____ .

(d) If you answered yes, attach each of these documents. I have _____ have not _____ fully complied with request 4(d).

MEDICAL DOCUMENTS

- 5. (a) Do you have any medical documents relating to the plaintiff? Yes _____ No _____
- (b) If you answered yes, attach each of these documents. I have _____ have not _____ fully complied with request 5(b).

CRIMINAL CHARGES

- 6. (a) Were any felony or misdemeanor criminal charges filed against you or any of your agents as a result of the incident that is the subject of this lawsuit? Yes _____ No _____
- (b) If you answered yes, list each felony or misdemeanor charge that is pending and each felony or misdemeanor conviction.
- (c) Were you ever convicted of a crime that involved dishonesty or false statement, whether by verdict, or by plea of guilty or nolo contendere? Yes _____ No _____
- (d) If you answered yes, list the charge you were convicted of, the court where the conviction was entered and the date of the conviction.

Defendant verifies the statements made herein are true and correct. Defendant understands that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsifications to authorities.

Date: _____

Defendant

FORM B

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY
PENNSYLVANIA
CIVIL ACTION

_____,
Plaintiff,
vs. _____, No.
Defendant.

DEFENDANT'S ARBITRATION DISCOVERY
REQUESTS FOR PERSONAL INJURY CLAIMS

These discovery requests are directed to _____ .

Within thirty (30) days following receipt of these requests, you shall provide the information sought in these discovery requests to every other party in this lawsuit.

IDENTITY OF PLAINTIFF(S)

- 1. Set forth your full name and address.

WITNESSES

2. List the names, present addresses and telephone numbers (if known) of any persons who witnessed the incident (including related events before and after the incident) and any relationship between the witness and you.

STATEMENTS AND OTHER WRITINGS

3. (a) Do you have any written or oral statements from any witnesses, including the defendant? Yes _____ No _____
- (b) If you answered yes, attach any written statements signed, adopted or approved by any witness, attach a written summary of any other statements (including oral statements), and identify any witnesses from whom you obtained a stenographic, mechanical, electrical or other recording that has not been transcribed. (This request does not cover a statement made by a party to that party's attorney.)
- I have _____ have not _____ fully complied with request 3(b).
- (c) Do you have any photographs, maps, drawings, diagrams, etc. that you may seek to introduce at trial? Yes _____ No _____ .
- (d) If you answered yes, attach each of these documents. I have _____ have not _____ fully complied with request 3(c).

MEDICAL INFORMATION CONCERNING PERSONAL INJURY CLAIM

4. (a) Have you received any inpatient or outpatient treatment from any hospital for any injuries or other medical conditions for which you seek damages in this lawsuit? Yes _____ No _____
- (b) If you answered yes, list the names of the hospitals, the names and addresses of the attending physicians, and the dates of hospitalization.
- (c) Have you received any chiropractic treatment for any injuries or other medical conditions for which you seek damages in this lawsuit? Yes _____ No _____
- (d) If you answered yes, list the name and address of each chiropractor and the dates of treatment.
- (e) Have you received any other medical treatment not covered by the previous interrogatories for any injuries or other medical conditions for which you seek damages in this lawsuit? Yes _____ No _____
- (f) If you answered yes, list the names and addresses of each physician or other treatment provider and the dates of treatment.
- (g) Attach complete hospital and office records covering the injuries or other medical conditions for which you seek damages for each hospital, chiropractor, and other medical provider identified in response to interrogatories 4(b), 4(d) and 4(f) or authorizations for these records.
- I have _____ have not _____ fully complied with request 4(g).

OTHER MEDICAL INFORMATION

5. (a) List the name and address of your family physician for the period from five (5) years prior to the incident to the present date.
- (b) Have you received inpatient or outpatient treatment for injuries or physical problems that are not part of your claim in this lawsuit from any hospital or medical office within the period from five (5) years prior to the incident to the present date? Yes _____ No _____
- (c) If you answered yes, attach a separate sheet which lists the name and address of the hospital or medical office, the date of each treatment, the reasons for the treatment, and the length of the hospitalization.
- (d) Have you received chiropractic treatment for injuries or physical problems that are not part of your claim in this lawsuit from any hospital within the period from five (5) years prior to the incident to the present date? Yes _____ No _____
- (e) If you answered yes, attach a separate sheet which lists the chiropractor's name and address, the dates of the treatment, and the reasons for the treatment.
- (f) Have you received any other medical treatment for injuries or physical problems that are not part of your claim in this lawsuit within the period from five (5) years prior to the incident to the present date? Yes _____ No _____
- (g) If you answered yes, attach a separate sheet which lists the name and address of the medical treatment provider, the dates of the treatment, and the reasons for the treatment.
- I have _____ have not _____ fully complied with requests 5(c), 5(e) and 5(g).

