

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

[204 PA. CODE CH. 213]

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

In accordance with the Judicial Code, 42 Pa.C.S. § 4301(b), the following amendments to the Electronic Case Records Public Access Policy of the Unified Judicial System of Pennsylvania have been approved by the Supreme Court and shall be effective January 1, 2013. The changes to the policy are shown in bold; deletions are shown in bold and brackets.

The entire policy, including these amendments and other related information can be found on the Unified Judicial System's public access webpage located at <http://www.pacourts.us>.

Filed in the Administrative Office of Pennsylvania Courts on November 26, 2012.

ZYGMONT A. PINES,
Court Administrator of Pennsylvania

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

CHAPTER 213. COURT RECORDS POLICIES

Subchapter C. ELECTRONIC CASE RECORD PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA

§ 213.71. Definitions.

(a) "CPCMS" means the Common Pleas Criminal Court Case Management System.

(b) "Custodian" is the person, or designee, responsible for the safekeeping of electronic case records held by any court or office and for processing public requests for access to electronic case records.

(c) "Electronic Case Record" means information or data created, collected, received, produced or maintained by a court or office in connection with a particular case that exists in the PACMS, CPCMS, or MDJS and that appears on web docket sheets or is provided in response to bulk distribution requests, regardless of format. **This definition does not include images of documents filed with, received, produced or maintained by a court or office which are stored in PACMS, CPCMS or MDJS and any other automated system maintained by the Administrative Office of Pennsylvania Courts.**

(d) "MDJS" means the Magisterial District Judge Automated System.

(e) "Office" is any entity that is using one of the following automated systems: Pennsylvania Appellate

Court Case Management System (PACMS); Common Pleas Criminal Court Case Management System (CPCMS); or Magisterial District Judge Automated System (MDJS).

(f) "PACMS" means the Pennsylvania Appellate Court Case Management System.

(g) "Party" means one by or against whom a civil or criminal action is brought.

(h) "Public" includes any person, business, non-profit entity, organization or association.

(1) "Public" does not include:

(i) Unified Judicial System officials or employees, including employees of the office of the clerk of courts, prothonotary, and any other office performing similar functions;

(ii) people or entities, private or governmental, who assist the Unified Judicial System or related offices in providing court services; and

(iii) any federal, state, or local governmental agency or an employee or official of such an agency when acting in his/her official capacity.

(i) "Public Access" means that the public may inspect and obtain electronic case records, except as provided by law or as set forth in this policy.

(j) "Request for Bulk Distribution of Electronic Case Records" means any request, regardless of the format the information is requested to be received in, for all or a subset of electronic case records.

(k) "UJS" means the Unified Judicial System of Pennsylvania.

(l) "Web Docket Sheets" are internet available representations of data that have been entered into a Unified Judicial System supported case management system for the purpose of recording filings, subsequent actions and events on a court case, and miscellaneous docketed items.

2013 Commentary

The definition of "electronic case records" was amended to exclude images of documents filed with, received, produced or maintained by a court or office which are stored in PACMS, CPCMS or MDJS and any other automated system maintained by the Administrative Office of Pennsylvania Courts.

While the Judiciary is presently piloting, on a limited basis, e-filing in the statewide case management systems, design and development efforts have not advanced to allow for online publication or bulk dissemination of images of e-filed documents.

§ 213.74. Requests for Bulk Distribution of Electronic Case Records.

(a) A request for bulk distribution of electronic case records shall be permitted for data that is not excluded from public access as set forth in this policy.

(b) A request for bulk distribution of electronic case records not publicly accessible under § 213.73 of this Policy may be fulfilled where: the information released does not identify specific individuals; the release of the information will not present a risk to personal security or

privacy; and the information is being requested for a scholarly, journalistic, governmental-related, research or case preparation purpose.

(1) Requests of this type will be reviewed on a case-by-case basis.

(2) In addition to the request form, the requestor shall submit in writing:

(i) the purpose/reason for the request;

(ii) identification of the information sought;

(iii) explanation of the steps that the requestor will take to ensure that the information provided will be secure and protected; [and]

(iv) certification that the information will not be used except for the stated purposes[.]; and

(v) whether IRB approval has been received, if applicable.

2013 Commentary

An Institutional Review Board (“IRB”) ascertains the acceptability of and monitors research involving human subjects. An IRB will typically set forth requirements for research projects, such as where the information is to be kept, who has access, how the information is codified, and what information is needed for matching purposes. If there is IRB approval documentation setting forth the information required under Subsection B(2), such documentation may be sufficient to satisfy the “writing” requirement of this subsection.

[Pa.B. Doc. No. 12-2418. Filed for public inspection December 14, 2012, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1910]

Amendment of Rules 1910.25 and 1910.25-5 of the Rules of Civil Procedure; No. 571 Civil Procedural Rules Doc.

Order

Per Curiam

And Now, this 30th day of November, 2012, upon the recommendation of the Domestic Relations Procedural Rules Committee; the proposal having been published for public comment in the *Pennsylvania Bulletin*, 42 Pa.B. 3724 (June 30, 2012):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 1910.25 and 1910.25-5 of the Pennsylvania Rules of Civil Procedure are 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 December 30, 2012.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.25. Enforcement. Support Order. Civil Contempt. Petition. Service. No Answer Required.

(a) Upon failure to comply with an order of support, a petition for civil contempt

(1) may be filed by the obligee at any time, or

(2) shall be filed by the domestic relations section

(i) immediately upon the accrual of arrearages in any amount for fifteen days where it is known at the outset that income cannot be attached; or

(ii) immediately upon learning that an order for income withholding pursuant to Rule 1910.21 has been ineffective, or within twenty days of failure to comply with the order of support, whichever is earlier.

Official Note: Except as provided in 23 Pa.C.S. § 4355 relating to suspension of licenses, an order entered pursuant to a contempt proceeding which establishes a rate of repayment on overdue support does not preclude the use of other remedies under Title 23 or these Rules for collecting overdue support more quickly, whenever feasible.

(b) The petition shall begin with an order of court in substantially the following form:

[CAPTION] ORDER OF COURT

Legal proceedings have been brought against you alleging that you have disobeyed an order of court for support.

