

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 200]

Amendment of Rule 220.1 Governing Voir Dire; No. 490 Civil Procedural Rules; Doc. No. 5

Order

Per Curiam:

And Now, this 11th day of March, 2008, Pennsylvania Rule of Civil Procedure 220.1 is amended to read as follows.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective June 1, 2008.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 220.1. Voir Dire.

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

* * * * *

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

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

* * * * *

Explanatory Comment

Rule 220.1 governing voir dire has been amended with the addition of a note to subdivision (a)(16). Subdivision (a) lists the information to which parties are entitled to obtain during voir dire, concluding with a catch-all provision in subparagraph (16). The note cites *Capoferri v. Children's Hospital of Philadelphia*, 893 A.2d 133 (Pa. Super. 2006) (en banc), as an example of the type of information that may be sought from potential jurors pursuant to subparagraph (16) to achieve a competent, fair and impartial jury in a particular case.

By the Civil Procedural Rules Committee

R. STANTON WETTICK, Jr.,
Chair

[Pa.B. Doc. No. 08-500. Filed for public inspection March 21, 2008, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CHS. 1 AND 11]

Proposed Modifications of Rules 121 and 1121

The Juvenile Court Procedural Rules Committee is planning to recommend to the Supreme Court of Pennsylvania that the modifications of Rules 121 and 1121 be adopted and prescribed. The proposed modified Rules provide that a local rule shall be submitted to the Juvenile Court Procedural Rules Committee to ensure that there are no inconsistencies with the Statewide rules prior to adoption of the local rule and a reorganization of the rule to emphasize the intent of this proposed change. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

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

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

A. Christine Riscili, Esq.
Staff Counsel
Supreme Court of Pennsylvania
Juvenile Court Procedural Rules Committee
5035 Ritter Road, Suite 700
Mechanicsburg, PA 17055

no later than Friday, May 9, 2008.

By the Juvenile Court

Procedural Rules Committee:

FRANCIS BARRY MCCARTHY,
Chair

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 1. GENERAL PROVISIONS

PART A. BUSINESS OF COURTS

Rule 121. Local Rules.

A. **Definition of Local Rule.** For the purpose of this rule, the term, "local rule" shall include every rule, **administrative order, regulation, directive, policy, custom, usage, form, or order of general application, however labeled or promulgated, which is adopted or enforced by a court of common pleas to govern juvenile delinquency practice and procedure[, which requires a party or party's attorney to do or refrain from doing something]**.

B. [All previously promulgated local rules are hereby vacated, effective October 1, 2005.] **Vacated Local Rules and Repromulgation.**

1) All local rules promulgated before October 1, 2005 were vacated at the time of the adoption of these Rules.

2) Each judicial district may promulgate new local rules that do not conflict with the Rules of Juvenile Court Procedure after submission under paragraph (D).

C. Corresponding numbers. Local rules shall be given numbers that are keyed to the number of the Rules of Juvenile Court Procedure to which the local rules correspond.

D. Submission to Committee.

1) All proposed local delinquency rules and proposed amendments to local delinquency rules shall be submitted in writing to the Juvenile Court Procedural Rules Committee for the Committee to review.

2) The adopting court shall not proceed with the proposed local rule or amendments until the adopting court receives written notification from the Committee that the proposed local rule or amendments are not inconsistent with any general rule of the Supreme Court.

[C] E. Vacating and Suspending Local Rules. Local rules shall not be inconsistent with any rule of the Supreme Court or any Act of Assembly.

1) The Juvenile Court Procedural Rules Committee may at any time recommend that the Supreme Court suspend, vacate, or require amendment of a local rule.

2) The Juvenile Court Procedural Rules Committee may suspend that local rule pending action by the Court on that recommendation.

[1] Each judicial district may promulgate new local rules that do not conflict with the Rules of Juvenile Court Procedure.

2) Local rules shall be given numbers that are keyed to the number of the Rules of Juvenile Court Procedure to which the local rules correspond.]

F. Publication of Local Rules. All local rules shall be published in the *Pennsylvania Bulletin* to be effective and enforceable.

1) The adopting court shall not publish the local rule in the *Pennsylvania Bulletin* until it has received the statement from the Committee that the proposed local rule is not inconsistent with any general rule of the Supreme Court.

