

# THE COURTS

## Title 207—JUDICIAL CONDUCT

### PART II. CONDUCT STANDARDS

[ 207 PA. CODE CH. 51 ]

#### Order Amending Rules 19 and 21 of the Rules Governing Standards of Conduct of Magisterial District Judges; No. 254; Magisterial Doc. No. 1

#### Order

*Per Curiam:*

*And Now*, this 21st day of January, 2009, pursuant to Article V, Section 10 of the Constitution of Pennsylvania, Rules 19 and 21 of the Rules Governing Standards of Conduct of Magisterial District Judges are amended to read as follows.

To the extent that notice of proposed rulemaking would be required by Rule 103 of the Pennsylvania Rules of Judicial Administration or otherwise, the immediate amendment of Rules 19 and 21 is hereby found to be required in the interests of justice and efficient administration.

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

#### Annex A

#### TITLE 207. JUCIDIAL CONDUCT

#### PART II. CONDUCT STANDARDS

#### CHAPTER 51. STANDARDS OF CONDUCT OF MAGISTERIAL DISTRICT JUDGES

#### PENNSYLVANIA RULES FOR MAGISTERIAL DISTRICT JUDGES

#### Rule 19. Certification requirements of interested persons.

(a) Magisterial district judges, [ **bail commissioners** ] **arraignment court magistrates**, and judges of the Philadelphia Traffic Court who are not members of the bar of this Commonwealth must complete a course of training and instruction in the duties of their respective offices and pass an examination and be certified by the Administrative Office of Pennsylvania Courts prior to assuming office.

(b)(1) Any interested individual may apply to the [ **Administrative Office of Pennsylvania Courts** ] **Minor Judiciary Education Board** to be enrolled in the course of training and instruction and take the examination to be certified.

(2) Any individual who has successfully completed the course of training and instruction and passed the examination, but who has not served as a magisterial district judge, [ **bail commissioner** ] **arraignment court magistrate**, or judge of the Philadelphia Traffic Court shall be certified for only a two year period, and must complete the continuing education course every year in order to maintain his or her certification.

(c) Any individual certified under paragraph (b) who has not served as a magisterial district judge, [ **bail commissioner** ] **arraignment court magistrate**, or

judge of the Philadelphia Traffic Court within two years will be required to take a review course as defined by the Minor Judiciary Education Board and pass an examination in order to maintain certification by the Administrative Office of Pennsylvania Courts as qualified to perform duties as required by the Constitution of Pennsylvania.

**Official Note:** This rule was amended in 2006 to limit to two years the period of certification for individuals who have successfully completed the certification course and examination but have not served as judges or [ **bail commissioners** ] **arraignment court magistrates**. The rule permits individuals who are certified to serve as judges or [ **bail commissioners** ] **arraignment court magistrates** but who have not done so within two years of certification to take a review course and pass an examination to maintain their certification for an additional two year period. Admission to the review course and recertification examination under paragraph (c) may be limited by the availability of space. In addition, the rule requires that all certified individuals must attend the annual continuing education course to maintain certification.

Added and effective November 14, 1990. Amended January 6, 2005, effective January 29, 2005; November 21, 2005, immediately effective; March 8, 2006, effective July 1, 2006; January 21, 2009, immediately effective.

#### Rule 21. Continuing Education Requirement: Senior Magisterial District Judges.

(a) Any magisterial district judge who has been certified by the Administrative Office of Pennsylvania Courts as eligible to serve as a senior magisterial district judge shall be admitted to the continuing education program sponsored by the Minor Judiciary Education Board every year as required by Rule 20.

(b) In the event that the Court Administrator of Pennsylvania notifies the Minor Judiciary Education Board that a senior magisterial district judge has not accepted an assignment for a continuous period of two years, the Minor Judiciary Education Board may refuse to enroll the senior magisterial district judge in the continuing education program.

**Official Note:** With regard to certification of senior judges, see Pa.R.J.A. No. 701.

This rule was amended in 2006 to delete the provision relating to the continuing education of persons who have successfully completed the course of training and instruction and examination but have not served as judges or [ **bail commissioners** ] **arraignment court magistrates**. The continuing education requirement of those persons is governed by Rule 19.

