

THE COURTS

Title 201—RULES OF JUDICIAL ADMINISTRATION

[201 PA. CODE CH. 7]

Amendments to Rule 701 of the Rules of Judicial Administration; No. 463 Judicial Administration Doc.

Order

Per Curiam:

And Now, this 17th day of March, 2016, pursuant to this Court's authority under Article V, Section 10 of the Pennsylvania Constitution, Pennsylvania Rule of Judicial Administration No. 701 is amended to read as follows.

In the exercise of its discretion, the Court has determined that immediate promulgation of these amendments to Rule 701 is warranted in the interests of justice and efficient administration. See 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 immediately.

Annex A

TITLE 201. RULES OF JUDICIAL ADMINISTRATION

CHAPTER 7. ASSIGNMENT OF JUDGES

ASSIGNMENT AND TRANSFER OF JUDGES

(Editor's Note: Under Supreme Court Order No. 269 Judicial Administration Doc. No. 1, all references to "district justice" in the court rules shall be deemed a reference to "magisterial district judge." See 35 Pa.B. 518 (January 22, 2005). Therefore, the references to this term in Rule 701 has been updated accordingly.)

Rule 701. Assignment of judges to courts.

(A) *Conditions Applicable for the Certification of Senior Magisterial District Judges, Judges or Justices.*

(1) To be eligible for senior certification, a magisterial district judge, judge or justice:

(a) shall have served as a magisterial district judge, judge or justice, whether or not continuously or on the same court, by election or appointment for an aggregate period equaling ten years;

(b) shall not have been defeated for reelection or retention; and

(c) shall be at least sixty-five years of age on the date on which he or she begins senior service, or have a combination of years of judicial service plus age that totals at least seventy for magisterial district judges or at least eighty for judges and justices. However, this subsection (c) shall not apply to those serving in senior status as of the effective date of this rule.

(2) In addition to paragraph (1), any duly elected magisterial district judge, judge or justice, having an aggregate of five years of judicial service, who is required to retire at age seventy, shall be eligible for certification.

(3) Senior status shall end on the last day of the calendar year in which a magisterial district judge, judge or justice attains age seventy-eight; however, those serving in senior status as of the effective date of this rule

who were previously excepted from the age seventy-five limitation pursuant to the amendment of January 1, 1999 may continue to serve until the last day of the calendar year in which they attain age eighty.

(4) For certification of senior status, a magisterial district judge, judge or justice shall verify such additional information as required by the application for certification forms authorized under paragraph (B) below.

(5) A magisterial district judge, judge or justice may only be certified for senior status for a maximum of ten years, absent extraordinary circumstances, as determined by the Chief Justice. However, those serving in senior status as of the effective date of this rule may continue to serve until subject to the age limit of paragraph (3) above.

(6) Certification of a magisterial district judge, judge or justice for senior status shall be subject to the pleasure of the Supreme Court. The Supreme Court at any time, in the exercise of its sole discretion, may rescind or revoke a senior certification.

Official Note: Paragraph (6) was added in 2016 to clarify that certification of senior status is (and always has been) a matter that is subject to the pleasure of the Supreme Court.

(B) *Certification of Senior Magisterial District Judges, Judges and Justices.* The Administrative Office shall promulgate application forms, as approved by the Supreme Court, for certification of senior magisterial district judges, judges and justices. A former or retired magisterial district judge, judge or justice who requests assignment to temporary judicial service shall file the application for certification form with the Administrative Office, and, upon approval, shall be eligible for judicial assignment. Failure to comply with the provisions contained in the application form may result in the immediate revocation of senior certification.

(C) *Request for the Assignment of Additional Magisterial District Judges or Judges.*

(1) *Request for Assignment.* Whenever a president judge deems additional judicial assistance necessary for the prompt and proper disposition of court business, he or his proxy shall transmit a formal request for judicial assistance to the Administrative Office. The request may be made in writing or it may be transmitted electronically. An electronic request for judicial assistance shall be accomplished through a secure program developed by the Administrative Office for this purpose.

(2) *Recommendation by the Court Administrator of Pennsylvania and Action by Chief Justice.* Upon the recommendation of the Court Administrator, the Chief Justice may, by order, assign any retired, former, or active magisterial district judge, judge or justice to temporary judicial service on any court to fulfill a request by a president judge, or to reduce case inventories, or to serve the interest of justice. The order entered by the Chief Justice may be electronically transmitted to the Administrative Office of Pennsylvania Courts for processing. Orders entered pursuant to this chapter may be transmitted by the Administrative Office to the Supreme Court prothonotary in hard copy or electronically. Electronically transmitted orders shall be docketed by the Supreme Court prothonotary in the same manner as hard copy orders. Electronically transmitted orders need not be

printed by the Supreme Court prothonotary unless a request for public review is made.

