

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT [ 204 PA. CODE CH. 83 ]

#### Proposed Amendments to the Pennsylvania Rules of Disciplinary Enforcement Regarding Proce- dure and Reinstatement

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania (Board) is considering recommending to the Supreme Court of Pennsylvania that it adopt amendments to Pennsylvania Rules of Disciplinary Enforcement (Pa.R.D.E.) 208 and 218 relating to administrative fees assessed in the imposition of attorney discipline and filing fees assessed in reinstatement proceedings, as set forth in Annex A.

At present, Pa.R.D.E. 208(g)(4) allows for the Board to assess an administrative fee of \$250 for the imposition of discipline, except in matters that conclude in an informal admonition. Current Pa.R.D.E. 218(f) provides for a mandatory reinstatement fee of \$300 only in reinstatements from administrative suspension. In discipline matters, pursuant to Pa.R.D.E. 208(g)(1) and (2), the Court and the Board have the authority to direct the respondent to pay the expenses assessed by the Board. In reinstatement matters, pursuant to Pa.R.D.E. 218(f), the Court has the authority to direct the petitioner to pay the expenses assessed by the Board. Historically, these costs include the administrative or reinstatement fee and other charges, including, court reporter fees and transcripts, service of pleadings, briefs, and subpoenas, reproducing documents, and publishing notices of discipline and reinstatement. These costs do not include many other obligations incurred by the Board in the investigation or prosecution of a case.

The proposed amendments, which include fee schedules increasing the administrative and filing fees, would be assessed against respondents and petitioners, in addition to the costs already assessed. The purpose of the proposed administrative fees is an attempt to shift some of the burden of the operation of the disciplinary system to the licensees who transgress from their ethical obligations. The Board suggests it is reasonable to put a heightened burden on the lawyer population that causes the administrative expenses to be incurred.

Proposed amendments to paragraph (g)(4) would provide for mandatory assessment of administrative fees in discipline matters. A proposed fee schedule is set forth in the rule amendment. The assessed fee increases with each level of discipline, beginning with an assessment of \$250 for an informal admonition, the lowest level of discipline, and rising to an assessment of \$2,000 for disbarment, the most severe form of discipline.

Proposed paragraphs (g)(4)(i) and (ii) explain the assessment when a disciplinary proceeding concludes by Joint Petition for Discipline on Consent. Prior to the commencement of a hearing, if the proceeding concludes on consent, the assessed fee is reduced by 50 percent. Where the proceeding concludes on consent after the

commencement of the hearing, the Board has the discretion to reduce the fee by no more than 50 percent.

As for the reinstatement fee, at present, this fee is paid by the petitioner-attorney to the Attorney Registration Office after the Supreme Court reinstates the attorney from administrative suspension. Proposed amendments to paragraph (f)(1) and (f)(2) would provide for mandatory, nonrefundable filing fees in reinstatements from disbarment and suspension for more than one year, from inactive/retired status for more than three years, and from administrative suspension.

Proposed new paragraph (f)(1) would require that at the time of the filing of a petition for reinstatement with the Board, the petitioner-attorney must pay a non-refundable reinstatement filing fee. The amount of the filing fee depends on the type of reinstatement sought by petitioner. The proposed filing fees start at \$250 for reinstatement from inactive or retired status for more than three years and increase to \$1000 for reinstatement from disbarment or suspension for more than one year.

Proposed amendments to paragraph (f)(2) would clarify that following the entry of the Supreme Court order in a reinstatement matter, the annual fee that is required by Rule 219(a) for the current year must be paid to the Attorney Registration Office.

On a related note, last year, of the eighteen petitions filed for reinstatement from discipline, five were withdrawn prior to hearing. Experience suggests that some petitioner-attorneys file for reinstatement and wait to see Office of Disciplinary Counsel's response prior to determining whether to proceed, and in some circumstances withdraw, based on the response. By that point in time, Disciplinary Counsel has already undertaken the thorough investigation required to respond to the petition, spending valuable time and resources. The proposed filing fee will encourage petitioners to take pause prior to filing for reinstatement if they are not certain or intend to "test the waters."

The Board reviewed administrative fees from multiple jurisdictions (based in part on the Administrative Costs and Fees Survey 2011 compiled by the National Organization of Bar Counsel and more recent information received from the National Council of Lawyer Disciplinary Boards). Our research indicates that at least twelve jurisdictions have fixed fees or fee schedules relative to the level of discipline imposed. Arizona and California assess substantially higher fees than proposed herein, with Arizona<sup>1</sup> charging between \$600 and \$6,000, based on the level of discipline, and California<sup>2</sup> charging between \$2,518 and \$21,497, depending on the level of discipline. Of the twelve jurisdictions, at least seven utilize an administrative fee schedule ranging from \$250 up to \$3,000, depending on the level of discipline.<sup>3</sup> The Board's proposed administrative fees in discipline matters align with fees assessed in the majority of these jurisdictions.

<sup>1</sup> <http://www.azbar.org/media/56131/administrative%20order%202011-17%20re%20costs.pdf>

<sup>2</sup> [http://www.statebarcourt.ca.gov/Portals/2/documents/Disc\\_Costs\\_2017\\_2.pdf](http://www.statebarcourt.ca.gov/Portals/2/documents/Disc_Costs_2017_2.pdf)

<sup>3</sup> <https://www.floridabar.org/wp-content/uploads/2017/11/2017-RRFTB-Chapter-3-11-20-17.pdf>; <https://www.ladb.org/Material/Publication/xix.pdf>; <http://www.admbich.org/costs.pdf>; <https://www.judiciary.state.nj.us/attorneys/assets/rules/r1-20.pdf>; <https://www.ncbar.gov/lawyer-discipline/assessment-of-administrative-fees-and-actual-costs/>; [http://www.courts.wa.gov/court\\_rules/?fa=court\\_rules.display&group=ga&set=ELC&ruleid=gaelc1313.09](http://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=ga&set=ELC&ruleid=gaelc1313.09); <https://www.courts.mo.gov/courts/ClerkHandbooksP2RulesOnly.nsf/c6c6fa99df4993f86256ba50057dcb8/a2984120f52591d86256ca60052120e?OpenDocument>

Further, approximately sixteen jurisdictions assess an initial filing fee for reinstatement matters. Our research indicates that these fees range from a nominal sum up to \$1250.<sup>4</sup> The Board's proposed reinstatement filing fees align with the fees charged in those jurisdictions.

Interested persons are invited to submit written comments by mail or facsimile regarding the proposed amendments to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, 601 Commonwealth Avenue, Suite 5600, P.O. Box 62625, Harrisburg, PA 17106-2625, Facsimile number (717-231-3381), Email address Dboard.comments@pacourts.us on or before March 6, 2018.

*By the Disciplinary Board of the  
Supreme Court of Pennsylvania*

JULIA FRANKSTON-MORRIS, Esq.,  
*Secretary*

**Annex A**

**TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS**

**PART V. PROFESSIONAL ETHICS AND CONDUCT**

**Subpart B. DISCIPLINARY ENFORCEMENT**

**CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT**

**Subchapter B. MISCONDUCT**

**Rule 208. Procedure.**

\* \* \* \* \*

(g) *Costs.*

\* \* \* \* \*

(4) The expenses under paragraph (1) or (2) [ may ] shall include an administrative fee [ except that an administrative fee shall not be included where the discipline imposed is an informal admonition ]. The administrative fee [ shall be \$250. ] schedule is as follows:

<b>Informal Admonition:</b>	<b>\$250</b>
<b>Private Reprimand:</b>	<b>\$400</b>
<b>Public Reprimand:</b>	<b>\$500</b>
<b>Public Censure:</b>	<b>\$750</b>
<b>Suspension (1 year or less):</b>	<b>\$1,000</b>
<b>Suspension (more than 1 year):</b>	<b>\$1,500</b>
<b>Disbarment:</b>	<b>\$2,000</b>
<b>Disbarment on Consent:</b>	<b>\$1,000</b>
<b>Transfer to Inactive Status following discipline</b>	<b>\$1,000</b>

(i) Where a disciplinary proceeding concludes by Joint Petition for Discipline on Consent prior to the commencement of the hearing, the fee imposed shall be reduced by 50%.

(ii) Where a disciplinary proceeding concludes by Joint Petition for Discipline on Consent subsequent to the commencement of the hearing, the Board in its discretion may reduce the fee by no more than 50%.

(h) *Violation of probation.* Where it appears that a respondent-attorney who has been placed on probation has violated the terms of the probation, the Office of

Disciplinary Counsel may file a petition with the Board detailing the violation and suggesting appropriate modification of the order imposing the probation, including without limitation immediate suspension of the respondent-attorney. A hearing on the petition shall be held within ten business days before a member of the Board designated by the Board Chair. If the designated Board member finds that the order imposing probation should be modified, the following procedures shall apply:

\* \* \* \* \*

**Rule 218. Reinstatement.**

\* \* \* \* \*

(f)(1) At the time of the filing of a petition for reinstatement with the Board, a non-refundable reinstatement filing fee shall be assessed against a petitioner-attorney. The filing fee schedule is as follows:

<b>Reinstatement from disbarment or suspension for more than one year:</b>	<b>\$1,000</b>
<b>Reinstatement from administrative suspension:</b>	<b>\$500</b>
<b>Reinstatement from inactive/retired status (more than three years):</b>	<b>\$250</b>

(2) The Supreme Court in its discretion may direct that the necessary expenses incurred in the investigation and processing of the petition for reinstatement be paid by the petitioner-attorney. [ A reinstatement fee of \$300 shall be assessed against a petitioner-attorney who was administratively suspended at the time of the filing of the petition. The ] After the Supreme Court Order is entered, the annual fee required by Rule 219(a) [ and the reinstatement fee, if applicable, ] for the current year shall be paid to the Attorney Registration Office [ after the Supreme Court order is entered ].

\* \* \* \* \*

[Pa.B. Doc. No. 17-2158. Filed for public inspection December 29, 2017, 9:00 a.m.]

