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**LANCASTER
COUNTY
COURT
OF
COMMON
PLEAS
LOCAL
RULES**

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JUDGE

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JUDGE

LOUIS J. FARINA
JUDGE

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JUDGE

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JUDGE

HENRY S. KENDERDINE, JR.
JUDGE

JAMES P. CULLEN
JUDGE

LESLIE GORBEBY
JUDGE

JOSEPH C. MADENSPACHER
JUDGE

DAVID L. ASHWORTH
JUDGE

JAY J. HOBERG
JUDGE

DAVID R. WORKMAN
JUDGE

July 26, 2004

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The Honorable Lawrence F. Stengel, Judge
The Honorable Henry S. Kenderdine, Jr., Judge
The Honorable James P. Cullen, Judge
The Honorable Leslie Gorbey, Judge
The Honorable Isaac H. Stoltzfus, District Justice
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Christopher S. Underhill, Jr., Esq.

ADMINISTRATIVE ORDER

The following rules constitute the Lancaster County Court of Common Pleas Local Rules and will be effective on July 26, 2004. On that date, all previously issued Local Rules will be rescinded.

BY THE COURT:

MICHAEL A. GEORGELIS
PRESIDENT JUDGE
MAY 1, 2004

DEFINITIONS

PARTY.

For all of the sections of these Local Rules, a party is defined as a litigant in a legal proceeding and may be self-represented or represented by counsel.

LANCASTER COUNTY

RULES OF CIVIL PROCEDURE

RULE 1. Title and Citation of Rules

These rules shall be known as the Lancaster County Rules of Civil Procedure and may be cited as “L.C.R.C.P. No. ”.

RULE 10. Business Judge

A. The District Court Administrator shall designate the daily Business Judge. Motions and petitions, not otherwise covered by these Rules for presentation to the Court, shall be forwarded to the Business Judge by the Prothonotary or may be presented by counsel directly to the Business Judge by appointment.

Revised 1-12-12 Effective 3-5-12

ADMINISTRATIVE APPEALS

RULE 27. Land Use Appeals

A. Appeal Notice

A land use appeal shall contain:

1. A caption in substantially the following form:

Name of Appellant

v.

NO. CI-_____

Name of municipality and name of body (i.e. zoning hearing board, governing body or or planning commission) which rendered decision

LAND USE APPEAL

2. When applicable, in separately numbered paragraphs and in the following order:

a. Name and address of the appellant.

b. Name and address of the zoning hearing board, governing body or planning commission (“local agency”) which rendered the decision.

c. Name and address of the applicant to the local agency, if the applicant is not the appellant.

d. Name and address of the owners, both real and equitable, of any real estate which was the subject of the decision and identification of the real estate.

e. The chronology of the matter, including the following as applicable:

i. Date of filing application or appeal with zoning officer or other official.

ii. Date of action of the zoning officer or other official.

iii. Date of appeal from action of zoning officer or other official to local agency or date of filing application with local agency.

iv. Dates of all hearings or meetings of the local agency.

v. Date of written decision or, if applicable, date of deemed decision from which the appeal has been taken.

vi. Date written decision served.

f. The purpose for which the application was made.

g. The basis for appellant's standing to file the appeal.

h. All specific legal and factual grounds for the appeal.

i. Specific request for relief.

3. If a court reporter was present and if a transcript is not already in existence, appellant's certification that appellant has ordered a transcript of the proceedings and has made satisfactory arrangements with the court reporter for payment. Upon receipt of the transcript, appellant shall provide the original transcript to the solicitor of the local agency filing the return of the record. If appellant does not include a certification that appellant has ordered the transcript, any other party may file a petition requesting the Court dismiss the appeal.

B. Intervention

1. A notice of intervention under Section 1004-A of the Pennsylvania Municipalities Planning Code, 53 P.S. §11004-A, shall contain:

a. The caption and number of the appeal.

b. Name and address of intervenor.

c. Nature of the interest of intervenor in the appeal.

d. Legal and factual circumstances under which intervenor claims a right to intervene.

e. Summary of intervenor's position and grounds therefor.

2. Pa. R.C.P. Nos. 2326-2350 shall govern all other intervention.

C. Certiorari

1. The local agency shall submit its entire record within twenty days after receipt of the writ of certiorari or receipt of the transcript(s), whichever is later, including but not limited to:

a. All original papers filed in chronological order, commencing with the application.

b. Minutes of meetings of the local agency at which the application was considered.

c. The transcript of all hearings. The local agency shall not submit its record to the Prothonotary until appellant has provided the transcript of all hearings if the transcript is not in existence and available to the local agency prior to appellant's filing the appeal.

d. The complete ordinance under which the local agency rendered its decision, including maps.

e. The findings of fact and conclusions of law of the local agency, if any, and its written decision.

f. Names and addresses of all persons the local agency recognized as parties to the proceedings.

2. The chairperson or presiding officer shall certify the submission of the record.

3. The Prothonotary shall give notice of the return of the local agency's record to appellant who shall, within four days after receipt of the notice, notify the local agency, the applicant before the local agency (if appellant was not the applicant), the legal and equitable owner of the land which was the subject of the application and all other persons recognized as parties to the local agency's proceedings. Appellant shall file proof of service.

D. Disposition

1. Within ten days after the Prothonotary gives notice of the filing of the complete return of the record, any party who believes the appeal is not ready for disposition may file a motion for a conference and a praecipe requesting that the appeal be assigned to a judge. The motion for a conference shall state why the

party believes that the appeal is not ready for disposition and shall identify all actions that the party requests. At the conference, the Court may, inter alia:

- a. Require or approve supplementation of the record.
- b. Fix a time for a de novo hearing before the Court.
- c. Employ expert(s) to aid the Court to frame an appropriate order.
- d. Refer the appeal to a referee to receive additional evidence, with directions as to time deadlines and other matters the Court deems appropriate.
- e. If allowed by law, remand the appeal to the local agency with directions as to time deadlines and other matters, including mediation.

2. After the conference, the Court shall issue an appropriate order addressing the filing of briefs.

3. If no party has filed a request for a conference, the appellant shall file a brief within forty days after the date the Prothonotary gives notice of the filing of the local agency's complete record. The appellant shall limit the brief to the issues appellant raised in the land use appeal. Each other party shall file a responsive brief within thirty days after service of appellant's brief. The appellant may file a reply brief within ten days after service of the responsive brief. Any party may thereafter file and serve a praecipe stating that the appeal is ready for disposition and requesting the Prothonotary to assign it to a judge.

4. If appellant fails to file a brief within the time period established by Paragraph D.3 above or by the Court after a conference, any party may file and serve a praecipe stating that the appeal is ready for disposition together with a brief or may petition the Court for dismissal of the appeal. If a party files a praecipe requesting disposition due to the failure of the appellant to file a brief, the Court shall render a decision, without oral argument, on the record before it.

5. Any party may request oral argument when filing its brief. The Court shall hear oral argument at its discretion.

6. An appeal from a decision the local agency renders after a remand shall be filed and docketed to the original caption and number. The party filing such appeal shall be limited to issues arising from the remand. All other requirements of this Rule shall apply to an appeal from a decision after remand.

RULE 29. Local Agency and Administrative Agency Appeals other than Land Use Appeals

A. Appeals Governed by Rule

This Rule shall apply to all appeals allowed from adjudications under the Local Agency Law, 2 Pa.C.S.A. §501 et. seq., or the Administrative Agency Law, 2 Pa.C.S.A. §101 et. seq., and appeals which may be taken to the Court under the Judicial Code, 42 Pa.C.S.A. §933, other than appeals filed under Article X-A of the Pennsylvania Municipalities Planning Code, 53 P.S. §11001-A.

B. Notice of Appeal

The notice of appeal shall contain all information required by the statute which authorizes filing of the appeal. The notice of appeal shall also contain:

1. A caption in substantially the following form:

Name of Appellant

v.

NO. CI-_____

Name of local or administrative
agency which rendered decision

STATUTORY APPEAL

2. All relevant information required in Local Rule 27A.2.

3. If a court reporter was present and if a transcript is not already in existence, appellant's certification that appellant has ordered a transcript of the proceedings and has made satisfactory arrangements with the court reporter for payment if a transcript is not already in existence. Upon receipt of the transcript, appellant shall provide the original transcript to the solicitor of the agency filing the return of the record.

C. Intervention

Pa. R.C.P. Nos. 2326-2350 shall govern all intervention.

D. Certiorari

The agency shall submit its entire record within twenty days after receipt of the writ of certiorari in accordance with the procedure in Local Rule 27C. The Prothonotary shall give notice of the return of the agency's record to appellant who shall, within four days after receipt of the notice, notify the agency, the applicant before the agency (if appellant was not the applicant) and all other parties to the local agency's proceedings. Appellant shall file of proof of service.

E. Disposition

Disposition of the appeal shall be in accordance with the procedure in Local Rule 27D.

RULE 36. Assigned Judge

The assigned judge shall be the judge who:

A. Has been assigned a petition pursuant to Local Rule 206.4(c)B.5, a preliminary objection pursuant to Local Rule 1028(c) or a motion pursuant to Local Rules 1034(a) or 1035.2(a).

B. Conducts a hearing prior to trial.

C. Has been assigned a case pursuant to Local Rules 212.2A or 212.2B.

RULE 205.2(a). Physical Characteristics of Legal Papers

Legal papers submitted to the Prothonotary shall comply with the following requirements:

A. The first page shall set forth:

1. The case caption.
2. The case number.
3. The name of the assigned judge, if applicable.
4. The name, identification number, address and telephone number of the attorney and law firm or pro se party submitting the legal papers.
5. In medical malpractice actions, "Code 96" shall appear beneath the case number.

B. No manuscript cover or manuscript backing such as a blue back or firm identification strip shall be attached to any legal papers.

C. Legal papers shall be stapled once in the upper left hand corner. No tape or other material shall cover the staple.

D. All originals shall be marked "ORIGINAL". Copies shall be marked "COPY".

E. Each page shall be numbered at the bottom center of the page. The case number shall appear, in twelve point font or larger, in the upper right hand corner of each page.

F. Tabs shall be placed at the bottom of all exhibits and appendices.

G. The name of each person signing a legal paper shall be typed beneath the person's signature.

H. Briefs and memoranda shall be filed separately and not appended to other documents.

I. Verifications shall be dated.

J. Unless required by an applicable law or rule of court or unless so directed by the Court, parties or their attorneys may include only:

1. The last four digits of the social security number of the taxpayer identification number;
2. The year of the individual's birth;
3. The last four digits of the financial account information in documents filed with the Prothonotary. The responsibility for redacting these personal identifiers rests solely with the parties.

Documents will not be reviewed by the Prothonotary for compliance with the rule.

Revised 12-10-10 Effective 12-5-11

RULE 205.2(b). Cover Sheet

A. The initial legal paper filed shall be accompanied by a civil cover sheet in the form provided by the Prothonotary.

B. A request for argument, hearing or arbitration shall be accompanied by a scheduling cover sheet in the form provided by the District Court Administrator.

C. Civil cover sheets and scheduling cover sheets may also be obtained at www.co.lancaster.pa.us/courts.

RULE 205.4. Electronic Filing and Service of Legal Papers

A. "Legal paper" includes a writ of summons or a complaint that is original process naming an original defendant or an additional defendant. It excludes any pleading or other paper filed in any action subject to Pa.R.C.P. Nos. 1910.1 through 1910.50, governing support actions.

B. A party may file a legal paper with the Prothonotary by means of electronic filing at the following Internet address:

C. A filing party shall pay the costs of the electronic filing of a legal paper to the agent designated by the Prothonotary.

D. Any document filed electronically by 11:59 p.m. ET shall be deemed filed with the Court once the transmission is successfully completed (authorized date and time) as recorded on the LexisNexis File & Serve System.

E. The Prothonotary or the Prothonotary's designated agent shall promptly provide a filing status message to the filing party setting forth the date and time of acceptance of the filing. If the filing party does not receive a filing status message within one hour, the legal paper is not considered filed, and the filing party shall contact the Prothonotary.

F. If an electronic filing is not filed with the Prothonotary or is not served because of (1) an error in the transmission of the document to LexisNexis, which error was unknown to the sending party, or (2) a failure to process the electronic filing when received by LexisNexis, or (3) rejection by the Prothonotary or (4) other technical problems experienced by the filer, the Court shall, upon cause shown, enter an order permitting the document to be filed nunc pro tunc to the date and time it was attempted to be filed electronically. In the case of service, the party shall, absent extraordinary circumstances, be entitled to an order extending the date for any response or the period within which any right, duty or other act must be performed.

RULE 206.1(a). Petition. Definition. Stipulation

A. Petition Defined.

A petition is a request which seeks relief ancillary to a given cause of action and which avers facts not of record. Petitions include, but are not limited to:

1. Petitions to open or strike judgment.
2. Petitions to transfer venue.
3. Preliminary objections filed pursuant to Pa.R.C.P. No. 1028(a)(1), (5) or (6).
4. Petitions which seek the issuance of a rule to serve the interests of justice.

B. Stipulated Matters.

If the parties agree to the relief sought, the petition shall be accompanied by a stipulation signed by all affected counsel or unrepresented parties and a proposed order.

RULE 206.4(c). Petition. Rule to Show Cause

A. The procedure of Pa.R.C.P. No. 206.6 is adopted, and a rule shall issue as a matter of course pursuant to that Rule.

B. The petitioner shall attach to the petition a proposed order substantially in the following form:

ORDER

Upon consideration of the attached petition, it is hereby ordered that:

1. A rule is issued upon the respondent to show cause why the petitioner is not entitled to the relief requested.
2. The respondent shall file an answer to the petition within twenty days of service.
3. The petition shall be decided under Pa.R.C.P. No. 206.7.
4. Discovery shall be completed within forty-five days of service of the answer.
5. The petitioner shall file a brief in support of the petition within twenty days after the discovery deadline. Any party opposing the petition shall file a responsive brief within ten days of service of the petitioner's brief. The petitioner may file a reply brief within five business days of service of a responsive brief. After all briefs have been filed, any party may file a praecipe for assignment to a judge.
6. The parties may agree to amend the above deadlines in writing.
7. The petitioner shall provide notice of the entry of this Order to all parties.