(3) *Duration of Assignment.* Unless otherwise provided in the order of assignment, the order shall continue in effect after its stated expiration date until unfinished business pending before the assigned judge is completed.

(4) *Certification of Service.* The president judge of a district to which a magisterial district judge or judge has been temporarily assigned under this rule shall certify to the Administrative Office, on a certificate completed and signed by the assigned magisterial district judge or judge, the number of days of temporary judicial service and the amount of any compensation to which the assigned judge is entitled.

(5) *Expenses of Assigned Judges.* All judges assigned to duties outside of their judicial districts may, in addition to any per diem payment authorized by law, be reimbursed with the approval of the Court Administrator for necessary expenses, including hotel accommodations and meals, incident to such duties.

(6) *Restrictions on Temporary Assignments.* No judge shall be assigned under this rule to any court while any judge thereof is assigned to another court under this rule, except when required to take the place of a judge who is recused or disqualified, or is otherwise unavailable, or under other appropriate circumstances.

(7) [**Ceremonial Functions. Magisterial district judges, judges and justices on temporary assignments shall have authority to conduct ceremonial functions, including performing weddings and administering oaths.**] (Reserved).

Official Note: The subject matter of former paragraph (7) (relating to ceremonial functions) is now governed by 23 Pa.C.S. § 1503(a)(2) (relating to persons qualified to solemnize marriages) (as amended by the Act of July 14, 2009 (P. L. 81, No. 18)) and 42 Pa.C.S. § 327 (relating to oaths and acknowledgments) (as amended by the Act of June 30, 2012 (P. L. 666, No. 79)).

(D) *Judicial Assignment Records.* The Administrative Office shall maintain records of certification applications and assignments to temporary judicial service.

(E) *Regional Administrative Units.*

(1) Judicial districts through their president judges may petition the Supreme Court for approval to combine with other districts to form regional administrative units that provide for the assignment of magisterial district judges and judges to any other judicial district in the unit. Upon annual approval by the Supreme Court, magisterial district judges and judges, when so assigned, shall exercise the same power and authority as vested in a magisterial district judge or judge of that judicial district.

(2) In cases where a judge has disqualified him or herself for any of the reasons specified in [**Canon 3 C**] **Rule 2.11** of the Code of Judicial Conduct or **Rule 2.11 of the Rules Governing Standards of Conduct of Magisterial District Judges**, the assignment of another judge to the case shall be made through the Administrative Office. In other instances of recusal, the assignment may be made through the Regional Unit, but in no case shall a recusing judge select his or her replacement.

(3) Each regional unit shall file with the Administrative Office a quarterly report of all assignments that occurred within the unit for that period.

(F) *Suitable Facilities and Staffing for Senior Common Pleas Judges.* Suitable facilities and adequate staff are to be provided for senior judges, the parameters of which are to be determined and promulgated by the Administrative Office.

Directive: In accordance with Rule of Judicial Administration 701(F), the Administrative Office of Pennsylvania Courts promulgates this directive establishing minimum standards for suitable facilities and adequate staff for the senior judges of the courts of common pleas. The president judge of a judicial district, in consultation with the Court Administrator of Pennsylvania as needs may require, shall provide from available resources for each senior judge formerly of the judicial district who is regularly or periodically assigned in that district and for each visiting senior judge the following facilities and staff for matters arising under the appointment:

(1) the use of judicial chambers which shall be of adequate size and appropriately furnished, afford a measure of privacy, and include office equipment and supplies as are necessary to conduct judicial business;

(2) services of a law clerk who shall provide customary assistance including legal research and drafting of legal documents; and

(3) services of a secretary who shall provide customary assistance including typing correspondence, orders and opinions, answering phone calls and taking messages, receiving and sending mail and deliveries.

