

THE COURTS

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 5]

Proposed Adoption of Pa.R.Crim.P. 523.1

The Criminal Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the adoption of Pa.R.Crim.P. 523.1 for the reasons set forth in the accompanying re-publication report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be adopted by the Supreme Court.

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

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

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All communications in reference to the proposal should be received by January 31, 2025. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Criminal Procedural
Rules Committee*

HON. STEFANIE SALAVANTIS,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

PART C(1). Release Procedures

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

—The following text is entirely new—

Rule 523.1. Detention of Minor Defendant.

(a) *Definitions.* For purposes of this rule, the following definitions shall apply:

(1) “*Adult inmate.*” An individual who has reached the age of 18 and has been arrested and is in custody for or awaiting trial on a criminal charge or has been convicted of a criminal offense, unless the individual was younger than 21 years of age at the time of the criminal offense and was committed to the care and custody or supervision, including post-placement or parole supervision, of a

juvenile correctional agency. The term “adult inmate” does not include a child as defined in 42 Pa.C.S. § 6302 (Definitions) or a minor defendant as defined in this rule.

(2) “*Jail or lockup for adults.*” A secure facility that is used by the Commonwealth, unit of local government, or law enforcement authority to detain or confine adult inmates.

(3) “*Minor defendant.*” A defendant who is less than 18 years old.

(4) “*Sight or sound contact.*” Any physical, clear visual, or verbal contact that is not brief and inadvertent.

(b) *General Rule.* If bail has been denied or revoked, or if the conditions of bail have not been satisfied, a minor defendant shall be detained in a secure detention facility unless a court or issuing authority finds, after a hearing and in writing, that detaining the minor defendant in a jail or lockup for adults or in a secure facility with sight or sound contact with adult inmates is in the interest of justice.

(c) *Interest-of-Justice Exception.* To determine if it is in the interest of justice to permit a minor defendant to be detained in a jail or lockup for adults or in a secure facility with sight or sound contact with adult inmates, a court or issuing authority shall consider:

- (1) the minor defendant’s age;
- (2) the minor defendant’s physical and mental maturity;
- (3) the minor defendant’s present mental state, including whether the minor defendant presents an imminent risk of harm to the minor defendant;
- (4) the nature and circumstances of the alleged offense;
- (5) the minor defendant’s history of prior delinquent acts;
- (6) the relative ability of the available adult and juvenile detention facilities to not only meet the specific needs of the minor defendant but also to protect the safety of the public as well as other detained youth; and
- (7) any other relevant factor.

(d) *Issuing Authority.*

(1) *Hearing.*

(i) If a minor defendant is to be detained and a party requests the minor defendant be detained in a jail or lockup for adults or in a secure facility with sight or sound contact with adult inmates, an issuing authority shall order the minor defendant to be so detained or have such sight or sound contact if, after conducting a hearing to consider the factors set forth in subdivision (c), the issuing authority finds permitting such detention or sight or sound contact is in the interest of justice.

(ii) The minor defendant shall be represented by counsel at the hearing. If counsel cannot be provided, the hearing shall not be held, and the minor defendant shall be detained in a secure detention facility.

(iii) Whether the issuing authority grants or denies the party’s request, the issuing authority shall provide written reasons for the decision.

(2) *Review.*

(i) If, pursuant to subdivision (d)(1), a minor defendant is detained in a jail or lockup for adults or in a secure

facility with sight or sound contact with adult inmates, a court of common pleas shall hold a hearing to review the issuing authority's finding within 72 hours. The court's review shall be *de novo*.

(ii) The minor defendant shall be represented by counsel at the hearing.

(3) *Local Rule Option.* A judicial district may adopt a local rule allowing only a court of common pleas judge to make an interest-of-justice determination. If a judicial district elects to adopt a local rule in accordance with this subdivision, any request to detain a minor defendant in a jail or lockup for adults or in a secure facility with sight or sound contact with adult inmates shall be made by motion pursuant to subdivision (e)(1) of this rule. Unless a motion has been filed and granted, a minor defendant, if detained, shall be detained in a secure detention facility.

