

THE COURTS

Title 201—RULES OF JUDICIAL ADMINISTRATION

[201 PA. CODE CH. 40]

Rescission of Rule 4003, Amendment of Rule 4008 and Amendment of the Comments to Rule 4006 and 4007 of the Rules of Judicial Administration; No. 528 Judicial Administration Doc.

Order

Per Curiam:

And Now, this 12th day of December, 2019, the proposal having been published for public comment at 49 Pa.B. 4002 (August 3, 2019), it is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 4003 of the Pennsylvania Rules of Judicial Administration is hereby rescinded, and Rule 4008 and the comments to Rule 4006 and Rule 4007 are amended in the following form.

This Order shall be effective immediately and shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration.

Justice Dougherty dissents from the dissolution of the Committee on Court Reporting and Transcripts.

Annex A

TITLE 201. RULES OF JUDICIAL ADMINISTRATION

CHAPTER 40. UNIFORM RULES GOVERNING COURT REPORTING AND TRANSCRIPTS

Rule 4003. [Committee on Court Reporting and Transcripts] Rescinded.

[(A) The Committee on Court Reporting and Transcripts shall consist of the following members appointed by the Supreme Court of Pennsylvania, one of whom shall be designated as Chair and one of whom shall be designated as Vice-Chair:

- (1) One representative of the Superior Court of Pennsylvania;
- (2) One representative of the Commonwealth Court of Pennsylvania;
- (3) Two president judges of the courts of common pleas chosen from among the judicial districts of the Commonwealth;
- (4) Two members of the County Commissioners Association of Pennsylvania;
- (5) The district court administrator of the Philadelphia County Court of Common Pleas;
- (6) The district court administrator of the Allegheny County Court of Common Pleas;
- (7) Two district court administrators chosen from among the judicial districts of the Commonwealth other than Philadelphia and Allegheny;
- (8) Two providers of court reporting services representing the various methods currently in usage within Pennsylvania; and
- (9) Two members of the Pennsylvania Bar.

(B) Initial appointments shall be for one-, two- or three-year terms, and these members may serve one additional three-year term. Thereafter appointments shall be for three years and members shall serve no more than two consecutive three-year terms. A replacement appointee shall serve for the balance of the unexpired term.

(C) The Committee shall review current rules and practices, and, upon concurrence of the Court Administrator, recommend revisions to the Uniform Rules Governing Court Reporting and Transcripts as may be necessary to effectuate the policy of these rules.

(D) The Administrative Office shall provide staff support to the Committee.]

Rule 4006. Employment and Duties of Court Reporting Personnel.

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Comment

[The Committee recommends that court] Court reporters **should** assure, in the event of unavailability or incapacity, that the court is able to access court reporter notes or work product so that all transcripts can be recovered. [The Committee recommends that each] **Each** court reporter should provide certification every 6 months that at a minimum, the court reporter has provided one of the following methods or mechanisms for recovering transcripts:

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Rule 4007. Requests for Transcripts.

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Comment

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It is anticipated that court reporters shall continue to be compensated for the preparation of transcripts pursuant to local rule or practice. It is not contemplated that this rule shall interfere with or otherwise limit the income of court reporters. In this regard, [the Committee recognizes that] in certain jurisdictions, court reporters earn a substantial portion of their income through the preparation of transcripts. It shall remain the duty of the president judge and district court administrator to assure that the implementation of these rules does not unfairly limit the ability of court reporters to be properly compensated for their professional services.

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Rule 4008. Transcript Costs Payable by a Requesting Party Other Than the Commonwealth or a Subdivision Thereof.

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(F) *Requests for Rate Increases*

The president judge of a judicial district may request an increase in the rates prescribed in subdivision (A) or (D) by submitting a written request to the [Committee on Court Reporting and Transcripts] **Court Administrator. Prior to submission, notice of the proposed increase shall be published for public comment for at least thirty days. Any comments received must**

be forwarded to the Court Administrator with the request. The request shall only be approved where it is established that the judicial district faces an economic hardship caused by the current rates and that the requested rates are reasonable. **[If the Committee approves the request by majority vote, it shall be forwarded to the Court Administrator for review.]** If the Court Administrator determines that the increase is necessary, the request shall be forwarded to the Supreme Court.

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[Pa.B. Doc. No. 19-1935. Filed for public inspection December 27, 2019, 9:00 a.m.]

**Title 204—JUDICIAL SYSTEM
GENERAL PROVISIONS**

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

Amendment of Rules 501, 503, 504, 512, 514, 521 and 531 of the Pennsylvania Rules of Disciplinary Enforcement; No. 191 Disciplinary Rules Doc.

Order

Per Curiam

And Now, this 9th day of December, 2019, upon the recommendation of the Board of the Pennsylvania Lawyers Fund for Client Security; the proposal having been published for public comment at 49 Pa.B. 4542 (August 17, 2019):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 501, 503, 504, 512, 514, 521, and 531 of the Pennsylvania Rules of Disciplinary Enforcement are amended in the following form.

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

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 E. PENNSYLVANIA LAWYERS FUND FOR CLIENT SECURITY

GENERAL PROVISIONS

Rule 501. Definitions.

The following words and phrases, when used in this subchapter shall have, unless the context clearly indicates otherwise, the meaning given to them in this section:

“Board.” The Pennsylvania Lawyers Fund for Client Security Board **of Trustees.**

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Rule 503. Pennsylvania Lawyers Fund for Client Security Board.

(a) *General Rule.* The Supreme Court shall appoint a board to be known as the “Pennsylvania Lawyers Fund for Client Security Board **of Trustees**” (the “**Board**”) which shall consist of five members of the bar of this Commonwealth and two non-lawyer public members. One of the members shall be designated by the Court as Chair and another as Vice-Chair. A majority of the members of the Board shall designate a member of the Board to act as Treasurer.

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(d) *Powers.* The Board shall have the power and duty:

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(4) To determine in **[January of each year] conjunction with the meeting of the Lawyer Assessment Committee**, and to report to the Supreme Court, whether the Fund is of sufficient amount to pay adjudicated claims and other anticipated claims.

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Rule 504. Confidentiality.

(a) All claims filed with the Fund shall be confidential and shall not be disclosed. This confidentiality requirement extends to all documents and things made and/or obtained, and all investigations and proceedings conducted and/or held by the Fund in connection with the filing of a claim.

(b) Notwithstanding subsection (a), the Fund, after an award is approved, may disclose the following information:

(1) the name of the Claimant (if Claimant has granted **written permission to disclose or has independently publically disclosed the filing of a claim with the Fund**);

(2) the name of the Covered Attorney;

(3) the amount claimed;

(4) the amount awarded; and

(5) a summary of the claim.

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DISHONEST CONDUCT OF ATTORNEY

Rule 512. Covered [attorney] Attorney.

This subchapter covers conduct of a member of the bar of the Supreme Court, including attorneys admitted pro hac vice and formerly admitted attorneys whose clients reasonably believed the former attorney to be licensed to practice when the Dishonest Conduct occurred, an active foreign legal consultant, an active military attorney, **an active attorney who is the spouse of an active-duty service member of the United States Uniformed Services**, or a person holding an active Limited In-House Corporate Counsel License, which conduct forms the basis of the application to the Board. The conduct complained of need not have taken place in this Commonwealth for application to the Board to be considered by the Board and an award granted, except that an award shall not be granted with respect to conduct outside of this Commonwealth of a foreign legal consultant, military attorney, **an attorney who is the spouse of an active-duty service member of the United States Uniformed Services**, or person holding a Limited In-House Corporate Counsel License unless the conduct related to the provision of legal services to a resident of this Commonwealth.