[**Official Note: The expense reimbursement authorized by subdivision (C)(5) is in addition to the per diem payable under the Act of June 1, 1956 (1955 P. L. 1959) § 10, 17 P.S. § 830.32.**]

Supreme Court Rule 79 adopted effective Oct. 10, 1966; renumbered Rule 701 March 15, 1972; amended effective Feb. 20, 1975; June 10, 1975; Oct. 5, 1977, amended June 26, 1980, effective Aug. 2, 1980, amended effective April 29, 1998; Dec. 8, 1998, effective Jan. 1, 1999; amended April 18, 2002, effective January 6, 2003.

[Pa.B. Doc. No. 16-588. Filed for public inspection April 8, 2016, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CH. 4]

Proposed Amendment of Pa.R.J.C.P. 407

The Juvenile Court Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Pa.R.J.C.P. 407 governing admissions in delinquency proceedings for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They neither will constitute a part of the rules nor will be officially adopted by the Supreme Court.

Additions to the text of the proposal are bolded; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Daniel A. Durst, Chief Counsel
Juvenile Court Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9541
juvenilerules@pacourts.us

All communications in reference to the proposal should be received by May 16, 2016. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Juvenile Court
Procedural Rules Committee

KERITH STRANO TAYLOR, Esq.,
Chair

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 4. ADJUDICATORY HEARING

Rule 407. Admissions.

A. Admissions. At any time after a petition is filed, the juvenile may tender an admission to some or all of the delinquent acts charged.

1) Requirements.

a) Before the court can accept an admission, the court shall determine that the admission is knowingly, intelligently, and voluntarily made.

b) As a part of this determination, the court shall ensure:

i) an attorney has reviewed and completed the admission colloquy with the juvenile pursuant to paragraph (C); and

ii) there is a factual basis for the admission.

c) At the hearing, the court shall conduct an independent inquiry with the juvenile to determine:

i) whether the juvenile understands the nature of the allegations to which he or she is admitting and understands what it means to admit;

ii) whether the juvenile understands that he or she has the right to a hearing before the judge and understands what occurs at a hearing;

iii) whether the juvenile is aware of the dispositions that could be imposed and the consequences of an adjudication of delinquency that can result from an admission;

iv) whether the juvenile has any questions about the admission; and

v) whether there are any other concerns apparent to the court after such inquiry that should be answered.

2) Agreements. If the parties agree upon the terms of an admission, the tender shall be presented to the court.

3) Court action. If the court accepts the tender, the court shall enter an order incorporating any agreement. If

the court does not accept the tender, the case shall proceed as if no tender had been made.

4) Limitations on [withdrawals] Withdrawals. An admission may be withdrawn prior to the court entering the dispositional order. After the court has entered the dispositional order, an admission can be withdrawn only upon a demonstration of manifest injustice.

B. Incriminating [statements] Statements. An incriminating statement made by a juvenile in the discussions or conferences incident to an admission that is not ultimately accepted by the court or otherwise permitted to be withdrawn by the court shall not be used against the juvenile over objection in any criminal proceeding or hearing under the Juvenile Act, 42 Pa.C.S. § 6301 et seq.

C. Written [admission colloquy] Admission Colloquy. If a juvenile is making an admission, the colloquy shall be:

- 1) in writing;
2) reviewed and completed with the juvenile by an attorney;
3) submitted to and reviewed by the court; and
4) substantially in the following form:

ADMISSION COLLOQUY FORM

In re _____ : _____ JD _____
(Juvenile) :
: Delinquent Act(s):
: _____
: _____

Answer all of the questions on this form. If you do not understand any question, leave it blank and ask your lawyer or the judge.

I admit that I did the following things (attorney shall list the delinquent acts, grading of acts, and counts):

General Information:

- 1) What is your full name? _____
2) Do you have any other name or nickname? _____
If yes, state: _____
3) How old are you today? _____
4) What grade are you in? _____
5) Can you read, write, and understand English? _____ (if yes, go to #6)

a) If you cannot read, has someone read this form to you? _____
If so, who? _____ (print name)

(signature of reader verifies that the form has been read to the juvenile)

b) If you do not read English, have you been given a translator or a lawyer who speaks your language? _____

c) Did your translator or lawyer read this form to you and explain it? _____

If so, who? _____ (print name)

(signature of reader verifies that the form has been read to the juvenile)

Knowing and Voluntary Admission:

6) Are you now a patient in a mental hospital [or institution]? _____

a) If yes, where? _____

b) Are you being treated for a mental illness [(which is an illness that causes you to see a doctor for different behavior)]? _____

c) If yes, what are you being treated for? _____

7) Have you taken any drugs or alcohol yesterday or today that do not make you think clearly? _____