BY THE COURT:

J.

DATE

C. When the petitioner requests a hearing or argument date, the form of the order may be modified accordingly.

D. When the petitioner requests a stay, the form of the order may be modified accordingly.

E. All petitions, except as provided in F, shall be filed with the Prothonotary. The Prothonotary shall forward such petitions to the Business Judge for entry of the Order.

F. A petition which requests a stay, the filing of an answer in fewer than twenty days or other substantive relief shall be presented in person to the Business Judge. For such petitions, the Court shall not issue the rule to show cause unless:

1. It appears from the petition that reasonable notice has been given to all affected parties of the date, time and place of the presentation; or
2. It appears from the petition that there is an agreement of all affected parties; or
3. The Court in its discretion shall determine that there are extraordinary circumstances justifying immediate relief.

RULE 206.7. Procedure After Issuance of Rule to Show Cause

If an answer is not filed, the petitioner shall submit a proposed order and file a praecipe to assign the petition for disposition.

RULE 208.1. Motion. Definition. Scope

- A. Motions for judgment on the pleadings shall be governed by Local Rule 1034(a).
- B. Motions for summary judgment shall be governed by Local Rule 1035.2(a).
- C. Motions in limine shall be governed by the Court's certification order after a pre-trial conference.
- D. Discovery motions shall be governed by Local Rule 208.3(c).
- E. Emergency motions shall be governed by Local Rule 208.3(a)C.
- F. If the parties agree to the relief sought, a motion shall be accompanied by a stipulation signed by all affected counsel or unrepresented parties, a proposed order and a praecipe to assign the stipulated matter for disposition.

RULE 208.2(c). Motion. Form. Content

Motions shall identify the applicable procedural rule, statute or other authority.

RULE 208.2(e). Motion. Form. Content

Every motion relating to discovery shall contain a certification that the parties, after reasonable effort, are unable to resolve the dispute.

RULE 208.3(a). Alternative Procedures

A. Praeceptum for Assignment. Any party may file a praecipe to assign a motion for disposition at the expiration of the briefing schedule set forth in Local Rule 208.3(b). The Prothonotary shall assign the matter to a judge for disposition and shall deliver the file to the assigned judge.

B. Oral Argument. Any party may request oral argument by filing a praecipe. Oral argument shall be held at such time and place as the judge shall direct.

C. Emergency Motions. Emergency motions must be presented to the Business Judge, who will advise the parties how to proceed.

RULE 208.3(b). Alternative Procedures

A. Motion and Brief. The moving party shall file a motion, proposed order and supporting brief concurrently. If a brief is not filed with the motion, the motion shall be deemed withdrawn, without prejudice, upon praecipe of an opposing party.

B. Responsive Brief. Within twenty days after service of the moving party's motion and brief, any party opposing the motion shall file a responsive brief, together with any opposing affidavits, depositions, transcripts or other documents. Any party who fails to file a responsive brief shall be deemed not to oppose the motion.

C. Reply Brief. The moving party may file a brief in reply to the responsive brief within five business days after service of a responsive brief.

RULE 208.3(c). Discovery Motions Court

A. Purpose of Rule. It is the intention of this Rule that discovery motion practice be expedited and that discovery motions and responses be concise.

B. Discovery Motions Judge. Every discovery motion shall be presented to the Discovery Motions Judge. Discovery Motions Court shall be held at 1:30 p.m. on Friday afternoons as scheduled by the Discovery Motions Judge. The District Court Administrator shall publish notice of the location, dates and times of Discovery Motions Court in the weekly courtroom schedule.

C. Contents of Motion. Every discovery motion shall contain the following:

1. A concise statement describing the nature of the case.
2. A concise statement of the status of any discovery procedure involved.
3. A copy of the discovery request and response, if any, in dispute.
4. A statement of the relief requested and a citation to the statute, procedural rule or other authority for the relief requested.
5. A statement identifying all other parties and their counsel, with mailing addresses, telephone numbers and fax numbers.
6. If necessary, a request for the suspension of discovery until the dispute is resolved.
7. A certification that the parties, after reasonable effort, are unable to resolve the dispute.
8. A proposed rule or order.

D. Notice and Service.

1. A copy of the discovery motion, along with notice of when it will be presented, shall be served upon all parties no later than 5:00 p.m. on the Tuesday preceding the scheduled court date. Discovery motions shall not be filed or presented to the Court in any fashion other than to the Discovery Motions Judge. The moving party shall present an original and one copy of the motion to the Court.
2. If service of the motion is made by first class mail, the mailing must be postmarked no later than Friday preceding the scheduled court date. In the event of a Monday holiday, service, if sent by mail, shall be postmarked by the preceding Thursday. Hand delivery of the motion may be made until 5:00 p.m. on the Tuesday preceding the scheduled court date. The parties may serve discovery motions by facsimile, provided that receipt of the fax by all other parties is confirmed by the serving party. The serving party shall attach proof of service to the discovery motion. Failure to serve the motion and notice shall be grounds for dismissal.

E. Briefs. Briefs are not permitted unless directed by the Court.

F. Responses. Any party may submit a response to the discovery motion. The response shall not exceed five pages. The response shall be presented to the Court and served on all parties or their counsel on the scheduled court date. Affidavits, discovery responses, references to depositions, transcripts or other documents responsive to the discovery motion shall not be included in the response but may be referenced during oral argument.

G. Scheduling. Arguments on discovery motions shall be scheduled at ten minute intervals. Counsel seeking to list a motion for argument shall contact the Discovery Motions Judge no later than 5:00 p.m. on the Tuesday immediately preceding the requested court date. The assignment of all discovery motions to an argument date and time will be made by the Discovery Motions Judge. A list of cases scheduled for argument will be sent via facsimile by the Discovery Motions Judge by the close of business on the Wednesday preceding the scheduled argument date to all parties or their counsel.

RULE 210. Form of Briefs

- A. Briefs shall contain complete and accurate citations of all authorities.
- B. The brief of the moving party shall contain: all relevant facts; a procedural history; the questions involved; the argument; and a conclusion.
- C. The brief of the opposition need contain only an argument and a conclusion. If a counter statement of the case or the questions involved is not filed, the statement of the moving party shall be deemed adopted.
- D. Briefs shall be submitted on 8 ½ x 11 inch paper and shall be double-spaced.
- E. Any brief more than fifteen pages shall contain a table of contents and a table of citations.
- F. A party shall file a brief with the Prothonotary and shall serve copies pursuant to Pa. R.C.P. No. 440 and Local Rule 440.1.

RULE 212.2A. Pre-trial Conference. Status Report. Memorandum

A. Request for Pre-trial Conference

When an action is at issue, any party who has substantially completed discovery and who desires to proceed to trial shall file with the Prothonotary (1) a praecipe requesting a pre-trial conference; (2) a Status Report; and (3) proof of service. Within ten business days of being served with a praecipe requesting a pre-trial conference and Status Report, each party may file a Status Report. Any party who fails to file a Status Report shall be deemed ready for trial and no further discovery will be permitted by such party.

A Status Report shall include:

1. A short paragraph summarizing the facts.
2. A short paragraph summarizing the claims or defenses.
3. The status of remaining discovery and the time required for

completion.

4. Any reason a pre-trial conference should not be held.
5. The complete identification of any cases which should be tried with the case for which pre-trial conference is being requested.

B. Arbitration Appeals

Following an appeal from a compulsory arbitration award, the parties shall proceed in accordance with Section A.

C. Assignment to Judge

Within twenty days of the receipt of a Request For Pre-trial Conference, the Prothonotary shall assign the matter to the trial judge and deliver the file to that judge who shall schedule a pre-trial conference. If the case has previously been assigned to a judge, the Prothonotary shall deliver the file to that judge. Whenever a case has previously been assigned to a judge, the party or attorney who requested the pre-trial conference shall identify the assigned judge on the praecipe. The assigned judge may, upon a review of the Status Reports, refuse to schedule a pre-trial conference. If the requesting party has not substantially completed discovery, the assigned judge shall enter an appropriate order.

D. Trial Counsel

Counsel, who is to conduct the trial, must appear with authority to bind the client.

E. Settlement

The assigned judge shall conduct settlement discussions. Clients or their authorized representatives must be available by phone during the pre-trial conference.

F. Preparation

Counsel shall file a pre-trial conference memorandum, furnish a copy to the assigned judge and serve it on all parties at least one week before the conference.

The pre-trial conference memorandum shall include:

1. A concise statement of the claim or defense on liability and damages.
2. A list of the types and amounts of all damages
3. A list of the legal issues.

4. A list of witnesses on liability and damages with the address of each and a concise statement of their proposed testimony.
5. A list of exhibits on liability and damages.
6. A copy of the report, or answer to interrogatory consistent with Pa.R.C.P. No. 4003.5, containing the opinion and the basis for the opinion of any person who may be called as an expert witness.
7. A list of all deposition transcripts to be used in lieu of testimony and a statement of all objections.
8. A statement of all stipulations sought.
9. A statement of special requests such as for a view, witness needs or courtroom needs.
10. A list of all questions which counsel expects to ask in voir dire which are beyond the areas of inquiry set forth in Pa.R.C.P. No. 220.1.

G. Supplemental Pre-trial Conference Memoranda

At trial, each party will be limited to those witnesses, exhibits and documents set forth in that party's pre-trial conference memorandum unless a supplemental pre-trial conference memorandum is filed and served with a copy furnished to the assigned judge. Unless an objection is filed within ten business days, the changes will be deemed unopposed.

H. Orders

At the conclusion of the pre-trial conference, the assigned judge shall issue an order certifying the case as ready for trial, placing it on a trial list and establishing deadlines.

RULE 212.2B. Special Management Cases

A. Any party may file a praecipe for special management status with a proposed order. The praecipe shall be filed at any time up to thirty days after the close of the pleadings and shall state the reasons for the request. Objections to any such request shall be filed within seven days of service of the praecipe.

B. Criteria for special management may include any of the following:

1. Large number of parties.

2. Large number of claims or defenses.
3. Complex factual or legal issues.
4. Large volume of evidence.
5. Problems locating or preserving evidence.
6. Extensive discovery.
7. Exceptionally long time needed to prepare for disposition.
8. Decision needed within an exceptionally short time.
9. Need to decide preliminary issues before final disposition.

C. Special management designation shall be at the discretion of the Court. Cases granted special management status shall be assigned to an individual judge. Notice of the decision shall be served pursuant to Local Rule 236.

D. Parties shall identify the assigned judge on all documents by including in the caption, under the civil action number, the words "SPECIAL MANAGEMENT: ASSIGNED TO JUDGE _____."

E. At any time after the Court's approval of special management status, any party may file a praecipe entitled request for status conference, with a certificate of service identifying all parties.

F. The status conference shall address the following:

1. All discovery issues.
2. Identification of experts and the furnishing of their reports.
3. Pre-trial motions.
4. Settlement conference, mediation or summary jury trial.
5. Final pretrial conference.
6. Tentative trial date.

G. The parties shall confer, by telephone or in person, and shall address each of the matters listed in Paragraph F. Plaintiff shall file and serve, not later than two business days before the status conference, a joint memorandum for status conference. The memorandum shall contain a brief, non-argumentative statement of the nature of the case, a summary of the positions of the parties on the items in Paragraph F.

RULE 225.1. Opening and Closing Statements

Opening statements shall be limited to a statement of the party's case. Plaintiff shall open first and close last.

RULE 226. Points for Charge

A. Points for charge shall be submitted to the trial judge as directed by the certification order.

B. All points taken from the Pennsylvania Suggested Standard Jury Instructions shall be listed on one page and cited as "Pa. SSJI (Civ) ___."

C. All other points shall be one to a page, citing the authority and exact page number in support.

RULE 227.1. Post Trial Relief

The party filing a post-trial motion shall serve a copy of the motion on the trial judge on the same day the motion is filed. That party shall also deliver to the trial judge the original and necessary copies of a proposed order for the transcription of the record. The trial judge shall enter an order addressing the transcription of the record and a briefing schedule.

RULE 236. Notice by Prothonotary of Entry of Order, Decree or Judgment

The moving party shall provide sufficient copies of all orders, decrees or judgments, together with addressed, stamped envelopes, necessary for the Prothonotary to comply with Pa.R.C.P. No. 236.

RULE 257. Money Paid Into Court

Unless otherwise provided by the Pennsylvania Rules of Civil Procedure, a local rule or order of Court, a party seeking to pay money into Court shall file a petition which conforms to Pa. R.C.P. No. 2303(a)(1)-(4). Service shall be pursuant to Pa. R.C.P. No. 440, and proof of service shall be pursuant to Local Rule 440.1. A petition shall be governed by Pa. R.C.P. Nos. 206.6 and 206.7.

RULE 260. Trial List

A. Entry on List

When an action has been certified by the trial judge as ready for trial, the District Court Administrator shall place it on a trial list.

B. Order of Trial

Actions shall be listed on a trial list in the order in which they were certified and shall be tried in that order unless otherwise directed by the trial judge.

C. Relisting

Cases not disposed of shall be automatically relisted on the next trial list.

RULE 280. Costs

A. Items of Allowable Costs

Costs may include: fees of Court appointed examiners, masters, auditors, accountants or other experts; statutorily permitted costs for the attendance of witnesses; and such other costs permitted by statute or allowed by the Court.

B. Security for Costs

The Court may require a party to post security for costs.