**Title 255—LOCAL COURT RULES**

**ADAMS COUNTY**

**Rules of Judicial Administration: Public Access Policy; Administrative Order No. 19A of 2017**

**Order of Court**

And Now, this 13th day of December, 2017, Administrative Order 19 of 2017, entered by this Court on December 12, 2017, is vacated, to be replaced by the following Order.

*It Is Hereby Ordered* that the following rule be added to the Adams County Rules of Judicial Administration:

**340. Public Access Policy: Case Records of the Trial Courts.**

Pursuant to Section 7.0 of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts, persons who file documents that contain confidential information as de-

<sup>4</sup> For example: <http://www.kscourts.org/rules/Rule-Info.asp?r1=Rules+Relating+to+Discipline+of+Attorneys&r2=293>; <http://www.supremecourt.ohio.gov/LegalResources/Rules/govbar/govbar.pdf>; [https://isb.idaho.gov/wp-content/uploads/ibcr\\_sec05\\_discipline.pdf](https://isb.idaho.gov/wp-content/uploads/ibcr_sec05_discipline.pdf); <http://www.mass.gov/courts/case-legal-res/rules-of-court/sjc/sjc401.html>; <https://www.nvbar.org/wp-content/uploads/Disciplinary-Rules-of-Procedure-Amended-6.28.17.pdf>.

fined by the Policy shall use and file a Confidential Information Form (CIF) in order to comply with the Policy. Parties are expressly prohibited from filing two versions of any document, i.e., a redacted version and an un-redacted version. The forms shall be available in each filing office as well as on the Public Records page of the UJS website at <http://www.pacourts.us/public-records/public-records-forms>.

*It Is Further Directed* that:

a. One copy of this Order shall be forwarded to the Administrative Office of the Pennsylvania Courts via e-mail to [adminrules@pacourts.us](mailto:adminrules@pacourts.us);

b. Upon notification from the AOPC that the local rule is not inconsistent with the policy, two (2) certified copies of this Order together with a computer diskette that complies with the requirement of 1 Pa. Code § 13.11(b), or other compliant format, containing the text of the local rule(s) adopted hereby shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

c. A copy of the proposed local rule(s) shall be published on the 51st Judicial District website;

d. This Order shall be filed in the Office of the Prothonotary of Adams County and a copy thereof shall be filed with the Adams County Clerk of Courts and the Adams County Law Library for inspection and copying;

e. The effective date of the local rule(s) shall be January 6, 2018.

*By the Court*

MICHAEL A. GEORGE,  
*President Judge*

[Pa.B. Doc. No. 17-2159. Filed for public inspection December 29, 2017, 9:00 a.m.]

## BLAIR COUNTY

### Adoption of Local Rule of Judicial Administration 510

#### Order

And Now, this 11th day of December, 2017, It Is Hereby Ordered and Decreed that Blair County Local Rule of Judicial Administration 510 is adopted, effective January 6, 2018.

The Blair County District Court Administrator is Ordered and Directed to do the following:

1) File one (1) copy of these Rules with the Administrative Office of Pennsylvania Courts via email to [adminrules@pacourts.us](mailto:adminrules@pacourts.us).

2) File two (2) paper copies and one (1) electronic copy in a Microsoft Word format only to [bulletin@palrb.us](mailto:bulletin@palrb.us) with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3) Publish these Rules on the Blair County Court website at [www.blairco.org](http://www.blairco.org).

4) File one (1) copy which shall be kept continuously available for public inspection and copying in the Office of Prothonotary of Blair County and the Blair County Law Library.

*By the Court*

ELIZABETH A. DOYLE,  
*President Judge*

### Rule 510. Confidential Information Form.

Pursuant to Section 7 of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts, persons who file documents that contain confidential information as defined by the Policy shall use and file the Confidential Information Form in order to comply with the Policy. The form shall be available in each filing office as well as the Public Records page of the UJS website at <http://www.pacourts.us/public-records-policies>.

[Pa.B. Doc. No. 17-2160. Filed for public inspection December 29, 2017, 9:00 a.m.]

## BUCKS COUNTY

### Public Access Policy; Administrative Order No. 88

#### Order

And Now, this 29th day of November, 2017, the following policy will be adopted by the Bucks County Court of Common Pleas to promote the execution of The Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts ("Public Access Policy"). It is hereby *Ordered* and *Decreed* that:

1. "Confidential Information," as defined by the Public Access Policy, shall not be included in any document filed in the Bucks County Court of Common Pleas except on a Confidential Information Form filed contemporaneously with the document.

2. "Confidential Documents," as defined by the Public Access Policy, shall not be filed in the Bucks County Court of Common Pleas unless accompanied by a Confidential Document Form.

3. No document shall be accepted for filing or acted upon by the Court unless it is accompanied by a Certification of Compliance as required by the Public Access Policy.

4. The Confidential Information Form and the Confidential Document Form and the Certification of Compliance Form shall be the standardized forms provided by the Administrative Office of Pennsylvania Courts. These forms shall be available in each filing office as well as the Court's website at [www.buckscounty.org](http://www.buckscounty.org).

5. Failure to comply with the requirements of the Public Access Policy may result in the imposition of sanctions by the Court.

6. This Administrative Order shall become effective on January 6, 2018.

*By the Court*

JEFFREY L. FINLEY,  
*President Judge*

[Pa.B. Doc. No. 17-2161. Filed for public inspection December 29, 2017, 9:00 a.m.]



**CAMBRIA COUNTY****Local Rule of Judicial Administration 213; Misc. No. 2017-4864****Administrative Order**

*And Now*, this 18th day of December 2017, *It Is Hereby Ordered, Directed and Decreed* that the Cambria County Local Rule of Judicial Administration 213, adopted October 5, 2017 and docketed at Misc. No. 2017-3890, is hereby *Rescinded*.

It is further *Ordered, Directed and Decreed* that the Cambria County Court of Common Pleas adopts the following amended Local Rule of Judicial Administration 213 pursuant to the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Court codified at Title 204 of *Pennsylvania Code* Chapter 213, Section 81. 204 Pa. Code § 213.81. This Rule shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

The Cambria County District Court Administrator *Is Hereby Ordered and Directed* to:

1) File one (1) copy of this Rule with the Administrative Office of Pennsylvania Courts via e-mail to adminrules@pacourts.us;

2) File two (2) paper copies of this Rule and one (1) computer disk containing the text of this Rule, in both Microsoft Word and PDF formats, with the Legislative Bureau for publication in the *Pennsylvania Bulletin*. In addition a Microsoft Word and PDF copy of the Rule shall be e-mailed to the Bureau at bulletin@palrb.us;

3) Publish this Rule on the Cambria County website www.cambriacounty.pa.gov;

4) Incorporate this Rule into the Cambria County Local Rules of Judicial Administration on www.cambriacounty.pa.gov within thirty (30) days after publication in the *Pennsylvania Bulletin*; and

5) File a copy of this Rule in the Cambria County Prothonotary's Office, where it shall be continuously available for inspection.

*By the Court*

NORMAN A. KRUMENACKER, III,  
*President Judge*

**Cambria County Local Rule of Judicial Administration 213. Confidential Information in Case Documents.**

1) Pursuant to Section 7.0, Subsection C of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Court (Policy) all persons who file documents containing confidential information, as defined in the Policy, shall file in all filing offices two versions of all documents, a Redacted Version and Unredacted Version. The Redacted Version shall not include any information set forth in subsection 7.0 of the Policy while the Unredacted Version shall include this information. 7.0. Redactions must be made in a manner that is visibly evident to the reader. The caption of each document required to be filed in two versions shall indicate whether it is a Redacted Version or Unredacted Version.

2) Only the Redacted Version of any document shall be publicly available.

3) The Policy is codified at Title 204, Chapter 213.81 of the Pennsylvania Code. 204 Pa. Code § 213.81. The

Policy may also be viewed in the *Pennsylvania Bulletin* and at <http://www.pacourts.us/public-records/public-records-policies>.

4) Unless required by applicable authority, the confidential information to be redacted includes all information listed in Section 7.0A of the Policy:

a. Social Security Numbers;

b. Financial Account Numbers, except an active financial account number may be identified by the last four digits when the financial account is the subject of the case and cannot otherwise be identified;

c. Driver License Numbers;

d. State Identification (SID) Numbers;

e. Minors' names and dates of birth except when a minor is charged as a defendant in a criminal matter. See, 42 Pa.C.S. § 6355; and

f. Abuse victim's address and other contact information, including employer's name, address and work schedule, in family court actions as defined by Pa.R.C.P. No. 1931(a), except for the victim's name.

[Pa.B. Doc. No. 17-2162. Filed for public inspection December 29, 2017, 9:00 a.m.]

**CARBON COUNTY****Amendment of 56th Judicial District—Constable Manual; No. CP-13-AD-0000009-2017****Administrative Order No. 14-2017**

*And Now*, this 28th day of November, 2017, it is hereby *Ordered and Decreed*, that the Carbon County Court of Common Pleas *Amends* the Constable Manual, Section IV, governing Compensation procedures by adding the following subsections:

IV.B.3. *Unsuccessful Service*—Constables shall be paid the standard rate of \$2.50 per warrant for unsuccessful service which shall be evidenced by a properly completed return of service form.

IV.D.4. Mileage reimbursement for unsuccessful service is not authorized.

The Carbon County District Court Administrator is *Ordered and Directed* to:

1. File one (1) copy electronically to adminrules@pacourts.us of this Administrative Order and Manual with the Administrative Office of Pennsylvania Courts.

2. File two (2) paper copies and one (1) electronic copy in a Microsoft Word format to bulletin@palrb.us with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Publish the Rule on the Carbon County Court website at <http://www.carboncourts.com>.

4. Forward one (1) copy for publication in the *Carbon County Law Journal*.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of the Administrative Order and Constable Manual in the Clerk of Courts Office.

7. Incorporate into the Manual no later than thirty (30) days after publication in the *Pennsylvania Bulletin* with

this Court's complete set of Rules of Court published at <http://www.carboncourts.com>.

