

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1910]

Amendment of Rules 1910.11 and 1910.12 of the Rules of Civil Procedure; No. 555 Civil Procedural Rules Doc.

Amended Order

Per Curiam

And Now, this 23rd day of December, 2011, upon the recommendation of the Domestic Relations Procedural Rules Committee; the proposal having been published for public comment in the *Pennsylvania Bulletin*, 41 Pa.Bull. 3527 (July 2, 2011) and *West's Pennsylvania Reporter*, 21 A.3d No. 3, Ct.R-3-5 (August 5, 2011):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1910.11 and Rule 1910.12 of the Pennsylvania Rules of Civil Procedure are amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on January 31, 2012.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.11. Office Conference. Subsequent Proceedings. Order.

* * * * *

(d)(1) The conference officer [**may**] shall make a recommendation to the parties of an amount of support [**which is**] calculated in accordance with the guidelines.

(2) If an agreement for support is reached at the conference, the officer shall prepare a written order substantially in the form set forth in Rule 1910.27(e) and in conformity with the agreement for signature by the parties and submission to the court together with the officer's recommendation for approval or disapproval. The court may enter the order in accordance with the agreement without hearing the parties.

(3) **In all cases in which one or both parties are unrepresented, the parties must provide income information to the domestic relations section so that a guidelines calculation can be performed.**

(4) **In cases in which both parties are represented by counsel, the parties shall not be obligated to provide income information and the domestic relations section shall not be required to perform a guidelines calculation if the parties have reached an agreement about the amount of support and the amount of contribution to additional expenses.**

* * * * *

Explanatory Comment—2011

The rule has been amended to require that income information be provided in all cases, unless

both parties are represented in reaching an agreement, so that a guidelines calculation can be performed. The guidelines create a rebuttable presumption that the amount calculated pursuant to them is the correct amount, so there should be a calculation in every case. If parties agree to receive or to pay an order other than the guideline amount, they should know what that amount is so that they can enter an agreement knowingly. If both parties are represented by counsel, it is assumed that their entry into the agreement for an amount other than a guidelines amount is knowing as it is counsels' responsibility to advise the parties. In addition, part of the mandatory quadrennial review of the support guidelines mandates a study of the number of cases in which the support amount ordered varies from the amount that would result from a guidelines calculation. Federal regulations presume that if a large percentage of cases vary from the guideline amount, then the guidelines are not uniform statewide.

Rule 1910.12. Office Conference. Hearing. Record. Exceptions. Order.

(a) There shall be an office conference as provided by Rule 1910.11(a) through (d). **The provisions of Rule 1910.11(d)(3) and (4) regarding income information apply in cases proceeding pursuant to Rule 1910.12.**

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[Pa.B. Doc. No. 12-134. Filed for public inspection January 27, 2012, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 6]

Order Revising the Comment to Rule 621 of the Rules of Criminal Procedure; No. 407 Criminal Procedural Rules Doc.

Order

Per Curiam

And Now, this 9th day of January, 2012, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3) in the interests of efficient administration, and a Final Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the revision of the Comment to Pennsylvania Rule of Criminal Procedure 621 is approved in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective February 1, 2012.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE
CHAPTER 6. TRIAL PROCEDURES IN COURT
CASES

PART B. Non-Jury Procedures

Rule 621. Procedure When Jury Trial is Waived.

* * * * *

Comment

The 1999 amendment conforms this rule to the 1998 amendment to article I, § 6 of the Pennsylvania Constitution providing that “the Commonwealth shall have the same right to trial by jury as does the accused.”

Paragraph (B) was amended in 1999 to make it clear that the defendant, the attorney for the Commonwealth, or the judge may unilaterally withdraw the jury trial waiver or the approval at any time before the commencement of trial. **Concerning the time when trial commences, see *Commonwealth v. Dowling*, 598 Pa. 611, 619-620, 959 A.2d 910, 915 (2008) (holding that “trial commences for purposes of Pa.R.Crim.P. 621(B), when a court has begun to hear motions which have been reserved for the time of trial; when oral arguments have commenced; or when some other such substantive first step in the trial has begun”).** After commencement of trial, Rule 605 governs.