WORK LOSS

6. (a) Have you sustained any injuries which resulted in work loss within the period from five (5) years prior to the incident to the present date?
- (b) If you answered yes, for each injury list the date of the injury, the nature of the injury, and the dates of the lost work.
7. If a claim is being made for lost income, state the following information:
- (a) the name and address of your employer at the time of the incident;
- (b) the name and address of your immediate supervisor at the time of the incident;
- (c) your rate of pay;
- (d) the dates of work loss due to the injuries from this alleged accident; and
- (e) the total amount of your work loss claim.

OTHER BENEFITS

8. (a) If you are raising a claim for medical benefits or lost income, have you received or are you eligible to receive benefits from Workers' Compensation or any program, group contract, or other arrangement for payment of benefits as defined by Title 75 P.S. § 1719(b)? Yes _____ No _____
- (b) If you answered yes, set forth the type and amount of these benefits.

INSURANCE INFORMATION

9. (a) Are you subject to the "Limited Tort Option" or "Full Tort Option" as defined in Title 75 P.S. § 1705(a) and (b)?
 _____ Limited Tort Option (no claim is made for nonmonetary damages)
 _____ Limited Tort Option (claim is made for nonmonetary damages because the injuries fall within the definition of serious injury or because one of the exceptions set forth in 75 P.S. § 1705(d)(1)—(3) applies).
 _____ Full Tort Option
- (b) (Applicable only if you checked "Full Tort Option".) Describe each vehicle (make, model and year) in your household.
- (c) (Applicable only if you checked "Full Tort Option".) Attach a copy of the Declaration Sheet for the automobile insurance policy covering each automobile in your household.
- I have _____ have not _____ fully complied with request 9(c).

Plaintiff verifies the statements made herein are true and correct. Plaintiff understands that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsifications to authorities.

Date: _____ Plaintiff

LR4017.1. Use of Videotape Depositions at Trial.

The trial judge may refuse permission to use a videotape deposition at trial if either the audio or video portions of the tape are of poor quality. Prior to offering a videotape deposition of a witness at trial, counsel for the proponent of the deposition shall file a certification that he or she has reviewed the videotape and that both the audio and the video portions thereof are of good quality. Failure to comply with this rule may result in the refusal of permission to use the videotape at the time of trial.

Material to which objection has been sustained shall be excluded at trial by "fast forward" by the video machine operator so as to eliminate both the image and the sound of the objectionable material. A copy of the stenographic transcript of the deposition shall be delivered to the court stenographer with redacted portions, if any, clearly marked, before the close of the parties' case in which the deposition was utilized.

Note: The videotape should be marked as an exhibit and physical custody thereof remain with counsel for the proponent subject to surrender to the court upon order to do so pursuant to L.R. 223.

[LR4019. Discovery Motions.

No motion relating to discovery will be entertained by the court unless counsel for the parties involved shall have first conferred and attempted to resolve the issues. All such motions shall be accompanied by a written certification of counsel for the moving party. The certification shall state the date and manner of the conference with respect to each matter in dispute and that counsel was unable to resolve the issues.

In the event counsel has not conferred, counsel for the moving party shall certify the reason or reasons therefore.

LR4020. Use of Depositions at Trial.

Objections made during the taking of depositions or intended to be made at trial pursuant to Pa.R.C.P. No. 4020(c) shall be submitted to the court for ruling thereon prior to the first day of the trial term.

The proponent of the deposition shall petition the court to assign the case to a judge of the court for trial for the purpose of review and ruling on all objections.

***Note:* This rule is designed to make more efficient use of juror time by avoiding the need to preview depositions while venire persons are present and waiting to be selected. However, the rule is not intended to prevent the judge to whom the case is assigned for trial to elect to preview depositions immediately prior to jury selection or to elect to rule on objections as the testimony is being presented to the jury.]**

REAL ESTATE ASSESSMENT APPEALS**[Rule 8000] LR8000. Definitions.**

The following rules shall apply to all appeals from a real estate tax assessment determined by the Beaver County Board of Assessment [**Revision**] **Appeals** or its Auxiliary Board. These rules shall apply to all appeals taken following their effective date, and may be applied as appropriate to any pending appeals ninety (90) days after the effective date.

Definitions:

Appeal—An appeal from the Beaver County Board of Assessment [**Revision**] **Appeals** or Auxiliary Board as defined in the Consolidated County Assessment Law, 53 Pa. Con. Stat. § 8854.