(e) *Motion.*

(1) *Motion for Interest-of-Justice Hearing.* A party may file a motion in a court of common pleas at any time requesting that a detained minor defendant be detained in a jail or lockup for adults or in a secure facility with sight or sound contact with adult inmates.

(2) *Motion for Reconsideration.*

(i) A minor defendant being detained in a jail or lockup for adults or in a secure facility with sight or sound contact with adult inmates may file a motion seeking reconsideration of the court's determination that such detention is in the interest of justice.

(ii) A second or subsequent motion for reconsideration shall only be considered if the minor defendant alleges new facts or cites new legal authority.

(3) When a motion is filed pursuant to subdivision (e)(1) or (e)(2), an interest-of-justice hearing shall be held within 72 hours of the filing of the motion.

(4) In determining if it is in the interest of justice for the minor defendant to be detained in a jail or lockup for adults or in a secure facility with sight or sound contact with adult inmates, the court shall consider each factor enumerated in subdivision (c).

(f) *Order.* At the conclusion of either a *de novo* hearing pursuant to subdivision (d)(2)(i) or an interest-of-justice hearing pursuant to subdivision (e)(3), the court shall enter an order containing the following:

(1) the court's determination whether it is in the interest of justice to detain the minor defendant in a jail or lockup for adults or in a secure facility with sight or sound contact with adult inmates; and

(2) the court's findings with respect to each factor enumerated in subdivision (c).

(g) *Review and Limitations.* If a court determines that it is in the interest of justice to permit a minor defendant to be detained in a jail or lockup for adults or in a secure facility with sight or sound contact with adult inmates:

(1) the court shall hold a hearing no less frequently than once every 30 days to review whether it is still in the interest of justice to permit the minor defendant to be so detained or have such sight or sound contact; and

(2) the minor defendant shall not be detained in any jail or lockup for adults, or permitted to have sight or sound contact with adult inmates, for more than 180 days, unless the court, in writing, determines there is good cause for an extension or the minor defendant expressly waives this limitation.

Comment:

This rule codifies the requirements of 34 U.S.C. § 11133(a)(11)(B)(i)—(iii) and governs detention before the guilt phase of a trial, pending sentencing, and while awaiting extradition. For exceptions to the prohibition on holding a minor defendant in a jail or lockup for adults that do not require an interest-of-justice determination, see 34 U.S.C. § 11133(a)(13).

With regard to the definition of "minor defendant" in subdivision (a), an individual who is under the age of 18 years is treated as an adult for purposes of prosecution either as a result of charges being directly filed in criminal court, *see* 42 Pa.C.S. § 6302 (Definitions) (excluding certain offenses from the definition of "delinquent act"), or as a result of charges being transferred to criminal court pursuant to 42 Pa.C.S. § 6355 (Transfer to criminal proceedings).

"Any other relevant factor", as used in subdivision (c)(7), includes, but is not limited to, the effect of adult placement on the minor defendant, the character of the minor defendant, the minor defendant's needs, or any other mitigating or aggravating information.

If a minor defendant is detained in a secure detention facility pursuant to subdivision (d)(1)(ii), the party that requested the minor defendant be detained in a jail or lockup for adults or in a secure facility with sight or sound contact with adult inmates may renew that request by filing a motion as provided for in subdivision (e)(1).

Subdivision (d)(2)(i) provides for the review of an issuing authority's interest-of-justice determination by a court of common pleas. An issuing authority is required to make an interest-of-justice determination prior to a minor defendant being detained in a secure facility with sight or sound contact with adult inmates or detained in a jail or lockup for adults. Such determination would be required, for example, if an issuing authority denied a minor defendant bail at a preliminary arraignment and a party requested that the minor defendant be held in a jail for adults rather than in a secure detention facility, *see* 55 Pa. Code § 3800.5 (Definitions); Pa.R.Crim.P. 598, cmt.

Subdivision (e)(2)(ii) is intended to protect against excessive and repetitive filings when neither the facts nor the law informing the court's previous interest-of-justice determination have changed.

If an issuing authority or court of common pleas determines that it is not in the interest of justice for a minor defendant to be detained in a secure facility with sight or sound contact with adult inmates or detained in a jail or lockup for adults, detention of the minor defendant, if any, would continue to be governed by 42 Pa.C.S. § 6327 (Place of detention).