Paragraph (c) was deleted in 1999 to permit the defendant and the attorney for the Commonwealth to waive a jury trial with the court’s approval, under Rule 620, even after the withdrawal of a previous jury trial waiver.

When there are co-defendants, withdrawal of a waiver, or withdrawal of the judge’s approval, with respect to one or more defendants does not preclude a waiver and non-jury trial for other defendants.

Official Note: Rule 1102 adopted January 24, 1968, effective August 1, 1968; amended April 16, 1999, effective July 1, 1999; renumbered Rule 621 and Comment revised March 1, 2000, effective April 1, 2001; **Comment revised January 9, 2012, effective February 1, 2012.**

Committee Explanatory Reports:

Final Report explaining the April 16, 1999 amendments concerning the 1998 Constitutional amendment published with the Court’s Order at 29 Pa.B. 2290 (May 1, 1999).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court’s Order at 30 Pa.B. [1477] 1478 (March 18, 2000).

Final Report explaining the January 9, 2012 Comment revision adding a citation to *Commonwealth v. Dowling* published with the Court’s Order at 42 Pa.B. 546 (January 28, 2012).

FINAL REPORT¹

Revision of the Pa.R.Crim.P. 621 Comment

Timeliness of Request to Withdraw Waiver of Jury Trial

On January 9, 2012, effective February 1, 2012, upon the recommendation of the Criminal Procedural Rules Committee, the Court approved the revision of the Comment to Pa.R.Cim.P. 621 (Procedure When Jury Trial is Waived) that adds a citation to *Commonwealth v. Dowl-*

ing, 598 Pa. 611, 959 A.2d 910 (2008) concerning the period within which a defendant may withdraw a waiver of a jury trial. At the request of the Court, the Committee undertook a review of the provisions of Rule 621(B) with regard to the defendant’s right to withdraw a waiver of a jury trial at any time before the commencement of trial in light of the different approaches to withdrawal of jury waivers that other jurisdictions have adopted.

The Committee reviewed the case law and rules in other jurisdictions. As noted in *Dowling*, a number of other jurisdictions permit withdrawals of jury trial waivers in the discretion of the trial judge. The Committee found numerous procedural variations in how the discretion is exercised and about what is the burden of proof. The Committee also noted that, even though permission to withdraw the waiver is left to the discretion of the trial judge, the commencement of trial or the taking of evidence are the time limits within which the request to withdraw the waiver must be made.

During the Committee’s discussion various views were articulated, with some members suggesting that permitting withdrawal in the judge’s discretion makes sense because the judge is in the best position to know whether and when a withdrawal should be permitted. Other members suggested that current Pennsylvania practice permitting the withdrawal of a waiver of a jury trial is essential to protect the defendant’s rights. They argued that the bright line limitation on when a withdrawal may be made in current Rule 621(B) adequately safeguards the defendant and promotes judicial economy, and with the clarifications in *Dowling*, there will be fewer challenges about when a request to withdraw a waiver of the jury trial should be granted. In addition, there was concern that changing to a discretionary system potentially could result in more issues being raised with the courts concerning the judge’s exercise of discretion rather than reducing the number of challenges.

The Committee ultimately concluded that no changes in the procedures are necessary. However, the members agreed that the Rule 621 Comment should be revised to include a citation to the *Dowling* case and the Court’s definition of “commencement of trial.”² This revision will provide adequate notice to the bench and bar of the definitional clarification, and is consistent with the Court’s stated goal of ensuring that the exercise of the right to withdraw a jury trial waiver is “not used to frustrate the administration of justice by delaying the proceedings for tactical gain.” *Id.* at 620, 959 A.2d at 915. Accordingly, the Rule 621 Comment has been revised with the addition of the following language:

Concerning the time when trial commences, see *Commonwealth v. Dowling*, 598 Pa. 611, 619-620, 959 A.2d 910, 915 (2008) (holding that “trial commences for purposes of Pa.R.Crim.P. 621(B), when a court has begun to hear motions which have been reserved for the time of trial; when oral arguments have commenced; or when some other such substantive first step in the trial has begun”).

