

ADAMS COUNTY RULES OF JUDICIAL ADMINISTRATION

General Provisions

Rule 101. Title and Citation of Rules.

Local rules may be cited:

Adams C.R.J.A. (number)-- Rules of Judicial Administration
Adams C.Civ.R. (number)-- Rules of Civil Procedure
Adams C.Crim.R. (number)-- Rules of Criminal Procedure
Adams C.Juv.R. (number)-- Rules of Juvenile Court Procedure
Adams C.O.R.(number)-- Rules of Orphans' Court Procedure

They may also be cited as Local (R.J.A., Civ., Crim., Juv., O.C.) Rule (number).

Rule 103. Procedure for Adopting, Filing and Publishing Rules.

Local rules are intended to supplement State rules and shall be read in context with those rules. In case of a conflict the rules adopted by the Pennsylvania Supreme Court shall prevail.

Rule 116. Offices To Which Rules Apply.

The Rules adopted under this chapter shall apply to all offices in the Adams County court system unless the context indicates otherwise. Offices in the court system shall include the offices of Magisterial District Judges, Domestic Relations Section, the Clerk of Courts, Orphans' Court Division, Criminal and Miscellaneous Sections, and the Prothonotary. In some instances these rules will also apply to the Sheriff, Register of Wills and Recorder of Deeds.

Rule 117. Court Calendar.

The Court shall promulgate a court calendar annually. There shall be included therein no less than twelve (12) weeks set aside for criminal jury trials and no less than seven (7) weeks set aside for civil jury trials. The Prothonotary and Clerk shall prepare a list of cases scheduled for hearing, trial argument or other action at least five (5) days prior to a specified calendar day and provide each judge presiding over such cases with a copy thereof. Other than summary appeals, the hearing list shall reflect matters listed for hearing at least ten (10) days prior to hearing date. The list may be supplemented by order or with approval of a judge.

Rule 118. Legal Journal.

The Adams County Legal Journal is designated for the publication of Court or other legal notices as required by the various statutes, laws, rules, orders or decrees of the Court in the Commonwealth of Pennsylvania.

Rule 120. Bulletin Board.

Both the Prothonotary and Clerk of Courts shall maintain in public view a bulletin board for the purpose of posting required notices.

Rule 130. Law Library.

A. Research and Reference Facility: The Adams County Law Library shall be used as a research facility by the Court, county officials, and county attorneys, in accordance with law, and subject to rules promulgated by the Law Library Committee and approved by the Court. In furtherance of a desire to maintain the Adams County Law Library as a complete County Reference Law Library, the following publications are to be provided for the law library:

1. All published slip opinions authored by the Adams County Court shall be delivered to the Adams County Law Library which shall hereinafter act as a depository for said Opinions.
2. All ordinances of municipalities and townships, including Zoning Ordinances, shall be made available to the Adams County Law Library.

B. Open to the public: The Adams County Law Library shall be a facility open to the general public subject to rules promulgated by the Law Library Committee and approved by the Court.

C. Law Library Committee: The President Judge shall appoint a chairman and committee to operate and maintain the Adams County Law Library. Committee members shall be selected from members of the Adams County Bar Association and shall serve at the pleasure of the President Judge. The committee may deal directly with the Adams County Commissioners in budgetary matters. The committee shall annually file a report and accounting with the Court. Upon approval, the report shall be filed of record in the Prothonotary's Office.

D. Rules. Until changed, the following rules shall apply:

1. The library is open to the public during the hours of 8:00a.m. to 4:30p.m., Monday through Friday, except during those times when the Courthouse is closed.

2. The Adams County Law Library is intended primarily for a reference library. No books may be taken out by members of the general public. Limited borrowing privileges are as follows:

a. All books must be returned within three (3) days from the date that they are signed out, in a register provided and located at the desk in the law library. Violation of this provision shall subject the violator to the following penalties:

i. Books held beyond thirty (30) days-- library privileges to be revoked and offender to be reported to the Adams County Court.

ii. After thirty (30) days, the offender will be billed for the replacement cost of the volume(s) held.

b. The following books are for reference only and may not be taken out of the law library: Purdons Statutes, Pennsylvania Law Encyclopedia, United States Code Annotated, U.S. Code Service, all Slip Opinions, Court Rules, Dictionaries, Directories, Shepard Citations, Pennsylvania Code, Pennsylvania Bulletin, and all other books maintained on shelves that are marked indicating that the contents may not be removed.

3. For all materials which are in circulation and borrowed from the library, authorized individuals shall sign the register and legibly indicate the volume number and title, the borrower's name (judge, attorney, or county official), and the date that the volume was removed. Every item taken from the library must be signed out. When the item is returned to the library, the register must be dated on the same line on which it was signed out to indicate that the item is returned. The item must be placed on a desk or cart and NOT re-shelved.