(1) **A critical issue in the contempt proceeding is your ability to pay and comply with the terms of the support order.** If you wish to defend against the claim set forth in the following pages, you may, but are not required to, file in writing with the court your defenses or objections.

(2) You, _____, Respondent, must appear in person in court on _____ (day and date) at _____ (a.m./p.m.) in (court) room _____, _____ (address).

IF YOU DO NOT APPEAR IN PERSON, THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST AND YOU MAY BE COMMITTED TO JAIL.

(3) If the court finds that you have willfully failed to comply with its order for support, you may be found to be in contempt of court and committed to jail, fined or both.

You will have the opportunity to disclose income, other financial information and any relevant personal information at the conference/hearing so that the court can determine if you have the ability to pay. You may also tell the court about any unusual expenses that may affect your ability to pay. You may fill out the enclosed Income Statement and Expense Statement forms and submit them to the court.

At the conference/hearing, the contempt petition may be dismissed, new and/or modified purge conditions may be imposed, or the judge may order you to jail. If the obligee fails to appear, the court will proceed with the case and enter an appropriate order.

YOU ARE REQUIRED TO BRING:

Your most recent pay stub for any and all employers

Payroll address, phone number, fax number and contact person

Proof of medical coverage

Any other documentation relevant to your case and the issue of contempt as stated in the petition, including the completed Income Statement and Expense Statement forms. For example, other documentation that may be relevant includes documents related to claims for unemployment compensation, workers' compensation and Social Security benefits.

BY THE COURT:

DATE OF ORDER: _____ Judge

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)

Official Note: Neither Rule 1018.1 (Notice to Defend) nor Rule 1361 (Notice to Plead) apply to a petition for enforcement of support.

(c) The petition shall aver the facts alleged to constitute the failure to comply with the support order. The petition shall set forth the amount of support arrearages, if any, as provided by the domestic relations section. Unless specially ordered by the court, no answer to the petition is required.

(d) The petition shall be served upon the respondent

(1) by ordinary mail with the return address of the domestic relations section appearing thereon; or

(2) by any form of mail which requires the respondent to sign a receipt; or

(3) by a competent adult; or

Official Note: See Rule 76 for the definition of "competent adult."

(4) pursuant to special order of court. A respondent who attends the conference and/or hearing in person shall be deemed to have been served.

(e) The court may issue a bench warrant as provided by Rule 1910.13-1 for failure of the respondent to appear.

(f) The respondent shall be advised in the Order/Notice to Appear that his or her present ability to pay is a critical issue in the contempt proceeding. The respondent shall be provided with Income and Expense Statements to demonstrate financial ability to pay. At the hearing, the respondent shall be provided the opportunity to respond to any ques-

tions about his or her financial status. The trier of fact shall issue an express finding that the respondent does or does not have the present ability to pay.

Explanatory Comment—2012

The amendments to the form in subdivision (b) and new subdivision (f) are intended to assure compliance with the U.S. Supreme Court's decision in *Turner v. Rogers*, 131 S. Ct. 2507 (2011). In that case, the Court held that counsel need not automatically be appointed for indigent support obligors facing incarceration in civil contempt proceedings. The Court held that the due process clause of the Fourteenth Amendment to the U.S. Constitution does not require that counsel be provided where the obligee is not represented by counsel and the state provides alternative procedural safeguards including adequate notice of the importance of the ability to pay, a fair opportunity to present, and to dispute, relevant information, and express court findings as to the obligor's ability to pay.

Rule 1910.25-5. Civil Contempt. Contempt Order. Incarceration.

(a) No respondent may be incarcerated as a sanction for contempt without an evidentiary hearing before a judge.

(b) **The court shall make a finding, on the record, as to whether the respondent, based upon the evidence presented at the hearing, does or does not have the present ability to pay the court-ordered amount of support.**

(c) An order committing a respondent to jail for civil contempt of a support order shall specify the conditions the fulfillment of which will result in the release of the respondent.

Official Note: The time periods set forth in Rules 1910.25 through 1910.25-6 are for the benefit of the plaintiff, and not for the defendant. The goal is the prompt initiation of contempt proceedings because of the importance of ongoing support payments. The time periods in no way limit the right of either the domestic relations section or the plaintiff to proceed with a contempt action.

[Pa.B. Doc. No. 12-2419. Filed for public inspection December 14, 2012, 9:00 a.m.]

PART I. GENERAL**[231 PA. CODE CH. 1910]****Amendment of Rules 1910.27, 1910.29 and 1910.50 of the Rules of Civil Procedure; No. 570 Civil Procedural Rules Doc.****Order**

Per Curiam

And Now, this 30th day of November, 2012, upon the recommendation of the Domestic Relations Procedural Rules Committee; the proposal having been published for public comment in the *Pennsylvania Bulletin*, 42 Pa.B. 3726 (June 30, 2012):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 1910.27, 1910.29

and 1910.50 of the Pennsylvania Rules of Civil Procedure are amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective December 30, 2012.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.27. Form of Complaint. Order. Income Statements and Expense Statements. Health Insurance Coverage Information Form. Form of Support Order. Form Petition for Modification. Petition for Recovery of Support Overpayment.

* * * * *

(b) The order to be attached at the front of the complaint set forth in subdivision (a) shall be in substantially the following form:

(Caption)

ORDER OF COURT

[You] Plaintiff, _____ and _____, defendant, are ordered to appear at _____ before _____, a conference officer of the Domestic Relations Section, on the _____ day of _____, 20____, at _____ M., for a conference, after which the officer may recommend that an order for support be entered against you.

You are further ordered to bring to the conference

- (1) a true copy of your most recent Federal Income Tax Return, including W-2s, as filed,
(2) your pay stubs for the preceding six months,
(3) the Income Statement and the appropriate Expense Statement, if required, attached to this order, completed as required by Rule 1910.11(c),
(4) verification of child care expenses, and
(5) proof of medical coverage which you may have, or may have available to you.

If you fail to appear for the conference or to bring the required documents, the court may issue a warrant for your arrest and/or enter an interim support order. If paternity is an issue, the court shall enter an order establishing paternity.

(6) If a physician has determined that a medical condition affects your ability to earn income you must obtain a Physician Verification Form from the domestic relations section, sign it, have it completed by your doctor, and bring it with you to the conference.