C. Interlocutory Orders for Costs

A party directed by an interlocutory order to pay costs may not take any further action until such costs are paid.

D. Liability for Costs

Costs shall follow the entry of judgment or decree unless the Court directs otherwise.

E. Time of Filing and Service

Bills of costs must be filed and served within ten days after the entry of a judgment or decree.

F. Exceptions

Exceptions may be filed within five business days of the date of service or shall be deemed waived.

RULE 285. Accounts and Inventories

A. Accounts

When an account is required in a civil action, the account shall proceed in accordance with the Lancaster County Rules of Orphans' Court, except that filings shall be with the Prothonotary.

B. Inventories

Any fiduciary required to file an account shall file a signed and verified inventory within sixty

days of appointment.

RULE 286. Sureties

A. General Requirements

Where security is required, a bond shall be filed and approved by the Prothonotary before any action is taken. One corporate surety or two individual securities shall be required.

B. Corporate Requirements

A corporate surety, except as identified in Pa.R.C.P. No. 105, shall file with the Prothonotary evidence that it is authorized to do business in Pennsylvania and its current financial statement, sworn to by an officer or authorized agent. A new financial statement must be filed at least annually by the third Monday of January. No corporation will be accepted as sole security for an amount greater than half its paid-in capital and surplus. The Prothonotary shall keep a list of qualified companies.

C. Individual Requirements

No bond shall be approved until each surety has filed an affidavit which states that the surety is the owner of real estate having a value in excess of the penalty of the bond and which lists the surety's debts, liabilities and all legal exemptions. The affidavit shall state whether the surety is also a surety on any other obligations, and, if so, what they are. Tenants by the entireties shall be considered a single surety. No person concerned in the execution of process shall become a surety.

D. Objections

Any party in interest may object to the security in accordance with Pa.R.C.P. No. 1535.

RULE 430. Service Pursuant to Special Order of Court. Publication

The Lancaster Law Review is designated as the legal publication for the publication of legal notices.

RULE 440.1 Proof of Service

A proof of service shall conform to Pa. R.A.P. 122.

RULE 1018.1 Notice to Defend

The following is designated to be named in the Notice to Defend as the organization from which information can be obtained:

Lancaster Bar Association
Lawyer Referral Service
Telephone: 717-393-0737

RULE 1028(c). Preliminary Objections

A. Preliminary Objections Pursuant to Pa. R.C.P. No. 1028(a)(2), (3) or (4).

1. Proposed Order. All preliminary objections shall be accompanied by a proposed order.
2. Stipulated Matters. If the parties agree to the relief sought, the preliminary objections shall be accompanied by a stipulation signed by all affected counsel or unrepresented parties, a proposed order and a praecipe to assign the stipulated matter for disposition.
3. Brief. The party filing preliminary objections shall file a supporting brief within ten days of the date of filing of the preliminary objections. If a supporting brief is not filed within ten days of the filing of the preliminary objections, the preliminary objections shall be deemed withdrawn upon praecipe of the respondent. In that event, the objecting party shall file an answer to the complaint within twenty days of the date the praecipe is filed.
4. Responsive Brief. If a supporting brief is filed, the respondent shall file a responsive brief within twenty days after service of the supporting brief. Any party who fails to file a responsive brief shall be deemed not to oppose the objections.
5. Reply Brief. The moving party may file a reply brief within five business days after service of the responsive brief.
6. Praecipe for Assignment. Any party may file a praecipe to assign the objections for disposition at the expiration of the briefing schedule. The Prothonotary shall assign the objections and deliver the file to the assigned judge.
7. Oral Argument. Any party may request oral argument by filing a praecipe. Oral argument shall be held at such time and place as the judge shall direct.

B. Preliminary Objections Pursuant to Pa. R.C.P. No. 1028(a)(1), (5) or (6).

Any party filing preliminary objections pursuant to Pa. R.C.P. No. 1028(a)(1), (5) or (6) shall attach a notice to plead. Such objections are governed by Local Rules 206.1(a), 206.4(c) and 206.7.

RULE 1034(a). Motion for Judgment on the Pleadings

A. Proposed Order. All motions shall be accompanied by a proposed order.

B. Stipulated Matters. If the parties agree to the relief sought, the motion shall be accompanied by a stipulation signed by all affected counsel or unrepresented parties, a proposed order and a praecipe to assign the stipulated matter for disposition.

C. Motion and Brief. The moving party shall file the motion, proposed order and a supporting brief concurrently. If a brief is not filed with the motion, the motion shall be deemed withdrawn, without prejudice, upon praecipe of an opposing party.

D. Responsive Brief. Within twenty days after service of the moving party's motion and brief, any party opposing the motion shall file a responsive brief. Any party who fails to file a responsive brief shall be deemed not to oppose the motion.

E. Reply Brief. The moving party may file a brief in reply to the responsive brief within five business days after service of the responsive brief.

F. Praecipe for Assignment. Any party may file a praecipe to assign the motion for disposition at the expiration of the briefing schedule. The Prothonotary shall assign the matter to a judge for disposition and shall deliver the file to the assigned judge.

G. Oral Argument. Any party may request oral argument by filing a praecipe. Oral argument shall be held at such time and place as the judge shall direct.

RULE 1035.2(a). Motion for Summary Judgment

A. Proposed Order. All motions shall be accompanied by a proposed order.

B. Stipulated Matters. If the parties agree to the relief sought, the motion shall be accompanied by a stipulation signed by all affected counsel or unrepresented parties, a proposed order and a praecipe to assign the stipulated matter for disposition.

C. Motion and Brief. The moving party shall file the motion, a proposed order and a supporting brief concurrently. If a brief is not filed with the motion, the motion shall be deemed withdrawn, without prejudice, upon praecipe of an opposing party.

D. Responsive Brief. Within thirty business days after service of the moving party's motion and brief, any party opposing the motion shall file a responsive brief, together with any opposing affidavits, depositions, transcripts or other documents. Any party who fails to file a responsive brief shall be deemed not to oppose the motion.

E. Reply Brief. The moving party may file a brief in reply to the responsive brief within five business days after service of the responsive brief.

F. Praecipe for Assignment. Any party may file a praecipe to assign the motion for disposition at the expiration of the briefing schedule. The Prothonotary shall assign the matter to a judge for disposition and shall deliver the file to the assigned judge.

G. Oral Argument. Any party may request oral argument by filing a praecipe. Oral argument shall be held at such time and place as the judge shall direct.

RULE 1301. Compulsory Arbitration. Scope

A. All civil suits or actions, where the amount in controversy is \$50,000.00 or less, when at issue, shall first be submitted to arbitration.

B. This Rule shall not apply to cases involving title to real estate, cases which have been consolidated for trial with cases involving more than \$50,000.00 or cases requiring equitable or declaratory relief.

C. A case is at issue when:

1. a party files a Praecipe for Reference or
2. the Court issues an order for reference.

D. A party filing a Praecipe for Reference shall serve all other parties and the District Court Administrator within four business days.

RULE 1302. List of Arbitrators. Appointment to Board

The President Judge shall appoint attorneys to serve as arbitrators and as chairpersons of boards of arbitrators. The District Court Administrator shall maintain the lists of attorneys so appointed and shall assign the attorneys to serve from those lists.

RULE 1303. Hearing. Notice

The District Court Administrator shall fix the date, time and place of the hearing, assign the arbitrators and give notice to the parties not less than sixty days before the hearing.

RULE 1308. Arbitrators' Compensation

Arbitrators and chairpersons shall be compensated at rates established by the President Judge.

RULE 1507. Notice Pursuant to Pa. R.C.P. No. 1507

When notice is required pursuant to Pa. R.C.P. No. 1507:

A. The notice shall be given by publication pursuant to Pa. R.C.P. No. 430 and Local Rule 430.

B. The notice shall state:

1. That an action has been filed.
2. The caption of the case as defined in Pa. R.C.P. No. 1018.
3. The nature of the action and the relief sought.
4. The nature of the noticed party's interest in the property.

C. The notice shall also state that the noticed party may appear in the action and that, if the party fails to do so within thirty days of the publication, a decree which may bind the party's interests may be entered.

ACTIONS FOR SUPPORT

RULE 1910.11(a). Hearings Before the Court. Scheduling. Responsibilities of Counsel

A. Upon motion of a party, the Court may approve a special listing. Upon approval, counsel shall contact the District Court Administrator to schedule a hearing. The scheduling shall not occur unless the District Court Administrator is notified of the Court's decision by counsel.

B. The scheduling of a special relief hearing must be approved by the Family Business Judge.

ACTIONS FOR CUSTODY, PARTIAL CUSTODY AND VISITATION OF MINOR CHILDREN

RULE 1915.1. Scope. Definitions

Local Rules 1915.1 through 1915.19(a) govern all actions for custody, partial custody and visitation, including original actions, contempt proceedings and petitions to modify orders.

RULE 1915.3. Commencement of Action. Complaint. Order. Service

A. Except as provided in subdivisions F and G, all custody complaints shall be filed with the Prothonotary.

B. In addition to fees assessed for filing a complaint, an additional administrative fee shall be assessed by order of Court and shall be paid to the Prothonotary at the filing of

the custody complaint.

C. When a custody claim is asserted in a divorce action, either party may request a date and time for a conference on the custody issue by filing an order with the complaint or with a motion. The administrative fee must be paid to the Prothonotary when the conference is requested.

D. After filing, all complaints or motions for conferences shall be forwarded to the District Court Administrator, who shall set the time, date and place for a custody conference.

E. The moving party shall serve the complaint and order or motion in accordance with the Pennsylvania Rules of Civil Procedure and shall file a proof of service.

F. Any complaint seeking custody of a child within the jurisdiction of the Juvenile Court pursuant to any proceeding under the Juvenile Act shall be presented to the Juvenile Court Judge who will determine how the matter will proceed.

G. Any complaint seeking custody of a child within the jurisdiction of the Orphans' Court pursuant to a petition for voluntarily relinquishment of parental rights, confirmation of consent to adoption, involuntary termination of parental rights or adoption shall be presented to the Orphans' Court Judge who will determine how the matter will proceed.

RULE 1915.5 (a). Jurisdiction. Contempt. Continuances. Emergency Relief

A. A party objecting to jurisdiction or venue before the custody conference shall present the objection to the Court and present a request for a continuance to the District Court Administrator.

B. A contested request for a continuance of a scheduled custody conference shall be presented to the Court for decision. A request for continuance shall be filed with the District Court Administrator in accordance with local procedure. In all requests for a continuance, no continuances will be granted within 14 days of the conference without an order of Court and payment of the conference fee.

C. Any complaint for custody, petition for modification, request for special relief or contempt petition containing a request for interim relief must be presented to the assigned Family Court Judge in Family Business Court.

D. Where the parties are in agreement for a continuance, they shall file an Uncontested Motion for Continuance and Waiver of Custody Case Time Requirements in the form provided in Local Rule 1915.19(a).

RULE 1915.5(b). Custody Conference Officer. Conferences. Procedure

A. The Court shall appoint members of the Lancaster County Bar or other appropriate persons as custody conference officers to conciliate custody cases filed with the

Court and to recommend temporary custody orders.

B. All custody matters shall be scheduled for conference before a custody conference officer no sooner than ten days after the filing of a request for conference. All parties shall be present at such conference unless excused by the custody conference officer. Failure of a party to appear at the conference may result in the entry of a temporary or permanent order without information from that party.

C. A child shall not be brought to the conference except by order of Court. If a child, who is the subject of an action, attends a hearing or conference pursuant to Pa. R.C.P. No. 1915.11(c) or other rule, the party bringing the child shall be responsible for supplying a person to supervise the child while the parties are in the custody conference or in Court.

D. To facilitate conciliation and to encourage frank exchanges between the parties and their respective counsel, statements made by the parties at the custody conference shall be inadmissible as evidence at a later custody hearing. The custody conference officer shall not be a witness for or against any party at any subsequent custody hearing.

E. Post-conference Procedure

1. Settled Case. If an agreement is reached during the conference, the custody conference officer shall record the agreement on a memorandum of agreement form supplied by the Court. All parties shall sign the memorandum, and the custody conference officer shall prepare and present a proposed order to the assigned Family Court Judge. The proposed order shall not be presented to the Court for approval until the parties have furnished the custody conference officer, who shall attach to the proposed order, certificates verifying each party's completion of the custody education seminar referred to in Local Rule 1915.15 Form of Order, or completion of such alternative education program which may be utilized by the Court at the time a custody complaint is filed. If an agreement is reached within twenty four hours before a scheduled conference, the parties shall submit a stipulation signed by all parties and a proposed order to the custody conference officer, who shall submit them to the assigned Family Court Judge. Counsel shall attach to the stipulation certificates verifying completion of the custody education program requirement then in effect.

2. Contested Case. If the parties fail to reach an agreement before the conclusion of the custody conference, within ten days of the conference the custody conference officer shall submit to the assigned Family Court Judge a conference summary report and recommended temporary order. The recommendation may propose a follow-up custody conference with or without consent of the parties. The order will schedule a follow-up custody conference or a hearing.

F. Pre-trial Conference

1. Scheduling. Upon recommendation of a conference officer or a motion

of counsel, the Court may schedule a custody pre-trial conference.

2. Attendance. Each party shall be represented at the conference by trial counsel, who shall have authority to bind the client.

3. Preparation. At two business days before the conference, counsel shall file a pre-trial memorandum containing:

- a. A concise statement of the issues and proposed resolution;
- b. A list of any contempt issue;
- c. A list of fact and expert witnesses with their addresses and a concise statement of their proposed testimony;
- d. A list of exhibits;
- e. A list of deposition transcripts to be used in lieu of testimony and a statement of all known objections;
- f. A statement of stipulations sought; and
- g. A statement of requests such as a special time for a witness, courtroom needs etc.

