

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 200]

Proposed Amendment of Rule 220.1 Governing *Voir Dire*; Proposed Recommendation No. 246

The Civil Procedural Rules Committee proposes that Rule of Civil Procedure 220.1 governing *voir dire* sales be amended as set forth herein. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania. All communications in reference to the proposed recommendation should be sent no later than June 9, 2010 to:

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By the Civil Procedural Rules Committee

STEWART L. KURTZ,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 220.1. *Voir Dire*.

(a) *Voir dire* shall be conducted to provide the opportunity to obtain at a minimum a full description of the following information, where relevant, concerning the prospective jurors and their households:

- (1) Name;
- (2) [**Date**] **Year** and place of birth;
- (3) Residential neighborhood and zip code (not street address);
- (4) Marital status;
- (5) Nature and extent of education;
- (6) Number and ages of children;
- (7) Name, age and relationship of members of prospective juror's household;
- (8) Occupation and employment history of the prospective juror, the juror's spouse and children and members of the juror's household;
- (9) Involvement of the prospective juror or any member of the prospective juror's immediate family as a party or a witness in a civil lawsuit or a criminal case;
- (10) Relationship, friendship or association of the prospective juror or any member of the prospective

juror's immediate family with a law enforcement officer, a lawyer or any person affiliated with the courts of any judicial district;

(11) Relationship of the prospective juror or any member of the prospective juror's immediate family to the insurance industry, including employee, claims adjuster, investigator, agent or stockholder in an insurance company;

(12) Motor vehicle operation and licensure;

(13) Physical or mental condition affecting ability to serve on a jury;

(14) Reasons the prospective juror believes he or she cannot or should not serve as a juror;

(15) Relationship, friendship or association of the prospective juror or any member of the prospective juror's immediate family with the parties, the attorneys and prospective witnesses of the particular case to be heard;

(16) Such other pertinent information as may be appropriate to the particular case to achieve a competent, fair and impartial jury.

Official Note: For example, under presently prevailing law as established by the Superior Court, *voir dire* should have been allowed with respect to the effect of pre-trial publicity on prospective jurors' "attitudes regarding medical malpractice and tort reform." *Capoferri v. Children's Hosp. of Phila.*, 893 A.2d 133 (Pa. Super. 2006) (en banc).

(b)(1)(i) **A judge shall initiate the examination of jurors in open court. The initial examination shall include, but not be limited to, identifying the parties and their attorneys, briefly outlining the nature of the case and explaining the purposes of the examination.**

(ii) **Except as provided in subdivision (b)(1)(i), the attorneys shall conduct the examination of the prospective jurors. Any dispute shall be resolved by a judge.**

(2) The court may provide for *voir dire* to include the use of a written questionnaire. However, the use of a written questionnaire without the opportunity for oral examination by the court or counsel is not a sufficient *voir dire*.

Official Note: [**The parties or their attorneys may conduct the examination of the prospective jurors unless the court itself conducts the examination or otherwise directs that the examination be conducted by a court employee. Any dispute shall be resolved by the court.]**

A written questionnaire may be used to facilitate and expedite the *voir dire* examination by providing the trial judge and attorneys with basic background information about the jurors, thereby eliminating the need for many commonly asked questions.

[(c) **The court may permit all or part of the examination of a juror out of the presence of other jurors.]**

(c)(1) ***Voir dire* examination, including all rulings by a judge, shall be recorded in full unless the**

recording is waived. The record shall be transcribed only upon written request of a party or order of court.

(2) Subsequent to the procedure in subdivision (b), upon request by an attorney, a judge shall permit individual examination of a juror in a separate room beyond the hearing and presence of other jurors.

* * * * *

Explanatory Comment

The Civil Procedural Rules Committee is proposing the amendment of Rule 220.1 governing *voir dire* in several respects.

Subdivision (a) provides certain categories of information that may be asked of prospective jurors. Subdivisions (a)(9), (10), and (15) currently ask about involvement of the prospective juror as a party or witness in a civil lawsuit, or the relationship of the prospective juror with a law enforcement officer, a lawyer or any person affiliated with the courts of any judicial district, or with the parties, the attorneys and prospective witnesses of the particular case to be heard. The amendment to subdivision (a) would expand these categories to include questions concerning the same involvement or relationships of a member of the prospective juror's immediate family.

The amendment to subdivision (b) would require a judge to initiate the *voir dire* examination, which would include the identification of the parties and their attorneys, a brief outline of the nature of the case, and an explanation of the purposes of the examination. Upon the conclusion of the judge's examination, the attorneys for the parties shall conduct examination of the prospective jurors. Upon the conclusion of the examination by the attorneys, new subdivision (c)(2) provides that a judge shall permit individual examination of a prospective juror in a separate room out of the hearing and presence of other jurors.

The amendment to subdivision (c)(1) would require the entire *voir dire* examination to be recorded in full, including all ruling by a judges, unless it is waived by the parties.

[Pa.B. Doc. No. 10-759. Filed for public inspection April 30, 2010, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CH. 3000]

In Re: Amendment of Rules 3111, 3111.1, 3140, 3141, 3252 and 3253 of the Rules of Civil Procedure; No. 523; Civil Procedural Rules

Order

Per Curiam:

And Now, this 16th day of April, 2010, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been published at 38 Pa. B. 5591 (October 11, 2008), and in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 955 No. 1):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 3111, 3111.1, 3140, 3141, 3252 and 3253 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. No. 103(b), and shall be effective May 17, 2010.

PATRICIA NICOLA,
Chief Clerk

Supreme Court of Pennsylvania

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 3000. JUDGMENTS

Subchapter D. ENFORCEMENT OF MONEY JUDGMENTS FOR THE PAYMENT OF MONEY

Rule 3111. Service of the writ on garnishee; effect.

* * * * *

Official Note: For limitations on the power to attach tangible personal property see Rule 3108(a).

See Rule 3111.1 providing that service of the writ does not attach [**the defendant's funds on deposit in a bank or other financial institution in an account in which funds are deposited electronically on a recurring basis and are identified as funds which upon deposit are exempt from attachment**] the first \$10,000 of each account of the defendant in which any funds are deposited electronically on a recurring basis and are identified as funds that upon deposit are exempt from attachment, or each account of the defendant in which funds on deposit exceed \$10,000 at any time, if all funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from attachment.

* * * * *

Rule 3111.1. Exemptions from levy and attachment.

In the absence of a court order, service of the writ upon a bank or other financial institution as garnishee shall not attach [**any of the defendant's funds on deposit with the bank or other financial institution in an account in which**]

(1) **the first \$10,000 of each account of the defendant containing any funds which are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law, [or]**

Official Note: See Rule 3146(b)(2) governing judgment against a bank or other financial institution as garnishee upon admission in answer to interrogatory.

(2) **each account in which funds on deposit exceed \$10,000 at any time if all funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law, and**

(3) **the funds on deposit, not including any otherwise exempt funds, that do not exceed the amount of the general monetary exemption under 42 Pa.C.S. § 8123.** The plaintiff shall have the right to file an objection if the plaintiff believes that the defendant has exhausted the statutory exemption.

Rule 3140. Notice by garnishee.

* * * * *

Official Note: Registered mail includes certified mail. See Definition Rule 76.

Attachment of wages, salary and commissions to satisfy a money judgment arising from a residential lease pursuant to Section 8127(a)(3.1) of the Judicial Code is governed by Rule 3301 et seq.

(d) Where funds in an account are not attached as a result of Rule 3111.1, the garnishee shall not assess any fee against exempt funds contained in any account held by the garnishee.

Rule 3141. Garnishee's duty to defend; venue of proceedings.

(a) [A] Except as provided in Rule 3111.1, a garnishee who forwards copies of the writ and answers to interrogatories to the defendant shall thereafter be under no duty to resist the attachment or defend the action against the defendant in any manner but may do so as provided by these rules.

* * * * *

Subchapter E. ENFORCEMENT OF JUDGMENTS IN SPECIAL ACTIONS

FORMS

Rule 3252. Writ of execution; money judgments.

* * * * *

WRIT OF EXECUTION

Commonwealth of Pennsylvania)

County of _____)

To the Sheriff of _____ County:

To satisfy the judgment, interest and costs against _____, defendant

(Name of Defendant)

(1) you are directed to levy upon the property of the defendant and to sell the defendant's interest therein;

(2) you are also directed to attach the property of the defendant not levied upon in the possession of _____,

as garnishee, _____, and to notify the garnishee that (Specifically describe property)

(a) an attachment has been issued;

(b) except as provided in paragraph (c), the garnishee is enjoined from paying any debt to or for the account of the defendant and from delivering any property of the defendant or otherwise disposing thereof;

(c) the attachment shall not include [**any funds in an account of the defendant with a bank or other financial institution**

(i) in which funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law, or] (i) the first \$10,000 of each account of the defendant with a bank or other financial institution containing any funds which are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law.

(ii) each account of the defendant with a bank or other financial institution in which funds on deposit exceed \$10,000 at any time if all funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are

exempt from execution, levy or attachment under Pennsylvania or federal law.

(iii) any funds in an account of the defendant with a bank or other financial institution that total \$300 or less. If multiple accounts are attached, a total of \$300 in all accounts shall not be subject to levy and attachment as determined by the executing officer. The funds shall be set aside pursuant to the defendant's general exemption provided in 42 Pa.C.S. § 8123.

(3) if property of the defendant not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify such other person that he or she has been added as a garnishee and is enjoined as above stated.

Amount due \$ _____

Interest from _____ \$ _____

[[Costs to be added]]

Costs to be added \$ _____

(Name of Prothonotary (Clerk))

Seal of the Court

By _____

(Deputy)

* * * * *

Rule 3253. Interrogatories in attachment.

Interrogatories of the plaintiff to the garnishee shall be substantially in the following form:

[[Caption]] (Caption)

Interrogatories to Garnishee

["]To _____:

(Garnishee)

["]You are required to file answers to the following interrogatories within twenty (20) days after service upon you. Failure to do so may result in judgment against you:

["]1. At the time you were served or at any subsequent time did you owe the defendant any money or were you liable to the defendant on any negotiable or other written instrument, or did the defendant claim that you owed the defendant any money or were liable to the defendant for any reason?