THE TRIER OF FACT SHALL ENTER AN APPROPRIATE CHILD SUPPORT ORDER BASED UPON THE EVIDENCE PRESENTED, WITHOUT REGARD TO WHICH PARTY INITIATED THE SUPPORT ACTION. THE DETERMINATION OF WHICH PARTY WILL BE THE OBLIGEE AND WHICH WILL BE THE OBLIGOR WILL BE MADE BY THE TRIER OF FACT BASED UPON THE RESPECTIVE INCOMES OF THE PARTIES, CONSISTENT WITH THE SUPPORT GUIDELINES AND EXISTING LAW, AND THE CUSTODIAL ARRANGEMENTS AT THE TIME OF THE INITIAL OR SUBSEQUENT CONFERENCE, HEARING, OR TRIAL. IF SUPPORTED BY THE EVIDENCE, THE PARTY

NAMED AS THE DEFENDANT IN THE INITIAL PLEADING MAY BE DEEMED TO BE THE OBLIGEE, EVEN IF THAT PARTY DID NOT FILE A COMPLAINT FOR SUPPORT.

Date of Order: _____ J.

YOU HAVE THE RIGHT TO A LAWYER, WHO MAY ATTEND THE CONFERENCE AND REPRESENT 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.

(Name)

(Address)

(Telephone Number)

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of _____ County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference or hearing.

* * * * *

(g) The order to be attached at the front of the petition for modification set forth in subdivision (f) shall be in substantially the following form:

(Caption)

ORDER OF COURT

You, _____, Respondent, have been sued in Court to modify an existing support order. You are ordered to appear in person at _____ on _____ at _____ M., for a conference/ hearing and to remain until dismissed by the Court. If you fail to appear as provided in this Order, an Order for Modification may be entered against you.

You are further ordered to bring to the conference

- (1) a true copy of your most recent Federal Income Tax Return, including W-2s, as filed,
(2) your pay stubs for the preceding six months,
(3) the Income Statement and appropriate Expense Statement, if required, attached to this order, completed as required by Rule 1910.11(c),
(4) verification of child care expenses, and
(5) proof of medical coverage which you may have, or may have available to you.

(6) If a physician has determined that a medical condition affects your ability to earn income, you must obtain a Physician Verification Form from the domestic relations section, sign it, have it completed by your doctor, and bring it with you to the conference.

THE TRIER OF FACT MAY INCREASE, DECREASE OR TERMINATE THE EXISTING ORDER BASED UPON THE EVIDENCE PRESENTED. AN ORDER MAY BE ENTERED AGAINST EITHER PARTY WITHOUT REGARD TO WHICH PARTY FILED THE MODIFICATION PETITION.

Date of Order: _____ J.

YOU HAVE THE RIGHT TO A LAWYER, WHO MAY ATTEND THE CONFERENCE AND REPRESENT 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.

(Name)

(Address)

(Telephone Number)

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of _____ County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference or hearing.

(h) A petition for recovery of a support overpayment when a support order remains in effect shall be in substantially the following form:

* * * * *

Rule 1910.29. [Conduct of Record Hearing.] Evidence in Support Matters.

(a) Record Hearing. Except as provided in this [Rule] rule, the Pennsylvania Rules of Evidence shall be followed in all record hearings conducted in an action for support. A verified petition, affidavit or document, and any document incorporated by reference therein which would not be excluded under the hearsay rule if given in person shall be admitted into evidence if (1) at least 20 days' written notice of the intention to offer them into evidence was given to the adverse party accompanied by a copy of each document to be offered; (2) the other party does not object to their admission into evidence; and (3) the evidence is offered under oath by the party or witness. An objection must be in writing and served on the proponent of the document within 10 days of the date of service of the notice of intention to offer the evidence. When an objection is properly made, the Pennsylvania Rules of Evidence shall apply to determine the admissibility of the document into evidence.

(b) Medical Evidence.

(1) Non-Record Proceeding. In a non-record hearing, if a physician has determined that a medical condition affects a party's ability to earn income and that party obtains a Physician Verification

Form from the domestic relations section, has it completed by the party's physician and submits it at the conference, it may be considered by the conference officer. If a party is receiving Social Security disability or workers' compensation benefits, the party shall submit copies of the disability or workers' compensation determination in lieu of the Physician Verification Form.

(2) Record Proceeding. If the matter proceeds to a record hearing and the party wishes to introduce the completed Physician Verification Form into evidence, he or she must serve the form on the other party not later than 20 days after the conference. The other party may file and serve an objection to the introduction of the form within 10 days of the date of service. If an objection is made and the physician testifies, the trier of fact shall have the discretion to allocate the costs of the physician's testimony between the parties. If there is no objection, the form may be admitted into evidence without the testimony of the physician. In the event that the record hearing is held sooner than 30 days after the conference, the trier of fact may provide appropriate relief, such as granting a continuance to the objecting party.

(3) The Physician Verification Form shall be substantially in the following form:

IN THE COURT OF COMMON PLEAS OF _____ COUNTY

Member Name: _____

Docket Number: _____

PACSES Case Number: _____

Other State ID Number: _____

PHYSICIAN VERIFICATION FORM

TO BE COMPLETED BY THE TREATING PHYSICIAN

Physician's name: _____

Physician's license number _____

Nature of patient's sickness or injury:

Date of first treatment: _____

Date of most recent treatment: _____

Frequency of treatments: _____

Medication: _____

The patient has had a medical condition that affects his or her ability to earn income from: _____ through _____

If the patient is unable to work, when should the patient be able to return to work? Will there be limitations?

Remarks:

Date: _____

Signature of Treating Physician: _____

Physician's address: _____

Physician's telephone number: _____

I authorize my physician to release the above information to the _____ County Domestic Relations Section.

Patient's signature: _____ Date: _____

Explanatory Comment—2000

23 Pa.C.S. § 4342(f) creates a hearsay exception in support actions to permit a verified petition, affidavit or document and a document incorporated by reference in any of them to be admitted into evidence if it would not otherwise be excluded as hearsay if given in person and it is admitted under oath by a party or witness to the support action. Rule 1910.29 requires that notice of the documents to be admitted be given to the other party prior to the hearing. It also sets forth the procedures for raising an objection to the admission of those documents.