Board—The Beaver County Board of Assessment Appeals.

Commercial Property—Any property, whether vacant or occupied, whose purpose is to generate income for its owner, or is otherwise designated in the tax assessment records as commercial, industrial, and/or agricultural in use.

Date of Notification—The date of the Board's decision.

Party—Appellant, the Board, and any other person or entity entitled to notice of the appeal.

Property Owner—The record owner of the property as set forth in the Recorder of Deeds Office, reflecting the most recent deed of record.

Taxing Authority—Any county, city, borough, town, township, school district, or other public corporation having power and authority to levy taxes on the assessment of the real estate in question.

Verified—When used in reference to a written statement of fact by the signer, means supported by oath or affirmation or made subject to the penalties of 18 Pa. Con. Stat. § 4904 relating to unsworn falsification to authorities.

[Rule 8000.1] LR8000.1. Real Estate Tax Assessment Appeal.

(a) Real Estate Tax Assessment Appeal from a decision of the Board as to the amount of the assessment for real estate tax purposes, or as to exemption of real estate from payment of real estate taxes, shall be captioned “Petition for Real Estate Tax Assessment Appeal” or “Petition for Real Estate Tax Exemption Appeal” and filed with the Prothonotary within the time prescribed by statute. A copy of the appeal shall be provided to the Court Administrator.

(b) The Petition shall contain the following:

(1) Caption designating the named party taking the appeal as Appellant, the Board as Appellee, and if Appellant is a taxing authority it shall join the owner of the real estate involved as a matter of course as a party in the assessment appeal by designating such named owner in the caption as an Appellee. All taxing authorities shall be named as parties in the appeal. The tax parcel identification number for the real estate in question shall appear in the caption.

(2) Identification of the subject real estate, including the street address and tax parcel identification number, and a designation of the municipality and school district wherein the real estate is located. A copy of the property card from the tax records shall be attached as an exhibit to the petition.

(3) Name and address of the taxpayer(s), and any other party to the appeal.

(4) Nature of and reasons for the appeal.

(5) Reference to the decision of Beaver County Board of Assessment [**Revision**] **Appeals** or its Auxiliary Board (Board) from which the appeal is taken. The date of notification shall be provided. A copy of the Board’s notice of decision shall be attached as an exhibit to the petition.

(6) Reason(s) for the appeal. The petition shall identify whether the challenge is based on fair market value, base year value, and/or a constitutional challenge based on uniformity.

(7) A verification in accordance with Pa.R.Civ.P. 206.3, if the petition contains an allegation of fact which does not appear of record.

(c) Within ten (10) days after filing the appeal, appellant shall serve a copy of the appeal on the Board, on all affected taxing authorities at their business addresses, and any other party, in the manner prescribed by Pa.R.Civ.P. 440. The property owner shall be served notice at the registered address designated on the tax records of Beaver County.

(d) Within twenty (20) days of service of the appeal, the appellant shall file a verified proof of service of the petition.

(e) There shall be no requirement that the appellee, or any other party, file an answer or responsive pleading to the petition.

(f) All appeals shall be subject to Pa.R.Civ.P. 1012, 1023.1, and 1025 as amended.

(g) Cross-appeals shall not be permitted, and, if a cross-appeal is filed, the Court shall dismiss the cross-appeal, and proceed at the earlier filed appeal.

(h) No appeal may be withdrawn without consent of all other parties, or leave of court.

(1) In the event the matter is settled between the parties, the parties shall within seven (7) days of reaching a settlement execute a Stipulation to Settle in accordance with FORM 8000.1(h)(1) and within seven (7) days of execution of the Stipulation to Settle the appellant shall file a praecipe to settle and discontinue with the Prothonotary and deliver copies of both the Stipulation and the praecipe to the Court. Thereupon the Court will enter an Order in accordance with FORM 8000.1(h)(1). No leave of Court is required if the parties agree to settle.

Note: The Pennsylvania Rules of Civil Procedure do not apply to real estate tax assessment appeals, unless specifically adopted by local rule or order of court. *In re Mackey*, 687 A.2d 1186 (Pa. Commw. Ct. 1997).

[RULE 8000.2] LR8000.2. Intervention.

(a) Any taxing authority not named as a party may intervene as a matter of course during pendency of the appeal by filing a Notice of Intervention with the Prothonotary.

(b) Notice of Intervention shall contain the name of the intervening party as an additional party designated as “Intervenor” in the caption, and shall set forth that such identified party is intervening. The notice shall provide an address for the intervenor, unless simultaneously filed with an entry of appearance for counsel.

(c) Intervenor shall serve copies of Notice of Intervention on all parties in accordance with Pa.R.Civ.P. § 440.