["]2. At the time you were served or at any subsequent time was there in your possession, custody or control or in the joint possession, custody or control of yourself and one or more other persons any property of any nature owned solely or in part by the defendant?

["]3. At the time you were served or at any subsequent time did you hold legal title to any property of any nature owned solely or in part by the defendant or in which the defendant held or claimed any interest?

["]4. At the time you were served or at any subsequent time did you hold as fiduciary any property in which the defendant had an interest?

["]5. At any time before or after you were served did the defendant transfer or deliver any property to you or to any person or place pursuant to your direction or consent and if so what was the consideration therefore?

["]6. At any time after you were served did you pay, transfer or deliver any money or property to the defen-

dant or to any person or place pursuant to the defendant's direction or otherwise discharge any claim of the defendant against you?

7. If you are a bank or other financial institution, at the time you were served or at any subsequent time did the defendant have funds on deposit in an account in which funds are deposited electronically on a recurring basis and which are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law? If so, identify each account and state [**the reason for the exemption, the amount being withheld under each exemption**] **the amount of funds in each account**, and the entity electronically depositing those funds on a recurring basis.

8. If you are a bank or other financial institution, at the time you were served or at any subsequent time did the defendant have funds on deposit in an account in which the funds on deposit, not including any otherwise exempt funds, did not exceed the amount of the general monetary exemption under 42 Pa.C.S. § 8123? If so, identify each account.
(The plaintiff may set forth additional appropriate interrogatories.)

* * * * *

Explanatory Comment—2010

New Rule 3111.1 was promulgated in 2007 to address the failure of the rules of civil procedure to protect funds held in accounts of banks and other financial institutions that are exempt from execution, levy, and attachment pursuant to federal and state legislation. The current rule protects from attachment all funds in an account in which any funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy, or attachment. The amendment to subdivision (1) of Rule 3111.1 provides that only the first \$10,000 held in an account may not be attached whenever the account includes any funds that are identified as being exempt from execution, levy, or attachment. If an account holder believes the remainder is also exempt, he or she may petition the court for relief. Under new subdivision (2) any funds that exceed \$10,000 in an account may be attached unless all funds in the account are identified as exempt funds.

[Pa.B. Doc. No. 10-760. Filed for public inspection April 30, 2010, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CHS. 1, 11, 15 AND 16]

Proposed Modifications of Rules 1151, 1512, 1515, 1608, 1609 and 1613 and Adoption of New Rules 136, 1136, 1603 and 1606

Introduction

The Juvenile Court Procedural Rules Committee is planning to recommend to the Supreme Court of Pennsylvania that the modifications of Rules 1151, 1512, 1515, 1608, 1609 and 1613 and new Rules 136, 1136, 1603, and 1606 be adopted and prescribed. The amendments concern *ex parte* communications and permanency planning for a child. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the intent of the Rules. Note that the Committee's Reports should not be confused with the official Committee Comments to the Rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

We request that interested persons submit suggestions, comments or objections concerning this proposal to the Committee through counsel,

A. Christine Riscili, Esq.
Staff Counsel
Juvenile Court Procedural Rules Committee
Pennsylvania Judicial Center
P. O. Box 62635
Harrisburg, PA 17106-2635

no later than Friday, May 28, 2010.

By the Juvenile Court Procedural Rules Committee
CYNTHIA K. STOLTZ, Esq.,
Chair

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

**CHAPTER 1. GENERAL PROVISIONS PART
A. BUSINESS OF COURTS**

Rule 136. *Ex Parte* Communication.

A) No person shall communicate with the court in any way regarding matters pending before the court unless all parties:

- 1) are present or have been copied if the communication is written or in electronic form; or
- 2) have waived their presence or right to receive the communication.

B) If the court receives any *ex parte* communication, the court shall inform all parties of the communication and its content.

Comment

No *ex parte* communications with the court are to occur. Communications should include all parties, such as the filing of a motion, or conducting a conference or a hearing.

Attorneys are bound by the Rules of Professional Conduct. See Rules of Professional Conduct Rule 3.5. Judges are bound by the Code of Judicial Conduct. See Code of Judicial Conduct Canon 3 A.(4).

Attorneys and judges understand the impropriety of *ex parte* communications but many participants are not attorneys or judges. This rule ensures that all parties have received the same information that is being presented to the court so that it may be challenged or supplemented.

Scheduling and other administrative matters are not considered *ex parte* communications.

Subpart B. DEPENDENCY MATTERS

CHAPTER 11. GENERAL PROVISIONS

PART A. BUSINESS OF COURTS

Rule 1136. *Ex Parte* Communication.

A) No person shall communicate with the court in any way regarding matters pending before the court unless all parties:

1) are present or have been copied if the communication is written or in electronic form; or

2) have waived their presence or right to receive the communication.

B) If the court receives any *ex parte* communication, the court shall inform all parties of the communication and its content.

Comment

No *ex parte* communications with the court are to occur. Communications should include all parties, such as the filing of a motion, or conducting a conference or a hearing.

Attorneys are bound by the Rules of Professional Conduct. See Rules of Professional Conduct Rule 3.5. Judges are bound by the Code of Judicial Conduct. See Code of Judicial Conduct Canon 3 A.(4).

Attorneys and judges understand the impropriety of *ex parte* communications but many participants are not attorneys or judges. This rule ensures that all parties have received the same information that is being presented to the court so that it may be challenged or supplemented.

Scheduling and other administrative matters are not considered *ex parte* communications.

PART B(2). COUNSEL

Rule 1151. Assignment of Guardian *ad litem* and Counsel.

A. *Guardian ad litem for child.* The court shall assign a guardian *ad litem* to represent the legal interests and the best interests of the child if a proceeding has been commenced pursuant to Rule 1200 alleging a child to be dependent who:

1) is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for the physical, mental or emotional health, or morals;

2) has been placed for care or adoption in violation of law;

3) has been abandoned by parents, guardian, or other custodian;

4) is without a parent, guardian or legal custodian; or

5) is born to a parent whose parental rights with regard to another child have been involuntarily terminated under 23 Pa.C.S. § 2511 (relating to grounds for involuntary termination) within three years immediately preceding the date of birth of the child and conduct of the parent poses a risk to the health, safety, or welfare of the child.

B. *Counsel for child.* The court shall appoint legal counsel for a child:

1) if a proceeding has been commenced pursuant to Rule 1200 alleging a child to be dependent who:

a) while subject to compulsory school attendance is habitually and without justification truant from school;

b) has committed a specific act or acts of habitual disobedience of the reasonable and lawful commands of the child's guardian and who is ungovernable and found to be in need of care, treatment, or supervision;

c) is under the age of ten years and has committed a delinquent act;

d) has been formerly adjudicated dependent, and is under the jurisdiction of the court, subject to its conditions or placements and who commits an act which is defined as ungovernable in paragraph (B)(1)(b); or

e) has been referred pursuant to section 6323 (relating to informal adjustment), and who commits an act which is defined as ungovernable in paragraph (B)(1)(b); or

2) upon order of the court.

C. *Counsel and Guardian ad litem for child.* If a child has legal counsel and a guardian *ad litem*, counsel shall represent the legal interests of the child and the guardian *ad litem* shall represent the best interests of the child.

D. *Time of appointment.*

1) *Child in custody.* The court shall appoint a guardian *ad litem* or legal counsel immediately after a child is taken into protective custody and prior to any proceeding.

2) *Child not in custody.* If the child is not in custody, the court shall appoint a guardian *ad litem* or legal counsel for the child when a dependency petition is filed.

E. *Counsel for other parties.* If counsel does not enter an appearance for a party, the court shall inform the party of the right to counsel prior to any proceeding. If counsel is requested by a party in any case, the court shall assign counsel for the party if the party is without financial resources or otherwise unable to employ counsel. Counsel shall be appointed prior to the first court proceeding.

Comment

See 42 Pa.C.S. §§ 6302, 6311, and 6337.

The guardian *ad litem* for the child may move the court for appointment as legal counsel and assignment of a separate guardian *ad litem*, when, for example, the information that the guardian *ad litem* possesses gives rise to the conflict and can be used to the detriment of the child. To the extent 42 Pa.C.S. § 6311(b)(9) is inconsistent with this rule, it is suspended. See Rule 1800. See also Pa.R.P.C. 1.7 and 1.8. Under paragraph (C), legal counsel represents the legal interests of the child and the guardian *ad litem* represents the best interests of the child.

Nothing in these rules anticipates that a guardian *ad litem* for an adult is to be appointed by these rules. For appointment of a guardian of the person, see 20 Pa.C.S. § 5501 *et seq.* and Pa.O.C. Rules 14.2—14.5.

Pursuant to paragraph (E), the court is to inform all parties of the right to counsel if they appear at a hearing without counsel. If a party is without financial resources or otherwise unable to employ counsel, the court is to appoint counsel prior to the proceeding. Because of the nature of the proceedings, it is extremely important that every "guardian" has an attorney. Therefore, the court is to encourage the child's guardian to obtain counsel. Pursuant to Rule 1120, a guardian is any parent, custodian, or other person who has legal custody of a child, or person designated by the court to be a temporary guardian for purposes of a proceeding. See Pa.R.J.C.P. 1120.

Official Note: Rule 1151 adopted August, 21, 2006, effective February 1, 2007. Amended February 20, 2007, effective immediately. Amended May 12, 2008, effective immediately.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1151 published with the Court's Order at 36 Pa.B. 5571, 5599 (September 2, 2006).

Final Report explaining the amendments to this rule published with the Court's Order at 37 Pa.B. 1123, 1124 (March 10, [1007] 2007).

Final Report explaining the amendments to Rule 1151 published with the Court's Order at 38 Pa.B. 2360, 2363 (May 12, 2008).

CHAPTER 15. DISPOSITIONAL HEARING**PART B. DISPOSITIONAL HEARING AND AIDS****Rule 1512. Dispositional Hearing.**

A. *Manner of hearing.* The court shall conduct the dispositional hearing in an informal but orderly manner.

1) *Evidence.* The court shall receive any oral or written evidence which is helpful in determining disposition, including evidence that was not admissible at the adjudicatory hearing.