RULE 1915.7. Consent Order

If an agreement is reached regarding custody, partial custody or visitation at least twenty four hours prior to the scheduled conference, the parties may submit a stipulation, with attached custody education seminar completion certificates, and proposed order to the Family Court Judge for disposition. An agreement reached within twenty four hours of the scheduled conference shall be governed by Local Rule 1915.5(b)(E)(1).

RULE 1915.15. Form of Order

The order to be attached on top of a complaint for custody or petition for visitation or to modify custody shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
CIVIL ACTION LAW

_____,
Plaintiff
v. _____
No.

:
:
_____,
Defendant:

ORDER

You, _____, (defendant) (respondent), have been sued in Court to (obtain)(modify) custody, partial custody or visitation of the following child/children: (names)

1. **You are ordered** to appear in person at 50 North Duke Street, Lancaster County Courthouse, Lancaster, Pennsylvania, on the ____ day of _____, 20__, at ____ o'clock __.m. for a conciliation conference to be held in room number _____ before Custody Conference Officer _____.

2. **Pending the custody conference:**
(Court selects option)

- No temporary order is requested.
- The Court issues no temporary order.
- The custody Order _____ (date and reference No.) _____ remains in effect.

With the following revisions (if applicable)

The Court enters the following Temporary Order:

3. **Required Education Seminar:**

- a. All parties named in the caption of the case **MUST** participate in the custody education seminar approved by the Court at the time the custody action was filed.
- b. Unless specifically directed by order of Court, no children shall be present at either the custody education seminar or the conciliation conference. For those cases in which the Court directs the party to bring a child or children to the conference, the supervision requirements of Local Rule 1915.5(b)C apply.
- c. Attendance at the custody education seminar will be verified by a

certificate which must be presented to the Conference Officer at the beginning of the conciliation conference.

- d. A brochure and registration form identifying the seminar and giving the dates, times and location of the seminar is attached. The registration form and fee **MUST** be returned promptly to assure timely attendance. All parties must attend the required seminar even if the seminar information was omitted from the attached complaint or petition.
 - e. If a brochure and registration form are not attached, call the District Court Administrator at 717-299-8041 or access the form on the County website which is www.co.lancaster.pa.us/Courts.
 - f. If you fail to attend the custody education seminar without being excused by order of Court, you **WILL** be subject to contempt proceedings.
4. **If you fail to appear** as provided by this order, an order for custody, partial custody or visitation may be entered against you or the Court may issue a warrant for your arrest.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

OFFICE OF THE DISTRICT COURT ADMINISTRATOR
LANCASTER COUNTY COURTHOUSE
50 NORTH DUKE STREET
LANCASTER, PA 1760
(717) 299-8041

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Lancaster County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the District Court Administrator. All arrangements must be made at least seventy two hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

BY THE COURT:

JUDGE

DATE:

ATTEST:

RULE 1915.15(a). Form of Motion

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

Plaintiff _____ :
v. _____ : Docket Number: CI- _____
Defendant _____ :

**UNCONTESTED MOTION FOR CONTINUANCE AND WAIVER
OF CUSTODY CASE TIME REQUIREMENTS**

Motion is hereby made to continue the above captioned case scheduled on
____ [date] _____, ____ [time] _____, ____ [place] _____, ____ [Officer/Judge] _____,
for a ____ conference ____ hearing, for reason(s) as follows:

Signature of Applying Counsel or Pro se Party	Representing	Date
Signature of Opposing Counsel or Pro se Party	Representing	Date

By signature of both parties, this is a waiver of the time requirements of Pa.R.C.P. No. 1915.4 for

- _____ Initial custody conference
- _____ Start of hearing
- _____ Completion of hearing

Order

AND NOW, this _____ day of _____, _____, the Motion is granted. The custody ____ conference ____ hearing, (date) _____ is rescheduled to (time _____ Place: _____, Officer/Judge: _____).

BY THE COURT

Judge

RULE 1920.42(a). Praecepte to Transmit Record

Any party filing a praecipe to Transmit Record shall give notice to the opposing party and shall file proof of service of that notice within five days of filing. Failure to give such notice shall be grounds to strike the Praecepte to Transmit Record at the request of any party not given such notice.

ACTIONS FOR DIVORCE OR ANNULMENT OF MARRIAGE

RULE 1920.51. Hearing by the Court. Appointment of Master. Notice of Hearing

A. Master's Authority. A master shall hear claims in an action of divorce under Section 3301(a), (b) and (d)(1)(ii) of the Divorce Code, in an action for annulment and in claims for alimony, equitable distribution of marital property, counsel fees, costs and expenses.

B. Filing Fees and Costs. The party first raising an issue which is to be referred to a master under these Local Rules shall pay the sum required by the Prothonotary's fee bill, in addition to any normal filing fees. This sum is not refundable. If a hearing requires more than one-half day, an additional fee will be due for each one-half day or part thereof. These fees shall be paid within ten days after a continuance has been granted.

C. Motion for the Appointment of a Master. When an action is at issue pursuant to Pa.R.C.P. No.1920.51(a), a party may file a motion and proposed Order to Appoint Master. The motion and proposed order shall be in conformity with Pa.R.C.P. No. 1920.74 and L.C.R.C.P. No.1920.74.

D. Affidavit of Vital Statistics. The party filing the motion for the appointment of the master shall file the Pennsylvania Department of Health, Bureau of Vital Statistics form.

E. Actions Not Requiring a Hearing or a Master In the following cases, neither a master nor a hearing will be required:

1. No hearing will be required in an action which is filed under Section 3301(c) or Section 3301(d) of the Domestic Relations Code and in which an agreement is to be incorporated into the divorce decree relative to claims for equitable distribution, alimony, counsel fees, costs and expenses. Instead, the master shall review the record and file a recommendation with the Court within twenty days after receipt of the record.

2. Pursuant to Pa.R.C.P. No. 1920.51(a)(2)(ii), no master will be appointed where a divorce action contains a claim for divorce under Section 3301(c) or Section 3301(d) of the Domestic Relations Code and there are no claims for equitable distribution, alimony, counsel fees, costs and expenses or there are no other factual disputes and there is no agreement to be incorporated into the divorce decree. Instead, after all pleadings and other documents have been filed, either party may file with the Prothonotary a praecipe in the form prescribed by Pa.R.C.P. No. 1920.73, and the Prothonotary shall transmit the record to the Court, which shall review the record and

enter an appropriate decree.

F. Hearing Pursuant to Local Rule. In all other actions for divorce in which there are no claims for alimony, counsel fees, costs, expenses, or equitable distribution or if all such claims have been resolved by an agreement which is to be made a part of the Court order, the master may conduct a hearing in the manner set forth in Paragraph M.

G. Hearing Pursuant to Pa.R.C.P. No. 1920.53. In all other cases, the master shall take testimony and file a report which complies with the requirements of Pa.R.C.P. No. 1920.53.

H. Special Relief Hearings. Any request for a special relief hearing is subject to approval by the assigned Family Court Judge.

I. Telephonic Conference before Pre-hearing Conference. There shall be a telephonic conference between the parties and the master before any pre-hearing conference to discuss the status of discovery, the need for appraisals, general issues and the scheduling of a pre-hearing conference by the master.

J. Pre-hearing Conferences and Pre-trial Statements. Pre-hearing conferences shall be held in a Court facility designated by the District Court Administrator. Each party shall attend the pre-trial conference prepared to stipulate to items not in dispute. The master shall have the discretion to require the attendance of the parties, if necessary. Clients shall be consulted by counsel in advance of the pre-hearing conference as to authority respecting stipulations as to items not in dispute and settlement, including definite maximum or minimum limits, as appropriate, and regarding such other questions as may reasonably be anticipated to be relevant. The parties shall also prepare and furnish to the master and other party, at least five business days prior to the date scheduled for conference, a pre-trial statement as described in Pa.R.C.P. No. 1920.33(b). At the hearing, the parties will be limited to those witnesses, exhibits and documents set forth in their pre-trial report unless:

1. All parties affected by any changes agree in a writing which shall be filed with the Court.

2. Prompt notice of changes in the list of witnesses, exhibits or documents is made by filing with the master and by serving the other party with a supplemental pre-trial statement. A proof of service shall be filed with the supplemental pre-trial report pursuant to Local Rule 440.

3. Supplemental pre-trial statements will be liberally received by the master, absent a showing of failure to give prompt notice, undue inconvenience, expense or prejudice. Any objections shall be ruled on by the master or the Court. If no pre-hearing conference is required by the master, a pre-trial statement, as set forth herein, shall be furnished to the master and opposing party at least five business days before the hearing.

K. Scheduling and Notice of Hearing. The master shall give at least twenty days written notice of the time and place of the hearing to all parties unless waived in writing by all parties. All hearings shall be held in a facility designated by the District Court Administrator.

L. Evidence in Uncontested Cases. A plaintiff who believes the action will be uncontested shall submit to the master at the hearing the following:

1. Affidavit Re Vital Statistics;
2. Plaintiff's Record of Testimony in question and answer or narrative form, signed and verified by plaintiff;
3. The testimony of each of plaintiff's witnesses, in question and answer or narrative form, signed and verified by the witness; and
4. Any exhibits identified in the testimony.

M. Uncontested Hearings Using Plaintiff's Record of Testimony. The master shall conduct the hearing in an uncontested hearing as follows:

1. The plaintiff and all witnesses whose evidence has been prepared in advance shall attend the hearing, and shall swear to or affirm their prerecorded evidence.
2. The master may examine the plaintiff and the witnesses with respect to the evidence prepared in advance in order to evaluate the credibility of those offering pre-recorded evidence, and, to this end, may interrogate the plaintiff and the witnesses as to any relevant matters, including any post-nuptial agreement, whether or not included in the prepared Record of Testimony,
3. The master, upon being satisfied that the Plaintiffs Record of Testimony is credible evidence, shall accept it and include it in the report in lieu of findings on the merits, provided, however, that, in the report, the master certifies:
 - a. That, at the hearing, the plaintiff and the witnesses offering pre-recorded testimony were placed under oath or affirmation and were examined and that they, by credible evidence, substantiated the facts set forth in the Plaintiff's Record of Testimony; and
 - b. That no witness, who was sworn or affirmed, presented testimony or evidence to the contrary of the facts set forth in such Record of Testimony.

N. Master's Report in Uncontested Cases. After the hearing wherein the Plaintiff's Record of Testimony has been accepted, the master shall prepare and file the report together with a recommendation in accordance with Pa.R.C.P. No. 1920.53.

O. Master's Status Report if Filing Not Timely. Masters shall submit a status report to the Court and the parties if the report is not timely filed.

RULE 1920.55-2. Exceptions To Master’s Report

A. A party filing exceptions to a master’s report shall also file a praecipe in the Prothonotary’s office to list the exceptions for argument and shall serve all parties with a copy. The Prothonotary shall list said matter in the Argument Watch Book and assign it to the appropriate judge. The assigned judge shall notify the parties by way of court order of the briefing schedule and of the date and time when argument shall be presented.

Revised 12-10-10 Effective 12-5-11

RULE 1920.74. Form of Motion for Appointment of Master. Order

The motion and proposed order, in addition to confirming to the requirements of Pa.R.C.P. No. 1920.74 shall also contain the following:

(Caption)

ORDER

AND NOW, this ____ day of _____, 20__,

_____ is appointed Master with respect to the following claims:

Counsel and unrepresented parties are hereby directed to participate in a telephonic status conference with the divorce master on the ____ day of _____, 20__, at ____ o'clock __.m. The conference call shall be initiated by the counsel or unrepresented party who requested the master's appointment.

In the event that the status conference is required to be re-scheduled at the request of an unrepresented party or counsel, the unrepresented party or counsel requesting the change shall be responsible for promptly coordinating the new date and time with the divorce master and initiating the conference call.

BY THE COURT:

J.

Copies To: Divorce Master
All Parties

Rule 1931. Family Court Rules

A. Family Court motions and petitions for special relief or other Family Court rulings must be in writing and must be presented in the Family Business Court session of the judge assigned to the case, as indicated in the Court’s calendar, or, for urgent matters, to the assigned judge by appointment. A copy of the motion or petition with proposed Order, as well as notice of when and where it will be presented, must be provided to all parties at least five days before presentation to the Court. A certificate of service of the proposed Order, notice of presentation, and the motion or petition must be attached.

B. The notice of presentation required by Local Rule 1931 shall be directed to the respondent(s) to the motion or petition and shall be in substantially the following form:

[Caption]

NOTICE OF FAMILY BUSINESS COURT PRESENTATION

To: [Name of Respondent]

You are hereby notified that the attached [Petition or motion] and the preceding proposed Order will be presented in Family Business Court before the Honorable Judge [Name of judge] on [Date] at [Time] in Courtroom Number [] of the Lancaster County Courthouse, 50 North Duke Street, Lancaster, Pennsylvania 17602.

You may appear in person or by a lawyer at the time and place set forth.

Your failure to appear in person or by a lawyer at the time and place set forth may result in the Court granting the relief requested in the attached [Petition or motion] in the form of the preceding proposed Order, or other relief, without further notice to you.

_____ [Name of Movant or Petitioner]

_____ [Attorney for Movant or Petitioner]

C. The document shall be assembled so that the proposed Order is on top, followed by the notice of presentation, next by the petition or motion with any supporting exhibits, next by the verification, and finally by the certificate of service.

Adopted 12-10-10 Effective 12-5-11

RULE 2039. Compromise, Settlement, Discontinuance and Distribution

A. Contents of Petition

A petition for leave to compromise, settle or discontinue an action in which a minor is a party or an action for wrongful death in which a minor is interested shall set forth:

1. The facts of the case.
2. The damages sustained.
3. All expenses incurred or to be incurred, including counsel fees.
4. Any other relevant information.