(d) Within ten (10) days of filing of Notice of Intervention, the intervenor shall file a verified proof of service.

(e) No response is required to be made by any party served with a copy of a Notice of Intervention.

[RULE 8000.3] LR8000.3. Discovery.

(a) Except as otherwise provided by this Rule, discovery shall be by leave of court only for cause shown. Nothing in these rules shall prohibit an agreement among the parties regarding discovery not otherwise authorized by these rules.

(b) In all cases involving commercial property, the taxing authorities may serve a copy of Tax Assessment Appeal Discovery Requests in accordance with FORM 8000.3 on the taxpayer. The taxpayer shall furnish the information sought in the Discovery Requests as set forth in Local Rule 8000.5.

(c) Any discovery disputes, including, without limitation, any motions for protective order or motions to compel, shall be presented upon proper notice to the judge assigned to the case.

(d) A party may inspect the property at a reasonable time(s) upon the condition that such party provides written notice of the inspection no less than fifteen (15) days prior to the property owner, if unrepresented, or the counsel of record for the property owner. If the property

owner objects to the inspection or the time for inspection set forth in the notice, the property owner shall file written objections to such inspection and present such objections to the assigned judge.

Note: In the absence of a statewide rule, local rule, or order of court, it is within the sound discretion of the trial court whether to permit or refuse discovery in tax assessment appeals. *Tanglwood Lakes Community Association v. Pike County Board of Assessment*, 642 A.2d 581 (Pa. Commw. Ct. 1994).

[RULE 8000.4] LR8000.4. Consolidation.

(a) The Court on its own motion, or on the motion of a party, may consolidate real estate tax assessment appeals involving properties that are similarly situated. The properties must be located within the same municipality and school district.

(1) A motion to consolidate shall be determined in accordance with Pa.R.Civ.P. 213.

(2) If the Court grants a motion to consolidate real estate tax assessment appeals, it shall enter a case management order setting forth all pretrial deadlines.

[RULE 8000.5] 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 LR8000.5(b), the non-residential property case management track pursuant to LR8000.5(c), submit the case to a **[master] hearing officer** for disposition pursuant to LR8000.6, 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.

(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] hearing officer**.

(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).

(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] hearing officer.

(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. LR8000.5A 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] HEARING OFFICER DISPOSITION

The parties shall state reasons, if any, why the case should not be submitted to a [master] hearing officer.

[RULE 8000.6] LR8000.6. Appointment of [Master] Hearing Officer.

The court may hear the testimony, or, upon its own motion, may appoint a [master] hearing officer with respect to all or any of the matters involved in the real estate tax assessment or tax exemption appeal to issue a report and recommendation. The order of appointment shall specify the matters which are referred to the [master] hearing officer. The [Master] hearing officer shall be compensated on an hourly basis in a manner to be determined by the Court.

Note: The Court possesses the inherent authority to appoint a [master] hearing officer to assist it in performing its various functions, including the production of advisory opinions regarding tax assessment appeals. *Appeal of 322 Blvd. Associates*, 600 A.2d 630 (Pa. Commw. Ct. 1991).

[RULE 8000.7] LR8000.7. Hearing by [Master] Hearing Officer. Report.

(a) The Court Administrator shall schedule any proceedings before the [master] hearing officer and shall cause notice to be provided to all the parties in accordance with FORM 8000.7.

(b) A record shall be made of all proceedings before the [master] hearing officer. Any requests for transcription shall be in accordance with the Pennsylvania Rules of Judicial Administration governing court reporting and transcripts.

(c) In an action which has been referred to a [master] hearing officer, the [master's] hearing officer's report shall include findings of fact, conclusions of law, and a recommended disposition of the case.

(d) The [master's] hearing officer's report and recommendation shall be filed, and the Prothonotary shall

serve a Notice and copy to all counsel of record and any unrepresented party by regular mail in accordance with FORM 8000.7(d).

(e) Any exhibits admitted into evidence before the [**master**] **hearing officer** are part of the court record, and shall be maintained with the official court record in the appropriate filing office.

[**RULE 8000.8**] **LR8000.8.** Hearing by [**Master**] **Hear- ing Officer.** Report. Objections. Transcript.

(a) Any party may file objections to the report and recommendation of the [**master**] **hearing officer** within thirty (30) days of the filing of the report and recommendation. Objections must be accompanied by a certification of counsel, or a party if unrepresented, that a transcript of all proceedings before the [**master**] **hear- ing officer**, or necessary portions of the transcript, have been requested from the Court Administrator.

(1) Any request for a transcript shall be governed by the applicable Pennsylvania Rules of Judicial Administra- tion pertaining to court reporting and transcripts.