[Pa.B. Doc. No. 12-135. Filed for public inspection January 27, 2012, 9:00 a.m.]

¹ The Committee’s Final Reports 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.

² The Court in *Dowling* clarified that the definition of “commencement of trial” in the jury trial waiver context is the same as the definition of “commencement of trial” in the prompt trial context.

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CH. 1]

Order Amending Rule 152 of the Rules of Juvenile Court Procedure; No. 554 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 11th day of January, 2012, upon the recommendation of the Juvenile Court Procedural Rules Committee; the proposal having been published for public comment before adoption at 41 Pa.B. 1013 (February 26, 2011), in the *Atlantic Reporter* (Third Series Advance Sheets, Vol. 11, No. 3, March 4, 2011), and on the Supreme Court's web-page, and an Explanatory Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the amendments to Rule 152 of the Rules of Juvenile Court Procedure are approved in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective March 1, 2012.

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 1. GENERAL PROVISIONS

PART B(2). COUNSEL

Rule 152. Waiver of Counsel.

A. *Waiver requirements.* A juvenile who has attained the age of fourteen may [not] waive the right to counsel [unless] if:

1) the waiver is knowingly, intelligently, and voluntarily made; and

2) the court conducts a colloquy with the juvenile on the record[.]; and

3) the proceeding for which waiver is sought is not one of the following:

a) detention hearing pursuant to Rule 242;

b) transfer hearing pursuant to Rule 394;

c) adjudicatory hearing pursuant to Rule 406, including the acceptance of an admission pursuant to Rule 407;

d) dispositional hearing pursuant to Rule 512; or

e) a hearing to modify or revoke probation pursuant to Rule 612.

B. *Stand-by counsel.* The court may assign stand-by counsel if the juvenile waives counsel at any proceeding or stage of a proceeding.

C. *Notice and revocation of waiver.* If a juvenile waives counsel for any proceeding, the waiver only applies to that proceeding, and the juvenile may revoke the waiver of counsel at any time. At any subsequent proceeding, the juvenile shall be informed of the right to counsel.

Comment

[It is recommended that, at a minimum, the court ask questions to elicit the following information in determining a knowing, intelligent, and voluntary waiver of counsel:

1) Whether the juvenile understands the right to be represented by counsel;

2) Whether the juvenile understands the nature of the allegations and the elements of each of those allegations;

3) Whether the juvenile is aware of the dispositions, community service, or fines that may be imposed by the court;

4) Whether the juvenile understands that if he or she waives the right to counsel, he or she will still be bound by all the normal rules of procedure and that counsel would be familiar with these rules;

5) Whether the juvenile understands that there are possible defenses to these allegations that counsel might be aware of, and if these defenses are not raised at the adjudicatory hearing, they may be lost permanently;

6) Whether the juvenile understands that, in addition to defenses, the juvenile has many rights that, if not timely asserted, may be lost permanently; and if errors occur and are not timely objected to, or otherwise timely raised by the juvenile, these errors may be lost permanently;

7) Whether the juvenile knows the whereabouts of absent guardians and if they understand they should be present; and

8) Whether the juvenile has had the opportunity to consult with his or her guardian about this decision.]

Because of the ramifications of a juvenile record, it is important that every safeguard is taken to ensure that all constitutional and procedural guarantees and rights are preserved. Juveniles should not feel pressured to waive counsel or be the subject of any proactive pursuit for obtaining a waiver.