Added and effective November 14, 1990. Amended April 12, 1995, immediately effective; January 6, 2005, effective January 29, 2005; November 21, 2005, immediately effective; March 8, 2006, effective July 1, 2006; January 21, 2009, immediately effective.

[Pa.B. Doc. No. 09-188. Filed for public inspection February 6, 2009, 9:00 a.m.]

# Title 231—RULES OF CIVIL PROCEDURE

## PART I. GENERAL

[ 231 PA. CODE CH. 1000 ]

### Promulgation of Rule 1036.1; Governing Reinstatement of Claim Dismissed Upon Affidavit of Noninvolvement; No. 507; Civil Procedural Rules; Doc. No. 5

#### Order

*Per Curiam:*

And Now, this 22nd day of January, 2009, Pennsylvania Rule of Civil Procedure 1036.1 is promulgated to read as follows.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b) and shall be effective March 1, 2009.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

##### CHAPTER 1000. ACTIONS

#### Rule 1036.1. Reinstatement of Claim Dismissed Upon Affidavit of Noninvolvement.

(a) As used in this rule, "action" shall have the meaning as provided in Rule 1036(a).

(b) If a party has been dismissed from an action upon an affidavit of noninvolvement pursuant to Rule 1036, any other party may file a motion to reinstate the dismissed party setting forth facts showing that statements made in the affidavit of noninvolvement were false or inaccurate.

(c) Any party may file a response.

(d) Upon reviewing the motion and any response thereto and determining the existence of a *prima facie* case of involvement of the dismissed party, the court shall enter an order

(1) allowing any party

(i) to conduct limited discovery directed solely to the issue of the involvement of the party which was dismissed.

(ii) prior to the disposition of the motion, to file affidavits, depositions and such other evidentiary materials as would permit a jury to find that any party which was dismissed was involved in any activities upon which the claim is based, and

(2) scheduling an argument to decide the motion.

(e) The argument shall be limited to the sole issue of whether the moving party has produced evidence which, when considered in a light most favorable to that party, would require the issue of the involvement of any party which was dismissed to be submitted to a jury.

#### Explanatory Comment

Reinstatement of a claim dismissed upon an affidavit of noninvolvement is required by two statutes: Section 7502 of the Judicial Code, 42 Pa.C.S. § 7502, relating to construction design professionals and Section 506 of the MCARE Act, 40 P.S. § 1303.506, relating to healthcare providers. Currently, the rules of civil procedure are silent as to reinstatement. New Rule 1036.1 supplies this need.

This new rule is virtually identical to Rule 1036 governing dismissal upon an affidavit of noninvolvement. It sets forth a procedure that requires the party seeking reinstatement to file a motion setting forth facts which show that statements made in the affidavit of noninvolvement were false or inaccurate. Upon initially reviewing the motion, if the court determines that the party seeking reinstatement has established a *prima facie* case, any party may conduct discovery limited to the issue of the involvement of the dismissed party. At final argument on the matter, the court makes a determination as to whether the party seeking reinstatement has produced enough evidence to require submission of the issue of the involvement of the dismissed party to a jury.

*By the Civil Procedural  
Rules Committee*

STEWART L. KURTZ,  
*Chair*

[Pa.B. Doc. No. 09-189. Filed for public inspection February 6, 2009. 9:00 a.m.]

# Title 237—JUVENILE RULES

## PART I. RULES

[ 237 PA. CODE CHS. 2 AND 3 ]

### Order Amending Rules 200, 232 and 330 of the Rules of Juvenile Court Procedure; No. 459; Supreme Court Rules; Doc. No. 1

#### Order

*Per Curiam:*

Now, this 23rd day of January, 2009, upon the recommendation of the Juvenile Court Procedural Rules Committee and an *Explanatory Report* to be published with this *Order*:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the modifications to the Rules of Juvenile Court Procedure Rules 200, 232 and 330 are approved in the attached form.

To the extent that prior distribution and publication of these rules would otherwise be required, it has been determined that immediate promulgation is required in the interest of justice and efficient administration. Pa.R.J.A. No. 103(a)(3).

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective March 1, 2009.