If the requisite 20-day notice is given and there is no objection, the document must be admitted into evidence under this rule and 23 Pa.C.S. § 4342(f). In the event an objection is timely made, the rules of evidence apply to determine the document's ultimate admissibility.

Rule 1910.29 is not intended to affect 23 Pa.C.S. § 4342(g) and (h) relating to admissibility of payment records, billing statements and bills for genetic testing and prenatal and postnatal health care of the mother and child. Those documents are admissible into evidence without advance notice for the limited purposes which are expressly set forth in those statutory provisions.

Rule 1910.50. Suspension of Acts of Assembly.

The following Acts or parts of Acts of Assembly are suspended insofar as they apply to the practice and procedure in an action for support:

* * * * *

(4) Section 4 of Act 1997-58, 23 Pa.C.S. § 4342(f), insofar as it is inconsistent with Rule [1910.26] 1910.29 as it relates to record hearings in support actions;

* * * * *

[Pa.B. Doc. No. 12-2420. Filed for public inspection December 14, 2012, 9:00 a.m.]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CH. 1000]

Proposed Amendments to Rule 1002

The Minor Court Rules Committee is planning to recommend that the Supreme Court of Pennsylvania adopt amendments to Rule 1002 of the Minor Court Civil Rules. The Committee has not yet submitted this proposal for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. The Committee's Report should not be confused with the Committee's Official Notes to the rules. The Supreme Court does not adopt the Committee's Official Notes or the contents of the explanatory reports.

The text of the proposed changes precedes the Report. Additions are shown in bold; deletions are in bold and brackets.

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

Pamela S. Walker, Counsel
Supreme Court of Pennsylvania
Minor Court Rules Committee
Pennsylvania Judicial Center
P. O. Box 62635
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Fax: 717-231-9546

or email to: minorrules@pacourts.us

no later than February 13, 2013.

By the Minor Court Rules Committee

MARY P. MURRAY,
Chair

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 1000. APPEALS

APPEAL

Rule 1002. Time and Method of Appeal.

[A. A party aggrieved by a judgment for money, or a judgment affecting the delivery of possession of real property arising out of a nonresidential lease, may appeal therefrom within thirty (30) days after the date of the entry of the judgment by filing with the prothonotary of the court of common pleas a notice of appeal on a form which shall be prescribed by the State Court Administrator together with a copy of the Notice of Judgment issued by the magisterial district judge. The Prothonotary shall not accept an appeal from an aggrieved party which is presented for filing more than thirty (30) days after the date of entry of judgment without leave of Court and upon good cause shown.]

A. (1) An appeal from a judgment arising out of a residential lease that contains an award of possession shall be filed within 10 days after the entry of the judgment unless the tenant is a victim of domestic violence, in which case an appeal shall be filed within thirty days after the entry of the judgment.

(2) An appeal from a judgment arising out a residential lease that contains an award of only money shall be filed within thirty days after the entry of the judgment.

(3) An appeal from a judgment arising out of a nonresidential lease shall be filed within thirty days after the entry of the judgment.

(4) An appeal from a judgment arising out of a civil action shall be filed within thirty days after the entry of the judgment.

B. A party [aggrieved by a judgment for the delivery of possession of real property arising out of a residential lease may appeal therefrom within ten (10) days after the date of the entry of judgment] seeking to take an appeal from any judgment described in Subdivision A above shall do so by filing with the prothonotary of the court of common pleas a notice of appeal on a form which shall be prescribed by the State Court Administrator, together with a copy of the Notice of Judgment issued by the magisterial district judge. The prothonotary shall not accept an [appeal from an aggrieved party which is presented for filing more than ten (10) days after the date of entry of judgment] untimely notice of appeal that is presented for filing without leave of court and upon good cause shown.

Official Note: The thirty day [limitation in subdivision A of this rule is the same as that found in the Judicial Code § 5571(b)] appeal period set forth above is consistent with the appeal period found in Section 5571(b) of the Judicial Code, 42 Pa.C.S. § 5571(b), as amended by § 10(67) of the Judiciary Act Repealer Act, Act of April 28, 1978, P. L. 202, No. 53, and in the July 6, 1995 amendment (Act No. 1995-33) to Section 513(b) of the Landlord and Tenant Act of 1951 (“Act”), Act of April 6, 1951, P. L. 69, as amended, 68 P. S. 250.513(b). The ten day limitation in [subdivision B of this rule is designed to implement the time for appeal set forth in § 513 of the Landlord and Tenant Act of 1951 (Act No. 1995-33, approved July 6, 1995) (Act No. 1995-33 was suspended by the Pa. Supreme Court on March 28, 1996 by Order of Court insofar as the Act is inconsistent with Rules of Civil Procedure Governing Actions and Proceedings Before District Justices, as adopted by that Order.)] paragraph A(1) of this rule is consistent with the time for appeal set forth in the July 6, 1995 amendment. [The two subdivisions of this rule are intended to clarify that where the right of possession of residential real estate is at issue, the shorter, ten day period for appeal applies; where the appeal is taken from any judgment for money, or a judgment affecting a nonresidential lease, under these rules, the thirty day period of time for appeal applies. A party may appeal the money portion of a judgment only within the thirty day appeal period specified in subsection A of this rule. It is the intent of this rule that no supersedeas under Pa.R.C.P.D.J. No. 1008 shall be issued by the Prothonotary after the ten (10) day period for filing an appeal, unless by order of court.]

The intent of the 2012 amendment is to incorporate the additional time provided to a victim of domestic violence when a judgment arises out of a residential lease and contains an award of possession. The 2012 amendment is also intended to clarify that the time for an appeal is thirty days in all cases with the exception of the ten day period that exists in cases arising out of a residential lease when the judgment contains an award of possession and the tenant is not a victim of domestic violence.