In determining whether the waiver of counsel is knowingly, intelligently, and voluntarily made, the court, on the record, is to ask the juvenile questions to elicit: 1) the reasons why the juvenile wants to waive counsel; 2) information regarding the juvenile's: a) age; b) maturity; c) education; d) mental health issues, if any; and e) any current alcohol or drug issues that may impair the juvenile's decision-making skills; 3) the juvenile's understanding of the: a) right to an attorney, including the provisions of Rule 151; b) juvenile's role when proceeding *pro se*; c) allegations in the petition against the juvenile; d) possible consequences if the juvenile is found delinquent; 4) whether the juvenile consulted with the juvenile's guardian; and 5) whether the juvenile consulted with an attorney.

If it is determined that the juvenile has not knowingly, intelligently, and voluntarily waived counsel, the court immediately is to appoint counsel for the juvenile. If it is determined that the juvenile has made a knowing, intelligent and voluntary waiver, the court may appoint stand-by counsel for all proceedings.

This rule is not meant to preclude the guardian's presence at any hearing. **Indeed, the presence and active participation of a guardian should be welcomed. During the colloquy which is the subject of this rule, the court should feel free to elicit information from the guardian.** As provided in Rule 131 and the Juvenile Act, 42 Pa.C.S. §§ 6310, 6335(b), and 6336.1, the court can order the guardian's presence if the court determines that it is in the best **[interests] interest** of the juvenile. When conducting the colloquy, the court should also keep in mind the age, maturity, intelligence, and mental condition of the juvenile, as well as **[,]** the experience of the juvenile, the juvenile's ability to comprehend, the guardian's presence and consent, and the juvenile's prior record.

This rule requires the juvenile to waive the right to counsel. A guardian may not waive the juvenile's right to counsel. To implement this rule, Rule 800 suspends 42 Pa.C.S. § 6337 only to the extent that the right to waiver of counsel belongs to the juvenile and the guardian may not waive the right for the juvenile.

Additionally, Rule 150(B) provides that once an appearance is entered or the court assigns counsel, counsel is to represent the juvenile until final judgment, including any proceeding upon direct appeal and dispositional review, unless permitted to withdraw. See Pa.R.J.C.P. 150(B).

Notwithstanding the provisions of paragraph (A)(3), a juvenile fourteen years of age or older may make or file a motion pursuant to Rule 344(E) for alternative relief, for example, when the juvenile subscribes to a protected formal belief system which prohibits attorney representation.

Pursuant to paragraph (C), if waiver of counsel is revoked, the court is to appoint counsel before proceeding.

Official Note: Rule 152 adopted April 1, 2005, effective October 1, 2005. Amended January 11, 2012, effective March 1, 2012.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 152 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 152 published with the Court's Order at 42 Pa.B. 547 (January 28, 2012).

EXPLANATORY REPORT

January 2012

The Supreme Court of Pennsylvania has adopted the changes to Rule 152 with this Recommendation. The changes are effective March 1, 2012.

Background

The issue of waiver of counsel has been a topic of discussion and debate since the inception of the Juvenile Court Procedural Rules Project in 1999 and the creation of the Juvenile Court Procedural Rules Committee in 2001.

Despite the recurring debate on various aspects of waiver, research indicates that in most jurisdictions, juveniles are very rarely waiving counsel. According to 2009 statistics from the Juvenile Court Judges' Commission, over 99.2% of juveniles have an attorney for court proceedings. In 2009, one hundred eighty five (<.08%) juveniles waived the right to have an attorney. In the

majority of waiver cases, the juvenile was discharged from court supervision, placed on informal adjustment, or the case was dismissed.

Even though waiver of counsel is rarely occurring across this Commonwealth, the unfortunate circumstances that came to light in Luzerne County brought this subject to the forefront more recently. In August of 2009, the Interbranch Commission on Juvenile Justice (ICJJ) was convened to address how the Luzerne County juvenile system failed, to restore public confidence, and to prevent similar events from occurring again. One of the primary issues concerned unrepresented juveniles sent to placement facilities for minor infractions.

