

# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[231 PA. CODE CHS. 1910 AND 1915]

Amendments to the Rules Relating to Domestic Relations; No. 361; Civil Procedural Rules Doc. No. 5

#### Order

*Per Curiam:*

And Now, this 30th day of October, 2001, Pennsylvania Rules of Civil Procedure 1910.3, 1910.6, 1910.10, 1910.13-2, 1910.16-2, 1910.16-4, 1910.16-6, 1910.16-7 and 1915.3 are amended as follows.

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

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 1910. ACTIONS FOR SUPPORT

#### Rule 1910.3. Parties.

An action shall be brought

(a) by a person, including a **minor parent** or a minor spouse, to whom a duty of support is owing, or

\* \* \* \* \*

#### Rule 1910.6. Notification.

Parties to a support action **and their attorneys** shall be provided notice of all proceedings in which support obligations might be established or modified. Notice must be provided at least 20 days prior to the proceeding. The parties **and their attorneys** shall also be provided with a copy of any order issued in the support action within 14 days after issuance of the order. **If there is no activity in a support action for a period of three years, the domestic relations section shall send a notice to each of the parties' attorneys advising each attorney that his or her appearance in the support action shall be deemed to be withdrawn unless the attorney objects within thirty (30) days of the date the notice is mailed to the attorney. An attorney representing a party in a support action shall not be deemed to be representing that party in any other action, nor shall a withdrawal of appearance in a support action be deemed to be a withdrawal of appearance for the party in any other proceeding.**

#### Rule 1910.10. Alternative Hearing Procedures.

(a) The action shall proceed as prescribed by Rule 1910.11 unless the court by local rule adopts the alternative hearing procedure of Rule 1910.12.

(b) The president judge or the administrative judge of Family Division of each county shall certify that all support proceedings in that county are conducted in accordance with either Rule 1910.11 or Rule 1910.12. The certification shall be filed with the Domestic Relations **Procedural Rules** Committee, and shall be substantially in the following form:

I hereby certify that \_\_\_\_\_ County conducts its support proceedings in accordance with Rule \_\_\_\_\_ .

\_\_\_\_\_  
(PRESIDENT JUDGE) (ADMINISTRATIVE JUDGE)

#### Official Note

Pursuant to Rule 1910.10, the following counties have certified to the Domestic Relations Procedural Rules Committee that their support proceedings are conducted in accordance with the rule specified below.

Adams	1910.11
Allegheny	1910.12
Armstrong	1910.12
Beaver	1910.11
Bedford	1910.11
Berks	1910.12
Blair	1910.11
Bradford	1910.12
Bucks	1910.11
Butler	1910.11
Cambria	1910.12
Cameron	1910.11
Carbon	1910.12
Centre	1910.11
Chester	1910.12
Clarion	1910.12
Clearfield	1910.11
Clinton	1910.11

Columbia	1910.12
Crawford	1910.11
Cumberland	1910.11
Dauphin	1910.11
Delaware	1910.11
Elk	1910.12
Erie	1910.11
Fayette	1910.11
Forest	1910.12
Franklin	1910.11
Fulton	1910.11
Greene	1910.11
Huntingdon	1910.11
Indiana	1910.12
Jefferson	1910.11
Juniata	1910.11
Lackawanna	1910.12
Lancaster	1910.11
Lawrence	1910.11
Lebanon	1910.12
Lehigh	1910.11
Luzerne	1910.12
Lycoming	1910.12
McKean	1910.12