B. Hearing

The Court may require a hearing to determine whether the proposed compromise, settlement or discontinuance should be approved.

C. Appearance at Hearing

Necessary parties and witnesses shall appear at the hearing unless excused for cause shown.

RULE 2064. Compromise, Settlement, Discontinuance and Distribution

A petition for leave to compromise, settle or discontinue an action in which an incapacitated person is a party shall be governed by Local Rule 2039.

RULE 2206. Settlement, Compromise, Discontinuance and Judgment

A petition filed pursuant to Pa. R.C.P. No. 2206 shall be governed by Local Rule 2039.

RULE 3252. Writ of Execution

The following is designated to be named in the Writ of Execution Notice as the organization from which information can be obtained:

Lancaster Bar Association
Lawyer Referral Service
Telephone: 717-393-0737

RULE 4007.1 Procedure in Deposition by Oral Examination

A. A period of at least ten days is deemed reasonable notice as required by Pa.R.C.P. No. 4007.1(a).

B. Depositions shall be taken in Lancaster County unless the Court directs otherwise.

LANCASTER COUNTY

RULES OF CRIMINAL PROCEDURE

RULE 1. Title and Citation of Rules

These rules shall be known as the Lancaster County Rules of Criminal Procedure and may be cited as “L.C.R. Crim.P. No. ”.

RULE 2. Trial List

The District Court Administrator shall publish the list of all cases certified as trial ready for each term of Court no later than one week prior to the commencement of the following trial term. This will be known as the trial list.

RULE 3. Call of the List

A call of the trial list will take place as scheduled by the District Court Administrator prior to each trial term. At that time, the President Judge or his designee will address all motions for trial continuances and requests to schedule guilty pleas. Any case not removed from the trial list at the call of the list will be considered trial ready. Pro se defendants must be present for all calls of the list on which their cases appear.

RULE 4. Continuances During Trial Term

Once the trial term begins, any continuance must be authorized by the President Judge or his designee and will only be granted for compelling reasons.

RULE 5. Trial Priority List

A. All cases on the Trial Priority List are deemed to be trial ready and will be listed in a priority established by the District Attorney.

B. The Trial Priority List will be published by the District Court Administrator before the commencement of the Criminal Court term.

C. As cases are disposed of and/or called for trial, the District Attorney will continue to update the Trial Priority List in conjunction with the District Court Administrator, who will publish the updated lists.

D. Cases will be placed into a courtroom in accordance with their priority, attorney availability and witness availability.

E. Cases on the Trial Priority List can be moved up on the list by the District Attorney with reasonable notice to counsel.

F. Counsel and/or pro se defendants for cases on the Trial Priority List not immediately assigned to a courtroom must be available to commence trial on reasonable notice.

G. Pro se defendants must contact the District Court Administrator as frequently as needed throughout the term of Court to determine where their cases appear on the Trial Priority List and when they will be placed into a courtroom.

RULE 6. Guilty Pleas During Trial Term

If a case on the Trial Priority List is to be presented as a guilty plea during the trial term, it must be presented when it is assigned to a courtroom.

RULE 10. Business Judge

The District Court Administrator shall designate the daily Business Judge. Motions and petitions, not otherwise covered by these Rules for presentation to the Court, shall be forwarded to the Business Judge by the Clerk of Courts or may be presented by counsel directly to the Business Judge by appointment.

Rule 117. Magisterial District Court Coverage: Hours and Availability; System; and Duties

I. Coverage Hours and Availability

A. Judicial Coverage During Regular Business Hours

(1) Magisterial District Court Offices within the Second Judicial District shall be open for regular business Monday through Friday, excluding County Holidays, during such hours as are established by the President Judge, and as may be modified with the approval of the President Judge to meet the needs of the public and the Court. The coverage required under Rule 117 and as set forth in this Order shall be provided by the Magisterial District Judge with jurisdiction over the matter during regular business hours, if available.

(2) When a Magisterial District Judge who has jurisdiction over a particular matter is unavailable during regular business hours, coverage shall be provided by other Magisterial District Judges in the 2nd Judicial District in accordance with a Business Hours Assignment schedule approved by the President Judge and amended from time to time as necessary.

B. Judicial Coverage During Non-Business Hours (Duty Court Hours)

During those hours when the Magisterial District Courts are not normally open for business (Duty Court Hours), the coverage required under Rule 117 and as set forth in this rule shall be provided by Magisterial District Judges in accordance with a Duty Court Assignment schedule approved by the President Judge and amended from time to time as necessary.

C. Availability of Duty Court Judge

During Duty Court Hours, the Duty Court Judge shall be available at or about 7 A.M and 8 P.M. each day, either in person at the Lancaster City Public Safety Building or by video conference from his or her court office, to perform any pending judicial duties. In addition to these two designated times, the Duty Court Judge shall be available at any time during Duty Court Hours to perform those duties requiring continuous coverage as set forth below in Section III. A. of this local rule.

**II. Coverage System During Duty Court Hours
Regional Booking/Centralized Arraignment System**

A. Live Scan/CPIN Booking

A Countywide Regional Booking and Centralized Arraignment system is hereby implemented in Lancaster County to be in effect during Duty Court Hours. All criminal Defendants apprehended during Duty Court Hours are required to be processed and booked through Live Scan and CPIN equipment at a Lancaster County Police Department possessing this technology, and which Police Department has been approved and designated as a Regional Booking Center in accordance with the Lancaster County Countywide Booking Center Plan.

B. Regional Booking Center Fee

The Lancaster Countywide Regional Booking Center Plan having been approved by PCCD, a Regional Booking Center fund fee of three hundred dollars (\$300) is imposed on any Defendant processed and booked through a Lancaster County Regional Booking Center at any time if the person:

(1) Is placed on probation without verdict pursuant to Section 17 of the Act of April 14, 1972 (P.L.233, No. 64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

(2) Received Accelerated Rehabilitative Disposition for, pleads guilty or nolo contendere to, or is convicted of, a crime under the following:

(a) 18 Pa.C.S. ' 106(a) (relating to classes of offenses)

(b) 75 Pa.C.S. BOL 39 \f "WP TypographicSymbols" \s 12 3735 (relating to homicide by vehicle while driving under influence).

(c) 75 Pa.C.S. ' 3802 (relating to driving under influence of alcohol or controlled substance).

(d) A violation of The Controlled Substance, Drug, Device and Cosmetic Act.

C. Centralized Arraignment

After being processed and booked at a Lancaster County Regional Booking Center during Duty Court Hours, Defendants are required to be either:

(1) Transported by the arresting police department to the Lancaster City Public Safety Building to be held there for detention until preliminary arraignment is conducted by the assigned Duty Court Magisterial District Judge, either in person or by video conference, or,

(2) Held by the arresting police department at a location designated by the Court as an approved Advanced

Communication Technology Site for the purpose of video conferencing until preliminary arraignment is conducted by the assigned Duty Court Magisterial District Judge by video conference.

III. Required Coverage Duties

- A. Search Warrants and Arrest Warrants; Protection From Abuse Petitions, and Acceptance of Bail

Magisterial District Judges with jurisdiction during regular business hours and the Duty Court Judge during Duty Court hours shall be available to provide continuous coverage for the issuance of search warrants pursuant to Pa.R.Crim.P. 203, arrest warrants pursuant to Pa.R.Crim.P. 513, requests to accept bail pursuant to Pa.R.Crim.P. 520(B), and requests for emergency relief under the Protection From Abuse Act.

- B. Preliminary Arraignments, Accepting Criminal Complaints and Setting Bail

Magisterial District Judges with jurisdiction during regular business hours and the Duty Court Judge during Duty Court Hours shall be available without unnecessary delay to conduct preliminary arraignments pursuant to Rule 516, to set bail pursuant to Rule 517(A), and to accept criminal complaints and conduct preliminary arraignments pursuant to Rule 519(A)(1).

- C. Summary Offense Arrest Warrants and Arrests Without a Warrant

Magisterial District Judges with jurisdiction during regular business hours and the Duty Court Judge during Duty Court Hours shall be available without unnecessary delay for the purpose of providing the services set forth in Pa.R.Crim.P.117(A)(2)(a) requiring conducting summary trials or setting collateral in summary cases under Rule 431(B)(3) and Rule 441(C).

- D. Summary Offense Bench Warrants

If a summary Bench Warrant is executed during regular business hours, the Magisterial District Judge with jurisdiction shall be available without unnecessary delay to conduct a bench warrant

hearing. If a Bench Warrant is executed during Duty Court Hours, the Duty Court Judge may conduct a bench warrant hearing.

IV. Acceptance of Bail

Magisterial District Judges, the Clerk of Court or his designees, and the Warden of the Lancaster County Prison or his designees, shall be authorized to accept bail in accordance with the provisions of the Pennsylvania Rules of Criminal Procedure.

Revised 10-13-09

Effective 1-5-10

RULE 120. Attorneys - Appearances and Withdrawals

A. Counsel for the defendant shall file an appearance in writing in all cases with the Clerk of Courts at or before the time of arraignment. An appearance shall be filed immediately if employment follows arraignment.

B. No appearance may be withdrawn except by leave of Court unless an appearance by another attorney is entered. The delay or continuance of a case listed for trial shall be considered by the Court in ruling upon motions to withdraw an appearance.

C. Once an appearance has been entered, counsel shall represent the defendant through sentencing.

D. Except as provided in E, after a case has been returned to Court, any motion filed by counsel shall be deemed an entry of appearance.

E. In any ancillary proceeding such as a bail petition, motion for return of seized property, probation or parole violation or ARD revocation, an appearance of counsel shall be limited to that proceeding if the appearance so indicates.

RULE 150. Bench Warrants

A. In all cases where a bench warrant is executed, the case shall proceed in accordance with the following procedures:

1. In all cases where the Defendant is lodged in the Lancaster County Prison pursuant to the bench warrant, the Warden or his designee shall notify the District Court Administrator within twelve hours of commitment.

2. After notice from the Warden or his designee, the District Court Administrator shall schedule a hearing within the time permitted by Pa.R.Crim.P. 150.

3. The District Court Administrator shall give prompt notice of the hearing to the Office of the Public Defender, District Attorney's Office, and the Clerk of Courts for Lancaster County. The District Attorney and Public Defender shall each assign an attorney for the hearing.

4. The daily Business Judge shall conduct hearings on bench warrants held pursuant to this Rule.

This Rule shall be effective for individuals detained on or after August 1, 2006.

Revised 6-30-06

RULE 202. Approval of Search Warrant Applications by Attorney for the Commonwealth - Local Option

The District Attorney having filed a certification pursuant to Pa.R.Crim.P. 202, search warrants for the crimes listed below, shall not hereafter be issued by any judicial officer, unless the search warrant applications have the approval of an attorney for the Commonwealth before filing:

A. A violation of any criminal offense listed in any title of the Pennsylvania Statutes and /or Pennsylvania Consolidated Statutes Annotated. Prior approval is not required when the search warrant is solely seeking any one of the following:

1. The release of blood alcohol content test results based on any sub-section of 75 Pa. C.S.A. 3802,
2. Financial records,
3. Medical records,
4. Phone records of a person described as a victim or witness within the four corner of the affidavit of probable cause on the application.

Revised 1-18-12

Effective 3-5-12

RULE 202.1 Approval of Search Warrant Application by Attorney for the Commonwealth - Local Option

The District Attorney, having filed a certification pursuant to Pa.R.Crim.P. 202, search warrants applied for by an Officer of the Pennsylvania Game Commission for the crimes listed below, shall not hereafter be issued by any judicial

officer, unless the search warrant applications have the approval of an attorney for the Commonwealth before filing:

A. A violation of any criminal offense listed in any title of the Pennsylvania Statutes and/or Pennsylvania Consolidated Statutes Annotated.

Adopted 7-7-10

Effective 8-16-10

RULE 311A. ARD Application Process

A. Accelerated Rehabilitative Disposition (ARD) applications shall be submitted to the Office of the District Attorney using the approved form. A defendant shall simultaneously submit a Motion for Trial Continuance and Waiver using the approved form. A defendant shall be notified by first class United States mail of acceptance or rejection. A defendant whose application has been accepted shall be listed for an ARD hearing on the first available date. A defendant whose application has been rejected shall be placed on the next pre-trial conference list.

B. Application for non-DUI related ARD may be made anytime prior to formal arraignment.

C. Applications for DUI related ARD shall be submitted to the Office of the District Attorney within thirty days of the filing of the criminal complaint. Additionally, within thirty days of the filing of the criminal complaint, a defendant shall waive the preliminary hearing and schedule a Court Reporting Network evaluation. Qualification information and further application requirements may be obtained by contacting the Office of the District Attorney.

RULE 316A. Additional Condition of the Accelerated Rehabilitative Disposition Program (A.R.D.) when a summary offense(s) is/are included on the A.R.D. Order.

In addition to fees and charges imposed by statute or by the Supreme Court, fees which relate to the expense of administering the A.R.D. program may be imposed as a condition of the A.R.D. Program. Until changed by administrative order, the following shall be assessed a defendant, a twenty-five dollars (\$25.00) processing fee for each individual summary offense listed on the court case A.R.D. Order to cover expenses related to the administration of the A.R.D. program.

The reasonable costs associated with administering the program shall be collected in the same manner as cost of prosecution and shall be payable to the County of Lancaster general fund.

RULE 421A. Approval of Private Criminal Complaints for Summary Bad Check Charges by Attorney for the Commonwealth

The District Attorney having filed a certification pursuant to Pa.R.Crim.P. 421 and its Comments, summary private criminal complaints, in which the affiant is not a law enforcement officer, as defined in Pa.R.Crim.P. 103, and which charge the crime of BAD CHECKS, 18 Pa.C.S.A. §4105, shall not be submitted to any issuing authority unless the private criminal complaint has been reviewed and has been approved by an attorney for the Commonwealth.

