

THE COURTS

Title 201—RULES OF JUDICIAL ADMINISTRATION

[201 PA. CODE CH. 19]

Amendment of Rule 1905; No. 297 Judicial Administration; Doc. No. 1

Order

Per Curiam:

And Now, this 7th day of February, 2007, it is ordered that pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania, Pennsylvania Rule of Judicial Administration No. 1905 is amended in the following form.

Whereas prior distribution and publication of these amendments would otherwise be required, it has been determined that immediate promulgation is required in the interests of justice and efficient administration.

This order shall be processed in accordance with Pennsylvania Rule of Judicial Administration No. 103(b) and shall be effective immediately.

Annex A

TITLE 201. RULES OF JUDICIAL ADMINISTRATION

CHAPTER 19. MISCELLANEOUS ADMINISTRATIVE PROVISIONS

MISCELLANEOUS ADMINISTRATIVE PROVISIONS

Rule 1905. Investment Advisory Board.

(a) *General.* There is hereby established the Investment Advisory Board ("Board"), which shall consist of **[seven] eight** members. The Supreme Court shall appoint four (4) members. The Disciplinary Board of the Supreme Court, the Pennsylvania Lawyers Fund for Client Security **[and] Board**, the Pennsylvania Continuing Legal Education Board **and the Pennsylvania Board of Law Examiners** ("the program boards") shall each appoint one (1) member to serve on the Board. The Court Administrator shall serve as an ex officio member to the Board. All members of the Board shall serve at the pleasure of the Supreme Court. The Board shall annually designate its chair.

(b) *Qualifications.* All appointees to the Board shall possess knowledge and expertise in **[finance and the management] investments and knowledge** of public sector investment funds. If no current program board member is professionally qualified or able to serve on the Board, the program board will appoint a prior Board member or a non-program board member with the requisite expertise.

(c) *Responsibilities.* The Board shall provide recommendations to the Supreme Court with regard to the development and implementation of an investment policy for the program boards that will maximize investment yields while minimizing risk. In addition, the Board shall provide oversight and monitoring of the activity of the investment portfolios. On **[an annual] a fiscal year** basis, the Board shall provide the Supreme Court with a review of its activities and appropriate recommendations

for further action. **The Board's fiscal year shall begin on July 1 and end on June 30.**

(d) *Procedure.* All actions of the Board shall be determined by majority vote. The Court Administrator of Pennsylvania will have no voting power except in the case of a tie.

(e) *Administrative.* The Administrative Office of Pennsylvania Courts shall provide necessary administrative assistance to the Board and shall pay the cost thereof as well as the necessary travel and other expenses of the members of the Board, all staff and any representative of the Supreme Court. The AOPC shall be reimbursed by the program boards for their pro rata share of necessary travel and other expenses.

(f) *Immunity.* Members of the Board, its staff and any other representative of the Supreme Court to the Board shall be immune from civil suit for any conduct in the course of their official duties. **Legal costs incurred by Board members in defense of such matters will be borne by the Board but passed through to the program boards in accordance with Rule 1905 (e). Such costs must be approved by the Board prior to being obligated for payment or reimbursement.**

Comment

In 2001, the Supreme Court asked the Administrative Office of Pennsylvania Courts to review the investment activities of the Court's three affiliated boards (the Disciplinary Board, Pennsylvania Lawyers Fund for Client Security and the Pennsylvania Continuing Legal Education Board) and to make recommendations for the improved investment stability, performance, operation and cost efficiencies of the boards' investments. Following collection of information and consultation with investment advisors, the AOPC recommended the formation of an Investment Advisory Board to assist the Supreme Court in its oversight and consolidation of investment portfolios that would enhance returns and reduce investment fees. **In 2007 the Pennsylvania Board of Law Examiners became a program board member.**

[Pa.B. Doc. No. 07-302. Filed for public inspection February 23, 2007, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1900]

Order Amending Rule 1905; No. 470 Civil Procedural Rules; Doc. No. 5

Order

Per Curiam:

And Now, this 6th day of February, 2007, Rule 1905 of the Pennsylvania Rules of Civil Procedure is amended as follows.

This order shall be processed in accordance with Pa. R.J.A. 103(b) and shall be effective in ninety days, on May 7, 2007.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1900. ACTIONS PURSUANT TO THE PROTECTION FROM ABUSE ACT

PROTECTION FROM ABUSE

Rule 1905. Forms for Use in PFA Actions. Notice and Hearing. Petition. Temporary Protection Order. Final Protection Order.

(a) The Notice of Hearing and Order required by Rule 1901.3 shall be substantially in the following form:

(Caption)

NOTICE OF HEARING AND ORDER

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following papers, you must appear at the hearing scheduled herein. If you fail to do so, the case may proceed against you and a FINAL order may be entered against you granting the relief requested in the petition. In particular, you may be evicted from your residence, be prohibited from possessing any firearm, other weapon, ammunition or any firearm license, and lose other important rights, including custody of your children. Any protection order granted by a court may be considered in subsequent proceedings under Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, including child custody proceedings under Chapter 53 (relating to custody).

A hearing on the matter is scheduled for the ___ day of ___, 20___, at ___m. in Courtroom _____ at _____ Courthouse, _____, Pennsylvania.

[You] If an order of protection has been entered, you MUST obey the order [that is attached] until it is modified or terminated by the court after notice and hearing. If you disobey this order, the police or sheriff may arrest you. Violation of this order may subject you to a charge of indirect criminal contempt which is punishable by a fine of up to \$1,000 [.00] and/or up to six months in jail under 23 Pa. C.S.A. § 6114. Violation may also subject you to prosecution and criminal penalties under the Pennsylvania Crimes Code. Under federal law, 18 U.S.C. § 2265, this order is enforceable anywhere in the United States, tribal lands, U. S. Territories and the Commonwealth of Puerto Rico. If you travel outside of the state and intentionally violate this order, you may be subject to federal criminal proceedings under the Violence Against Women Act, 18 U.S.C. §§ 2261—2262.

If this order directs you to relinquish any firearm, other weapon, ammunition or any firearm license to the sheriff, you may do so upon service of this order. As an alternative, you may relinquish any firearm, other weapon, or ammunition listed herein to a third party provided you and the third party first comply with all requirements to obtain a safekeeping permit. 23 Pa.C.S.A. § 6108.3. You must relinquish any firearm, other weapon, ammunition or any firearm license listed [herein] in the order no later than 24 hours after service of the order. If, due to their current location, firearms, other weapons or ammunition cannot reasonably be retrieved within the time for relinquishment, you must provide an affidavit to the sheriff listing the firearms, other weapons or ammunition and their current location no later than 24 hours after service of the order. Failure to timely relinquish any firearm, other weapon, ammunition or any firearm license shall result in a

violation of this order and may result in criminal conviction under the Uniform Firearms Act, 18 Pa.C.S.A. § 6105.

NOTICE: Even if this order does not direct you to relinquish firearms, you may be subject to federal firearms prohibitions and federal criminal penalties under 18 U.S.C. § 922(g)(8).

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. YOU HAVE THE RIGHT TO HAVE A LAWYER REPRESENT YOU AT THE HEARING. THE COURT WILL NOT, HOWEVER, APPOINT A LAWYER FOR YOU. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE. IF YOU CANNOT FIND A LAWYER, YOU MAY HAVE TO PROCEED WITHOUT ONE.

County Lawyer Referral Service
[insert Street Address]
[insert City, State, and ZIP]
[insert Phone Number]

(b) The petition in an action filed pursuant to the Act shall be substantially in the following form:

(Caption)

PETITION FOR PROTECTION FROM ABUSE

1. Plaintiff's name is: _____

2. I am filing this [Petition] petition on behalf of:
[] Myself and/or [] Another Person. If you checked "myself," please answer all questions referring to yourself as "Plaintiff." If you checked "another person," please answer all questions referring to that person as the "Plaintiff, and provide your address here, unless confidential:

If you checked "Another Person," indicate your relationship with Plaintiff:

- [] parent of minor Plaintiff(s)
[] applicant for appointment as guardian ad litem of minor Plaintiff(s)
[] adult household member with minor Plaintiff(s)
[] court appointed guardian of incompetent Plaintiff(s)

3. Name(s) of ALL person(s), including Plaintiff and minor children, who seek protection from abuse: _____

4. [] Plaintiff's address is confidential or

[] Plaintiff's address is: _____

5. Defendant is believed to live at the following address: _____

Defendant's Social Security Number (if known) is: _____

Defendant's date of birth is: _____

Defendant's place of employment is: _____

[] Check here if you have reason to believe that Defendant is a licensed firearms dealer [or is employed in a profession that requires Defendant to handle firearms or], is employed by a licensed firearms dealer or manufacturer; is employed as a writer; researcher or technician in the firearms or hunting industry or is required to carry a firearm as a condition of employment.