*By the Court*

ROGER N. NANOVIC,  
*President Judge*

[Pa.B. Doc. No. 17-2163. Filed for public inspection December 29, 2017, 9:00 a.m.]

**COLUMBIA AND MONTOUR COUNTIES**  
**Business of the Courts; Case No. X of 2017**

**Order**

*And Now*, this 15th day of November, 2017, it is hereby *Ordered And Decreed* that L.R. No. 1930.1 Public Access, L.R. No. 101 Confidential Information, and L.R. No. 102 Confidential Documents, shall be adopted to the 26th Judicial District's Local Rules of Judicial Administration, adopted for use in both Columbia, and Montour Counties, Court of Common Pleas of the 26th Judicial District, Commonwealth of Pennsylvania, and shall become effective January 6th, 2018 after publication in the *Pennsylvania Bulletin*.

The 26th Judicial District Court Administrator is Ordered and Directed to do the following:

- 1) File one (1) copy to the Administrative Office of Pennsylvania Courts via e-mail to [adminrules@pacourts.us](mailto:adminrules@pacourts.us).
- 2) Forward two (2) paper copies and one (1) electronic copy in a Microsoft Word format to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
- 3) Publish the local rules on the court's website to be incorporated into the set of local rules on the website within 30 days after the publication of the local rules in *Pennsylvania Bulletin*.
- 4) File one copy of the local rules in the appropriate filing offices for public inspection and copying.

*By the Court*

HONORABLE THOMAS A. JAMES, Jr.,  
*President Judge*

**L.R. 1930.1. Public Access.**

Attorneys and self-represented parties shall comply with the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts and Local Rules of Judicial Administration 101 and 102.

**L.R. 101. Confidential Information.**

A. In accordance with the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts, attorneys and self-represented parties shall not include the following confidential information in any document filed with the appropriate filing office (Prothonotary, Clerk of Courts, and Clerk of the Orphans' Court), except on the Confidential Information Form. Forms shall be available in each filing office, the Administrative Office of Pennsylvania Courts website, and the 26th Judicial District website at [www.columbiamontourcourts.com](http://www.columbiamontourcourts.com).

1. Social Security Numbers
2. Financial Account Numbers, except an active financial account number may be identified by the last four digits when the financial account is the subject to the case and cannot otherwise be identified;
3. Driver's License Numbers;
4. State Identification (SID) Numbers;
5. Minors' names and dates of birth except when a minor is charged as a defendant in a criminal matter (see 42 Pa.C.S. § 6355); and
6. Abuse victim's address and other contact information, including employer's name, address and work schedule, in family court actions as defined by Pa.R.C.P. 1931(a), except for victim's name.

B. Attorneys and self-represented parties shall file the Confidential Information Form in the appropriate filing office (Prothonotary, Clerk of Courts, and Clerk of the Orphans' Court), contemporaneously with the document.

C. This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable authority. Examples of such cases are juvenile cases, child support cases, and adoptions.

D. Attorneys and self-represented parties shall be solely responsible for complying with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania; Case Records of the Appellate and Trial Courts and the applicable state and local rules and shall certify their compliance to the Court. This certification shall accompany each filing and shall be substantially in the following form: "I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents."

E. The court or appropriate filing office (Prothonotary, Clerk of Courts, and Clerk of the Orphans' Court), is not required and will not review or redact any filed document for compliance with the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts.

**L.R. 102. Confidential Documents.**

A. In accordance with the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts, attorneys and self-represented parties shall file the following confidential documents with the appropriate filing office (Prothonotary, Clerk of Courts, and Clerk of the Orphans' Court) under a cover sheet titled "Confidential Document Form" which shall be available in each filing office, the Administrative Office of Pennsylvania Courts website and the 26th Judicial District Website at [www.columbiamontourcourts.com](http://www.columbiamontourcourts.com).

1. Financial Source Documents;
2. Minors' educational records;
3. Medical/Psychological records;
4. Children and Youth Services' records;
5. Marital Property Inventory and Pre-Trial Statement as provided in Pa.R.C.P. 1920.33;
6. Income and Expense Statements as provided in Pa.R.C.P. 1910.27(c); and

7. Agreements between parties as used in 23 Pa.C.S. § 3105.

B. Confidential documents submitted with the Confidential Document Form shall not be accessible to the public, except as ordered by the court. The Confidential Document Form shall be accessible to the public.

C. This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable authority. Examples of such cases are juvenile cases, child support cases, and adoptions.

D. Attorneys and self-represented parties shall be solely responsible for complying with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania; Case Records of the Appellate and Trial Courts and the applicable state and local rules and shall certify their compliance to the Court. This certification shall accompany each filing and shall be substantially in the following form: "I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents."

E. The court or appropriate filing office (Prothonotary, Clerk of Courts, and Clerk of the Orphans' Court), is not required and will not review or redact any filed document for compliance with the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts.

[Pa.B. Doc. No. 17-2164. Filed for public inspection December 29, 2017, 9:00 a.m.]

## HUNTINGDON COUNTY

### Public Access Policy of the Huntingdon County Court of Common Pleas: Case Records; No. CP-31-MD-198-2017; AO No. 1-2017

#### Amended Administrative Order of Court

And Now, this 14th day of December, 2017, the Amended Public Access Policy of the Huntingdon County Court of Common Pleas: Case Records, as follows, is hereby *Adopted* and shall be referenced as Amended Public Access Policy of the Huntingdon County Court of Common Pleas: Case Records. It is *Ordered* that in compliance with Pa.R.C.P. 239:

1. The Huntingdon County District Court Administrator shall file one certified copy of the Rule with the Administrative Office of Pennsylvania Courts via email to [adminrules@pacourts.us](mailto:adminrules@pacourts.us);

2. Provide two paper copies and one electronic copy in a Microsoft Word format to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. The electronic copy may be e-mailed to [bulletin@palrb.us](mailto:bulletin@palrb.us);

3. Publish a copy on the Huntingdon County Court website at [www.huntingdoncountycourt.net](http://www.huntingdoncountycourt.net);

4. File one copy in the appropriate filing office for public inspection and copying.

5. This rule shall become effective January 6, 2018.

By the Court

GEORGE N. ZANIC,  
President Judge

## PUBLIC ACCESS POLICY OF THE HUNTINGDON COUNTY COURT OF COMMON PLEAS: CASE RECORDS

### Section 1.0. Definitions.

A. "Abuse Victim" is a person for whom a protection order has been granted by a court pursuant to Pa.R.C.P. No. 1901 et seq. and 23 Pa.C.S. § 6101 et seq. or Pa.R.C.P. No. 1951 et seq. and 42 Pa.C.S. § 62A01 et seq.

B. "Case Records" are (1) documents for any case filed with, accepted and maintained by a court or custodian; (2) dockets, indices, and documents (such as orders, opinions, judgments, decrees) for any case created and maintained by a court or custodian. This term does not include notes, memoranda, correspondence, drafts and work product of judges and court personnel. Unless otherwise provided in this policy, this definition applies equally to case records maintained in paper and electronic formats.

C. "Clerical errors" are errors or omissions appearing in a case record that are patently evident, as a result of court personnel's action or inaction.

D. "Court" includes the Supreme Court, Superior Court, Commonwealth Court, Courts of Common Pleas, and Philadelphia Municipal Court, excluding the Traffic Division of Philadelphia Municipal Court.

E. "Court Facility" is the location or locations where case records are filed or maintained.

F. "Custodian" is any person responsible for maintaining case records or for processing public requests for access to case records.

G. "Docket" is a chronological index of filings, actions, and events in a particular case, which may include identifying information of the parties and counsel, a brief description or summary of the filings, actions, and events, and other case information.

H. "Financial Account Numbers" include financial institution account numbers, debit and credit card numbers, and methods of authentication used to secure accounts such as personal identification numbers, user names and passwords.

I. "Financial Source Documents" are:

1. Tax returns and schedules;
2. W-2 forms and schedules including 1099 forms or similar documents;
3. Wage stubs, earning statements, or other similar documents;
4. Credit card statements;
5. Financial institution statements;
6. Check registers;
7. Checks or equivalent; and
8. Loan application documents.

J. "Medical/psychological records" are records relating to the past, present, or future physical or mental health or condition of an individual.

K. "Minor" is a person under the age of eighteen.

L. "Party" is one who commences an action or against whom relief is sought in a matter.

M. "Public" is any person, member of the media, business, non-profit entity, organization or association. The term does not include a party to a case; the attorney(s) of record in a case; Unified Judicial System officials or



employees if acting in their official capacities; or any federal, state, or local government entity, and employees or officials of such an entity if acting in their official capacities.

N. "Remote Access" is the ability to electronically search, inspect, print or copy information in a case record without visiting the court facility where the case record is maintained or available, or requesting the case record from the court or custodian pursuant to Section 4.0.

#### Commentary

Regarding Subsection B, "documents for any case filed with, accepted and maintained by a court or custodian" are those not created by a court or custodian, such as pleadings and motions. Indices are tools for identifying specific cases.

Regarding Subsection C, examples of clerical errors are the docket entry links to the wrong document or court personnel misspells a name in the caption.

Regarding Subsection F, the definition of "custodian" does not include those entities listed in Pa.R.A.P. 3191 who receive copies of briefs filed in an appellate court.

Regarding Subsection J, this definition is derived from the definition of "health information" provided in 45 C.F.R. § 160.103 (HIPAA). Examples of case records that would fall within this exclusion are: drug and alcohol treatment records, psychological reports in custody matters, and DNA reports.

Regarding Subsection L, amici curiae are not parties. See Pa.R.A.P. 531.

Regarding Subsection M, Unified Judicial System officials or employees include: judicial officers and their personal staff, administrative staff and other central staff, prothonotaries, clerks of the courts, clerks of the orphans' court division, sheriffs, prison and correctional officials, and personnel of all the above.

#### Section 2.0. Statement of General Policy.

A. This policy shall govern access by the public to case records.

B. Security, possession, custody, and control of case records shall generally be the responsibility of the applicable custodian and designated staff.