2) *Opportunity to be heard.* Before deciding disposition, the court shall give the parent, child's foster parent, preadoptive parent, relative providing care for the child and court appointed special advocate, if assigned, an opportunity to make a statement.

B. *Recording.* The dispositional hearing shall be recorded. [**The recording shall be transcribed:**

- 1) pursuant to a court order; or
- 2) when there is an appeal.

C. Ex parte Communication.

1) Except as provided by these rules, no person shall communicate with the court in any way.

2) If the court receives any ex parte communication, the court shall inform all parties of the communication and its content.]

C. *Duties of the court.* The court shall determine on the record that the parties have been advised of the following:

- 1) the right to file an appeal;
- 2) the time limits for an appeal; and
- 3) the right to counsel to prepare the appeal.

D. *Court's Findings.* On the record, the court shall state:

- 1) its disposition;
- 2) the reasons for its disposition;
- 3) the terms, conditions, and limitations of the disposition;
- 4) the name of any person or the name, type, category, or class of agency, licensed organization, or institution that shall provide care, shelter, and supervision of the child;
- 5) a finding, if the child is placed, that;
 - a) remaining in the home would be contrary to the welfare, safety, or health of the child;
 - b) reasonable efforts were made by the county agency to prevent the child's placement;

c) the child's placement is the least restrictive placement that meets the needs of the child, stating the reasons why there are no less restrictive alternatives available; and

d) if preventive services were not offered due to the necessity of an emergency placement, whether such lack of services was reasonable under the circumstances; and

6) whether any evaluations, tests, counseling, or treatments are necessary;

7) the permanency plan for the child;

8) the services necessary to achieve the permanency plan;

9) any educational, health care, and disability needs of the child; and

10) a visitation schedule, including any limitations.

Comment

To the extent practicable, the judge or master that presided over the adjudicatory hearing for a child should preside over the dispositional hearing for the same child.

Paragraph (A)(2) does not infringe on the right to call witnesses to testify, in addition to those specified individuals. See Rule 1123 for subpoenaing a witness.

[**For transcription of the record under paragraph (B), see also Rule 1127.**

Under paragraph (C), no ex parte communications with the court are to occur. Attorneys and judges understand the impropriety of ex parte communications but many participants are not attorneys or judges. This rule ensures that all parties have received the same information that is being presented to the court so that it may be challenged or supplemented. Normal methods of practice and procedure such as motions, scheduling, communications with court personnel, are not considered ex parte communications.]

Pursuant to paragraph (D)(7), the court is to determine the permanency plan for the child. A permanency plan should include two plans or goals: the primary plan and the secondary or concurrent plan.

The primary plan is the comprehensive plan developed to achieve the permanency goal. The secondary or concurrent plan is developed and initiated so that if the primary plan is not fulfilled, timely permanency for the child may still be achieved. These two plans are to be simultaneously addressed by county agency.

Rule 1608 mandates permanency hearings at least every 6 months. It is best practice to have 3-month hearings to ensure permanency is achieved in a timely fashion and the court is informed of the progress of the case. See Comment to Rule 1608.

See Rule 1136 regarding ex parte communications.

Official Note: Rule 1512 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1512 published with the Court's Order at 36 Pa.B. 5571, 5599 (September 2, 2006).

Rule 1515. Dispositional Order.

A. *Generally.* When the court enters a disposition, the court shall issue a written order, which provides that the disposition is best suited to the safety, protection, and physical, mental, and moral welfare of the child. The order shall include:

1) [the terms, conditions, and limitations of the disposition;

2) the name of any person or the name, type, category, or class of agency, licensed organization, or institution that is to provide care, shelter, and supervision of the child;

3) any findings pursuant to Rule 1514 if a child is being removed from the home;

4) any ordered evaluations, tests, counseling, or treatments;

5) any ordered family service plan or permanency plan if not already prepared;

6) any visitations, including any limitations] any findings pursuant to Rule 1512 (C);

[7] 2) the date of the order; and

[8] 3) the signature and printed name of the judge entering the order.

B. *Transfer of legal custody.* If the court decides to transfer legal custody of the child to a person or agency found to be qualified to provide care, shelter, and supervision of the child, the dispositional order shall include:

1) the name and address of such person or agency, unless the court determines disclosure is inappropriate;

2) the limitations of the order; and

3) any visitation rights.

C. *Orders concerning guardian.* The court shall include any conditions, limitations, restrictions, and obligations in its dispositional order imposed upon the guardian.

Comment

See 42 Pa.C.S. §§ 6310, 6351.

45 CFR [§]1356.21 provides that a specific foster care provider may not be placed in a court order to be in compliance with and receive funding through the Federal Financial Participation.

Dispositional orders should comport in substantial form and content to the Juvenile Court Judges' Commission model orders to receive funding under the federal Adoption and Safe Families Act (ASFA) of 1997 (P. L. 105-89). The model forms are also in compliance with Title IV-B and Title IV-E of the Social Security Act. For model orders, see <http://www.jcjc.state.pa.us> or <http://www.dpw.state.pa.us> or request a copy on diskette directly from the Juvenile Court Judges' Commission, Room 401, Finance Building, Harrisburg, PA 17120.

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

Official Note: Rule 1515 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1515 published with the Court's Order at 36 Pa.B. 5571, 5599 (September 2, 2006).

CHAPTER 16. POST-DISPOSITIONAL PROCEDURES**PART A. SUMMONS, NOTICE, AND REPORTS**

1600. Summons for the Permanency Hearing.
1601. Permanency Hearing Notice.

PART B(1). MODIFICATIONS

1603. Modification of Dependent Child's Placement.
1604. Submission of Reports.

PART B(2). PERMANENCY HEARING

1606. Goal Change Motion.
1607. Regular Scheduling of Permanency Hearing.
1608. Permanency Hearing.
1609. Court Order of Permanency Hearing Determinations.

PART C. TERMINATION AND POST-DISPOSITIONAL PROCEDURES

1613. Termination of Court Supervision.
1616. Post-Dispositional Procedures; Appeals (Reserved).

PART B(1). MODIFICATIONS

Rule 1603. Modification of Dependent Child's Placement.

A. County agency's duties.**1) Emergencies.**

a) Only in an emergency when a judge cannot be reached, a child may be placed temporarily in a shelter care facility or other appropriate care.

b) The county agency immediately shall alert the court of any change made due to the emergency.

c) The county agency shall file a motion or stipulation for modification of the dispositional order within twenty-four hours of the child's placement in a shelter care facility or other appropriate care.

2) **Non-emergent cases.** In all other cases, the county agency shall seek approval of the court for a change in the child's placement prior to the removal of the child from the placement by the filing of a motion or a stipulation for modification of the dispositional order.

B. Contents of the motion. The motion for modification of the dispositional order shall include:

1) the specific reasons for the necessity of change to the order;

2) the proposed placement;

3) the current location of the child;

4) the manner in which any educational, health care, and disability needs of the child will be addressed;

5) an averment as to whether each party concurs or objects to the proposal; and

6) the signatures of all the parties.

C. Objections. If a party objects to proposed modification of the dispositional order, the objections shall be filed no later than three days after the filing of the motion for modification of the child's placement.

D. Court's duties. Once the county agency has requested approval from the court to modify a child's placement or after an emergency change in placement has already taken place, the court may:

1) schedule a prompt hearing to determine whether there will be a modification of the child's placement;

2) enter an appropriate order to modify the child's placement; or

3) enter an order denying the motion.

Comment

If there must be a change in the placement of the child due to an emergent situation, the county agency may temporarily place a child in a shelter-care facility or other appropriate care pending the filing of a motion for modification of the dispositional order.

In all other cases, the court is to make a decision prior to the child being removed from the placement. Stability for the child is critical. Multiple placements can add to a child's trauma. A child should not be shuffled from home to home out of convenience for a foster parent, relative, or other person caring for the child.

Pursuant to paragraph (D), the court is to conduct a hearing, modify the dispositional order, or deny the motion sending the child back to the original placement specified in the dispositional order.

PART B(2). PERMANENCY HEARING

Rule 1606. Goal Change Motion.

A. Goal Change Motion.

1) The county agency may file a goal change motion if:

a) the child has been in placement for fifteen of the last twenty-two months;

b) the court finds that there is not substantial compliance with the reunification order and the return of the child is not best suited to the safety, protection, and physical, mental, and moral welfare of the child; or

c) the court has determined that aggravated circumstances exist and that reasonable efforts to prevent or eliminate the need to remove the child from the child's guardian or to preserve and reunify the family need not be made or continue to be made.

2) A goal change is not necessary if:

a) the child is being cared for by a relative best suited to the physical, mental, and moral welfare of the child;

b) the county agency has documented a compelling reason for determining that filing a motion to terminate parental rights would not serve the needs and welfare of the child; or

c) the child's family has not been provided with necessary services to achieve the safe return to the child's guardian within the time frames set forth in the permanency plan.

B. *Contents of motion.* The motion shall contain:

1) the specific reasons averring why there has not been substantial compliance with the reunification order;

2) the goal change requested, which includes placing the child:

a) for adoption and the county agency will file for termination of parental rights pursuant to Pa.O.C.R., Rule 15.4;

b) with a legal custodian;

c) with a fit and willing relative; or

d) in another living arrangement intended to be permanent in nature which is approved by the court and where the county agency has documented a compelling reason explaining why options under (a) through (c) are not feasible; and

3) the plans to achieve the goal requested.

C. *Compliance with filing and service.* The requirements of Rule 1345 shall be followed.

D. *Hearing.* Before the goal can be changed, the court shall conduct a hearing within twenty-one days of the filing of the motion.

E. *Assignment of Judges' Role.* The President Judge of each judicial district may assign a dependency court judge to conduct orphans' court proceedings involving a dependent child.

Comment

Pursuant to paragraph (B), the motion should aver the specific reasons why reunification is no longer the goal for the child. The averments are to be supported by evidence that there has not been substantial compliance with the court order. Also, the motion is to state the goal change requested and the plans to achieve that goal.

Pursuant to paragraph (C), the guardian of the child is to be notified of the goal change. In most instances, the guardian is the parent of the child.