4. The photocopier in the law library is for the convenience of all persons authorized to use the law library. Use is restricted to making reasonable numbers of copies of library material without violating The Copyright Act at 17 U.S.C. § 108. The Committee may subject the copier's use to conditions and restrictions by posting same by or on the copier and may revoke any person's usage privileges.

5. These rules shall be posted in a conspicuous place in the Adams County Law Library.

Rule 150. Extended hearing.

An extended hearing is defined as one requiring two or more hours. Parties requesting a hearing, whether by order or praecipe, shall certify whether the hearing can reasonably be

expected to become an extended hearing. The Court will then schedule the matter for conference or hearing as deemed appropriate by the Court.

Fees, Costs and Financial Matters

Rule 401. Money Paid Into Court.

A. Any party wishing to pay money into Court shall request leave to do so by petition, in conformance with Adams C.Civ.R. 206.4 (c).

B. The Prothonotary and Clerk of Courts shall open and maintain accounts for the deposit of funds paid into Court, pursuant to court order. Accounts and depositories shall be approved by the Court. Disbursements or distributions shall be made pursuant to court order. An administrative fee of twenty-five (\$25.00) dollars shall be paid from the fund.

C. When money is paid to the Prothonotary pursuant to Pa. R.Civ.P.D.J. 1008, the payee shall state in writing whether or not the Prothonotary is authorized to periodically release sums to a landlord without application by the landlord. If authority is granted, the tenant shall state the amount that may be periodically disbursed. Until authority is cancelled by the tenant, those sums may be periodically released without further Order of Court.

Rule 402. Fee Schedule: Public Access to Magisterial District Court Records.

A. Any member of the public requesting access to the public records of the magisterial district courts of Adams County shall be charged the following fees:

1. Photographing- \$0.25 per page;
2. Facsimile or other electronic memos- \$0.25 per page;
3. Conversion to paper from electronic storage- \$0.15 per page;
4. Postage- actual cost;
5. Redaction- none;
6. \$5.00 per each quarter (1/4) hour associated with the preparation, copying and re-filing of requested records.

B. Depending upon the volume of the records requested, the Magisterial District Judge may require a reasonable deposit before authorizing response to the request.

C. Fees paid for services are non-refundable.

D. Fees may be waived if the Magisterial District Judge determines that the requestor is indigent.

E. All fees received pursuant to this Rule shall be identified as revenue to the magisterial district court and shall be remitted monthly to the general fund of the County of Adams.

F. All terms used in this Rule shall have the same meaning as found in the definitional section of the Public Access Policy of the Unified Judicial System of Pennsylvania at 204 Pa. Code Sec. 213.1.

Documents and Records

Rule 801. Papers Filed.

For purposes of this Rule, papers include pleadings, motions, petitions and orders. Nothing in this rule shall be construed contrary to any State rule.

A. Size and Color.

Papers filed in the court system of Adams County shall be eight and one-half inches by eleven inches (8 1/2 x 11) in size. Papers shall be on white or off-white stock.

Exhibits to papers may be of a different color if the original does not permit compliance with this Rule.

B. Characters.

Papers should be written in ink, printed, typewritten, photocopied, mimeographed or otherwise mechanically reproduced.

C. Caption.

The caption should include the name and division of the Court, identifying case number, the names of the parties, and the title of the proceeding.

D. Orders.

Papers requiring an order shall have a proposed order attached as the first page and shall be first filed in either the Office of the Clerk of Courts or the Office of the Prothonotary. Normally, papers should then be presented to the Court Administrator for routing. Papers may also be presented to the appropriate judge in chambers, or filed in open court, if the judge is already presiding over that litigation.

E. Prior Action.

If a paper refers to prior action taken by the Court, the paper shall identify the date the action was taken and the judge taking such action and shall have attached as an exhibit a copy of the order directing the action.

F. Backers.

The use of backers, mini-backers, toppers or other cover stock is discouraged. No substantive content of any pleading or document shall be contained on the backer, mini-backer, topper or other cover stock. The Clerk of Courts and the Prothonotary shall not physically retain or preserve any backer, mini-backer, topper or other cover stock, or retain or preserve any information contained thereon.

G. Social Security Numbers.

No document submitted for filing to the Prothonotary's Office shall disclose the Social Security number of any person, except as specifically authorized by Rule promulgated by the Pennsylvania Supreme Court, court order, or as required by State or Federal law.

Rule 802. Records.