Rule 514. Reimbursable [**losses**] **Losses.**

(a) *General Rule.* For the purposes of this subchapter reimbursable losses consist of those losses of money, property or other things of value which meet all of the following requirements:

(1) The loss;

(i) was caused by the Dishonest Conduct of a Covered Attorney when acting:

[i] (A) as an attorney-at-law;

[ii] (B) in a fiduciary capacity customary to the practice of law, such as administrator, executor, trustee of an express trust, guardian or conservator; **or**

[iii] (C) as an escrow agent or other fiduciary, having been designated as such by a client in the matter in which the loss arose or having been so selected as a result of a client-attorney relationship[.]; **or**

(ii) is in the nature of unearned, unrefunded fees paid to a lawyer who, without completing the engagement, died, was transferred to inactive disability status, or cannot be located.

(2) The loss was that of money, property or other things of value which came into the hands of the Covered Attorney by reason of having acted in the capacity described in paragraph (1) of this subdivision. Consequential or incidental damages, such as lost interest, or attorney fees or other costs incurred in seeking recovery of a loss, may not be considered in determining the Reimbursable Loss.

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PAYMENT OF CLAIMS

Rule 521. Investigation and [**payment of claims**] **Payment of Claims.**

(a) *Cooperation with Disciplinary Board.* At the request of the Board, the Disciplinary Board of the Supreme Court of Pennsylvania shall make available to the Board all reports of investigations and records of formal proceedings conducted under these rules with respect to any attorney whose conduct is alleged to amount to Dishonest Conduct causing Reimbursable Loss to a Claimant, and shall otherwise cooperate fully with the Board. The Board shall cooperate fully with the Disciplinary Board of the Supreme Court of Pennsylvania and shall preserve the confidential nature of any information which is required to be kept confidential under these rules.

(b) *Hearing [**committees**] **Committees.*** The Board may utilize a hearing committee to conduct any hearings under this subchapter for the purpose of resolving factual issues. Imposition of discipline under Rule 204 (relating to types of discipline) or otherwise shall not be a prerequisite for favorable action by the Board with respect to a claim against the Fund, but the Covered Attorney involved shall be given notice of and an opportunity to contest any claim made with respect to his or her alleged Dishonest Conduct. **Notice mailed to the Covered Attorney at the address of record with Attorney Registration per Rule of Disciplinary Enforcement 219 (relating to annual registration of attorneys) shall satisfy this notice requirement.**

(c) *Subpoenas.*

(1) At any stage of an inquiry being conducted in accordance with Rule 221 (**relating to mandatory over-draft notification**), the Board or a designated representative on behalf of the Board shall have the right to

require production of records by issuance of a subpoena(s). The attorney whose account is the subject of the inquiry under Rule 221 shall have the right, upon written request and payment of appropriate duplicating costs, to receive copies of the records produced.

(2) At any stage of an investigation and/or proceeding under this subchapter, the Board [, a **Claimant and a contesting Covered Attorney**] shall have the right to summon witnesses and/or require production of records by issuance of subpoenas. **Should the Board determine to conduct a hearing, the Claimant and/or the Covered Attorney may request the issuance of a subpoena to summon a witness to testify at such hearing. The costs associated with the issuance and service of the subpoena and the witness' appearance shall be borne by the requesting party.**

(3) Subpoenas authorized by this subparagraph (c) shall be obtained by filing with any Prothonotary of the Supreme Court of Pennsylvania ("**Court Prothonotary**") a statement calling for the issuance of the subpoena. On the same day that the statement is filed with the **Court** Prothonotary, the party seeking the subpoena shall send by certified mail a copy of the statement to either the Executive Director **and the Claimant** or the Covered Attorney as the case may be. Upon the filing of the statement, the **Court** Prothonotary shall forthwith issue the subpoena and it shall be served by certified mail, return receipt or by personal service. A subpoena issued under this subparagraph (c) shall not be returnable until at least 10 days after the date of its issuance.

(4) A subpoena issued under this rule shall clearly indicate on its face that the subpoena is issued in connection with a confidential investigation under these rules and, that it is regarded as contempt of the Supreme Court or grounds for discipline under the Rules of Disciplinary Enforcement for a person subpoenaed to in any way breach the confidentiality of the investigation. It shall not be regarded as a breach of confidentiality for a person subpoenaed to consult with an attorney. The subpoena procedures of this rule shall be subject to the protective requirements of confidentiality provided in Rule 504.

(5) Any challenge to the validity of a subpoena issued under this rule shall be heard by a hearing committee or the full Board. A determination by such committee or the Board may be appealed to the Supreme Court under subparagraph [(8)] **(8)(iii)** within ten days after service of the determination on the party bringing the appeal.

(6) Witnesses before a hearing committee or the Board shall be examined under oath or affirmation.

(7) With the approval of a hearing committee or the Board, testimony may be taken by deposition or by commission if the witness is not subject to service of subpoena or is unable to attend or testify at the proceeding because of age, illness or other compelling reason. A complete record of the testimony so taken shall be made and preserved.

(8) Enforcement of subpoenas; appeal of challenges to subpoenas:

(i) The Board, [**through a designated representative,] a Claimant, or a Covered Attorney** may petition the Supreme Court to enforce a subpoena [**or to review a determination under subparagraph (5) on the validity of a subpoena. No challenge to the validity of a subpoena will be considered by the Court unless previously raised as provided in subparagraph (5)]**.

(ii) Upon receipt of a petition for enforcement of a subpoena, the Court shall issue a rule to show cause upon the person to whom the subpoena was directed, returnable within ten days, why the person should not be held in contempt. If the period of response has passed without a response having been filed, or after consideration of any response, the Court shall issue an appropriate order.

(iii) A petition for review of a determination made under subparagraph (5) must set forth in detail the grounds for challenging the determination. Upon timely receipt of a petition for review, the Court shall issue a rule to show cause upon the party to the proceeding who is not challenging the determination, returnable within ten days, why the determination should not be reversed. If the period for response has passed without a response having been filed, or after consideration of any response, the Court shall issue an appropriate order. **No challenge to the validity of a subpoena will be considered by the Court unless previously raised as provided in subparagraph (5).**

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REINSTATEMENT

Rule 531. Restitution a [**condition for reinstatement**] **Condition for Reinstatement.**

The Board shall file with the Supreme Court a list containing the names of all formerly admitted attorneys with respect to the Dishonest Conduct of which the Board has made unrecovered disbursements from the Fund. No person will be reinstated by the Supreme Court under Rule 218 (relating to reinstatement), Rule 219 (relating to annual registration of attorneys), Rule 301(h) (relating to proceedings where an attorney is declared to be [**incompetent or is alleged to be**] incapacitated **or severely mentally disabled**), Pennsylvania Rules for Continuing Legal Education, Rule 111(b) (relating to noncompliance with continuing legal education rules) or who has been suspended from the practice of law for any period of time, including, but not limited to suspensions under Rule 208(f) (relating to emergency temporary suspension) and 219(f) (relating to administrative suspension) until the Fund has been repaid in full, plus 10% per annum interest, for all disbursements made from the Fund with respect to the Dishonest Conduct of such person.

[Pa.B. Doc. No. 19-1936. Filed for public inspection December 27, 2019, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CHS. 1, 2, 3, 11, 12 AND 13]

Adoption of Rules 205 and 1205, and Amendment of Rules 166, 167, 345, 1166, 1167 and 1345 of the Pennsylvania Rules of Juvenile Court Procedure; No. 817 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 12th day of December, 2019, upon the recommendation of the Juvenile Court Procedural Rules Committee, the proposal having been published for public comment at 48 Pa.B. 7513 (December 8, 2018):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that:

- 1) Pennsylvania Rules of Juvenile Court Procedure 205 and 1205 are adopted; and
- 2) Pennsylvania Rules of Juvenile Court Procedure 166, 167, 345, 1166, 1167, and 1345 are amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on June 1, 2020.

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 1. GENERAL PROVISIONS

PART C. RECORDS

PART C(2). MAINTAINING RECORDS

Rule 166. Maintaining Records in the Clerk of Courts.

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C. *Contents of docket entries.* The docket entries shall include, at a minimum, the following information:

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- 8) all other information required by Rule 345.