(2) If no trial transcript is filed within sixty (60) days of the date the Objections were filed, the Court Adminis- trator shall send the objecting party a letter, with copies to all counsel and parties not represented by counsel, stating that the transcript must be paid for and filed within thirty (30) days of the date of the letter, and that if no transcript is filed within the time period, then a court order shall be issued overruling the objections with prejudice in accordance with FORM 8000.8(a)(2).

(b) Within twenty (20) days of the date on which the transcript is filed of record, the objecting party shall file a Brief in Support of Objections. The Brief in Support of Objections shall refer to transcript page numbers where possible.

(c) If no brief is filed within twenty (20) days of the date the transcript is filed, the Court Administrator shall send the objecting party a letter, with copies to all counsel or a party if not represented by counsel, stating that if a brief is not filed within twenty (20) days of the date of the letter, then a court order will be entered overruling the objections with prejudice in accordance with FORM 8000.8(c).

Note: If a Brief in Support of Objections has been filed by a taxing authority, other taxing authorities may file a statement joining in that brief, and forego filing their own brief.

(d) Within twenty (20) days after the moving party has filed its Brief in Support of Objections, all responding parties shall file their Briefs in Opposition to Objections.

(e) If no Brief in Opposition is filed and served within twenty (20) days, the Court Administrator shall send the opposing party a letter, with copies to all counsel and parties not represented by counsel, stating that if an opposing brief is not filed within twenty (20) days of the date of the letter, the decision will be made without reference to any brief that you may file thereafter in accordance with FORM 8000.8(e).

(f) A copy of any brief filed shall be served on all counsel of record, a party if unrepresented, the Court Administrator, and the Court.

Note: If a Brief in Opposition has been filed by a taxing authority, other taxing authorities may file a statement joining in that brief, and forego filing their own brief.

[**RULE 8000.9**] **LR8000.9.** Decision. Final Order. No Post-Trial Motions.

(a) Within five (5) days after the filing date set for the Briefs in Opposition to Objections has passed, the object- ing party shall notify the Court that the matter is ripe for decision by filing a notice that the matter is ripe for decision in accordance with FORM 8000.9(a). A copy of the notice shall be served on all counsel of record, a party if unrepresented, and the Court Administrator.

(b) Upon the filing of the notice defined in subsection (a), the Court may schedule oral argument on the objec- tions, or enter a final order based on the briefs and record alone.

(c) In the event that none of the parties file objections as described above, the report and recommendation of the [**master**] **hearing officer** shall become the final order of court.

(d) There shall be no motions for post-trial relief to a final order of court.

[**RULE 8000.10**] **LR8000.10.** Real Estate Tax Exemp- tion Appeals.

(a) Real estate tax exemption appeals shall be gov- erned by the same rules as real estate tax assessment appeals; provided, however, that Local Rules 8000.3 and 8000.5 shall not be applicable.

(b) Real estate tax exemption appeals from decisions of the Board shall be subject to the provisions pertaining to discovery in the Pennsylvania Rules of Civil Procedure.

[**RULE 8000.11**] **LR8000.11.** Notice of Change of Own- ership of Property. Change of Address. Withdrawal or Substitution of Counsel.

(a) If at any time during the course of an appeal filed pursuant to Local Rule 8000, et seq., ownership of the property at issue is transferred, changed, or altered in any way, the new property owner listed of record in the appeal is required to file notice of the transfer/change/ alteration with the Prothonotary. The notice shall provide the following information:

(1) The name(s) and addresses(es) of the new record owner(s) of the property;

(2) The type of transfer/change/alteration (e.g., prop- erty sold); and

(3) The date of the transfer/change/alteration.

(b) Failure to file notice within thirty (30) days of the transfer or change shall be grounds for termination of the appeal and a discontinuance of the matter.

Note: See Pa.R.Civ.P. 1012 for notice requirements when there is a withdrawal or substitution of counsel. See Pa.R.Civ.P. 440 for the requirements of service of legal papers.

[**RULE 8000.12**] **LR8000.12.** Repealer.

These Rules shall repeal and replace current LR8000 and LR8001 in their entirety.

FORMS

FORM L8000.1(h)(1). Stipulation to Settle.

IN THE COURT OF COMMON PLEAS, BEAVER COUNTY PENNSYLVANIA

IN RE Appeal of:

(NAME OF APPELLANT)

Case No.:

From the Beaver County Board of Assessment Appeal

Tax ID No.

School District:

Municipality:

Property of:

Property Address:

Intervenor

WHEREAS, the Appellant(s) filed an appeal to this Honorable Court of the assessment set for the above referenced property by the Board of Assessment Appeals of Beaver County.