A. Officers.

The Prothonotary, Clerk of Courts, Domestic Relations Section, Recorder of Deeds and Register of Wills shall be responsible for the safekeeping of records in their respective offices.

B. Unsupervised Access to Records.

No person other than a judge, attorney admitted to practice in Pennsylvania, or persons designated by a judge or attorney may have unsupervised access to records. Attorneys shall designate which employees from their law office may have unsupervised access. The designation of law office employees must be written and filed in the appropriate office. All unsupervised access shall be limited to the Court's normal business hours and confined to the Prothonotary, Clerk of Courts, Domestic Relations Section or Recorder/Register's Offices where the records are stored. Attorneys and designated employees must sign an acknowledgement that they understand this Rule and will do nothing to damage or compromise the integrity of records. If the law office employee's designation is to be removed due to termination of employment or otherwise the attorney shall promptly so notify the Officer. The Officer shall periodically request updated written designations.

C. Removal of Records.

Officers may not authorize temporary removal of records for the purposes of examination and study by any person other than a judge, judicial staff, masters, auditors, court-appointed arbitrators or other court appointed persons. Officers shall require receipts and must be informed precisely where the records may be located. Any person temporarily removing the records shall authorize the Officer to seize and regain possession of the records without process or notice, wherever they may be held. On the day of hearing the master, chairperson of Board of View, or chairperson of Board of Arbitration may remove the records applicable to the appointed case for use at the

hearing and shall return said records intact to the Officer at the end of said hearing. Where the records in a case are unusually voluminous the Officer may relax the restrictions of this Rule so that the original records may be removed from the office for a longer period of time.

D. Electronic Copies.

Upon appointment by the Court the Officer shall make electronic copies of the pleadings available to a master, members of Board of View and members of Board of Arbitration.

Rule 803. Correction of Public Records.

Neither the Prothonotary, the Register of Wills, the Clerk of Courts, the Recorder of Deeds, Domestic Relations Section nor the Sheriff shall erase any matter erroneously entered in any official or public record, such as an entry book, docket, mortgage or deed, or will book. Any erroneous entry shall be stricken there from in red ink in such manner as to leave the stricken matter legible, and the correct entry inserted. Upon the making of any correction the Officer making the same shall note the date of such making. In the event that any such Officer shall inadvertently omit to make an entry and subsequently another entry shall be made, the omitted entry may be placed upon the record but it shall not be inserted between two other entries unless the Officer shall note on the record that it was so made, together with the date thereof.

Rule 805. Public Access Policy: Case Records of the Trial Courts.

Pursuant to Section 7.0 of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts, persons who file documents that contain confidential information as defined by the Policy shall use and file a Confidential Information Form (CIF) in order to comply with the Policy. Parties are expressly prohibited from filing two versions of any document, i.e., a redacted version and an un-redacted version. The forms shall be available in each filing office as well as on the Public Records page of the UJS website at <http://www.pacourts.us/public-records/public-records-forms>.

Judicial Appointments

Rule 1001. Petitions For Board of View.

A. Content of Petition.

1. Petitions filed for the appointment of a Board of View shall cite therein the statutory authority under which the board is being sought.
2. The petition shall identify persons having an interest in the appointment of the board, persons who will be legally impacted by the decision of such board, and any attorney who has a real or potential conflict of interest in the matter.

B. Delivery to the Court. Upon the filing of the petition with the Prothonotary, the petitioner(s) shall have the petition forwarded to the Court Administrator for processing.

C. The Board.

1. Boards of View shall generally be composed of three (3) persons, with the chairperson being an attorney licensed to practice in the Commonwealth of Pennsylvania whose principal office is located in Adams County.

2. The Court may revoke the appointment of the Board, or any member thereof, for whatever cause that the Court deems appropriate.

D. Deposit.

1. When the request for a Board of View concerns a private road or other circumstance where a party is statutorily responsible for such costs the Court shall, upon appointment of the Board of View, direct the petitioner to deposit a sum with the Prothonotary to cover the fees and expenses of the Board. That sum shall be from time to time designated by the President Judge but shall initially be set at \$1,000.00. No further action on the petition shall occur until the deposit is presented to the Prothonotary. The Prothonotary shall notify the chairperson of the Board of such receipt.

2. The Court may, at the request of the chairperson, direct that additional sums be deposited consistent with the services provided or to be provided by the Board. In such circumstance the proceedings shall be stayed pending receipt of the additional deposit, unless otherwise directed by the Court.

3. The Prothonotary shall maintain the deposit, pay fees and expenses therefrom as directed by the Court, and return any remaining balance to the petitioner within forty (40) days after the date of approval of the Report of the Board by the Court.

