

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1910]

Amendment of Rule 1910.19 of the Rules of Civil Procedure; No. 552 Civil Procedural Rules Doc.

Order

Per Curiam

And Now, this 19th day of September, 2011, upon the recommendation of the Domestic Relations Procedural Rules Committee; the proposal having been published for public comment in the *Pennsylvania Bulletin*, 41 Pa.Bull. 1619 (March 26, 2011) and *West's Pennsylvania Reporter*, 13 A.3d No. 2 (April 1, 2011):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1910.19 of the Pennsylvania Rules of Civil Procedure is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on October 31, 2011.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.19. Support. Modification. Termination. Guidelines as Substantial Change in Circumstances. **Overpayments.**

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(e) Within [**one year of**] **six months prior to** the date a child who is the subject of a child support order reaches eighteen (18) years of age, the domestic relations section shall issue an emancipation inquiry and notice to the obligee, with a copy to the obligor, seeking the following information:

(1) confirmation of the child's date of birth, date of graduation or withdrawal from high school;

(2) whether the child has left the obligee's household and, if so, the date of departure;

(3) the existence of any agreement between the parties requiring payments for the benefit of the child after the child has reached age eighteen (18) or graduated from high school; and

(4) any special needs of the child which may be a basis for continuing support for that child beyond the child's eighteenth birthday or graduation from high school, whichever is last to occur.

The notice shall advise the obligee that if the inquiry is not returned within thirty (30) days of mailing or if there is no agreement or the child does not have any special needs, the charging order may be modified or terminated by the court. [**When**] **In order to avoid overpayment, when** no other children are subjects of the child

support order and the obligee either does not return the emancipation inquiry within thirty (30) days of its mailing or does not assert grounds for continuing support for the child, then the [**court shall have the authority to**] **domestic relations section shall** administratively terminate the child support charging order without further proceedings [**at any time on or after**] **on** the last to occur of the date the last child reaches age eighteen (18) or graduates from high school. Termination of the charging order shall not affect any arrears accrued through the date of termination. The court shall have the authority to enter an order requiring the obligor to pay on arrears in an amount equal to the amount of the charging order until all arrears are paid.

If the order applies to another child or children and/or the obligee asserts that there is an agreement between the parties or that a child has special needs requiring continued support, then the domestic relations section may schedule a conference **prior to the child's attaining age 18 or graduating from high school** to determine if the charging order should be modified.

(f) Upon notice to the obligee, with a copy to the obligor, explaining the basis for the proposed modification or termination, the court may modify or terminate a charging order for support and remit any arrears, all without prejudice, when it appears to the court that:

(1) the order is no longer able to be enforced under state law; or

(2) the obligor is unable to pay, has no known income or assets and there is no reasonable prospect that the obligor will be able to pay in the foreseeable future.

The notice shall advise the obligee to contact the domestic relations section within 60 days of the date of the mailing of the notice if the obligee wishes to contest the proposed modification or termination. If the obligee objects, the domestic relations section shall schedule a conference to provide the obligee the opportunity to contest the proposed action. If the obligee does not respond to the notice or object to the proposed action, the court shall have the authority to modify or terminate the order and remit any arrears, without prejudice.

(g) *Overpayments.*

(1) **If there is an overpayment and a charging order remains in effect, after notice to the parties as set forth below, the domestic relations section shall reduce the charging order by 20% of the obligor's share of the basic child support obligation or an amount sufficient to retire the overpayment by the time the charging order is terminated. The notice shall advise the obligee to contact the domestic relations section within 60 days of the date of the mailing of the notice if the obligee wishes to contest the reduction of the charging order. If the obligee objects, the domestic relations section shall schedule a conference to provide the obligee the opportunity to contest the proposed action. If the obligee does not respond to the notice or object to the proposed action, the domestic relations section shall have the authority to reduce the charging order.**

(2) If there is an overpayment and there is no charging order in effect, within one year of the termination of the charging order, the former obligor may file a petition with the domestic relations section seeking recovery of the overpayment. A copy shall be served upon the former obligee as original process. The domestic relations section shall schedule a conference on the petition, which shall be conducted consistent with the rules governing support actions. The domestic relations section shall have the authority to enter an order against the former obligee for the amount of the overpayment in a monthly amount to be determined by the trier of fact after consideration of the former obligee's ability to pay.

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[Pa.B. Doc. No. 11-1687. Filed for public inspection September 30, 2011, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Administrative Order No. 2011-1; Community Court Closing

Effective September 16, 2011 the Philadelphia Municipal Court will close Community Court located at 1401 Arch Street, Philadelphia, PA. All cases within the jurisdiction of Community Court will be assigned to courtrooms in the Criminal Justice Center. Municipal Court Local Rule of Criminal Procedure 102, Procedure in Non-traffic Summary Cases, insofar as it governs procedures in Community Court, is suspended.

Copies of this Administrative Order will be filed with the Prothonotary in a docket maintained for Administrative Orders issued by the President Judge of the Philadelphia Municipal Court, and will be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau, and the Criminal Procedural Rules Committee. Copies of the Order will also be submitted to American Lawyer Media, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania and will be posted on the Unified Judicial System's web site.

HONORABLE MARSHA H. NEIFIELD,
President Judge

[Pa.B. Doc. No. 11-1688. Filed for public inspection September 30, 2011, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BUCKS COUNTY

Order Amending Administrative Order No. 38; Ad- ministrative Order No. 38

Order

And Now, this 15th day of September, 2011, Bucks County Criminal Division Administrative Order No. 40 is hereby rescinded.

Further, Bucks County Criminal Division Administrative Order No. 38 is hereby amended to read in its entirety as follows:

1. A probation supervision fee of twenty-five dollars (\$25.00) per month is hereby imposed on all probation and/or parole sentences where the defendant is placed under the supervision of the Bucks County Adult Probation Department on or after the effective date hereof. All dispositions of violations of probation/parole shall be governed by this order. All such fees shall be paid to the Office of the Clerk of Courts of Bucks County.

2. Except upon special order of the sentencing judge, only sentences of intermediate punishment are exempt from the probation supervision fee.

3. On or after the effective date of this order, any defendant transferred by another Court or jurisdiction for supervision in Bucks County shall be required to pay the sum of twenty-five dollars (\$25.00) per month to the Bucks County Clerk of Courts for those months that the defendant is under the supervision of the Bucks County Adult Probation Department.

4. Fees for administration in the amount of one hundred fifty dollars (\$150.00) and supervision in the amount one hundred fifty dollars (\$150.00) are hereby imposed on all Accelerated Rehabilitative Dispositions (ARD) and sentences of probation without verdict.

5. The Clerk shall, by the tenth working day of each month, transfer 50 percent of the supervision fees so collected to the Treasurer of Bucks County to be credited to the Bucks County Offender Supervision Fund* and to be allocated as may be directed by the President Judge. The balance of the supervision fees so collected shall be remitted to the Commonwealth of Pennsylvania as required by law. The ARD administration fee of one hundred fifty dollars (\$150.00) shall be payable to the Office of the District Attorney.

This Order shall become effective November 1, 2011.

* Currently designated as Budget Account No. 151 470 48.

By the Court

SUSAN DEVLIN SCOTT,
President Judge

[Pa.B. Doc. No. 11-1689. Filed for public inspection September 30, 2011, 9:00 a.m.]