2) The adopting court shall submit the following items to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*:

a) two certified copies of the local rule;

b) a copy of the local rule on a computer diskette, CD-ROM, or electronic copy that complies with the requirements of 1 Pa. Code § 13.11(b)—(f); and

c) a copy of the written notification, received from the Juvenile Court Procedural Rules Committee, providing that the local rule is not inconsistent with the Pennsylvania Rules of Juvenile Court Procedure.

3) The effective date of the local rule shall not be less than 30 days after the date of publication of the rule in the *Pennsylvania Bulletin*.

G. Filing with AOPC. Contemporaneously with publishing the local rule in the *Pennsylvania Bulletin*,

the adopting court shall file one certified copy of the local rule with the Administrative Office of Pennsylvania Courts.

[D. A local rule shall not become effective and enforceable until the adopting court has fully complied with all the following requirements:

1) A local rule shall be in writing.

2) Seven certified copies of the local rule shall be filed by the court promulgating the rule with the Administrative Office of Pennsylvania Courts.

3) Two certified copies of the local rule shall be distributed by the court promulgating the rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

4) One certified copy of the local rule shall be filed by the court promulgating the rule with the Juvenile Court Procedural Rules Committee.

5)] H. Public inspection.

1) The local rules shall be kept continuously available for public inspection and copying in the office of the clerk of courts.

2) Upon request and payment of reasonable costs of reproduction and mailing, the clerk shall furnish to any person a copy of any local rule.

[E. A local rule shall become effective not less than thirty days after the date of publication of the rule in the *Pennsylvania Bulletin*.]

[F] I. Mandatory Acceptance of Filing.

1) No pleading or other legal paper shall be refused for filing by the clerk of courts based on a requirement of a local rule.

2) No case shall be dismissed nor request for relief granted or denied because of the failure to comply with a local rule.

3) In any case of noncompliance with a local rule, the court shall alert the party to the specific provision at issue and provide a reasonable time for the [attorney] party to comply with the local rule.

[G. The Juvenile Court Procedural Rules Committee may at any time recommend that the Supreme Court suspend, vacate, or require amendment of a local rule and may suspend that local rule pending action by the Court on that recommendation.]

Comment

The purpose of this rule is to further the policy of the Supreme Court to implement the unified judicial system under the Constitution of 1968, to facilitate the statewide practice of law under this Court's general rules, and to promote the further policy that a general rule of juvenile court procedure normally preempts the subject covered. It is intended that local rules should not repeat general rules or statutory provisions verbatim or substantially verbatim nor should local rules make it difficult for attorneys to practice law in several counties.

The caption or other words used as a label or designation [shall] is not to determine whether something is or establishes a local rule; if the definition in paragraph (A) of this rule is satisfied, the matter is a local rule regardless of what it may be called. The provisions of this

rule also are intended to apply to any amendments to a "local rule." Nothing in this rule is intended to apply to case-specific orders.

Paragraph (B) [**vacates**] **vacated** all current local rules on October 1, 2005, the **original** effective date of this rule. The local rules are to be repromulgated to comply with this rule. This includes rekeying pursuant to paragraph (C) [**(2)**] and meeting the appropriate filing requirements under [**paragraph**] **paragraphs** [**(D)**] **(F) & (G)**.

To simplify the use of local rules, local juvenile delinquency procedural rules are required to be given numbers that are keyed to the number of the general juvenile delinquency procedural rules to which the local rules correspond **pursuant to paragraph (C)**. This requirement is not intended to apply to local rules that govern the general business of the court and which do not correspond to a general juvenile delinquency procedural rule.

Paragraph (D), added in 2008, requires that, before publishing the local rule or proceeding with any of the other requirements in paragraphs (F) and (G), the adopting court must submit all proposed local delinquency rules or rule amendments to the Juvenile Court Procedural Rules Committee for review.

[**The purpose of paragraph (D) is to**] **The 2008 amendments** emphasize that the adopting authority [**shall**] **is to** comply with all the provisions of [**paragraph (D)**] **this rule** before any local rule, or any amendment to local rules, will be effective and enforceable.