C. Facilitating access by the public shall not substantially impede the orderly conduct of court business.

D. A court or custodian may not adopt more restrictive or expansive access protocols than provided for in this policy. Nothing in this policy requires a court or custodian to provide remote access to case records. However, if a court or custodian chooses to provide remote access to any of its case records, access shall be provided in accordance with Section 10.0.

#### Commentary

The Supreme Court of Pennsylvania has adopted other policies governing public access to Unified Judicial System case records: the Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania that provides for access to the statewide case management systems' web docket sheets and requests for bulk data and the Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts that provides for access to case records of the magisterial district courts maintained in a paper format.

#### Section 3.0. Access to Case Records.

All case records shall be open to the public in accordance with this policy.

#### Section 4.0. Requesting Access to Case Records.

A. When desiring to inspect or copy case records, a member of the public shall make an oral or written request to the applicable custodian, unless otherwise provided by court order or rule. If the request is oral, the custodian may require a written request.

B. Requests shall identify or describe the records sought with specificity to enable the custodian to ascertain which records are being requested.

#### Commentary

Public access requests to the courts and custodians are routinely straightforward and often involve a limited number of records. Therefore, artificial administrative barriers should not be erected so as to inhibit making these requests in an efficient manner.

This policy provides the courts and custodians latitude to establish appropriate administrative protocols for viewing/obtaining case records remotely. However, the definition of "remote access" in Section 1.0 clarifies that a request under this section is neither necessary nor expected under this policy.

Nonetheless, Subsection A provides a custodian with the flexibility to require that a more complex request be submitted in writing to avoid misunderstandings and errors that can often result in more time being expended to provide the requested information than is necessary. This approach is not novel; submission of a written request form has been a longstanding practice under the Unified Judicial System's Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania and Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts.

Subsection B does not require a requestor to identify a case by party or case number in order to have access to the files, but the request shall clearly identify or describe the records requested so that court personnel can fulfill the request.

Written requests should be substantially in the format designed and published by the Administrative Office of Pennsylvania Courts.

#### Section 5.0. Responding to Requests for Access to Case Records.

A. A custodian shall fulfill a request for access to case records as promptly as possible under the circumstances existing at the time of the request.

B. If a custodian cannot fulfill the request promptly or at all, the custodian shall inform the requestor of the specific reason(s) why access to the information is being delayed or denied.

C. If a custodian denies a written request for access, the denial shall be in writing.

D. Relief from a custodian's written denial may be sought by filing a motion or application with the court for which the custodian maintains the records.

#### Commentary

Given that most public access requests for case records are straightforward and usually involve a particular case or matter, custodians should process the same in an expeditious fashion.

There are a number of factors that can affect how quickly a custodian may respond to a request. For example, the custodian's response may be slowed if the request is vague, involves retrieval of a large number of case records, or involves information that is stored off-site. Ultimately, the goal is to respond timely to requests for case records.

In those unusual instances in which access to the case records cannot be granted in an expeditious fashion, the custodian shall inform the requestor of the specific reason(s) why access to the information is being delayed or denied, which may include:

- the request involves such voluminous amounts of information that the custodian is unable to fulfill the same without substantially impeding the orderly conduct of the court or custodian's office;
- records in closed cases are located at an off-site facility;
- a particular file is in use by a judge or court staff. If a judge or court staff needs the file for an extended period of time, special procedures should be considered, such as making a duplicate file that is always available for public inspection;
- the requestor failed to pay the appropriate fees, as established pursuant to Section 6.0 of this policy, associated with the request;
- the requested information is restricted from access pursuant to applicable authority, or any combination of factors listed above.

An aggrieved party may seek relief from a denial of a written request for access consistent with applicable authority (for example, in an appellate court, Pa.R.A.P. 123 sets forth procedures for applications for relief under certain circumstances, or pertinent motion practice at the trial court level).

### Section 6.0. Fees.

A. Unless otherwise provided by applicable authority, fees for duplication by photocopying or printing from electronic media or microfilm shall not exceed \$0.25 per page.

B. A custodian shall establish a fee schedule that is (1) posted in the court facility in an area accessible to the public, and (2) posted on the custodian's website.

#### Commentary

Reasonable fees may be imposed for providing public access to case records pursuant to this policy and in accordance with applicable authority. This section does not authorize fees for viewing records that are stored at the court facility.

To the extent that the custodian is not the court, approval of the fee schedule by the court may be necessary.

An example of applicable authority setting forth photocopying fees is 42 Pa.C.S. § 1725(c)(1)(ii) that provides the Clerk of Orphans' Court of the First Judicial District shall charge \$3 per page for a copy of any record. See also 42 P.S. § 21032.1 (providing authority for the establishment of fees in orphans' court in certain judicial districts). In addition, the copying fees for appellate court records are provided for in 204 Pa. Code § 155.1. However, copies of most appellate court opinions and orders are available for free on the Unified Judicial System's website, [www.pacourts.us](http://www.pacourts.us).

### Section 7.0. Confidential Information.

A. Unless required by applicable authority or as provided in Subsection C, the following information is confidential and shall be not included in any document filed with a court or custodian, except on a Confidential Information Form filed contemporaneously with the document:

1. Social Security Numbers;
2. Financial Account Numbers, except an active financial account number may be identified by the last four digits when the financial account is the subject of the case and cannot otherwise be identified;
3. Driver License Numbers;
4. State Identification (SID) Numbers;
5. Minors' names and dates of birth except when a minor is charged as a defendant in a criminal matter (see 42 Pa.C.S. § 6355); and
6. Abuse victim's address and other contact information, including employer's name, address and work schedule, in family court actions as defined by Pa.R.C.P. No. 1931(a), except for victim's name.

This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable authority.

B. The Administrative Office of Pennsylvania Courts shall design and publish the Confidential Information Form.

C. Persons who file documents that contain confidential information as defined by the Public Access Policy shall use and file a Confidential Information Form in order to comply with the Policy. The form shall be available in each filing office as well as on the Court Administration website at [www.huntingdoncountycourt.net](http://www.huntingdoncountycourt.net).

D. Parties and their attorneys shall be solely responsible for complying with the provisions of this section and shall certify their compliance to the court. The certification that shall accompany each filing shall be substantially in the following form: "I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents."

E. A court or custodian is not required to review or redact any filed document for compliance with this section. A party's or attorney's failure to comply with this section shall not affect access to case records that are otherwise accessible.

F. If a filed document fails to comply with the requirements of this section, a court may, upon motion or its own initiative, with or without a hearing order the filed document sealed, redacted, amended or any combination thereof. A court may impose sanctions, including costs necessary to prepare a compliant document for filing in accordance with applicable authority.

G. This section shall apply to all documents for any case filed with a court or custodian on or after the effective date of this policy.

#### Commentary

There is authority requiring information listed in Subsection A to appear on certain documents. For example,



Pa.R.C.P. No. 1910.27 provides for inclusion of the plaintiff's and defendant's social security number on a complaint for support.

This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable authority, for example, cases filed under the Juvenile Act that are already protected by 42 Pa.C.S. § 6307, and Pa.Rs.J.C.P. 160 and 1160.

Unless constrained by applicable authority, court personnel and jurists are advised to refrain from inserting confidential information in court-generated case records (e.g., orders, notices) when inclusion of such information is not essential to the resolution of litigation, appropriate to further the establishment of precedent or the development of law, or necessary for administrative purposes. For example, if a court's opinion contains confidential information and, therefore, must be sealed or heavily redacted to avoid release of such information, this could impede the public's access to court records and ability to understand the court's decision.

Whether using a Confidential Information Form or filing a redacted and unredacted version of a document, the drafter shall indicate where in the document confidential information has been omitted. For example, the drafter could insert minors' initials in the document, while listing full names on the Confidential Information Form. If more than one child has the same initials, a different moniker should be used (e.g., child one, child two, etc.).

While Pa.R.C.P. No. 1931 is suspended in most judicial districts, the reference to the rule is merely for definitional purposes.

With regard to Subsection D, the certification of compliance is required whether documents are filed in paper form or via an e-filing system.

With regard to Subsection E, a court or custodian is not required to review or redact documents filed by a party or attorney for compliance with this section. However, such activities are not prohibited.

Any party may make a motion to the court to cure any defect(s) in any filed document that does not comport with this section.

### **Section 8.0. Confidential Documents.**

A. Unless required by applicable authority, the following documents are confidential and shall be filed with a court or custodian under a cover sheet designated "Confidential Document Form":

1. Financial Source Documents;
2. Minors' educational records;
3. Medical/Psychological records;
4. Children and Youth Services' records;
5. Marital Property Inventory and Pre-Trial Statement as provided in Pa.R.C.P. No. 1920.33;
6. Income and Expense Statement as provided in Pa.R.C.P. No. 1910.27(c); and
7. Agreements between the parties as used in 23 Pa.C.S. § 3105.

This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable authority.

B. The Administrative Office of Pennsylvania Courts shall design and publish the Confidential Document Form.

C. Confidential documents submitted with the Confidential Document Form shall not be accessible to the public, except as ordered by a court. However, the Confidential Document Form or a copy of it shall be accessible to the public.

D. Parties and their attorneys shall be solely responsible for complying with the provisions of this section and shall certify their compliance to the court. The certification that shall accompany each filing shall be substantially in the following form "I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents."

E. A court or custodian is not required to review any filed document for compliance with this section. A party's or attorney's failure to comply with this section shall not affect access to case records that are otherwise accessible.

F. If confidential documents are not submitted with the Confidential Document Form, a court may, upon motion or its own initiative, with or without a hearing, order that any such documents be sealed. A court may also impose appropriate sanctions for failing to comply with this section.

G. This section shall apply to all documents for any case filed with a court or custodian on or after the effective date of this policy.

### **Commentary**

This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable authority, such as Juvenile Act cases pursuant to 42 Pa.C.S. § 6307, and Pa.Rs.J.C.P. 160 and 1160.