One method of protecting juveniles is ensuring that all juveniles have an attorney. In May of 2011, the Supreme Court adopted a rule recommendation presuming all juveniles to be indigent. Effective July 1, 2011, all juveniles are appointed counsel unless they decide to retain a private attorney.

Once counsel is appointed, the question is whether the juvenile may waive his or her right to an attorney. The debate on waiver of counsel has centered on the derivation of the juvenile's right to counsel. The analysis for waiving a right is dependent upon this origin.

It is clear that an adult defendant has a Sixth Amendment right to counsel. The U.S. Supreme Court has also determined that adult defendants have a right to self-representation. See *Faretta v. California*, 422 U.S. 806 (1975). This right was determined to be derived from the defendant's Sixth Amendment right to counsel.

In juvenile delinquency cases, the U.S. Supreme Court determined that the juvenile has a right to counsel but it is derived from the Fourteenth Amendment's due process clause. In *re Gault*, 387 U.S. 1 (1967). Pennsylvania then recognized the juvenile's right to counsel by providing in its Juvenile Act that a party is entitled to representation by legal counsel at all stages of any proceedings. See 42 Pa.C.S. § 6337.

In *re Winship*, the U.S. Supreme Court expanded its ruling in *Gault* by providing the juvenile with additional due process rights to confront and cross-examine witnesses, and to the same standard of proof as adult defendants which is a finding of guilty beyond a reasonable doubt. In *re Winship*, 397 U.S. 358 (1970).

However, there is no precedent for a juvenile's right to self-representation. In *McKeiver v. Pennsylvania*, 403 U.S. 528 (1971), the U.S. Supreme Court determined that a juvenile does not have the right to a trial by jury. It found that "a juvenile proceeding is not a criminal prosecution within meaning and reach of [the] Sixth Amendment guaranteeing [a] right to an impartial jury in all criminal prosecutions." *McKeiver, supra*.

In *McKeiver*, all the litigants agreed that the applicable due process standard in juvenile proceedings, as developed by *Gault* and *Winship*, is fundamental fairness. As that standard was applied in those two cases, the U.S. Supreme Court placed an emphasis on fact-finding procedures. The requirements of notice, counsel, confrontation, cross-examination, and standard of proof naturally flowed from this emphasis. "But one cannot say that in our legal system, the jury is a necessary component of accurate fact-finding." *McKeiver, supra*.

Under this same analysis, it can be argued that the right to self-representation is also not a necessary component of accurate fact-finding. It actually tends to lead us to the opposite conclusion as juveniles are not effective advocates with specialized training who can accurately set forth the facts in a case or object to evidence that legally should be excluded.

The next question of whether the juvenile has a right to self-representation under the “law of the land” due process clause of the Pennsylvania Constitution is also addressed by this same analysis. *See* Pa. Const., Art. 1, § 9.

In re Terry, 265 A.2d 350 (Pa. 1970), the Supreme Court of Pennsylvania held that the juvenile does not have a right to a trial by jury. This case was consolidated with another case and affirmed by the U.S. Supreme Court in *McKeiver*, *supra*. The Supreme Court of Pennsylvania stated that it was “confident that a properly structured and fairly administered juvenile court system can serve our present societal needs without infringing upon individual freedoms. If hearings are conducted in accordance with the procedural safeguards, juveniles are not constitutionally compelled to be granted a trial by jury.” *Terry*, *supra*.

The Committee believes that the constitutional analysis, as stated *supra*, is persuasive and supports the proposition that juveniles do not have an absolute right to self-representation. Therefore, the Committee believes that a juvenile’s right to waive counsel can be limited while protecting the juvenile’s freedoms and fundamental fairness.