Paragraph (F) requires the local rule to be published in the *Pennsylvania Bulletin* to be effective. Pursuant to 1 Pa. Code § 13.11(b)—(f), any documents that are submitted for publication must be accompanied by a diskette or CD-ROM formatted in MS-DOS, ASCII, Microsoft Word, or WordPerfect or in lieu of a diskette or CD-ROM, an electronic copy may be submitted to Legislative Reference Bureau at pabsupreme@palrb.us. The diskette, CD-ROM, or email cover sheet must be labeled with the court's name and address and the local rule's computer file name. In addition, a copy of the written notification, received from the Juvenile Court Procedural Rules Committee, that the local rule is not inconsistent with the Rules of Juvenile Court Procedure is to be submitted.

[**Paragraph (D)(5) requires that a separate consolidated set of local rules be maintained in the clerk's office.**

The Administrative Office of Pennsylvania Courts maintains a web-page containing the text of local rules. That web-page is located at: <http://www.courts.state.pa.us/judicial-council/local-rules/index.htm>.]

Pursuant to paragraph (F)(2), an electronic copy is a document sent via email to the *Pennsylvania Bulletin*.

Although under paragraph [**(E)**] **(F)(3)** a local rule [**shall**] **is not to** be effective until at least thirty days after the date of publication in the *Pennsylvania Bulletin*, when a situation arises that requires immediate action,

the local court may act by specific orders governing particular cases in the interim before an applicable local rule becomes effective.

The Administrative Office of Pennsylvania Courts maintains a web-page containing the text of local rules. That web-page is located at: <http://www.courts.state.pa.us/judicial-council/local-rules/index.htm>.

Paragraph (H) requires that a separate consolidated set of local rules be maintained in the clerk's office.

The purpose of paragraph [**(F)**] **(I)** is to: **1) require that all documents presented for filing are accepted by the clerk of court, also see Rule 345 (A)(2); and 2) prevent the dismissal of cases, or the granting or denial of requested relief, because a party has failed to comply with a local rule. In addition, paragraph [(F)] (I) requires that the party be alerted to the local rule, and be given a reasonable amount of time to comply with the local rule.**

After the court has alerted the party to the local rule pursuant to paragraph [**(F)**] **(I)**, the court may impose a sanction for subsequent noncompliance either on the attorney or the juvenile if proceeding pro se, but may not dismiss the case, or grant or deny relief because of non-compliance.

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Subpart B. DEPENDENCY MATTERS

CHAPTER 11. GENERAL PROVISIONS

PART A. BUSINESS OF COURTS

Rule 1121. Local Rules.

A. *Definition of Local Rule.* For the purpose of this rule, the term, "local rule" shall include every rule, **administrative order**, regulation, directive, policy, custom, usage, form, or order of general application, however labeled or promulgated, **which is adopted or enforced by a court of common pleas to govern juvenile dependency practice and procedure**[, **which requires a party or party's attorney to do or refrain from doing something**] .

B. *Vacated Local Rules and Repromulgation.* [**All local rules promulgated before the effective date of this rule are hereby vacated on the date this rule becomes effective.**]

1) All local rules promulgated before February 1, 2007 were vacated at the time of the adoption of these Rules.

2) Each judicial district may promulgate new local rules that do not conflict with the Rules of Juvenile Court Procedure after submission under paragraph (D).

C. *Corresponding numbers.* Local rules shall be given numbers that are keyed to the number of the Rules of Juvenile Court Procedure to which the local rules correspond.

D. *Submission to Committee.*

1) All proposed local dependency rules and proposed amendments to local dependency rules shall be submitted in writing to the Juvenile Court Procedural Rules Committee for the Committee to review.

2) The adopting court shall not proceed with the proposed local rule or amendments until the adopting court receives written notification from the Committee that the proposed local rule or amendments are not inconsistent with any general rule of the Supreme Court.

[C] E. *Vacating and Suspending Local Rules.* Local rules shall not be inconsistent with any rule of the Supreme Court or any Act of Assembly.

1) The Juvenile Court Procedural Rules Committee may at any time recommend that the Supreme Court suspend, vacate, or require amendment of a local rule.

2) The Juvenile Court Procedural Rules Committee may suspend that local rule pending action by the Court on that recommendation.

[1) Each judicial district may promulgate new local rules that do not conflict with the Rules of Juvenile Court Procedure.