If yes, specify type of drugs and/or alcohol: _____

8) Has anyone threatened or forced you to sign this form? _____

If yes, explain: _____

9) Have you been promised anything for this admission? _____

If yes, explain: _____

Understanding the Admission:

10) Has your lawyer told you what you did was against the law [(delinquent act)]? _____

11) By admitting what you did, do you understand that you are giving up:

a) the right to be presumed innocent [, which means the judge does not think you broke the law until the D.A. (District Attorney) proves beyond a reasonable doubt that you broke the law (a reasonable doubt is a belief that it is very possible you did not break the law)]; _____

b) the right to a hearing by a fair judge [, which means the judge will listen to what everyone has to say and look at all the evidence before deciding]; _____

c) the right to remain silent and your silence cannot be held against you [, which means you will not be punished for not speaking]; _____

d) the right to [be heard, which means you may tell the judge your side of the story if you want] speak; _____

e) the right to [face and cross-examine witnesses, which means you can ask all] ask witnesses questions; _____

f) the right to present witnesses or evidence to help tell your side of the story, but you do not have to do anything; _____

g) the right to [challenge evidence against you, which means you] tell the judge you disagree with something; _____

h) [the right to make objections and ask for rulings, which means the judge decides if he or she

should hear certain evidence] the right to ask the judge to decide if he or she should hear certain things; and _____

i) the right to have [another court, which is an appellate court,] a higher court review this judge's decision. _____

12) Do you understand if the judge accepts your admission and believes you need help [("treatment, rehabilitation, and supervision"), the judge may find you delinquent, which means], the judge may find that you broke the law and need help? _____

Possible Consequences of Adjudication of Delinquency:

13) Do you understand that if you are found delinquent, the judge may make you pay money and place you outside of your home or on probation until you turn 21 years old? _____

14) Are you aware that if you are admitting to _____ that your driving license will be suspended now or in the future [(which means you will not be able to drive)]?

(lawyer shall write acts on this line, cross off, or write n/a).

15) Do you understand that this case can be used against you in the future? For example, if you break the law again, you may get a longer sentence in jail. _____

16) Do you understand that if you are found delinquent, other people may find out about it? You may also have to tell people, including colleges, military recruiters, or employers? _____

17) Do you understand that if you are not a U.S. citizen, it may cause problems, which could include being forced to leave the U.S.? _____

Admission Agreements:

18) Are you aware that the judge does not have to accept any agreement between you and the [D.A.] District Attorney? _____ (write n/a if no agreement)

Appeals:

19) [If you are found delinquent after this admission] When admitting, you can have a higher court review your case for only three reasons:

a) [Your admission was not knowingly, intelligently, and voluntarily made, which means you did not understand this admission or were forced to admit] You did not understand this admission or you were forced to admit; _____

b) The court [did not have jurisdiction, which means it] was not the proper court to take your admission; or _____

c) The judge's [disposition of the charge(s), which means what the judge is going to do with you (like a sentence in adult court),] punishment is more than the biggest punishment an adult would get for the same crime. _____

If you do not admit, do you understand you have other rights? _____

Lawyer's Representation and Opportunity to Speak with Guardian

20) Are you okay with what your lawyer did for you and how he or she explained everything? _____

21) Did you talk with your parent or guardian about admitting to the charge(s)? _____

I promise that I have read [this] the whole form or someone has read this form to me. I understand it. I am telling the truth. I am saying that I have done the things on page 1. I believe that this admission is best for me. The signature below and initials on each page of this form are mine.

JUVENILE

DATE

I, _____, lawyer for the juvenile, have reviewed this form with my client. My client has told me and I believe that he or she understands this form.

LAWYER FOR JUVENILE

DATE

D. Admission to an Act of Sexual Violence. If a juvenile is making an admission to an act of sexual violence, see 42 Pa.C.S. § 6358, which may render the juvenile eligible for civil commitment for involuntary treatment upon attaining 20 years of age, then the admission colloquy form set forth in paragraph (C) shall be amended to include substantially the following form:

ADDENDUM TO ADMISSION FORM

In re _____ : _____ JD _____
(Juvenile) :
: Delinquent Act(s):
: _____
: _____
: _____

ELIGIBILITY FOR CIVIL COMMITMENT FOR INVOLUNTARY TREATMENT

CIVIL COMMITMENT CASES

I did at least one of the crimes (in the box below); AND

- If the judge says that I am a delinquent; AND
- If I am in placement when I turn age 20,
- I can go to a different placement against my will.