Pursuant to paragraph (D), the court is to conduct a hearing no later than twenty-one days from the filing of the motion.

It is best practice and more efficient to combine a goal change, which is part of the permanency hearing, with an involuntary termination of parental rights hearing. A President Judge may allow Common Pleas Judges to wear multiple hats during a proceeding by conducting a combined hearing on Dependency and Orphans' Court matters. See Pa.C.S. § 6351(i). See also *In Re Adoption of S.E.G.*, 587 Pa. 568, 901 A.2d 1017 (2006) where an involuntary termination occurred prior to the goal change by the county agency. See Comments to Rules 1512 and 1608 for further discussion of "concurrent planning."

There may be reasons why the county agency would want to file a goal change motion prior to involuntary termination in Orphans' Court, such as, the need for discontinuation of services.

Rule 1608. Permanency Hearing.

A. *Purpose and timing of hearing.* For every case, the court shall conduct a permanency hearing at least every six months for purposes of determining or reviewing:

1) the permanency plan of the child;

2) the date by which the goal of permanency for the child might be achieved; and

3) whether the placement continues to be best suited to the safety, protection, and physical, mental, and moral welfare of the child.

B. [*Court's findings.* At the permanency hearing, the court shall making findings consistent with 42 Pa.C.S. § 6351(f).

C.] *Recording.* The permanency hearing shall be recorded. [**The recording shall be transcribed:**

- 1) pursuant to a court order; or
- 2) when there is an appeal.

D.] C. *Evidence.*

1) Any evidence helpful in determining the appropriate course of action, including evidence that was not admissible at the adjudicatory hearing, shall be presented to the court.

2) If a report was submitted pursuant to Rule 1604, the court shall review and consider the report as it would consider all other evidence.

D. *Court's findings.*

1) Findings at all six-month hearings. At the permanency hearing, the court shall make the following findings:

- a) the appropriateness of the placement;
- b) the appropriateness, feasibility, and extent of compliance with the permanency plan developed for the child;
- c) the appropriateness and feasibility of the current placement goal for the child;
- d) the likely date by which the placement goal for the child might be achieved;
- e) whether reasonable efforts were made to finalize the permanency plan in effect;
- f) whether the county agency has made services available to the guardian, and if not, why those services have not been made available;
- g) the continued appropriateness of the permanency plan and the concurrent plan;
- h) whether the child is safe;
- i) if the child has been placed outside the Commonwealth, whether the placement continues to be best suited to the safety, protection, and physical, mental, and moral welfare of the child;
- j) the services needed to assist a child who is sixteen years of age or older to make the transition to independent living, including:
 - i) the specific independent living services or instructions that are currently being provided by the county child welfare agency or private provider;
 - ii) the areas of need in independent living instruction that have been identified by the independent living assessment completed pursuant to the Chafee Act;
 - iii) the independent living services that the child will receive prior to the next permanency review hearing;
 - iv) whether the child is in the least restrictive, most family-like setting that will enable him to develop independent living skills;
 - v) the efforts that have been made to develop and maintain connections with supportive adults regardless of placement type;
 - vi) whether the child is making adequate educational progress to graduate from high school or whether the child is enrolled in another specified educational program that will assist the child in achieving self-sufficiency;

vii) the job readiness services that have been provided to the child and the employment/career goals that have been established;

viii) whether the child has physical health or behavioral health needs that will require continued services into adulthood; and

ix) the steps being taken to ensure that the youth will have stable housing or living arrangements when discharged from care; and

k) any educational, health care, and disability needs of the child and the plan to ensure those needs are met.

2) Additional findings for fifteen of last twenty-two months. If the child has been in placement for fifteen of the last twenty-two months, the court may direct the county agency to file a "petition to terminate parental rights."

E. *Family Service Plan or Permanency Plan.* The county agency shall review the family service plan or permanency plan at least every six months. If the plan is modified, the county agency shall [**provide all**] follow the filing and service requirements pursuant to Rule 1345. The parties, and when requested, the court, shall be provided with the modified plan at least fifteen days prior to the permanency hearing.

Comment

See 42 Pa.C.S. §§ 6341, 6351.

Permanency planning is a concept whereby children are not relegated to the limbo of spending their childhood in foster homes, but instead, dedicated effort is made by the court and the county agency to rehabilitate and reunite the family in a reasonable time, and failing in this, to free the child for adoption. *In re M.B.*, 449 Pa. Super. 507, 674 A.2d 702 (1996) quoting *In re Quick*, 384 Pa. Super. 412, 559 A.2d 42 (1989).

To the extent practicable, the judge or master [**that**] who presided over the adjudicatory and original dispositional hearing for a child should preside over the permanency hearing for the same child.

[Under paragraph (B), the court is to make a finding consistent with 42 Pa.C.S. § 6351(f), in that the court is to determine all of the following: 1) the continuing necessity for and appropriateness of the placement; 2) the appropriateness, feasibility, and extent of compliance with the permanency plan developed for the child; 3) the extent of progress made toward alleviating the circumstances which necessitated the original placement; 4) the appropriateness and feasibility of the current placement goal for the child; 5) the likely date by which the placement goal for the child might be achieved; 6) whether reasonable efforts were made to finalize the permanency plan in effect; 7) whether the child is safe; 8) if the child has been placed outside the Commonwealth, whether the placement continues to be best suited to the safety, protection, and physical, mental, and moral welfare of the child; 9) the services needed to assist a child who is sixteen years of age or older to make the transition to independent living; and 10) if the child has been in placement for at least fifteen of the last twenty-two months or the court has determined that aggra-

vated circumstances exist and that reasonable efforts to prevent or eliminate the need to remove the child from the child's guardian or to preserve and reunify the family need not be made or continue to be made, whether the county agency has filed or sought to join a motion to terminate parental rights and to identify, recruit, process, and approve a qualified family to adopt the child unless: a) the child is being cared for by a relative best suited to the physical, mental, and moral welfare of the child; b) the county agency has documented a compelling reason for determining that filing a motion to terminate parental rights would not serve the needs and welfare of the child; or c) the child's family has not been provided with necessary services to achieve the safe return to the child's guardian within the time frames set forth in the permanency plan.]

Pursuant to paragraph (A), courts are to conduct a permanency hearing no later than every six months. Courts are strongly encouraged to conduct more frequent permanency hearings, such as every three months, when possible.

The court may schedule a three-month hearing or conference. At the three-month hearing, the court should ensure that: 1) services ordered at the dispositional hearing pursuant to Rule 1512 are put into place by the county agency; 2) the guardian who is the subject of the petition is given access to the services ordered; 3) the guardian is cooperating with the county agency; and 4) a concurrent plan is developed if the primary plan may not be achieved.

A three-month hearing or conference is considered best practice for dependency cases and is highly recommended. The court should not wait until six months to find out if the case is progressing because time to achieve permanency is critical in dependency cases.

Every child should have a concurrent plan, which is a secondary plan developed if the primary permanency plan for the child cannot be achieved. See Comment to Rule 1512. For example, the primary plan may be reunification with the guardian. If the guardian does not substantially comply with the requirements of the court-ordered services, the county agency may look at subsidized legal guardianship as the concurrent plan. Because of time requirements, the concurrent plan is to be in place so that permanency may be achieved in a timely manner.

Pursuant to paragraph (D)(2), a "petition to terminate parental rights" is a term of art used to describe the motion terminating parental rights. This does not refer to the "petition" as defined in Pa.R.J.C.P. 1120. The county agency is to file a goal change motion under Rule 1606 and move for termination of parental rights. Pursuant to Rule 1606 (A)(2), a goal change motion is discretionary if: a) the child is being cared for by a relative best suited to the physical, mental, and moral welfare of the child; b) the county agency has documented a compelling reason for determining that filing a motion to terminate parental rights would not serve the needs and welfare of the child; or c) the child's family has not been provided with necessary services to achieve the safe return to the child's guardian within the time frames set forth in the permanency plan.

The court is to move expeditiously towards permanency. A goal change motion, pursuant to Rule 1606, may be filed at any time.

In addition to the permanency hearing contemplated by this rule, courts may also conduct additional and/or more frequent intermittent review hearings or status conferences, which address specific issues based on the circumstances of the case, and which assist the court in ensuring timely permanency.

See Comment to Rule 1606 for combining the permanency hearing with a termination of parental rights hearing.

For family service plan requirements, see 55 Pa. Code §§ 3130.61 and 3130.63.

See 42 U.S.C.A. § 675 (5)(A)—(H) for development of a transition plan pursuant to paragraph (D)(1)(j).

See Rule 1136 regarding *ex parte* communications.

Official Note: Rule 1608 adopted August, 21, 2006, effective February 1, 2007. Amended December 18, 2009, effective immediately.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1608 published with the Court's Order at 36 Pa.B. 5571, 5599 (September 2, 2006).

Final Report explaining the amendments to Rule 1608 published with the Court's Order at 40 Pa.B. 21, 23 (January 2, 2010).

Rule 1609. [**Court Order of**] Permanency Hearing Orders [**Determinations**].

A. *Findings.* After every permanency hearing, the court shall issue a written order, which provides:

1) whether the permanency plan is best suited to the safety, protection, and physical, mental, and moral welfare of the child, and

2) findings made pursuant to Rule 1608(D).

B. [**Determination made.** The court's order shall reflect a determination made consistent with 42 Pa.C.S. § 6351(f.1).

C.] *Transfer of legal custody.* If the court decides to transfer permanent legal custody of the child to a person found to be qualified to provide care, shelter, and supervision of the child, the permanency order shall include:

1) the name and address of such person unless disclosure is prohibited by court order;

2) the limitations of the order; and

3) any temporary visitation rights of parents.

[**D.**] C. *Orders concerning guardian.* The court shall include any conditions, limitations, restrictions, and obligations in its permanency order imposed upon the guardian.