2) Local rules shall be given numbers that are keyed to the number of the Rules of Juvenile Court Procedure to which the local rules correspond.]

F. *Publication of Local Rules.* All local rules shall be published in the *Pennsylvania Bulletin* to be effective and enforceable.

1) The adopting court shall not publish the local rule in the *Pennsylvania Bulletin* until it has received the statement from the Committee that the proposed local rule is not inconsistent with any general rule of the Supreme Court.

2) The adopting court shall submit the following items to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*:

- a) two certified copies of the local rule;
- b) a copy of the local rule on a computer diskette, CD-ROM, or electronic copy that complies with the requirements of 1 Pa. Code § 13.11(b)—(f); and
- c) a copy of the written notification, received from the Juvenile Court Procedural Rules Committee, providing that the local rule is not inconsistent with the Pennsylvania Rules of Juvenile Court Procedure.

3) The effective date of the local rule shall not be less than 30 days after the date of publication of the rule in the *Pennsylvania Bulletin*.

G. *Filing with AOPC.* Contemporaneously with publishing the local rule in the *Pennsylvania Bulletin*, the adopting court shall file one certified copy of the local rule with the Administrative Office of Pennsylvania Courts.

[D. A local rule shall not become effective and enforceable until the adopting court has fully complied with all the following requirements:

- 1) A local rule shall be in writing.
- 2) Seven certified copies of the local rule shall be filed by the court promulgating the rule with the Administrative Office of Pennsylvania Courts.
- 3) Two certified copies of the local rule shall be distributed by the court promulgating the rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

4) One certified copy of the local rule shall be filed by the court promulgating the rule with the Juvenile Court Procedural Rules Committee.]

[(5)] H. *Public inspection.*

1) The local rules shall be kept continuously available for public inspection and copying in the office of the clerk of courts.

2) Upon request and payment of reasonable costs of reproduction and mailing, the clerk shall furnish to any person a copy of any local rule.

[E. A local rule shall become effective not less than thirty days after the date of publication of the rule in the *Pennsylvania Bulletin*.

(F)] I. *Mandatory Acceptance of Filing.*

1) No pleading or other legal paper shall be refused for filing by the clerk of courts based on a requirement of a local rule.

2) No case shall be dismissed nor request for relief granted or denied because of the failure to comply with a local rule.

3) In any case of noncompliance with a local rule, the court shall alert the party to the specific provision at issue and provide a reasonable time for the [attorney] party to comply with the local rule.

[G. The Juvenile Court Procedural Rules Committee may at any time recommend that the Supreme Court suspend, vacate, or require amendment of a local rule and may suspend that local rule pending action by the Court on that recommendation.]

Comment

* * * * *

Paragraph (B) [vacates] vacated all current local rules on February 1, 2007, the original effective date of this rule. The local rules are to be repromulgated to comply with this rule. This includes rekeying pursuant to paragraph (C)[(2)] and meeting the appropriate filing requirements under paragraphs [(D)](F) & (G).

To simplify the use of local rules, local juvenile dependency procedural rules are required to be given numbers that are keyed to the number of the general juvenile dependency procedural rules to which the local rules correspond pursuant to paragraph (C). This requirement is not intended to apply to local rules that govern the general business of the court and which do not correspond to a general juvenile dependency procedural rule.

Paragraph (D), added in 2008, requires that, before publishing the local rule or proceeding with any of the other requirements in paragraphs (F) and (G), the adopting court must submit all proposed local delinquency rules or rule amendments to the Juvenile Court Procedural Rules Committee for review.

[The purpose of paragraph (D) is to] The 2008 amendments emphasize that the adopting authority is to comply with all the provisions of [paragraph (D)] this rule before any local rule, or any amendment to local rules, will be effective and enforceable.

Paragraph (F) requires the local rule to be published in the *Pennsylvania Bulletin* to be effective.

Pursuant to 1 Pa. Code § 13.11(b)—(f), any documents that are submitted for publication must be accompanied by a diskette or CD-ROM formatted in MS-DOS, ASCII, Microsoft Word, or WordPerfect or in lieu of a diskette or CD-ROM, an electronic copy may be submitted to Legislative Reference Bureau at pabsupreme@palrb.us. The diskette, CD-ROM, or email cover sheet must be labeled with the court's name and address and the local rule's computer file name. In addition, a copy of the written notification, received from the Juvenile Court Procedural Rules Committee, that the local rule is not inconsistent with the Rules of Juvenile Court Procedure is to be submitted.

