

THE COURTS

Title 255—LOCAL COURT RULES

CARBON COUNTY

Adoption of Local Rule of Civil Procedure CARB.R.Civ.P. 1901A for the Enforcement of Protection from Abuse and Protection of Victims of Sexual Violence or Intimidation Orders by Indirect Criminal Contempt Arrest and Indirect Criminal Complaint Form; Case No. 24-CV-0115

Administrative Order No. 8-2024

And Now, this 12th day of January, 2024, in order to establish Carbon County Local Rule of Civil Procedure 1901A pertaining to the Enforcement of Protection From Abuse (PFA), Protection of Victims of Sexual Violence or Intimidation (PVSVI) & Orders by Indirect Criminal Contempt (ICC)—Arrest and utilize the Indirect Criminal Complaint form, it is hereby

Ordered and Decreed that Carbon County Court of Common Pleas Local Rule of Civil Procedure CARB.R.Civ.P. 1901A is *Adopted*¹, to be effective thirty (30) days after publication in the *Pennsylvania Bulletin*. A copy of the rule and form are as follows for easy reference.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following with the Administrative Order and Rule:

1. E-mail one (1) copy with the Administrative Office of Pennsylvania Courts to adminrules@pacourts.us.
2. Mail one (1) copy with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* to PA Code and Bulletin, Legislative Reference Bureau, 647 Main Capitol Building, Harrisburg, PA 17120 and e-mail one (1) copy in Microsoft Word format to bulletin@palrb.us.
3. Publish this local rule on the www.carboncourts.com website within 30 days after the publication in the *Pennsylvania Bulletin*.
4. File one (1) copy in the Carbon County Prothonotary's Office.
5. E-mail one (1) copy for publication in the *Carbon County Law Journal*.
6. Forward one (1) copy to the Carbon County Law Library.

By the Court

ROGER N. NANOVIC,
President Judge

Rule 1901A. Enforcement of Protection from Abuse (23 Pa.C.S.A. § 6101, et seq.) and Protection of Victims of Sexual Violence or Intimidation (42 Pa.C.S.A. § 62A01, et seq.). Orders by Indirect Criminal Contempt—Arrest.

(a) Upon an arrest without warrant of a defendant for violating an emergency order issued by a magisterial

district judge, a temporary or final order issued by a judge of the court of common pleas of this Commonwealth, or a duly registered foreign protection order, it shall be presumed that the Court of Common Pleas is unavailable and the arresting police officer or Sheriff shall take the defendant before either the magisterial district judge of the district where the contempt is alleged to have occurred or the magisterial district judge on-call, as applicable.

(b) The arresting officer shall promptly complete and file with the magisterial district court a complaint for indirect criminal contempt in accordance with 23 Pa.C.S.A. §§ 6113, 6114 or 42 Pa.C.S.A. §§ 62A12, 62A14, as applicable. The form of this complaint shall be that attached to this Rule.

(c) The defendant shall be afforded a preliminary arraignment without unnecessary delay.

(d) At the preliminary arraignment, the magisterial district judge shall inform the defendant of the following:

(1) that the defendant is charged with criminal contempt for violation of a protective order;

(2) that a hearing will be held in the Court of Common Pleas within the next ten business days and advise the defendant of the date, time and location of the hearing. Written notice of the time and place of this hearing shall be hand-delivered to the defendant, with defendant to sign a receipt for same;

(3) that the defendant is entitled to be represented by counsel, and if defendant is unable to afford private counsel and desires to have counsel, defendant should immediately complete and submit an application for a public defender to the Carbon County Public Defender's office. Defendant shall be provided the address and telephone number of the Carbon County Public Defender's Office; and

(4) that if the defendant fails to appear at the hearing, a bench warrant will be issued for defendant's arrest.

At the preliminary arraignment before the magisterial district judge, the defendant shall be provided a true and correct copy of the completed indirect criminal complaint.

(e) Bail shall be set by the magisterial district judge to ensure defendant's presence at the contempt hearing in accordance with Pa.R.Crim.P. No. 523 including, without limitation, the condition that the defendant not contact the alleged victim or members of the alleged victim's household, directly or indirectly, pending further hearing. If the defendant is unable to post bail as set by the magisterial district judge, the defendant shall be taken to the Carbon County Correctional Facility.

(f) 42 Pa.C.S. Ch. 63 (relating to juvenile matters) shall apply to a child as defined in the Juvenile Act who has been charged with indirect criminal contempt of a protection from abuse order shall be transferred to the Juvenile Court for disposition thereunder.

