

THE COURTS

Title 201—RULES OF JUDICIAL ADMINISTRATION

[201 PA. CODE CHS. 7 AND 19]

Amendment of Rules 706 and 1901 of the Rules of Judicial Administration; No. 499 Judicial Administration Doc.

Order

Per Curiam

And Now, this 14th day of June, 2018, it is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 706 and Rule 1901 of the Rules of Judicial Administration are amended in the following form.

To the extent that notice of proposed rulemaking would otherwise be required by Pa.R.J.A. No. 103, the immediate promulgation of the amendments is found to be in the interests of justice and efficient administration.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and the amendments herein shall be effective immediately.

Annex A

TITLE 201. RULES OF JUDICIAL ADMINISTRATION

CHAPTER 7. ASSIGNMENT OF JUDGES

SUPERVISION AND ASSIGNMENT OF JUDGES

Rule 706. Determination or selection of Chief Justice and president and administrative judges.

* * * * *

(g) *Maintenance of central personnel records.* The Administrative Office shall record the determination or selection of the Chief Justice and all president and administrative judges, any term for which they may be selected, and all other pertinent information relating thereto, in a book to be kept for that purpose and shall:

(1) Notify the judges of a court at least 30 days prior to the expiration of the term of office of the president judge of the fact of such expiration.

(2) Furnish the Department of State with such information as may be required in order to enable the Governor to duly commission a Chief Justice or president judges in the manner provided by the Constitution of Pennsylvania and this rule.

[(h) *Traffic Court of Philadelphia.* Subdivisions (a) through (g) of this rule are not applicable to the Traffic Court of Philadelphia.]

CHAPTER 19. MISCELLANEOUS ADMINISTRATIVE PROVISIONS

MISCELLANEOUS ADMINISTRATIVE PROVISIONS

Rule 1901. Prompt disposition of matters; termination of inactive cases.

* * * * *

(b) *Primary responsibility for implementation of policy.*—

(1) Except as provided by paragraph (3), each court of common pleas is primarily responsible for the implementation of the policy expressed in subdivision (a) of this rule and is directed to make local rules of court for such purposes applicable to the court and to the community court or magisterial district judges [**of the peace**] of the judicial district.

(2) The Philadelphia Municipal Court [**and the Traffic Court of Philadelphia are each**] **is** directed to make rules of court for such purposes [**applicable to their respective courts**].

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[Pa.B. Doc. No. 18-996. Filed for public inspection June 29, 2018, 9:00 a.m.]

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

[204 PA. CODE CH. 213]

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

Commentary to Section 9.0 of the *Case Records Public Access Policy of the Unified Judicial System* provides in part that, “The Administrative Office of Pennsylvania Courts [AOPC] shall from time to time publish a list of applicable authorities that restrict public access to court records or information. This list shall be published on the Unified Judicial System’s website and in the *Pennsylvania Bulletin*.” In accordance with this directive, the AOPC has updated, revised, and retitled the following *Limits on Public Access to Unified Judicial System Case Records*.

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

Filed in the Administrative Office of Pennsylvania Courts on June 15, 2018.

THOMAS B. DARR,
Court Administrator of Pennsylvania

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

CHAPTER 213. COURT RECORDS POLICIES

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

(*Editor’s Note:* The list which appears in 204 Pa. Code pages 213-55—213-64, serial pages (386127)—(386136), is replaced with the following list.)