Check here if Defendant is 17 years old or younger.

6. Indicate the relationship between Plaintiff and Defendant.

- Spouse**
- Current or former sexual/intimate partner**
- Other relationship by blood or marriage:**
- Ex-spouse**
- Persons who live or have lived like spouses**
- Parent/Child**
- Parents of the same children**
- Brother/Sister**

CHECK ALL THAT APPLY:

- spouse or former spouse of Defendant**
- parent of a child with Defendant**
- current or former sexual or intimate partner with Defendant**
- child of Plaintiff**
- child of Defendant**
- family member related by blood (consanguinity) to Defendant**
- family member related by marriage or affinity to Defendant**
- sibling (person who shares parenthood) of Defendant**
- current or former cohabitant (person who lives with) Defendant**

7. Have Plaintiff and Defendant been involved in any of the following court actions?

- Divorce
- Custody
- Support
- Protection From Abuse

If you checked any of the above, briefly indicate when and where the case was filed and the court number, if known: _____

8. Has Defendant been involved in any criminal court action? _____

If you answered Yes, is Defendant currently on probation? _____

9. Plaintiff and Defendant are the parents of the following minor child/ren:

Name(s)	Age(s)	who reside at (list address unless confidential)
_____	_____	_____
_____	_____	_____

10. If Plaintiff and Defendant are parents of any minor child/ren together, is there an existing court order regarding their custody? _____

If you answered "Yes," describe the terms of the order (e.g., primary, shared, legal and/or physical custody): _____

If you answered "Yes", in what county and state was the order issued?

If you are now seeking an order of child custody as part of this petition, list the following information:

(a) Where has each child resided during the past five years?

Child's name	Person(s) child lived with	Address, unless confidential	When
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(b) List any other persons who are known to have or claim a right to custody of each child listed above.

Name	Address	Basis of Claim
_____	_____	_____
_____	_____	_____
_____	_____	_____

11. The following other minor child/ren presently live with Plaintiff:

Name(s)	Age(s)	Plaintiff's relationship to child/ren
_____	_____	_____
_____	_____	_____
_____	_____	_____

12. The facts of the most recent incident of abuse are as follows:

Approximate Date: _____

Approximate Time: _____

Place: _____

Describe in detail what happened, including any physical or sexual abuse, threats, injury, incidents of stalking, medical treatment sought, and/or calls to law enforcement (attach additional sheets of paper if necessary):

13. If Defendant has committed prior acts of abuse against Plaintiff or the minor child/ren, describe these prior incidents, including any threats, injuries, or incidents of stalking, and indicate approximately when such acts of abuse occurred (attach additional sheets of paper if necessary):

14. (a) Has Defendant used or threatened to use any firearms or other weapons against Plaintiff or the minor child/ren? If so, please describe the use or threatened use below and list on Attachment A to Petition,

which is incorporated by reference into this petition, any firearms, other weapons or ammunition Defendant used or threatened to use against Plaintiff and/or the minor child/ren:

(b) [To] Other than the firearms, other weapons or ammunition Defendant used or threatened to use against Petitioner or the minor child/ren, does Defendant, to the best of your knowledge or belief, [does Defendant] own or possess any additional firearm, other weapon, ammunition or any firearm license?

(c) If the answer to (b) above is "yes," list any additional firearm, other weapon or ammunition owned by or in the possession of Defendant on Attachment A to Petition, which is incorporated by reference into this petition.

(d) Plaintiff (check one) DOES DOES NOT request that the court order Defendant to relinquish firearms, other weapons or ammunition listed on Attachment A to Petition. If Plaintiff does seek relinquishment, identify on Attachment A to Petition the firearms, other weapons and ammunition Plaintiff requests the court to order Defendant to relinquish.

15. Identify the sheriff, police department or law enforcement agency in the area in which Plaintiff lives that should be provided with a copy of the protection order:

16. There is an immediate and present danger of further abuse from Defendant.

CHECK THE FOLLOWING BOXES ONLY IF THEY APPLY TO YOUR CASE AND PROVIDE THE REQUESTED INFORMATION

Plaintiff is asking the court to evict and exclude Defendant from the following residence:

owned by (list owners, if known): _____

rented by (list all names, if known): _____

Defendant owes a duty of support to Plaintiff and/or the minor child/ren.

Plaintiff has suffered out-of-pocket financial losses as a result of the abuse described above. Those losses are: _____

FOR THE REASONS SET FORTH ABOVE, I REQUEST THAT THE COURT ENTER A TEMPORARY ORDER, AND AFTER HEARING, A FINAL ORDER THAT WOULD DO THE FOLLOWING (CHECK ALL FORMS OF RELIEF REQUESTED):

A. Restrain Defendant from abusing, threatening, harassing, or stalking Plaintiff and/or the minor child/ren in any place where Plaintiff and/or the child/ren may be found.

B. Evict/exclude Defendant from Plaintiff's residence and prohibit Defendant from attempting to enter any temporary or permanent residence of [the] Plaintiff.

C. Require Defendant to provide Plaintiff and/or the minor child/ren with other suitable housing.

D. Award Plaintiff temporary custody of the minor child/ren and place the following restrictions on contact between Defendant and the child/ren: _____

E. Prohibit Defendant from having any contact with Plaintiff and/or the minor child/ren, either in person, by telephone, or in writing, personally or through third persons, including but not limited to any contact at Plaintiff's school, business, or place of employment, except as the court may find necessary with respect to partial custody and/or visitation with the minor child/ren.

F. Prohibit Defendant from having any contact with Plaintiff's relatives and Plaintiff's children listed in this petition, except as the court may find necessary with respect to partial custody and/or visitation with the minor child/ren. The following persons are Plaintiff's relatives or family and household members that Plaintiff believes require protection from stalking and harassment by Defendant.

Name Address (optional) Relationship to Plaintiff

G. Order Defendant to temporarily relinquish [any firearm, other weapon,] some or all of the firearms, other weapons and/or ammunition listed on Attachment A to Petition and any firearm license to the sheriff of this county and/or prohibit Defendant from transferring, acquiring or possessing [firearm, other weapon, ammunition or any firearm license] some or all firearms for the duration of the order.

H. Order Defendant to pay temporary support for Plaintiff and/or the minor child/ren, including medical support and payment of the rent or mortgage on the residence.

I. Direct Defendant to pay Plaintiff for the reasonable financial losses suffered as the result of the abuse, to be determined at the hearing.

J. Order Defendant to pay the costs of this action, including filing and service fees.

K. Order Defendant to pay Plaintiff's reasonable attorney's fees.

L. Order the following additional relief, not listed above:

M. Grant such other relief as Plaintiff requests and/or the court deems appropriate.

□ N. Order the police, sheriff or other law enforcement agency to serve the Defendant with a copy of this petition, any order issued, and the order for hearing. Plaintiff will inform the designated authority of any addresses, other than Defendant's residence, where Defendant can be served.

VERIFICATION

I verify that I am the petitioner as designated in the present action and that the facts and statements contained in the above petition are true and correct to the best of my knowledge. I understand that any false statements are made subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.

Signature

Date

(Caption)

[PETITIONER'S] ATTACHMENT A TO PETITION FIREARMS, OTHER WEAPONS, AND AMMUNITION INVENTORY

I, _____, Plaintiff in this Protection From Abuse Action, hereby **[request the court order Defendant to relinquish]**

(a) state that Defendant used or threatened to use the following firearms, other weapons [, ammunition, and firearm licenses to the sheriff] and ammunition against Plaintiff and/or the minor child/ren (include addresses or locations, if known, such as "front seat of blue truck," "gun cabinet," "bedroom closet," etc.):

Firearm/Other Weapon/Ammunition	Location
1.	
2.	
3.	
4.	
5.	
[6.	
7.	
8.	
9.	
10.]	

(b) state that Defendant, to the best of my knowledge or belief, owns or possesses the following firearms, other weapons or ammunition not set forth in (a) above (include addresses or locations, if known):

Firearm/Other Weapon/Ammunition	Location
1.	
2.	
3.	
4.	
5.	

(c) request that the court order Defendant to relinquish the following firearms, other weapons and ammunition (include addresses or locations, if known):

Firearm/Other Weapon/Ammunition	Location
1.	
2.	
3.	
4.	
5.	

□ **All firearms, other weapons and ammunition owned or possessed by Defendant.**

If more space is needed, more sheets may be attached to this document.

[I believe the above items are located at (List all relevant addresses where they may be found)]

Name _____ Date _____

Notice: This attachment will be withheld from public inspection in accordance with 23 Pa.C.S.A. § 6108(a)(7)(v).