In a landlord-tenant action, the court is authorized to enter only one judgment which may contain a monetary award and grant possession of the leasehold to the landlord. See Section 506 of the Act

as originally enacted (“[w]ithin five days after the rendition of judgment, either party may appeal to the next court of common pleas upon filing in that court a bond.”) and Section 504 of the Act as originally enacted (the justice of peace could “enter judgment against the tenant that the real property be delivered up to the landlord and for damages, if any, for the unjust detention of the demised premises, as well as for the amount of rent, if any, which remains due and unpaid and for costs of the proceeding.”) (emphasis added). Therefore, any appeal is from one judgment and cannot be parsed at the will of the party taking the appeal.

If a court enters a judgment in a case arising out of a residential lease that includes an award of money and a right to possession, a tenant who is not a victim of domestic violence and wishes to take an appeal must do so within ten days of the entry of the judgment even if the tenant has vacated the leasehold after the entry of the judgment. See Section 513(b) of the Act and *Cherry Ridge Development v. Chenoga*, 703 A.2d 1061 (Pa. Super. 1997) (holding that where a magisterial district judge entered a judgment in favor of a landlord for money and possession, the tenant had ten days, not thirty days, to take an appeal).

The method of appeal is by filing with the prothonotary a “notice of appeal” on a form to be prescribed by the State Court Administrator. Copies of this same form will be used for service under Pa.R.C.P.M.D.J. No. 1005. This permits use of the same form for filing and service. No useful purpose would be served by having two forms, one called an “appeal” for filing and another called a “notice of appeal” for service.

The 1990 amendment is intended to encourage the complete utilization of the hearing process available before the magisterial district judge.

A copy of the Notice of Judgment must be filed since it will contain the separate entries required by Pa.R.C.P.M.D.J. No. 514.A and will be needed by the Prothonotary.

* * * * *

Explanatory Comment—2001

The January 1, 2001, amendments to Rule 1002(A) and (B) are to make the language within the Rule consistent. Previously, the Rule used the words “date of entry of judgment” and then “date of judgment”. It is the opinion of the Committee that the phrase “date of entry of judgment” should be used and that it should be used consistently throughout the Rule.

[The amendment to the Note is necessitated because Rule 514 requires that a judgment be rendered for the delivery of possession of the real property to the plaintiff and a separate entry of a judgment for money, whether it be for rent, damages, or costs. The separate entry of the judgment for money should be treated the same as a judgment in a civil action and there are no additional exigencies requiring an accelerated appeal period. The ten (10) day appeal period should only be applicable to the possession judgment and not to the money judgment.

The purpose of this amendment to the Note and this Explanatory Comment is to clarify the intent of the Rule to permit an appeal of the money judg-

ment only within the thirty (30) day appeal period. See *Cherry Ridge Development v. Chenoga*, 703 A.2d 1061 (Pa.Super. 1997).]

REPORT

Proposed Amendments to Rule 1002 of the Minor Court Civil Rules

Time and Method of Appeal; Incorporating Additional Time for Appeal by Victim of Domestic Violence In Residential Landlord-Tenant Case

I. Introduction and Background

The Minor Court Rules Committee (the “Committee”) is proposing amendments to the rules of procedure governing appeals taken from judgments entered in magisterial district courts. The goals of these rule changes are (1) to clarify the appeal periods for all civil and landlord-tenant judgments, and (2) to incorporate the additional time provided to a victim of domestic violence when a judgment arises out of a residential lease and contains an award of possession.

The Committee began looking at this issue in 2011, after reviewing the opinion in a Philadelphia Municipal Court case, *Luck Ent. LLC v. Melton*, LT-09-11-03-3436 (Phil. Mun. Ct. 2011) (Moss, J.), after that court “forward[ed] a copy of this Opinion to the Philadelphia Municipal Court, the Minor Court Rules Committee and the Court of Common Pleas of Philadelphia County so that they might review their rules to determine whether or not to refine the language of their rules.” See *Luck Ent. LLC* at 13, n. 8.

II. Discussion

In *Luck Ent. LLC*, the court examined the rule making history of Pa.R.C.P.M.D.J. No. 1002 within the context of changes to the Landlord and Tenant Act of 1951, Act of April 6, 1951, P. L. 69 (“Act”). In summary, the court in *Luck* found that although the Supreme Court of Pennsylvania previously suspended Section 513 of the Act (68 P. S. § 250.513), the “final Amending Order of February 28, 1996 provided for a thirty-day suspension. Section 513, therefore, has been in effect since April of 1996.” *Luck Ent. LLC* at 6. The Committee agreed with the court’s analysis, and determined that Rule 1002 was in need of refinement, specifically (1) to clarify the appeal periods for all civil and landlord-tenant judgments, (2) to incorporate the additional time provided to a victim of domestic violence when a judgment arises out of a residential lease and contains an award of possession. See Section 513 of the Act.

First, the Committee sought to clarify that an action in a magisterial district court results in one judgment, not multiple judgments that can be parsed and appealed individually. The Committee agreed with the court in *Luck Ent. LLC* that the Committee’s 2001 Explanatory Comment to Rule 1002 suggests that there can be two separate judgments in a landlord-tenant action, and proposes eliminating those portions of the 2001 Explanatory Comment. See *Luck Ent. LLC* at 11-12. The Committee also proposes patterning the language of Rule 1002 more closely to Section 513 of the Act to reflect the available timeframes for appeal.

Additionally, the Committee proposes adding additional time for a victim of domestic violence to appeal a judgment arising out of a residential lease that contains an award of possession. Such a change is consistent with Section 513(b) of the Act. Rule 1002 currently does not contain such a provision.

III. Proposed Rule Changes

First, the Committee eliminated the phrase “aggrieved by a judgment” from Rule 1002, as that language does not appear in Section 513 of the Act, and could create ambiguity between Rule 1002 and Section 513 of the Act. Rather than determining the appeal period based on the aspect of the judgment that the appealing party is “aggrieved by,” the Committee agreed with the court in *Luck* that it would be clearer to identify the appeal time periods based on the underlying judgment, as set forth in Section 513 of the Act. Accordingly, the Committee recommends setting forth the four different options: (1) an appeal from a judgment arising out of a residential lease that contains an award of possession; (2) an appeal from a money judgment arising out of a residential lease that contains an award of only money; (3) an appeal from a judgment arising out of a nonresidential lease; and (4) an appeal from a judgment arising out of a civil action.