<b>Mercer</b>	<b>1910.11</b>
<b>Mifflin</b>	<b>1910.11</b>
<b>Monroe</b>	<b>1910.12</b>
<b>Montgomery</b>	<b>1910.11</b>
<b>Montour</b>	<b>1910.12</b>
<b>Northampton</b>	<b>1910.11</b>
<b>Northumberland</b>	<b>1910.11</b>
<b>Perry</b>	<b>1910.11</b>
<b>Philadelphia</b>	<b>1910.12</b>
<b>Pike</b>	<b>1910.11</b>
<b>Potter</b>	<b>1910.11</b>
<b>Schuylkill</b>	<b>1910.12</b>
<b>Snyder</b>	<b>1910.11</b>
<b>Somerset</b>	<b>1910.12</b>
<b>Sullivan</b>	<b>1910.11</b>
<b>Susquehanna</b>	<b>1910.12</b>
<b>Tioga</b>	<b>1910.12</b>
<b>Union</b>	<b>1910.11</b>
<b>Venango</b>	<b>1910.12</b>
<b>Warren</b>	<b>1910.12</b>
<b>Washington</b>	<b>1910.12</b>
<b>Wayne</b>	<b>1910.11</b>
<b>Westmoreland</b>	<b>1910.12</b>
<b>Wyoming</b>	<b>1910.11</b>
<b>York</b>	<b>1910.11</b>

**Explanatory Comment—1995**

\* \* \* \* \*

Individual counties may, by local rule, permit interstate actions to proceed directly to a hearing officer or judge without a conference.

[ **New subdivision** ] **Subdivision (b) [ is ]** was added in response to requests from appellate court judges who find that it is often difficult to determine the rule with which actual support procedure is intended to comply. If a county wishes at any time to change its support procedure, the president or administrative judge has only to file a new certification with the staff of the [ **domestic relations** ] **Domestic Relations Procedural Rules [ committee ] Committee**, indicating the rule according to which support matters will henceforth proceed.

[ **Pursuant to Rule 1910.10, the following counties have certified to the Domestic Relations Committee that their support proceedings are conducted in accordance with the rule specified below.**

**Adams** **1910.11**

\* \* \* \* \*

**York** **1910.11 ]**

**Rule 1910.13-2. Form of Request for Bench Warrant and Supporting Affidavit. Form of Bench Warrant.**

\* \* \* \* \*

**Official Note:** Standards for setting bail are set forth in Rule of Criminal Procedure [ **4004** ] **525.**

**Rule 1910.16-2. Support Guidelines. Calculation of Net Income.**

\* \* \* \* \*

**(f) Dependency Tax Exemption. In order to maximize the total income available to the parties and children, the court may, as justice and fairness require, award the federal child dependency tax exemption to the non-custodial parent, or to either parent in cases of equally shared custody, and**

**order the other party to execute the waiver required by the Internal Revenue Code, 26 U.S.C.A. § 152(e). The tax consequences resulting from an award of the child dependency exemption must be considered in calculating each party's income available for support.**

**Rule 1910.16-4. Support Guidelines. Calculation of Support Obligation, Formula.**

(a) The following formula shall be used to calculate the obligor's share of the basic guideline child support,

\* \* \* \* \*

*PART IV. SPOUSAL SUPPORT OR APL*

*With Dependent Children*

12. Obligor's Monthly Net Income (line 4)	_____
13. <b>Less Obligor's support, alimony pendente lite or alimony obligations, if any, to children or former spouses who are not part of this action (See Rule 1910.16-2(c)(2))</b>	(     ) _____
14. Less Obligee's Monthly Net Income (Line 4)	(     ) _____
15. Difference	_____
16. Less Obligor's Total Child Support Obligation (line 11)	(     ) _____
17. Difference	_____
18. Multiply by 30%	x     .30
19. AMOUNT OF MONTHLY SPOUSAL SUPPORT OR APL	_____

*Without Dependent Children*

20. Obligor's Monthly Net Income (line 4)	_____
21. <b>Less Obligor's support, alimony pendente lite or alimony obligations, if any, to children or former spouses who are not part of this action (See Rule 1910.16-2(c)(2))</b>	(     ) _____
22. Less Obligee's Monthly Net Income (Line 4)	(     ) _____
23. Difference	_____
24. Multiply by 40%	x     .40
25. AMOUNT OF MONTHLY SPOUSAL SUPPORT OR APL	_____

\* \* \* \* \*

*(c) Substantial or Shared Physical Custody.*

(1) \* \* \*

*Example.* Where obligor and obligee have monthly net incomes of \$5,000 and \$2,300 respectively, their combined child support obligation is \$1,784 for two children. Using the income shares formula in Part I, obligor's share of this obligation is 68%, or [ **\$1,222** ] **\$1,213**. If the children spend 40% of their time with the obligor, the formula in Part II applies to reduce his or her percentage share of the combined support obligation to 58%, or \$1,034. If the children spend 45% of their time with the obligor, his or her percentage share of the combined obligation is reduced to 53%, or \$945. If the children spend equal time with both parents, the obligor's percentage share is reduced to 48%, or \$856.