D. Electronic Format. If a judicial district has provided for electronic filing pursuant to Rule 205, the juvenile court file in which electronic filing has been utilized may be maintained solely in an electronic format as long as copies of the documents maintained in the juvenile court file may be produced in a physical paper format.

Comment

This rule sets forth the mandatory contents of the list of docket entries and the official court record. This is not intended to be an exhaustive list of what is required to be recorded in the docket entries. The judicial districts may require additional information to be recorded in a case or in all cases.

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Paragraph (C)(4) recognizes that occasionally resolution of oral motions presented in open court should be reflected in the docket, such as motions and orders related to omnibus motions as provided in Rule 346.

Paragraph (D) permits electronically filed documents to be part of the juvenile court record in an electronic format. Accordingly, the juvenile court record may exist in both paper and electronic form, provided the electronic form can be produced in a paper form.

Official Note: Rule 166 adopted April 1, 2005, effective October 1, 2005. Amended December 24, 2009, effective immediately. Amended May 21, 2012, effective August 1, 2012. Amended April 6, 2017, effective September 1, 2017. **Amended December 12, 2019, effective June 1, 2020.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 166 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 166 published with the Court's Order at 40 Pa.B. 222 (January 9, 2010).

Final Report explaining the amendments to Rule 166 published with the Court's Order at 42 Pa.B. 3203 (June 9, 2012).

Final Report explaining the amendments to Rule 166 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

Final Report explaining the amendments to Rule 166 published with the Court's Order at 49 Pa.B. (December 28, 2019).

Rule 167. Filings and Service of Court Orders and Notices.

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B. *Service.*

1) A copy of any order or court notice shall be served promptly on the attorney for the Commonwealth, the juvenile's attorney, the juvenile, the juvenile probation officer, and any other person, service provider, or agency listed in the court order.

2) The clerk of courts shall serve the order or court notice, unless the president judge has promulgated a local rule designating service to be by the court administrator or other court designee.

3) *Methods of [service] Service.* Service shall be:

a) by:

i) personal delivery to the party's attorney or the juvenile;

ii) mailing a copy to the party's attorney or leaving a copy for the attorney at the attorney's office;

iii) in those judicial districts that maintain in the courthouse assigned boxes for counsel to receive service, leaving a copy for the attorney in the attorney's box;

iv) sending a copy to the juvenile by first class mail addressed to the juvenile's place of residence, detention, or placement;

v) sending a copy by facsimile transmission or other electronic means if the party's attorney or the juvenile has filed written request for this method of service or has included a facsimile number or an electronic address on a prior legal paper filed in the case; **[or]**

vi) delivery to the party's attorney or the juvenile by carrier service; or

b) orally in open court on the record **[.]; or**

c) in a judicial district that permits electronic filing pursuant to Rule 205, service of court orders or notices shall be made as provided in Rule 205(D)(2) and (H)(1).

C. *Unified Practice.* Any local rule that is inconsistent with the provisions of this rule is prohibited, including any local rule requiring a person to file or serve orders or court notices.

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Official Note: Rule 167 adopted April 1, 2005, effective October 1, 2005. Amended December 24, 2009, effective immediately. Amended July 28, 2014, effective September 29, 2014. **Amended December 12, 2019, effective June 1, 2020.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 167 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 167 published with the Court's Order at 40 Pa.B. 222 (January 9, 2010).

Final Report explaining the amendments to Rule 167 published with the Court's Order at 44 Pa.B. 5447 (August 16, 2014).

Final Report explaining the amendments to Rule 167 published with the Court's Order at 49 Pa.B. (December 28, 2019).

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

[Part A] Part A(1) COMMENCING PROCEEDINGS

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Part A(2) ELECTRONIC FILING AND SERVICE OF LEGAL PAPERS

(Editor's Note: The following rule is added and printed in regular type to enhance readability.)

Rule 205. Electronic Filing and Service of Legal Papers.

A. *Authorization.* The president judge of a judicial district by local rule promulgated pursuant to Rule 121 and Rule of Judicial Administration 103 may authorize electronic filing of legal papers with the clerk of courts in cases in delinquency proceedings through the statewide electronic filing system as provided in this rule.

B. *Local Rule.*

1) The local rule required under this rule shall include the following provisions:

a) subject to the provisions in paragraph (B)(2), a statement that the electronic filing system is permissive and specify the legal papers subject to the rule, but in no case shall legal papers prohibited from being filed electronically by this rule be permitted to be filed electronically;

b) a provision for the procedures to ensure that any party who declines to participate in the system, or who is unable to electronically file or accept service of legal papers which were filed electronically, or who is otherwise unable to access the system, at a minimum, shall be able to file legal papers in a physical paper format and be served legal papers in a physical format which were electronically filed;

c) any additional provisions as the court may deem necessary to provide a full and complete procedure for the use of the system within the judicial district; and

d) a notation that the Administrative Office of Pennsylvania Courts and the judicial district have agreed upon an implementation plan for PACFile in the judicial district.

2) Any judicial district that authorized electronic filing for a period of two years thereafter may amend their local rule, subject to the requirements of Rule 121 and Rule of Judicial Administration 103, to make participation in electronic filing mandatory. For the purpose of establishing the commencement of the period, a judicial district may rely upon an authorization established pursuant to Pa.R.Crim.P. 576.1(B).

C. *Definitions.* As used in this rule, the following words shall have the following meanings:

“electronic filing,” the electronic submission of legal papers by means other than facsimile transmission and the acceptance of the document by the clerk of courts;

“filing party,” an attorney, juvenile, or other person who files a legal paper by means of electronic filing;

“legal paper,” a pleading or other submission to the court, including motions, answers, notices, or other documents, of which filing is required or permitted, including orders, copies of exhibits, and attachments, but excluding:

- 1) applications for search warrants;
- 2) applications for arrest warrants;
- 3) exhibits offered into evidence, whether or not admitted, in a court proceeding; and
- 4) submissions filed ex parte as authorized by law.

“original document,” a legal paper filed electronically shall be deemed the original document, but copies of exhibits electronically filed do not constitute the original of the exhibit for evidentiary purposes; and

“the system,” the PACFile electronic filing system, developed and administered by the Administrative Office of Pennsylvania Courts, is the exclusive system for electronic filing.

D. *Participation.*

1) The system shall permit attorneys, juveniles proceeding without counsel, law enforcement officers, and juvenile probation officers to file electronically.

a) In order to participate in the system, an attorney shall establish an account in the system by procedures established by the Administrative Office of Pennsylvania Courts.

b) A non-attorney shall be permitted to utilize the system through an authorization process established by the Administrative Office of Pennsylvania Courts.

2) Establishment of an account by an attorney or authorization of a non-attorney in the system, to the extent so authorized by the Administrative Office of Pennsylvania Courts pursuant to paragraph (D)(1), shall constitute consent to participate in electronic filing, including acceptance of service electronically of any document filed on the system in any judicial district that permits electronic filing.

3) An attorney or non-attorney participating in the system is permitted to file a legal paper either in an electronic format or in a physical paper format. Service upon an attorney or non-attorney participating in the system shall be done electronically.

E. *Filing.*

1) When a legal paper is to be electronically filed, it may be submitted to the system at the Unified Judicial System web portal at <http://ujportal.pacourts.us>, in accordance with this rule, any local rule adopted pursuant to this rule, and any filing instructions as may be otherwise provided at the web portal site.

2) Electronic filings may be submitted at any time, except during times of periodic maintenance. The electronic submission must be completed by 11:59:59 p.m. EST/EDT to be considered filed that day.

3) The time and date on which a legal paper is submitted to the system shall be recorded by the system.

The system shall provide an acknowledgement to the filing party that the legal paper has been submitted.

4) The time and date on which the legal paper is accepted by the clerk of courts office also shall be recorded by the system. The system shall provide an acknowledgement to the filing party that the legal paper has been accepted.