Unless constrained by applicable authority, court personnel and jurists are advised to refrain from attaching confidential documents to court-generated case records (e.g., orders, notices) when inclusion of such information is not essential to the resolution of litigation, appropriate to further the establishment of precedent or the development of law, or necessary for administrative purposes. For example, if a court's opinion contains confidential information and, therefore, must be sealed or heavily redacted to avoid release of such information, this could impede the public's access to court records and ability to understand the court's decision.

Examples of "agreements between the parties" as used in Subsection (A)(7) include marital settlement agreements, post-nuptial, pre-nuptial, ante-nuptial, marital settlement, and property settlement. See 23 Pa.C.S. § 3105 for more information about agreements between parties.

With regard to Subsection D, the certification of compliance is required whether documents are filed in paper form or via an e-filing system.

With regard to Subsection E, if the party or party's attorney fails to use a cover sheet designated "Confidential Document Form" when filing a document deemed confidential pursuant to this section, the document may be released to the public.

Any party may make a motion to the court to cure any defect(s) in any filed document that does not comport with this section.

### Section 9.0. Limits on Public Access to Case Records at a Court Facility.

The following information shall not be accessible by the public at a court facility:

A. Case records in proceedings under 20 Pa.C.S. § 711(9), including but not limited to case records with regard to issues concerning recordation of birth and birth records, the alteration, amendment, or modification of such birth records, and the right to obtain a certified copy of the same, except for the docket and any court order or opinion;

B. Case records concerning incapacity proceedings filed pursuant to 20 Pa.C.S. §§ 5501—5555, except for the docket and any final decree adjudicating a person as incapacitated;

C. Any Confidential Information Form or any Unredacted Version of any document as set forth in Section 7.0;

D. Any document filed with a Confidential Document Form as set forth in Section 8.0;

E. Information sealed or protected pursuant to court order;

F. Information to which access is otherwise restricted by federal law, state law, or state court rule; and

G. Information presenting a risk to personal security, personal privacy, or the fair, impartial and orderly administration of justice, as determined by the Court Administrator of Pennsylvania with the approval of the Chief Justice. The Court Administrator shall publish notification of such determinations in the *Pennsylvania Bulletin* and on the Unified Judicial System's website.

#### Commentary

Unless constrained by applicable authority, court personnel and jurists are advised to refrain from inserting confidential information in or attaching confidential documents to court-generated case records (e.g., orders, notices) when inclusion of such information is not essential to the resolution of litigation, appropriate to further the establishment of precedent or the development of law, or necessary for administrative purposes. For example, if a court's opinion contains confidential information and, therefore, must be sealed or heavily redacted to avoid release of such information, this could impede the public's access to court records and ability to understand the court's decision.

With respect to Subsection F, Pennsylvania Rule of Appellate Procedure 104(a), Pa.R.A.P. 104(a), provides that the appellate courts may make and amend rules of court governing their practice. The Administrative Office of Pennsylvania Courts shall from time to time publish a list of applicable authorities that restrict public access to court records or information. This list shall be published on the Unified Judicial System's website and in the *Pennsylvania Bulletin*. In addition, all custodians shall post this list in their respective court facilities in areas accessible to the public and on the custodians' websites.

With respect to Subsection G, the Administrative Office of Pennsylvania Courts shall include any such determinations in the list of applicable authorities referenced above. The same provision appears in existing statewide public access policies adopted by the Supreme Court: Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania and Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts. The provision

is intended to be a safety valve to address a future, extraordinary, unknown issue of statewide importance that might escape timely redress otherwise. It cannot be used by parties or courts in an individual case.

### Section 10.0. Limits on Remote Access to Case Records.

A. The following information shall not be remotely accessible by the public:

1. The information set forth in Section 9.0;

2. In criminal cases, information that either specifically identifies or from which the identity of jurors, witnesses (other than expert witnesses), or victims could be ascertained, including names, addresses and phone numbers;

3. Transcripts lodged of record, excepting portions of transcripts when attached to a document filed with the court;

4. In Forma Pauperis petitions;

5. Case records in family court actions as defined in Pa.R.C.P. No. 1931(a), except for dockets, court orders and opinions;

6. Case records in actions governed by the Decedents, Estates and Fiduciaries Code, Adult Protective Services Act and the Older Adult Protective Services Act, except for dockets, court orders and opinions; and

7. Original and reproduced records filed in the Supreme Court, Superior Court or Commonwealth Court as set forth in Pa.R.A.P. 1921, 1951, 2151, 2152, and 2156.

B. With respect to Subsections A(5) and A(6), unless otherwise restricted pursuant to applicable authority, dockets available remotely shall contain only the following information:

1. A party's name;

2. The city, state, and ZIP code of a party's address;

3. Counsel of record's name and address;

4. Docket number;

5. Docket entries indicating generally what actions have been taken or are scheduled in a case;

6. Court orders and opinions;

7. Filing date of the case; and

8. Case type.

C. Case records remotely accessible by the public prior to the effective date of this policy shall be exempt from this section.

#### Commentary

Remote access to the electronic case record information residing in the Pennsylvania Appellate Court Case Management System (PACMS), the Common Pleas Case Management System (CPCMS) and the Magisterial District Judges System (MDJS) is provided via web dockets, available on <https://ujportal.pacourts.us/>, and is governed by the Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania.

Depending upon individual court resources, some courts have posted online docket information concerning civil matters. If a court elects to post online docket information concerning family court actions and actions governed by the Decedents, Estates and Fiduciaries Code, Adult Protective Services Act and the Older Adult Protective Services Act, the docket may only include the information set forth in Subsection B. This information will provide the public with an overview of the case, its proceedings and

other pertinent details, including the court's decision. Release of such information will enhance the public's trust and confidence in the courts by increasing awareness of the procedures utilized to adjudicate the claims before the courts as well as the material relied upon in reaching determinations. This provision does not impact what information is maintained on the docket available at the court facility.

Access to portions of transcripts when attached to a document filed with the court in family court actions is governed by Subsection A(5). While Pa.R.C.P. No. 1931 is suspended in most judicial districts, the reference to the rule is merely for definitional purposes.

### **Section 11.0. Correcting Clerical Errors in Case Records.**

A. A party, or the party's attorney, seeking to correct a clerical error in a case record may submit a written request for correction.

1. A request to correct a clerical error in a case record of the Supreme Court, Superior Court or Commonwealth Court shall be submitted to the prothonotary of the proper appellate court.

2. A request to correct a clerical error in a case record of a court of common pleas or Philadelphia Municipal Court shall be submitted to the applicable custodian.

B. The request shall be made on a form designed and published by the Administrative Office of Pennsylvania Courts.

C. The requestor shall specifically set forth on the request form the information that is alleged to be a clerical error and shall provide sufficient facts, including supporting documentation, that corroborate the requestor's allegation that the information in question is in error.

D. The requestor shall provide copies of the request to all parties to the case.

E. Within 10 business days of receipt of a request, the custodian shall respond in writing to the requestor and all parties to the case in one of the following manners:

1. The request does not contain sufficient information and facts to determine what information is alleged to be in error, and no further action will be taken on the request.

2. The request does not concern a case record that is covered by this policy, and no further action will be taken on the request.

3. A clerical error does exist in the case record and the information in question has been corrected.

4. A clerical error does not exist in the case record.

5. The request has been received and an additional period not exceeding 30 business days is necessary to complete a review of the request.

F. A requestor may seek review of the custodian's response under Subsections E(1)—(4) within 10 business days of the mailing date of the response.

1. The request for review shall be submitted on a form that is designed and published by the Administrative Office of Pennsylvania Courts.

2. The request shall be reviewed by the judge(s) who presided over the case.

#### **Commentary**

Case records are as susceptible to clerical errors and omissions as any other public record. The power of the

court to correct errors in its own records is inherent. E.g., *Jackson v. Hendrick*, 746 A.2d 574 (Pa. 2000). It is important to emphasize that this section does not provide a party who is dissatisfied with a court's decision, ruling or judgment a new avenue to appeal the same by merely alleging there is an error in the court's decision, ruling or judgment. Rather, this section permits a party to "fix" information that appears in a case record which is not, for one reason or another, correct.

Particularly in the context of Internet publication of court records, a streamlined process is appropriate for addressing clerical errors to allow for prompt resolution of oversights and omissions. For example, to the extent that a docket in a court's case management system incorrectly reflects a court's order, or a scanning error occurred with regard to an uploaded document, such clerical inaccuracies may be promptly corrected by the appropriate court staff, upon notification, without a court order. Since 2007, the Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania has provided a similar procedure for any errors maintained on the web docket sheets of the PACMS, CPCMS and MDJS. The procedure has successfully addressed clerical errors on docket entries in a timely and administratively simple manner.

A party or party's attorney is not required to utilize the procedures set forth in this section before making a formal motion for correction of a case record in the first instance. Alleged inaccuracies in orders and judgments themselves must be brought to the attention of the court in accordance with existing procedures.

This section is not intended to provide relief for a party's or attorney's failure to comply with Sections 7.0 and 8.0 of this policy. Sections 7.0 and 8.0 already provide for remedial action in the event that non-compliance occurs.

With respect to this section, a custodian includes, but is not limited to, the county prothonotaries, clerks of orphans' court, and clerks of the court.

A log of all corrections made pursuant to this section may be maintained by the custodian, so that there is a record if an objection is made in the future. Such a log should remain confidential. It is suggested that custodians include a registry entry on the case docket when a request is received and a response is issued.

### **Section 12.0. Continuous Availability of Policy.**

A copy of this policy shall be continuously available for public inspection in every court and custodian's office and posted on the Unified Judicial System's website.

[Pa.B. Doc. No. 17-2165. Filed for public inspection December 29, 2017, 9:00 a.m.]

## **LEBANON COUNTY**

### **Public Access Policy; Administrative Order No. 4 of 2017; Doc. No. 2017-00002**

#### **Order of Court**

*And Now*, December 1, 2017, in compliance with Section 7 of the Public Access Policy of the Unified Judicial System of Pennsylvania, it is *Hereby Ordered* that the Court adopts the following Rule of Judicial Administration Rule 101 regarding public access to confidential information which becomes effective January 6, 2018.