\* \* \* \* \*

**Rule 1910.16-6. Support Guidelines. Adjustments to the Basic Support Obligation.**

\* \* \* \* \*

(c) *Unreimbursed Medical Expenses.* Unreimbursed medical expenses of the obligee or the children shall be allocated between the parties in proportion to their respective net incomes and obligor's share added to his or her basic support obligation.

\* \* \* \* \*

(4) Annual expenses pursuant to this subdivision (c), shall be calculated on a calendar year basis. In the year in which the initial support order is entered, the \$250 threshold shall be pro-rated.

\* \* \* \* \*

**Rule 1910.16-7. Support Guidelines. Awards of Child Support When There are Multiple Families.**

[ (1) ] (a) \* \* \*

[ (2) ] (b) \* \* \*

[ (3) ] (c) \* \* \*

\* \* \* \* \*

**Comment—1998**

This new Rule replaces former Rule 1910.16-5(n) relating to the calculation of child support obligations in the context of multiple families. It has been rewritten for clarity and to update the examples used to illustrate the method for calculating these obligations. Awards of spousal support in this context are now addressed in Rule 1910.16-2(c)(2).

In determining whether the total support obligations exceed 50% of the obligor's net income to warrant a proportionate reduction of the child support orders, subdivision [ (3) ](c) has been added to clarify that the total consists only of the basic amounts of child support, as derived from the income shares formula in Rule 1910.16-4, and does not include additional expenses that may be added to these basic amounts under Rule 1910.16-6. . . .

Subdivision [ (3) ](c) also emphasizes that the initial amounts which are calculated for purposes of determining whether a proportional reduction is warranted are only presumptively correct amounts of child support. . . .

\* \* \* \* \*

**CHAPTER 1915. ACTIONS FOR CUSTODY, PARTIAL CUSTODY AND VISITATION OF MINOR CHILDREN**

**Rule 1915.3. Commencement of Action. Complaint. Order.**

\* \* \* \* \*

(d) If the mother of the child is not married and the child has no legal or presumptive father, then a putative father initiating an action for custody, partial custody or visitation must file a claim of paternity pursuant to 23 Pa.C.S. § 5103 and attach a copy to the complaint in the custody action.

**[ Explanatory Comment—1994**

A system of office conferences or pretrial conferences is not required by these rules. Business of the Court Rule 212 governing pretrial conferences is

sufficient to permit a local court to require the holding of a conference when it is practical and feasible. ]

**Note**

If a putative father is uncertain of paternity, the correct procedure is to commence a civil action for paternity pursuant to the procedures set forth at Rule 1930.6.

[Pa.B. Doc. No. 01-2044. Filed for public inspection November 16, 2001, 9:00 a.m.]

**Title 25—LOCAL COURT RULES**

**CARBON COUNTY**

Adoption of Orphans' Court Rules O.C.R. No. 3.1, O.C.R. No. 6.1, O.C.R. No. 6.4, and O.C.R. No. 6.11; Rescission of Orphans' Court Rules O.C.R. No. 3.2.1, O.C.R. No. 6.1.1., O.C.R. No. 6.1.2, O.C.R. No. 6.4.1, and O.C.R. No. 6.11.1; No. 99-9422

**Administrative Order 23-2001**

And Now, this 30th day of October, 2001, in the interest of efficient administration of justice and after consideration of the Carbon County Bar concerning the proper procedure in Orphans' Court matters, it is hereby Ordered and Decreed that, effective thirty (30) days after publication in the *Pennsylvania Bulletin*, the Carbon County Court of Common Pleas hereby Adopts Carbon County O.C.R. No. 3.1 governing Pleadings, Motions and Petitions, O.C.R. No. 6.1 governing forms, O.C.R. No. 6.4 governing Time for Filing and O.C.R. No. 6.11 governing Confirmation of Accounts and Awards.