5) A legal paper shall be considered filed upon submission of the legal paper to the system and acceptance of the filing by the clerk of courts. If the clerk of courts determines that the requirements for filing have been met, the time and date of filing shall be the time and date that the legal paper was submitted to the system. If the clerk of courts finds that the requirements for filing are not met, the clerk may reject the filing.

6) A filing party shall be responsible for any delay, disruption, and interruption of the electronic signals and legibility of the document electronically filed, except when caused by the failure of the system’s website.

7) The system shall attribute the filing of an electronic legal paper to the party whose account is used to log onto the system and file the legal paper.

8) Legal papers shall be presented for filing in portable document format (“.pdf”).

9) All legal papers electronically filed shall be maintained and retained by the clerk of courts in an electronic format. Neither the clerk of courts nor the court is required to maintain in a physical paper format any legal paper filed electronically as provided in this rule.

10) Any legal paper submitted for filing to the clerk of courts in a physical paper format shall be accepted by the clerk of courts in that format and shall be retained by the clerk of courts as may be required by applicable rules of court and record retention policies. The clerk of courts shall convert such legal paper in a physical paper format to .pdf and add it to the system. However, those submissions that are excluded from the definition of “legal paper” under paragraph (C) shall not be converted and added to the system.

11) No legal paper that complies with the Pennsylvania Rules of Juvenile Court Procedure shall be refused for filing by the clerk of courts or the electronic filing system based upon a requirement of a local rule or local administrative procedure or practice pertaining to the electronic filing of legal papers.

F. *Signature.*

1) Except as provided in paragraph (F)(3), an electronic signature of the filer as provided for in the system is permitted on electronic filings in the following form: */s/ John L. Doe.*

2) The electronic filing of a motion or answer that includes an electronic signature constitutes a certification pursuant to Pa.R.J.C.P. 344(C)(1) that the filing party or attorney has filed the motion in good faith.

3) Any motion that, pursuant to Rule 344(C)(3), avers facts not of record and requiring a verification must be created in a physical paper form, have a physical signature placed on it, and then be converted into a .pdf before it may be electronically filed.

4) The original of a verified legal paper that is an electronic filing or is contained within an electronic filing shall be maintained by the electronic filer in either electronic or paper format and made available upon direction of the court or reasonable request of the signatory or opposing party.

G. *Official Court Record Form.* The court by local rule shall provide for the maintenance by the clerk of courts of an electronic file only, or of such electronic and physical paper format files as set forth in the local rule. Those legal papers that are not permitted to be electronically filed pursuant to paragraph (C) shall be maintained in a physical paper format only.

H. *Service.*

1) Upon the submission of a legal paper for electronic filing, the system shall provide an electronic notification to other parties and attorneys to the case who are participating in electronic filing that the legal paper has been submitted. This notification upon submission shall satisfy the service requirements of Rules 167(B) and 345(B) on any attorney or party who has established a system account.

2) Upon the acceptance by the clerk of courts office of a legal paper for electronic filing, the system shall provide an electronic notification to other parties and attorneys to the case who are participating in electronic filing that the legal paper has been accepted.

3) Service of electronic filings on any attorney or party who has not established a UJS web portal account or who is unable to file or receive legal papers electronically or otherwise unable to access the system shall be made by the procedures provided under Rules 167(B) and 345(B).

Comment

This rule permits as a local practice the electronic filing of legal papers. This rule does not require the implementation of electronic filing by a local court. To provide a uniform system for electronic filing, the Administrative Office of Pennsylvania Courts has developed the PACFile electronic filing system. This is the only authorized system for electronic filing of legal documents in delinquency proceedings.

Paragraph (B) requires that a judicial district that desires to participate in the electronic filing system must adopt a local rule to that effect. As part of the initial "opting into" electronic filing, this local rule must provide that participation is voluntary. Once a judicial district has allowed electronic filing for two years, participation may be made mandatory. Paragraph (B)(1)(b) requires that all judicial districts in which electronic filing is allowed must make accommodations for those parties who are unable to participate. In no event shall access to the court filing be precluded solely on the basis of participation in the electronic filing system.

The UJS Portal contains other automated services beside PACFile. There may be circumstances when an attorney, who has registered as a user on another service of the UJS Portal, may have an established account that would be usable for PACFile. Any questions about the requirements of registration or accessibility to PACFile should be referred to the Administrative Office of Pennsylvania Courts.

The system permits a user to designate other users as proxies on individual cases. These proxies all receive notice of any filing in the case. It is anticipated that offices such as those of a district attorney or public defender would be able to establish general user accounts with particular attorneys assigned and their supervisors or back-ups listed as proxies in individual cases.

An attorney is responsible for the actions of other individuals whom the attorney authorizes to use the attorney's account.

The local rule required by this rule must conform to the requirements of Rule 121 (Local Rules) and Rule of Judicial Administration 103 (Procedures for Adoption, Filing, and Publishing Rules).

A file in physical paper format is not required by this rule. If the local rule requires a file in physical paper format, the requirement may extend to all cases or only to certain specified cases. For example, the court may require files in physical paper format for cases where an adjudicatory hearing has been scheduled while maintaining only electronic files for cases proceeding by informal adjustment or admission.

Upon submission of the electronic filing of a legal paper, the electronic filing system shall automatically send notice of the filing to all parties who have agreed to service by electronic transmission, see paragraph (D) (Participation). If the electronic filing system sends notice of such filing, the party filing the legal paper only need serve those parties who are not served by the electronic filing system. An e-mail address set forth on letterhead is not a sufficient basis under this rule to permit electronic service of legal papers.

Service pursuant to paragraph (H) is not intended to satisfy the notice requirements necessary to obtain a bench warrant pursuant to Pa.R.J.C.P. 140.

See Rule 167(B) providing for the clerk of courts to serve orders and court notices by facsimile transmission or other means.

See Rule 345(B) governing service of motions and any written answers, and any notices or documents for which filing is required by facsimile transmission or other means.

Official Note: Rule 205 adopted December 12, 2019, effective June 1, 2020.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 205 published with the Court's Order at 49 Pa.B. (December 28, 2019).

CHAPTER 3. PRE-ADJUDICATORY PROCEDURES
PART D(1). MOTION PROCEDURES

Rule 345. Filing and Service.

A. *Filings.*

1) *Generally.* Except as otherwise provided in these rules, all written motions, and any notice or document for which filing is required, shall be filed with the clerk of courts.

2) *Clerk of [courts duties] Courts' Duties.* Except as provided in paragraph (A)(3), the clerk of courts shall docket a written motion, notice, or document when it is received and record the time of filing in the docket. The clerk of courts promptly shall transmit a copy of these papers to such person as may be designated by the court.

3) *Filings by [represented juveniles] Represented Juveniles.* In any case in which a juvenile is represented by an attorney, if the juvenile submits for filing a written motion, notice, or document that has not been signed by the juvenile's attorney, the clerk of courts shall not file the motion, notice, or document in the official court record or make a docket entry, but shall forward it promptly to the juvenile's attorney.

4) *Method of [filing] Filing.* Filing may be accomplished by:

a) personal delivery to the clerk of courts; [or]

b) mail addressed to the clerk of courts, provided, however, that filing by mail shall be timely only when actually received by the clerk within the time fixed for filing[.]; or

c) in a judicial district that permits electronic filing pursuant to Rule 205, as provided in Rule 205(E).

B. *Service.*

1) *Generally.* The party filing the document shall serve the other party concurrently with the filing.

2) *Method of [service to parties] Service to Parties.* Service on the parties shall be [by]:

a) **by** personal delivery of a copy to a party's attorney, or, if unrepresented, the party; [or]

b) **by** mailing a copy to a party's attorney or leaving a copy for the attorney at the attorney's office; [or]

c) in [those judicial districts that maintain] a **judicial district that maintains** in the courthouse assigned boxes for counsel to receive service, **by** leaving a copy for the attorney in the attorney's box; [or]

d) **by** sending a copy to an unrepresented juvenile by first class mail addressed to the juvenile's place of residence, detention, or placement[.]; or

e) as provided in Rule 205(D)(2) and (H)(1) in a judicial district that permits electronic filing pursuant to Rule 205.