E. Compensation and Expenses.

1. Boards of View shall be compensated at a rate established from time to time by the Court.

2. A Petition For Compensation and Expenses shall be made by the Board of View at the time of the filing of its Report. A copy of that petition shall be served upon all parties of record, or their attorneys.

3. Compensation and expenses shall be approved by the President Judge, or designee.

F. Report. The Report of a Board of View shall be in writing and submitted to the Court within sixty (60) days of appointment of the Board. If the report cannot be completed and submitted within that period of time, the chairperson shall file a preliminary report with the Court explaining the reason(s) for the delay and setting forth the expected time needed to complete the report.

Rule 1002. Petition For Appointment of Humane Society Police Officer.

Any person or entity seeking the appointment of a person to act as a humane society police officer pursuant to the provisions of 22 Pa.C.S.A. Sec. 3701, et. seq., shall file a petition in the Office of the Clerk of Courts setting forth verification that the proposed officer satisfies the requirements of the statute. Immediately after filing and docketing of the petition it shall be forwarded to the President Judge, or designee, for review. The Court will determine the sufficiency of the averments and whether the petition should be granted without the need for a hearing.

Rule 1003. Petition For Appointment of School Police Officer.

Any school district seeking to have a person appointed as a school police officer pursuant to provisions of 24 P. S. Sec. 7-778 shall file a petition in the Office of Prothonotary. Immediately after filing and docketing of the petition, it shall be forwarded to the President Judge, or designee, for review. The Court will determine the sufficiency of the averments and whether the petition should be granted without the need for a hearing.

Rule 1004. Guardian Ad Litem.

Any interested party may move, in the case wherein facts are of record, or may petition, in cases wherein facts are not of record, for the appointment of a guardian ad litem for any party in interest, not sui juris, by reason of infancy or otherwise. The fee for the guardian ad litem shall be set by the judge to whom the case is assigned, and shall be paid in the first instance by the moving or petitioning party. Thereafter, the judge may make such order as may be appropriate, including assessing the fees as costs in the case.

Rule 1005. Petition for Appointment to Fill Vacancy in Office of Constable.

A. Any person seeking to be appointed to serve as constable to serve a vacancy in said office pursuant to 44 Pa. C.S.A. § 7121 shall file petition in the Adams County Clerk of Courts Office. The petition shall include the following:

1. A statement identifying the borough, city, ward, or township in which a vacancy exists;

2. The expiration date of the term of office for which the appointment is being sought;
 3. A statement that the petitioner is a resident of the municipality where the vacancy exists; and
 4. A statement that the petitioner has or will satisfy all the statutory requirements to serve as a constable.
- B. The petition shall be signed by ten (10) qualified electors residing in the borough, city, ward, or township in which the vacancy exists. In addition to original signature, each qualified elector shall be identified by printed name and address.
- C. Upon the filing of a petition in compliance with the requirements of this rule, the Adams County Clerk of Courts Office shall forward the same to the President Judge, or designee, within five (5) business days of the filing of the same. The President Judge, or designee, shall schedule hearing or take other appropriate action as necessary.

Rule 1010. Payment for Court Appointments.

- A. This rule shall be applicable to assignments for which payment for services rendered are assigned by the Court to the County of Adams or to the parties, according to local procedure, including but not limited to the following services:
1. Court-appointed Counsel in criminal, civil, juvenile and orphans' court matters;
 2. Custody Conciliator;
 3. Divorce Hearing Officer;
 4. Gagnon I Master;
 5. Juvenile Hearing Master; and
 6. Guardian Ad Litem in dependency, custody and support matters.
- B. Compensation for the services noted within this rule shall be established from time-to-time by Administrative Order.

- C. All court-appointed counsel, conciliators, hearing officers, masters and guardians are encouraged to submit motion for payment of services on a monthly or quarterly basis.
- D. In all instances, court-appointed counsel, conciliators, hearing officers, masters and guardians shall submit motion for payment in the calendar year the service was rendered.
 - 1. Motions for payment must be filed by January 7 of a given year for the work performed in the preceding year.
 - 2. Failure to submit motion for payment by January 7 shall result in forfeiture of payment for services rendered.
 - 3. Court-appointed counsel, conciliators, hearing officers, masters and guardians may petition the Court for special consideration if cause is presented as to a delay in submission of motion for payment.
- E. This rule is not applicable when services are governed by separate agreement with the County of Adams.

Appeals to Court

Rule 1101. Appeals From Government Agencies.