#### Annex A

### TITLE 237. JUVENILE RULES

#### PART I. RULES

##### CHAPTER 2. COMMENCEMENT OF PROCEEDINGS, ARREST PROCEDURES, WRITTEN ALLEGATION, AND PRE-ADJUDICATORY DETENTION

##### PART A. COMMENCING PROCEEDINGS

#### Rule 200. Commencing Proceedings.

Juvenile delinquency proceedings within a judicial district shall be commenced by:

1) submitting a written allegation pursuant to Rule 231;

2) an arrest without a warrant:

a) when the offense is a felony or misdemeanor committed in the presence of the police officer making the arrest; or

b) upon probable cause when the offense is a felony; or

c) upon probable cause when the offense is a misdemeanor not committed in the presence of the police officer making the arrest, when such arrest without a warrant is specifically authorized by statute;

3) **the filing of a certification [ to ] with the court that a juvenile has failed to comply with a lawful sentence imposed for a summary offense;**

4) transfer of a case from a criminal proceeding pursuant to 42 Pa.C.S. § 6322;

5) the court accepting jurisdiction of a resident juvenile from another state; or **[ 6 ]**

6) the court accepting supervision of a juvenile pursuant to another state's order.

#### Comment

Paragraph (1) allows for commencing delinquency proceedings by submitting a written allegation. This procedure departs from the Juvenile Act, which provides that the filing of a petition commences a proceeding. Rule 800 suspends 42 Pa.C.S. § 6321 only to the extent that it is inconsistent with the procedures of this rule. Petitions filed by any person circumvent the juvenile probation's office ability to divert the case through informal adjustment as provided in 42 Pa.C.S. § 6323. Probation officers may "receive and examine complaints and charges of delinquency . . . of a child for the purpose of considering the commencement of proceedings." 42 Pa.C.S. § 6304(a)(2).

See Rule 231 for procedures on submitting a written allegation.

For the definition of a "written allegation," see Rule 120.

The Juvenile Act provides that "a child may be taken into custody . . . pursuant to the laws of arrest." 42 Pa.C.S. § 6324. Paragraph (2) states the laws of arrest without a warrant in Pennsylvania. See Pa.R.Crim.P. 502.

**A proceeding may be commenced pursuant to paragraph (3) by filing a certification that attests that the juvenile has failed to comply with a lawful sentence imposed for a summary offense, bypassing the need for a written allegation pursuant to Rule 231.**

Under paragraph (4), when a case is transferred from a criminal proceeding pursuant to 42 Pa.C.S. § 6322 to juvenile court, the entire case file is to be transferred. The case file is governed by the disclosure requirements of Rule 160.

Paragraph (5) encompasses a juvenile who lives in Pennsylvania and commits a crime in another state and that state wants Pennsylvania to accept the disposition of the juvenile and supervise the juvenile.

Paragraph (6) encompasses a juvenile who lives outside of Pennsylvania, committed a crime outside of Pennsylvania, is moving to Pennsylvania, and the other jurisdiction would like Pennsylvania to accept the disposition of the juvenile and supervise the juvenile.

For procedures for when the juvenile is alleged to have violated probation, see Rule 612.

For inter-county transfer of juveniles, see Rule 302.

See § 6321(a) of the Juvenile Act for commencement of proceedings under the Juvenile Act. 42 Pa.C.S. § 6321(a).

**Official Note:** Rule 200 adopted April 1, 2005, effective October 1, 2005. Amended March 23, 2007, effective August 1, 2007. Amended May 12, 2008, effective immediately. **Amended January 23, 2009, effective March 1, 2009.**

#### Committee Explanatory Reports:

Final Report explaining the provisions of Rule 200 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 200 published with the Court's Order at 37 Pa.B. 1485 (April 7, 2007).

Final Report explaining the amendments to Rule 200 published with the Court's Order at 38 Pa.B. 2360 (May 24, 2008).