¹ Rescinds Carbon County Local Rule 1901.5—Enforcement.

County of: _____

**INDIRECT CRIMINAL CONTEMPT
COMPLAINT**

Magisterial District: _____

Magisterial District Judge Name: _____

Docket No. _____

Address: _____

Reference Number: _____

Commonwealth of Pennsylvania

Phone Number: _____

VS.

Docket No. _____

Defendant: _____

Name

Date Filed: _____

Address

OTN: _____

Defendant's Race:	Defendant's Sex:	Defendant's Social Security No:	Defendant's State Identification No:
Defendant's A.K.A.	Defendant's Vehicle Information: Plate Number: State: Registration Sticker (MM/YY)		Defendant's Driver's License No: State: License Number:
Complaint/Incident No:	Complaint/Incident Number if other Participants:		UCR/NIBRS Code:

1. Defendant Information:

First Middle Last Suffix (Jr., Sr., etc.)

Address

City State Zip Code

Sex: _____ Date of Birth: _____ Race: _____

Defendant's Social Security Number (if known) _____

Defendant's State Identification Number: _____

Defendant's Driver's License Number: _____ State: _____

Defendant's Vehicle Information: Plate Number: _____

State: _____

Registration Sticker (mm/yy): _____

Complaint/Incident Number: _____

Complaint/Incident Number if other participants: _____

UCR/NIBRS Code: _____

Defendant's Alias: _____

2. District Attorney's Office

_____ Approved

_____ Disapproved because:

Attorney Signature: _____

Date signed: _____ Attorney Name: _____

Affiant has the right to initiate a review by the Court of Common Pleas upon disapproval.
(Pa.R.Crim.P. 506)

3. Affiant's Information

I, _____, _____ of _____

Name of Affiant

Officer Badge # ID Dept. or Agency Represented & Political Subdivision

Agency ORI

Originating Agency Case Number

Do hereby state:

1. _____ I accuse the above defendant, who lives at the address set forth above
OR

_____ with (insert own text) violating the penal laws of the Commonwealth of Pennsylvania at

_____ in _____ County
Place-Political Subdivision

_____ On or about _____ at or about _____ AM/PM
M D YYYY time

OR

_____ At or about _____
(any other date/time description)

2. _____ The acts committed by the accused which constitutes indirect criminal contempt were: (set forth a summary of the facts to advise the defendant of the nature of the offense charged.)

All of which is in violation of

_____ Title of the Order

_____ Docket Number

_____ County _____ State

Entered _____ by _____
Date Judge's Name

Plaintiff: _____
First Name Middle Name Last Name Suffix (Jr., Sr., etc.)

Enter the subsequent history of the Order.

All of which were against the peace and dignity of the Commonwealth of Pennsylvania and contrary to the Act of Assembly, or in violation of

_____ 23 Pa.C.S. § 6101 et seq.

_____ (Section Subsection of the PA Statute)

Number of Count(s) _____

_____ Companion criminal charges related to this matter have been filed, namely

-
- 3. _____ I ask that an arrest warrant be issued and that the defendant be required to answer the charges I have made.
 - 4. _____ I verify that the facts set forth in the complaint are true and correct to the best of my knowledge or information and belief.

Name of Affiant

Date

And now, on this date _____

I certify that the complaint has been properly completed and verified. An Affidavit of Probable Cause must be completed in order for a warrant to issue.

Magisterial District

Issuing Authority

SEAL

_____ Arraignment Information

Arrest	DATE: _____	TIME: _____
Arraignment	DATE: _____	TIME: _____
Incarceration	DATE: _____	TIME: _____
Hearing	DATE: _____	TIME: _____

Special Conditions _____ The Defendant shall not abuse, threaten, harass or stalk the victim.
 _____ The Defendant shall have no contact with the victim.
 _____ The Defendant shall comply with all terms and conditions of the Protection From Abuse Order.
 _____ The Defendant shall refrain from entering the residence or household of the victim.