The Committee also proposes adding the additional time for a victim of domestic violence to appeal a judgment arising out of a residential lease that contains an award of possession. Section 513(b) of the Act provides that a victim of domestic violence has thirty days, rather than the standard ten days, to appeal a judgment arising out of a residential lease that contains an award of possession.

Finally, the Committee proposes changes to the Official Note and the 2001 Explanatory Comment consistent with the proposed rule changes.

[Pa.B. Doc. No. 12-2421. Filed for public inspection December 14, 2012, 9:00 a.m.]

Title 252—ALLEGHENY COUNTY RULES

ALLEGHENY COUNTY

Amended Civil Rule of the Court of Common Pleas; No. 2 of 2012 Rules Doc.

Order of Court

And Now, to-wit, this 27th day of November, 2012, *It Is Hereby Ordered, Adjudged and Decreed* that the October 31, 2012 order promulgating Amended Rule 220.1 (Voir Dire Questionnaires) of the Court of Common Pleas of Allegheny County, Pennsylvania, Civil Division, adopted by the unanimous proxy vote of the Board of Judges on October 29, 2012, is amended so that Amended Rule 220.1, published November 17, 2012 in the *Pennsylvania Bulletin* at 42 Pa.B. 7093, shall become effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

DONNA JO McDANIEL,
President Judge

Local Rule 220.1. Voir Dire.

In all civil actions to be tried before a jury, the parties shall be provided with the responses to the “Juror Questionnaire” completed by the members of the panel at the time that they report for jury duty (see Form), and the members of the panel shall be asked the questions set forth in this Local Rule (except those which all parties shall agree in advance to strike as inappropriate for the

type of case involved). The questions shall be propounded by an Assignment Room Clerk, in the presence of all counsel. The voir dire process is open to the public.

The following questions shall be asked in a standard civil lawsuit, that is, one that is something other than a medical malpractice or asbestos case.

(a) *To be Addressed to the Group:*

1) *Clerk*—“This case is expected to last ____ days. Does that impose a serious hardship for anyone?”

2) *Clerk*—“The attorneys in this lawsuit will now introduce themselves, their law firms, and the parties they represent.”

[Attorneys proceed with introductions.]

Clerk—“Have you had any social, business or professional contact with any of these attorneys or their law firms?”

Clerk—“Do you know or have you had any social, business or professional contact or employment with any of the parties, or are any of you stockholders in ____ ? *[Insert name of company(ies).]*

Clerk—“This lawsuit concerns ____.” *[Insert a description—products liability, motor vehicle accident, fall down, construction, contract, etc.—along with a time period or date and place, if applicable.]*

3) *Clerk*—“The attorneys are now permitted to give you a brief statement about the case.

In their statement, each attorney will say what they believe the evidence will show at trial. You will not hear the actual evidence until the witnesses testify when the trial begins.

You are not to form any conclusions based upon the statements of the attorneys. You cannot make your decision until the end of the trial.”

[Attorneys proceed, in turn, to deliver their approved voir dire statements.]

[If no party elects to deliver a voir dire statement, then the Clerk proceeds as set forth below.]

Clerk—“Does anyone know anything about this case?”

4) *Clerk*—“The attorneys will now identify for you all of their possible witnesses in this case.”

[Attorneys proceed in turn to identify the names and addresses of all their potential witnesses, including expert witnesses. This list should include all non-party witnesses listed in each party’s pre-trial statement, unless all parties have agreed otherwise.]

Clerk—“Do you know or have you had any association, either yourself or through any member of your family, with any of these individuals?”

(b) *To be Asked Individually:*

Clerk—“We will begin questioning. Juror #1, will you please step forward?”

1) *Clerk*—“Based on anything you have read, seen or heard, do you have any feelings or opinions about a lawsuit seeking money damages?”

a. *Clerk*—“If so, what are those feelings or opinions?”

b. *Clerk*—“Do you think those feelings or opinions might affect your judgment in this case?”

2) *Clerk*—“This case involves a claim for money damages and is the type commonly called a ____ *[products liability, motor vehicle accident, breach of contract, etc.]* lawsuit.”

a. *Clerk*—“Do you have any feelings about this kind of case, or the parties involved in this kind of case, that would tend to make you favor one party or the other; that is, the person bringing the lawsuit or the person being sued?”

b. *Clerk*—“If so, what are those feelings?”

c. *Clerk*—“Will that influence your judgment in this case so that you may not be able to be fair and impartial?”

3) *Clerk*—“Do you have any feelings or opinions as to whether there should be a minimum or maximum amount of money that can be awarded to an injured party?”

4) *Clerk*—“Is there any reason why you feel you cannot serve as a fair and impartial juror in this case?”

The following questions shall be asked in medical malpractice cases:

(c) *To be Addressed to the Group:*

1) *Clerk*—“This case is expected to last ____ days. Does that impose a serious hardship for anyone?”

2) *Clerk*—“The attorneys in this lawsuit will now introduce themselves, their law firms, and the parties they represent.”

[Attorneys proceed with introductions.]

Clerk—“Have you had any social, business or professional contact with any of these attorneys or their law firms?”

Clerk—“Do you know or have you had any social, business or professional contact or employment with any of the parties, or are any of you stockholders in ____ ? *[Insert name of company(ies).]*

Clerk—“This case is a Medical Malpractice lawsuit.” *[Insert a description—along with a time period or date and place, if applicable.]*

3) *Clerk*—“The attorneys are now permitted to give you a brief statement about the case.

In their statement, each attorney will say what they believe the evidence will show at trial. You will not hear the actual evidence until the witnesses testify when the trial begins.

You are not to form any conclusions based upon the statements of the attorneys. You cannot make your decision until the end of the trial.”

[Attorneys proceed, in turn, to deliver their approved voir dire statements.]

[If no party elects to deliver a voir dire statement, then the Clerk proceeds as set forth below.]

Clerk—“Does anyone know anything about this case?”

4) *Clerk*—“The attorneys will now identify for you all of their possible witnesses in this case.”

[Attorneys proceed in turn to identify the names and addresses of all their potential witnesses, including expert witnesses. This list should include all non-party witnesses listed in each party’s pre-trial statement, unless all parties have agreed otherwise.]