**Final Report explaining the amendments to Rule 200 published with the Court's Order at 39 Pa.B. 676 (February 7, 2009).**

#### PART C. WRITTEN ALLEGATION PROCEDURES

##### Rule 232. Contents of Written Allegation.

Every written allegation shall contain:

- 1) the name of the person making the allegations;
- 2) the name, date of birth, and address, if known, of the juvenile, or if unknown, a description of the juvenile;
- 3) a statement that:
  - a) it is in the best interest of the juvenile and the public that the proceedings be brought; and
  - b) the juvenile is in need of treatment, supervision, or rehabilitation;
- 4) the date when the offense is alleged to have been committed; provided, however:
  - a) if the specific date is unknown, or if the offense is a continuing one, it shall be sufficient to state that it was committed on or about any date within the period of limitations; and
  - b) if the date or day of the week is an essential element of the offense alleged, such date or day shall be specifically set forth;
- 5) the place where the offense is alleged to have been committed;
  - 6) a) **[ i ]** a summary of the facts sufficient to advise the juvenile of the nature of the offense alleged; and
  - b) **[ ii ]** the official or customary citation of the statute and section, or other provision of law which the juvenile is alleged to have violated, but an error in such citation shall not affect the validity or sufficiency of the written allegation; **[ or**
  - b) **a certification that the juvenile has not complied with the sentence imposed for a conviction of a summary offense; ]**
- 7) the name and age of any conspirators, if known;
- 8) a statement that the acts were against the peace and dignity of the Commonwealth of Pennsylvania or in violation of an ordinance of a political subdivision;
- 9) a notation if criminal laboratory services are requested in the case;

10) a verification by the person making the allegation that the facts set forth in the written allegation are true and correct to the person's personal knowledge, information, or belief, and that any false statement made is subject to the penalties of the Crimes Code, 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities; **[ and ]**

11) the signature of the person making the allegation and the date of execution of the written allegation; **and**

**12) the name and address of the juvenile's guardian, or if unknown, the name and address of the nearest adult relative.**

#### Comment

This rule sets forth the required contents of all written allegations whether the person making the allegation is a law enforcement officer, a police officer, or a private citizen. See <http://www.courts.state.pa.us> for a copy of the written allegation form that is to be submitted.

**Official Note:** Rule 232 adopted April 1, 2005, effective October 1, 2005. Amended December 3, 2007, effective immediately. **Amended January 23, 2009, effective March 1, 2009.**

#### *Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 232 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 232 published with the Court's Order at 37 Pa.B. 6743 (December 22, 2007).

**Final Report explaining the amendments to Rule 232 published with the Court's Order at 39 Pa.B. 676 (February 7, 2009).**

### CHAPTER 3. PRE-ADJUDICATORY PROCEDURES

#### PART C. PETITION

#### **Rule 330. Petition: Filing, Contents, Function.**

A. *Certification.* The District Attorney of any county may require that an attorney for the Commonwealth shall file all petitions. If the District Attorney elects to require an attorney for the Commonwealth to file the petition, the District Attorney shall file a certification with the court of common pleas. The certification shall:

1) state that an attorney for the Commonwealth shall file petitions; and

2) specify any limitations on the filing or classes of petitions.

B. *Filings.* In every delinquency proceeding, the attorney for the Commonwealth or the juvenile probation officer shall file a petition with the clerk of courts if it has been determined that informal adjustment or another diversionary program is inappropriate.

C. *Petition contents.* Every petition shall set forth plainly:

1) the name of the petitioner;

2) the name, date of birth, and address, if known, of the juvenile, or if unknown, a description of the juvenile;

3) a statement that:

a) it is in the best interest of the juvenile and the public that the proceedings be brought; and

b) the juvenile is in need of treatment, supervision, or rehabilitation;

4) the date when the offense is alleged to have been committed; provided, however:

a) if the specific date is unknown, or if the offense is a continuing one, it shall be sufficient to state that it was committed on or about any date within the period of limitations; and

b) if the date or day of the week is an essential element of the offense alleged, such date or day shall be specifically set forth;

5) the place where the offense is alleged to have been committed;

6) a) i) a summary of the facts sufficient to advise the juvenile of the nature of the offense alleged; and

ii) the official or customary citation of the statute and section, or other provision of law which the juvenile is alleged to have violated, but an error in such citation shall not affect the validity or sufficiency of the written allegation; or

b) a certification that the juvenile has not complied with the sentence imposed for a conviction of a summary offense.