C. *Proof of [service] Service.* All documents that are filed and served pursuant to this rule shall include a certificate of service.

Comment

See Rule 166 for maintaining records in the clerk of courts.

Under paragraph (A)(2), the court is to designate a court official to process motions and other matters for appropriate scheduling and resolution.

Under paragraph (B), the party filing a document is required to serve the other party.

This rule does not affect court orders, which are to be served upon each party's attorney and the juvenile, if unrepresented, by the clerk of courts as provided in Rule 167.

For the procedures for electronic filing and service as a local option, see Rule 205.

For service of petitions, see Rule 331.

Official Note: Rule 345 adopted April 1, 2005, effective October 1, 2005. Amended July 28, 2009, effective immediately. Amended December 24, 2009, effective immediately. **Amended December 12, 2019, effective June 1, 2020.**

Committee Explanatory Reports:

Final Report explaining the amendment to Rule 345 published with the Court's Order at 39 Pa.B. 4743 (August 8, 2009).

Final Report explaining the amendments to Rule 345 published with the Court's Order at 40 Pa.B. 222 (January 9, 2010).

Final Report explaining the amendments to Rule 345 published with the Court's Order at 49 Pa.B. (December 28, 2019).

**Subpart B. DEPENDENCY MATTERS
CHAPTER 11. GENERAL PROVISIONS
PART C. RECORDS**

PART C(2). MAINTAINING RECORDS

Rule 1166. Maintaining Records in the Clerk of Courts.

C. *Contents of docket entries.* The docket entries shall include, at a minimum, the following information:

* * * * *

9) all other information required by Rule 1345.

D. Electronic Format. If a judicial district has provided for electronic filing pursuant to Rule 1205, the juvenile court file in which electronic filing has been utilized may be maintained solely in an electronic format as long as copies of the documents maintained in the juvenile court file may be produced in a physical paper format.

Comment

This rule sets forth the mandatory contents of the list of docket entries and the official court record. This is not intended to be an exhaustive list of what is required to be recorded in the docket entries. The judicial districts may require additional information to be recorded in a case or in all cases.

* * * * *

Paragraph (C)(5) recognizes that occasionally resolution of oral motions presented in open court should be reflected in the docket, such as motions and orders.

Paragraph (D) permits electronically filed documents to be part of the juvenile court record in an electronic format. Accordingly, the juvenile court record may exist in both paper and electronic form, provided the electronic form can be produced in a paper form.

Official Note: Rule 1166 adopted August 21, 2006, effective February 1, 2007. Amended December 24, 2009, effective immediately. Amended April 6, 2017, effective September 1, 2017. **Amended December 12, 2019, effective June 1, 2020.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1166 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to Rule 1166 published with the Court's Order at 40 Pa.B. 222 (January 9, 2010).

Final Report explaining the amendments to Rule 1166 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

Report explaining the amendments to Rule 1166 published with the Court's Order at 49 Pa.B. (December 28, 2019).

Rule 1167. Filings and Service of Court Orders and Notices.

* * * * *

B. Service.

1) A copy of any order or court notice shall be served promptly on each party's attorney, and the party, if unrepresented.

2) The clerk of courts shall serve the order or court notice, unless the president judge has promulgated a local rule designating service to be by the court or its designee.

3) *Methods of [service] Service.* Service shall be:

a) [in writing] by:

i) personal delivery to the party's attorney, and if unrepresented, the party;

ii) mailing a copy to the party's attorney or leaving a copy for the attorney at the attorney's office;

iii) in those judicial districts that maintain in the courthouse assigned boxes for counsel to receive service, leaving a copy for the attorney in the attorney's box;

iv) sending a copy to an unrepresented party by first class mail addressed to the party's place of business, residence, or detention;

v) sending a copy by facsimile transmission or other electronic means if the party's attorney, and if unrepresented, the party has filed written request for this method of service or has included a facsimile number or an electronic address on a prior legal paper filed in the case;

vi) delivery to the party's attorney, and if unrepresented, the party by carrier service; or

b) orally in open court on the record[.]; or

c) in a judicial district that permits electronic filing pursuant to Rule 1205, service of court orders or notices shall be made as provided in Rule 1205(D)(2) and (H)(1).

C. Unified Practice. Any local rule that is inconsistent with the provisions of this rule is prohibited, including any local rule requiring a person to file or serve orders or court notices.

* * * * *

Official Note: Rule 1167 adopted August 21, 2006, effective February 1, 2007. Amended December 24, 2009, effective immediately. **Amended December 12, 2019, effective April 1, 2019.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1167 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to Rule 1167 published with the Court's Order at 40 Pa.B. 222 (January 9, 2010).

Report explaining the amendments to Rule 1167 published with the Court's Order at 49 Pa.B. (December 28, 2019).

CHAPTER 12. COMMENCEMENT OF PROCEEDINGS, EMERGENCY CUSTODY, AND PRE-ADJUDICATORY PLACEMENT

[Part A] Part A(1) COMMENCING PROCEEDINGS

* * * * *

Part A(2) ELECTRONIC FILING AND SERVICE OF LEGAL PAPERS

(Editor's Note: The following rule is added and printed in regular type to enhance readability.)

Rule 1205. Electronic Filing and Service of Legal Papers.

A. Authorization. The president judge of a judicial district by local rule promulgated pursuant to Rule 1121 and Rule of Judicial Administration 103 may authorize electronic filing of legal papers with the clerk of courts in cases in dependency proceedings through the statewide electronic filing system as provided in this rule.

B. Local Rule.

1) The local rule required under this rule shall include the following provisions:

a) subject to the provisions in paragraph (B)(2), a statement that the electronic filing system is permissive and specify the legal papers subject to the rule, but in no case shall legal papers prohibited from being filed electronically by this rule be permitted to be filed electronically;

b) a provision for the procedures to ensure that any party who declines to participate in the system, or who is unable to electronically file or accept service of legal papers which were filed electronically, or who is otherwise unable to access the system, at a minimum, shall be able to file legal papers in a physical paper format and be served legal papers in a physical format which were electronically filed;

c) any additional provisions as the court may deem necessary to provide a full and complete procedure for the use of the system within the judicial district; and

d) a notation that the Administrative Office of Pennsylvania Courts and the judicial district have agreed upon an implementation plan for PACFile in the judicial district.

2) Any judicial district that authorized electronic filing for a period of two years thereafter may amend their local rule, subject to the requirements of Rule 1121 and Rule of Judicial Administration 103, to make participation in electronic filing mandatory.

C. Definitions. As used in this rule, the following words shall have the following meanings:

"electronic filing," the electronic submission of legal papers by means other than facsimile transmission and the acceptance of the document by the clerk of courts;

"filing party," an attorney or other person or entity who files a legal paper by means of electronic filing;

"legal paper," a pleading or other submission to the court, including motions, answers, notices, or other documents, of which filing is required or permitted, including orders, copies of exhibits, and attachments, but excluding:

1) submissions filed ex parte as authorized by law; and

2) exhibits offered into evidence, whether or not admitted, in a court proceeding.

"original document," a legal paper filed electronically shall be deemed the original document, but copies of exhibits electronically filed do not constitute the original of the exhibit for evidentiary purposes; and

"the system," the PACFile electronic filing system, developed and administered by the Administrative Office of Pennsylvania Courts, is the exclusive system for electronic filing.

D. Participation.

1) The system shall permit attorneys, parties proceeding without counsel, and non-attorney persons or entities with standing to participate in a proceeding to file electronically.

a) In order to participate in the system, an attorney shall establish an account in the system by procedures established by the Administrative Office of Pennsylvania Courts.

b) A non-attorney shall be permitted to utilize the system through an authorization process established by the Administrative Office of Pennsylvania Courts.

2) Establishment of an account by an attorney or authorization of a non-attorney in the system, to the extent so authorized by the Administrative Office of Pennsylvania Courts pursuant to paragraph (D)(1), shall constitute consent to participate in electronic filing, including acceptance of service electronically of any document filed on the system in any judicial district that permits electronic filing.