[**Comment**

Under paragraph (B), the court's order is to reflect whether: 1) If the court finds that return of the child is best suited to the safety, protection, and physical, mental, and moral welfare of the child, the court shall specify: a) the conditions of the return of the child; and b) the projected date of the return of the child; or 2) If the court finds that the return of the child is not best suited to the safety,

protection, and physical, mental, and moral welfare of the child, the court shall determine if and when the child will be placed: a) for adoption and the county agency will file for termination of parental rights pursuant to Pa.O.C.R., Rule 15.4; b) with a legal custodian; c) with a fit and willing relative; or d) in another living arrangement intended to be permanent in nature which is approved by the court and where the county agency has documented a compelling reason explaining why options under (a) through (c) are not feasible.]

Official Note: Rule 1609 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1609 published with the Court's Order at 36 Pa.B. 5571, 5599 (September 2, 2006).

Rule 1613. Termination of Court Supervision.

A. *Concluding Supervision.* Any party, or the court on its own motion, may move for the termination of supervision when court-ordered services from the county agency are no longer needed and:

1) the child has remained with the guardian and the circumstances which necessitated the dependency adjudication have been alleviated;

2) the child has been reunified with the guardian and the circumstances which necessitated the dependency adjudication and placement have been alleviated;

3) the child has been placed with a ready, willing, and able parent who was not previously identified by the county agency;

4) the child has been adopted and services from the county agency are no longer needed;

5) the child has been placed in the custody of a permanent legal custodian and services from the county agency are no longer needed;

6) the child has been placed in the custody of a fit and willing relative and services from the county agency are no longer needed;

7) the child has been placed in another living arrangement intended to be permanent and services from the county agency are no longer needed;

8) the child has been adjudicated delinquent and services from the county agency are no longer needed;

9) the child has been emancipated by the court;

10) the child is eighteen years old and refusing further services from the county agency **after a hearing pursuant to paragraph (E)**;

11) the child has died;

12) a court in another county of this Commonwealth has accepted jurisdiction; or

13) a court in another state has accepted jurisdiction.

B. *Ready, willing, and able parent.* When services from the county agency are no longer necessary because the court has determined that the child is not dependent pursuant to paragraph (A)(3) because a non-custodial parent has been found by the court to be able and available, the court shall enter an order awarding custody to that parent and the court order shall have the effect and be docketed as a decision entered pursuant to Pa.R.C.P.

C. *Objection.* Any party may object to a motion under paragraph (A) and request a hearing.

D. *Hearing.* If objections have been made under paragraph (C), the court shall hold a hearing and give each party an opportunity to be heard before the court enters its final order.

E. *Children eighteen years of age or older.*

1) Before the court can terminate its supervision of a child who is eighteen years of age or older, a hearing shall be held within ninety days of the child's eighteenth birthday.

2) The child shall have the opportunity to make decisions about the transition plan and confer with the county agency about the details of the plan. The transition plan shall, at a minimum, include:

a) the specific plans for housing;

b) a description of the child's source of income;

c) the specific plans for pursuing educational or vocational training goals;

d) the child's employment goals and whether the child is employed;

e) a description of the health insurance plan that the child is expected to obtain and any continued health or behavioral health needs of the child;

f) a description of any available programs that would provide mentors or assistance in establishing positive adult connections;

g) verification that all vital identification documents and records have been provided to the child; and

h) any other needed support services.

3) At the hearing, the court shall approve a transition plan for the child.

F. *Cessation of services.* When all of the above listed requirements have been met, the court may discharge the child from its supervision and close the case.

Comment

For procedures on motions, see Rule 1344. For procedures on the dispositional order, see Rule 1515.

For guidelines under paragraph (A), see 42 Pa.C.S. §§ 6301(b) & 6351(f.1).

Pursuant to paragraph (A)(8), if a child has been adjudicated delinquent, the court may terminate court supervision unless dependency is necessary for placement. *In re Deanna S.*, 422 Pa. Super. 439, 619 A.2d 758 (1993). The court may also decide to retain dependency jurisdiction regardless of the delinquency adjudication because the child still needs dependency services.

If dependency issues have not been resolved, the case should be kept open and services ordered. The court should ensure that services are not discontinued because the child was adjudicated delinquent. The county agency and the juvenile probation are to collaborate on the case and resolve all outstanding issues. If a child is in a delinquency placement, the county agency is to ensure services are in place when the child is released.

For procedures on emancipation pursuant to paragraph (A)(9), see *Berks County Children and Youth Services v. Rowan*, 428 Pa. Super. 448, 631 A.2d 615 (1993). See also, 22 Pa. Code § 11.11, 55 Pa. Code § 145.62.

Pursuant to paragraph (A)(10), a child who was adjudicated dependent prior to reaching the age of eighteen and who, while engaged in a course of instruction or treatment, requests the court to retain jurisdiction until the course has been completed, may remain in the course of instruction or treatment until the age of twenty-one. 42 Pa.C.S. § 6302. *See also*, 55 Pa. Code §§ 3130.5 & 3130.87; *In re S.J.*, 906 A.2d 547 (Pa. Super. Ct. 2006).

The court may not terminate jurisdiction solely because the dependent child is a runaway. *In re Deanna S.*, 422 Pa. Super. 439, 619 A.2d 758 (1993).

A child whose non-custodial parent is ready, willing, and able to provide adequate care for the child may not be found dependent. *In re M.L.*, 562 Pa. 646, 757 A.2d 849 (2000). *See* paragraph (B).

Pursuant to 42 Pa.C.S. § 6351(a)(2.1), a court may transfer permanent legal custody to a person found by the court to be qualified to receive and care for the child. 42 Pa.C.S. § 6351(a)(2.1). *See also Justin S.*, 375 Pa. Super. 88, 543 A.2d 1192 (1988).

Pursuant to paragraph (E)(2), the county agency is to assist the child and provide all the support necessary in developing a transition plan. *See* 42 U.S.C.A. § 675 (5)(A)—(H).

Pursuant to paragraph (E)(3), the court is to approve a transition plan that is suitable for the child and that has been personalized at the direction of the child.

Official Note: Rule 1613 adopted August, 21, 2006, effective February 1, 2007. Amended July 29, 2009, effective immediately.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1613 published with the Court's Order at 36 Pa.B. 5571, **5599** (September 2, 2006).

Final Report explaining the amendments to Rule 1613 published with the Court's Order at 39 Pa.B. **4887**, 4889 (August 15, 2009).

Explanatory Report

Rules 136 and 1136—Ex Parte Communication

Instead of prohibiting *ex parte* communication in several rules, such as Rule 1512, the Committee is recommending one rule for each set of proceedings, delinquency and dependency, that will govern *ex parte* communication for all hearings.

Rule 1151—Assignment of Guardian ad litem and Counsel

It was brought to the Committee's attention that in some judicial districts, "guardians" were appearing at hearings without an attorney. Rule 1120 defines guardian as any parent, custodian, or other person designated by the court to be a temporary guardian for purposes of a proceeding. The proposed Comment enforces the need for the court to inform all parties of the right to counsel.

Rule 1512 and 1515—Dispositional Hearing and Dispositional Order

The duties of the court were added to paragraph (C) of Rule 1512. The Court's findings in Rule 1515 were moved to Rule 1512(D). Additional findings were also added in Rule 1512(D) to provide a checklist of items that should be covered by the court at the dispositional hearing.

It is important to note the addition that the permanency plan must be addressed at the dispositional hearing. The permanency plan should consist of two plans or goals. The primary plan is the plan that the county agency is striving to achieve. However, if the primary plan is not achieved, services for the secondary plan must already be set forth and be able to be obtained by the strict timelines in achieving permanency. This is called concurrent planning, which is essential to ensure permanency is achieved for the child.

In several instances, reunification will be the primary goal. However, if reunification cannot be obtained, the county agency must have the back-up plan, such as subsidized legal guardianship or adoption.

Rule 1603—Modification of Dependent Child's Placement

This new rule is being proposed because judges are not being notified about a change in a dependent child's placement until weeks, even months after a move. Many times, the judge is notified of a change at the permanency hearing. Although the child is placed in the custody of the county agency, the judge authorizes placement of a child by court order.

Rule 1603 outlines the procedure for seeking approval of a change in a child's placement. The court must be notified prior to the child being moved. Only in an emergency when a judge cannot be reached, the county agency may temporarily place a child in a shelter-care facility or other appropriate care. However, the county agency immediately must alert the judge of the change made during the emergency. This can be accomplished by leaving a message on the judges' phone. Then, the county agency must file a motion for the change within twenty-four hours of the move of the child.

The motion is to include an averment stating whether each party concurs or objects to the proposed modification. This will allow the judge to decide whether a hearing is necessary. Because there is a twenty-four hour requirement, if a party does not respond to your request for a concurrence or objection, simply aver the party was unable to be reached.

If a party objects to the proposed modification, objections shall be filed within three days of the filing of the motion for modification of the child's placement.

Rule 1606—Goal Change Motion

This new rule sets forth when a goal change motion should be filed. It also allows the President Judge of each judicial district to assign a dependency court judge to conduct Orphans' Court proceedings involving a dependency child.

It is best practice to have one judge hear all the issues involved in a case from start to finish. This includes combining hearings on goal changes and involuntary termination of parental rights.

Rule 1608—Permanency Hearing

The proposed additions to this rule require a permanency hearing at least every six months. The Comment to this Rule proposes a three-month hearing as best practice. This ensures that services are in place and that the guardian has had time to comply prior to the required six-month hearing.

Additionally, the Rule provides a checklist for the Court's findings in paragraph (D). Paragraph (D)(1)(k) sets forth the required findings for transitioning a child into independently living.

The Comment discusses concurrent planning and combining hearings. A permanency plan should encompass two plans or goals. See the discussion under Rules 1512 and 1515 for concurrent planning.

Combining hearings are also cost-effective and expeditious to the permanency plan. Several judicial districts have judges hear a goal change motion and an involuntary termination of parental rights together. The Juvenile Act allows a dependency court judge to be assigned to Orphans' Court to hear matters involving dependent children. See Pa.C.S. § 6351(i).

Rule 1609—Permanency Hearing Orders

The "determinations made" paragraph is being eliminated because those determinations should be made at the permanency hearing, as reflected by the new proposed court's findings section in Rule 1608.