7) the name and age of any conspirators, if known;

8) a statement that the acts were against the peace and dignity of the Commonwealth of Pennsylvania or in violation of an ordinance of a political subdivision;

9) a notation if criminal laboratory services are requested in the case;

10) a verification by the petitioner that the facts set forth in the petition are true and correct to the petitioner's personal knowledge, information, or belief, and that any false statements are subject to the penalties of the Crimes Code, 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities;

11) the signature of the petitioner and the date of the execution of the petition;

12) the whereabouts of the juvenile and if taken into custody, the date and time thereof;

13) the name and address of the juvenile's guardian, or if unknown, the name and address of the nearest adult relative; and

14) an averment as to whether the case is eligible pursuant to 42 Pa.C.S. § 6307(b)(1)(ii) for limited public information.

#### Comment

Under paragraph (A), the District Attorney may file a certification with the court of common pleas stating that only an attorney for the Commonwealth may file a petition. If a certification has not been filed, then an attorney for the Commonwealth or a juvenile probation officer may file a petition.

A private citizen has the right to file a written allegation, not a petition. See Rule 800. The written allegation commences the proceedings in the juvenile system. See Rule 200. The case should progress in the same manner as any other case in the juvenile system. If the written allegation is disapproved, the private citizen may file a motion challenging the disapproval with the court of common pleas. See Comment to Rule 233.

Informal adjustment or other diversionary programs should be considered before a petition is filed. Once a

petition is filed, informal adjustment is not permitted. *See Commonwealth v. J.H.B.*, 760 A.2d 27 (Pa. Super. Ct. 2000).

Petitions should be filed without unreasonable delay. *See Commonwealth v. Dallenbach*, 729 A.2d 1218 (Pa. Super. Ct. 1999).

The contents of a petition are the same as a written allegation except for the additional requirements in paragraphs (C)(6)(b), (12), [(13), ] and (14).

Pursuant to paragraph (14), the petitioner is to designate whether the allegations in the juvenile's petition make the case eligible for limited public information. See 42 Pa.C.S. § 6307(b)(2). When the case is designated, the clerk of courts is to mark the file clearly. For information that is available to the public in those eligible cases, see Rule 160.

**Official Note:** Rule 330 adopted April 1, 2005, effective October 1, 2005; amended August 20, 2007, effective December 1, 2007. **Amended January 23, 2009, effective March 1, 2009.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 330 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 330 published with the Court's Order at 37 Pa.B. 4866 (September 8, 2007).

**Final Report explaining the amendments to Rule 330 published with the Court's Order at 39 Pa.B. 676 (February 7, 2009).**

*Introduction*

The Supreme Court of Pennsylvania has adopted the proposed changes to Rules 200, 232, and 330. The changes are effective March 1, 2009.

#### EXPLANATORY REPORT JANUARY 2009

##### Rule 200—Commencing Proceedings

A filing of a written allegation commences a proceeding in juvenile court. The written allegation is unnecessary if a proceeding is commenced in another manner as set forth in Rule 200. See paragraphs (2)—(6).

A Comment to this Rule has been added to explain that a written allegation is unnecessary for cases in which a proceeding has been commenced pursuant to paragraph (3) by the filing of a certification that the juvenile has not complied with a lawful sentence imposed for a summary offense.

##### Rule 232—Contents of Written Allegation

Paragraph (6)(B) of this Rule has been deleted because a certification that the juvenile has not complied with the sentence imposed for a conviction of a summary offense is no longer necessary in the written allegation. In April of 2007, Rule 200 was amended to include this certification as a method to commence a proceeding but this Rule was not amended to reflect this change.

A new paragraph (12) has been added to this Rule. The written allegation shall include the guardian's name and address, or if unknown, the name and address of the nearest adult relative. This paragraph was added because this information is essential for the juvenile probation officer to locate the juvenile's guardian.

##### Rule 330—Petition: Filing, Contents, Function

The Comment to this Rule was amended to reflect the changes in Rule 232.

[Pa.B. Doc. No. 09-190. Filed for public inspection February 6, 2009, 9:00 a.m.]