See 42 Pa.C.S. § 6401 et seq.

Check all that are true:

<input type="checkbox"/> Rape, 18 Pa.C.S. § 3121	<input type="checkbox"/> Sexual Assault, 18 Pa.C.S. § 3124.1
<input type="checkbox"/> Involuntary Deviate Sexual Intercourse, 18 Pa.C.S. § 3123	<input type="checkbox"/> Indecent Assault, 18 Pa.C.S. § 3126
<input type="checkbox"/> Aggravated Indecent Assault, 18 Pa.C.S. § 3125	<input type="checkbox"/> Incest, 18 Pa.C.S. § 4302

1) If I am in placement when I am age 20, SOAB (State Sexual Offenders Assessment Board) will look at information about me to see if I have mental problems that make it hard for me to stop doing sexual crimes. _____ initials

See 42 Pa.C.S. § 6358.

2) If SOAB thinks that I need treatment, the judge will have a hearing. _____ initials

See 42 Pa.C.S. § 6358.

3) If the judge agrees I need treatment, I will have a second hearing. _____ initials

See 42 Pa.C.S. § 6358.

4) At the hearing, the judge will decide if I have mental problems that make it likely that I will do sexual crimes again. If the judge says yes, I will go to a different placement for at least one year. _____ initials

See 42 Pa.C.S. §§ 6403 & 6404.

5) The judge will look at my case each year. I will stay in that placement for as long as the judge decides that I have mental problems that make it likely that I will do sexual crimes again. _____ initials

See 42 Pa.C.S. § 6404.

6) If the judge says I can leave placement, I must continue to get treatment when told for my mental problems. The judge will look at my case after one year. _____ initials

See 42 Pa.C.S. §§ 6404.1 & 6404.2.

7) If the judge says I can stop getting treatment after one year, I still must talk to a counselor every month. _____ initials

See 42 Pa.C.S. §§ 6404.1 & 6404.2.

8) If I do not obey these rules or the counselor says I cannot stop my bad actions, I will be sent back to placement. _____ initials

See 42 Pa.C.S. § 6404.2.

Lawyer's Representation and Opportunity to Speak with Guardian

9) Did you talk with your lawyer before you decided to tell the judge you did the crimes (delinquent acts)? Yes No

10) Are you okay with what your lawyer did for you? Yes No

11) Did your lawyer answer all your questions? Yes No

12) Did you talk with your parent or guardian about saying you did the crimes? Yes No

If you answered no, would you like to talk with them now? Yes No

I have read this form or someone has read this form to me.

I understand the form and what I have to do. The signature below and initials on each page of this form are mine.

JUVENILE

DATE

I, _____, lawyer for the juvenile, has reviewed this form with my client. My client has informed me and I believe that he or she understands the rights, consequences, and dispositions outlined in this form. I have completed the following sections with my client. I have explained them. I have no issues with my client admitting to the delinquent acts.

LAWYER FOR JUVENILE

DATE

Comment

Under paragraph (A)(1), the court is to determine if the admission is knowingly, intelligently, and voluntarily made by asking questions to ascertain the juvenile's ability to comprehend the written colloquy and to make an admission.

The written colloquy serves as an aid for the court in making its determination that the admission is knowingly, intelligently, and voluntarily made and it does not supplant the court's responsibility to conduct a sufficient inquiry to support its determination pursuant to paragraph (A)(1).

Nothing in this rule prohibits the judge from reviewing the entire written colloquy with the juvenile on the record or asking more questions than required under paragraph (A)(1)(c).

The admission colloquy is similar to a guilty plea colloquy in criminal court; however, the juvenile court judge has special responsibilities under the Juvenile Act in providing a balanced attention to the protection of the community, the imposition of accountability for delinquent acts committed, and the development of competencies to enable juveniles to become responsible and productive members of the community. *See* 42 Pa.C.S. § 6301.

If the court finds an admission is not knowingly, intelligently, and voluntarily made, the case is to proceed to a hearing pursuant to Rule 406. The decision whether an admission is knowingly, intelligently, and voluntarily made is not appealable to another common pleas judge; therefore, the admission may not be presented to another judge once this determination has been made.

Under paragraph (A)(3), if the disposition agreed upon by the parties is unavailable or the court does not agree with the terms of the tender, the case is to proceed as if no tender had been made.