Regarding appellate review of an interest-of-justice determination, *see* Pa.R.A.P. 1610 (Review of Bail Orders).

SUPREME COURT OF PENNSYLVANIA CRIMINAL PROCEDURAL RULES COMMITTEE RE-PUBLICATION REPORT

Proposed Adoption of Pa.R.Crim.P. 523.1

The Criminal Procedural Rules Committee is considering proposing to the Supreme Court the adoption of Pa.R.Crim.P. 523.1. Rule 523.1 would implement the requirements of the Juvenile Justice Reform Act ("JJRA"), 34 U.S.C. § 11133(a)(11)(B). The rule would also include a subdivision containing relevant definitions from the Juvenile Justice and Delinquency Prevention Act ("JJDP"),

see 34 U.S.C. § 11103, as well as subdivisions governing procedures before an issuing authority and a court of common pleas.

Background

The JJRA was signed into law in December of 2018. The JJRA reauthorized and substantially amended the JJDP. Of particular interest is the JJRA's requirement that any child under the age of 18 who is being processed through criminal proceedings must be separated by sight and sound¹ from adult inmates and may not, except under limited circumstances, be held pretrial in a jail or lockup for adults.² This requirement became effective on December 21, 2021.

Pursuant to the Juvenile Act, 42 Pa.C.S. §§ 6301—6375, a child can become subject to criminal proceedings when charges are directly filed in criminal court³ or when charges are transferred to criminal court after a petition alleging delinquency has been filed.⁴ In either case, if the child is not released on bail, he or she may be held in a secure detention facility⁵ but, pursuant to the amended JJDP, not in an adult jail or within sight or sound contact of adult inmates. See 34 U.S.C. § 11133(a)(11)(B)(i). An exception is provided if a court finds that it is in the interest of justice to permit a child to be detained in a jail or lockup for adults or to have sight or sound contact with adult inmates. See *id.* § 11133(a)(11)(B)(ii). In determining whether such detention or sight or sound contact is in the interest of justice, a court must consider:

- (1) the age of the juvenile;
- (2) the physical and mental maturity of the juvenile;
- (3) the present mental state of the juvenile, including whether the juvenile presents an imminent risk of harm to the juvenile;
- (4) the nature and circumstances of the alleged offense;
- (5) the juvenile's history of prior delinquent acts;
- (6) the relative ability of the available adult and juvenile detention facilities to not only meet the specific needs of the juvenile but also to protect the safety of the public as well as other detained youth; and
- (7) any other relevant factor.

Id.

If a court determines that it is in the interest of justice to permit a child to be held in a jail or lockup for adults or to have sight or sound contact with adult inmates, the court shall hold a hearing at least every 30 days to review that determination. See *id.* § 11133(a)(11)(B)(iii)(I). The JJRA enlarges the time to hold such hearings to 45 days in "rural" jurisdictions. A child may not be held in a jail or lockup for adults or have sight or sound contact with adult inmates for more than 180 days unless the court determines that there is good cause for an extension or the child waives the limitation. See *id.* § 11133(a)(11)(B)(iii)(II).

Proposal

Proposed Rule 523.1, adapted from 34 U.S.C. § 11133(a)(11)(B) to implement the requirements of the

¹ "[T]he term 'sight or sound contact' means any physical, clear visual, or verbal contact that is not brief and inadvertent." 34 U.S.C. § 11103(25).

² "[T]he term 'jail or lockup for adults' means a secure facility that is used by a State, unit of local government, or law enforcement authority to detain or confine adult inmates." 34 U.S.C. § 11103(22). An "adult inmate" is an individual who "has reached the age of full criminal responsibility under applicable State law; and has been arrested and is in custody for or awaiting trial on a criminal charge, or is convicted of a criminal offense[.]" 34 U.S.C. § 11103(26)(A).

³ See 42 Pa.C.S. § 6302 (Definitions) for offenses excluded from the definition of "delinquent act" and thus not subject to the Juvenile Act per 42 Pa.C.S. § 6303(a)(1).

⁴ See 42 Pa.C.S. § 6355 (Transfer to criminal proceedings).