There has never been any debate that when a juvenile waives counsel, the waiver must be knowingly, intelligently, and voluntarily made. When looking at this standard for waiver, it is clear to the Committee that any person under the age of fourteen does not have the capacity to understand a complex legal system in which attorneys must be educated and receive additional appropriate training. Therefore, the Committee recommended no juvenile under the age of fourteen can waive counsel.

It can be argued that a minority of juveniles over the age of fourteen may be able to make a knowing, intelligent, and voluntary waiver of counsel. The Court has recognized the rights of juveniles over the age of fourteen to make decisions concerning their mental health treatment, including taking medication. Additionally, the legislature has recognized that juveniles over the age of fourteen can be transferred to and from criminal proceedings for certain offenses. In the adult system, juveniles may be able to waive counsel if their waiver is knowingly, intelligently, and voluntarily made.

Therefore, the Committee balanced the rights of these juveniles with the need to protect them when serious consequences arise from their actions. Protecting juveniles outweighs any right to self-representation in any proceeding that has lifetime implications. Because of the consequences attached to certain proceedings in juvenile court, the Committee recommended a juvenile cannot waive counsel at a detention, adjudicatory, transfer, disposition, or probation revocation hearing.

A juvenile may be sent to an out-of-home placement for any delinquent act. There are also several collateral consequences related to a delinquency adjudication, which include challenges to obtaining employment, licenses, public housing, enrolling in the military; or

being expelled from school. *See* <http://www.pacourts.us/T/BoardsCommittees/JuvenileCourtProcedural/> for the Collateral Consequences Checklist.

Because of the lifetime implications that flow from a delinquency adjudication, juveniles must be protected at the hearing that determines their guilt or innocence. Individual liberties and freedom are at stake at the detention, transfer, dispositional, and probation revocation hearings; therefore attorney representation is needed to protect the juvenile’s rights.

Additionally, once an attorney has been appointed or retained, Rule 150(B) requires the attorney to represent the juvenile until final judgment, including any proceeding upon direct appeal and dispositional review, unless permitted to withdraw. If counsel withdraws, new counsel must be appointed. Therefore, it is expected that a juvenile will always have an attorney at those proceedings.

Rule discussion

As previously stated, the modifications to Rule 152 are consistent with the Recommendations of the ICJJ which emphasize the importance of protecting juveniles who face serious consequences. *Interbranch Commission on Juvenile Justice Report*, May 2010, pp. 50–51.

Paragraph (A) allows a juvenile who is at least fourteen years of age to waive counsel if: 1) waiver is knowingly, intelligently, and voluntarily made; 2) the court conducts the colloquy with the juvenile on the record; and 3) the hearing is not one of the specified proceedings.

Because the consequences of a detention, transfer, adjudicatory, dispositional, and probation revocation hearings are too harsh for a juvenile to navigate the system alone, a juvenile may not waive counsel at those proceedings. As implied in the constitutional analysis *supra*, the Committee believes that the juvenile’s right to self-representation fails under a balancing test of the Fourteenth Amendment’s due process clause.

No changes were made to paragraph (B) & (C). Paragraph (B) allows the court to appoint stand-by if the juvenile waives counsel at any proceeding not enumerated in paragraph (A)(3). Paragraph (C) emphasizes waiver of counsel applies only to one proceeding and the juvenile must be informed of the right to counsel at each subsequent proceeding.

The colloquy requirements were changed in the Comment to address the general minimal requirements for information that should be obtained by the court. It is important to understand why the juvenile wishes to waive counsel. If there are any misperceptions by the juvenile, the court can dispel those misperceptions.

Another addition to the Comment includes that if a juvenile has a constitutionally protected formal belief system that prohibits attorney representation, the juvenile may move or file a motion under Rule 344(E) requesting the provisions of this rule do not apply to him or her. For example, an individual whose religious belief does not permit attorney representation may claim that his or her First Amendment right would outweigh any Fourteenth Amendment constitutional balancing test.