The court is not to accept a plea of *nolo contendere*. *See In re B.P.Y.*, 712 A.2d 769 (Pa. Super. [Ct.] 1998).

If the court does not accept an agreement or finds an admission not to be knowingly, intelligently, and voluntarily made, a motion for recusal of the judge may be appropriate for the adjudicatory hearing.

Pursuant to paragraph (C), an attorney is to review the written admission colloquy with the juvenile prior to entering the courtroom. The practice in some judicial districts permitting the juvenile probation officer to review this colloquy with the juvenile is inconsistent with this rule.

Pursuant to paragraph (D), the written admission colloquy in paragraph (C) is to be amended when the juvenile is admitting to an act that would render the juvenile eligible for court-ordered involuntary treatment upon attaining 20 years of age.

***See* 42 Pa.C.S. §§ 6358, 6403. The court is to conduct a colloquy as to the potential consequences of an admission of this type using the form in paragraph (D).**

The colloquy [uses] forms use several age-appropriate terms for the juvenile to understand; however, certain legal terms are contained in the form. It is expected that attorneys will explain [this form] these forms until their clients understand.

[Pursuant to paragraph (C)(4), the admission colloquy is to be substantially in this form.] The forms used for admissions are to be substantially in the forms found at paragraphs (C)(4) and (D). The questions set forth are the minimal standard. A judicial district may choose to add requirements to [its admission colloquy] these admission colloquies. Any addition to the required [colloquy] colloquies is considered a local rule and the procedures of Rule 121 are to be followed if a judicial district chooses to make additions. *See* Rule 121.

[Nothing in this rule precludes the court from entering a consent decree after the acceptance of an admission.]

The admission [colloquy] colloquies can be downloaded from the Supreme Court's webpage at <http://www.pacourts.us/T/BoardsCommittees/JuvenileCourtProcedural/>. The [admission form is] forms are also available in Spanish.

The Pennsylvania Juvenile Collateral Consequences checklist is also available on the Supreme Court's webpage.

Nothing in this rule precludes the court from entering a consent decree after the acceptance of an admission.

Official Note: Rule 407 adopted April 1, 2005, effective October 1, 2005. Amended January 18, 2012, effective April 1, 2012. Amended _____, 2016, effective _____, 2016.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 407 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 407 published with the Courts' Order at 42 Pa.B. 664 (February 4, 2012).

Final Report explaining the amendments to Rule 407 published with the Courts' Order at Pa.B. _____ (_____, 2016).

REPORT

Proposed Amendment of Pa.R.J.C.P. 407

The Juvenile Court Procedural Rules Committee recently surveyed judicial districts as to the use of the admission form. Responses included specific suggestions for further simplifying the language of the form and the inclusion of questions when 42 Pa.C.S. §§ 6358 (Assessment of Delinquent Children by the State Sexual Offenders Assessment Board) and 6403 (Court-Ordered Involuntary Treatment) may be applicable. Accordingly, the Committee proposes to amend Rule 407 to further simplify the admission form and to require an addendum when the juvenile is admitting to an act of sexual violence.

Admission Form

The Committee recognizes the challenge of creating a more “child-friendly” form while retaining the form’s purpose as a vehicle to convey important information to juveniles. To that end, the proposed amendments are modest and intended to simplify the form, increase readability, and incorporate more age-appropriate language. Further, the restatements (*i.e.*, “which means”) within the form have been eliminated. Rather, the necessity, means, and extent of any restatements to ensure the juvenile’s comprehension is left to the juvenile’s attorney who is best suited to identify and address those needs.

Act of Sexual Violence

The Committee proposes new paragraph (D) to require colloquy of the juvenile when admitting to an act of sexual violence. *See* 42 Pa.C.S. § 6358(a) (enumerating offenses). The purpose of this colloquy is to ensure that the juvenile is aware that he or she may be subject to court-ordered involuntary treatment upon attaining 20 years of age pursuant to 42 Pa.C.S. § 6403. The new paragraph would require amendment of the admission form to include the form set forth in paragraph (D).

A version of this new form was previously published at 42 Pa.B. 7248 (December 1, 2012).

The Committee invites all comments, concerns, and suggestions regarding this rulemaking proposal.

[Pa.B. Doc. No. 16-589. Filed for public inspection April 8, 2016, 9:00 a.m.]