⁵ See 42 Pa.C.S. § 6327(d); 55 Pa. Code § 3800.5; and Pa.R.Crim.P. 598, Comment.

JJRA, was previously published for comment. See 52 Pa.B. 3215 (June 4, 2022). Subdivision (a) would include definitions for "adult inmate," "jail or lockup for adults," "minor defendant," and "sight or sound contact." A minor defendant would be defined as a defendant who is less than 18 years old. The term "defendant" is intended to indicate that the minor is subject to criminal proceedings. Subdivision (b) would provide the general rule: "A minor defendant shall not be detained in a jail or lockup for adults or in a secure facility with sight or sound contact with adult inmates unless a court or issuing authority finds, after a hearing and in writing, that such detention is in the interest of justice." To determine if such detention would be in the interest of justice, an issuing authority or common pleas judge would be required to consider the factors set forth in subdivision (c) as mandated by 34 U.S.C. § 11133(a)(11)(B)(ii).

Subdivision (d)(1) has been revised from the original publication to add subdivisions (d)(1)(i)—(d)(1)(iii). Subdivision (d)(1)(i) carries over previously proposed language.

Subdivision (d)(1)(ii) would require a minor defendant to be represented by counsel at any hearing held pursuant to subdivision (d)(1). This is consistent with the Rules of Juvenile Court Procedure, which require counsel for a juvenile prior to any hearing and impose requirements for waiver of counsel. See Pa.R.J.C.P. 151, 152. If counsel cannot be provided, the subdivision would prohibit the hearing from being held and the minor defendant would be detained in a secure detention facility. The Comment, as before, would provide additional guidance on the circumstances necessitating an interest-of-justice determination by an issuing authority. Additionally, the Comment would explain:

If a minor defendant is detained in a secure detention facility pursuant to subdivision (d)(1)(ii), the party that requested the minor defendant be detained in a jail or lockup for adults or in a secure facility with sight or sound contact with adult inmates may renew that request by filing a motion as provided for in subdivision (e)(1).

Subdivision (d)(1)(iii) would require an issuing authority to provide written reasons for any decision. This requirement is intended to aid a minor defendant and his or her attorney in preparing for a *de novo* review in the court of common pleas.

If an issuing authority finds, pursuant to subdivision (d)(1), that detention in a jail or lockup for adults or in a secure facility with sight or sound contact with adult inmates is in the interest of justice and orders the minor defendant so detained, subdivision (d)(2) would require the court of common pleas to hold a hearing within 72 hours to review the issuing authority's finding. The court of common pleas' review would be *de novo*. As previously published, this *de novo* review was to be held within five days of the issuing authority's determination. However, after further consideration by the Committee, this time frame for review has been reduced to 72 hours to mitigate the potential harms of unwarranted detention in a jail or lockup for adults or in a secure facility with sight or sound contact with adult inmates of a minor defendant.

Subdivision (d)(3) has been added to permit judicial districts to adopt a local rule permitting only a court of common pleas judge to make any interest-of-justice determination, including the initial determination. If a judicial district adopts such a local rule, an interest-of-justice determination would be initiated by motion in the court of common pleas pursuant to subdivision (e).

This subdivision is intended to provide judicial districts the flexibility to determine whether members of the minor judiciary should make the initial interest-of-justice determination or whether such determinations should be made by a court of common pleas judge in the first instance. This subdivision is intended to accommodate those judicial districts that have already adopted local rules implementing the JJRA that require common pleas judges to make all initial interest-of-justice determinations. Further, the Committee observes the proposed requirement of subdivision (d)(1)(ii) for counsel to represent minor defendants at an initial interest-of-justice determination before an issuing authority may be another factor in whether a judicial district adopts such a local rule.

Subdivision (e)(1) would provide for the filing of a motion in the court of common pleas requesting “that a detained minor defendant be detained in a jail or lockup for adults or in a secure facility with sight or sound contact with adult inmates.”