- A. Whenever an appeal is filed from the final order of a governmental agency pursuant to provisions of 42 Pa.C.S.A. Sec. 933, the appeal shall have attached thereto a copy of said final order.
- B. The Prothonotary or Clerk of Courts shall forward the file to the President Judge, or designee, on the thirty-first (31st) day following the filing of said appeal. The Court will then schedule a conference, hearing, or argument, or take such other action as may be deemed necessary or appropriate.

Rule 1102. Land Use Appeals.

Whenever an appeal is filed pursuant to provisions of the Pennsylvania Municipalities Planning Code, 53 P. S. Sec. 10101, et. seq., the Prothonotary shall forward the file to the President Judge, or designee, on the thirty-first (31st) day following the filing of said appeal. The Court shall then schedule a conference or hearing or take such other action as may be deemed necessary or appropriate.

Rule 1103. License Suspension Appeals.

A. All appeals from governmental action suspending or revoking licenses, rights or privileges, shall have attached thereto a copy of the suspension or revocation order.

B. Hearings for such appeals shall be held on a regularly scheduled Miscellaneous Court day.

Rule 1104. Tax Assessment Appeals.

A. Caption.

1. A real estate tax assessment appeal from a decision of the Adams County Board of Assessment Appeals as to the amount of assessment for real estate tax purposes or to an exemption of real estate from payment of real estate taxes shall be captioned "Real Estate Tax Assessment Appeal" and shall be filed in the Office of the Prothonotary within the time prescribed by statute.

2. The caption shall designate the party taking the appeal as Appellant and the Adams County Board of Assessment Appeals as Appellee. If the appellant is a taxing authority it shall join the owner(s) of the real estate involved as of course as a party in the assessment appeal by designating such named owner(s) in the caption as Respondent(s).

B. Joinder of Appeals. Joinder of more than one real estate tax parcel in a single appeal be permitted only where the parcels are situated adjacent to each other, are titled in the name of the same owner(s), and have been joined for title and taxing purposes in a single deed.

C. Contents of Appeal. A Real Estate Tax Assessment Appeal shall contain the following:

1. A caption as proscribed above.

2. The name and address of the Appellant(s).

3. The name and address of all titled owners of the real estate.

4. The identity of the municipality and school district wherein the real estate is located.

5. Reference to the decision of the Adams County Board of Assessment Appeals from which the appeal is taken. A copy of the Board's notice of decision shall be attached as an exhibit.

6. A brief averment of the nature of and the reasons for the appeal.

7. The written signature of the Appellant(s). If the Appellant(s) is/are individuals but constitute(s) less than all titled owners of the real estate there shall be an averment whether the Appellant(s) is/are representing the interest of all the owners. If the Appellant is a corporation the person signing the appeal shall note his/her position in the corporation.

8. A verification consisting of a verified statement as "verified" is defined in Pa. R.Civ. P. No. 76.

D. Service. Appellant(s) shall serve copies of the appeal by certified or registered mail or by personal service upon the Board at its official office and, unless named as the appellant, the Board of County Commissioners of Adams County, and upon the respondent owner(s) of the real estate at said owner's last known address. Within ten (10) days after the filing of the Real Estate Tax Assessment Appeal the Appellant(s) shall file a proof of such service with the Prothonotary.

Comment: It is suggested, but not required, that the Appellant(s) provide service of the appeal upon the legislative governing body of the municipality and the board of school directors of the school district wherein the real estate is located at their respective official offices, or in the absence of any official office, at the last known address of the secretary of said body.

E. Answer. No answer or responsive pleading is required to be made by any person or entity entitled to service of a copy of the Appeal or any other pleading filed during the appeal unless otherwise directed by the Court.

F. Amendment. Amendment of any pleading shall be permitted as a matter of right up to the date of the pre-trial conference but after the pre-trial conference no amendment shall be permitted except upon approval by the Court.

G. Intervention.

1. The County of Adams or the proper municipality or school district not named as Appellee may intervene as of course during the pendency of the appeal by filing a Notice of Intervention with the Prothonotary.

2. The Notice of Intervention shall contain the name of the intervening party designated as Intervenor in the caption, and shall set forth that such identified party is intervening.

3. The intervenor shall serve copies of the Notice of Intervention personally or by ordinary mail upon Appellant(s), Appellee, any Respondent owner and any other intervening parties of record.

4. Within ten (10) days after the filing of the Notice of Intervention the intervenor shall file a proof of such service with the Prothonotary.

H. Administrative Processing. The Prothonotary shall forward the file to the President Judge, or designee, on the thirty (31st) day following the filing of the appeal.

I. Pre-trial Conference.

1. Upon receipt of the file from the Prothonotary the Court shall schedule a pretrial conference or take such other action as may be deemed necessary or appropriate.