[Pa.B. Doc. No. 12-136. Filed for public inspection January 27, 2012, 9:00 a.m.]

Title 255—LOCAL COURT RULES

DAUPHIN COUNTY

Petition of Dale E. Klein Clerk of Courts Fee Schedule Approval Pursuant to Act 36 2000; 1341 No. MD 2011

Administrative Order

And Now, To Wit, This 6th day of December 2011, pursuant to the provisions of 42 P. S. Section 1725.4, the fee bill of the Clerk of Court of Dauphin County, Pennsylvania, is amended to reflect the following Fee Schedule. The fee bill shall be effective the first day of February 2012, upon due advertisement as required by the Administrative Rules of Court.

It Is Further Ordered that in accordance with Pa.R.Civ.P. 239, the District Court shall:

- (a) File seven (7) copies hereof with the Administrative Office of Pennsylvania Courts;
- (b) Distribute two (2) certified copies hereof to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;
- (c) Cause a copy hereof to be published in the *Dauphin County Reporter* once a week for two (2) successive weeks at the expense of the County of Dauphin;
- (d) Supervise the distribution thereof to all Judges and member of the Bar of this Court.

By the Court

TODD A. HOOVER,
President Judge

Proposed Fee Schedule 2012—2015

	<i>Current</i>	<i>Increase</i>	<i>New rate— Rounded</i>
Clerk Fees:			
** Court Costs (Misdemeanor/Felony) Disposed of before trial	\$149.00	13.70	162.70
** Court Costs (Misdemeanor/Felony) Disposed of During or After Trial	\$198	18.20	216.20
** Summary Case Costs	\$29	2.60	31.60
Copies:			
Per page	.50	0	.50
Certified Copy	\$10.00	.90	10.90
Filing Fees:			
* All other Matters and Reports ¹	\$18	1.65	19.65
* Constable Bond	\$18	1.65	19.65
** Summary Conviction Appeal (charged each Docket #)	\$49	4.50	54.50
** Appeals to Commonwealth/Superior Court or Supreme Court	\$65	5.50	70.50
* Road Docket Cases	\$18	1.65	19.65
** Expungement Petition	\$18	1.65	19.65 (Plus \$10.00 Postage)
Forms:			
Defense Sub Poena	\$3.00	.30	3.30
* Record Check	\$10.00	.90	10.90
* Bail piece (charged on each case issued)	\$18.00	1.65	19.65
Miscellaneous:			
Postage (Charged per case)			\$10.00
Automation Fee		\$5.00	\$5.00
Expungement Instruction Packet ²			\$5.00

¹ Except that no fee shall be charged for filing township and borough audit reports or transcripts received which indicate a final disposition by the magisterial district judge.

² Expungement Packet includes the docket transcript, the disposition sheet, verification that all costs have been paid and instructions. Petition must send a self-addressed, stamped envelope with payment to receive packet.

	<i>Current</i>	<i>Increase</i>	<i>New rate— Rounded</i>
Summary Appeal Packet ³			\$5.00
Revocation			\$35.00
* Add \$5.00 for Equipment Automation Fund			
** Add \$15.00 for Equipment Automation Fund and Postage			

[Pa.B. Doc. No. 12-137. Filed for public inspection January 27, 2012, 9:00 a.m.]

³ Summary Appeal Packet includes the instructions.

ERIE COUNTY
**Revision and Restatement of the Local Orphans’
 Court Rules; Civil Division 90001-12**

Order

And Now, this 6th day of January, 2012, amended Rule(s) 12.0.1(b)(2) of the Orphans’ Court Rules for Erie County, Pennsylvania are as follows and they shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

ERNEST J. DISANTIS, Jr.,
President Judge

Rule 12. Special Petitions

12.0.1 Settlement of Small Estates.

(a) *Form of Petitions. Contents.*

Petitions under PEF Code § 3102, as amended for the settlement of small estates shall set forth:

- (1) The name and address of the petitioner and the relationship of the petitioner to the decedent.
- (2) The name, date of death and domicile of decedent, whether the decedent died testate or intestate, the dates of the probate of the Will and of the grant of letters, if any, and whether the personal representative has been required to give bond and, if so, amount.
- (3) The names and relationship of all beneficiaries entitled to any part of the estate under the Will or intestate laws, a brief description of their respective interests, whether any of them has received or retained any property of the decedent by payment of wages under Section 3101 of the PEF Code and whether any of them are minors, incapacitated or deceased with the names of their fiduciaries.
- (4) The person or persons, if any, entitled to the family exemption; whether or not the individual was a member of the same household as the decedent at the time of decedent’s death; and, if a claim thereof is made in this petition, any additional facts necessary to establish the prima facie right thereto.
- (5) An inventory of the real and personal estate of the decedent, with values ascribed to each item, either incorporated in the petition or attached as an exhibit.
- (6) An itemization of all administrative costs, funeral expenses, debts and distributions, and of assets then remaining for distributions.
- (7) A list showing the nature, amount and preference of all unpaid claims against the estate and indicating which are admitted.

(8) That ten (10) business days’ written notice of intention to present the petition has been given to every unpaid beneficiary, heir or claimant who has not joined in the petition, or to the Attorney General, if the decedent’s heirs are unknown.

(9) A prayer for distribution of the property, setting forth the persons entitled and their distributive shares, and requesting the discharge of the personal representative and the release of surety, if letters have been granted and advertised.

(b) *Required Exhibits.*

The following exhibits shall be attached to the petition:

- (1) The original of the decedent’s Will, if it has not been probated.
- (2) Joinders or notice to unpaid beneficiaries, heirs and claimants.
- (3) A receipt for the filing of an inheritance tax return reporting the assets which are the subject of the petition.
- (4) A certification that a copy of the proposed petition and decree has been given to all beneficiaries and unpaid creditors at least ten (10) business days prior to presentation of the petition.
- (5) Written confirmation by the Pennsylvania Department of Public Welfare of the amount of any claim for assistance provided to the decedent.

[Pa.B. Doc. No. 12-138. Filed for public inspection January 27, 2012, 9:00 a.m.]

SUPREME COURT

**Accreditation of the Pennsylvania Bar Association
 Workers’ Compensation Law Section; No. 105
 Disciplinary Rules Doc.**

Order

And Now, this 12th day of January, 2012, upon consideration of the recommendation of the Pennsylvania Bar Association Review and Certifying Board, the Pennsylvania Bar Association Workers’ Compensation Law Section is hereby accredited as a certifying organization in the area of Workers’ Compensation Law for the period from January 12, 2012 to January 12, 2017.

RONALD D. CASTILLE,
Chief Justice

[Pa.B. Doc. No. 12-139. Filed for public inspection January 27, 2012, 9:00 a.m.]

**Philadelphia Traffic Court Judge Willie Singletary;
No. 377 Judicial Administration Doc.**

Order

Per Curiam

And Now, this 5th day of January 2012, upon consideration of the December 22, 2011 Petition of the Honorable Gary S. Glazer of the First Judicial District of Pennsylvania, Administrative Judge of Traffic Court, it is hereby Ordered that Philadelphia Traffic Court Judge Willie Singletary is hereby relieved of any and all judicial and administrative responsibilities as a judge of the Philadelphia Traffic Court.

It is further Ordered that Judge Willie Singletary is suspended without pay pending further order of this Court.

This Order is without prejudice to the rights of Judge Willie Singletary to seek relief in this Court for the purpose of vacating or modifying this interim Order. *In re: Avellino*, 690 A.2d 1138 (Pa. 1997); and *see, In re: McFalls*, 795 A.2d 367 (Pa. 2002).

[Pa.B. Doc. No. 12-140. Filed for public inspection January 27, 2012, 9:00 a.m.]

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