It Is Further Ordered and Decreed that, effective thirty (30) days after publication in the *Pennsylvania Bulletin*, the Carbon County Court of Common Pleas hereby Rescinds Carbon County O.C.R. No. 3.2.1 governing Pleadings, Motions and Petitions, O.C.R. No. 6.1.1. governing Accounts Required, Time for Filing, Family Settlement Agreements in Lieu of Audit and Confirmation, O.C.R. No. 6.1.2 governing Form of Accounts and Additional Requirements, O.C.R. No. 6.4.1. governing Accounts and Time for Filing, and O.C.R. No. 6.11.1 governing Accounts and Confirmation.

The Carbon County District Court Administrator is Ordered and Directed to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Orphans' Court Procedural Rules Committee.
4. Forward one (1) copy for publication in the Carbon County Law Journal.
5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of this Order in the Clerk of Orphans' Court Office.

By the Court

RICHARD W. WEBB,  
President Judge

**Rule 3.1. Pleadings, Motions and Petitions.**

(a) Motions and petitions shall be governed by the

provisions of Carbon County Civil L206.1. A completed Petition/Motion cover sheet shall be attached in the form as Exhibit "A".

(b) A copy of every pleading, including exceptions, shall be promptly served upon counsel of record for all parties in interest, and upon any party who is not represented.

**Petition/Motion Court Cover Sheet**

NO. \_\_\_\_\_

\_\_\_\_\_  
vs.  
\_\_\_\_\_

FILING OF: Petitioner ( ) Respondent ( )

_____	Assigned Judge
_____	Court Action Taken
_____	Returned to Attorney for Deficiencies
_____	Action Deferred by Court
	<i>For Court Use Only</i>

TYPE OF FILING (check one):

- ( ) 1. Application for Continuance (128)
- ( ) 2. Petition for Adoption (134)
- ( ) 3. Petition for Voluntary Termination (132)
- ( ) 4. Petition for Involuntary Termination (155)
- ( ) 5. Petition to Remove Fiduciary (053)
- ( ) 6. Petition for Guardian of Minor (050)
- ( ) 7. Petition to Sell Real Estate (052)
- ( ) 8. Petition to Distribute Minor's Estate (057)
- ( ) 9. Incapacity Petition (058)
- ( ) 10. Petition to Withdraw as Counsel (127)
- ( ) 11. Petition to Revoke Letters (064)
- ( ) 12. Petition to Challenge Election (229)
- ( ) 13. Petition to Excuse Additional Bond (055)
- ( ) 14. Petition for Compensation (151)
- ( ) 15. Other Motion or Petition (specify):

( ) 16. Response to:

OTHER ATTORNEY:

\_\_\_\_\_  
Attorney's Name (Typed)

Attorney for:

( ) Petitioner ( ) Respondent

N.B. The numbers after the Motion or Petition above are docket codes used in the Court Computer System. Please be precise when marking your Motion or Petition. When filing Motion or Petition, provide Clerk with sufficient copies for opposing Counsel and filing Counsel.

**THIS FORM IS AVAILABLE IN THE ORPHANS' COURT OFFICE**

Exhibit "A"

**Rule 6.1. Form.**

Accounts shall be prepared on 8 1/2" by 11" paper, fastened together at the top and numbered consecutively at the bottom.

In every decedent's estate in which Letters Testamentary or Letters of Administration have been issued by the Register of Wills, the executor, administrator or other personal representative shall file an account with the Clerk of the Orphans' Court. Each such account shall conform to the requirements of Pa.O.C. Rule 6.1(g), and shall include either a Statement of Proposed Distribution

or a request that distribution be determined by the Court or an auditor.

**Rule 6.4. Time for Filing.**

Every account required to be filed by this rule shall be filed not later than eighteen (18) months following the date of issuance of Letters Testamentary or Letters of Administration unless the Court, upon petition and for good cause shown, shall have extended the time for filing same.

The Register of Wills/Clerk of Orphans' Court shall fix a filing deadline for each regular session and shall give notice thereof at least two (2) weeks prior to the deadline.

The time interval between the deadline and the session shall be sufficient to enable the Register/Clerk to make publication as provided by law and Rules of Court.