2. Each party shall file a pre-trial conference memorandum as directed by the Court.

3. An owner, attorney-at-law, or person with legal fiduciary responsibility, who has authority to settle the case must appear at the pre-trial conference.

J. Discovery. Pre-trial discovery is permitted as agreed upon by the parties or as directed by the Court.

K. Settlement. Any proposed settlement presented to the Court for approval shall indicate whether it is joined in by all owners, the County of Adams, and all relevant municipal taxing authorities. The settlement shall contain a proposed order directing that notice of the proposed settlement be given by ordinary mail to all owners or relevant municipal bodies who have not joined in the proposal giving them thirty (30) days from the date of mailing to object thereto or the proposed settlement will be considered approved by the Court.

Rule 1105. Tax Sale Appeals.

All tax sale appeals shall be docketed in a manner which identifies the appeal by the tax sale number. Once the appeal is filed, a separate file for that appeal shall be maintained by the Prothonotary.

Comment: Generally, all tax sales for a given year are collectively docketed as filing year-S-file number. Appeals shall be filed to the same docket number but shall also note the sale number. An example would be 2012-S-235 (Sale No. 36).

Rule 1106. Truancy Appeals.

All appeals filed by a parent, guardian, or person in parental relation from a summary conviction under provisions of the School Code, 24 P.S. Sec. 13-1333, for violation of the compulsory school attendance law shall be filed in the Office of the Clerk of Courts and shall be heard on a regularly scheduled Criminal Business Court day.

Miscellaneous Petitions

Rule 1201. Petitions For Exemption From Disability to Possess a Firearm.

A. Any person who is prohibited by law from possessing a firearm and who is seeking an exemption from such disability under provision of the Pennsylvania Uniform Firearms Act of 1995, 18 Pa. C.S.A. Sec. 6101, et. seq.1 and specifically under Section 6105 thereof, shall file a petition in the Office of the Prothonotary of Adams County. In addition to any other provision of law, the petition shall include:

1. Averment(s) stating the reason(s) the petitioner is prohibited from possessing a firearm and shall attach, as an exhibit, any supporting documentation.
2. Averment(s) stating the reason(s) the petitioner believes he/she is entitled to exemption.
3. The identity of all persons entitled to notice of the proceeding.
4. An averment whether, by law, the hearing is to be open or closed to the public.

B. Within five (5) days after the filing of the petition, it shall be forwarded to the President Judge, or designee, for the scheduling of a hearing or such other action as may be deemed necessary or appropriate.

Rule 1202. Sale of Impounded Unclaimed Vehicles.

A. The Sheriff of Adams County shall, on a periodic basis, conduct sales of impounded unclaimed vehicles in conformity with the Pennsylvania Vehicle Code, specifically, 75 Pa.C.S.A. Sec. 6310(b). The following process shall be observed for the sale of said vehicles:

1. The Magisterial District Judge shall issue an order for the sale of the impounded, unclaimed vehicle and shall provide the Sheriff with a) a copy of said order, b) the name and address of each known owner, lienholder, and secured party of the vehicle, c) the appropriate law enforcement officer involved, d) the identity of any constable or towing agent involved, e) the location where the vehicle is impounded, f) any unpaid fines and costs owing

to the Magisterial District Court and g) any known costs as described in 75 Pa.C.S.A. Sec. 6309, 6309.1 and 6309.2.

2. Upon receipt of the information provided in paragraph A.1., above, the Sheriff shall serve notice upon owners, lienholders and secured parties as required by 75 Pa.C.S.A. Sec. 6310(b). The Sheriff shall also notify the law enforcement officers, constables, towing agent, and impound official, if any, of the date and time of sale together with a request for verification of any unpaid costs incurred by said entity pursuant to statute for the seizure, towing, impounding or storage of said vehicle.

3. If the identity or address of an owner is unknown or notice has been returned as undeliverable notice of the sale shall be given by the Sheriff by publication once in the Adams County Legal Journal and in one local newspaper of general circulation.

4. On the date established for the sale of such vehicles the Sheriff shall conduct said sale in accordance with normal personal property sale procedures.

5. Following the sale the proceeds of sale shall first be applied to the costs incurred by the Sheriff for the sale, secondly, to the payment of all fines and costs, and thirdly to the payment of encumbrances. The balance, if any, shall be remitted to the owner.

6. At any time during this process the Sheriff shall have the right to discontinue the sale if there is reasonable basis to conclude that the cost incurred or to be incurred by the Sheriff shall exceed the amount reasonably expected to be offered at sale. In such circumstance the Sheriff shall notify the Magisterial District Judge in writing of the basis for that conclusion. Thereafter the Sheriff shall only be required to proceed to sale if the Sheriff's costs are guaranteed in a manner deemed acceptable by the Sheriff.