(c) The Temporary Order of Court entered pursuant to the Act shall be substantially in the following form:

(Caption)

TEMPORARY PROTECTION FROM ABUSE ORDER

Defendant's Name: _____

Defendant's Date of Birth: _____

Defendant's Social Security Number: _____

Names of All Protected Persons, including Plaintiff and minor child/ren:

AND NOW, this ____ day of _____, 20____, upon consideration of the attached Petition for Protection From Abuse, the court hereby enters the following Temporary Order:

□ 1. Defendant shall not abuse, harass, stalk or threaten any of the above persons in any place where they might be found.

□ 2. Defendant is evicted and excluded from the residence at [NONCONFIDENTIAL ADDRESS FROM WHICH DEFENDANT IS EXCLUDED] or any other permanent or temporary residence where Plaintiff or any other person protected under this order may live. Plaintiff is granted exclusive possession of the residence. Defendant shall have no right or privilege to enter or be present on the premises of Plaintiff or any other person protected under this order.

□ 3. Except for such contact with the minor child/ren as may be permitted under Paragraph 5 of this order, Defendant is prohibited from having ANY CONTACT with Plaintiff, or any other [protected] person protected under this order, either directly or indirectly, at any location, including but not limited to any contact at Plaintiff's school, business, or place of employment. Defendant is specifically ordered to stay away from the following locations for the duration of this order:

□ 4. Except for such contact with the minor child/ren as may be permitted under Paragraph 5 of this order, Defendant shall not contact Plaintiff, or any other person protected under this order, by telephone or by any other means, including through third persons.

5. Pending the outcome of the final hearing in this matter, Plaintiff is awarded temporary custody of the following minor child/ren:

Until the final hearing, all contact between Defendant and the child/ren shall be limited to the following:

THIS ORDER SUPERSEDES ANY PRIOR ORDER RELATING TO CHILD CUSTODY.

The local law enforcement agency in the jurisdiction where the child/ren are located shall ensure that the child/ren are placed in the care and control of the Plaintiff in accordance with the terms of this Order.]

5. CUSTODY.

There is a current custody order as to the child/ren of the parties:

_____ (county court) _____ (docket number) _____

THIS ORDER SHALL NOT SUPERSEDE THE CURRENT CUSTODY ORDER.

THIS ORDER SUPERSEDES ANY PRIOR ORDER RELATING TO CHILD CUSTODY.

Until the final hearing, all contact between Defendant and the child/ren shall be limited to the following:

Pending the outcome of the final hearing in this matter, Plaintiff is awarded temporary custody of the following minor child/ren:

The local law enforcement agency in the jurisdiction where the child/ren are located shall ensure that the child/ren are placed in the care and control of the Plaintiff in accordance with the terms of this order.

6. FIREARMS, OTHER WEAPONS AND AMMUNITION RESTRICTIONS

[Defendant is prohibited from possessing, transferring or acquiring any firearms for the duration of this order.]

Check all that apply:

Defendant is prohibited from possessing, transferring or acquiring any firearms for the duration of this order.

Defendant shall relinquish to the sheriff [all firearms and] the following firearms licenses owned or possessed by Defendant[.]: _____

Defendant is directed to relinquish to the sheriff any firearm, other weapon or ammunition listed in [Petitioner's] Attachment A [and any firearms license

Defendant may possess.] to Temporary Order, which is incorporated herein by references.

Defendant may relinquish any firearms, other weapons or ammunition to the sheriff. As an alternative, Defendant may relinquish firearms, other weapons and ammunition to a third party provided Defendant and the third party first comply with all the requirements to obtain a safekeeping permit. Defendant must relinquish any firearm, other weapon, ammunition or [firearms] firearm license ordered to be relinquished no later than 24 hours after service of this order. If, due to their current location, firearms, other weapons or ammunition cannot reasonably be retrieved within the time for relinquishment, Defendant shall provide to the sheriff an affidavit listing the firearms, other weapons or ammunition and their current location no later than 24 hours after service of this order. Failure to timely relinquish any firearm, other weapon, ammunition or any firearm license shall result in a violation of this order and may result in criminal conviction under the Uniform Firearms Act, 18 Pa.C.S.A. § 6105.

7. The following additional relief is granted:

Defendant is prohibited from stalking, as defined in 18 Pa.C.S.A. § 2709.1, or harassing, as defined in 18 Pa.C.S.A. § 2709, the following family and household members of Plaintiff:

Name	Address (optional)	Relationship to Plaintiff
_____	_____	_____
_____	_____	_____
_____	_____	_____

Other relief:

8. A certified copy of this order shall be provided to the sheriff or police department where Plaintiff resides and any other agency specified hereafter: [insert name of agency]

9. THIS ORDER SUPERSEDES ANY PRIOR PROTECTION FROM ABUSE ORDER OBTAINED BY THE SAME PLAINTIFF AGAINST THE SAME DEFENDANT.

10. THIS ORDER APPLIES IMMEDIATELY TO DEFENDANT AND SHALL REMAIN IN EFFECT UNTIL [insert expiration date] OR UNTIL OTHERWISE MODIFIED OR TERMINATED BY THIS COURT AFTER NOTICE AND HEARING.

NOTICE TO THE DEFENDANT

Defendant is hereby notified that violation of this order may result in arrest for indirect criminal contempt, which is punishable by a fine of up to \$1,000[.00] and/or up to six months in jail. 23 Pa.C.S.A. § 6114. Consent of Plaintiff to Defendant's return to the residence shall not invalidate this order, which can only be changed or modified through the filing of appropriate court papers for that purpose. 23 Pa.C.S.A. § [6113] 6108(g). If Defendant is required to relinquish any firearms, other weapons or ammunition or any [firearms] firearm license, those items must be relinquished to the sheriff within 24 hours of the service of this order. As an alternative, Defendant may relinquish any firearm, other weapon or ammunition listed herein to a third party provided Defen-

dant and the third party first comply with all requirements to obtain a safekeeping permit. **If, due to their current location, firearms, other weapons or ammunition cannot reasonably be retrieved within the time for relinquishment, Defendant shall provide an affidavit to the sheriff listing the firearms, other weapons or ammunition and their current location no later than 24 hours after service of this order.** Defendant is further notified that violation of this [**Order**] order may subject him/her to state charges and penalties under the Pennsylvania Crimes Code and to federal charges and penalties under the Violence Against Women Act, 18 U.S.C. §§ 2261—2262.

NOTICE TO SHERIFF, POLICE AND LAW ENFORCEMENT OFFICIALS

This order shall be enforced by the police department or sheriff who has jurisdiction over Plaintiff's residence OR any location where a violation of this order occurs OR where Defendant may be located. If Defendant violates Paragraphs 1 through 6 of this order, Defendant shall be arrested on the charge of indirect criminal contempt. An arrest for violation of this order may be made without warrant, based solely on probable cause, whether or not the violation is committed in the presence of a police officer or sheriff.

Subsequent to an arrest, the law enforcement officer or sheriff shall seize all firearms, other weapons and ammunition in Defendant's possession **which were used or threatened to be used during the violation of the protection order or during prior incidents of abuse and any other firearms in Defendant's possession.** Any firearm, other weapon, ammunition or any firearm license must be delivered to the sheriff's office of the county which issued this order, which office shall maintain possession of the firearms, other weapons and ammunition until further order of this court, unless the weapon/s are evidence of a crime, in which case, they shall remain with the law enforcement agency whose officer or sheriff made the arrest.

BY THE COURT:

Judge Date

(Caption)

ATTACHMENT A TO TEMPORARY ORDER FIREARMS, OTHER WEAPONS AND AMMUNITION INVENTORY

It is hereby ordered that Defendant relinquish the following firearms, other weapons and ammunition to the sheriff:

Firearm/Other Weapon/Ammunition	Location
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

All firearms, other weapons and ammunition owned or possessed by the defendant.

BY THE COURT

Judge _____ Date _____

Notice: This attachment will be withheld from public inspection in accordance with 23 Pa.C.S.A. § 6108(a)(7)(v).

(d) The form of the Affidavit of Service in a Protection From Abuse matter shall be substantially in the following form:

(Caption)

AFFIDAVIT OF SERVICE

I, _____, the undersigned, hereby state that I served a copy of the **Notice of Hearing and Order**, Petition and Temporary Order in the above-captioned action upon Defendant by handing the papers to _____ at the following address:

_____ on the ____ day of _____, 20____, at approximately ____ o'clock ____ .m.

I verify that the statements made in this Affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.

(Signature) _____

(Title) _____

(Address) _____

(Date) _____

THIS FORM MUST BE COMPLETED AND SIGNED BY THE PERSON WHO SERVES THE DEFENDANT WITH THE NOTICE OF HEARING AND ORDER, PETITION AND TEMPORARY ORDER. IT MUST BE FILED WITH THE PROTHONOTARY OR BROUGHT TO THE COURT ON THE HEARING DATE.