3) An attorney or non-attorney participating in the system is permitted to file a legal paper either in an electronic format or in a physical paper format. Service upon an attorney or non-attorney participating in the system shall be done electronically.

E. Filing.

1) When a legal paper is to be electronically filed, it may be submitted to the system at the Unified Judicial System web portal at <http://ujportal.pacourts.us>, in accordance with this rule, any local rule adopted pursuant to this rule, and any filing instructions as may be otherwise provided at the web portal site.

2) Electronic filings may be submitted at any time, except during times of periodic maintenance. The electronic submission must be completed by 11:59:59 p.m. EST/EDT to be considered filed that day.

3) The time and date on which a legal paper is submitted to the system shall be recorded by the system. The system shall provide an acknowledgement to the filing party that the legal paper has been submitted.

4) The time and date on which the legal paper is accepted by the clerk of courts office also shall be recorded by the system. The system shall provide an acknowledgement to the filing party that the legal paper has been accepted.

5) A legal paper shall be considered filed upon submission of the legal paper to the system and acceptance of the filing by the clerk of courts. If the clerk of courts determines that the requirements for filing have been met, the time and date of filing shall be the time and date that the legal paper was submitted to the system. If the clerk of courts finds that the requirements for filing are not met, the clerk may reject the filing.

6) A filing party shall be responsible for any delay, disruption, and interruption of the electronic signals and legibility of the document electronically filed, except when caused by the failure of the system's website.

7) The system shall attribute the filing of an electronic legal paper to the party whose account is used to log onto the system and file the legal paper.

8) Legal papers shall be presented for filing in portable document format (".pdf").

9) All legal papers electronically filed shall be maintained and retained by the clerk of courts in an electronic format. Neither the clerk of courts nor the court is required to maintain in a physical paper format any legal paper filed electronically as provided in this rule.

10) Any legal paper submitted for filing to the clerk of courts in a physical paper format shall be accepted by the clerk of courts in that format and shall be retained by the clerk of courts as may be required by applicable rules of court and record retention policies. The clerk of courts shall convert such legal paper in a physical paper format to .pdf and add it to the system. However, those submissions that are excluded from the definition of "legal paper" under paragraph (C) shall not be converted and added to the system.

11) No legal paper that complies with the Pennsylvania Rules of Juvenile Court Procedure shall be refused for filing by the clerk of courts or the electronic filing system based upon a requirement of a local rule or local administrative procedure or practice pertaining to the electronic filing of legal papers.

F. Signature.

1) Except as provided in paragraph (F)(3), an electronic signature of the filer as provided for in the system is permitted on electronic filings in the following form: */s/ John L. Doe.*

2) The electronic filing of a motion or answer that includes an electronic signature constitutes a certification pursuant to Pa.R.J.C.P. 1344(C)(1) that the filing party or attorney has filed the motion in good faith.

3) Any motion that, pursuant to Rule 1344(C)(3), avers facts not of record and requiring a verification must be created in a physical paper form, have a physical signature placed on it, and then be converted into a .pdf before it may be electronically filed.

4) The original of a verified legal paper that is an electronic filing or is contained within an electronic filing shall be maintained by the electronic filer in either electronic or paper format and made available upon direction of the court or reasonable request of the signatory or opposing party.

G. *Official Court Record Form.* The court by local rule shall provide for the maintenance by the clerk of courts of an electronic file only, or of such electronic and physical paper format files as set forth in the local rule. Those legal papers that are not permitted to be electronically filed pursuant to paragraph (C) shall be maintained in a physical paper format only.

H. Service.

1) Upon the submission of a legal paper for electronic filing, the system shall provide an electronic notification to other parties and attorneys to the case who are participating in electronic filing that the legal paper has been submitted. This notification upon submission shall satisfy the service requirements of Rules 1167(B) and 1345(B) on any attorney or party who has established a system account.

2) Upon the acceptance by the clerk of courts office of a legal paper for electronic filing, the system shall provide an electronic notification to other parties and attorneys to the case who are participating in electronic filing that the legal paper has been accepted.

3) Service of electronic filings on any attorney or party who has not established a UJS web portal account or who is unable to file or receive legal papers electronically or otherwise unable to access the system shall be made by the procedures provided under Rules 1167(B) and 1345(B).

Comment

This rule permits as a local practice the electronic filing of legal papers. This rule does not require the implementation of electronic filing by a local court. To provide a uniform system for electronic filing, the Administrative Office of Pennsylvania Courts has developed the PACFile electronic filing system. This is the only authorized system for electronic filing of legal documents in dependency proceedings.

Paragraph (B) requires that a judicial district that desires to participate in the electronic filing system must adopt a local rule to that effect. As part of the initial "opting into" electronic filing, this local rule must provide that participation is voluntary. Once a judicial district has allowed electronic filing for two years, participation may be made mandatory. Paragraph (B)(1)(b) requires that all judicial districts in which electronic filing is allowed must make accommodations for those parties who are unable to participate. In no event shall access to the court filing be precluded solely on the basis of participation in the electronic filing system.

The UJS Portal contains other automated services beside PACFile. There may be circumstances when an attorney, who has registered as a user on another service of the UJS Portal, may have an established account that would be usable for PACFile. Any questions about the requirements of registration or accessibility to PACFile should be referred to the Administrative Office of Pennsylvania Courts.

The system permits a user to designate other users as proxies on individual cases. These proxies all receive notice of any filing in the case. It is anticipated that offices such as those of a county agency or advocate organization would be able to establish general user accounts with particular attorneys assigned and their supervisors or back-ups listed as proxies in individual cases.

An attorney is responsible for the actions of other individuals whom the attorney authorizes to use the attorney's account.

The local rule required by this rule must conform to the requirements of Rule 1121 (Local Rules) and Rule of Judicial Administration 103 (Procedures for Adoption, Filing, and Publishing Rules).

A file in physical paper format is not required by this rule. If the local rule requires a file in physical paper format, the requirement may extend to all cases or only to certain specified cases. For example, the court may require files in physical paper format for cases where an adjudicatory hearing has been scheduled while maintaining only electronic files for cases proceeding by informal adjustment or admission.

Upon submission of the electronic filing of a legal paper, the electronic filing system shall automatically send notice of the filing to all parties who have agreed to service by electronic transmission, see paragraph (D)

(Participation). If the electronic filing system sends notice of such filing, the party filing the legal paper only need serve those parties who are not served by the electronic filing system. An e-mail address set forth on letterhead is not a sufficient basis under this rule to permit electronic service of legal papers.

Service pursuant to paragraph (H) is not intended to satisfy the notice requirements necessary to obtain a bench warrant pursuant to Pa.R.J.C.P. 1140.

See Rule 1167(B) providing for the clerk of courts to serve orders and court notices by facsimile transmission or other means.

See Rule 1345(B) governing service of motions and any written answers, and any notices or documents for which filing is required by facsimile transmission or other means.

Official Note: Rule 205 adopted December 12, 2019, effective June 1, 2020.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1205 published with the Court's Order at 49 Pa.B. (December 28, 2019).

CHAPTER 13. PRE-ADJUDICATORY PROCEDURES

PART D(1). MOTION PROCEDURES

Rule 1345. Filing and Service.

A. Filings.

1) *Generally.* Except as otherwise provided in these rules, all written motions, and any notice or document for which filing is required, shall be filed with the clerk of courts.

2) *Clerk of [courts' duties] Courts' Duties.* Except as provided in paragraph (A)(3), the clerk of courts shall docket a written motion, notice, or document when it is received and record the time of filing in the docket. The clerk of courts promptly shall transmit a copy of these papers to such person as may be designated by the court.

3) *Filings by [represented parties] Represented Parties.* In any case in which a party is represented by an attorney, if the party submits for filing a written motion, notice, or document that has not been signed by the party's attorney, the clerk of courts shall not file the motion, notice, or document in the child's official court record or make a docket entry, but shall forward it promptly to the party's attorney.