Title 255—LOCAL COURT RULES

DAUPHIN COUNTY

**Promulgation of Local Rule; 1793 S 1989; 8-1 MD
2016**

Order

And Now This 23rd day of March, 2016, Dauphin County Local Rule 1907.1 is promulgated as follows:

Rule 1907.1. Constable Review Board.

A Constable Review Board (CRB) is hereby created to assist in resolving any disputes related to a constable’s performance of judicial duties in accordance with the following standards and procedures:

A. Definitions:

1. “Constable” is defined as any elected or appointed constable or deputy constable performing judicial duties for any Magisterial District Court within the Twelfth Judicial District.

2. “Judicial Duties” are defined as services performed pursuant to 44 Pa.C.S.A. §§ 7161—7161.1 and further defined by the Pennsylvania Unified Judicial System’s Constable Policies, Procedures and Standards of Conduct published by the Administrative Office of Pennsylvania Courts.

B. Scope:

1. The CRB’s jurisdiction extends only to constables in the performance of judicial duties.

2. The CRB may receive complaints by or against constables regarding:

- a. the performance of a constable’s judicial duties
- b. financial or payment disputes; or
- c. other matters relevant to a constable’s judicial duties including, but not limited to, the Unified Judicial System’s Constable Policies, Procedures and Standards of Conduct published by the Administrative Office of PA Courts.

3. The CRB does not have the authority to revise the Constable Policies, Procedures and Standards of Conduct issued by the Administrative Office of Pennsylvania Courts.

4. Nothing contained herein shall preclude any person or surety of a constable from filing a verified petition in accordance with 44 Pa.C.S. § 7172 alleging that a constable is incompetent to discharge official duties.

C. Authority:

1. The CRB may make recommendations to the President Judge with respect to practices and procedures as related to constables generally and make recommendations regarding the judiciary’s continued use of a constable’s services.

2. If a matter involves a financial dispute, the CRB may make recommendations to the Dauphin County Controller’s Office regarding payment for services.

3. The CRB shall forward any findings of suspected criminal activity to the Dauphin County District Attorney.

4. The President Judge has the ultimate authority with regard to a constable’s performance of judicial duties within Dauphin County. The President Judge may, at any time, temporarily place a moratorium on the use of a particular constable pending the review and recommendation of the CRB on any pending complaint. The total length of the moratorium shall not exceed thirty (30) days or the length of the CRB review, whichever is shorter.

D. Membership of the Constable Review Board:

1. A Magisterial District Judge.
2. The Deputy Court Administrator-Magisterial District Judges.
3. A certified Constable and an alternate Constable to be used in the case of a conflict.
4. The County Controller or his or her designee.
5. The Sheriff of Dauphin County or his or her designee.

Members of the CRB shall elect one of its members to act as Chairperson. The Chairperson shall be responsible for conducting, coordinating and overseeing the business of the CRB.

E. Filing Procedures:

Constables shall make every attempt to resolve their disputes with the party or agency involved prior to filing a complaint with the CRB.

1. A complaint by or against a constable shall be in writing on the form set forth below and shall be signed by the complainant and shall specify in detail the alleged misconduct, financial dispute, or other matter related to the performance of judicial duties.

2. The complaint may be submitted by mail, fax or email and the contact information is as follows:

Court Administrator
Dauphin County Courthouse
3rd Floor
Harrisburg, PA 17101
FAX: (717) 780-6463
courtadmin@dauphinc.org

- 3. The Court Administrator shall:
 - a. note the date of receipt on the complaint;
 - b. create a file to contain the complaint and all subsequent communications regarding the complaint;
 - c. upon receipt of the complaint, forward the complaint to all members of the CRB;
 - d. upon receipt of a moratorium decision from the President Judge, forward the same to all members of the CRB;
 - e. within three (3) business days, forward a copy of the complaint to the respondent constable if the complaint is against a constable or to any other respondent if the complaint is by a constable, by certified mail, return receipt requested, restricted delivery, and;
 - f. provide written notice to the constable/respondent that he or she must provide to the Court Administrator a written response to the complaint within twenty (20) days or less if the President Judge so orders, from the date of such notice. The notice shall also provide that if the constable/respondent fails to respond, such failure may result in a decision by the President Judge based on the information available for review.

F. Constable Review Board Action:

1. Upon receipt of the respondent's written response or the expiration of the response period, the Court Administrator shall forward a copy of the complaint, response and all corresponding documentation to each Constable Review Board member for review.