RULE 507. Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth - Local Option

The District Attorney having filed a certification pursuant to Pa.R.Crim.P. 507, criminal complaints and arrest warrant affidavits by police officers, as defined in the Rules of Criminal Procedure, charging the crimes listed below, shall not hereafter be accepted by any judicial officer, unless the complaints and affidavits have the approval of an attorney for the Commonwealth before filing:

- A. Criminal Homicide in violation of 18 Pa. C.S.A. Section 2501;
- B. Murder in any degree in violation of 18 Pa. C.S.A. Section 2502;
- C. Voluntary Manslaughter in violation of 18 Pa. C.S.A. Section 2503;
- D. Involuntary Manslaughter in violation of 18 Pa. C.S.A. Section 2504;
- E. Homicide by Vehicle in violation of 75 Pa. C.S.A. Section 3732;
- F. Homicide by Vehicle While Driving Under Influence in violation of 75 Pa. C.S.A. Section 3735;
- G. Rape in violation of 18 Pa. C.S.A. Section 3121;
- H. Statutory Sexual Assault in violation of 18 Pa. C.S.A. Section 3122.1;
- I. Involuntary Deviate Sexual Intercourse in violation of 18 Pa. C.S.A. Section 3123;
- J. Aggravated Indecent Assault in violation of 18 Pa. C.S.A. Section 3125;

K. Sexual Assault in violation of 18 Pa. C.S.A. Section 3124.1;

L. Crimes Against Unborn Child in violation of 18 Pa. C.S.A. Chapter 26;

M. Arson in violation of 18 Pa. C.S.A. Section 3301;

N. Obscene and Other Sexual Materials in violation of 18 Pa. C.S.A. Section 5903; and

O. Violation of the Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. Section 780-113 (30)(Delivery or Possession with Intent to Deliver a Controlled Substance); and

P. Cruelty to Animals in violation of 18 Pa. C.S.A. Sections 5511(a)(1)(i)-(iii), 5511(a)(2)(i)-(ii), 5511(a)(2.1)(i)(A)-(B), 5511(c)(1), 5511(c)(2)(ii), 5511 (h.1)(1)-(7).

Revised 12-22-09 Effective 2-8-10

RULE 507.1. Approval of Police Complaint brought by the Warden, any Deputy Warden or Major of the Lancaster County Prison

The District Attorney having filed a certification pursuant to Pa.R.Crim.P. 507, criminal complaints and arrest warrant affidavits by police officers, as defined in the Rules of Criminal Procedure, charging the crimes brought by the Warden, any Deputy Warden or Major of the Lancaster County Prison listed below, shall not hereafter be accepted by any judicial officer, unless the complaints and affidavits have the approval of an attorney for the Commonwealth before filing:

A. Any offense brought under 18 Pa. C.S.A.;

B. Any offense brought as a violation of the Controlled Substance, Drug Device and Cosmetic Act, 35 P.S. Section 780-113;

Adopted 5-06-09 Effective 06-29-09

RULE 528. Use of Realty to Satisfy Monetary Condition of Release on Bail

A. When realty located in Lancaster County is offered as security for bail of \$10,000 or less, such security must include an affidavit of all record owners and must recite the fair market value of the realty, all liens and the balance of each lien.

B. When realty located in Lancaster County is offered as security for bail greater than \$10,000, such security must include a certification of an attorney, a title

insurance company or a title abstracting company and must identify all record owners, all liens and the balance of each lien. The certification must be accompanied by an appraisal by a licensed appraiser conducted within thirty days of the date the realty is offered as security.

C. When realty located outside Lancaster County is offered as security for bail in any amount, such security must include the certification and appraisal described in B.

RULE 529. Modification of Bail Order Prior to Verdict

A. Upon filing any motion to modify or reinstate bail, the moving party shall schedule a conference with the business judge by communicating directly with such judge's chambers. An unopposed motion may be presented to the business judge at any time provided that it contains written verification by the opposing party of the lack of opposition.

B. The conference may occur in chambers or in the courtroom at the discretion of the business judge.

C. At least twenty-four hours before the conference, the moving party shall serve a copy of the motion on the opposing party or counsel for the opposing party, including notice of the date, time and place of the conference.

D. For purposes of this rule, "business judge" is the assigned business judge on the date of the scheduled conference.

E. All orders modifying or reinstating bail shall be filed immediately with the Clerk of Courts. In cases pending in Court or in an appellate court, the Clerk of Courts shall immediately serve the Lancaster County Prison a copy of the order by facsimile or other electronic means when the order accomplishes any of the following:

1. reinstates bail to a monetary condition where the bail has previously been posted and not withdrawn;
2. reinstates bail to ROR, unsecured or a non-monetary condition; or
3. modifies bail to ROR, unsecured or a non-monetary condition.

In all other cases pending before the Court or in an appellate court, the Clerk of Courts, unless the Court explicitly orders to the contrary, shall not be required

to serve the Lancaster County Prison a copy of the order until the actual satisfaction of the full amount of any monetary condition of bail.

F. In cases pending before a district justice, service of an order on the district justice may be effected by any of the following:

1. the Clerk of Courts' delivery of a certified copy by regular or interdepartmental mail;
2. the moving party's personal service of a certified copy at the regular office of the district justice; or
3. the moving party's transmitting a copy to the district justice by facsimile or other electronic means and simultaneously sending a certified copy to the district justice by regular or interdepartmental mail.

G. In cases pending before a district justice when the Court has modified bail, the district justice shall issue a new bail bond in either of the following:

1. the district justice's directing a constable to transport the defendant to the office of the district justice, whereupon the defendant can execute the new bail bond; or
2. where the modified bail does not have a monetary condition, the district justice shall transmit by facsimile a new bail bond to the Lancaster County Prison, whereupon prison personnel shall act as the authorized agent of the district justice and secure the defendant's execution of the new bail bond.

A defendant proceeding under G(2) shall comply with F(3) and shall serve a certified copy of the order on the Lancaster County Prison.

H. Nothing in this rule shall affect the right of the Commonwealth or the defendant to request a bail hearing.

RULE 530. Duties and Powers of a Bail Agency

A. Pursuant to Pa.R.Crim.P. 530, the Court designates the Office of Bail Administration and Pre-Trial Services as the bail agency.

B. The bail agency, after investigating and concluding that a defendant is appropriate for release on bail, may present a motion to modify or reinstate bail. The bail agency may act on behalf of defendants who are incarcerated on bench warrants or who are unable to post the monetary amount of bail.

C. If the issuing authority sets bail which includes supervision by the bail agency, the issuing authority shall require the defendant to complete the bail agency's supervision form.

RULE 531. Qualifications of Surety

A. Approved Bondsman List

1. The Clerk of Courts shall compile, maintain, and make available for public inspection a list of approved bondsman (professional or fidelity/surety agent), hereinafter referred to as the "Approved Bondsman List", qualified to act as bail sureties in Lancaster County.

2. A bondsman (professional or fidelity/surety agent) is not permitted to act as a bail surety in Lancaster County unless he/she appears on the Approved Bondsman List on the date the bond is signed.

3. The Clerk of Courts shall promptly notify the District Attorney's Office, Solicitor's Office, Prison Warden, Bail Administration, the Office of the Prothonotary, and Court Administration of the addition or removal of any bondsman to the Approved Bondsman List.

B. Professional Bondsman

A professional bondsman shall not be included on the Approved Bondsman List unless he/she:

1. Provides the Clerk of Courts with a currently valid registration and license from the Commonwealth of Pennsylvania, Department of Insurance pursuant to 42 Pa.C.S.A. § 5742;

2. Provides the Clerk of Courts with proof that he/she maintains an office within Lancaster County, Pennsylvania, from which he/she conducts business pursuant to 42 Pa.C.S.A. § 5744, and;

3. Posts and maintains as security with the Clerk of Courts, a Reserve Account in the amount of twenty-five thousand dollars (\$25,000.00) in United States currency.

C. Fidelity/surety Company and Agent

1. A fidelity/surety company shall not be permitted to have agents on the Approved Bondsman List unless a currently valid registration and license from

the Commonwealth of Pennsylvania, Department of Insurance pursuant to 40 P.S. § 831 et. seq. is provided to the Clerk of Courts.

2. Each agent of the fidelity/surety company must post and maintain as security with the Clerk of Courts a Reserve Account in the amount of twenty-five thousand dollars (\$25,000.00) in United States currency.

D. Removal from Approved Bondsman List

1. A bondsman (professional or fidelity/surety agent) may be removed from the Approved Bondsman List for any of the following reasons:

- a. failure to comply with any of the rules as set forth herein;
- b. failure to comply with any applicable law or regulation of the Commonwealth of Pennsylvania or Rule of Court of Pennsylvania or of Lancaster County;
- c. suspension or revocation of a license or registration by the Commonwealth of Pennsylvania, Department of Insurance or by any Court of Common Pleas;
- d. failure to maintain a Reserve Account in the amount of twenty-five thousand dollars (\$25,000.00);
- e. the amount of the professional bondsman's outstanding bail forfeitures exceeds three hundred thousand dollars (\$300,000.00) as determined by the Lancaster County Solicitor's Office;
- f. failure to pay a bail obligation into the Bail Judgment Account, referred to in Rule 536.1, as required, or;
- g. failure to file quarterly reports with the Clerk of Courts within thirty (30) days of the end of each quarter.

2. A fidelity/surety company and its agents may be removed from the Approved Bondsman List if the aggregate amount of outstanding bail forfeitures for the fidelity/surety company exceeds five hundred thousand dollars (\$500,000.00) as determined by the Lancaster County Solicitor's Office.

3. Prior to the removal of a bondsman or fidelity/surety company from the Approved Bondsman List, the bondsman or fidelity/surety company shall be notified in writing of the intent to remove the bondsman or fidelity/surety company from the Approved Bondsman List and the reason(s) for removal and shall be provided with ten (10) days to remedy the basis for removal.

E. Reserve Account

1. The Clerk of Courts shall create and maintain a separate account known as the "Reserve Account" for each bondsman or fidelity/surety company on the Approved Bondsman List.

2. The bondsman or fidelity/surety company shall be solely responsible for making the deposits into his/her/its respective Reserve Account as required by this Rule.

Adopted 06-28-11 Effective 8-22-11

RULE 536. Bail Pieces; Exoneration of Surety

A. In all cases where a bail piece is lodged, the case shall proceed in accordance with the following procedures:

1. In all cases where the Defendant is lodged in the Lancaster County Prison pursuant to a bail piece, the Warden or his designee shall notify the District Court Administrator within twelve (12) hours of commitment.

2. After notice from the Warden or his designee, the District Court Administrator shall schedule a hearing to take place within seven (7) days of the date the bail piece was lodged.

3. The District Court Administrator shall give prompt notice of the hearing to the Office of the Public Defender, District Attorney's Office, the Clerk of Courts of Lancaster County, and any surety involved in the matter. The District Attorney and Public Defender shall each assign an attorney for the hearing.

4. The daily Business Judge shall conduct hearings on bail proceedings held pursuant to this Rule.

5. A copy of the Court's Order following the hearing shall be promptly forwarded to the Lancaster County Prison.

6. At any hearing conducted pursuant to [this] Rule 536(A), the only determination shall be whether to dismiss the bail piece or whether bail shall be reset. No decision regarding the exoneration or remittance of any surety shall be made at a hearing conducted pursuant to [this] Rule 536(A). Rule 536(B) shall be the exclusive process to request exoneration or remission of any bondsman or fidelity/surety company.

B. If a defendant is apprehended and returned to the Lancaster County Prison, the bondsman or fidelity/surety company or agent, may petition the Court of Common Pleas for full or partial exoneration or remittance of the amount of the bail bond under the following procedures:

1. All petitions for exoneration or remittance must be made in writing.
2. All petitions for exoneration or remittance must be served on the Office of the District Attorney, who shall have ten (10) days to respond to the petition.
3. A hearing on the petition shall be conducted upon the request of either party or by the Court *sua sponte*.
4. No hearing shall be conducted until the expiration of the ten (10) day response period, unless agreed to by both parties.
5. A petition for exoneration or remittance will not be considered if the funds in the Bail Judgment Account referred to in Rule 536.1 have been transferred to the General Fund as outlined in Rule 536.1(D).

Revised 6-28-11 Effective 8-22-11

RULE 536.1 Bail Judgment Account

- A. The Solicitor's Office shall create and maintain a separate account known as the "Bail Judgment Account."
- B. If a bail bond remains forfeited for a period of six (6) months, the Solicitor's Office shall notify the bondsman or the fidelity/surety company that the full amount of the bail bond must be placed in the Bail Judgment Account within twenty (20) days of the notice.
- C. If the bondsman or fidelity/surety company fails to place the appropriate funds into the Bail Judgment Account, any funds in the bondsman's or fidelity/surety company's Reserve Account, up to the amount of the forfeited bail bond, may be transferred to the Bail Judgment Account at the discretion and direction of the Solicitor's Office.
- D. Upon expiration of a one year period from the date of the forfeiture of the bail bond, any amount in the Bail Judgment Account, up to the amount of the forfeited bail bond, shall be transferred to the County's General Fund at the discretion and direction of the Solicitor's Office. The Solicitor's Office shall notify the bondsman or the fidelity/surety company of the transfer.

Adopted 6-28-11 Effective 8-22-11

RULE 570. Pre-trial Conference

A. Scheduling of pre-trial conference

1. After the information is filed, the District Court Administrator shall schedule a pre-trial conference.

The District Court Administrator shall provide notice of the pre-trial conference to counsel no later than seven days before the conference and shall provide notice to pro se defendants pursuant to Pa.R.Crim.P. 113.

2. A pre-trial conference for a homicide case shall be governed by Local Rule 570A.

B. Appearances required

The attorney for the Commonwealth and the attorney for the defendant or the pro se defendant shall appear at the pre-trial conference.