[Paragraph (D)(5) requires that a separate consolidated set of local rules be maintained in the clerk's office.

The Administrative Office of Pennsylvania Courts maintains a web-page containing the text of local rules. That web-page is located at: <http://www.courts.state.pa.us/judicial-council/local-rules/index.htm>.]

Pursuant to paragraph (F)(2), an electronic copy is a document sent via email to the *Pennsylvania Bulletin*.

Although under paragraph [(E)](F)(3) a local rule is not to be effective until at least thirty days after the date of publication in the *Pennsylvania Bulletin*, when a situation arises that requires immediate action, the local court may act by specific orders governing particular cases in the interim before an applicable local rule becomes effective.

The Administrative Office of Pennsylvania Courts maintains a web-page containing the text of local rules. That web-page is located at: <http://www.courts.state.pa.us/judicial-council/local-rules/index.htm>.

Paragraph (H) requires that a separate consolidated set of local rules be maintained in the clerk's office.

The purpose of paragraph [(F)](I) is to: 1) require that all documents presented for filing are accepted by the clerk of court, also see Rule 345 (A)(2); and 2) prevent the dismissal of cases, or the granting or denial of requested relief, because a party has failed to comply with a local rule. In addition, paragraph [(F)](I) requires that the party be alerted to the local rule, and be given a reasonable amount of time to comply with the local rule.

After the court has alerted the party to the local rule pursuant to paragraph [(F)](I), the court may impose a sanction for subsequent noncompliance either on the attorney or the party if unrepresented, but may not dismiss the case, or grant or deny relief because of non-compliance.

* * * * *

EXPLANATORY REPORT

I. BACKGROUND

Rule of Juvenile Court Procedure 121 was adopted in 2005 and Rule of Juvenile Court Procedure 1121 was adopted in 2007 "to facilitate the statewide practice of law under this Court's general rules, and to promote the further policy that a general rule of juvenile court procedure normally preempts the subject covered." The

Juvenile Rules were modeled after Pa.R.Crim.P. 105 and Pa.R.C.P. 239, which were both adopted in 1983. To provide consistency among the Court's rules, changes are proposed to mirror the new language and intent of the Pa.R.Crim.P. 105 adopted January 25, 2008.

The new proposed rules will provide a uniform definition of local rules, prerequisites to effectiveness and effective dates, procedures for accessibility and distribution, and for the suspension of inconsistent local rules.

When Pa.Rs.J.C.P. 121 and 1121 were adopted, all local rules were vacated. Each judicial district could promulgate new local rules that did not conflict with the Rules of Juvenile Court Procedure and each judicial district may continue to promulgate new consistent local rules.

Because judicial districts have continued to enact local rules that fail to comply with the provisions of Rules 121 or 1121, this proposal is requesting several additional amendments that are intended to make the requirements for local rules absolutely clear. Judicial districts continue to enact local rules by calling them something other than a local rule, even though the practices and procedures are local rules within the definitions of Rules 121 or 1121. In addition, some judicial districts' "local rules" still are not being published or are not being made available to the members of the Bar. Finally, in many cases, these local practices and procedures conflict with the statewide rules.

Because of this failure to comply with the requirements of these rules by some judicial districts and to provide procedure uniformity with the Rules of Juvenile Court Procedure, the Committee agreed to recommend that the only recourse to ensure compliance with Rules 121 or 1121 is to require that before a judicial district may enact or amend a local rule, the local rule or local rule amendments must be submitted in writing to the Committee for review. Unless the local adopting court receives a written notification from the Committee that the local rule is not inconsistent, the local rule will not be effective and enforceable. This requirement and some additional proposed clarifying amendments are discussed below.

To clarify the reorganization and discussion of paragraphs, the "proposed new" paragraph refers to the renumbered proposed new paragraph that the Committee is suggesting be changed. The "current" paragraph refers to the current language of the Rule.