(e) The Final Order of Court entered pursuant to the Act shall be substantially in the following form:

(Caption)

FINAL ORDER OF COURT

Defendant's Name: _____

Defendant's Date of Birth: _____

Defendant's Social Security Number: _____

Names and Dates of Birth of All Protected Persons, including Plaintiff and minor children:

Names	Dates of Birth
_____	_____
_____	_____
_____	_____
_____	_____

CHECK ALL THAT APPLY:

Plaintiff or Protected Person(s) is/are:

- spouse or former spouse of Defendant
- parent of a [**common**] child with Defendant
- current or former sexual or intimate partner with Defendant
- child of [**plaintiff**] Plaintiff
- child of Defendant**
- family member related by blood (consanguinity) to Defendant**
- family member related by marriage or affinity to Defendant**

- sibling (person who shares [biological] parent-hood) of Defendant**
- current or former cohabitant (person who lives with) Defendant**

Defendant was served in accordance with Pa.R.C.P. 1930.4 and provided notice of the time, date and location of the hearing scheduled in this matter.

AND NOW, this _____ day of _____, 20___, the court having jurisdiction over the parties and the subject-matter, it is ORDERED, ADJUDGED AND DECREED as follows:

This order is entered (check one) by agreement by agreement without an admission after a hearing and decision by the court after a hearing at which Defendant was not present, despite proper service being made by default. Without regard as to how the order was entered, this is a final order of court subject to full enforcement pursuant to the Protection From Abuse Act.

Note: Space is provided to allow for 1) the court's general findings of abuse; 2) inclusion of the terms under which the order was entered (e.g., that the order was entered with the consent of the parties, or that the defendant, though properly served, failed to appear for the hearing, or the reasons why the plaintiff's request for a final PFA order was denied); and/or 3) information that may be helpful to law enforcement (e.g., whether a firearm or other weapon was involved in the incident of abuse and/or whether the defendant is believed to be armed and dangerous.

Plaintiff's request for a final protection order is denied.

OR

Plaintiff's request for a final protection order is granted.

1. Defendant shall not abuse, stalk, harass, threaten or attempt to use physical force that would reasonably be expected to cause bodily injury to Plaintiff or any other protected person in any place where they might be found.

2. Defendant is completely evicted and excluded from the residence at (NONCONFIDENTIAL ADDRESS FROM WHICH DEFENDANT IS EXCLUDED) or any other residence where Plaintiff or any other person protected under this order may live. Exclusive possession of the residence is granted to Plaintiff. Defendant shall have no right or privilege to enter or be present on the premises of Plaintiff or any other person protected under this order.

On [insert date and time], Defendant may enter the residence to retrieve his/her clothing and other personal effects, provided that Defendant is in the company of a law enforcement officer or sheriff when such retrieval is made and [insert any other conditions]

3. Except as provided in paragraph 5 of this order, Defendant is prohibited from having ANY CONTACT with Plaintiff, either directly or indirectly, or any other person protected under this order, at any location, including but not limited to any contact at Plaintiff's school, business, or place of employment. Defendant is specifically ordered to stay away from the following locations for the duration of this order:

4. Except as provided in paragraph 5 of this order, Defendant shall not contact Plaintiff, either directly or indirectly, or any other person protected under this order, by telephone or by any other means, including through third persons.

5. **[Custody] Temporary custody** of the minor children, [NAMES OF THE CHILDREN SUBJECT TO THE PROVISION OF THIS PARAGRAPH] shall be as follows: **[STATE TO WHOM PRIMARY PHYSICAL CUSTODY IS AWARDED; STATE TERMS OF PARTIAL CUSTODY OR VISITATION, IF ANY.]**

Check all that apply:

There is a current custody order as to the children of the parties:

_____ (county court) _____ (docket number) _____

A custody petition is pending.

A hearing is scheduled for _____ (date, time and location) _____

THIS ORDER SHALL NOT SUPERSEDE THE CURRENT CUSTODY ORDER.

THIS ORDER SUPERSEDES ANY PRIOR ORDER RELATING TO CHILD CUSTODY.

6. **[Defendant is prohibited from possessing, transferring or acquiring any firearms for the duration of this order.] FIREARMS, OTHER WEAPONS AND AMMUNITION RESTRICTIONS**

Check all that apply:

Defendant is prohibited from possessing, transferring or acquiring any firearms for the duration of this order.

Defendant shall relinquish to the sheriff **[all firearms and] the following** firearms licenses owned or possessed by Defendant [.]: _____

Defendant is directed to relinquish to the sheriff any firearm, other weapon or ammunition listed in **[Petitioner's Attachment A, and any firearms license Defendant may possess] Attachment A to Final Order, which is incorporated herein by reference.**

Defendant may relinquish any firearms, other weapons or ammunition to the sheriff. As an alternative, Defendant may **either** relinquish firearms, other weapons and ammunition to a third party provided Defendant and the third party first comply with all the requirements to obtain a safekeeping permit, **or relinquish firearms, other weapons and ammunition to a licensed firearms dealer for consignment sale, lawful transfer or safekeeping pursuant to 23 Pa.C.S.A. § 6108.2(e).** Defendant must relinquish any firearm, other weapon, ammunition or firearms license ordered to be relinquished no later than 24 hours after service of this order. Failure to timely relinquish any firearm, other weapon, ammunition or any firearm license **ordered to be relin-**

quished shall result in a violation of this order and may result in criminal conviction under the Uniform Firearms Act, 18 Pa.C.S.A. § 6105.

□ 7. Any firearm delivered to the sheriff or transferred to a licensed firearm dealer, or a qualified third party who satisfies the procedural and substantive requirements to obtain a safekeeping permit issued under 23 Pa.C.S.A. § 6108.3 pursuant to this order or the temporary order shall not be returned to Defendant until further order of court or as otherwise provided by law.

□ 8. The following additional relief is granted as authorized by § 6108 of the Act:

□ Defendant is prohibited from stalking, as defined in 18 Pa C.S. § 2709.1, or harassing, as defined in 18 Pa.C.S. § 2709.3 pursuant to this order or the temporary order shall not be returned to Defendant until further order of court or as otherwise provided by law.

Name Address (optional) Relationship to Plaintiff

□ Other relief: _____

□ 9. Defendant is directed to pay temporary support for: [INSERT THE NAMES OF THE PERSONS FOR WHOM SUPPORT IS TO BE PAID] as follows: [INSERT AMOUNT, FREQUENCY AND OTHER TERMS AND CONDITIONS OF THE SUPPORT ORDER]. This order for support shall remain in effect until a final support order is entered by this court. However, this order shall lapse automatically if Plaintiff does not file a complaint for support with the Domestic Relations Section of the court within two weeks of the date of this order. The amount of this temporary order does not necessarily reflect Defendant's correct support obligation, which shall be determined in accordance with the guidelines at the support hearing. Any adjustments in the final amount of support shall be credited, retroactive to this date, to the appropriate party.

10. □ (a) The costs of this action are imposed on Defendant.

□ (b) Because this order followed a contested proceeding, or a hearing at which Defendant was not present, despite being served with a copy of the petition, temporary order and notice of the date, time and place of the hearing, Defendant is ordered to pay an additional \$100 surcharge to the court, which shall be distributed in the manner set forth in 23 Pa.C.S.A. § 6106(d).

□ (c) Upon a showing of good cause or a finding that Defendant is unable to pay, the costs of this action are waived.

□ 11. Defendant shall pay \$ _____ to Plaintiff by (insert date) as compensation for Plaintiff's out-of-pocket losses, which are as follows: _____

An installment scheduled is ordered as follows: _____

OR

□ Plaintiff is granted leave to present a petition, with appropriate notice to Defendant, to [INSERT THE NAME OF THE JUDGE OR COURT TO WHICH THE PETI-

TION SHOULD BE PRESENTED] requesting recovery of out-of-pocket losses. The petition shall include an exhibit itemizing all claimed out-of-pocket losses, copies of all bills and estimates of repair, and an order scheduling a hearing. No fee shall be required by the prothonotary's office for the filing of this petition.

□ 12. THIS ORDER SUPERCEDES ANY PRIOR PROTECTION FROM ABUSE ORDER OBTAINED BY THE SAME PLAINTIFF AGAINST THE SAME DEFENDANT.