LIMITS ON PUBLIC ACCESS TO UNIFIED JUDICIAL SYSTEM CASE RECORDS

<i>Subject Area</i>	<i>Record Description</i>	<i>Accessibility</i>	<i>Authority</i>
Civil	Jurors Notes.	No Public Access. Collected and destroyed post-trial.	Pa.R.C.P. No. 223.2.
Commonwealth Court	Child Line Registry Cases.	No Public Access to documents in the case except Orders and Opinions wherein the court shall use initials of the minor child involved rather than full name.	Admin. Order No. 126 Misc. Docket No. 3 (February 8, 2013).
Criminal	Juror's Address.	No Public Access.	<i>Commonwealth v. Long</i> , 922 A.2d 892 (Pa. 2007).
Criminal	Sealed affidavit of probable cause for a search warrant.	No Public Access while sealed. The affidavit may not be sealed for more than 60 days unless an extension is received. Extensions may not be longer than 30 days, but an unlimited number of extensions are available. Public may access the affidavit after it has been unsealed.	Pa.R.Crim.P. 211.
Criminal	Unexecuted Search Warrant.	No Public Access until warrant is executed.	Pa.R.Crim.P. 212(A).
Criminal	Arrest Warrant Information.	A court may delay public access for good cause for up to 72 hours. In addition, a court may seal arrest warrant information for a longer period of time.	Pa.R.Crim.P. 513(C), Pa.R.Crim.P. 513.1.
Criminal	Motion filed by attorney for the Commonwealth to present the matter to an indicting grand jury and subsequent order.	No Public Access—the motion and order are sealed.	Pa.R.Crim.P. 556.2.
Criminal	All indicting grand jury proceedings and related documents.	No Public Access. Disclosure may be granted to attorney for the Commonwealth, defendant in a criminal case, witnesses, law enforcement personnel, and upon motion when necessary.	Pa.R.Crim.P. 556.10.
Criminal	Sealed indictments.	No Public Access.	Pa.R.Crim.P. 556.11(E).
Criminal	Sealed records concerning mental health experts.	No Public Access.	Pa.R.Crim.P. 569.
Criminal	Sealed written statements pertaining to protective orders.	No Public Access. The entire text of the statement shall be sealed and preserved in the records of the court to be made available to the appellate court(s) in the event of an appeal.	Pa.R.Crim.P. 573(F).
Criminal	Sealed plea agreement.	No Public Access.	Pa.R.Crim.P. 590.
Criminal	Juror qualification forms.	No Public Access.	Pa.R.Crim.P. 625(A)(3).
Criminal	Juror information questionnaires.	No Public Access. Questionnaires are retained in a sealed file and shall be destroyed upon completion of the jurors' service, unless otherwise ordered by the trial judge.	Pa.R.Crim.P. 632.
Criminal	Sealed verdict.	No Public Access.	Pa.R.Crim.P. 649.

<i>Subject Area</i>	<i>Record Description</i>	<i>Accessibility</i>	<i>Authority</i>
Criminal	Notes taken by jurors.	No Public Access.	Pa.R.Crim.P. 644(B)(7).
Criminal	Pre-sentence reports and related psychiatric psychological reports.	No Public Access.	Pa.R.Crim.P. 703(A).
Criminal	Records revealing the names of human trafficking victims.	No Public Access, unless otherwise ordered by a court in a prosecution involving a victim of human trafficking.	18 Pa.C.S. § 3019(a).
Criminal	Wiretap applications, final reports and orders.	No Public Access except upon showing of good cause before a court of competent jurisdiction.	18 Pa.C.S. § 5715.
Criminal	Names of minor victims of sexual or physical abuse.	No Public Access. Records revealing a victim's name are sealed. A minor victim who is 18 years of age or older at the time of the commencement of the prosecution may waive this protection and allow the court to release the name of the minor victim.	42 Pa.C.S. § 5988.
Domestic Relations	Information regarding the registration, filing of a petition for, or issuance of a protection from abuse in either the issuing or enforcing State.	No Public Access via internet publication, if such publication would be likely to publically reveal the identity or location of the protected party.	18 U.S.C. § 2265(d)(3).
Domestic Relations	Social security number of any individual subject to a divorce decree, support order, paternity determination, or acknowledgement of paternity, which is required in all records of those matters.	No Public Access.	23 Pa.C.S. § 4304.1(a)(3).
Domestic Relations	Child Support Records	No Public Access, except for PACSES dockets, court orders and opinions.	42 U.S.C. §§ 654(26)(A), 654a(d)(1)(A); 45 CFR §§ 303.21(c)-(d), 307.13(a)(1); 23 Pa.C.S. § 4304.1(d); Sections 2.4 and 3.4 of the Cooperative Agreement.
Domestic Relations	(a) Subject to any inconsistent general rules and to the supervision and direction of the court, the domestic relations section shall have the power and duty to: . . . (10) Implement safeguards applicable to all confidential information received by the domestic relations section in order to protect the privacy rights of the parties, including: . . . (ii) prohibitions against the release of information on the whereabouts of one party or the child to another party against whom a protective order with respect to the former party or the child has been entered; and	No Public Access.	23 Pa.C.S. § 4305(a)(10)(ii)-(iii).