II. DISCUSSION

The proposed new procedural requirement that all new local rules and local rule amendments must be submitted to the Committee for the Committee's review before the local rule may be published and before the rule or amendments will be effective and enforceable is set forth in new proposed paragraph (D). Pursuant to this new proposed procedure, the adopting court is required to submit in writing to the Committee for the Committee's review any proposal that governs juvenile court practice and procedure. This pre-adoption review is narrow in scope. The Committee will merely determine whether the proposed local rule provisions comply with the requirements of Rule 121 or 1121. Specifically, the Committee will be considering whether the local rule change is consistent with the general rules of the Supreme Court as required in new proposed Rule 121(E) or 1121(E). The Committee will not be passing judgment on the wisdom of the local rule or the substantive validity of the provisions of the local rule or on the merits of the local rule.

Following this review, the Committee will communicate in writing with the adopting court. The adopting court will be prohibited from proceeding with the local rule

proposal until receiving written notification from the Committee that the proposed local rule satisfies the requirements of Rule 121 or 1121 and is not inconsistent with the statewide rules. In addition, new proposed paragraph (F)(2)(c) will require the adopting court to send a copy of the written statement received from the Committee to the Legislative Reference Bureau when publishing a new local rule.

Rules 121 and 1121 also have been reorganized to emphasize more clearly the essential requirements of the rule. Paragraph (A), which sets forth the "definition" of local rule, remains mostly the same. The term "administrative order" has been added to the list of things in this paragraph that are considered "local rules." In our experience, many local enactments labeled "administrative orders" are in fact "local rules" that should comply with Rule 121 or 1121 requirements. Because some judicial districts continue to ignore the clear mandate of Rule 121 or 1121 by, for example, designating as "administrative orders" various directives that actually govern practice and procedure in juvenile court cases, and by failing to publish or provide copies of these administrative orders to the Committee, the Committee agreed that "administrative order" should be added to paragraph (A). As has been intended since the inception of Rule 121 or 1121, only administrative orders that govern juvenile court practice and procedure in some way would be subject to Rule 121 or 1121. This change is not intended to affect administrative orders that govern other aspects of court operations, such as administrative orders that establish local court calendars.

In addition, the Committee is requesting the phrase "which requires a party or party's attorney to do or refrain from doing something" to be removed from paragraph (A) because these same non-compliant judicial districts fail to send in a local rule rationalizing that it is not a local rule because it does not meet the definition of a party or party's attorney doing or refraining from doing something.

Paragraph (B) has been reworded to show that all local rules promulgated before October 1, 2005 were vacated at the time of adoption of these Rules and moved to paragraph (B)(1). Current paragraph (C)(1) was moved to new proposed paragraph (B)(2), which provides that each judicial district may adopt new local rules that are not in conflict with the Rules of Juvenile Court Procedure.

Current paragraph (C)(2) will become paragraph (C), which requires that local rules be given numbers keyed to the statewide rules to add emphasis to this requirement.

Current paragraph (G) will be retained as new proposed paragraph (E)(1) & (2). The requirements are now separated to show and emphasize that the Committee may recommend to the Supreme Court the suspension, vacation, and amendment of local rules that are not in compliance with Rule 121 or 1121. Pending that action, the Committee may suspend a local rule.

New proposed paragraph (F) sets forth the provisions related to publishing proposed local rules in the *Pennsylvania Bulletin*, making it clear that to be effective and enforceable, the local rule must be published, but not until the Committee has provided written notification that the local rule is not inconsistent as required by new proposed paragraph (D). In addition, current paragraph (D)(3) that explains what must be sent to the *Pennsylvania Bulletin* is now new proposed paragraph (F)(2), and current paragraph (E) that requires the effective date of new local rules and amended local rules be not less than 30 days after publishing in the *Pennsylvania Bulletin* is now new proposed paragraph (F)(3).

New proposed paragraph (G) is taken from current paragraph (D)(2); however, new proposed paragraph (G) requires that, contemporaneously with publishing in the *Pennsylvania Bulletin*, the adopting court must file one copy of the local rule with the AOPC. Current paragraph (D)(2) requires that seven copies be sent to the AOPC.

Because new proposed paragraph (D) requires that the adopting court submit a written copy of the proposed local rule to the Committee for prior approval, current paragraphs (D)(1) and (D)(4) will no longer be necessary.