The District Court Administrator is *Hereby Ordered* to:

1. File one certified copy of this Order with the Administrative Office of Pennsylvania Courts to [adminrules@pacourts.us](mailto:adminrules@pacourts.us);

2. Submit two paper copies of this Order to the Legislative Reference Bureau and one electronic copy in Microsoft Word format only to [bulletin@palrb.us](mailto:bulletin@palrb.us) for publication in the *Pennsylvania Bulletin*;

3. Provide one copy of this Order to the members of the Lebanon County Bar Association;

4. Incorporate the Rule into the set of Local Rules within thirty (30) days of publication of the Local Rule in the *Pennsylvania Bulletin* and publish the rules on the Court's website at [www.lebcounty.org](http://www.lebcounty.org).

5. File this Order in the Prothonotary's Office of Lebanon County.

**Rule of Judicial Administration 101. Confidential Information. Public Access Policy for the Court of Common Pleas.**

In Lebanon County, the following information is confidential and shall not be included in any document filed with a Court or custodian, except on a Confidential Information Form filed contemporaneously with the document:

1. Social Security Numbers;
2. Financial Account Numbers, except an active financial account number may be identified by the last four (4) digits when the financial account is the subject of the case and cannot otherwise be identified;
3. Driver License Numbers;
4. State Identification (SID) Numbers;
5. Minors' names and dates of birth except when a minor is charged as a defendant in a criminal matter (see 42 Pa.C.S.A. § 6355); and
6. Abuse victim's address and other contact information, including employer's name, address and work schedule, in family court actions as defined by Pa.R.C.P. No. 1931(a), except for victim's name.

This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable authority.

Parties and their attorneys shall be solely responsible for complying with the provisions of this section and shall certify their compliance to the Court. The certification that shall accompany each filing shall be substantially in the following form: "I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents."

Failure to comply with the requirements of the Public Access Policy may result in the matter being before the Court for hearing or sanctions.

The Confidential Information Form is available at [www.lebcounty.org](http://www.lebcounty.org), [www.pacourts.us](http://www.pacourts.us) or in the filing office. Additional forms including but not limited to the following:

- Confidential Document Form
- Abuse Victim Addendum
- Request for Clerical Error Correction

are available at [www.pacourts.us/public-records](http://www.pacourts.us/public-records).

*By the Court*

JOHN C. TYLWALK,  
*President Judge*

[Pa.B. Doc. No. 17-2166. Filed for public inspection December 29, 2017, 9:00 a.m.]

**MONROE COUNTY**

**Amendment of Local Rules of Civil Procedure in Custody, Divorce and Domestic Relations; 5 AD 2017; 52 adm**

**Order**

And Now, this 12th day of December, 2017, it is Ordered that Monroe County Rules of Civil Procedure in Custody, Divorce and Domestic Relations adopted July 11, 2014 and any subsequent amendments thereafter are amended, effective with adoption of the following:

Addition of Local Rules Nos. 1920.3, 1930.1 and 1930.3;

Amendment of Local Rules Nos. 1910.4, 1910.12, 1915.1, 1915.3-3, 1915.4, 1915.4-4, 1915.8, 1915.12, 1920.51, 1920.51-1, 1920.54 and 1930.4-1;

Rescinding of Local Rules Nos. 1900, 1900.1, 1910.1, 1910.10, 1910.12-A, 1920.12, 1920.43 and 1930.8.

All of the aforementioned changes shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

It Is Further Ordered that the District Court Administrator shall:

1. File one copy of this Rule with the Administrative Office of Pennsylvania Courts via email to [adminrules@pacourts.us](mailto:adminrules@pacourts.us).

2. File two paper copies and one electronic copy of this Rule in a Microsoft Word format only on a CD-ROM to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Provide one copy of this Rule to the Monroe County Law Library.

4. Keep such Administrative Local Rules, as well as all local rules of this Court, continuously available for public inspection and copying in the Monroe County Offices of the Prothonotary

a. Upon request and payment of reasonable cost of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule.

5. Arrange to have this Administrative Rule published on the Monroe County Bar Association website at [www.monroebar.org](http://www.monroebar.org).

6. Arrange to have this Administrative Rule, as well as all local rules, published on the 43rd Judicial District website at [www.monroepacourts.us](http://www.monroepacourts.us).

*By the Court*

MARGHERITA PATTI-WORTHINGTON,  
*President Judge*

**Rule 1900. Domestic Relations Actions—rescinded, effective \_\_\_**

**Rule 1900.1. Procedure to Recover Exhibits—rescinded, effective \_\_\_**

**Actions for Support/Alimony Pendente Lite**

**Rule 1910.1. Support and Alimony Pendente Lite—rescinded, effective \_\_\_**

**Rule 1910.4. Commencement of Action. Filing.**

All actions shall be commenced pursuant to Pennsylvania Rule of Civil Procedure 1910.4. The original and one copy of the complaint shall be submitted to the Monroe County Domestic Relations Office for filing.

The original and one copy of all subsequent support, alimony, and alimony pendente lite filings, including those filed to a divorce action, shall be submitted to the Prothonotary for filing. The Prothonotary shall immediately serve a copy of all documents filed in support and alimony pendente lite actions and all divorce complaints containing claims for support or alimony pendente lite upon the Monroe County Domestic Relations Office. Service upon the Monroe County Domestic Relations Office shall be complete upon the placement of the document(s) in the Monroe County Domestic Relations Office Court-house mailbox.

**Rule 1910.10. Alternative Hearing Procedure—rescinded, effective \_\_\_**

**Rule 1910.12. Exceptions.**

Any party filing exceptions to the report of the hearing officer shall, at the time of filing of the exceptions, file a motion for transcript of the proceedings before the hearing officer in conformity with Pa.R.J.A. 4000 et. seq. and Monroe County R.J.A. 4007 et. seq.

**Rule 1910.12-A. Form Exceptions Order—rescinded, effective \_\_\_**

**ACTIONS IN CUSTODY**

**1915.1. Definitions.**

“Conciliator” shall be an active-status attorney duly licensed to practice law in the Commonwealth of Pennsylvania and appointed by the Court.

“Conciliation Conference” shall be a prehearing negotiation meeting conducted under the auspices of the Court by the Conciliator and in accordance with Pa.R.C.P. 1915.4-3.

“Evidentiary Hearing” shall be a record hearing before a judge of the Court of Common Pleas, the 43rd Judicial District, Monroe County.

“Family Social Study” shall be an evaluation and/or report which shall include, but not be limited to, a custody questionnaire, custody evaluation, psychological evaluation, mental health evaluation, drug and alcohol evaluation, drug and alcohol testing, and/or homestudy.

“Program” shall be the Monroe County Co-Parent Education Program.

“Provider” shall be the provider of the Monroe County Co-Parent Education Program.

**1915.3-3. Co-Parent Education Program.**

All parties to initial custody actions and to divorce actions in which the divorce complaint contains a count for custody shall attend and complete the Program. The Court, in its discretion, may require repeat attendance.

**1915.4. Prompt Disposition of Custody Cases.**

After an initial conciliation conference, any party may petition the court for an Evidentiary Hearing in accordance with Monroe County R.C.P. 208.3(a). The motion for Evidentiary Hearing shall be filed with the Office of the Prothonotary and in accordance with Monroe Co.R.C.P. 205.2(a) and Monroe Co.R.C.P. 1930.1.

**1915.4-4. Pre-Trial Procedures.**

(a) Pre-trial conferences shall be held in accordance with Pa.R.C.P. 1915.4-4. Unless otherwise ordered by the Court, counsel of record and the parties shall be present for pre-trial conferences.

No later than five days prior to the pre-trial conference, all parties shall provide to the Court and all other parties a pre-trial statement, completed parenting plan, in substantially the form set forth below, and an updated Criminal Record/Abuse History Verification concerning any criminal and/or abusive history, in accordance with Pa.R.C.P. 1915.3-2. The completed parenting plan and Criminal Record/Abuse History Verification shall be attached and submitted to the Court as part of the party’s pre-trial statement.

(b) *Form. Parenting Plan.*

**COURT OF COMMON PLEAS OF MONROE COUNTY  
FORTY-THIRD JUDICIAL DISTRICT  
COMMONWEALTH OF PENNSYLVANIA**

\_\_\_\_\_, : NO. \_\_\_\_ CV 20\_\_  
Plaintiff : NO. \_\_\_\_ DR 20\_\_  
 :  
vs. :  
 :  
\_\_\_\_\_, : IN CUSTODY  
Defendant :  
 :

**PARENTING PLAN**

This parenting plan involves the following child/children:

Child’s Name	Age	Where does this child live?
1. _____	_____	_____
2. _____	_____	_____

Child's Name	Age	Where does this child live?
3. _____	_____	_____
4. _____	_____	_____

If you have children not addressed by this parenting plan, name here:

Child's Name	Age	Where does this child live?
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

Legal Custody (who makes decisions about certain things):

Circle one

Diet	Both parties decide together/Plaintiff/Defendant
Religion	Both parties decide together/Plaintiff/Defendant
Medical Care	Both parties decide together/Plaintiff/Defendant
Mental Health Care	Both parties decide together/Plaintiff/Defendant
Discipline	Both parties decide together/Plaintiff/Defendant
Choice of School	Both parties decide together/Plaintiff/Defendant
Choice of Study	Both parties decide together/Plaintiff/Defendant
School Activities	Both parties decide together/Plaintiff/Defendant
Sports Activities	Both parties decide together/Plaintiff/Defendant
Additional items	Both parties decide together/Plaintiff/Defendant

Explain what process you will use to make decisions? (For example, the parent confronted with or anticipating the choice will call the other parent when the choice presents itself, and the other parent must agree or disagree within 24 hours of any deadline.)

\_\_\_\_\_  
\_\_\_\_\_

Physical Custody (where the child/children live(s)):

The child's/children's residence is with \_\_\_\_\_ .

Describe which days and which times of the day the child/children will be with each person:

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
--------	--------	---------	-----------	----------	--------	----------

Describe where and when the child/children will be dropped off and/or picked up (day and time of day)?