WHEREAS, based upon the risk and hazards of litigation, the parties have decided that it is in their best interest to settle the above-captioned matter based upon the terms and conditions outlined in this Stipulation to Settle.

NOW, THEREFORE, the undersigned, intending to be legally bound and to bind their respective clients, agree to the following settlement. After further review by all parties, it was agreed the assessment shall be as follows:

1. Commencing on _____, for the County and Township taxes, and _____, for the School taxes, the assessment shall be set based on a fair market value of \$ _____ and an assessed value of \$ _____ for tax year _____.

2. In determining the assessed value of the property, the County Assessment Office shall use a Common Level Ratio of _____ %.

3. The parties agree that the Court should enter an Order in the form attached setting the assessed value as herein above set forth and ordering that the case be marked settled, discontinued, and ended.

4. The Appellant shall pay the appropriate fee, payable to the Prothonotary of Beaver, for the discontinuance of this action. Payment shall accompany the filing of this stipulation.

5. If the docket is not settled within ten (10) days of the settlement date set forth in this Stipulation, Appellant shall appear as scheduled by the Court. Settlement of the docket shall cancel this hearing.

6. This Stipulation can be executed in counterparts.

on behalf of the Municipality

on behalf of the County

on behalf of the Taxpayer

on behalf of the School District

FORM L8000.1(h)(1). Order.

IN THE COURT OF COMMON PLEAS, BEAVER COUNTY PENNSYLVANIA

IN RE Appeal of:

(NAME OF APPELLANT)

Case No.:

From the Beaver County Board of Assessment Appeal

Tax ID No.

School District:

Municipality:

Property of:

Property Address:

Intervenor

ORDER

AND NOW, this ____ day of _____, 20____, upon review of the Stipulation of Settlement among the parties, attached hereto, it is hereby ORDERED, ADJUDGED and DECREED that the stipulation to settle the appeal is approved; and

It is further ORDERED that the Beaver County Board of Assessment Appeals shall establish the fair market value for assessment purposes on the Beaver County Tax Parcel Number _____ to be \$ _____ and the assessed value from \$ _____ to \$ _____ as of _____, for County and Municipal taxes, and _____, for School District taxes; and

It is further ORDERED that, upon receipt of the appropriate filing fee from the Appellant, the Prothonotary of Beaver County is to mark the above case, settled, discontinued, and ended. If the docket is not settled within ten (10) days of the settlement date set forth the parties' Stipulation, Appellant shall appear before the court on the _____ day of at 9:00 o'clock a.m. in courtroom _____. Settlement of the docket shall cancel any hearing on the Petition for Appeal.

BY THE COURT:

_____ J.

FORM L8000.3. Tax Assessment Appeal Discovery Requests.

(CASE CAPTION, INCLUDING DOCKET NUMBER)

AND NOW, comes (name) and serves the within Tax Assessment Appeal Discovery Requests upon (name). Pursuant to Local Rule 8000.3 and 8000.5, all applicable responses to these Requests must be furnished within forty-five (45) days after the receipt of these Requests.

REQUESTS FOR DOCUMENTS

Please produce a copy of the following:

1. Any and all surveys (land, structural, environmental, etc.), building plans and site plans showing design construction and location of the subject property.
2. Any and all mortgages, promissory notes, deeds, and agreements of sale made or assumed on the subject property within the last three years and the corresponding closing statements.
3. Any and all appraisals or evaluations on the subject property which have been made during the last three years.
4. Any and all loan applications of any kind involving or relating to the subject property which have been signed or submitted within the past three years.
5. Any and all taxes, land leases, agreements, licenses, occupancy schedules, rent schedules (or rolls) relating to the subject property for the last three years.
6. Any and all written listing agreements, offers to purchase or offers to sell the subject property made within the last three years.
7. Any and all soil tests or mineral evaluations, permits or permit requests, requests relative to a zoning variance, or similar applications or requests to any governmental body within the past three years concerning the subject property and the result of any such applications or requests.
8. Any and all federal and state income tax returns and audited financial statements with respect to the subject property within the last three years.
9. Any and all corporate or partnership prospectus or private placement memorandum that contains any reference to the value of the subject property within the last three years.
10. Any and all insurance policies and/or binders covering the subject property, its building contents, any building or any business located thereon from the last three years.
11. Any and all documents which describe in whole or in part any physical improvements to the subject property (whether by the owner or by a tenant) within the last three years.
12. Any and all documents listing or describing capital improvement(s) made to the subject property over the past three years including the costs of the capital improvement(s) and the completion date(s).
13. Any and all documents relating to leasing commissions paid with respect to the subject property over the last three years including the corresponding tenant space, the commission paid, and the date.