Current paragraph (D)(5) has been moved to new proposed paragraph (H).

New proposed paragraph (I) incorporates current paragraph (F), and includes as a first sentence the requirement that the clerk of courts accept all pleadings and other legal papers for filing even if the document does not satisfy the requirements of a local rule. This new proposal is comparable to Pa.R.C.P. 205.2, Pa.Rs.Crim.P. 105 and 576(A), and complies with the requirements in Pa.R.J.C.P. 345(A).

[Pa.B. Doc. No. 08-501. Filed for public inspection March 21, 2008, 9:00 a.m.]

Title 255—LOCAL COURT RULES

DELAWARE COUNTY

Local Rule of Criminal Procedure 507A; No. Misc. Doc. 08-2750

Order

And Now, this 6th day of March, 2008, it is hereby *Ordered* and *Decreed* that the Local Rule is hereby adopted. Said Rule shall go into effect thirty (30) days after Publication in the Pennsylvania Law Bulletin.

By the Court

JOSEPH P. CRONIN, Jr.,
President Judge

Proposed Local Rule 507A

Rule 507A Approval of Police Complaints and Arrest Warrant Affidavits By Attorney For the Commonwealth

(A) The District Attorney of Delaware County, having filed a certificate pursuant to Pennsylvania Rule of Criminal Procedure 507, Criminal Complaints and Arrest Warrant Affidavits by police officers, as defined in the Rules of Criminal Procedure charging the following criminal offenses:

Criminal Homicide in violation of 18 Pa.C.S.A. Section 2501;
 Murder in any degree in violation of 18 Pa.C.S.A. Section 2502;
 Voluntary Manslaughter in violation of 18 Pa.C.S.A. Section 2503;
 Involuntary Manslaughter in violation of 18 Pa.C.S.A. Section 2504;
 Causing or aiding suicide in violation of 18 Pa.C.S.A. Section 2505;
 Drug delivery resulting in death in violation of 18 Pa.C.S.A. Section 2506;
 Criminal Homicide of unborn child in violation of 18 Pa.C.S.A. Section 2603;
 Murder in any degree of unborn child in violation of 18 Pa.C.S.A. Section 2604;
 Voluntary Manslaughter of unborn child in violation of 18 Pa.C.S.A. Section 2605;
 Aggravated Assault of unborn child in violation of 18 Pa.C.S.A. Section 2606;
 Homicide by Vehicle in violation of 75 Pa.C.S.A. Section 3732; and
 Homicide by Vehicle While Driving Under the Influence in violation of 75 Pa.C.S.A. Section 3735;
 Aggravated Assault by vehicle while While Driving Under the Influence in violation of 75 Pa.C.S.A. Section 3735.1;
 Rape in violation of 18 Pa.C.S.A. Section 3121;
 Statutory Sexual Assault in violation of 18 Pa.C.S.A. Section 3122.1;
 Involuntary Deviate Sexual Intercourse in violation of 18 Pa.C.S.A. Section 3123;
 Sexual Assault in violation of 18 Pa.C.S.A. Section 3124.1;
 Institutional Sexual Assault in violation of 18 Pa.C.S.A. Section 3124.2; and
 Aggravated Indecent Assault in violation of 18 Pa.C.S.A. Section 3125;

shall not hereafter be accepted by any judicial officer unless the Complaint and Affidavit have the approval of a Deputy District Attorney of the Delaware County District Attorney's Office prior to filing.

(B) Upon disapproval of a police complaint, arrest warrant affidavit, or both by an attorney for the Commonwealth, the attorney for the Commonwealth shall furnish to the police officer who prepared the complaint, affidavit, or both a written notice of the disapproval, in substantially the following form, and the attorney for the Commonwealth shall maintain a record of the written notice.

NOTICE AND RECORD OF DISAPPROVAL
COMMONWEALTH OF PENNSYLVANIA

VS.