Subdivision (e)(2)(i) would provide for a motion for reconsideration by which a minor defendant being detained in a jail or lockup for adults or in a secure facility with sight or sound contact with adult inmates could seek reconsideration of the prior interest-of-justice determination. Subdivision (e)(2)(ii) would limit second or subsequent such motions to circumstances where the minor defendant alleges new facts or cites new legal authority. This change allows for a minor defendant to have an interest-of-justice determination reviewed without having to wait 30 days for the review required by subdivision (g)(1). The Comment would further clarify that the limitation on second or subsequent motions for reconsideration is to “protect against excessive and repetitive filings when neither the facts nor the law informing the court’s previous interest-of-justice determination have changed.”

If a motion is filed pursuant to either subdivision (e)(1) or subdivision (e)(2), subdivision (e)(3) would require the court of common pleas to hold a hearing within 72 hours. At that hearing, the court would have to determine if it is in the interest of justice for the minor defendant to be detained in a jail or lockup for adults or in a secure facility with sight or sound contact with adult inmates. When making its determination, subdivision (e)(4) would require the court to consider each factor listed in subdivision (c).

Subdivision (f) would require the court of common pleas, at the conclusion of either a *de novo* hearing or an interest-of-justice hearing, to enter an order with the court’s determination and the court’s findings regarding each factor enumerated in subdivision (c). The previously proposed requirement that the order state that the Prison Rape Elimination Act (PREA) standards for youthful inmates still apply if the minor defendant is detained in an adult facility has been removed. The Committee removed this requirement after observing a tension between the provisions of the JJRA and the PREA, which, contrary to the JJRA, prohibits a youthful inmate from being “placed in a housing unit in which the youthful inmate will have sight, sound, or physical contact with any adult inmate” through use of a common space. 28 C.F.R. § 115.14(a). Moreover, the Committee concluded that the standards of PREA apply, if they continue to apply, regardless of the contents of an order entered pursuant to this rule, and adherence to those standards is the responsibility of the facility housing the minor defendant.

Subdivision (g)(1) would require the court to review its determination once every 30 days if a minor defendant is detained in a jail or lockup for adults or in a secure facility with sight or sound contact with adult inmates after an interest-of-justice hearing. As was previously proposed, the temporal aspect of the review requirement would be uniform throughout Pennsylvania.

Subdivision (g)(2) would limit the detention of a minor defendant in a jail or lockup for adults or in a secure facility with sight or sound contact with adult inmates to 180 days, pursuant to 34 U.S.C. § 11133(a)(11)(B)(iii)(II), “unless the court, in writing, determines there is good cause for an extension or the minor defendant expressly waives this limitation.”

The Comment to the rule would include citations to the relevant federal statutes. The first sentence of the Comment has been expanded from the prior publication to explain that the rule “governs detention before the guilt phase of a trial, pending sentencing, and while awaiting extradition.” This revision reflects that an interest-of-justice hearing is required for “juveniles awaiting trial or *other legal process* who are treated as adults for purposes of prosecution in criminal court[.]” 34 U.S.C. § 11133(a)(11)(B)(i) (emphasis added). Concomitantly, “pretrial” has been removed from the title of the rule as it did not accurately reflect the scope of the rule.

The Committee invites all comments, concerns, and suggestions.

[Pa.B. Doc. No. 24-1769. Filed for public inspection December 13, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

ADAMS COUNTY

Rules of Criminal Procedure; Administrative Order No. 15 of 2024

Order of Court

And Now, this 23rd day of October, 2024, *It Is Ordered* that Adams County Rules of Criminal Procedure are amended, as follows:

Rule 547. Return of Transcript and Original Papers.

When a defendant is held for court, or after the issuing authority receives notice that the case will be presented to the indicting grand jury and closes out the case, the issuing authority shall prepare a transcript of the proceedings. The transcript and any associated documents shall be electronically scanned and transmitted to the clerk of courts in digital format in lieu of transmitting the physical paper transcript and associated documents. The electronically scanned transcript and associated documents shall constitute the original documents for purposes of this rule. The issuing authority shall retain the physical paper transcript and associated documents as long as required to comply with record retention policies.

Note: Text of rule effective April 1, 2025.