4) *Method of [filing] Filing.* Filing may be accomplished by:

a) personal delivery to the clerk of courts; [or]

b) mail addressed to the clerk of courts, provided, however, that filing by mail shall be timely only when actually received by the clerk within the time fixed for filing[.]; or

c) in a judicial district that permits electronic filing pursuant to Rule 1205, as provided in Rule 1205(E).

B. Service.

1) *Generally.* The party filing the document shall serve the other party concurrently with the filing.

2) *Method of [service to parties] Service to Parties.* Service on the parties shall be [by]:

a) **by** personal delivery of a copy to a party's attorney, or, if unrepresented, the party; [or]

b) **by** mailing a copy to a party's attorney or leaving a copy for the attorney at the attorney's office; [or]

c) in [those judicial districts that maintain] a **judicial district that maintains** in the courthouse assigned boxes for counsel to receive service, **by** leaving a copy for the attorney in the attorney's box; [or]

d) **by** sending a copy to an unrepresented party by first class mail addressed to the party's place of residence[.]; **or**

e) as provided in Rule 1205(D)(2) and (H)(1) in a judicial district that permits electronic filing pursuant to Rule 1205.

C. *Proof of [service] Service.* All documents that are filed and served pursuant to this rule shall include a certificate of service.

Comment

See Rule 1166 for maintaining records in the clerk of courts.

Under paragraph (A)(2), the court is to designate a court official to process motions and other matters for appropriate scheduling and resolution.

Under paragraph (B)(1), the party filing a document is required to serve the other party.

This rule does not affect court orders, which are to be served upon each party's attorney and the guardian, if unrepresented, by the clerk of courts as provided in Rule 1167.

For the procedures for electronic filing and service as a local option, see Rule 1205.

For service of petitions, see Rule 1331.

Official Note: Rule 1345 adopted August 21, 2006, effective February 1, 2007. Amended December 24, 2009, effective immediately. **Amended December 12, 2019, effective June 1, 2020.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1345 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to Rule 1345 published with the Court's Order at 40 Pa.B. 222 (January 9, 2010).

Final Report explaining the amendments to Rule 1345 published with the Court's Order at 49 Pa.B. (December 28, 2019).

FINAL REPORT¹

Adoption of Pa.R.J.C.P. 205 and 1205; and Amendment of Pa.R.J.C.P. 166, 167, 345, 1166, 1167, and 1345

On December 12, 2019, the Supreme Court added and amended the Rules of Juvenile Court Procedure to facilitate the use of PACFile in delinquency and dependency proceedings.

¹ The Committee's Final Report should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

PACFile is a statewide electronic filing system based on the e-filing system used in the appellate courts. The PACFile system provides the ability to file documents with the courts electronically on new and existing cases. It is currently available for filings in appellate, criminal, delinquency, and dependency proceedings. These rules were modeled in large part after similar procedures provided in the Pennsylvania Rules of Criminal Procedure for the use of PACFile.

The PACFile rule for delinquency submissions is in Chapter 2, Part A (Commencement of Proceedings) as new Rule 205. The dependency rule analog is new Rule 1205. Within these rules are the main provisions for electronic filing. The basic statement of authority for establishing local e-filing is contained in paragraph (A). Paragraph (B) lists the contents of the local rule required to establish electronic filing locally. Paragraph (C) is a definitional section. Paragraph (D) provides the procedures for establishing participation in the system. Paragraph (E) discusses the filing and receipt of documents. Paragraph (F) contains provisions regarding electronic signatures. Paragraph (G) permits, with some exceptions, paperless files. Paragraph (H) contains service provisions.

Paragraph (A) of new Rules 205 and 1205 provides the general scope of the procedures. Electronic filing is not required in every judicial district, but rather available as a local option. Therefore, the rules provide that a judicial district's use of electronic filing is voluntary. Those judicial districts wishing to participate in electronic filing are required to create a local rule permitting electronic filing within the judicial district. Additionally, any judicial district desiring to "opt-into" electronic filing must consult with AOPC and agree upon an implementation plan to ensure that AOPC resources are not overtaxed should a large number of judicial districts decide to opt-in at one time.

Notably, Pa.R.Crim.P. 576.1(B)(2) requires a two-year period of PACFile use before a judicial district can make participation in the system mandatory. Rule 205(B)(2) contains a similar requirement, but allows a judicial district to use the date of authorization established by Pa.R.Crim.P. 576.1(B)(2). Rule 1205(B)(2) contains a two-year waiting period before participation can be mandated.

The Committee was aware that some judicial districts have already implemented PACFile for either delinquency filings, dependency filings, or both. The publication report advised that if a judicial district wished to seek a waiver of the two-year optional window in Rule 205(B)(2) and Rule 1205(B)(2), and make participation mandatory upon the adoption of these proposed rules, then the judicial district should submit a request to the Committee by the public comment deadline. The publication report indicated that any timely waiver requests would be submitted to the Court for consideration together with the proposed rules.

The Fifth Judicial District submitted such a waiver. As indicated in the request, the Allegheny County Family Division—Juvenile Section implemented mandatory electronic filing through PACFile for delinquency matters in 2015 and dependency matters in 2010. Filed contemporaneously with this rulemaking is an order granting the requested waiver.

Paragraph (C) of new Rules 205 and 1205 contains definitions of various terms used in the rules. One of these is a definition of "original document" that includes

the electronically filed version of the document as the original. However, the definition makes it clear that electronic copies of exhibits would not be considered originals. This is consistent with Rule of Evidence 1002 (Requirement of the Original).

Post-publication, paragraph (C) was revised to clarify that “legal paper” is defined to include copies of exhibits, but does not include the original exhibits offered into evidence. This revision was intended to reinforce that PACFile is not to be used for the storage of evidence.

Paragraph (D) describes how individual participation in electronic filing is initiated. Participation requires that a user establish an account in the PACFile system. For *pro se* parties, there is a requirement for an authorization process based on a similar provision contained in the local rule for electronic filing in the appellate courts. The establishment of an account constitutes consent to participate in electronic filing including receipt of service of filed documents. The extent to which this consent may extend to include other cases the participant may also be involved with is subject to the authorization of AOPC.

While the rules generally provide that participation in electronic filing is voluntary (except in those counties that choose to make it mandatory), a party who has agreed to participate in electronic filing is permitted to file legal papers in a physical paper format. However, any party that agrees to participate in electronic filing must accept service electronically. Paragraph (D)(3) therefore includes a statement regarding participation that permits a participating party to file either in a physical paper format or electronically.

Paragraph (E) contains provisions related to the filing and receipt of legal papers. The electronic filing system will record the time that a document is submitted as well as the time when the document is accepted by the filing office. Notice may be sent to parties selected by the filer when the document is submitted. Notice also may be served on selected parties when the document has been accepted. Therefore, the definition for “filing,” contained in paragraph (E)(5), states that filing occurs when the acceptance is made but that once accepted, the time and date of filing shall relate back to the time of submission. However, if the legal paper does not meet the requirements for filing, such as not having the correct docket number or not having paid the applicable filing fee, the filing may be rejected in the same manner in which a physical paper filing may be rejected. In this situation, the time and date of original submission still would be recorded in case there is a dispute regarding whether the document should have been accepted upon submission.

Electronic signatures are sufficient for the filing of most legal papers. Included in paragraph (F)(2) is a provision for motions and answers that specifically states that an electronic filing containing an electronic signature constitutes certification that the filer has read the document and to the best of their knowledge, information and belief, there is good ground to support the motion or answer, and that it is not interposed for delay. Motions supported by a

sworn affidavit require the affidavit to be prepared and signed and then scanned into the system for filing. The provision was included in paragraph (F)(3).