Other: _____

_____	_____
Committing Authority	Name

Distribution to:

[Pa.B. Doc. No. 24-97. Filed for public inspection January 26, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CARBON COUNTY

Adoption of Local Rule of Civil Procedure CARB.R.Civ.P. 1901B for the Enforcement of Protection from Abuse and Protection of Victims of Sexual Violence or Intimidation Orders by Indirect Criminal Contempt Private Criminal Complaint and Indirect Criminal Contempt Private Complaint Form; Case No. 24-CV-0114

Administrative Order No. 9-2024

And Now, this 12th day of January, 2024, in order to establish Carbon County Local Rule of Civil Procedure 1901B pertaining to the Enforcement of Protection From Abuse (PFA), Protection of Victims of Sexual Violence or Intimidation (PVSVI) & Orders by Indirect Criminal Contempt (ICC)—Private Criminal Complaint and utilize the Indirect Criminal Complaint/Private Complaint form, it is hereby

Ordered and Decreed that Carbon County Court of Common Pleas Local Rule of Civil Procedure CARB.R.Civ.P. 1901B is *Adopted*¹, to be effective thirty (30) days after publication in the *Pennsylvania Bulletin*. A copy of the rule and form is as follows for easy reference.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following with the Administrative Order and Rule:

1. E-mail one (1) copy with the Administrative Office of Pennsylvania Courts to adminrules@pacourts.us.
2. Mail one (1) copy with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* to PA Code and Bulletin, Legislative Reference Bureau, 647 Main Capitol Building, Harrisburg, PA 17120 and e-mail one (1) copy in Microsoft Word format to bulletin@palrb.us.
3. Publish this local rule on the www.carboncourts.com website within 30 days after the publication in the *Pennsylvania Bulletin*.
4. File one (1) copy in the Carbon County Prothonotary's Office.
5. E-mail one (1) copy for publication in the *Carbon County Law Journal*.
6. Forward one (1) copy to the Carbon County Law Library.

By the Court

ROGER N. NANOVIC,
President Judge

Rule 1901B. Enforcement of Protection from Abuse (23 Pa.C.S.A. § 6101, et seq.) and Protection of Victims of Sexual Violence or Intimidation (42 Pa.C.S.A. § 62A01, et seq.) Orders by Indirect Criminal Contempt—Private Criminal Complaint.

(a) A complaint for indirect criminal contempt may be completed and signed by a complainant pursuant to 23 Pa.C.S.A. § 6113.1 or 42 Pa.C.S.A. § 62A13, as applicable, when a person accused of violating an emergency

order issued by a magisterial district judge, a temporary or final order issued by a judge of the court of common pleas of this Commonwealth, or a duly registered foreign protective order, has not been arrested by a police officer or the sheriff pursuant to 23 Pa.C.S.A. § 6113(a) or 42 Pa.C.S.A. § 62A12, as applicable. The form of the private criminal complaint shall be that attached to this Rule.

(b) After completing and signing the complaint, complainant shall appear in the office of the District Attorney with the complaint at which time, or as soon thereafter as practical, the District Attorney shall either approve or disapprove the complaint as provided for in Pa.R.Crim.P. 506 without unreasonable delay. If the complaint is approved, the District Attorney's Office shall indicate this decision on the complaint form and transmit it to the magisterial district judge within whose district the contempt is alleged to have occurred, who shall act as the issuing authority. If the complaint is disapproved by the District Attorney's Office, the District Attorney's Office shall state the reasons for disapproval on the complaint form and return it to the complainant, who may thereafter petition the Court of Common Pleas for review of the District Attorney's decision in accordance with Pa.R.Crim.P. 506(B)(2).

(c) Upon receipt of a private complaint for indirect criminal contempt, the magisterial district judge shall issue a warrant or summons.

(1) If the magisterial district judge issues a summons, the summons shall advise the defendant of the time, date and place of the hearing to be held before the Court of Common Pleas on the indirect criminal contempt allegations, which hearing shall be scheduled within ten business days of the filing of the complaint for indirect criminal contempt with the magisterial district court, and that if the defendant fails to appear for this hearing, a warrant will be issued for his/her arrest. The summons shall advise the defendant of his/her right to counsel and of his/her right to appointed counsel by application to the Carbon County Public Defender's Office—with the address and telephone number of the Carbon County Public Defender's Office included—in the event the defendant cannot afford private counsel, and shall be accompanied by a true and correct copy of the completed private criminal complaint and a fingerprint order.

(2) If the magisterial district judge issues a warrant, the magisterial district judge shall cause the warrant to be forwarded to the appropriate police agency for service. Upon arrest, the defendant shall be taken to the magisterial district judge without unnecessary delay and shall be afforded a preliminary arraignment pursuant to 23 Pa.C.S.A. § 6113(d), or 42 Pa.C.S.A. § 62A12(c), as applicable, at which time defendant shall be advised of those matters set forth in Local Rule 1901A, and bail shall be set. At this arraignment, the defendant shall be provided a true and correct copy of the completed private criminal complaint and a fingerprint order.