The Register of Wills/Clerk of Orphans' Court shall schedule for the next regular session all matters filed before the deadline for that session and shall make the required publication. The notices shall contain a statement that all objections must be filed in writing before the time fixed for confirmation, or final decree of discharge, as the case may be.

**Rule 6.11. Confirmation of Accounts. Awards.**

(a) All accounts on the advertised Confirmation List will be presented for Confirmation on the day set for confirmation unless Objections have been filed.

(b) As an alternative to formal submission and confirmation of an account, a personal representative may file with the Clerk of Orphans' Court a Family Settlement Agreement. Each Family Settlement Agreement shall have attached thereto a first and final account of the executor, administrator or other personal representative indicating all transactions during the administration of the estate, which account will be substantially in the form prescribed by Pa.O.C. Rule 6.1(g). Each Family Settlement Agreement shall also have attached thereto a Statement of Proposed or Actual Distribution, and a notarized release signed by each and every heir, beneficiary or other party in interest approving the account, waiving the requirement that the account be audited and confirmed by the Court and discharging the executor, administrator or other personal representative.

[Pa.B. Doc. No. 01-2045. Filed for public inspection November 16, 2001, 9:00 a.m.]

**CARBON COUNTY**

**Amending Policy for Paroling Defendants Sentenced for Minimum of up to Ninety (90) Days for DUI; No. 073 MI 91**

**Administrative Order 25-2001**

And Now, this 30th day of October, 2001, it is hereby Ordered and Decreed that, effective thirty (30) days after publication in the *Pennsylvania Bulletin*, the Carbon County Court of Common Pleas hereby Amends this Court's Administrative Order dated August 26, 1991 filed to 073 MI 91 to provide that a defendant convicted and sentenced to serve a minimum term of imprisonment of not more than ninety (90) days pursuant to Driving Under Influence of Alcohol or Controlled Substance, 75 Pa.C.S. § 3731 et seq., shall be paroled immediately upon serving his minimum sentence. Unless otherwise ordered by the Sentencing Court, the Carbon County Warden is hereby authorized and directed to release any defendant pursuant to this Order without further action or order of Court.

The Carbon County District Court Administrator is Ordered and Directed to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Pennsylvania Criminal Procedural Rules Committee.

4. Forward one (1) copy for publication in the Carbon County Law Journal.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of the Order and Rule in the Clerk of Court's Office.

By the Court

RICHARD W. WEBB,  
President Judge

[Pa.B. Doc. No. 01-2046. Filed for public inspection November 16, 2001, 9:00 a.m.]

**CARBON COUNTY**

**Amendment of Orphans' Court Rules; No. 01-9001**

**Amended Administrative Order 5-2001**

And Now, this 30th day of October, 2001, it is hereby Ordered and Decreed that, effective thirty (30) days after publication in the *Pennsylvania Bulletin*, the Carbon County Court of Common Pleas hereby Amends this Administrative Order as follows:

1. The use of backers is discontinued;
2. Parties shall submit a Petition/Motion cover sheet pursuant to Carbon County O.C.R. No. 3.1 and Civil L206.1; and
3. Releases filed in connection with settlement of estates shall be notarized pursuant to Carbon County O.C.R. No. 6.11.

The Carbon County District Court Administrator is Ordered and Directed to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Orphans' Court Procedural Rules Committee.
4. Forward one (1) copy for publication in the Carbon County Law Journal.
5. Forward one (1) copy to the Carbon County Law Library.
6. Keep continuously available for public inspection copies of this Order in the Clerk of Orphans' Court Office.

By the Court

RICHARD W. WEBB,  
President Judge

[Pa.B. Doc. No. 01-2047. Filed for public inspection November 16, 2001, 9:00 a.m.]

**CARBON COUNTY****Revision of Local Rule of Civil Procedure L1920.12  
Complaint in Divorce/Annulment Cases; No: 01-1097****Administrative Order 24-2001**

*And Now*, this 30th day of October, 2001, it is hereby *Ordered and Decreed* that effective thirty (30) days after publication in the *Pennsylvania Bulletin*, the Carbon County Court of Common Pleas hereby *Amends* Local Rule of Civil Procedure L1920.12 governing complaints filed in Divorce and Annulment cases.