Rule 1203. Older Adults Protective Services Act.

A. This Rule addresses procedures to be followed under the Older Adults Protective Services Act, 35 P.S. §10225. 101, et seq.

B. Emergency Petitions. Whenever a petition for emergency order is filed under Section 307 of the Act, 35 P.S. §10225.307, outside the normal business hours of the Court of Common Pleas, said petition shall be presented to the on-call Magisterial District Judge. Any order entered by a Magisterial District Judge shall be considered a temporary order but shall remain in effect until a preliminary hearing is held pursuant to Paragraph D.

C. The Magisterial District Judge shall contact the Court Administrator as soon as possible after granting or denying relief. All papers shall be promptly forwarded for filing to the Prothonotary's Office.

D. If the Magisterial District Judge grants relief, the Court will schedule a preliminary hearing to be held at 1:00 P.M. on the next Business Court Day following the granting of relief by the Magisterial District Judge. The Magisterial District Judge granting relief shall provide notice to all known interested parties in the form set forth in Paragraph E., below.

E. At the preliminary hearing, the Court shall determine whether the relief granted pursuant to the emergency order shall remain in effect or be modified and shall set a date for a plenary hearing.

F. Form of Notice

Notice

An Emergency Petition under the Older Adults Protective Services Act has been filed as attached. An emergency order has been granted and will remain in effect until 1:00 P.M. on _____, 20__, when it will be considered in a Courtroom that will be designated on that date in the Adams County Courthouse, Gettysburg, Pennsylvania. At that time, the emergency order may be continued, modified, or terminated. If the order is continued or modified, a full hearing on the merits will be scheduled. You may appear for either hearing. The Court may proceed in absence of any interested person except the petitioner to take testimony and enter an order granting relief.

The older adult affected by this proceeding is entitled to be represented by counsel and is hereby notified that if he/she cannot afford a lawyer to go to or telephone the office set forth below to apply for court appointed counsel.

Adams County Court Administrator
Adams County Courthouse
111-117 Baltimore Street
Gettysburg, PA 17325
Telephone: (717) 337-9846

Magisterial District Judge

Miscellaneous Administrative Provisions

Rule 1901. Termination of Inactive Cases.

A. Magisterial District Court-Traffic

1. In this subsection, the rule shall apply only to those summary traffic violations or parking violations in which a warrant has been issued pursuant to Pennsylvania Rule of Criminal Procedure Rule 430(A), Rule 430(B)(1)(a) or Rule 430(B)(2).

2. On or before the 15th day of November of each year, each Magisterial District Court shall:

i. Dismiss any summary citation or ticket filed under Title 75 (relating to vehicles) or under local ordinance pertaining to overtime parking which was issued three years prior to November 15th of each respective year.

ii. Vacate any active warrant in relation to the dismissed summary citation or ticket and promptly remove the warrant from MDJS, CPCMS or any other system or list in which the warrant has been issued.

iii. Forward notice to the Pennsylvania Department of Transportation that the citation or ticket has been dismissed and request withdrawal of the defendant's license suspension as needed pursuant to Pennsylvania Rule of Criminal Procedure Rule 470.

3. Each Magisterial District Court shall promptly provide a list of those cases being dismissed to Court Administration.

B. Magisterial District Court-Non-Traffic

1. On or before the 15th day of November of each year, each Magisterial District Court shall:

i. Identify all non-traffic summary cases where no plea has been entered and where there has been no evidence of activity in the three years prior to November 15th of each respective year.

ii. Compile a list that will indicate the name of the affiant, the name of the defendant, the docket number and the charge(s) associated with the docket number.

iii. Forward this list to Court Administration.

2. Upon receipt of the lists, Court Administration shall:

i. Publish the list in a newspaper of general circulation in Adams County for all cases in which the affiant is neither filing as a law enforcement officer nor a tax bureau or taxing authority.

ii. For matters where the affiant is filing as a law enforcement officer, provide a copy of the list of those cases to the District Attorney.

iii. For matters where the affiant is a tax bureau or taxing authority, provide a copy of the list of those cases to the tax bureau or taxing authority.

3. The publication and lists sent to the District Attorney and tax bureau or taxing authority shall include a disclaimer to indicate that the matters listed shall be terminated after 30 days of publication or date of lists sent to the District Attorney and tax bureau or taxing authority unless a party to the proceeding requests a hearing from the appropriate Magisterial District Court.

i. If the affiant requests a hearing to oppose termination, the matter shall promptly be scheduled to determine if termination is appropriate.

ii. Disposition of any hearing, including hearings where a citation or ticket is dismissed over the objection of the affiant, shall be filed of record in MDJS.

iii. The affiant shall have the right to appeal any determination to the Court of Common Pleas within the time period for Summary Appeals pursuant to the Rules of Criminal Procedure.