13. All provisions of this order shall expire:

Check one

□ in _____ [INSERT DAYS, MONTHS OR YEARS] on [INSERT EXPIRATION DATE]

□ in three years, on [INSERT EXPIRATION DATE]

NOTICE TO THE DEFENDANT

VIOLATION OF THIS ORDER MAY RESULT IN YOUR ARREST ON THE CHARGE OF INDIRECT CRIMINAL CONTEMPT WHICH IS PUNISHABLE BY A FINE OF UP TO \$1,000 AND/OR A JAIL SENTENCE OF UP TO SIX MONTHS. 23 PA. C.S.A. § 6114. VIOLATION MAY ALSO SUBJECT YOU TO PROSECUTION AND CRIMINAL PENALTIES UNDER THE PENNSYLVANIA CRIMES CODE. A VIOLATION OF THIS ORDER MAY RESULT IN THE REVOCATION OF THE SAFEKEEPING PERMIT, WHICH WILL REQUIRE THE IMMEDIATE RELINQUISHMENT OF YOUR FIREARMS, OTHER WEAPONS AND AMMUNITION TO THE SHERIFF. PLAINTIFF'S CONSENT TO CONTACT BY DEFENDANT SHALL NOT INVALIDATE THIS ORDER WHICH CAN ONLY BE MODIFIED BY FURTHER ORDER OF COURT. 23 Pa.C.S.A. § 6108(g).

THIS ORDER IS ENFORCEABLE IN ALL FIFTY (50) STATES, THE DISTRICT OF COLUMBIA, TRIBAL LANDS, U.S. TERRITORIES AND THE COMMONWEALTH OF PUERTO RICO UNDER THE VIOLENCE AGAINST WOMEN ACT, 18 U.S.C. § 2265. IF YOU TRAVEL OUTSIDE OF THE STATE AND INTENTIONALLY VIOLATE THIS ORDER, YOU MAY BE SUBJECT TO FEDERAL CRIMINAL PROCEEDINGS UNDER THAT ACT. 18 U.S.C. §§ 2261—2262. IF YOU POSSESS A FIREARM OR ANY AMMUNITION WHILE THIS ORDER IS IN EFFECT, YOU MAY BE CHARGED WITH A FEDERAL OFFENSE EVEN IF THIS PENNSYLVANIA ORDER DOES NOT EXPRESSLY PROHIBIT YOU FROM POSSESSING FIREARMS OR AMMUNITION. 18 U.S.C. § 922(g)(8).

NOTICE TO SHERIFF, POLICE AND LAW ENFORCEMENT OFFICIALS

The police and sheriff who have jurisdiction over Plaintiff's residence OR any location where a violation of this order occurs OR where Defendant may be located, shall enforce this order. The court shall have jurisdiction over any indirect criminal contempt proceeding, either in the county where the violation occurred or where this protective order was entered. An arrest for violation of paragraphs 1 through 7 of this order may be without warrant, based solely on probable cause, whether or not the violation is committed in the presence of the police or any sheriff. 23 Pa.C.S.A. § 6113.

Subsequent to an arrest, and without the necessity of a warrant, the police officer or sheriff shall seize all firearms, other weapons and ammunition in Defendant's possession that were used or threatened to be used during the violation of the protection order or during

prior incidents of abuse **and any other firearms in Defendant's possession.** The [insert the appropriate name or title] shall maintain possession of the firearms, other weapons or ammunition until further order of this court.

When Defendant is placed under arrest for violation of the order, Defendant shall be taken to the appropriate authority or authorities before whom Defendant is to be arraigned. A "Complaint for Indirect Criminal Contempt" shall then be completed and signed by the police officer, sheriff OR Plaintiff. Plaintiff's presence and signature are not required to file the complaint.

If sufficient grounds for violation of this order are alleged, Defendant shall be arraigned, bond set, if appropriate and both parties given notice of the date of hearing.

BY THE COURT:

Judge _____ Date _____

If entered pursuant to the consent of plaintiff and defendant:

(Plaintiff's signature) (Defendant's signature)

(Caption)

**ATTACHMENT A TO FINAL ORDER
FIREARMS, OTHER WEAPONS AND AMMUNITION
INVENTORY**

It is hereby ordered that Defendant relinquish the following firearms, other weapons and ammunition to the sheriff:

Firearm/Other Ammunition	Location	Weapon/
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

All firearms, other weapons and ammunition owned or possessed by Defendant.

BY THE COURT:

Judge _____ Date _____

Notice: This attachment will be withheld from public inspection in accordance with 23 Pa.C.S.A. § 6108(a)(7)(v).

* * * * *

Explanatory Comment—2006

The Notice to Defend in subdivision (a) was amended to include three notice requirements of the 2005 Protection From Abuse Act amendments, Act 66 of 2005. 23 Pa.C.S.A. § 6107 (a). The amendments provide that sheriffs may arrest defendants for violations of protective orders. **The notice also advises the defendant that if firearms, other weapons or ammunition cannot reasonably be retrieved within the required time, the defendant must provide the sheriff with an affidavit listing the firearms, other weapons and ammunition and their current location within 24 hours.**

Pa.C.S.A. § 6108(a)(7)(i)(B). In addition, defendants have the option to turn firearms, other weapons and ammunition over to a qualified third party instead of the sheriff, and federal firearms prohibitions and penalties are more clearly stated.

The 2005 amendments to the Protection From Abuse Act require several changes to the form petition at subdivision (b). The plaintiff is required to inform the court if the defendant works in a job that requires the handling of firearms. This provision was included to allow courts to exercise appropriate discretion when a defendant is exempt from federal firearm prohibitions and penalties. **It also directs the court to "make a reasonable effort to preserve the financial assets of the defendant's business while fulfilling the goals" of the Protection From Abuse Act. 23 Pa.C.S.A. § 6108(a)(7.1).** Federal law prohibits possession of firearms and penalizes defendants who possess them if they are subject to an order prohibiting abuse, stalking or harassment. However, certain law enforcement officials are exempt from this prohibition and penalty. Under 18 U.S.C. § 925(a)(1), a person performing an official duty on behalf of the federal, state or local law enforcement agency may possess a firearm as long as the officer is required to possess the firearm in his or her official capacity. The Bureau of Alcohol, Tobacco and Firearms requires the official possession of the firearm to be authorized by statute, regulation or official department policy. The new notice requirement is found in 23 Pa.C.S.A. § 6106 (a.2).

Paragraph 14 of the form petition was amended to address the manner in which the firearms and other weapons were used against the plaintiff or minor children and to remove the listing of firearms in the petition itself. The amended statute prohibits public access to any list or inventory of the defendant's firearms, **other weapons or ammunition.** Thus, a separate Attachment A is included at the end of the petition for purposes of listing the firearms, **other weapons and ammunition** at issue. This will allow the prothonotary to more easily redact the list from public access, while at the same time permitting the court, the parties and law enforcement agencies to enforce the order. 23 Pa.C.S.A. § 6108 (a)(7)(v). **Section 6108(a)(7) of the Protection From Abuse Act provides for relinquishment of other weapons and ammunition only if they have been used or threatened to be used in an act of abuse. Paragraph 14 and Attachment A to Petition balance the court's need to be advised of firearms, other weapons and ammunition used or threatened to be used in an act of abuse or available to the defendant with the plaintiff's right to decline to seek relinquishment of some or all of those firearms, other weapons and ammunition.**

The form petition also was amended to address the court's authority to order the defendant to relinquish any and all firearms[, **other weapons and ammunition**], whether they were used or threatened to be used in an act of abuse or not. Any one of several circumstances authorizes the court to grant this relief, including, but not limited to, abuse involving a firearm or weapon or an immediate and present danger of abuse. The amended statute provides the court with multiple examples of what may constitute proof of immediate and present danger for the purposes of ordering the relinquishment of any or all of the defendant's firearms. 23 Pa.C.S.A. § 6107(b)(3). **Finally, the form addresses the court's authority to order the defendant to relinquish other weapons**

and ammunition which were used or threatened to be used in an act of abuse.

The form temporary order retains a space for the defendant's Social Security number. Pursuant to 23 Pa.C.S.A. § 6108(b), "[a]ny order issued under this section shall, where furnished by either party, specify the Social Security number and date of birth of the defendant."

In subdivisions (c) and (e), paragraph three in the form temporary and final orders is amended to clarify that even indirect contact with a protected person may be prohibited. This clarification reflects the Pennsylvania Supreme Court's holding in *Commonwealth v. Baker*, 564 Pa. 192, 766 A.2d 328 (2001), that the order must be "definite, clear, specific and leave no doubt or uncertainty in the mind of the person to whom it was addressed of the prohibited conduct."

The amendments to paragraph 5 of the form temporary and final orders are consistent with the statutory provisions of the Protection From Abuse Act relating to custody. See 23 Pa.C.S.A. § 6108(a)(4).

The 2005 amendments to the Protection From Abuse Act provide that the court may order the defendant to relinquish ammunition and firearm licenses, in addition to firearms and other weapons. 23 Pa.C.S.A. §§ 6108(a)(7) and 7.1. These items were added to paragraph six of the temporary and final order forms, the notices to the defendant and the notices to the sheriff, police and law enforcement.