Clerk—“Do you know or have you had any association, either yourself or through any member of your family, with any of these individuals?”

(d) *To be Asked Individually:*

Clerk—"We will begin questioning. Juror #1, will you please step forward?"

1) Clerk—"Based on anything you have read, seen or heard, do you have any feelings or opinions about a lawsuit seeking money damages for personal injuries?"

a. Clerk—"If so, what are those feelings or opinions?"

b. Clerk—"Do you think those feelings or opinions might affect your judgment in this case?"

2) Clerk—"This case involves a claim for money damages and is the type commonly called a Medical Malpractice lawsuit."

a. Clerk—"Do you have any feelings about this kind of case, or the parties involved in this kind of case, that would tend to make you favor either the patient or the healthcare provider?"

b. Clerk—"If so, what are those feelings?"

c. Clerk—"Will that influence your judgment in this case so that you may not be able to be fair and impartial?"

3) Clerk—"Do you have any feelings or opinions as to whether there should be a minimum or maximum amount of money that can be awarded to an injured party?"

4) Clerk—"Do you have any feelings or opinions about whether medical malpractice lawsuits affect the costs or availability of medical services?"

"If so, what are those feelings or opinions?"

5) Clerk—"Do you feel it is wrong to sue a [Insert appropriate provider, e.g. doctor, nurse, hospital, nursing home . . .] even in circumstances where the [Insert as before.] was careless in providing medical care to a patient and caused harm to that patient?"

6) Clerk—"Do you believe that just because the patient suffered a complication, did not get better, or even died, that the [Insert appropriate provider, e.g. doctor, nurse, hospital, nursing home . . .] must have done something wrong so that the patient or family is entitled to compensation?"

7) Clerk—"Is there any reason why you feel you cannot serve as a fair and impartial juror in this case?"

The following questions shall be asked in asbestos cases:

(e) *To be Addressed to the Group:*

1) Clerk—"This case is expected to last ____ days. Does that impose a serious hardship for anyone?"

2) Clerk—"The attorneys in this lawsuit will now introduce themselves, their law firms, and the parties they represent."

[Attorneys proceed with introductions.]

Clerk—"Have you had any social, business or professional contact with any of these attorneys or their law firms?"

Clerk—"Do you know or have you had any social, business or professional contact or employment with any of the parties, or are any of you stockholders in ____? [Insert name of company(ies).]"

Clerk—"This lawsuit concerns ____." [Insert a description-products liability, negligence, etc.—along with a time period or date and place, if applicable.]

3) Clerk—"The attorneys are now permitted to give you a brief statement about the case.

In their statement, each attorney will say what they believe the evidence will show at trial. You will not hear the actual evidence until the witnesses testify when the trial begins.

You are not to form any conclusions based upon the statements of the attorneys. You cannot make your decision until the end of the trial."

[Attorneys proceed, in turn, to deliver their approved voir dire statements.]

[If no party elects to deliver a voir dire statement, then the Clerk proceeds as set forth below.]

Clerk—"Does anyone know anything about this case?"

4) Clerk—"The attorneys will now identify for you all of their possible witnesses in this case."

[Attorneys proceed in turn to identify the names and addresses of all their potential witnesses, including expert witnesses. This list should include all non-party witnesses listed in each party's pre-trial statement, unless all parties have agreed otherwise.]

Clerk—"Do you know or have you had any association, either yourself or through any member of your family, with any of these individuals?"

(f) *To be Asked Individually:*

Clerk—"We will begin questioning. Juror #1, will you please step forward?"

1) Clerk—"Based on anything you have read, seen or heard, do you have any feelings or opinions about a lawsuit seeking money damages for personal injuries?"

a. Clerk—"If so, what are those feelings or opinions?"

b. Clerk—"Do you think those feelings or opinions might affect your judgment in this case?"

2) Clerk—"This case involves a claim for money damages and is the type commonly called a ____ [Insert a description-products liability, negligence, etc.] lawsuit."

a. Clerk—"Do you have any feelings about this kind of case, or the parties involved in this kind of case, that would tend to make you favor one party or the other; that is, the person bringing the lawsuit or the person being sued?"

b. Clerk—"If so, what are those feelings?"

c. Clerk—"Will that influence your judgment in this case so that you may not be able to be fair and impartial?"

3) Clerk—"Do you have any feelings or opinions as to whether there should be a minimum or maximum amount of money that can be awarded to an injured party?"

4) Clerk—"Have you or any member of your household or immediate family ever suffered from:

a) Any type of cancer?

b) Asbestosis?

c) Emphysema?

d) Silicosis?

e) Chronic bronchitis?

f) Black lung?

g) Mesothelioma

h) Any other lung or respiratory disease?"

5) *Clerk*—"Have you or any member of your household or immediate family ever been employed by a business engaged in manufacturing, supplying, or removing insulation products containing asbestos?"

6) *Clerk*—"Have you or any member of your household or immediate family ever worked or been exposed to products which you understood to contain asbestos or silica?"

7) *Clerk*—"Have you been exposed to any information from the internet, newspapers, radio, television, or from other people, discussing alleged health problems with asbestos or silica?"

8) *Clerk*—"Have you ever smoked:

- a) Cigarettes?
- b) Cigars?
- c) Pipe?"

9) *Clerk*—"If yes, what year did you stop smoking:

- a) Cigarettes?
- b) Cigars?
- c) Pipe?"

10) *Clerk*—"Is there any reason why you feel you cannot serve as a fair and impartial juror in this case?"

(g) Up to five additional proposed voir dire questions may be submitted by each party or group of parties with joint representation by one counsel. Disputes as to the propriety of these questions shall be handled as set forth in Local Rule 212.2(c). At the time of voir dire, those proposed additional voir dire questions which were permitted by the Calendar Control Judge will be propounded by the Assignment Room Clerk, in the presence of all counsel, individually to each member of the panel.

(h) At the conclusion of individual questions to each member of the panel as set forth in parts (b), (d), (f) and (g) above, counsel will be permitted to ask reasonable follow-up questions regarding each panel member's responses to prior questions and responses to the Juror Questionnaire. In the absence of agreement by all parties to the contrary, the order of follow-up questioning shall proceed as the parties appear in the caption of the case.