2. Within thirty (30) days from receipt of the file information, the CRB shall:

a. forward the complaint file to the President Judge if the matters fall outside the CRB's authority, with written notification to the President Judge and the complainant that the complaint falls outside the scope of the Board's authority, and list the reason(s) for that finding;

b. in matters falling within the scope of the CRB, the CRB shall interview the complainant, the constable and all other relevant witnesses. Unless the President Judge grants an extension of time, the interviews shall be completed and a recommendation as to disposition of the complaint shall be made to the President Judge within this thirty-day period.

G. Notice by President Judge:

1. Within thirty (30) days from receipt of the CRB's recommendation, the President Judge shall issue a written notice to the complainant and any constable of the Court's decision.

This local rule shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

RICHARD A. LEWIS,
President Judge

DAUPHIN COUNTY CONSTABLE REVIEW BOARD COMPLAINT

Filing Date: _____

Complainant's Name: _____ (your name)

Address: _____

Telephone Number: _____ Email: _____

Constable's Name: _____

- Type of Issue: Performance of Judicial Duties
- Financial/Payment Issues
- Other issues relevant to a constable's judicial duties

Was an attempt made to resolve this issue before filing the request for review?

YES NO If yes, briefly explain:

Please describe in full detail the issue and attach all relevant documents. Attach additional pages if necessary.

Date: _____ Signature: _____

This complaint may be emailed, faxed or mailed to the following:

Court Administrator
Dauphin County Courthouse, 3rd Floor
101 Market Street
Harrisburg, PA 17101 FAX (717) 780-6463 email—courtadmin@dauphinc.org

DAUPHIN COUNTY CONSTABLE REVIEW BOARD DISPOSITION WORKSHEET

The Dauphin County Constable Review Board has reviewed the attached request and held interviews on _____ and recommends to the President Judge as follows:

- Matter is unfounded and without merit. The CRB recommends no further action.
- Matter is founded and the CRB recommends to the President Judge the following:
 - Warning reprimand
 - 30-day suspension
 - 60-day suspension
 - Suspension without reinstatement
 - Other _____
- The reasons for the recommendation listed above are as follows:

Board Member

Board Member

Board Member

Board Member

Board Member

Dissent _____

[Pa.B. Doc. No. 16-590. Filed for public inspection April 8, 2016, 9:00 a.m.]

DELAWARE COUNTY

January 28th, 2016 Amendments to Local Civil Rules; Misc. Doc. No. 12-5040

Order

And Now, this 17th day of March, 2016, it is Ordered and Decreed that the Orders entered on January 28th, 2016, amending Delaware County Local Civil Rules: Assessment of Damages for Cost of Repairs to Property, Opening Judgments by Default; Change of Venue; Filing an Account and Exception to Accounts; Lis Pendens; Pleadings/Foreign Statutes; Appeals from Denial of Driver's License or Suspension of Operating Privilege (75 Pa.C.S. § 1550); and Appeals from Real Estate Assessments, are hereby Amended to the extent that said Rules shall go into effect 30 days after publication in the Pennsylvania Bulletin.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 16-591. Filed for public inspection April 8, 2016, 9:00 a.m.]

SUPREME COURT

Duty Assignment Schedule for Emergency Petitions in the Year 2016; No. 452 Judicial Administration Doc.

Amended Order

Per Curiam:

And Now, this 24th day of March, 2016, it is hereby ordered that the order at No. 452 Judicial Administration Docket, dated December 17, 2015, listing emergency duty assignments is hereby amended as follows:

March	Justice Max Baer Justice David Wecht	(Eastern District) (Western District)
April	Justice Christine Donohue Justice Kevin Dougherty	(Eastern District) (Western District)
May	Justice Debra Todd Justice David Wecht	(Eastern District) (Western District)
June	Justice Max Baer Justice Christine Donohue	(Eastern District) (Western District)
July	Justice Debra Todd Justice Kevin Dougherty	(Eastern District) (Western District)
August	Justice Max Baer Justice David Wecht	(Eastern District) (Western District)
September	Justice Christine Donohue Justice Debra Todd	(Eastern District) (Western District)
October	Justice Kevin Dougherty Justice Max Baer	(Eastern District) (Western District)
November	Justice David Wecht Justice Christine Donohue	(Eastern District) (Western District)
December	Justice Debra Todd Justice Kevin Dougherty	(Eastern District) (Western District)

[Pa.B. Doc. No. 16-592. Filed for public inspection April 8, 2016, 9:00 a.m.]