The amendments to paragraph six of the form orders also provide the court with **[two options if firearms, weapons or ammunition are prohibited] discretion to place certain restrictions on firearms possession or to completely proscribe firearms possession. [The court may order only certain firearms, weapons and ammunition to be relinquished as listed by Plaintiff on Attachment A, or the court may order that all firearms, weapons and ammunition be relinquished.]** The amended paragraphs and the notices to the defendant inform the parties that if the defendant is ordered to relinquish firearms, weapons or ammunition, they must be relinquished to the sheriff or, in the alternative, they may be relinquished to a third party who complies with the substantive and procedural requirements for a third party safekeeping permit. 23 Pa.C.S.A. §§ 6107(a), **6108.3. Upon entry of a final order, the defendant may also relinquish firearms, other weapons or ammunition to a licensed firearms dealer.** No matter which option Defendant chooses, if firearms and weapons are ordered to be relinquished, any firearm license **[possessed] ordered to be relinquished** must be relinquished to the sheriff. The aforementioned items may be relinquished at the time of service, but no later than 24 hours after service **unless, with regard to firearms, other weapons or ammunition, they cannot reasonably be retrieved due to their location.** 23 Pa.C.S.A. § 6108(a)(7)(i). The notice to the defendant in the final order was expanded to advise the defendant that violation of the order may result in the revocation of the third-party safekeeping permit. Paragraph seven of the final order form was amended to reflect 23 Pa.C.S.A. § 6108.1(a) **and other statutory provisions concerning the return of firearms. [The process for return of firearms is within the discretion of the court in each judicial district.]**

Paragraph ten of the final order form was amended to reflect the statute's prohibition against charging the plaintiff fees or costs related to filing, service, registration or appeal in any Protection From Abuse matter. A new subparagraph (b) in paragraph ten of the final order reflects the 2005 amendments to the Protection From Abuse Act which increased the surcharge a court may order a defendant to pay when an action is contested and directs the disbursement of the collected surcharges. 23 Pa.C.S.A. § 6106(d).

Paragraph fourteen of the final order form was amended to reflect the increased period of protection the court may grant. The maximum period of protection was increased from eighteen months to three years.

The amended notice to the sheriff, police and law enforcement in the final order clarifies that the defendant may be arrested anywhere a violation occurs, and that the court has jurisdiction to hear the issue of indirect criminal contempt either where the order was issued or where the violation occurred. With this amendment, jurisdiction for indirect criminal contempt is parallel to prosecution for stalking and harassment. 23 Pa.C.S.A. § 6114(a.1). The notice also makes it clear that a search and seizure of firearms may occur without a warrant when incident to arrest. 23 Pa.C.S.A. §§ 6113(b) and 6121.

Other amendments to the order forms reflect that the sheriff is authorized to arrest for violations of the order under the Protection From Abuse Act. 23 Pa.C.S.A. § 6113. The references to a protective order superseding provisions of a prior custody order were moved to paragraph five, which deals with custody, in both the temporary and final orders.

[Pa.B. Doc. No. 07-303. Filed for public inspection February 23, 2007, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CH. 3000]

Promulgation of New Rule 3111.1 and Amendment of Rules 3111, 3146, 3252 and 3253 Governing Exemption of Certain Funds from Execution; No. 471 Civil Procedural Rules; Doc. No. 5

Order

Per Curiam:

And Now, this 7th day of February, 2007, the Pennsylvania Rules of Civil Procedure are amended as follows:

1. New Rule 3111.1 is promulgated to read as follows and
2. Rule 3111, 3146, 3252 and 3253 are amended to read as follows.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective April 1, 2007.

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.

* * * * *

(b) Service of the writ upon the garnishee shall attach all property of the defendant which may be attached under these rules which is in the possession of the garnishee. It shall also attach all property of the defendant which may be attached under these rules and which comes into the garnishee's possession thereafter until judgment against the garnishee even though no such property of the defendant was in the garnishee's possession at the time of service.

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.

* * * * *

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) 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

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) the funds on deposit, not including any otherwise exempt funds, 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 3146. Judgment against garnishee upon default or admission in answer to interrogatories.

* * * * *

(b)(1) [The] Subject to paragraph (2) of this subdivision, the prothonotary, on praecipe of the plaintiff, shall enter judgment against the garnishee for the property of the defendant admitted in the answer to interrogatories to be in the garnishee's possession, subject to any right therein claimed by the garnishee, but no money judgment entered against the garnishee shall exceed the amount of the judgment of the plaintiff against the defendant together with interest and costs. The entry of judgment shall not bar the right of the plaintiff to proceed against the garnishee as to any further property or to contest any right in the property claimed by the garnishee.

(2) If the garnishee is a bank or other financial institution, the prothonotary, in the absence of an order of court, shall not enter judgment pursuant to paragraph (1) of this subdivision as to funds of any account of the defendant that is identified in the garnishee's answer to interrogatory no. 7 or 8.

* * * * *

Subchapter E. ENFORCEMENT OF JUDGMENTS IN SPECIAL ACTIONS

FORMS

Rule 3252. Writ of execution; money judgments.

(a) The writ of execution shall include a notice to the defendant, a summary of major exemptions, and a claim for exemption, and shall be substantially in the following form:

(Caption)

WRIT OF EXECUTION

NOTICE

This paper is a Writ of Execution. It has been issued because there is a judgment against you. It may cause your property to be held or taken to pay the judgment. You may have legal rights to prevent your property from being taken. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, you must act promptly.

The law provides that certain property cannot be taken. Such property is said to be exempt. There is a debtor's exemption of \$ 300. There are other exemptions which may be applicable to you. Attached is a summary of some of the major exemptions. You may have other exemptions or other rights.

If you have an exemption, you should do the following promptly: (1) Fill out the attached claim form and demand for a prompt hearing. (2) Deliver the form or mail it to the Sheriff's Office at the address noted.

You should come to court ready to explain your exemption. If you do not come to court and prove your exemption, you may lose some of your property.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

(Name)

(Address)

(Telephone Number)

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 [his] the defendant's interest therein;

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

(Name of Garnishee)

as garnishee, _____
(Specifically describe property)

and to notify the garnishee that

(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**

(ii) **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 **[him] 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) \$ _____

(Name of Prothonotary (Clerk))

Seal of the Court

By _____
(Deputy)

MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW

1. \$300 statutory exemption
2. Bibles, school books, sewing machines, uniforms and equipment
3. Most wages and unemployment compensation
4. Social Security benefits
5. Certain retirement funds and accounts
6. Certain veteran and armed forces benefits
7. Certain insurance proceeds
8. Such other exemptions as may be provided by law

(Caption)

CLAIM FOR EXEMPTION

To the Sheriff:

I, the above-named defendant, claim exemption of property from levy or attachment:

(1) From my personal property in my possession which has been levied upon,

(a) I desire that my \$300 statutory exemption be

(i) set aside in kind (specify property to be set aside in kind): _____;

(ii) paid in cash following the sale of the property levied upon; or

(b) I claim the following exemption (specify property and basis of exemption): _____.

(2) From my property which is in the possession of a third party, I claim the following exemptions:

(a) my \$ 300 statutory exemption: in cash; in kind (specify property): _____;

(b) **[Social Security benefits on deposit in the amount of \$ _____;**

(c)] other (specify amount and basis of exemption): _____.

I request a prompt court hearing to determine the exemption. Notice of the hearing should be given to me at

_____.

(Address)

(Telephone Number)

I verify that the statements made in this Claim for Exemption are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____
(Defendent)

THIS CLAIM TO BE FILED WITH THE OFFICE OF THE SHERIFF OF _____ COUNTY:

(Address)

(Telephone Number)

Official Note: Under paragraphs (1) and (2) of the writ, a description of specific property to be levied upon or attached may be set forth in the writ or included in a separate direction to the sheriff.

Under paragraph (2) of the writ, if attachment of a named garnishee is desired, the garnishee's name should be set forth in the space provided.

Under paragraph (3) of the writ, the sheriff may **[, as under prior practice,]** add as a garnishee any person not named in this writ who may be found in possession of property of the defendant. See Rule 3111(a). For limitations on the power to attach tangible personal property, see Rule 3108(a).

(b) Each court shall by local rule designate the officer, organization or person to be named in the notice.

Rule 3253. Interrogatories in attachment.

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

(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 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 therefor?

6. At any time after you were served did you pay, transfer or deliver any money or property to the defendant 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 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

Numerous federal and state statutes provide that funds paid to individuals pursuant to the statutes are exempt from execution, levy and attachment. Perhaps the premier statute in this regard is the Social Security Act which provides, 42 U.S.C. § 407:

§ 407. Assignment; amendment of section

(a) The right of any person to any future payment under this title shall not be transferable or assignable, at law or in equity, and none of the moneys paid or payable or rights existing under this title shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law.

* * * * *

Section 407 provides that not only are future payments exempt from execution but so too are the funds once they have been deposited in the recipient's account in a bank or other financial institution.