Paragraph (H) describes how service of electronically filed documents is achieved. The PACFile system provides notice to other parties to a case both when a document is submitted to the system and when the document is accepted. The document will be visible to the other parties to the case upon submission. Since the time of filing of a document, once accepted, will be from the time and date of submission, the notice that the document has been submitted will constitute service as required under Rules 167(B), 345(B), 1167(B), and 1345(B). As indicated in the commentary, service pursuant to paragraph (H) is not intended to satisfy the notice requirements necessary to obtain a bench warrant pursuant to Rule 140 or Rule 1140.

Correlative amendments have also been made to other rules to facilitate use of PACFile. Amendments to reference Rule 205 were made to Rules 166, 167, and 345. For dependency rules, corollary amendments to reference Rule 1205 were made to Rules 1166, 1167, and 1345.

The new and amended rules will become effective June 1, 2020.

[Pa.B. Doc. No. 19-1937. Filed for public inspection December 27, 2019, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CHS. 2 AND 12]

Exemption from Rules 205(B)(2) and 1205(B)(2) of the Pennsylvania Rules of Juvenile Court Procedure; No. 818 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 12th day of December, 2019, upon the recommendation of the Juvenile Court Procedural Rules Committee:

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the Fifth Judicial District shall be exempt from the two-year period set forth in Pennsylvania Rules of Juvenile Court Procedure 205(B)(2) and 1205(B)(2) prior to mandating participation in electronic filing by local rule. See No. 817 Supreme Court Rules Docket (December 12, 2019) (adopting, *inter alia*, Pa.R.J.C.P. 205 and 1205).

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on June 1, 2020.

[Pa.B. Doc. No. 19-1938. Filed for public inspection December 27, 2019, 9:00 a.m.]

Title 255—LOCAL COURT RULES**ADAMS COUNTY****Fee Schedule, Prothonotary; No. 2019-MS-134****Order of Court**

And Now, this 3rd day of December, 2019, the Fee Schedule of the Prothonotary of Adams County is hereby amended, as follows, effective March 1, 2020.

By the Court

MICHAEL A. GEORGE,
President Judge

Prothonotary of Adams County Fee Schedule

Beverly Boyd, Prothonotary
Adams County Courthouse
117 Baltimore Street, Room 104
Gettysburg, PA 17325
Phone: (717) 337-9834

Office Hours: 8:00 AM—4:30 PM Monday—Friday
www.adamscounty.us
Effective: March 1, 2020
All Passport Applicants Must Arrive Prior to 4:00 PM
www.travel.state.gov

Acknowledgements		\$10.75
Appeals		
Assessment Appeal		\$201.75
Driver's License & Registration Appeal		\$201.75
District Justice Appeal		\$201.75
Except Political Subdivision**		\$90.25
Liquor Control Board Appeal		\$201.75
Supreme, Superior, Commonwealth—Adams County Prothonotary's Fee		\$90.25
Appellate Court Fee (separate checks required)	Separate Checks Required	\$90.25
Zoning Appeal		\$201.75
Except Political Subdivision**		\$90.25
Arbitration Proceedings: \$50,000 Limit		
Motion To Appoint Arbitrators is required by the Court along with Motion filing fee		\$28.00
Arbitration Appeal		\$650.00
Arbitration Award Judgment	Does NOT include Satisfaction Fee	\$25.50
Bench Warrants		\$9.25
Certification		\$6.25
Copies: 25 cents per page for file & docket copies	Copies from microfilm \$1.00 per page	
Commencement of Action		\$201.75
Abandoned Title, Vehicle, Boat, RVs, Motorcycles		\$201.75
Board of View	Commencement of Action	\$201.75
	Petition for appt of Board of View	\$28.00
	Required Deposit for Costs	\$1,000.00
Civil Complaint with Confession of Judgment	Satisfaction Fee for judgment NOT included	\$227.25
Civil Complaint (Law or Equity)		\$201.75
Except Political Subdivision**		\$90.25
Reinstatement of Complaint		\$11.25
Custody Complaint	New Suit Fee Plus Conciliator Fee	\$310.00

Petitions to Modify or Special Relief	Petition Fee Plus Conciliator Fee	\$128.00
Petitions to Intervene or Contempt for Disobedience of Court Order	Petition Fee only; No Conciliator Fee	\$28.00
Home Study		\$200.00
Declaratory Judgment		\$201.75
Divorce Commencement of Action 3301(c) and/or 3301(d)	Includes fee for Praeipice to Transmit	\$210.00
Additional Count: Equitable Distribution		\$65.50
Additional Count: Counsel Fees, Costs & Expenses		\$65.50
Additional Count: Alimony and/or APL		\$65.50
Additional Count: Custody	Included Conciliator Fee	\$187.00
Additional Count: Miscellaneous—Fault, Indignities		\$65.50
Appointment of Master, Motions are required by the Court along with Motion filing fee		\$500.00
Divorce with Custody Count	Includes fee for Praeipice to Transmit Plus Conciliator Fee	\$397.00
Motions or Petitions: Including but not limited to: Special Relief, Modify, Continuances, Contempt, Enforcement		\$28.00
No fee required for payment of attorney or stenographer fees		
QDRO Fee—Petitions are required by the Court along with Petition filing fee		\$28.00
Retake Maiden Name (filed to Divorce action)		\$20.50
Ejectment		\$201.75
Eminent Domain or Declaration of Taking		\$201.75
Liquor Control Board Appeal		\$201.75
Mechanics Liens	Satisfaction Fee for judgment NOT included	\$227.25
Minor's Compromise & Structured Settlement		\$201.75
Mortgage Foreclosure		\$201.75
Motions and Petitions	No fee required in Abuse cases, payment of attorney or stenographer fees	\$28.00
Name Change		\$201.75
Quiet Title		\$201.75
Writ of Summons		\$201.75
Judgments		
Assignments, Release, Satisfaction, Settlement, Strike, Vacate		\$10.25
Decree, Lis Pendens, Non Pros, Verdict		\$25.50
Default, Consent, Note, Foreign Judgment	Does NOT include Satisfaction Fee	\$25.50
Exemplified Record or Triple Seals		\$25.50
Motor Vehicle, License Reinstated, Certification to PaDOT		\$6.25
Transcript Judgment from Magisterial District Justice	Does NOT include Satisfaction Fee	\$25.50
Liens		
Building Agreements (Agreement, Waiver, Stipulation)		\$28.00
Federal and State, Municipal Liens	Includes Discontinuance Fee	\$36.00
Miscellaneous		\$85.75
Notary Public Registration of Signature		\$4.25
Notary Public Affidavit of Signature of Record	An appointment is required	\$10.75

Petitions & Motions	No fee required in Abuse cases, payment of attorney or stenographer fees	\$28.00
Paternity		\$201.75
Passports		
Book Adult (16 years old and above) US Dept of State Fee	check or money order required	\$110.00
Book Child (under 16 years of age) US Dept of State Fee	check or money order required	\$80.00
Card Adult (16 years old and above) US Dept of State Fee	check or money order required	\$30.00
Card Child (under 16 years of age) US Dept of State Fee	check or money order required	\$15.00
Prothonotary Fee, new fee effective 4/2/2018	check, money order or cash	\$35.00
Poundage	Each dollar of the first \$1,000.00	\$0.03
	Each dollar thereafter	\$0.01
Reinstatement of Complaint		\$11.25
Statement of Intention to Proceed/Dismissals & Terminations		\$33.00
Subpoenas		\$4.25
Temporary Guardian		\$201.75
Transfer Case To Another County		\$28.00
Writs		
Indexing of Out of County Writ		\$33.00
Reissue Writ of Summons, Execution, Scire Facias		\$11.25
Writ of Execution, Money Judgment, Mortgage Foreclosure		\$33.00
Writ of Possession		\$33.00
Writ of Revival (Adverse & Agreement)		\$33.00
Writ of Scire Facias	Includes Discontinuance Fee	\$43.00
Writ of Summons		\$201.75
Writ of Wage Attachment for Garnishment		\$33.00

[Pa.B. Doc. No. 19-1939. Filed for public inspection December 27, 2019, 9:00 a.m.]