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

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Civil Procedural Rules Committee.
4. Forward one (1) copy for publication in the Carbon County Law Journal.
5. Forward one (1) copy to the Carbon County Law Library.
6. Keep continuously available for public inspection copies of the Order in the Prothonotary's Office.

*By the Court*

RICHARD W. WEBB,  
*President Judge*

**Rule L1920.12. Complaint.**

(a) In every divorce or annulment complaint whether pending or new, the plaintiff shall complete Form "A" as set forth below this rule with the Social Security Number of each party to said action as required by 23 Pa.C.S.A. 4304.1(a)(3). Said form shall not be attached to said complaint but shall remain separate from the complaint.

(1) The Prothonotary's Office shall record the Social Security Numbers in the Court Computer Database and, upon verification of proper entry, shall shred the form containing the Social Security Numbers. The Social Security Numbers shall remain confidential in that they will only be visible to internal personnel and cannot be accessed through the public access programs.

(b) The Social Security Number Disclosure Notice shall be attached to the divorce or annulment complaint. Said notice shall be in the form set forth in Form "B."

**Form "A"**

Docket Number of Divorce/Annulment Case \_\_\_\_\_

Plaintiff Name: \_\_\_\_\_

Plaintiff Social Security Number: \_\_\_\_\_

Defendant Name: \_\_\_\_\_

Defendant Social Security Number: \_\_\_\_\_

**Form "B"**

In the Court of Common Pleas of Carbon County,  
Pennsylvania

*Social Security Number  
Disclosure Notice*

In accordance with section 7(b) of the Privacy Act, you are hereby notified that disclosure of your Social Security

number is mandatory based on Section 466(a)(13) of the Social Security Act [42 U.S.C. 666(a)(13)], Pennsylvania Consolidated Statutes (Pa.C.S.) §§ 4304.1 and 4353(a.2). Additionally, you are notified that this information will be used solely in the divorce action.

[Pa.B. Doc. No. 01-2048. Filed for public inspection November 16, 2001, 9:00 a.m.]

**LEHIGH COUNTY****Administrative Order Establishing Uniform Costs  
for A.R.D. and Convictions in Driving under the  
Influence Cases; and Providing for Parole in  
Certain Cases; No. 2289 M-2001****Order**

*And Now*, this 22nd day of October, 2001, the following Administrative Order establishing uniform costs in driving under the influence cases and providing for parole upon service of certain mandatory minimum sentences in such cases is promulgated effective as to all cases in which the sentence is imposed or the cost incurred thirty (30) days or more after publication of this Order in the *Pennsylvania Bulletin*. Seven (7) certified copies shall be filed with the Administrative Office of Pennsylvania Courts; that two (2) certified copies shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Criminal Procedural Rules Committee; and that one (1) copy shall be filed with the Clerk of Courts of the Court of Common Pleas of Lehigh County.

**I. UNIFORM COSTS**

A. In accordance with 75 Pa.C.S. § 1548, every person convicted of violating § 3731 of the Vehicle Code, (relating to the driving under the influence of alcohol or a controlled substance) and every person accepting Accelerated Rehabilitative Disposition for said offense shall:

1. Undergo a Court Reporting Network evaluation and pay a fee of Fifty dollars (\$50.00) for this evaluation. Second and subsequent offenders shall undergo this evaluation and pay the fee of Fifty dollars prior to sentencing.

2. Attend and successfully complete an approved Alcohol Highway Safety School as directed by the Court and pay a tuition fee to the County of Lehigh in the sum of \$300.00 for the first offender school, and \$420.00 for the second or subsequent offender school. Every such second or subsequent offender shall also be required to attend a presentation by a Victim Impact Panel and shall pay a fee in the sum of \$35.00 to the County of Lehigh to defray the costs of the program.