(d) 42 Pa.C.S. Ch. 63 (relating to juvenile matters) shall apply to a child as defined in the Juvenile Act who has been charged with indirect criminal contempt of a protection from abuse order shall be transferred to the Juvenile Court for disposition thereunder.

¹ Rescinds Carbon County Local Rule 1901.5—Enforcement.

County of: _____

INDIRECT CRIMINAL CONTEMPT

____ Commonwealth of Pennsylvania

PRIVATE COMPLAINT

OR

Plaintiff

Docket No. _____

VS.

Reference Number: _____

Defendant

First Middle Last Suffix (Jr., Sr., etc.)

Address

City State Zip Code

Magisterial District Judge Information
Enter the Magisterial District Judge information:

First Middle Last Suffix (Jr., Sr., etc.)

Address City State Zip Code

Magisterial District Judge Information:

Docket Number: _____ OTN: _____ Date Filed On: _____

1. Defendant Information:

First Middle Last Suffix (Jr., Sr., etc.)

Address

City State Zip Code

Defendant:

Sex: _____ Date of Birth: _____ Race: _____

Defendant's Social Security Number (if known) _____ - _____ - _____

Defendant's State Identification Number: _____

Defendant's Driver's License Number: _____ State: _____

Defendant's Vehicle Information: Plate Number: _____

State: _____

Registration Sticker (mm/yy): _____

Complaint/Incident Number: _____

Complaint/Incident Number if other participants: _____

UCR/NIBRS Code: _____

Defendant's Alias: _____

2. District Attorney's Office

_____ Approved

_____ Disapproved because:

Attorney Signature: _____

Date signed: _____ Attorney Name: _____

Affiant has the right to initiate a review by the Court of Common Pleas upon disapproval.
(Pa.R.Crim.P. 506)

3. Affiant's Information

I, _____, plaintiff in the above captioned matter do hereby state:

AND NOW, to wit, this _____ it is ORDERED and DECREED that:

1. _____ I accuse the above defendant, who lives at the address set forth above
OR

_____ with violating the penal laws of the Commonwealth of Pennsylvania at

_____ in _____ County
Place-Political Subdivision

_____ On or about _____ at or about _____ AM/PM
date time

OR

_____ At or about _____
(any other date/time description)

2. _____ The acts committed by the accused which constitutes indirect criminal contempt were: (set forth a summary of the facts to advise the defendant of the nature of the offenses charged.)

(Attach additional pages if necessary)
All of which is in violation of

_____ Title of the Order

_____ Docket Number

_____ County State

Entered _____ by _____
Date Judge's Name

Plaintiff: _____
First Name Middle Name Last Name Suffix (Jr., Sr., etc.)

Has the Order been modified or extended, or withdrawn?

All of which were against the peace and dignity of the Commonwealth of Pennsylvania and contrary to the Act of Assembly, or in violation of

_____ 23 Pa.C.S. § 6101 et seq.

_____ (Section Subsection of the PA Statute)

Number of Count(s) _____

_____ Companion criminal charges related to this matter have been filed, namely

-
- 3. _____ I ask that an arrest warrant be issued and that the defendant be required to answer the charges I have made.
 - 4. _____ I verify that the facts set forth in the complaint are true and correct to the best of my knowledge or information and belief. The verification is made subject to the penalties of 18 P.A.C.S. § 4904 relating to unsworn falsification to authorities.

Name of Affiant

Date

And now, on this date _____

I certify that the complaint has been properly completed and verified. An Affidavit of Probable Cause must be completed in order for a warrant to issue.

Magisterial District

Issuing Authority

SEAL

[Pa.B. Doc. No. 24-98. Filed for public inspection January 26, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CLINTON COUNTY

Adult Probation and Parole Services Administrative Fee; No. AD-3-2014

Order of Court

And Now, this 9th day of January, 2024, pursuant to 42 Pa.C.S.A. § 9728(g), the Court hereby orders the imposition of a monthly probation administrative fee of Twenty and 00/100 (\$20.00) Dollars per month assessed against all offenders placed on probation, parole, Accelerated Rehabilitative Disposition (ARD), Probation Without Verdict (PWV), or Probation With Restrictive Conditions (PWRC). Said increase is to be effective thirty (30) days after publication in the *Pennsylvania Bulletin* and applied only to offenders sentenced or placed on ARD on or after the publication requirement has been satisfied. In support of this Order establishing a monthly probation administrative fee, the Court finds as follows:

1. That pursuant to 42 Pa.C.S.A. § 9728(g), any costs of the Adult Probation Department, including but not limited to, any reasonable administrative costs associated with the collection of restitution, reparation fees, costs, and fines, shall be borne by the offender.