FORM L8000.3. Tax Assessment Appeal Discovery Requests.

INTERROGATORIES

Please provide the following information:

1. The name, address and telephone number of the person to contact regarding conducting an inspection of the subject property.

Date:

Signature

FORM L8000.7. Notice.

IN THE COURT OF COMMON PLEAS, BEAVER COUNTY PENNSYLVANIA

IN RE Appeal of:

(NAME OF APPELLANT)

Case No.:

From the Beaver County Board of Assessment Appeal

Tax ID No.

School District:

Municipality:
Property of:
Property Address:
Intervenor

AND NOW, this ____ day of _____, 20 ____ , upon consideration of the within Real Estate Tax Assessment Appeal Petition, the Court appoints a [Master] Hearing Officer to hear the Assessment Appeal.

IT IS ORDERED THAT the within Real Estate Tax Assessment Appeal Petition will be heard on the _____ day of _____, 20 ____ , at _____ on the ____ th Floor Hearing Room of the Beaver County Courthouse.

A Real Estate Tax Assessment Appeal status report, in the form set forth as attached hereto, shall be filed with Court Administration no later than 10 days prior to the hearing.

Any continuance of the Real Estate Tax Assessment Appeal hearing must be obtained upon motion presented to the assigned Judge.

A copy of this Order shall be served on all parties and intervenors of record. Should this matter settle before the Real Estate Tax Assessment Appeal date, please notify Court Administration via facsimile at 724 _____. You will be required to file a Praecipe to Settle and Discontinue within 10 days.

COURT ADMINISTRATOR

FORM L8000.7. Real Estate Tax Assessment Appeal Status Report.

IN THE COURT OF COMMON PLEAS, BEAVER COUNTY PENNSYLVANIA

IN RE Appeal of:

(NAME OF APPELLANT)

Case No.:

From the Beaver County Board of Assessment Appeal

Tax ID No.

School District:

Municipality:

Property of:

Property Address:

Intervenor

REAL ESTATE TAX ASSESSMENT APPEAL STATUS REPORT

Appellant's Counsel Name & Phone No.

FAX No.

Board of Assessment Appeal/County of Beaver

Counsel Name & Phone No.

FAX No.

Intervenor(s)' Counsel Name & Phone No.:

FAX No.

Status of Settlement negotiations:

Anticipated total length of Hearing—(counsel should consult with all sides to provide a reliable estimate of time because other hearings may be scheduled to follow the time allotted for your case).

Other considerations that the court needs to be aware of concerning the scheduling of a hearing time:

NOTICE: Any continuance requested after the scheduling of a hearing time for your Real Estate Tax Assessment Appeal hearing as per Beaver County L.R.C.P. LR8002 will require a motion before the Court.

Date:

Signature
(legal counsel or party, if unrepresented)

FORM L8000.7(d). Notice.

(CAPTION INCLUDING DOCKET NUMBER)

NOTICE

Pursuant to the provisions of 72 P.S. § 502—518. 1(c) and Local Rule 8000.7, attached is the Report of the [**Master**] **Hearing Officer**.

Any party objecting to the Report shall file Objections with the Beaver County Prothonotary within thirty (30) days of the receipt of this Notice. A copy of the Objections must be accompanied by a certification of counsel or of the objecting party, if unrepresented, that the trial transcript, or necessary portions of the transcript, have been ordered from the Court Administrator’s Office. Copies of the Objections and certification shall be served on the Court Administrator and on all counsel of record, or the parties, if unrepresented.

In the event that none of the parties files Objections, the Report and Recommendation of the [**Master**] **Hearing Officer** will be adopted as the final Order of Court.

PROTHONOTARY

Dated:

FORM L8000.8(a)(2). Letter.

Re: [case name and docket number] Dear [Objecting Party]:

It has been sixty (60) days since you filed your Objections to the [**Masters**] **Hearing Officer’s** Report in the subject case and no trial transcript has been filed with the Court Administrator, Civil Division. You must contact this office and order the transcript of the proceedings and the transcript must be paid for and filed within thirty (30) days of the date of this letter. See Local Rule 8000.8.

If the transcript has not been paid for and filed within thirty (30) days of the date of this letter. A COURT ORDER PURSUANT TO LOCAL RULE 8000.8 WILL BE ISSUED OVERRULING THE OBJECTIONS WITH PREJUDICE.

Very truly yours,

Court Administrator

FORM L8000.8(a)(2). Court Order.