B. Every person convicted of violating § 3731 of the Vehicle Code, (relating to the driving under the influence of alcohol or a controlled substance) and every person accepting Accelerated Rehabilitative for said offense shall pay a fee of \$130.00, which fee shall be assessed as court costs. This fee shall be in addition to all other authorized costs and supervision fees and shall be for the purposes of reimbursement for the costs of processing, booking and testing at the DUI Center. The funds so collected shall be paid into the general fund of the County of Lehigh, but separately identified in the County's records so that the amounts collected during any given period can be readily determined.

C. Every person who is sentenced to serve part or all of his or her sentence for this offense on electronic monitoring (house arrest) shall pay a fee of \$5.00 per day to defray the costs of that program.

D. Any person required to place an ignition interlock device on his or her vehicle shall pay the monthly cost of such device to the provider of same. Prices charged by the provider shall be pre-approved by the Chief Adult Probation Officer and the Administrative Judge of Criminal Court and shall be consistent with the prices for such devices generally in effect. Any increases therein shall take effect only after such increases have been approved by the Chief Adult Probation Officer and the Administrative Judge of Criminal Court; but shall not require any amendment to this Administrative Order.

E. In accordance with the Act of November 24, 1998, P.L. 111, § 1102(a), 18 P.S. § 1102(a), every person placed on probation, parole, accelerated rehabilitative disposition, probation without verdict, or intermediate punishment, for this offense, shall pay, in addition to the costs of prosecution, fines and restitution, and other costs herein established, a monthly supervision fee of \$25.00.

These fees shall be in addition to any other costs or restitution imposed.

## II. PAROLE UPON MINIMUM

Any defendant sentenced to serve a mandatory minimum term of imprisonment of not less than forty-eight (48) hours pursuant to 75 P.S. § 3731(e)(1)(i) shall be paroled immediately upon serving that minimum sentence, unless otherwise ordered by the sentencing court. The Warden of Lehigh County Prison is hereby authorized and directed to release any such defendant pursuant to this administrative order without further action or order of court.

Any defendant sentenced to serve a mandatory minimum term of imprisonment of not less than thirty (30) days pursuant to 75 P.S. § 3731 (e)(1)(ii) shall be paroled immediately upon serving that minimum sentence, unless otherwise ordered by the sentencing court. The Warden of Lehigh County Prison is hereby authorized and directed to release any such defendant pursuant to this administrative order without further action or order of court.

*By the Court*

JAMES KNOLL GARDNER,  
*President Judge*

[Pa.B. Doc. No. 01-2049. Filed for public inspection November 16, 2001, 9:00 a.m.]

## LEHIGH COUNTY

### Administrative Order Establishing Uniform Costs for Urinalysis Testing, Electronic Monitoring and Supervision by the Probation/Parole Office; No. 2290 M-2001

#### Order

*And Now*, this 19th day of October, 2001, the following Administrative Order establishing uniform costs in criminal cases for certain services rendered by the Probation/Parole Office of Lehigh County is promulgated and is effective for all such services rendered in any criminal case thirty (30) days or more after publication of this Order in the *Pennsylvania Bulletin*. Seven (7) certified copies shall be filed with the Administrative Office of Pennsylvania Courts; that two (2) certified copies shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Criminal Procedural Rules Committee; and that one (1) copy shall be filed with the Clerk of Courts of the Court of Common Pleas of Lehigh County.

#### URINALYSIS TESTING

Every person tested by the Lehigh County Adult Probation/Parole Department for the use of drugs or alcohol, shall pay, in addition to the costs of prosecution, fines, supervision or other fees, a fee of \$5.00 as costs of each urinalysis test administered by that Department.

#### ELECTRONIC MONITORING

Every person who is sentenced to serve part or all of his or her sentence on electronic monitoring (house arrest) shall pay a fee of \$5.00 per day to defray the costs of that program.

#### SUPERVISION FEE

In accordance with the Act of November 24, 1998, P.L. 111, § 1102(a), 18 P.S. § 1102(a), every person placed on probation, parole, accelerated rehabilitative disposition, probation without verdict, or intermediate punishment, shall pay, in addition to the costs of prosecution, fines and restitution, and other costs, a monthly supervision fee of \$25.00.

*By the Court*

JAMES KNOLL GARDNER,  
*President Judge*

[Pa.B. Doc. No. 01-2050. Filed for public inspection November 16, 2001, 9:00 a.m.]