Occurrence Date: _____

District Attorney of Delaware County
 File Number: _____

Complaint/ Affidavit/
 Application of: _____

Charge: _____
 Police Number: _____
 Police Department: _____
 Time: _____
 Location: _____

SUMMARY OF FACTS AND PROBABLE CAUSE:

PCIC/NCIC check reveals no outstanding warrants:

Date _____ Source of Information _____

REASON(S) FOR DISAPPROVAL (Please check appropriate reason)

- | | |
|--|---|
| <input type="checkbox"/> IC = Insufficient Corroboration | <input type="checkbox"/> UV = Unavailable or Uncooperative Victim |
| <input type="checkbox"/> IE = Insufficient Evidence | <input type="checkbox"/> WC = Witness Credibility Contradicted |
| <input type="checkbox"/> II = Identification Inconclusive | <input type="checkbox"/> ID = Inadequate Description of Persons, Premises Or Property |
| <input type="checkbox"/> IJ = Interest of Justice | <input type="checkbox"/> NS = Insufficient Cause for Nighttime Search |
| <input type="checkbox"/> IS = Inadmissible Evidence | |
| <input type="checkbox"/> IP = Insufficient Probable Cause | |
| <input type="checkbox"/> LJ = Lacks Jurisdiction | |
| <input type="checkbox"/> LP = Lacks Prosecutorial Merit | |
| <input type="checkbox"/> UW = Unavailable or Uncooperative Witness | |

Other: _____

DISAPPROVED BY: _____
 Attorney for the Commonwealth
 DATE: _____

(C) No defendant shall have the right to any relief of any kind based solely on a violation of this Rule.

(D) This Local Rule shall become effective: _____ .

**IN THE COURT OF COMMON PLEAS OF
DELAWARE COUNTY, PENNSYLVANIA**

CRIMINAL DIVISION

IN RE: : **MISC. NO. MD 2750-08**
:
CERTIFICATION PURSUANT :
TO :
PA.R.CRIM.P. RULE 507A, :
42 PA.C.S.A :

CERTIFICATION

Effective January 17, 2008, G. Michael Green, District Attorney of Delaware County, certifies that approval by a Deputy District Attorney for the Commonwealth is required prior to the issuance of a police complaint and/or arrest warrant affidavit concerning the following offenses:

- (1) Criminal Homicide in violation of 18 Pa.C.S.A. Section 2501;
- (2) Murder in any degree in violation of 18 Pa.C.S.A. Section 2502;
- (3) Voluntary Manslaughter in violation of 18 Pa.C.S.A. Section 2503;
- (4) Involuntary Manslaughter in violation of 18 Pa.C.S.A. Section 2504;
- (5) Causing or aiding suicide in violation of 18 Pa.C.S.A. Section 2505;
- (6) Drug delivery resulting in death in violation of 18 Pa.C.S.A. Section 2506;
- (7) Criminal Homicide of unborn child in violation of 18 Pa.C.S.A. Section 2603;
- (8) Murder in any degree of unborn child in violation of 18 Pa.C.S.A. Section 2604;
- (9) Voluntary Manslaughter of unborn child in violation of 18 Pa.C.S.A. Section 2605;
- (10) Aggravated Assault of unborn child in violation of 18 Pa.C.S.A. Section 2606;
- (11) Homicide by Vehicle in violation of 75 Pa.C.S.A. Section 3732; and
- (12) Homicide by Vehicle While Driving Under the Influence in violation of 75 Pa.C.S.A. Section 3735.
- (13) Aggravated Assault by vehicle while While Driving Under the Influence in violation of 75 Pa.C.S.A. Section 3735.1;
- (14) Rape in violation of 18 Pa.C.S.A. Section 3121;
- (15) Statutory Sexual Assault in violation of 18 Pa.C.S.A. Section 3122.1;
- (16) Involuntary Deviate Sexual Intercourse in violation of 18 Pa.C.S.A. Section 3123;
- (17) Sexual Assault in violation of 18 Pa.C.S.A. Section 3124.1;
- (18) Institutional Sexual Assault in violation of 18 Pa.C.S.A. Section 3124.2; and
- (19) Aggravated Indecent Assault in violation of 18 Pa.C.S.A. Section 3125;

This new procedure will become effective February 1, 2008.

Certified this 17th day of January, 2008.

G. MICHAEL GREEN,
District Attorney

Sworn to and subscribed
before me this 17th day of
January, 2008.

[Pa.B. Doc. No. 08-502. Filed for public inspection March 21, 2008, 9:00 a.m.]