**FIFTH JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF
ALLEGHENY COUNTY
CIVIL DIVISION—JUROR QUESTIONNAIRE**

- 1) Full Name: _____ Maiden Name (if any): _____
- 2) Age: _____ Place of Birth: _____
- 3) Neighborhood or Municipality in which you live: _____
Zip Code: _____

Length of time at current address: _____
Rent or Own: _____

- 4) Single Married Divorced Widowed
 Separated

Spouse's Name: _____ Spouse's Maiden Name (if any): _____

5) Your Employment/Occupation:

Present Job	Employer	Time at this Job
_____	_____	_____

If Retired:

Last Employer	Last Held Position	Time at this Job
_____	_____	_____

What prior occupations and employers have you had?

6) Please indicate your highest level of education: Elementary Jr. High/Middle School High School (did not graduate) High School Graduate GED Technical/Vocational Training College (did not graduate) College Graduate Advanced Degree

College or University	Degree, Diploma, or Certificate Attained	Major Course of Study
_____	_____	_____
_____	_____	_____
_____	_____	_____

7) Have you ever served in the military? Yes No

If so, in what branch? _____ Years _____ to _____

What did you do? _____ Final Rank _____

Honorable Discharge? Yes No

8) Have you or any members of your family been involved as a plaintiff, defendant, witness or juror in a civil or criminal lawsuit or court case? Yes No

1. Who was involved? _____

2. What was the nature of the lawsuit? _____

3. Were you or your family member the Plaintiff, Defendant, witness or juror? _____

4. What was the outcome? _____

9) Have you ever been involved in an automobile accident? Yes No

10) Are you licensed to drive a motor vehicle? Yes No

11) Do you own or lease a motor vehicle? Yes No

12) Please list your family doctor and/or any other doctors that have treated you in the past two years: _____

13) Please provide the following information about the following people:

	Name	Age	Level of Education	Current Occupation & Employer	Do they reside with you?
Your Mother:					
Your Father:					
Your Spouse:					
Child/Stepchild 1:					
Child/Stepchild 2:					
Child/Stepchild 3:					
Child/Stepchild 4:					
Child/Stepchild 5:					
Child/Stepchild 6:					
Other Adult Member of Household 1:					
Other Adult Member of Household 2:					
Other Adult Member of Household 3:					

14) If you have brothers or sisters, what do they do for a living? _____

15) Do you or any members of your family have a friendship or association with anyone who is a police officer, judge, lawyer, or employee of the court system? If so, please explain: _____

16) Have either you or members of your family ever worked for or done business with the insurance industry or owned stock in an insurance company? Yes No

17) Have either you, members of your family, or any close friends ever worked for or done business with the medical or healthcare field? Yes No

18) Do you have any physical or mental condition or other situation which could affect your ability to serve on a jury? Yes No

I VERIFY, SUBJECT TO THE PENALTIES OF SECTION 4904 OF THE CRIMES CODE (18 Pa.C.S. § 4904) RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES, THAT THE FACTS SET FORTH IN THIS QUESTIONNAIRE ARE TRUE AND CORRECT.

Dated: _____ Signature: _____

[Pa.B. Doc. No. 12-2422. Filed for public inspection December 14, 2012, 9:00 a.m.]

ALLEGHENY COUNTY

Establishment of a Booking Center Fund Fee; AD-12-314-PJ

Order of Court

And Now, to-wit this 28th day of November, 2012, the countywide Booking Center Plan, approved on September 10, 2012 by the Allegheny County Criminal Justice Advisory Board, having been reviewed and certified on

September 28, 2012 by the Pennsylvania Commission on Crime and Delinquency, and pursuant to 42 Pa.C.S. § 1725.5, it is hereby *Ordered* that the Allegheny County Department of Court Records, Criminal Division, shall assess a Booking Center Fund Fee of Two Hundred Dollars (\$200.00) against any defendant processed for identification at an Allegheny County Booking Center location, for each case wherein a defendant:

(1) Is placed on probation without verdict pursuant to section 171 of the act of April 14, 1972 (P. L. 233, No. 64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or

(2) Receives Accelerated Rehabilitative Disposition for, pleads guilty to or nolo contendere to or is convicted of a crime under the following:

(i) 18 Pa.C.S. § 106(a) (relating to classes of offenses).

(ii) 75 Pa.C.S. § 3735 (relating to homicide by vehicle while driving under influence).

(iii) 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance)

(iv) A violation of The Controlled Substance, Drug, Device and Cosmetic Act.

This fee shall be in addition to any other fines, penalties or costs imposed by law. The Booking Center Fund Fee shall not be assessed against any defendant whose case or cases are disposed of by dismissal, withdrawal or nolle prosequi. If a judge of the Court of Common Pleas of Allegheny County waives costs and fines on a case where the fee is applicable, the waiver will include the Booking Center Fund Fee unless the judge expressly states otherwise is the sentencing order.

The Booking Center Fund Fee shall be deposited into a designated central booking fee account established for Allegheny County and said fees shall be used solely for the implementation of the Allegheny County Booking Center Plan, including start-up, operation and maintenance costs.

This Order shall become effective thirty (30) days after its publication in the *Pennsylvania Bulletin* and will apply to defendants processed on or after that date.

By the Court

DONNA JO McDANIEL,
President Judge

[Pa.B. Doc. No. 12-2423. Filed for public inspection December 14, 2012, 9:00 a.m.]

Title 255—LOCAL COURT RULES

WESTMORELAND COUNTY

**Filing of Medical or Social History Information; Nr.
65-93-895**

Administrative Order of Court

And Now, to wit, this 28th day of November, 2012, effective with the date of entry of this Order, the Clerk of the Orphans' Court of Westmoreland County, Pennsylvania, shall, upon twenty (20) days of receipt of any medical and/or social history information filed by a parent whose parental rights had previously been terminated by this court or whose birth child was adopted in proceedings conducted by this court, or by a child who was adopted in proceedings conducted by this court, electronically submit said information to the Pennsylvania Adoption Information Registry, (PAIR).

By the Court

GARY P. CARUSO,
President Judge

[Pa.B. Doc. No. 12-2424. Filed for public inspection December 14, 2012, 9:00 a.m.]