## Title 25—LOCAL COURT RULES

### NORTHUMBERLAND COUNTY

#### Revision of Rules to Conduct Custody Proceedings in Accord with Pa.R.C.P. No. 1915.4-1 and 1915.4-2; Misc. No. 09-51

##### Order

And Now, this 20th day of January, 2009, the Court approves and adopts the attached Northumberland County Local Rules NCV-1915.4, NCV-1915.4-1 and NCV-1915.4-2, effective thirty days after the date of publication in the *Pennsylvania Bulletin*, and the following local rules governing custody are hereby rescinded: NCV-1915.1, NCV-1915.3 and NCV-1920.32.

The Court Administrator is directed to publish this Order and attached Locals Rules once in the *Northumberland County Legal Journal*. In accordance with Pa.R.C.P. No. 239, copies of the said local rules shall be filed or distributed as follows:

1. Seven certified copies to the Administrative Office of the Pennsylvania Courts;
2. Two certified copies and a computer diskette to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;
3. One certified copy to the Domestic Relations Procedural Rules Committee; and
4. Two copies to the Prothonotary to be continually available for public inspection and, upon request, the Prothonotary shall furnish a copy of any local rule to any person after payment of reasonable costs of reproduction and mailing.

*By the Court:*

ROBERT B. SACAVAGE,  
*President Judge*

##### Rule NCV-1915.4. Custody Pre-Hearing Conference

(a) Upon the filing of any claim i.e. a pleading, or modification petition, for custody, partial custody or visitation, a proposal shall be attached referring the matter to the Domestic Relations Hearing Officer for a pre-hearing conference. The moving party shall file the original and a copy of the document with the Prothonotary who shall then forward the copy to the Custody office for scheduling purposes.

(b) A pre-hearing conference shall be scheduled no sooner than ten days after the pleading commencing the action has been filed.

(c) The pre-hearing conference shall be held to identify the issues of fact and law and to explore the possibilities of a negotiated consent order.

(d) The conference may proceed even if the respondent fails to appear.

(e) If an agreement is reached at the conference, the court will enter a consent order in the following form:

*And Now*, this \_\_\_ day of \_\_\_\_\_, 200\_\_\_, the attached stipulation of the parties is incorporated by reference and made an Order of this Court with full force and effect for enforcement.

*By the Court:*

\_\_\_\_\_

J.

(f) If an agreement is not reached, the parties should be promptly provided a date and time for a hearing before the Domestic Relations Hearing Officer, or upon motion of a party in actions where (1) there are complex questions of law, fact or both or (2) the parties certify to this Court that there are serious allegations affecting the child's welfare, before a judge.

**Rule 1915.4-1. Notice of Hearing—Conduct of Hearing**

(a) The hearing before the Domestic Relations Hearing Officer shall be scheduled no sooner than fifteen (15) days after the order setting the time and date for hearing, but in no event shall be more than forty-five (45) days from the date of the conference. An interim order may be entered following the conference, usually to maintain the status quo, based upon a recommendation of the Domestic Relations Hearing Officer, until a full hearing can be held.

(b) Hearings shall be stenographically recorded, and witnesses may be sequestered. The hearing officer may recommend to the court that the parties and/or the child or children submit to examination and evaluation by experts. A stenographer appearance fee of \$50.00 will be assessed as costs against each party.

(c) The hearing officer shall file with the court and serve the parties a report and recommendation no later than ten (10) days after the conclusion of the hearing. The report may be in narrative form stating the reasons for the recommendation and shall include a proposed order.

**Rule 1915.4-2. Exceptions to Hearing Officer's Report—Order**

(a) Within twenty (20) days after the date the Domestic Relations Hearing Officer's report has been mailed to the parties, exceptions may be filed by any party to rulings on objections to evidence, to statements or findings of fact, to conclusions of law, or to any other matters occurring during the hearing. Each exception shall set forth a separate objection precisely and without discussion. Matters not covered by exceptions are deemed waived unless, prior to the entry of the final order, leave is granted to file exceptions raising those matters. If exceptions are filed, any other party may file exceptions within twenty (20) days of the date of service of the original exceptions.