[CAPTION INCLUDING DOCKET NUMBER]

ORDER OF COURT

On this _____ day of _____, 20____, it appearing that ninety (90) days after the Objections in this case were filed, a letter dated _____ was mailed by the Court Administrator’s office to the objecting party; this letter stated that within thirty (30) days from the date of the letter, the trial transcript must be paid for and filed; thirty (30) days have passed since the date of the letter, and the transcript has not been filed.

IT IS ORDERED THAT, pursuant to Local Rule 8000.8, the objections in this case are overruled with prejudice.

BY THE COURT:

_____ J.

FORM L8000.8(c). Letter.

Re: [case name and docket number]

Dear [Objecting Party]:

It has been twenty (20) days since the transcript in the referenced case was filed with the Court Administrator, Civil Division. Pursuant to Local Rule 8000.8, your brief is now overdue. If it is not filed and served within twenty (20) days of the date of this letter, A COURT ORDER PURSUANT TO LOCAL RULE 8000.8 WILL BE ISSUED OVERRULING YOUR OBJECTIONS WITH PREJUDICE.

Very truly yours,

Court Administrator

FORM L8000.8(c). Court Order.

[CAPTION INCLUDING DOCKET NUMBER]

ORDER OF COURT

On this _____ day of _____, 20____, it appearing that twenty (20) days after the transcript in this case was filed, a letter dated _____ was mailed by the Court Administrator to the objecting party, this letter stated that if a brief is not filed by the objecting party and served within twenty (20) days of the date of

the letter, a court order will be issued overruling the objections with prejudice; twenty (20) days have passed since the date of the letter; and the objecting party has not filed a brief.

IT IS ORDERED THAT, pursuant to Local Rule 8000.8 the objections in this case are overruled with prejudice.

BY THE COURT:

_____ J.
FORM L8000.8(e). Letter.

Re: [case name and docket number]

Dear [Opposing Party]:

It has been twenty (20) days since the Objecting Party filed a Brief in Support of Objections and no brief in opposition has been filed by you. If no Brief in Opposition is filed and served within (20) days of the date of this letter, the decision will be made without reference to any brief that you may file thereafter.

Very truly yours,
Court Administrator

FORM L8000.9(a). Notice that Matter is Ripe for Decision.

CASE CAPTION, INCLUDING DOCKET NUMBER
NOTICE THAT MATTER IS RIPE FOR DECISION

AND NOW, comes (name) and notifies this Honorable Court, pursuant to Local Rule 8000.9, that this matter is ripe for decision and requests that this Honorable Court schedule oral argument or decide the objections on the briefs at its convenience.

A Brief in Opposition to the Objections _____ has _____ has not been filed (please check appropriate line) been filed.

Date: (Signature)

[Pa.B. Doc. No. 23-1114. Filed for public inspection August 18, 2023, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CUMBERLAND COUNTY

Local Rule 1302-5; Civil Term; CP-21-MD-000020-2022

Order

And Now, this 7th day of August, 2023, effective September 1, 2023, Rule 1302-5 of the Cumberland County Rules is amended to read as follows:

Rule 1302-5. Unless otherwise ordered by the court, following the filing of the award, the Chairman of the Board of Arbitrators shall be paid the sum of \$200.00. Other members of the Board shall be paid the sum of \$150.00. In the event that the appointment of the Board is vacated, the Chairman shall be entitled to an administrative fee as ordered by the Court.

Note: Formerly Local Rule 407.

Adopted May 15, 1981, effective May 15, 1981, amended April 17, 1984, effective June 4, 1984.

Amended May 13, 1988, effective June 1, 1988.

Amended January 2, 1991, effective February 1, 1991.

Amended January 3, 2011, effective January 3, 2011.

Amended February 2, 2012, effective February 2, 2012

Amended August 7, 2023, effective September 1, 2023

The Cumberland County District Court Administrator is Ordered and Directed to do the following:

1. File one (1) copy to the Administrative Office of Pennsylvania Courts via email to admin.rules@pacourts.us.
2. File two (2) paper copies and one (1) electronic copy in a Microsoft Word format only to bulletin@palrb.us with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. Publish these Rules on the Cumberland County Court website at www.ccpa.net.
4. Incorporation of the local rule into the set of local rules on www.cumberlandcountypa.gov within thirty (30) days after the publication of the local rule in the *Pennsylvania Bulletin*.
5. File one (1) copy of the local rule in the appropriate filing office for public inspection and copying.
6. Forward one (1) copy to the *Cumberland Law Journal*.

By the Court

EDWARD E. GUIDO,
President Judge

[Pa.B. Doc. No. 23-1115. Filed for public inspection August 18, 2023, 9:00 a.m.]