This rule amendment shall become effective after all the provisions of the Pennsylvania Rules of Criminal Procedure are met, to include the following:

a. A certified copy of this order shall be submitted to the Criminal Procedural Rules Committee for review;

b. Upon receipt of a statement from the Criminal Procedural Rules Committee that the local rule is not inconsistent with any general rule of the Supreme Court, 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. One (1) certified copy of this Order shall be forwarded to the Administrative Office of the Pennsylvania Courts;

d. A copy of the local rule shall be published on the Unified Judicial System's website.

e. 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;

f. The effective date of the local rule shall be 30 days after publication in the *Pennsylvania Bulletin* and no earlier than April 1, 2025.

By the Court

MICHAEL A. GEORGE,
President Judge

[Pa.B. Doc. No. 24-1770. Filed for public inspection December 13, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

MONROE COUNTY

Local Rule of Judicial Administration 5103 Amended; 5 CV 2024

Order

And Now, this 26th day of November, 2024, it is Ordered that Monroe County Rule of Judicial Administration 5103 (Monroe Co.R.J.A. 5103) is amended as indicated in the following document, effective July 1, 2025, and no less than thirty (30) days after publication in the *Pennsylvania Bulletin*.

It Is Further Ordered that the District Court Administrator shall:

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

2. File one (a) paper copy of this Order and Rules with the Legislative Reference Bureau and one (1) electronic copy in Microsoft Word format only via email to bulletin@palrb.us for publication in the *Pennsylvania Bulletin*.

3. Arrange to have these Rules published on the Monroe County Bar Association website at www.monroebar.org.

4. Arrange to have these Rules, as well as all local rules, published on the 43rd Judicial District website at www.monroepacourts.us.

5. Keep these Rules, as well as all local rules of this Court, continuously available for public inspection and copying in the respective Monroe County filing office

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

By the Court

MARGHERITA PATTI-WORTHINGTON,
President Judge

LOCAL RULES OF JUDICIAL ADMINISTRATION COURT OF COMMON PLEAS 43RD JUDICIAL DISTRICT MONROE COUNTY

Rule 5103. Custody of Exhibits. Special Provisions.

(a)—(d) *Reserved*.

(e) *Use of Digital Media*. The Proponent of any exhibit shall ensure such exhibit, or photographic substitution thereof, is submitted to the Court Reporter/Recorder/Monitor on a Universal Serial Bus (USB) flash drive (or other storage device if expressly approved by the Court), **[which shall contain an index of all exhibits on said device, in one of the following acceptable formats] which shall comply with all of the following:**

(1) The maximum file size of any individual file on a USB flash drive shall be 50 MB.

(2) Each separately numbered exhibit must be saved as a separate file on the Proponent's USB flash drive. All files shall be named in accordance with the following naming convention: "[Case Name] [Docket Number] [Proponent Title] Exhibit [#]".

(3) If one exhibit will exceed the maximum file size, it must be split into as many parts as are necessary to comply with the maximum file size and named in the following, or a substantially similar, format: [Case Name] [Docket Number] [Proponent Title] Exhibit [#] Part 1 of [total # parts]," and so on.

(4) Each USB flash drive shall contain an additional file labeled "[Case Name] [Docket Number] [Proponent Title] Index of Exhibits" which shall list all exhibits offered into evidence by the Proponent, and associated information, in the format provided for by the Index of Exhibit Template in Monroe Co. R.J.A. 5102(b)(2).

(5) For documents and photographs, all files shall be in PDF-A format;

(6) For audio, all files shall be in .mp3 format;

(7) For video, all files shall be in .mp4 format or, in the event that a Proponent receives from a third party a video file that is not convertible (e.g. Motor Vehicle Recordings ("MVRs")), the Proponent shall include on the USB with the video file, the appropriate software required to view the video.

(8) If any exhibit requires a Confidential Information or Confidential Document Form pursuant to the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania, the Proponent shall ensure the first page of any exhibit file is the appropriate form. For any video or audio exhibit that requires a Confidential Information Form, the Proponent shall include on the Storage

Device with the video or audio file a PDF-A file containing the appropriate form.

i. All files associated with one of these forms must include in the file name the word “CONFIDENTIAL.”

Comment: [This provision shall be phased in over time but no later than July 1, 2025 to enable counsel to meet the requirements of this provision] As of July 1, 2025, compliance with this Rule will be mandatory for all exhibit submissions.