Prior to the present amendments, the Pennsylvania Rules of Civil Procedure did not comply with these provisions. The writ of execution under Rule 3252, paragraph 2(b), provided that "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." The writ contained no exception for funds of the defendant which are exempt from execution. In addition, the defendant was required to claim the exemption by filing a claim under Rule 3123.1.

The present amendments to the execution rules address this problem. Under the amended rules, the judgment creditor rather than the defendant has the burden of raising an issue with respect to exempt payments within the scope of new Rule 3111.1. The defendant need not file a claim for exemption as exempt funds are not attached.

The amendments are as follows:

1. New Rule 3111.1 is to be promulgated, explicitly stating that funds of the defendant on deposit in certain accounts with a bank or other financial institution are exempt from execution. Social security payments are not named. Rather, the rule speaks in terms of "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 being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law."

2. The form of the writ of execution set forth in Rule 3252 is amended by incorporating the language of new Rule 3111.1(1). New paragraph 2(c) of the writ advises the garnishee that the attachment does not include the defendant's funds in an account which exempt funds are deposited electronically on a recurring basis.

3. Rule 3253 governing interrogatories to the garnishee is amended by adding new interrogatory no. 7. This interrogatory inquires of a bank or other financial institution as garnishee whether the defendant had "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." The garnishee is then required to "identify each account and state the reason for the exemption, the amount being withheld under each exemption and the entity electronically depositing those funds on a recurring basis."

4. The prior practice under Rule 3146(b) was that "the prothonotary, on praecipe of the plaintiff, shall enter judgment against the garnishee for the property of the defendant admitted in the answer to interrogatories to be in the garnishee's possession." Rule 3146(b) has been amended by adding new paragraph (2) providing that if the answer of a bank or other financial institution to

interrogatory no. 7 identifies one or more accounts as containing exempt funds, "the prothonotary, in the absence of an order of court, shall not enter judgment pursuant to paragraph (1) of this subdivision as to funds of any account of the defendant that is identified in the garnishee's answer" to the interrogatory.

5. Section 8123 of the Judicial Code, 42 Pa.C.S. § 8123, provides for a \$300 monetary exemption. This exemption is treated separately in new Rule 3111.1(2), in new paragraph (2)(c)(ii) of the writ of execution prescribed by Rule 3252 and in a new interrogatory to the garnishee under Rule 3253, interrogatory no. 8. The amendments provide a similar procedure for the \$300 monetary exemption as for recurring electronic deposits described above: \$300 or less in an account of the defendant is exempt from attachment, the writ of execution notifies the garnishee that \$300 or less in an account of the defendant is not attached and interrogatory no. 8 inquires of the garnishee concerning the funds of the defendant on deposit in accounts with the garnishee. As the \$300 amount is exempt from attachment, the defendant need not claim it under Rule 3123.1 governing claim of exemption.

By the Civil Procedural Rules Committee

R. STANTON WETTICK, Jr.,
Chair

[Pa.B. Doc. No. 07-304. Filed for public inspection February 23, 2007, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CHS. 11—18]

Addition of Official Notes and Committee Explanatory Reports to Dependency Matters Rules

It has been brought to the Juvenile Court Procedural Rules Committee's attention that the Official Note and the Committee's Explanatory Report cites were not published with the Rules on September 2, 2006 at 36 Pa.B. 5571. The Official Note for each Rule provides when the Rule was adopted by the Court and when the Rule went into effect. The Committee Explanatory Report cite sends the reader to the publication of the Committee's Explanatory Report in the *Pennsylvania Bulletin*.

There have been no rule changes with this publication. The additions are for historical reference only.

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart B. DEPENDENCY MATTERS

CHAPTER 11. GENERAL PROVISIONS

Rule 1100. Scope of Rules.

* * * * *

Official Note: Rule 1100 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1100 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1101. Purpose and Construction.

* * * * *

Official Note: Rule 1101 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1101 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1102. Citing the Juvenile Court Procedural Rules.

* * * * *

Official Note: Rule 1102 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1102 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

PART A. BUSINESS OF COURTS

Rule 1120. Definitions.

* * * * *

Official Note: Rule 1120 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1120 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1121. Local Rules.

* * * * *

Official Note: Rule 1121 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1121 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1122. Continuances.

* * * * *

Official Note: Rule 1122 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1122 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1123. Subpoenas.

* * * * *

Official Note: Rule 1123 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1123 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1124. Summons.

* * * * *

Official Note: Rule 1124 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1124 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1126. Defects in Form, Content, or Procedure.

* * * * *

Official Note: Rule 1126 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1126 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1127. Recording and Transcribing Juvenile Court Proceedings.

* * * * *

Official Note: Rule 1127 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1127 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1128. Presence at Proceedings.

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Official Note: Rule 1128 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1128 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1130. Public Discussion by Court Personnel of Pending Matters.

* * * * *

Official Note: Rule 1130 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1130 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1133. Motion to Intervene.

* * * * *

Official Note: Rule 1133 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1133 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1134. Proceedings in Camera.

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Official Note: Rule 1134 adopted August, 21, 2006, effective February 1, 2007.

Rule 1135. Captions.

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Official Note: Rule 1135 adopted August, 21, 2006, effective February 1, 2007.

PART B(1). EXAMINATION AND TREATMENT OF CHILD

Rule 1145. Application or Motion for Examination and Treatment of a Child.

* * * * *

Official Note: Rule 1145 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1145 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

PART B(2). COUNSEL

Rule 1150. Attorneys—Appearances and Withdrawals.

* * * * *

Official Note: Rule 1150 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1150 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1151. Assignment of Guardian ad litem and Counsel.

* * * * *

Official Note: Rule 1151 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

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

Rule 1152. Waiver of Counsel.

* * * * *

Official Note: Rule 1152 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1152 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1154. Duties of Guardian ad litem.

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Official Note: Rule 1154 adopted August, 21, 2006, effective February 1, 2007.

Rule 1158. Assignment of Court Appointed Special Advocates.

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Official Note: Rule 1158 adopted August, 21, 2006, effective February 1, 2007.

PART C. RECORDS

PART C(1). ACCESS TO JUVENILE COURT RECORDS

Rule 1160. Inspection of Juvenile Court File/Records.

* * * * *

Official Note: Rule 1160 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1160 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

PART C(2). MAINTAINING RECORDS

Rule 1165. Design of Forms.

* * * * *

Official Note: Rule 1165 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1165 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1166. Maintaining Records in the Clerk of Courts.

* * * * *

Official Note: Rule 1166 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1166 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1167. Filings and Service of Court Orders and Notices.

* * * * *

Official Note: Rule 1167 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1167 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

PART D. PROCEEDINGS IN CASES BEFORE MASTER

Rule 1185. Appointment to Cases.

* * * * *

Official Note: Rule 1185 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1185 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1187. Authority of Master.

* * * * *

Official Note: Rule 1187 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1187 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1190. Stipulations Before Master.

* * * * *

Official Note: Rule 1190 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1190 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1191. Master's Findings and Recommendation to the Judge.

* * * * *

Official Note: Rule 1191 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1191 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

CHAPTER 12. COMMENCEMENT OF PROCEEDINGS, EMERGENCY CUSTODY, AND PRE-ADJUDICATORY PLACEMENT

PART A. COMMENCING PROCEEDINGS

Rule 1200. Commencing Proceedings.

* * * * *

Official Note: Rule 1200 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1200 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1201. Procedures for Protective Medical Custody.

* * * * *

Official Note: Rule 1201 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1201 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1202. Procedures for Protective Custody by Police and County Agency.

* * * * *

Official Note: Rule 1202 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1202 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

PART B. EMERGENCY CUSTODY

Rule 1210. Order for Protective Custody.

* * * * *

Official Note: Rule 1210 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1210 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

PART C. SHELTER CARE

Rule 1240. Shelter Care Application.

* * * * *

Official Note: Rule 1240 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1240 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1241. Notification of Shelter Care Hearing.

* * * * *

Official Note: Rule 1241 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1241 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1242. General Conduct of Shelter Care Hearing.

* * * * *

Official Note: Rule 1242 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1242 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1243. Shelter Care Rehearings.

* * * * *

Official Note: Rule 1243 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1243 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

CHAPTER 13. PRE-ADJUDICATORY PROCEDURES

PART A. VENUE

Rule 1300. Venue.

* * * * *

Official Note: Rule 1300 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1300 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1302. Inter-County Transfer.

* * * * *

Official Note: Rule 1302 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1302 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

PART B. APPLICATION FOR PRIVATE PETITION

Rule 1320. Application to File a Private Petition.

* * * * *

Official Note: Rule 1320 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1320 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1321. Hearing on Application for Private Petition.

* * * * *

Official Note: Rule 1321 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1321 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

PART C. PETITION

Rule 1330. Petition: Filing, Contents, Function, Aggravated Circumstances.