C. Certification for trial

A case may be certified ready for trial by the attorneys for the Commonwealth and the defendant (or the pro se defendant) at the pre-trial conference.

When a case is certified ready for trial, it shall not be scheduled for any further pre-trial conferences.

D. Continuance

A continuance request made at the pre-trial conference must be in writing and shall state the position of the opposing attorney.

E. Guilty plea

1. If the status of a case is a guilty plea, the guilty plea must be scheduled at the pre-trial conference.
2. A defendant may plead guilty at the pre-trial conference at the discretion of the Court.

F. Status order

The Court shall issue a status order at the pre-trial conference. Copies shall be provided to all parties and the District Court Administrator.

RULE 570A. Assignment and Trial of Homicide Cases

A. The assignment and trial of any criminal case in which one or more of the offenses charged is any grade or type of homicide, including homicide by vehicle and homicide by vehicle while driving under the influence, shall be conducted in accordance with the provisions of this rule.

B. Homicide cases shall be assigned to a trial judge by the President Judge. All matters thereafter shall be the responsibility of the trial judge.

C. Pre-trial conferences shall be scheduled by the trial judge and shall not be included on the regularly scheduled criminal pre-trial conference lists.

D. Additional pre-trial conferences may be scheduled at the discretion of the trial judge. The trial judge shall issue a final pre-trial order establishing a firm trial date and containing any further final instructions. Once set, the firm trial date shall not be continued except for extraordinary circumstances.

E. Copies of all pre-trial orders shall be provided to the President Judge, the District Court Administrator and counsel.

RULE 571. Arraignment

A. The District Attorney shall conduct arraignment pursuant to Pa.R.Crim.P. 571(C). A plea of not guilty shall be entered on behalf of the defendant unless the defendant states an intent to enter a plea of guilty.

B. Arraignment shall take place at least thirty days prior to trial, unless a defendant and defense counsel agree otherwise.

C. A defendant and defense counsel may waive arraignment and enter a plea of either guilty or not guilty by filing a written waiver of arraignment. The form for the waiver is available in the Office of the District Attorney. To waive arraignment, the written waiver must either be filed in the Clerk of Courts Office or be delivered to the Office of the District Attorney by noon on the day before the scheduled arraignment date or at the time of arraignment. An unrepresented defendant must appear at arraignment.

RULE 575A. Motions Other Than Bail

Motions not otherwise governed by Pennsylvania Rules of Criminal Procedure or these rules shall be submitted as follows:

A. Upon filing any motion requiring a conference in the Court, the moving party shall schedule the conference with the business judge by communicating directly with such judge's chambers. An unopposed motion may be presented to the business judge at any time provided that it contains written verification by the opposing party and, if applicable, the probation or parole officer, of the lack of opposition.

B. The conference may occur in chambers or in the courtroom at the discretion of the business judge.

C. At least twenty-four hours before the conference, the moving party shall serve a copy of the motion on the opposing party or counsel for the opposing party, including notice of the date, time and place of the conference. In emergency matters in which it is not possible to provide twenty-four hours notice, the moving party shall provide opposing counsel with a copy of the motion as soon as possible prior to the scheduling of the conference.

D. For purposes of this rule, "business judge" is the assigned business judge on the date of the scheduled conference.

E. After decision on the motion, the motion and order shall be filed immediately with the Clerk of Courts.

F. Motions which may be submitted *ex parte* pursuant to the Pennsylvania Rules of Criminal Procedure and which require a Court order shall be submitted directly to the business judge or the judge assigned to the case.

RULE 575B. Uncontested and *Ex-parte* Motions

A. If the relief requested in a motion is not opposed, counsel for the moving party shall certify that opposing counsel and, if applicable, the probation or parole officer, do not object to the relief requested. The motion shall be submitted to the business judge or judge to whom the case has been assigned.

B. Motions which may be submitted *ex-parte* shall be submitted to the business judge or the judge to whom the case has been assigned.

RULE 590. Pleas and Plea Agreements

A. Guilty pleas shall be scheduled with the guilty plea secretary in the Office of the District Attorney. When scheduling the guilty plea, counsel shall inform the guilty plea secretary if and where the defendant is incarcerated. Once a guilty plea date is obtained, the defendant or counsel must file with the District Attorney a Request to Schedule a Guilty Plea in the form provided by the District Attorney.

B. Once a guilty plea is scheduled, it may be removed from the guilty plea list at anytime up to seven days before the scheduled date by notifying the guilty plea secretary. If the defendant or counsel elects to remove the guilty plea from the list within seven days of the scheduled date, the defendant must personally appear on the scheduled date to request a continuance from the Court.

C. Prior to entering a guilty plea, a defendant shall complete and sign a written guilty plea colloquy on the form provided by the District Attorney. The form shall be presented to the Court at the time of the guilty plea hearing.

RULE 604. Opening Statements and Closing Arguments

A. Opening statements shall be limited to a brief statement of the party's case and the facts to be adduced in support thereof and shall not include any argument concerning the facts or the law applicable thereto.

B. The length of closing arguments may be regulated by the trial judge, but any time limitation shall be made known to all counsel before the closing arguments begin.

RULE 620. Waiver of Jury Trial

A waiver of jury trial shall be in compliance with Pa.R.Crim.P. 620 and on the form provided by the District Attorney.

RULE 631. Examination and Challenges of Trial Jurors

Unless a specific method is required by statute or general rule, the trial judge shall determine the method of examination and challenges of trial jurors, giving due consideration to the nature and circumstances of the case.

RULE 647. Requests for Instructions, Charge to the Jury and Preliminary Instructions

Written requests for instructions to the jury shall contain citations to the authority relied upon and shall be submitted at the time set by the trial judge. Case and article citations shall be pinpoint. The failure to submit written requests for instructions to the jury at the time set may be deemed a waiver of the right to do so unless the trial judge determines otherwise in the interests of justice.

LANCASTER COUNTY

RULES OF ORPHANS' COURT

RULE 1. Judges - Local Rules

RULE 1.2. Title and Citation of Rules

These rules shall be known as the Lancaster County Rules of Orphans' Court and may be cited as "L.C.R.O.C. No. ".

RULE 3. Pleadings and Practice

RULE 3.2. Pleadings

Pleadings shall be limited to a petition, an answer, new matter, a reply to new matter, preliminary objections and an answer to preliminary objections.

RULE 3.6. Depositions, Discovery, Production of Documents and Perpetuation of Testimony

No discovery or perpetuation of testimony is permitted except by petition for leave of Court or by agreement of the parties.

A. A petition shall set forth the nature of the discovery sought, the reasons why the discovery is necessary and the time period within which discovery is to be completed. Upon receipt of a petition, any other party seeking discovery shall file a petition within five days unless all parties agree to proceed under 3.6B.

B. Parties may request leave of court to conduct discovery by agreement. The agreement shall be signed by counsel and shall describe the proposed discovery and shall state the time for completion.

RULE 3.7. Pre-trial Conferences

The Court, sua sponte or on motion of any party, may order a pre-trial conference to consider:

A. The simplification of issues.

- B. The necessity or desirability of amendments to the pleadings.
- C. Stipulations or admissions of facts or documents.
- D. Such other matters as may aid in the disposition of the action.

RULE 3.8. Trust Inter Vivos

Any party requesting the Court to exercise jurisdiction over an inter vivos trust first shall file with the Clerk of the Orphans Court the original of the trust instrument and any amendments thereto or a copy certified by counsel to be true and correct.

RULE 6. Account and Distribution

RULE 6.1. Accounts

Accounts shall be prepared in substantial conformity to accounting forms approved by the Supreme Court of Pennsylvania.

RULE 6.3. Notice of Audit of Account

Notice shall be given at least twenty days prior to the audit, and a copy of the form of notice shall be filed before or at the audit. In addition to the requirements of Pa. O.C. Rule 6.3, notice shall include the following:

- A. Except as to legatees or claimants whose legacies or claims have been or will be paid in full, either that a copy of the account and a copy of the will or trust instrument will be sent upon request or the location where a copy of the same is available for inspection, and that any persons who object to the transactions shown in the account must either (1) file written objections in conformity to Rule 6.10 prior to audit or (2) appear in person or by counsel at the audit under penalty that the Court

may otherwise conclude that no objection exists; and

B. The accountant's interpretation of any dispute, or fairly disputable question, which will be presented to the Court; a copy of the instrument or material parts relevant to the dispute; and a statement that, if the person notified does not agree with the accountant's interpretation, the person must appear at the audit or by counsel to present the contention, under penalty for failure to appear that the Court will conclude that the persons agrees with the accountant's interpretation; and

C. Notice to a claimant shall include: the accountant's understanding of the nature of the claim; whether the claim is admitted or contested; if admitted, whether it will be paid in full or in part, or, if contested, that failure by the claimant to appear at the audit in person or by counsel may result in the court concluding the claimant has elected not to press the claim.

RULE 6.4. Time of Filing Account and Call of Audit List

A. Accounts to appear on a particular audit list must be filed not later than noon of the third Wednesday preceding the session of court when that audit list will be called. When that Wednesday falls on a holiday, accounts must be filed not later than noon of the preceding business day.

B. The audit list will be called on the first Tuesday of every month except July, August and September. In September, the audit list will be called on the third Tuesday.

RULE 6.6. Compliance with Local Rules

Accounts received by the Court for audit found to violate any provisions of these

rules may be returned unaudited to the Clerk of the Orphans Court pursuant to Court order.

RULE 6.9. Petition for Adjudication

A petition for adjudication shall be filed and served no later than seven days prior to the audit, using forms supplied by the Clerk of the Orphans Court or reproductions thereof. The petition shall include a schedule of proposed distribution in sufficient detail to provide the basis for the Court's decree of distribution. The petition shall be signed and sworn or affirmed to by at least one accountant. Any accountant objecting shall comply with Rule 6.10.

RULE 6.10. Written Objections to Accounts

A. Form. Written objections to accounts shall be numbered consecutively and signed by the objector or his attorney. Each objection shall:

1. Be specific as to description and amount.
2. Contain as far as practicable only one material allegation.
3. Set forth briefly the reason or reasons in support thereof.

B. Time of Filing. Objections may be filed with the Clerk of the Orphans Court on any day prior to the day when the account objected to is listed for audit, or at, but not later than, such audit.

C. Service. A copy of the objections shall be served without delay after filing on accountant's attorney or on the accountant promptly.

D. Continuance of Audit. When objections to an account have been filed, the audit of the account will be continued, upon call of the audit list, to a day fixed by

the Court for auditing the account and hearing the objections.

RULE 6.13. Memorandum for Audit

Amendments to the account, such as additional receipts and disbursements, and any other pertinent information may be brought before the Court by a memorandum for audit. Where appropriate, the memorandum for audit shall be in accounting form and contain a revised computation of the balance for distribution.

RULE 6.14. Tax Certificate

A form pertaining to Pennsylvania inheritance tax liability is available in the office of the Clerk of the Orphans Court and shall be completed, signed by counsel for the accountant or the accountant and filed prior to the closing of the audit.

RULE 10. Register of Wills

RULE 10.2. Appeal

A. Anyone desiring to appeal from a judicial act or proceeding of the Register of Wills shall file with the Register a Notice of Intention to Appeal using the form supplied by the Register.

B. After the Notice of Intention to Appeal has been filed with the Register, the Register shall certify the record to the Court.

C. Within thirty days after the filing of the Notice of Intention to Appeal, appellant shall file a Petition for Citation Sur Appeal with the Clerk of the Orphans Court. The petition shall set forth the grounds for the appeal, the names and

addresses of all interested parties and the necessary jurisdictional facts. If the petition sets forth a prima facie case, the Court shall award a citation directed to all parties in interest to show cause why the appeal should not be sustained and the act or proceeding of the Register set aside. If the petition is not filed within thirty days after the filing of the Notice of Intention to Appeal, the appeal shall be deemed abandoned without prejudice to the right of any party to file another appeal within the statutory period for taking an appeal.

RULE 12. Special Petitions

RULE 12.2. Allowance to Surviving Spouse of Intestate Appraisal of Property

Where the allowance is claimed from property at valuations agreed upon by all parties in interest, no formal appraisal is required. If an appraisal is needed, the manner of appraising, or of filing and confirming the appraisal, and of advertising or giving notice thereof shall be by special order in each case.

RULE 12.5. Appointment of a Guardian for the Estate or Person of a Minor Appearance in Court

Unless required by the Court, the appearance of the minor in Court for the appointment of a guardian of his estate is not required.

RULE 12.9A. Public Sale of Property. Contents of Petition - Additional Requirements

A. Personal Representative. The petition of a personal representative to sell real or personal property at public sale (in addition to the requirements of Pa. O.C. Rule 12.9) shall set forth in separate paragraphs:

1. The name, residence and date of death of the decedent; whether the decedent died intestate or testate; and the date of the grant of Letters.

2. That the personal representative is not otherwise authorized to sell by statute, or is denied the power to do so by the will or that it is desirable that the sale have the effect of a judicial sale, stating the reasons.

3. Whether an inventory and appraisalment has been filed; the total value of the property shown therein; and the value at which the property to be sold was included therein.

4. If the personal representative posted bond, the name of the surety and the amount of such bond.

5. The names and relationships of all parties in interest; a brief description of their respective interests; and whether any of them are minors, incapacitated persons or deceased, and, if so, the names of their fiduciaries, if any;

6. For real property, any improvements, by whom it is occupied, its rental value and current tax assessment.

7. Sufficient facts to enable the Court to determine that the

sale is desirable for the proper administration and distribution of the estate.