<i>Subject Area</i>	<i>Record Description</i>	<i>Accessibility</i>	<i>Authority</i>
	(iii) prohibitions against the release of information on the whereabouts of one party or the child to another person if the domestic relations section has reason to believe that the release of the information may result in physical or emotional harm to the party or the child.		
Domestic Relations	List of weapons ordered to be relinquished by the defendant in an action for protection from abuse.	No Public Access, except (A) upon an order of the court granted upon cause shown; (B) as necessary, by law enforcement and court personnel; or (C) after redaction of information listing any firearm, other weapon or ammunition.	23 Pa.C.S. § 6108(a)(7)(v).
Domestic Relations	All records pertaining to a confidential address for individuals participating in the Office of Victim Advocate's Address Confidentiality Program.	No Public Access, except for the substitute address provided by the Office of Victim Advocates.	23 Pa.C.S. § 6703(d); <i>see also</i> 23 Pa.C.S. § 5336(b)(1).
Juvenile Court	Juvenile Dependency and Delinquency records.	No Public Access; except as set forth in 42 Pa.C.S. § 6307, Pa.Rs.J.C.P. 160 and/or 1160, including with leave of court.	42 Pa.C.S. § 6307; Pa.Rs.J.C.P. 160, 1160.
Orphans' Court	Proceedings related to appointment of guardianship for incapacitated persons.	Shall be closed to the public upon request of the alleged incapacitated person or his counsel. After the individual's death his/her estate may access the record of the guardianship proceedings.	20 Pa.C.S. § 5511(a); <i>In re Estate of duPont</i> , 2 A.3d 516 (Pa. 2010).
Orphans' Court	Records required for foreign adoption decrees.	No Public Access unless a court order is granted upon good cause.	23 Pa.C.S. § 2908(F); Pa.O.C.R. 15.7.
Orphans' Court	Adoption records.	No Public Access unless otherwise ordered.	23 Pa.C.S. § 2915; <i>see also</i> 23 Pa.C.S. § 2906; Pa.O.C.R. 15.7.
Orphans' Court (Family Court in Philadelphia County or Juvenile Court Section of Family Division in Allegheny County Pa.R.J.A. 2157)	Applications of a minor for judicial approval of decision to have an abortion, under the Abortion Control Act, as well as proceedings and the name of the minor.	No Public Access; sealed dockets, and documents shall be maintained in a closed file marked "confidential" and identified by case number only.	18 Pa.C.S. § 3206(f); Pa.O.C.R. 16.2 and 16.6. Note also Pa.R.J.A. No. 2157 and Pa.R.A.P. 3801.
General	For certain offenses graded as a misdemeanor of the second or third degree, any information relating to the conviction, arrest, indictment or other information leading to the conviction, arrest, indictment or other information.	No public access. The court shall not release the information to an individual, noncriminal justice agency or an internet website.	18 Pa.C.S. § 9122.1 and amends 18 Pa.C.S. § 9121.
General	Records concerning persons in treatment under the Mental Health Procedures Act.	Limited Public Access in compliance with the Mental Health Procedures Act and controlling case law.	50 P.S. § 7111.

<i>Subject Area</i>	<i>Record Description</i>	<i>Accessibility</i>	<i>Authority</i>
General	Court documents, rules, or orders in Gaming Law proceedings.	Any party may request proceeding and record to be sealed if in best interest of any person or Commonwealth.	4 Pa.C.S. § 1518.2(b).
General	Proceedings and records involving juveniles charged with a summary offense before the minor judiciary, the Philadelphia Municipal Court or a Court of Common Pleas.	No Public Access.	42 Pa.C.S. §§ 6303(c), 6307(c), and 6336(g).
General	Transcript of proceedings in the judicial districts within the Unified Judicial System.	A court may order the person preparing the transcript to redact confidential, personal and/or financial data and other identifiers and information listed in Section 7.0 of the Case Records Public Access Policy of the Unified Judicial System.	Pa.R.J.A. No 4014.

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

[Pa.B. Doc. No. 18-997. Filed for public inspection June 29, 2018, 9:00 a.m.]

Title 25—LOCAL COURT RULES

LANCASTER COUNTY

Amendment of Local Rules of Civil Procedure; CI-18-04412

Administrative Order

And Now, this 11th day of June 2018, it is hereby Ordered that the following Local Rule of Civil Procedure of the Court of Common Pleas of the 2nd Judicial District of Pennsylvania, Lancaster County, is amended as indicated, to be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

The Lancaster County District Court Administrator is Ordered to do the following:

1. File one (1) copy to the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.
2. File two (2) paper copies and one (1) electronic copy in a Microsoft Word format only to bulletin@palrb.us with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. Publish these Rules on the Lancaster County Court website at www.court.co.lancaster.pa.us.
4. Incorporation of the local rule into the set of local rules on www.court.co.lancaster.pa.us within thirty (30) days after the publication of the local rule in the *Pennsylvania Bulletin*.
5. File one (1) copy of the local rule in the appropriate filing office for public inspection and copying.

By the Court

DENNIS E. REINAKER,
President Judge

Rule 28. Tax Assessment Appeals.