(b) If no exceptions are filed within the twenty day period, a final order will be entered upon praecipe of a party.

(c) If exceptions are filed, the costs of transcription of the testimony shall be the responsibility of the party or parties taking the same, unless otherwise ordered by the court.

(d) Exceptions shall be served upon the Domestic Relations Hearing Officer, the Court Administrator and opposing counsel. A scheduling form shall be delivered to the

Court Administrator, to be scheduled as a civil motions matter to be heard within forty-five days of the date the last party files exceptions.

(e) No exceptions may be filed to the final order.

[Pa.B. Doc. No. 09-191. Filed for public inspection February 6, 2009, 9:00 a.m.]

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**PIKE COUNTY**

**Promulgation of Rule 316; No. 113-2009-Civil**

**Order**

*And Now*, this 21st day of January, 2009, the Court *Orders* the following:

1. Local Rule of Criminal Procedure 316 is hereby adopted effective thirty (30) days after publication in the *Pennsylvania Bulletin*;

2. The Court Administrator of the 60th Judicial District is hereby *Ordered* to do the following:

a. File seven (7) certified copies of this *Order* and the pertinent Rules with the Administrative Office of Pennsylvania Courts;

b. File two (2) certified copies and a computer diskette containing this *Order* and the pertinent Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

c. File one (1) certified copy of this *Order* and the pertinent Rule with the Criminal Procedural Committee;

d. Provide one (1) copy of this *Order* and the Local Rule to each member of the Pike County Bar Association who maintain an active practice in Pike County; and

e. Keep continuously available for public inspection, copies of this *Order* and the Local Rules.

*By the Court*

HONORABLE JOSEPH F. KAMEEN,  
*President Judge*

**Local Rule 316—ARD Costs and Expenses**

(a) All Defendants admitted into the ARD program shall be required to pay in addition to other allowed costs, fees and restitution, the cost of administering the ARD program.

(b) The cost of administering the program shall be paid in full as a condition for applying for consideration of admission into the ARD program.

(c) The cost of administering the ARD program shall be as periodically certified by the District Attorney.

(d) The reasonable costs associated with administering the program shall be collected in the same manner as cost of prosecution and shall be payable to the County of Pike.

[Pa.B. Doc. No. 09-192. Filed for public inspection February 6, 2009, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that Dennis H. Marchuk having been removed from the roll of attorneys licensed to practice law in the State of Illinois by Order and Mandate of the Supreme Court of Illinois dated November 22, 1993, the Supreme Court of Pennsylvania issued an Order on January 21, 2009, disbaring Dennis H. Marchuk from the Bar of this Commonwealth, effective February 20, 2009. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 09-193. Filed for public inspection February 6, 2009, 9:00 a.m.]

### Notice of Suspension

Notice is hereby given that Samuel Bailey, Jr., having been suspended from the practice of law in the District of Columbia for a period of 9 months by Opinion and Order of the District of Columbia Court of Appeals dated September 15, 2005, the Supreme Court of Pennsylvania issued an Order dated January 21, 2009, suspending Samuel Bailey, Jr., from the practice of law in this Commonwealth for a period of 9 months, effective February 20, 2009. In accordance with Rule 217(f), Pa.R.D.E.,

since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 09-194. Filed for public inspection February 6, 2009, 9:00 a.m.]

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## SUPREME COURT

**In Re: Act 98 of 2008; No. 253; Magisterial Doc.  
No. 1**

### Order

*Per Curiam*

*And Now*, this 21st day of January, 2009, in accordance with Act 98 of 2008 and pursuant to the authority set forth by Article V, Section 10(c) of the Constitution of Pennsylvania and 42 Pa.C.S. § 1701 et seq., it is hereby ordered that all references in any court rule, court order, court form (including citation), automated statewide court case management system (i.e., PACMS, CPCMS and DJS) or any other legal authority, except as provided for in Act 98 of 2008, to “bail commissioner” shall be deemed to be a reference to “arraignment court magistrate.”

JOHN A. VASKOV,  
*Deputy Prothonotary*

[Pa.B. Doc. No. 09-195. Filed for public inspection February 6, 2009, 9:00 a.m.]