B. Trustee. The petition of a trustee to sell real or personal property at public sale (in addition to the requirements of Pa. O.C. Rule 12.9) shall set forth in separate paragraphs:

1. How title was acquired, stating the date and place of probate of the will or recording of the deed.

2. A recital of the relevant provisions of the will or deed pertaining to the property to be sold.

3. The names and relationships of all parties in interest; a brief description of their respective interests; whether any of them are minors, incapacitated persons or deceased, and, if so, the names of their fiduciaries, if any;

4. For real property, any improvements, by whom it is occupied, its rental value and the current tax assessment;

5. That the trustee is not otherwise authorized to sell by statute, or is denied the power by the trust instrument or that it is desirable that the sale have the effect of a judicial sale, stating the reason; and

6. Sufficient facts to enable the Court to determine that the proposed sale is for the best interests of the trust,

C. Guardian of a Minor or an Incapacitated Person. The petition of a guardian to sell real or personal property at public sale (in addition to the requirements of Pa. O.C. Rule 12.9) shall set forth in separate paragraphs:

1. The age of the minor or incapacitated person.

2. The names of those who would be entitled to take under the intestate laws and the notice given them of the presentation of the petition.

3. How title was acquired, stating the date and place of probate of the will or recording of the deed.

4. A recital of the relevant provisions of the will or deed pertaining to the property to be sold.

5. The nature and extent of the interest of the minor or incapacitated person, and of other persons in the real property.

6. For real property, any improvements on the property, by whom it is occupied, its rental value and current tax assessment; and

7. Sufficient facts to enable the Court to determine that the sale will be for the best interests of the minor or incapacitated person.

RULE 12.9B. Public Sale of Real Property. Notice. Return

A. Notice. After the allowance of a petition for the public sale of real property, notice shall be by personal service or certified mail to such parties in interest as the Court may direct in its decree.

B. Return. Returns of public sales of real property for the purpose of approval or confirmation by the Court shall be on the form provided by the Register of Wills.

C. Security. On the return day of the sale, the Court, in the decree approving or confirming the sale, shall fix the amount of bond or additional security which the personal representative, trustee or guardian shall be required to enter or will excuse the fiduciary from entering additional security.

RULE 12.10A. Private Sale of Real Property or Options Therefor. Contents of Petition - Additional Requirements. Exhibits

A. Additional Requirements. When it is required that a personal representative, trustee or guardian petition the Court to sell real property at private sale, the petition shall conform as closely as practicable to the requirements of these Rules with regard to a petition to sell real property at public sale.

B. Exhibits. The following exhibits must be attached to the petition by a personal representative, trustee or guardian:

1. A copy of the will, deed or decree by which the fiduciary was appointed.
2. Any consents or joinders of parties in interest, and the names and a copy of the notice which has been given to those parties who do not consent or join.
3. A copy of the agreement of sale.
4. Affidavits as to value by two real estate appraisers in the form prescribed by Pa. O.C. Rule 12.10(b).

RULE 12.11. Mortgage or Lease of Real Property. Additional Requirements

A. Contents of Petition. A petition to mortgage or lease real property shall: conform as closely as practicable to the requirements of these Rules with regard to a petition to sell real property at public sale; set forth the amount and terms of the proposed mortgage loan or lease; and set forth facts to enable the Court to determine whether the mortgage should be approved.

B. Exhibits. The following exhibits shall be attached to the petition:

1. A copy of the will, deed or decree by which the fiduciary was appointed.

2. Any consents or joinders of parties in interest, and the names and a copy of the notice which has been given to those parties who do not consent or join.

C. Security. The amount of the bond or additional security required to be entered, or the waiver thereof, will be determined by the Court in its decree approving the mortgage.

RULE 12.16. Settlement of Small Estates on Petition

A. Contents of Petition. In addition to any requirements set forth under Section 3102 of the Probate, Estates and Fiduciaries Code, as amended, or any subsequent legislation relating thereto, petitions presented to the Court for the settlement of small estates shall contain the following averments:

1. The standing of the petitioner.

2. The date and place of death as well as the residency of the decedent.

3. Whether or not the decedent died testate, and

(i) the names, addresses, ages and relationships of the decedent's heirs under Pennsylvania intestate laws or beneficiaries under decedent's last will and testament.

4. The nature and value of the assets comprising the decedent's gross probate estate.

5. A statement of all known liabilities of the estate and the source

of their payment.

6. A schedule of proposed distribution.

B. Exhibits.

1. If the decedent died testate, the original will must be attached to the petition as an exhibit.

2. A death certificate must be attached as an exhibit.

C. Notice. Notice of intention to present the petition shall be furnished to all parties in interest as provided under Pa. O.C. Rule 5.3.

RULE 12.17. Change of Situs of Trust

A petition for transfer of situs of any testamentary or inter vivos trust filed by a trustee or any party in interest shall set forth the following:

A. The name of the decedent or settlor and the date of the creation of the trust estate.

B. The names and addresses of all parties in interest and whether they are sui juris and join in the prayer of the petition.

C. The names and addresses of all fiduciaries.

D. A statement whether all taxes due the Commonwealth of Pennsylvania and its political subdivisions have been paid or provided for.

E. The reasons why the change of situs is necessary or desirable.

F. The name and address of a successor trustee, if appropriate, and the court which will have jurisdiction over the trust.

G. The place where the trust instrument is recorded.

H. A statement of what actions will be taken in the other jurisdiction causing

the appropriate court to accept jurisdiction of the trust.

RULE 12.18. Allowance from Minor's Estate. Contents of Petition

A petition for allowance from a minor's estate shall set forth:

- A. The manner of the guardian's appointment and the date thereof.
- B. The age and residence of the minor, whether the minor's parents are living, with whom the minor resides and the name and age of the minor's spouse and children, if any.
- C. The value of the minor's estate, real and personal, and the net annual income.
- D. The circumstances of the minor: whether employed or attending school; the name and address of the person charged with the duty to support the minor and, if that person is living, the financial condition and income of such person and why he is not discharging the duty to support the minor; and whether there is adequate provision for the support and education of the minor, his spouse and children.
- E. The date and amount of any previous allowance by the Court.
- F. The financial requirements of the minor and the minor's family unit, in detail, and the circumstances making such allowance necessary.

RULE 13. Distribution - Special Situations

RULE 13.1. Representation by Counsel

At the time of counsel's entry of appearance for a foreign distributee or claimant, a valid, duly authenticated power of attorney executed by the foreign distributee or claimant in favor of counsel shall be filed with the Clerk of the Orphans Court.

RULE 13.2. Report by Fiduciary

If it appears that the existence, identity or whereabouts of a distributee is unknown, the report required under Rule 13.3 of the Pa. O.C. Rules shall be filed at or before the audit of the account. Upon examination of such report, the Court may:

- A. Require the fiduciary to make further investigation.
- B. Appoint a master
- C. Direct distribution pursuant to 20 Pa.C.S.A. §3540.
- D. Take other action appropriate under the circumstances.

RULE 15. Adoptions

RULE 15.1. Local Rules

A. These Rules are adopted under the option given by Rule 15.1 of the Pa. O.C. Rules to adopt local rules. These Rules may be modified in a particular case by a special order of the Court.

B. Petitions which require a hearing shall have a preliminary decree attached for the purpose of setting a hearing date, specifying persons to whom and the manner in which notice is to be given and, in the case of an adoption petition, indicating which agency is to make the required investigation. Petitions shall be signed by the petitioners and by counsel and shall be verified.

C. In every proceeding where the Pa. O.C. Rules or the Adoption Act require the adoptee's birth certificate to be exhibited to the Court, the birth certificate shall show the names of the mother and father if that information is recorded. If the name of the father is not recorded, but there is a claim of paternity under Section 8303 of the Adoption Act, such information shall be provided to the Court.

D. In all proceedings under the Adoption Act, counsel for petitioners shall present at the time of the hearing a proposed decree. In any proceeding for voluntary relinquishment of parental rights, confirmation of consent or involuntary termination of parental rights, at the time of the hearing, counsel shall present the notices to the birth parents concerning their right to place information on file with the Court and with the Department of Public Welfare or the Division of Vital Records, together with a stamped envelope addressed to each birth parent.

E. At the time of the hearing the return of notice shall be by affidavit of the person serving, mailing, publishing or delivering such notice.

F. In any proceeding for voluntary relinquishment of parental rights, confirmation of consent, involuntary termination of parental rights or adoption in which a parent whose parental rights are to be relinquished or terminated is a minor, is incarcerated or is in military service, counsel for petitioner shall provide in the preliminary decree for the appointment of counsel to represent such parent.

G. Special requests for scheduling shall be submitted to the Court.

H. If the person to be adopted is an adult, no investigation by an agency shall be required. The preliminary decree shall provide for notice of the proposed adoption to the biological parents unless the Court waives this requirement for good cause.

RULE 15.2. Voluntary Relinquishment to Agency

A. Representatives of agencies who have acted as intermediaries shall appear at the hearing unless excused by the Court.

B. The Court may allow a relinquishment or termination of parental rights by one parent to be conditioned upon relinquishment or termination of parental rights of

the other parent of the child intended to be adopted.

RULE 15.3. Voluntary Relinquishment to Adult Intending to Adopt Child

A. Individuals who have acted as intermediaries shall appear at the hearing unless excused by the Court.

B. The Court may allow a relinquishment or termination of parental rights by one parent to be conditioned upon relinquishment or termination of parental rights of the other parent of the child intended to be adopted.

RULE 15.4. Involuntary Termination of Parental Rights

A. When the Court appoints counsel to represent a child in an involuntary termination proceeding, the cost shall be paid in such manner as the Court directs.

B. In any proceeding where a petition for involuntary termination of parental rights is either granted or denied, the Clerk shall promptly, by first class, mail a certified copy of the decree to all parties at their last known addresses and to their attorneys of record.

RULE 15.5. Adoption

A. The original and one copy of a petition for adoption shall be filed with the Clerk with the required fee.

B. All necessary exhibits such as birth certificates and consents to adoption shall be attached to the petition for adoption unless previously filed with the Report of Intermediary.

C. All consents to adoption shall be in the form required by the Adoption Act and shall be completed with exactitude.

D. The certificate of adoption form furnished by the Bureau of Vital Statistics of the Pennsylvania Department of Health shall be submitted to the Court at the adoption hearing.

E. The report concerning disclosure of fees and costs required by Pa. O.C. Rule 15.5(d) shall be submitted to the Court at the adoption hearing.

F. The statements set forth in the petition for adoption shall be investigated by an agency designated by the Court. The fee for the report of investigation shall be taxed as costs to the adopting parent or parents and is payable directly to the agency.

G. Notice of the adoption hearing shall be given to each person whose consent to the adoption is required and to such other persons directed by the Court.

H. If the person to be adopted is an adult and a change of name is desired, the petitioner shall present evidence of compliance with the law relating to change of name. The petition shall be captioned Petition for Adoption and Change of Name.

RULE 15.6. Notice; Method and Time

A. If the identity of any person whose parental rights are to be terminated is unknown or cannot be determined, the petition shall include an affidavit setting forth in detail the basis for such allegations. The Court may require further testimony.

B. In any proceeding in which notice is to be given to one or more persons by publication, a separate petition shall be submitted to the Court setting forth in detail the efforts made to determine the address of the person to be notified and the results of such efforts.

The decree authorizing service by publication in the location of the last known address of the person to be notified shall include the name of the newspaper of general

circulation and the name of the legal periodical, if any, in which such notice is to be published. Publication shall be made by advertising once each week for two successive weeks in the newspaper of general circulation and in the legal periodical, if any.

LANCASTER COUNTY

RULES FOR CONSTABLES AND MAGISTERIAL DISTRICT JUDGES

LANCASTER COUNTY

RULES FOR CONSTABLES

CONSTABLES

RULE 1. Title and Citation of Rules

These rules shall be known as the Lancaster County Rules for Constables and Magisterial District Judges and may be cited as “L.C.R.C.M.D.J. No. ”.

RULE 2. District Court Administrator. Screening of Applicants Constable Vacancies

The District Court Administrator shall be responsible for screening all applicants for the offices of constable or deputy constable and shall submit all petitions and recommendations to the President Judge.

LANCASTER COUNTY

RULES FOR MAGISTERIAL DISTRICT JUDGES

RULE 3. Supervision of Magisterial District Judges by President Judge

The President Judge designates the District Court Administrator as the liaison between the Court and magisterial district judges.

COMMENT: The District Court Administrator is so designated to assist the President Judge with exercising the authority granted by Rule 17 of the Rules Governing Standards of Conduct of Magisterial District Judges.

RULE 4. Termination of Inactive Summary Matters

A. A summary offense may be terminated if it has not been adjudicated within two years of the filing of the charge.

B. Before any such termination, the magisterial district judge shall give at least thirty days notice in writing to counsel of record and unrepresented parties of impending termination. Such notice shall be given in person or by mail to the last address of record of the parties or their counsel of record (including the District Attorney and Public Defender) and shall minimally consist of the name of the defendant, docket number, a brief description of the charge and date the offense was filed.

COMMENT: This Rule covers some of the provisions of Pa. R.J.A. No. 1901.

RULE 6. Fees

A. Fee Schedule for Responding to Public Access Requests

The following fees shall be charged to the public in response to requests for public access to the official case records of the magisterial district courts:

1. Photocopies per page - \$.25
2. Staff time required to respond to a public access request - No fee for the first hour of staff time. After the first hour, the fee shall be \$6 per ¼ hour with a minimum of ¼ hour.
3. Actual postage costs incurred by the court.
4. Fees under this paragraph may be waived by the court if the magisterial district judge determines that the requestor is indigent.

B. Remittals of Collected Fees

Fees received pursuant to Paragraph A above, and any notary fees received by any magisterial district judge or any staff member for affidavits, oaths, acknowledgments, or other similar services, regardless of where such services were performed, shall be remitted to the County of Lancaster.

Revised 6-16-10 Effective 8-09-10