A. Petition

Appeals from orders of the Lancaster County Board of Assessment Appeals (Board) shall be by petition and shall contain:

1. A caption in substantially the following form:

In Re: Appeal of)
 (NAME OF APPELLANT))
 from the Lancaster County Board of)
 Assessment Appeals)
 Tax Account No. _____) No. _____ .
 Municipality)
 Assessment for the year _____)
 Property of _____)

2. Name and address of appellant.
3. Date of filing appeal to Board and amount of assessment originally fixed by the Board.

4. Date of final decision of Board amount of assessment finally fixed by the Board.
5. Reason for appeal.

B. *Service*

Within ten days after filing the petition, the appellant shall, by certified mail, serve copies of the petition on the Board, the County solicitor, the municipality in which the tax parcel is located, the school district in which the tax parcel is located and the property owner. Within twenty days thereafter, the appellant shall file a proof of service.

C. *Intervention*

Any person or political subdivision required to be served under paragraph B may intervene as a matter of right by filing within forty days after receipt of the petition, a notice of intervention either as an appellant or appellee. After the forty day period, intervention shall be governed by Pa.R.C.P. Nos. 2326 through 2350.

D. *Further Proceedings*

Thereafter, the appeal shall proceed pursuant to L.C.R.C.P. Nos. 208.3(a) and 208.3(b) or L.C.R.C.P. Nos. 212.1 through 212.3.

Revised 6-11-18

Effective 7- -18

[Pa.B. Doc. No. 18-998. Filed for public inspection June 29, 2018, 9:00 a.m.]

Title 255—LOCAL COURT RULES

LANCASTER COUNTY

Revision of Local Rule of Judicial Administration 520 Governing the Case Documents Public Access Policy; CPJ. No. 7, Page 1357; No. 11 AD 2018

Administrative Order

And Now, this 8th day of June 2018, it is hereby

Ordered, that the Lancaster County Court of Common Pleas adopts this revised Local Rule of Judicial Administration 520 governing the Case Records Public Access Policy for the 2nd Judicial District to become effective July 1, 2018.

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

1. File one (1) copy to the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.
2. File two (2) paper copies and one (1) electronic copy in a Microsoft Word format only to bulletin@palrb.us with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. Publish these Rules on the Lancaster County Court website at www.court.co.lancaster.pa.us.
4. Incorporation of the local rule into the set of local rules on www.court.co.lancaster.pa.us within thirty (30) days after the publication of the local rule in the *Pennsylvania Bulletin*.
5. File one (1) copy of the local rule in the appropriate filing office for public inspection and copying.

By the Court

DENNIS E. REINAKER,
President Judge

LOCAL RULES OF JUDICIAL ADMINISTRATION

Rule 520. Case [**Documents**] Records Public Access Policy.

A. *Establishment*

Pursuant to the **Case Records** Public Access Policy of the Unified Judicial System of Pennsylvania [: **Case Records of the Appellate and Trial Court**] at Title

204. Chapter 213, this rule is adopted to define the procedure to be followed by this Court.

B. *Election of Procedure*

In compliance with Section 7, this Court elects subsection A. As enumerated in the Public Access Policy, attorneys and self-represented parties shall not include confidential information in any document filed with the appropriate filing office (Clerk of Courts, Prothonotary and Clerk of the Orphans' Court) except on a Confidential Information Form as provided by the Administrative Office of Pennsylvania Courts (<http://www.pacourts.us/public-records/public-records-forms>). The Public Access Policy with forms may also be found at: <http://www.court.co.lancaster.pa.us/>, <http://pa-lancastercountyclerkofcourts.civicplus.com/>, <https://pa-lancastercounty.civicplus.com/155/Prothonotary>, and <http://www.co.lancaster.pa.us/159/Register-of-Wills>.

Revised 6-8-18

Effective 7-1-18

[Pa.B. Doc. No. 18-999. Filed for public inspection June 29, 2018, 9:00 a.m.]

Title 255—LOCAL COURT RULES

MIFFLIN COUNTY

Local Rule 601 of Judicial Administration; CP-44-CV-2-2018

Amended Order of Court

And Now, this 1st day of June, 2018, the Court hereby adopts the following new Local Rule of Judicial Administration:

Pursuant to Section 6.00 of the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania, the fee for photocopying the official case records of the magisterial district courts shall be \$ 0.25 per page and exact postage shall be charged when official case records are requested to be mailed. The fee schedule shall be publicly posted.

By the Court

DAVID W. BARRON,
President Judge

[Pa.B. Doc. No. 18-1000. Filed for public inspection June 29, 2018, 9:00 a.m.]