* * * * *

Official Note: Rule 1330 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1330 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1331. Service of Petition.

* * * * *

Official Note: Rule 1331 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1331 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1333. Separate Petitions and Consolidated Hearing.

* * * * *

Official Note: Rule 1333 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1333 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1334. Amendment of Petition.

* * * * *

Official Note: Rule 1334 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1334 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1335. Withdrawal of Petition.

* * * * *

Official Note: Rule 1335 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1335 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1336. Re-Filing of the Petition After Withdrawal or Dismissal.

* * * * *

Official Note: Rule 1336 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1336 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

PART D. PROCEDURES FOLLOWING FILING OF PETITION

Rule 1340. Discovery and Inspection.

* * * * *

Official Note: Rule 1340 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1340 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1342. Pre-Adjudicatory Conference.

* * * * *

Official Note: Rule 1342 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1342 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

PART D(1). MOTION PROCEDURES

Rule 1344. Motions and Answers.

* * * * *

Official Note: Rule 1344 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1344 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1345. Filing and Service.

* * * * *

Official Note: Rule 1345 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1345 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

PART D(2). ADJUDICATORY SUMMONS AND NOTICE PROCEDURES

Rule 1360. Adjudicatory Summons.

* * * * *

Official Note: Rule 1360 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1360 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1361. Adjudicatory Notice.

* * * * *

Official Note: Rule 1361 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1361 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1363. Service of Summons.

* * * * *

Official Note: Rule 1363 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1363 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1364. Failure to Appear on the Summons.

* * * * *

Official Note: Rule 1364 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1364 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

PART E. PRESERVATION OF TESTIMONY AND EVIDENCE

Rule 1380. Preservation of Testimony After Commencement of Proceedings.

* * * * *

Official Note: Rule 1380 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1380 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1381. Preservation of Testimony by Video Recording.

* * * * *

Official Note: Rule 1381 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1381 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

CHAPTER 14. ADJUDICATORY HEARING

Rule 1401. Introduction to Chapter Fourteen.

* * * * *

Official Note: Rule 1401 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1401 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1404. Prompt Adjudicatory Hearing.

* * * * *

Official Note: Rule 1404 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1404 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1405. Stipulations.

* * * * *

Official Note: Rule 1405 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1405 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1406. Adjudicatory Hearing.

* * * * *

Official Note: Rule 1406 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1406 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1408. Findings on Petition.

* * * * *

Official Note: Rule 1408 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1408 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1409. Adjudication of Dependency and Court Order.

* * * * *

Official Note: Rule 1409 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1409 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**CHAPTER 15. DISPOSITIONAL HEARING
PART A. SUMMONS AND NOTICE OF THE
DISPOSITIONAL HEARING**

Rule 1500. Summons for the Dispositional Hearing.

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Official Note: Rule 1500 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1500 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1501. Dispositional Notice.

* * * * *

Official Note: Rule 1501 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1501 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1509. Aids in Disposition.

* * * * *

Official Note: Rule 1509 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1509 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1510. prompt Dispositional Hearing.

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Official Note: Rule 1510 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1510 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1511. Pre-Dispositional Statement.

* * * * *

Official Note: Rule 1511 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1511 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1512. Dispositional Hearing.

* * * * *

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. 5599 (September 2, 2006).

Rule 1514. Dispositional Finding Before Removal from Home.

* * * * *

Official Note: Rule 1514 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1514 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1515. Dispositional Order.

* * * * *

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. 5599 (September 2, 2006).

Rule 1516. Service of the Dispositional Order.

* * * * *

Official Note: Rule 1516 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1516 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

CHAPTER 16. POST-DISPOSITIONAL PROCEDURES

PART A. SUMMONS AND NOTICE

Rule 1600. Summons for the permanency Hearing.

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Official Note: Rule 1600 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1600 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1601. Permanency Hearing Notice.

* * * * *

Official Note: Rule 1601 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1601 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

PART B. PERMANENCY HEARING

Rule 1607. Regular Scheduling of Permanency Hearings.

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Official Note: Rule 1607 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1607 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1608. Permanency Hearing.

* * * * *

Official Note: Rule 1608 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

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

Rule 1609. Court Order of Permanency Hearing Determinations.

* * * * *

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. 5599 (September 2, 2006).

Rule 1613. Termination of Court Supervision.

* * * * *

Official Note: Rule 1613 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

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

CHAPTER 17. AGGRAVATED CIRCUMSTANCES

Rule 1701. Motion for Finding of Aggravated Circumstances.

* * * * *

Official Note: Rule 1701 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1701 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1702. Filing of Motion for Finding of Aggravated Circumstances.

* * * * *

Official Note: Rule 1702 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1702 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1705. Adjudication of Aggravated Circumstances.

* * * * *

Official Note: Rule 1705 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1705 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

CHAPTER 18. SUSPENSIONS

Rule 1800. Suspensions of Acts of Assembly.

* * * * *

Official Note: Rule 1800 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1800 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

[Pa.B. Doc. No. 07-305. Filed for public inspection February 23, 2007, 9:00 a.m.]

Title 25—LOCAL COURT RULES

LEHIGH COUNTY

Administrative Order for Amendment of Rule of Civil Procedure 205.2(a) Pertaining to Filing of Legal Papers With the Clerk of Courts; No. 2007-J-27

Order

And Now, this 5th day of February, 2007, *It Is Ordered* that the following Lehigh County Rule of Civil Procedure 205.2(a) for Filing of Legal Papers with the Clerk of Courts be amended as hereinafter set forth, said amend-

ment to become effective thirty (30) days after the posting of the rule on the UJS Web Portal.

The Court Administrator of Lehigh County is directed to:

1. File seven (7) certified copies of this Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one disk copy with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Pennsylvania Civil Procedural Rules Committee.
4. File one (1) copy with the Clerk of Courts of the Lehigh County Court of Common Pleas.
5. Forward one (1) copy for publication in the *Lehigh County Law Journal*.

By the Court

ALAN M. BLACK,
President Judge

RULE 205.2(a). Filing of Legal Papers with the Clerk of Courts

All pleadings and other documents submitted for filing with the Clerk of Courts shall conform with the following requirements:

1. The use of backers and/or toppers is prohibited.
2. All documents shall be fastened together by staples.
3. The text of original documents shall not be highlighted by the use of colored markers. Highlighting of text can be done by **bolding** or by using a different *style* and **size** of font.
4. All documents shall be single-sided and double-spaced, except that quotations, footnotes and exhibits may be single-spaced.
5. The font size of all documents shall be not less 12 points.
6. Paper shall be of good quality and shall not exceed 8-1/2" x 11" in size.
7. Attachments smaller than 8-1/2" x 11" shall be attached to regular size paper by using scotch tape.
8. All exhibits shall be identified as such on the bottom center of each document as well as by exhibit tabs.
9. All pages shall be numbered consecutively. The number shall appear at the bottom center position of each page.
10. All copies attached to documents shall be clear and legible.
11. All documents shall contain the following: (i) the correct caption of the case, including the names of the parties, the docket number, the division of the court, and the name of the assigned judge, if any; (ii) a title indicating the nature of the document; (iii) the name,

address, telephone number, fax number and Supreme Court identification number of the attorney filing the document; and (iv) if the party filing the document is not an attorney, the name, address, telephone number of such party.

12. No document submitted for filing to the clerk of courts—civil shall disclose the social security number of any person, except as specifically authorized by court order.

[Pa.B. Doc. No. 07-306. Filed for public inspection February 23, 2007, 9:00 a.m.]

WARREN AND FOREST COUNTIES
**Rule of Juvenile Procedure—Dependency Matters
Rule 1167; No. 8 of 2007; Miscellaneous**

Amended Order

And Now, this 7th day of February, 2007, the Court approves and adopts the Warren/Forest Local Rule of Juvenile Procedure—Dependency Matters—Rule 1167—Service of Court Orders and Notices. The Rule shall become effective thirty days after publication in the *Pennsylvania Bulletin*.

The Court Administrator of the 37th Judicial District is directed to:

1. File seven (7) certified copies of this Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one disk copy with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Pennsylvania Civil Procedural Rules Committee.
4. File one (1) copy with the Prothonotaries of the Court of the 37th Judicial District.

By the Court

WILLIAM F. MORGAN,
President Judge

Rule L1167. Service of Court Orders and Notices

All Orders and Court Notices in juvenile dependency matters which are filed with the Clerk of Courts, shall be served promptly by Forest County Children and Youth for all Forest County matters and Warren County Children and Youth for all Warren County matters in accordance with the requirements and methods set forth in Rule 1167 of the Pennsylvania Rules of Juvenile Court Procedure.

[Pa.B. Doc. No. 07-307. Filed for public inspection February 23, 2007, 9:00 a.m.]