Drop-Off:

Where: \_\_\_\_\_

When: \_\_\_\_\_

Pick-Up:

Where: \_\_\_\_\_

When: \_\_\_\_\_

If one of you doesn't show up, how long will the other wait? \_\_\_\_\_

If there are any extraordinary costs (taxi, train, airplane, etc.), who will pay for which costs?

\_\_\_\_\_  
\_\_\_\_\_

HOLIDAYS

Where will the child/children stay?

HOLIDAY	YEAR A	YEAR B	EVERY YEAR
Martin Luther King Day	_____	_____	_____
President's Day	_____	_____	_____
Easter	_____	_____	_____



HOLIDAY	YEAR A	YEAR B	EVERY YEAR
Memorial Day	_____	_____	_____
Fourth of July	_____	_____	_____
Labor Day	_____	_____	_____
Yom Kippur	_____	_____	_____
Rosh Hashanah	_____	_____	_____
Thanksgiving	_____	_____	_____
Vacation after Thanksgiving	_____	_____	_____
Christmas Vacation	_____	_____	_____
Kwanzaa	_____	_____	_____
New Year's Eve/Day	_____	_____	_____
Spring Vacation	_____	_____	_____
Easter Sunday	_____	_____	_____
Child's Birthday	_____	_____	_____
Mother's Day	_____	_____	_____
Father's Day	_____	_____	_____
Other:	_____	_____	_____
Other:	_____	_____	_____
Other:	_____	_____	_____

Summer Vacation Plans:

---

Special Activities or School Activities:

Will both of you attend?

Child's Name	Activity	If not, which of you will attend?
_____	_____	_____
_____	_____	_____
_____	_____	_____

Temporary changes to this parenting schedule:

From time to time, one of you might want or need to rearrange the parenting time schedule due to work, family or other events. You can attempt to agree on these changes. If you cannot agree, the parent receiving the request will make the final decision.

The parent asking for the change will ask \_\_\_ in person \_\_\_ by letter/mail \_\_\_ by phone

No later than \_\_\_ 12 hours \_\_\_ 24 hours \_\_\_ 1 week \_\_\_ 1 month

The parent being asked for a change will reply \_\_\_ in person \_\_\_ by letter/mail \_\_\_ by phone

No later than \_\_\_ 12 hours \_\_\_ 24 hours \_\_\_ 1 week \_\_\_ 1 month

May parents contact one another? \_\_\_\_\_

When the child/children is/are with one of you, how may they contact the other parent?

---

When and how may \_\_\_\_\_ contact the child?

---

In the event that proposed changes, disputes or alleged breaches of this parenting plan and custody order are necessary or desired, the parties agree that such changes will be addressed by the following method (specify method of arbitration, mediation, court action, etc.):

---

The following matter or matters as specified by the court:

---

Other (Anything else you want to agree on):

---



---

Date	Signature of Mother
Date	Signature of Father
Date	Signature of Witness

**1915.8. Disclosure of Evaluations and Reports.**

A party to a custody action shall not disclose the contents of an evaluation or report prepared pursuant to Pa.R.C.P. 1915.8, including but not limited to, Family Social Studies and test results, to anyone except the attorneys of record for the parties, any unrepresented party, the guardian ad litem and/or counsel for the child(ren), if any, and the court in accordance with Pa.R.C.P. 1915.8. Disclosure to an unauthorized person, including the child who is the subject of the action, may result in a finding of contempt and sanctions.

**1915.12. Civil Contempt for Disobedience of a Custody Order.**

Petitions for contempt shall be filed in the Office of the Prothonotary in accordance with Pa.R.C.P. 1915.12. Petitions for contempt may be scheduled for a conference before the Conciliator. If the contempt matter is not resolved at Conciliation Conference, then the Conciliator shall refer the matter to the judge for appropriate action.

**ACTIONS IN DIVORCE**

**1920.3. Commencement of Action.**

An action shall be commenced pursuant to Pa.R.C.P. 1920.3. The original and one copy of all complaints containing claims for support, alimony or alimony pendente lite shall be submitted to the Prothonotary for filing. In all other instances, only the original complaint shall be submitted.

**Rule 1920.12. Filing and Service of Complaint. Costs—rescinded, effective \_\_\_**

**Rule 1920.43. Motions and Petitions—rescinded, effective \_\_\_**

**1920.51. Proceedings Before the Master.**

(a) Monroe County shall follow the master’s hearing procedure set out at Pa.R.C.P. 1920.55-2.

(b) Either party may file a motion for the appointment of a divorce master provided that:

(1) The moving party has complied with the requirements of Pa.R.C.P. 1920.33 (pertaining to inventory and pretrial statement); and

(2) The required fee has been paid to the Prothonotary; and

(3) The moving party has filed of record and served a time stamped copy of the party’s written notice of intention to file a motion for the appointment of a divorce master along with a certificate of service, using the forms

set forth below, to all counsel of record and unrepresented parties a minimum of 20 days prior to the filing of the motion for the appointment of a divorce master.

(c) If opposing counsel or any unrepresented party objects to the filing of the motion for the appointment of a divorce master, the objector shall, within 20 days of the service of the notice of intention to file motion for the appointment of a divorce master, file with the court a statement of objections which shall include the basis for objection and a statement of when the case will be ready for master’s hearing, along with a request for argument. All of the foregoing shall be served on all counsel of record and unrepresented parties.

(d) Failure of a party to timely file objections to the appointment of a divorce master shall be deemed a waiver of the party’s right to receive additional discovery.

(e) Upon the filing of the motion for appointment of a divorce master, the Court Administrator shall assign the master and the court shall issue orders scheduling a hearing and a pretrial conference, and setting a deadline for the filing and service of the non-moving party’s pretrial statements in conformity with Pa.R.C.P. 1920.33.

(f) Counsel of record and unrepresented parties shall attend the pretrial conference; represented parties shall be available to consult with their counsel by telephone during the pretrial conference. In the event that counsel for either party or an unrepresented party fails to attend the pretrial conference, or fails to file a pretrial statement as ordered, the master may recommend that the court impose sanctions.

(g) If a pretrial conference or any portion of a hearing day is held, the master shall receive a fee in an amount determined by the court.

(h) If additional hearing days are needed, the master shall petition the court with a recommendation regarding the number of additional full or partial hearing days requested and the amount of the additional court costs to be paid by one or both of the parties. The court shall issue an order for the payment of additional costs and following payment of the costs as ordered shall set the additional hearing dates. No additional hearing dates shall be scheduled prior to the payment of the full amount of the additional court costs ordered. The master shall be compensated for any additional full or partial days of hearing in an amount to be determined by the court.

(i) *Forms.*

[CASE CAPTION]

NOTICE OF INTENTION TO FILE PETITION REQUESTING THE APPOINTMENT OF A DIVORCE MASTER

Notice is hereby given that 20 days following the date set out below, [Plaintiff/Defendant] intends to file a Motion Requesting the Appointment of a Divorce Master.

Date: \_\_\_\_\_ [Signature of Counsel or Pro Se Party with full address and telephone.]

CERTIFICATE OF SERVICE

I certify that I have provided or will immediately provide a copy of this Notice of Intention to File a Motion Requesting the Appointment of a Divorce Master on all counsel of record and all self-represented parties at the following address:

Name \_\_\_\_\_

Address \_\_\_\_\_

Date: \_\_\_\_\_ [Signature of Counsel or Pro Se Party with full address and telephone.]

1920.51-1. Continuance of Master's Hearing in Divorce.

(a) Scheduled master's hearings may be continued by motion only, filed in accordance with Monroe Co.R.C.P. 208.2(c), 208.2(d) and 208.3(a).

(b) Prior to filing a motion to continue a master's hearing, the moving party or, if represented, their counsel shall contact the office of the Court Administrator to secure several prospective dates for the rescheduled hearing, and shall list those dates on the concurrence/non-concurrence required to be attached to the motion and which shall be substantially in the form set forth below.

(c) Upon receipt of prospective continuance dates from the office of the Court Administrator, the moving party shall forward to all responding parties, or if represented, to their counsel, the concurrence/non-concurrence form setting forth the prospective continuance dates.

(d) Within three (3) business days of receiving the concurrence/non-concurrence form from the moving party, all responding parties, or if represented, their counsel, shall complete the form stating their concurrence or non-concurrence in the motion, and notwithstanding their non-concurrence, shall indicate their availability for hearing on the prospective continuance dates.

(e) The moving party or counsel shall complete a proposed order rescheduling the master's hearing by filling in a specific date for the rescheduled hearing from the list of prospective dates provided by the Court Administrator and approved by all responding parties and counsel, and shall attach the proposed order to the motion.

(f) The completed motion, concurrence/non-concurrence form and proposed order shall be filed in the office of the Prothonotary and copies served on the master, the office of Court Administration and all parties, with a certificate of service.

(g) Motions for continuance of master's hearings shall be filed no later than one week before the scheduled pretrial conference with the master, except for good cause shown.

(h) Form

CERTIFICATION OF CONCURRENCE, NON-CONCURRENCE OR NO REPLY

I hereby certify that I am counsel for the movant OR I am the pro se movant and that concurrence in the prayer of the within motion for continuance of divorce master's hearing has been sought from \_\_\_\_\_, counsel to respondent, OR \_\_\_\_\_, pro se respondent, by mailing the motion for continuance of divorce master's hearing, with a copy of this certification of concurrence, non-concurrence or no reply to the following, addressed as follows on [date of mailing]:

\*\*

I further certify that:

\_\_\_\_\_ Responses are set out below with signatures of counsel or pro se respondent.

\_\_\_\_\_ No responses were provided.

I further certify that the office of the Court Administrator has provided the following prospective dates for the rescheduled master's hearing in divorce, all of which are dates on which I am available and movant is available:

\_\_\_\_\_

Dated: \_\_\_\_\_, Esquire  
Counsel to Movant

[OR]  
Dated: \_\_\_\_\_  
Pro Se Movant



I hereby certify that I am counsel to the respondent and that:

\_\_\_\_\_ I concur in the Motion for Continuance.