2. That, heretofore, this Court assessed a monthly probation administrative fee of Ten and 00/100 (\$10.00) Dollars against offenders sentenced to probation, parole, PWV, or PWRC, or placed on ARD.

3. That the Adult Probation Department expends significant time and resources administering and collecting restitution, reparation fees, costs, and fines from offenders placed on probation, parole, ARD, PWV, and PWRC.

4. That this Court, through the Adult Probation Department, has incurred significant expense in collecting restitution reparation fees, costs, and fines from offenders placed on probation, parole, ARD, PWV, and PWRC, and that it is fair and reasonable to assess a monthly probation administrative fee against offenders and to increase said fee to Twenty and 00/100 (\$20.00) Dollars per month to compensate for the cost of collecting said fees.

The following guidelines shall be implemented in the assessment and collection of the monthly probation administrative fee:

1. All offenders placed on probation, parole, ARD, PWV, and PWRC shall be assessed a monthly probation administrative fee of Twenty and 00/100 (\$20.00) Dollars for every month or fraction thereof that an offender is under supervision, including offenders who may be serving any incarceration sentence, whether incarcerated in a federal, state, or county facility.

2. Said monthly probation administrative fee shall be considered a condition of probation, parole, ARD, PWV, and PWRC. Failure to pay monthly probation administrative fees shall be considered by this Court to be a technical violation of an offender's conditions of supervision and may result in a revocation of a sentence of probation, parole, ARD, PWV, or PWRC.

3. The monthly probation administrative fee may be paid by the offender at one time or on a monthly basis.

4. When an offender's probation, parole, ARD, PWV, or PWRC is transferred to Adult Probation from another jurisdiction for supervision purposes, the monthly probation administrative fee shall be established from the date the case is accepted for supervision.

5. In those instances where an offender has multiple active cases, the monthly probation administrative fee shall be assessed on an offender only once, and the Adult Probation Department shall apportion the monthly probation administrative fee accordingly.

6. The funds collected pursuant to this administrative order shall be deposited in a fund for the exclusive use by the Twenty-Fifth Judicial District of Pennsylvania. This fund shall be used to support the operation of this Court's Adult Probation Department, the Department's time and expense to collect these monies paid by the offender for restitution, reparation fees, costs, and fines, technology enhancement for the Department, and education and training for Adult Probation officers and staff. Expenditures from this account can be authorized only by the President Judge. An accounting of this administrative fee account shall be made quarterly by the Chief Probation Officer in writing to the President Judge.

By the Court

CRAIG P. MILLER,
President Judge

[Pa.B. Doc. No. 24-99. Filed for public inspection January 26, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

DELAWARE COUNTY

Board of View Continuance Requests; No.: 22-3777

Civil Administrative Order

Now this 1st day of December, 2023, it is hereby *Ordered* and *Decreed* that the current Local Rule 622(k) is hereby *Rescinded* and *Substituted* with the following provision:

Rule 622(k). Any request for continuance or substitution shall be made to the Court Administrator and the Chairman of the Board of View in writing. If the Chairman of the Board of View elects to grant the continuance, the Court Administrator shall provide a new date for a view or hearing. Any proposed substitution of viewer shall require an Order of Court on cause shown.

The above substituted rule shall go into effect thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

LINDA A. CARTISANO,
President Judge

[Pa.B. Doc. No. 24-100. Filed for public inspection January 26, 2024, 9:00 a.m.]

**DISCIPLINARY BOARD
OF THE SUPREME COURT**

Notice of Disbarment

Notice is hereby given that Kevin Robert Gallagher, (# 48749), having been excluded on consent from the practice of law by the United States Patent and Trademark Office, the Supreme Court of Pennsylvania issued an Order January 12, 2024, disbaring Kevin Robert Gallagher, from the Bar of this Commonwealth, effective February 11, 2024.

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

MARCEE D. SLOAN,
Board Prothonotary

[Pa.B. Doc. No. 24-101. Filed for public inspection January 26, 2024, 9:00 a.m.]

**DISCIPLINARY BOARD
OF THE SUPREME COURT**

Notice of Suspension

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated January 12, 2024, Jesse M. Cohen (# 93020), is Suspended from the Bar of this Commonwealth for a period of four years, retroactive to September 8, 2022. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,
Board Prothonotary

[Pa.B. Doc. No. 24-102. Filed for public inspection January 26, 2024, 9:00 a.m.]