Rule 1613—Termination of Court Supervision

The Comment adds that the court should not discontinue services for a dependent child because the court has found the child delinquent. The county agency and the juvenile probation office should work together to provide solutions for the child. In addition, services are to be ready when a dependent child is released from a delinquency placement so there is a smooth transition.

Under the new proposed additions in paragraph (E), specific issues must be addressed in the transition plan before the court can terminate court supervision for a child eighteen years of age or older.

[Pa.B. Doc. No. 10-761. Filed for public inspection April 30, 2010, 9:00 a.m.]

Title 255—LOCAL COURT RULES

DAUPHIN COUNTY

In Re: Appointment of Deputy District Court Administrator—Orphans Court as Designee to Receive Reports Regarding Adjustment, Progress and Condition of a Child Per Pa.R.J.C.P. 1604(B) and 42 Pa.C.S. § 6336.1(b); No. AO-03-2010

Order

And Now, this 12th day of January, 2010, *It Is Hereby Ordered That* the Deputy District Court Administrator—Orphans Court is named as the designee to receive, file, and distribute reports regarding a child's adjustment, progress and condition pursuant to Pa.R.J.C.P. 1604(B) and 42 Pa.C.S. § 6336.1(b).

By the Court

RICHARD A. LEWIS,
President Judge

[Pa.B. Doc. No. 10-762. Filed for public inspection April 30, 2010, 9:00 a.m.]

ERIE COUNTY

In Re: Erie County Juvenile Probation Policy Regarding the Administration of the Restitution Fund; No. AD 17-2010

Administrative Order

And Now to-wit this 31st day of March 2010, pursuant to 42 P.S. § 6304.1(b), § 6323(f), § 6340(c.1), § 6352(a)(5), § 9728, § 9730, and § 9730.1, it is hereby *Ordered* that the above-captioned guidelines are approved and adopted, effective immediately.

By the Court

ERNEST J. DiSANTIS, Jr.,
President Judge

ERIE COUNTY JUVENILE PROBATION POLICY REGARDING THE ADMINISTRATION OF THE RESTITUTION FUND

The Erie County Juvenile Probation Department in conjunction with the Erie County Clerk of Courts shall adhere to the following guidelines to maintain a Restitution Fund:

ESTABLISHMENT OF A RESTITUTION FUND

A Restitution Fund (hereafter designated "The Fund") shall be established pursuant to section 6352(a)(5) of the Juvenile Act for the purpose of ordering and collecting reasonable amounts of money as fines, costs, fees or restitution. Restitution shall be ordered and collected for the purpose of reimbursing crime victims for financial losses resulting from delinquent acts.

GENERATION OF FUNDS

1. Failure To Comply Cases

(a) Except for Restitution, all of the money received from a juvenile alleged to be delinquent for failing to comply with a lawful sentence imposed for a summary offense and whose case has been warned, counseled and closed shall be deposited into The Carl E. Anderson Memorial Fund as set forth in its policies and procedures (see APPENDIX B).

(b) All of the money received from a juvenile alleged to be delinquent for failing to comply with a lawful sentence imposed for a summary offense and whose case **has not** been warned, counseled and closed shall be deposited into The Fund to be disbursed by The Erie Earn-It Program, Inc. via the Victim Review Board unless it is restitution (see "collection of Funds 1.b." below).

2. Informal Cases

The terms and conditions of an Informal Adjustment may include a contribution by the child to The Fund for restitution, community service hours and/or positive drug screens.

Cases that are "warned, counseled and case closed" may include a contribution by the child to The Fund for restitution.

3. Consent Decrees

The terms and conditions of a Consent Decree may include a contribution by the child to The Fund for restitution, court costs, fines, fees, community service hours and/or positive drug screens.

4. Adjudicated Case

The terms and conditions of a disposition following an adjudication of delinquency may include a contribution by

the child to "The Fund" for restitution, court costs, fines, fees, community service hours and/or positive drug screens.

COLLECTION OF FUNDS

1. General Rule—

(a) All fees collected for positive drug screens shall be processed through the Erie Earn-It Program, Inc. as set forth in the ERIE COUNTY JUVENILE PROBATION MONEY COLLECTION AND RECEIPTING POLICY AND PROCEDURE (see APPENDIX A).

(b) All money collected for restitution and/or community service hours for informal cases and other cases without a docket number shall be processed through the Erie Earn-It Program, Inc. as set forth in the ERIE COUNTY JUVENILE PROBATION MONEY COLLECTION AND RECEIPTING POLICY AND PROCEDURE (see APPENDIX A).

(c) All money collected for restitution, court costs, fines, fees and/or community service hours on cases with docket numbers shall be processed through the Erie County Clerk of Courts as set forth in the ERIE COUNTY JUVENILE PROBATION MONEY COLLECTION AND RECEIPTING POLICY AND PROCEDURE (see APPENDIX A).

2. Specific Collection Policies—

The specifics regarding the collection of restitution, court costs, fines, fees and/or community service hours are set forth in the ERIE COUNTY JUVENILE PROBATION MONEY COLLECTION AND RECEIPTING POLICY AND PROCEDURE (see APPENDIX A).

DISBURSEMENT OF FUNDS

1. Restitution

(a) 100% of all payments by clients for informal cases and other cases without a docket number shall be applied first to individual victims of delinquent acts. Distribution of all other restitution, court costs, fines, fees and/or community service hours shall be according to the Juvenile Act 42 PA § 9728(g.1).

(b) Monies collected on non-docketed cases shall be disbursed to victims on a monthly basis by The Erie Earn-It Program, Inc.

(c) Monies collected for docketed cases shall be disbursed per the Erie County Clerk of Courts state mandated procedures.

2. Court Costs and Fees

All Court Costs and Fees shall be disbursed per the Erie County Clerk of Courts state mandated procedures.

3. Community Service Hours

(a) General—

The Erie Earn-It Program, Inc. shall be the sole administrator of the community service hour money collected.

1.) Docketed Cases—

The Clerk of Courts shall issue a check once monthly to The Erie Earn-It Program, Inc. for community service monies collected for donations to the Victim Review Board.

2.) Non-docketed cases—

The administrator of the non-docketed checking account shall issue a check once monthly to The Erie

Earn-It Program, Inc. for community service monies collected for donations to the Victim Review Board.

(b) Disbursement of Erie Earn-It Program, Inc. Community Service Funds—

All Community Service Fund money shall be disbursed through the Erie Earn-It Program, Inc., Victim Review Board for the purpose of reimbursing crime victims for financial losses resulting from delinquent behavior. This disbursement shall be per the policies and procedures of the Erie Earn-It Program, Inc., Victim Review Board (see APPENDIX C).

4. Positive Drug Screen Funds

All Positive Drug Screen Funds shall be disbursed by the Erie Earn-It Program, Inc. for necessary extraneous Juvenile Probation expenses not covered by the Erie County Juvenile Probation Budget as determined by the Chief Juvenile Probation Officer and the District Court Administrator.

5. The Carl E. Anderson Memorial Fund

All of the money received from a juvenile alleged to be delinquent for failing to comply with a lawful sentence imposed for a summary offense and whose case has been warned, counseled and closed shall be deposited directly into The Carl E. Anderson Memorial Fund and disbursed as set forth in its policies and procedures (see APPENDIX B).

FUND REPORTING

1. Monthly reporting

Report number 1069 shall be generated monthly from the CPCMS System. Said report shall include, but not be limited to, the dates and amounts of all payments made by Juvenile Probation Clients, the docket numbers of the cases to which payments were applied, and the names of the Juvenile Probation Clients who made said payments. This report shall also include a breakdown of totals paid by category type.

The Juvenile Probation Office shall generate a report that will show the aggregate collected per month by specific cost, fee or restitution category type for the calendar year. The monthly totals shall also reflect collections by general category type. This report shall also show totals to date and average totals to date.

All monthly reports shall be presented to the President Judge, the Administrative Juvenile Court Judge, the Court Administrator and the Chief Juvenile Probation Officer.

2. Annual Reporting

The annual totals collected by the Juvenile Probation Department as recorded on the aggregate monthly report shall be presented to the President Judge, the Administrative Juvenile Court Judge, the Court Administrator and the Chief Juvenile Probation Officer at the end of the calendar year. A breakdown of collections for the calendar year shall be presented to the Court Administrator for inclusion in the Erie County Court of Common Pleas Annual Report. Such report is made available to the County Administration and to the public.

AUDITING OF "THE FUND"

1. Monies deposited to The Fund through the Erie Earn-It Program, Inc. shall be subject to audits according to the policies of its Board of Directors, but not less than once every five years.

2. Monies deposited into the Carl E. Anderson Memorial Fund shall be subject to an annual audit.

3. Monies deposited to The Fund through the Erie County Clerk of Courts Office shall be subject to audits as required by State and Local rules.

APPENDIX A

ERIE COUNTY JUVENILE PROBATION MONEY COLLECTION AND RECEIPTING POLICY AND PROCEDURE

Chain of evidence: Money should be handled as if it were evidence. Chain of evidence procedures should be followed and there should always be a clear and concise paper trail.

A. GENERAL POLICIES:

1. Whenever **any** payment is received a receipt must be written, regardless of the type of payment. Receipts must be written for cash, check or any other type of payment. Credit cards may be used to make payments for any money collected by the Clerk of Courts. However, these payments must be made, by the client or his family, at the Clerk of Courts Office and no one in Juvenile Probation is authorized to accept credit card payments.

2. Only staff members who have been issued a Juvenile Probation receipt book are authorized to take payments from clients. All monies collected should be turned over to the appropriate person or department within **3 business days** after you collect the money. The Clerk of Courts can now enter payments into escrow. However, if there is a problem with this procedure or with Earn-It being able to take a payment, the money should be turned over to the supervisor in charge of the safe.

3. Any staff member who takes money must be the one to take it to the Clerk of Courts or The Earn-It Coordinator. However, if there is a problem with a case, the money may be given to the supervisor in charge of the safe at which time it becomes the responsibility of said supervisor. Under no circumstances should money be given to a student to take to the Clerk of Courts. The term student means either a work-study or student intern.