\_\_\_\_\_ I do not concur in the Motion for Continuance.

I further certify that I am available and the respondent is available on the following prospective dates identified above provided by the office of the Court Administrator. I understand that whether I concur or do not concur I am required to identify dates of availability:

\_\_\_\_\_

Dated: \_\_\_\_\_, Esquire  
Attorney for Respondent

I hereby certify that I am the responding pro se party and that:

\_\_\_\_\_ I concur in the Motion for Continuance.

\_\_\_\_\_ I do not concur in the Motion for Continuance.

I further certify that I am available on the following prospective dates identified above provided by the office of the Court Administrator. I understand that whether I concur or do not concur I am required to identify dates of availability:

\_\_\_\_\_

Dated: \_\_\_\_\_  
Pro Se Respondent

**1920.54. Settlement Before Scheduled Hearing.**

In the event that the parties settle all claims prior to hearing, the parties and counsel shall appear before the master and state the terms of their settlement on the record. Said appearance is waived if by the close of business on the day before the scheduled hearing the parties file with the Prothonotary and deliver to the master an executed divorce settlement agreement and affidavits of consent. Where parties settle on the record or by the filing of a written divorce settlement agreement, the master shall file a report and recommendation within thirty days of the scheduled hearing date.

**RULES RELATING TO DOMESTIC RELATIONS MATTERS GENERALLY**

**Rule 1930.1. Pleadings. Form of Caption.**

(a) The form of the caption in all domestic relations matters shall be substantially as follows:

**COURT OF COMMON PLEAS OF MONROE COUNTY  
FORTY-THIRD JUDICIAL DISTRICT  
COMMONWEALTH OF PENNSYLVANIA**

Litigant A, : NO. \_\_\_\_\_ DR 20\_\_\_\_\_  
Plaintiff :  
 : NO. \_\_\_\_\_ CV 20\_\_\_\_\_  
 : (\*type of action)  
 :  
 :  
 vs. :  
 : PACSES Case No. \_\_\_\_\_  
 : (\*for support actions)  
 Litigant B, :  
 Defendant :

(b) Each new domestic relations action shall have a caption that identifies the litigant who commences the action as the Plaintiff and the other litigant(s) as the defendant(s). Every domestic relations action shall be filed to the same domestic relations (DR) docket number as all other pending domestic relations actions involving the same parties. In the event no domestic relations action has been previously filed naming the same parties, the prothonotary shall assign a DR docket number to the initial domestic relations action filed between the parties, and that DR docket number shall thereafter be utilized for all future domestic relations actions between the parties.

(c) In addition to the domestic relations (DR) docket number, a separate civil action (CV) docket number shall

be assigned to each type of domestic relations action (e.g., divorce, custody, support, or protection from abuse). The filing party shall designate parenthetically after the civil case (CV) docket number the type of action.

(d) All pleadings filed in support actions shall include the PACSES Case Number in the caption.

(e) There shall be one custody action, filed to the same DR and CV docket numbers, for all custody matters involving the same child or children. Any custody action or pleading filed by a litigant with respect to a particular child or children shall be filed to the DR and CV docket numbers assigned to any previously filed custody action concerning that particular child or children.

**Rule 1930.3. Motions to Participate by Electronic Means.**

All requests by a party or witness to participate by electronic means in a domestic relations proceeding shall be made by the filing of a written motion with the court.

**Rule 1930.4-1. Service of Legal Papers Other Than Original Process.**

(a) *Manner of Service.* Copies of all legal papers other than original process filed in an action or served upon any party shall be served upon every other party to the action in conformity with Pa.R.C.P. 440.

(b) *Time for Service.* Service shall be made upon every other party to the action on or before the date the legal paper is filed with the court.

(c) *Certificate of Service.* A certificate of service shall be filed together with any legal papers other than original process filed in an action or served upon any party. The certificate of service shall identify the document served, the individual(s) served, the address(es) where service is made, and the manner of service, and shall be signed by the person responsible for service.

**Rule 1930.8. Self-Represented Party—Rescinded, effective \_\_\_\_\_**

[Pa.B. Doc. No. 17-2167. Filed for public inspection December 29, 2017, 9:00 a.m.]

**WYOMING AND SULLIVAN COUNTIES****Local Rule of Judicial Administration Governing Public Access Policy; No. 2017-1358****Order of Court**

*And Now*, this 12th day of December, 2017, in compliance with Sections 7 and 8 of the Public Access Policy of the Unified Judicial System of Pennsylvania,

*It Is Ordered* that the Court adopts the following Rules of Judicial Administration, General Rule No. 7 and General Rule No. 8, regarding public access to confidential information, which becomes effective January 6, 2018.

The District Court Administrator is hereby ordered to:

1. File one copy of this Order with the Administrative Office of Pennsylvania Courts to [adminrules@pacourts.us](mailto:adminrules@pacourts.us).
2. Submit two paper copies of this Order and one (1) electronic copy in Microsoft Word format to [bulletin@palrb.us](mailto:bulletin@palrb.us) with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. Publish a copy of this Rule on the court's website after publication in the *Pennsylvania Bulletin*.
4. Provide one copy of this Order to the members of the Wyoming and Sullivan County Bar Association.
5. File this order in the Prothonotary's Offices of Wyoming County and Sullivan County.

*By the Court*

RUSSELL D. SHURTLEFF,  
*President Judge*

**Rule of Judicial Administration, General Rule No. 7. Confidential Information. Public Access Policy for the Court of Common Pleas.**

A. In accordance with the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts, attorneys and self-represented parties shall not include the following confidential information in any document filed with the appro-

priate filing office (Prothonotary, Clerk of Courts and Clerk of Orphans' Court), except on the Confidential Information Form designed and published by the Administrative Office of Pennsylvania Courts.

1. Social Security Numbers;

2. Financial Account Numbers, except an active financial account number may be identified by the last four digits when the financial account is the subject of the case and cannot otherwise be identified;

3. Driver's License Numbers;

4. State Identification (SID) numbers;

5. Minors names and dates of birth except when a minor is charged as a defendant in a criminal matter (see 42 Pa.C.S. § 6355); and

6. Abuse victim's address and other contact information, including employer's name, address and work schedule, in family court as defined by Pa.R.C.P. 1931(a), except for victim's name.

B. Attorneys and self-represented parties shall file the Confidential Information Form in the appropriate filing office (Prothonotary, Clerk of Courts and Clerk of Orphans' Court) contemporaneously with the document.

C. This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable authority. Examples of such cases are juvenile cases, child support cases and adoption.

D. Attorneys and self-represented parties shall be solely responsible for complying with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts and the applicable state and local rules and shall certify their compliance to the Court. This certification shall accompany each filing and shall be substantially in the following form: "I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents."

E. The court of appropriate filing office (Prothonotary, Clerk of Courts and Clerk of Orphans' Court) is not required and will not review or redact any filed document for compliance with the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts.

F. Confidential information filed in accordance with the Public Access Policy shall be on a standardized Confidential Form provided by the Administrative Office of Pennsylvania Courts. The form shall be available in the Prothonotary's Office as well as on the Court's website at [www.wycopa.org](http://www.wycopa.org). Failure to comply with the requirements may result in the matter being before the court for hearing or sanctions.

**Rule of Judicial Administration, General Rule No. 8. Confidential Documents. Public Access Policy for the Court of Common Pleas.**

A. In accordance with the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts, attorneys and self-represented parties shall file the following confidential documents with the appropriate filing office (Prothonotary, Clerk of Courts and Clerk of Orphans' Court), under a cover sheet titled "Confidential Document Form" designed and published by the Administrative Office of Pennsylvania Courts.

1. Financial Source Documents;
2. Minors' educational records;
3. Medical/Psychological records;
4. Children and Youth Services' records;
5. Marital Property Inventory and Pre-Trial Statement as provided in Pa.R.C.P. 1920.33;
6. Income and Expense Statements as provided in Pa.R.C.P. 1910.27(c); and
7. Agreements between parties as used in 23 Pa.C.S. § 3105.

B. Confidential documents submitted with the Confidential Document Form shall not be accessible to the public, except as ordered by the court. The Confidential Document Form shall be accessible to the public.

C. This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable authority. Examples of such cases are juvenile cases, child support cases and adoption.

D. Attorneys and self-represented parties shall be solely responsible for complying with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts and the applicable state and local rules and shall certify their compliance to the Court. This certification shall accompany each filing and shall be substantially in the following form: "I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents."

E. The court of appropriate filing office (Prothonotary, Clerk of Courts and Clerk of Orphans' Court) is not required and will not review or redact any filed document for compliance with the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts.

F. Confidential information filed in accordance with the Public Access Policy shall be on a standardized Confidential Form provided by the Administrative Office of Pennsylvania Courts. The form shall be available in the Prothonotary's Office as well as on the Court's website at [www.wycopa.org](http://www.wycopa.org). Failure to comply with the requirements may result in the matter being before the court for hearing or sanctions.

[Pa.B. Doc. No. 17-2168. Filed for public inspection December 29, 2017, 9:00 a.m.]

## COMMONWEALTH COURT

### Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts; No. 126 Misc. Doc. No. 3

#### Order

*And Now*, this 12th day of December, 2017, in accordance with Section 7(C) of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts, it is hereby *Ordered* that all documents filed with the Commonwealth Court of Pennsylvania that contain confidential information shall be filed in two versions, a redacted version and an unredacted version.

This Order shall be effective January 6, 2018.

MARY HANNAH LEAVITT,  
*President Judge*

[Pa.B. Doc. No. 17-2169. Filed for public inspection December 29, 2017, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated December 14, 2017, Burt Lee Burnett (# 307992) whose registered address is 342 Cedar, Abilene, TX, is Suspended from the Bar of this Commonwealth for a period of one year. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

JULIA M. FRANKSTON-MORRIS, Esq.,  
*Secretary*  
*The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 17-2170. Filed for public inspection December 29, 2017, 9:00 a.m.]