[Pa.B. Doc. No. 24-1771. Filed for public inspection December 13, 2024, 9:00 a.m.]

Title 25—LOCAL COURT RULES

MONROE COUNTY

Local Rules of Civil Procedure 1920.51 to 1920.54 Actions in Divorce; 5 CV 2024

Amended Order

And Now, this 2nd day of December, 2024, it is *Ordered* that Monroe County Rules of Civil Procedure 1920.51 to 1920.54 (Monroe Co.R.Civ.Pro. 1920.51 to 1920.54) are as follows and the amendments thereto are adopted, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

It Is Further Ordered that the District Court Administrator shall:

1. File one (1) electronic copy of these Rules with the Administrative Office of Pennsylvania Courts via email to civilrules@pacourts.us for review and approval by the Civil Rules Committee.

2. Upon receipt of permission to publish from the Civil Rules Committee, file one (a) paper copy of this Order and Rule with the Legislative Reference Bureau and one (1) electronic copy in Microsoft Word format only via email to bulletin@palrb.us for publication in the *Pennsylvania Bulletin*.

3. Arrange to have these Rules published on the Monroe County Bar Association website at www.monroebar.org.

4. Arrange to have these Rules, as well as all local rules, published on the 43rd Judicial District website at www.monroepacourts.us.

5. Keep these Rules, as well as all local rules of this Court, continuously available for public inspection and copying in the respective Monroe County filing office.

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

By the Court

MARGHERITA PATTI-WORTHINGTON,
President Judge

Actions in Divorce

1920.51. Proceedings Before the [**Master**] **Divorce Hearing Officer**.

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

(b) Either party may file a motion for the appointment of a divorce [**master**] **hearing officer** provided that:

(1) The moving party has complied with the requirements of [**Pa.R.C.P.**] **Pa.R.Civ.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**] **hearing officer together** 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**] **hearing officer**.

(c) If opposing counsel or any unrepresented party objects to the filing of the motion for the appointment of a divorce [**master**] **hearing officer**, the objector shall, within 20 days of the service of the notice of intention to file motion for the appointment of a divorce [**master**] **hearing officer**, 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 officer’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**] **hearing officer** 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**] **hearing officer**, the Court Administrator shall assign the [**master**] **hearing officer** 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.**] **an order that includes the following:**

(1) dates and times for a hearing and a pretrial conference;

(2) a deadline for the filing and service of the non-moving party’s pretrial statements in conformity with Pa.R.Civ.P. 1920.33; and

(3) a deposit amount to be paid by the moving party for the transcription of any part of the scheduled master’s hearing.

(i) Such deposit amount shall be set by the President Judge and upon payment, shall be placed into escrow for the case by the Monroe County Prothonotary’s Office.

(ii) The Prothonotary shall pay any amounts from that deposit in accordance with Monroe County R.J.A. 4007—4011.

(iii) If the deposit is insufficient to cover the cost of the transcript, the moving party shall pay any balance within 14 days of the date the Court Reporter, Recorder, or Transcriptionist files a Form A in accordance with Monroe County R.J.A. 4007(C).

(iv) The hearing officer may allocate the total cost of the hearing transcript among the parties as part of the recommendation.

(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] hearing officer may recommend that the Court impose sanctions.

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

(h) If additional hearing days are needed, the [master] hearing officer 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] hearing officer shall be compensated for any additional full or partial days of hearing in an amount to be determined by the [court] President Judge.

(i) Forms.

[CASE CAPTION]

NOTICE OF INTENTION TO FILE PETITION REQUESTING THE APPOINTMENT OF A DIVORCE [MASTER] HEARING OFFICER

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] Hearing Officer.

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] Hearing Officer 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 Officer's Hearing in Divorce.

(a) Scheduled [master's] hearing officer'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 officer'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 officer'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] hearing officer, the office of Court Administration and all parties, with a certificate of service.

(g) Motions for continuance of [master's] hearing officer'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 officer's hearing has been sought from, counsel to respondent, OR , pro se respondent, by mailing the motion for continuance of divorce [master's] hearing officer'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 officer'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**] **hearing officer** 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**] **hearing officer** 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**] **hearing officer** shall file a report and recommendation within thirty days of the scheduled hearing date.

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