4. There are three safes for locking up money, one at each community center and one in a supervisor's office. The only payments to be locked in the Community site safes are those taken by the secretary at the site. All other payments are to be kept by the staff member who took it and brought to the courthouse. If a staff member needs to lock a payment in a safe, it should be locked in the supervisor's safe. Each safe has a log for tracking money stored there. This log must be filled out each time a payment is locked in the safe and retrieved from the safe.

5. Receipt books are just like cash drawers. No one is to use another's receipt book. If someone asks you to use your book, you should write the receipt for that person and then you are responsible for taking the money to the Clerk of Courts or the Earn-It Coordinator.

B. The following is the procedure for writing receipts:

The receipts are to be written only in Juvenile Probation receipt books and in triplicate. These receipts will include the amount paid (this will be like a check-written and the numbers printed), type of payment (cash, check, money order, etc.) date, client's name, what cost is being paid (Rest, Vol.Hrs., etc.) and the docket number. It is not necessary to have the docket number on the receipt that is given to the client, **however the docket number**

must be included on the yellow receipt when the money is taken to the Clerk of Courts Office. Please remember that most cases have more than one docket number and you must provide the proper docket number for the Clerk of Courts. The staff member that takes the payment must sign the receipt and delineate who the assigned Probation officer is.

In regards to the line marked "Received from," the name of whoever hands you the payment must be written on this line.

C. The following is the procedure for the distribution of receipts:

1. The top copy to the client.
2. The second copy should be distributed as follows:

(a) NON-DOCKETED CASES & POSITIVE DRUG SCREENS

If the payment is for restitution, fines, court costs or volunteer hours on Non-Docketed Cases OR for Positive Drug Screens (for docketed or non-docketed cases) the second copy should be taken to the Earn-It coordinator when the payment is turned in. Again, this money should be taken to the Earn-It Coordinator within 3 working days. If there is a problem with Earn-It taking the money, then the money and second copy of the receipt should be given to the supervisor in charge of the safe to be locked up.

(b) CASES WITH A DOCKET NUMBER

If the payment is for restitution, fines, court costs or volunteer hours for cases with a Docket Number, the second copy should be taken to the Clerk of Courts when the payment is turned in. Ask the Clerk of Courts to stamp, initial and date the yellow receipt and then it should go into the client's file. Again, this money should be taken to the Clerk of Courts Office within 3 working days. If there is a problem with the Clerk of Courts taking the money, then the money and second copy of the receipt should be given to the supervisor in charge of the safe to be locked up.

3. The third copy stays in the book as a reference for you when you are in the field.

D. Make Checks Payable To:

1. NON-DOCKETED CASES & POSITIVE DRUG SCREENS

Any payments taken for Non-Docketed Cases or for Positive Drug Screens are to be given to the Earn-It Coordinator. Therefore checks for Non-Docketed Cases must be made out to "**Erie Earn-It Program, Inc. NDC**". Since Non-Docketed Case money does not go to the same place as other payments, Non-Docketed Case payments must be put on a separate receipt from payments that go to the Clerk of Courts Office.

2. CASES WITH A DOCKET NUMBER

All payments for cases with Docket Numbers must be taken to the Clerk of Courts Office. Therefore checks for these items must be made out to the "**Erie County Clerk of Courts**". These must be on a separate receipt from payments for Non-Docketed Cases.

F. Volunteer Hours

The current rate for buying back community service hours is \$5.00 per hour. Effective 1/1/2004, we will no longer accept community service hour money for outside charities. All money collected for community service hours is to be donated to the Victim Review Board.

APPENDIX B

**The Carl E. Anderson Memorial Fund
POLICIES AND PROCEDURES**

I The Fund

a) All of the money received from a juvenile alleged to be delinquent for failing to comply with a lawful sentence imposed for a summary offense or whose case has been warned, counseled and closed shall be deposited directly into The Carl E. Anderson Memorial Fund.

b) This money is kept in a savings and checking account at The Erie Federal Credit Union. Carl Anderson's widow, Kate Arthur, is the main signatory on the account with the two Fund Managers being secondary signatories. The Fund shall have a maximum limit of \$4,000.00. If this limit is surpassed at the end of any given month, the Fund Managers shall write a check for the overage and shall deliver said check to the Earn-It Coordinator for deposit into the Victim Review Board.

c) This money is distributed to clients with special needs as approved by an appointed group of staff members. Currently Waneda McCullough and Robert Blakely serve as the Fund Managers and as advisors due to their capacity as Fund Managers. Dorene Wilder, Gale Ward, Kathy Smith, Dave Gianoni and Tim Antolik make up the board that issues the approvals or denials for expenditures. A simple majority agreement of these five members is all that is necessary for an approval or denial.

d) All donations and distributions are reported to Kate Arthur.

II Deposits into the Fund**a) Failure To Comply Cases**

All of the money received from a juvenile alleged to be delinquent for failing to comply with a lawful sentence imposed for a summary offense or whose case has been warned, counseled and closed shall be deposited directly into The Carl E. Anderson Memorial Fund. The intake officer will then make a copy of the check or money order and stamp it as received and place in clients file. The intake officer shall turn money over to a Fund Manager within three business days. The fund manager will deposit the check or money order into The Carl E. Anderson Memorial Fund.

b) Private Donations

1) Occasionally private donations are made directly to the Fund through the Credit Union. One of the Fund Managers is generally notified by phone by the Credit Union of these deposits. The Fund Managers can also keep track of this activity through Internet Banking.

2) Occasionally private donations are made to the Fund through Juvenile Probation. One of the Fund Managers will make these deposits.

III Distribution of Funds**a) General**

The two joint signatories on the account are the Fund Managers and they handle the physical distribution of funds.

All expenditures must be pre-approved by the committee and the checks require the signatures of both Fund Managers.

b) Procedure for distribution

1) Staff members submit written requests for grants from the Fund along with a reasonable explanation to the Fund Managers.

2) The Managers then present these requests to the board that issues the approvals for expenditures.

3) Once approved, a check is written by the Fund Managers and presented to the Community Justice Officer or Probation Officer so that a staff member may supervise the purchase. Receipts for expenditures are returned to the Fund Managers. Any unspent monies are returned to the Managers and deposited back into the checking account.

IV Maintaining the account

All bank statements are sent to the main signatory on the account—Kate Arthur. Due to this Credit Union procedure, no statements are sent to the Fund Managers. On-line banking has been set up for the Fund Managers so that they may ascertain the status of the account at any time as well as keep the accounts in balance on a monthly basis.

V Audits

The Juvenile Probation Accountant will conduct an annual audit.

[Pa.B. Doc. No. 10-763. Filed for public inspection April 30, 2010, 9:00 a.m.]

FAYETTE COUNTY

In Re: Fayette County Local Rules of Civil Procedure 202 and 203; Civil Division; No. 897 of 2010 GD

Order

And Now, this 9th day of April, 2010, pursuant to Pennsylvania Rule of Civil Procedure 239, it is hereby ordered that Fayette County Local Rules of Civil Procedure 202 and 203 are rescinded, effective 30 days after publication in the *Pennsylvania Bulletin*.

The Prothonotary is directed as follows:

(1) Seven certified copies of this order shall be filed with the Administrative Office of Pennsylvania Courts.

(2) Two certified copies and diskette of this order shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One certified copy of this order shall be sent to the State Civil Procedural Rules Committee.

(4) One certified copy shall be sent to the Fayette County Law Library and the Editor of the *Fayette Legal Journal*.

By the Court

GERALD R. SOLOMON,
President Judge

[Pa.B. Doc. No. 10-764. Filed for public inspection April 30, 2010, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Collection Fee and Late Payment Penalty for 2010-2011 Assessment Year

Notice is hereby given that in accordance with Pennsylvania Rule of Disciplinary Enforcement 219(d)(2) and 219(h)(3), The Disciplinary Board of the Supreme Court of Pennsylvania (Board) has established the collection fee for checks returned as unpaid and the late payment penalty for the 2010-2011 Assessment Year as follows:

Where a check in payment of the annual registration fee for attorneys has been returned to the Board unpaid, the collection fee will be \$50 per returned item.

At the time the final notices are transmitted by certified mail to an attorney who fails to timely file an annual registration form and pay the fee, the late payment penalty will be \$100. After 30 days, the names of every attorney who has failed to respond to the notice shall be certified to the Supreme Court, at which time the late payment penalty will be increased to \$200.

ELAINE M. BIXLER,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 10-765. Filed for public inspection April 30, 2010, 9:00 a.m.]

Notice to Attorneys

Notice is hereby given that under Rule 221(b), Pa.R.D.E., the following List of Financial Institutions have been approved by the Supreme Court of Pennsylvania for the maintenance of fiduciary accounts of attorneys. Each financial institution has agreed to comply with the requirements of Rule 221, Pa.R.D.E, which provides for trust account overdraft notification.

ELAINE M. BIXLER,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

List of Approved PA Financial Institutions Who Have Been Approved as Depositories for Fiduciary Accounts of Attorneys

Bank Code A.

595 Abacus Federal Savings Bank
374 **Abington Bank**
2 Adams County National Bank
572 **Affinity Bank of Pennsylvania**
613 Allegent Community Federal Credit Union
302 Allegheny Valley Bank of Pittsburgh
548 Allegiance Bank of North America
579 Alliance Bank
375 Altoona First Savings Bank
376 Ambler Savings Bank
532 **American Bank**
502 American Eagle Savings Bank
615 Americhoice Federal Credit Union
116 **Ameriserv Financial**
377 Apollo Trust Company
568 Arc Federal Credit Union

Bank Code B.

558 Bancorp Bank (The)
485 Bank of America
415 Bank of Landisburg
519 Beaver Valley Federal Credit Union
501 BELCO Community Credit Union
397 **Beneficial Bank**
582 Berkshire Bank
5 BNY Mellon, N.A.
392 **Brentwood Bank**
495 Brown Brothers Harriman & Co.
161 Bryn Mawr Trust Company
156 Bucks County Bank

Bank Code C.

540 C & G Savings Bank
480 Cambria County Federal S&Loan Assoc.
622 Carrollton Bank
459 Centra Bank
136 **Centric Bank**
394 **Charleroi Federal Savings Bank**
623 Chemung Canal Trust Company
599 Citibank N.A.
238 Citizens & Northern Bank
561 Citizens Bank of PA
420 Citizens National Bank, Meyersdale
206 Citizens Savings Bank
602 **City National Bank of New Jersey**
576 Clarion County Community Bank
16 **Clearfield Bank & Trust Co.**
591 Clearview Federal Credit Union
23 CNB Bank
354 Coatesville Savings Bank
603 Colonial American Bank
223 Commercial Bank & Trust of Pennsylvania
310 Community Bank & Trust Company
21 **Community Bank, N.A.**
533 Community First Bank
430 Community National Bank of Northwestern PA
132 Community State Bank of Orbisonia
170 **Conestoga Bank**
590 Continental Bank
380 County Savings Bank

Bank Code D.

339 Dime Bank (The)
239 DNB First, National Assoc.
27 Dollar Bank
423 Dwelling House S&L Assoc.

Bank Code E.

357 Eagle National Bank
569 Earthstar Bank
424 East Penn Bank
597 **East River Bank**
340 East Stroudsburg Savings Association
500 Elderton State Bank
567 Embassy Bank
541 Enterprise Bank
28 Ephrata National Bank (The)
616 ErieBank, a division of CNB Bank
383 **ESB Bank, F.S.B.**
601 **Esquire Bank**
552 Eureka Bank

Bank Code F.

478 Farmers & Merchants Bank of Western PA, N.A.
 31 Farmers & Merchants Trust Company
 205 Farmers National Bank of Emlenton
 311 Fidelity Bank
 34 Fidelity Deposit & Discount Bank
 343 **Fidelity Savings & Loan of Bucks County**
 583 **Fifth Third Bank**
 174 First Citizens National Bank
 191 First Columbia Bank & Trust Co.
 539 **First Commonwealth Bank**
 551 First Cornerstone Bank
 369 First Federal of Bucks County
 504 First Federal S&Loan Assoc. of Greene County
 388 **First Federal Savings Bank In Monessen**
 525 First Heritage Federal Credit Union
 228 First Keystone Bank
 42 **First Keystone National Bank**
 371 First Liberty Bank & Trust
 263 FirstMerit Bank, N.A.
 51 **First National Bank & Trust Co. of Newtown (The)**
 52 **First National Bank of Chester County**
 421 First National Bank of Fredericksburg
 417 First National Bank of Lilly
 418 First National Bank of Liverpool
 43 First National Bank of Marysville
 46 First National Bank of Mercersburg
 419 First National Bank of Mifflintown
 198 **First National Bank of Minersville**
 426 First National Bank of Palmerton
 48 First National Bank of Pennsylvania
 427 First National Bank of Port Allegany
 175 **First National Community Bank**
 549 First National Community Bank (Midland)
 626 First Niagara Bank
 604 First Priority Bank
 592 **First Resource Bank**
 40 First Savings Bank of Perkasie
 349 **First Star Savings Bank**
 158 First Summit Bank
 408 First United National Bank
 151 Firstrust Bank
 416 Fleetwood Bank
 493 **FNB Bank, N.A.**
 291 Fox Chase Bank
 241 Franklin Mint Federal Credit Union
 612 **Franklin Security Bank**
 58 **Fulton Bank**

Bank Code G.

588 Gateway Bank of Pennsylvania
 499 Gratz National Bank (The)
 593 **Graystone Tower Bank**
 498 Greenville Savings Bank

Bank Code H.

402 **Halifax National Bank**
 244 Hamlin Bank & Trust Co.
 362 Harleysville Savings Bank
 363 Hatboro Federal Savings
 463 Haverford Trust Company (The)
 410 Herndon National Bank (The)
 559 Home Savings & Loan Co.
 68 Honesdale National Bank (The)
 350 HSBC Bank of USA
 364 **Huntingdon Valley Bank**

605 Huntington National Bank
 608 **Hyperion Bank**

Bank Code I.

365 Indiana First Savings Bank
 575 Integrity Bank
 557 **Investment Savings Bank**
 526 Iron Workers Bank

Bank Code J.

70 Jersey Shore State Bank
 127 Jim Thorpe National Bank
 488 Jonestown Bank and Trust Co.
 72 Juniata Valley Bank (The)

Bank Code K.

414 Kish Bank

Bank Code L.

74 **Lafayette Ambassador Bank**
 554 Landmark Community Bank
 78 Luzerne National Bank

Bank Code M.

361 M & T Bank
 454 Mainline National Bank
 386 Malvern Federal Savings Bank
 412 Manor Bank
 510 Marion Center Bank
 387 Marquette Savings Bank
 81 Mars National Bank
 367 Mauch Chunk Trust Company
 619 MB Financial Bank
 555 Mercer County State Bank
 192 Merchants Bank of Bangor
 610 Meridian Bank
 18 Metro Bank
 294 Mid Penn Bank
 511 Mifflin County Savings Bank
 276 **Mifflinburg Bank & Trust Company**
 617 Milestone Bank
 457 Milton Savings Bank
 345 Miners Bank
 614 Monument Bank
 596 **Morebank**
 484 **Muncy Bank & Trust Company**

Bank Code N.

433 National Bank of Malvern
 88 National Penn Bank
 347 Neffs National Bank
 372 Nesquehoning Savings Bank
 536 New Century Bank
 434 New Tripoli Bank
 15 **Nextier Bank**
 492 North Penn Bank
 439 **Northumberland National Bank**
 93 Northwest Savings Bank
 546 **Nova Bank**

Bank Code O.

489 OMEGA Federal Credit Union
 94 Orrstown Bank

Bank Code P.

598 **Parke Bank**
 267 Parkvale Bank
 584 Parkview Community Federal Credit Union
 580 **Penn Liberty Bank**
 97 Penn Security Bank & Trust Company
 168 Pennstar Bank
 447 Peoples National Bank
 491 Peoples State Bank (The)
 99 PeoplesBank
 556 Philadelphia Federal Credit Union
 448 Phoenixville Federal Bank & Trust
 620 Pittsburgh Central Federal Credit Union
 79 PNC Bank
 528 Polonia Bank
 449 Port Richmond Savings
 451 Progressive Home Federal
 624 Province Bank
 456 Prudential Savings Bank
 618 Public Savings Bank

Bank Code Q.

107 QNB Bank
 560 Quaint Oak Savings Bank

Bank Code R.

452 **Reliance Bank**
 220 Republic First Bank
 208 Royal Bank America

Bank Code S.

153 S&T Bank
 464 Scottdale Bank & Trust Company
 460 Second Federal S&L Assoc. of Philadelphia
 516 Sentry Federal Credit Union
 458 Sharon Savings Bank
 462 Slovenian S&L Assoc. of Franklin-Conemaugh
 486 Somerset Trust Company
 316 Sovereign Bank, F.S.B.
 465 St. Edmonds Federal Savings Bank
 518 Standard Bank PASB
 542 Stonebridge Bank
 440 SunTrust Bank
 30 Susquehanna Bank
 236 **Swineford National Bank**

Bank Code T.

143 **TD Bank**
 594 **Team Capital Bank**
 26 Third Federal Bank
 609 Tristate Capital Bank
 467 Turbotville National Bank

Bank Code U.

113 Union Bank and Trust Company
 481 Union Building and Loan Savings Bank
 483 **Union National Bank of Mount Carmel**
 133 Union National Community Bank
 472 United Bank of Philadelphia
 475 **United Savings Bank**
 600 Unity Bank
 232 Univest National Bank & Trust Co.

Bank Code V.

589 Valley Green Bank
 607 **Vantage Point Bank**
 611 Victory Bank (The)
 182 VIST Bank

Bank Code W.

338 Wachovia
 119 Washington Financial Bank
 121 Wayne Bank
 553 WesBanco Bank
 122 West Milton State Bank
 494 West View Savings Bank
 473 Westmoreland Federal Savings
 476 William Penn Bank
 625 Wilmington Trust FSB
 160 **Wilmington Trust of PA**
 272 Woodlands Bank
 573 **Woori America Bank**

Bank Code X.**Bank Code Y.**

577 York Traditions Bank

Bank Code Z.**Platinum Leader Banks**

The Boldfaced Eligible Institutions are Platinum Leader Banks—Institutions that go above and beyond eligibility requirements to foster the IOLTA Program. These Institutions pay a net yield at the higher of 1% or 75% of the Federal Funds Target Rate on all PA IOLTA accounts. They are committed to ensuring the success of the IOLTA Program and increased funding for legal aid.

[Pa.B. Doc. No. 10-766. Filed for public inspection April 30, 2010, 9:00 a.m.]

Notice of Disbarment

Notice is hereby given that John E. Anderson, having been suspended from the practice of law in the District of Columbia for a period of six months by Opinion and Order of the District of Columbia Court of Appeals decided August 2, 2001, and having been disbarred from the practice of law in the District of Columbia by Order of the District of Columbia Court of Appeals decided September 3, 2009, the Supreme Court of Pennsylvania issued an Order on April 8, 2010, disbarring John E. Anderson from the Bar of this Commonwealth, effective May 8, 2010. 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*.

ELAINE M. BIXLER,
 Secretary

*The Disciplinary Board of the
 Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 10-767. Filed for public inspection April 30, 2010, 9:00 a.m.]

Notice of Disbarment

Notice is hereby given that Lloyd Felix Ukwu having been disbarred from the practice of law in the District of Columbia by Opinion and Order of the District of Columbia Court of Appeals decided September 24, 2009, the Supreme Court of Pennsylvania issued an Order on April 8, 2010, disbarring Lloyd Felix Ukwu from the Bar of this Commonwealth, effective May 8, 2010. 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*.

ELAINE M. BIXLER,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 10-768. Filed for public inspection April 30, 2010, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that Ronnie Thaxton, having been suspended from the practice of law in the District of Columbia by Opinion and Order of the District of Columbia Court of Appeals decided September 10, 2009, the Supreme Court of Pennsylvania issued an Order dated April 8, 2010, suspending Ronnie Thaxton from the practice of law in this Commonwealth for a period of six months, effective May 8, 2010. 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*.

ELAINE M. BIXLER,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 10-769. Filed for public inspection April 30, 2010, 9:00 a.m.]