4. In the event a hearing is not requested within 30 days of publication, the Magisterial District Court shall:

i. Dismiss the summary citation or ticket filed.

ii. Vacate any active warrant in relation to the dismissed summary citation or ticket and promptly remove the warrant from MDJS, CPCMS or any other system or list in which the warrant has been issued.

iii. For any matter involving a license suspension, forward notice to the Pennsylvania Department of Transportation that the citation or ticket has been dismissed and request withdrawal of the defendant's license suspension pursuant to Pennsylvania Rule of Criminal Procedure Rule 470.

Rule 1910. Photography, Recording, Broadcasting, and Electronic Equipment in Judicial Facilities.

A. The activation, operation, or use of any device capable of capturing, recording, transmitting, or broadcasting a photograph, video, motion picture, or audio is prohibited within a judicial facility and the environs of a judicial facility unless otherwise permitted by this rule.

B. Definitions.

Activate, Operate, or Use – The terms activate, operate, or use include but are not limited to any electronic device which is being powered or is in the “on” position regardless of whether the device is in silent mode or otherwise disabled unless the device is completely turned off.

Environs – The environs of a judicial facility include the entire floor on which is located a courtroom, hearing room, jury room, prisoner holding room, Security Department station, or any court filing office including the Prothonotary’s Office, the Clerk of Courts Office, the Domestic Relations Office, and the Department of Probation Services Office. The term also includes any elevator and/or stairwell accessing a judicial facility.

Judicial Facilities – The term includes any courtroom, hearing room, or judicial chambers used by the Court, including Magisterial District Courts, to conduct trials, hearings, or any other court related business including rooms made available to interview witnesses including the environs of such a room.

Recording, Broadcasting, or Electronic Equipment – The terms recording, broadcasting, or electronic equipment include but are not limited to cell phones, laptops, electronic tablets, cameras, tape recorders, video recorders, and electronic devices of any type capable of photographing, recording, broadcasting, or digitally preserving information.

C. Exceptions. The prohibitions set forth in this rule shall not apply to the following:

1. Attorney Exception – Licensed attorneys conducting business related to the representation of a client provided the device is in the “silent” or “vibrate only” mode when the attorney is in a courtroom or hearing room unless the device is being actively utilized in a proceeding which the attorney is appearing. The exceptions set forth in this section do not authorize the use or operation of an electronic device to capture, record, transmit, or broadcast a photograph, video, motion picture, or audio of a proceeding or person within a judicial facility or its environs.

2. Court Administration Exception – The use of advanced communication technology by Court Administration, an official court reporter, or designee for purposes of recording/transcribing the official court record or conducting

proceedings with offsite counsel, parties, or witnesses in furtherance of directives from the presiding Judge.

3. Emergency Responder Exception – Emergency medical, fire, law enforcement, or other personnel responding to an emergency call within a judicial facility.

4. Employee/Independent Contractor Exception – Employees or independent contractors of the Adams County Court of Common Pleas or Adams County who clearly display an identification badge issued by the County of Adams or is otherwise pre-approved by the Security Director while the employee is acting as an employee/contractor on court/county business provided the device shall have the power switch “off” when the employee enters a courtroom or hearing room unless the courtroom is closed for repairs.

5. Evidence/Equipment Exception – Devices used for the purpose of presenting evidence, or a device which is actual evidence, in any court proceeding actually being conducted at the time of use of the device with the permission of the presiding Judge.

6. Law Enforcement Exception – Law enforcement officers providing proper identification and are on business related to a matter pending before the court and/or meeting with the Office of District Attorney provided the device shall have the power switch “off” while the law enforcement officer is in a courtroom or hearing room. This rule is also inapplicable to County Security Officers acting within the scope of their authority.

7. Magisterial District Court Exception – In a criminal judicial proceeding before a Magisterial District Judge, the Magisterial District Judge, upon request, shall permit the attorney for the Commonwealth, the affiant, or the defendant to record oral communications made during a judicial proceeding as an aid to the preparation of the written record for subsequent use in a case. Such recording shall not be publicly played or disseminated in any manner unless in a subsequent court proceeding for the litigation in which the recording was made. This exception is limited to the recordation of oral testimony and does not accept or permit the use or operation of an electronic device to capture, record, transmit, or broadcast a photograph, video, motion picture, or audio of a proceeding.

8. Office Exception – The provisions of this rule may be waived by an elected official or department director within the confines of their office space provided the device shall have the power switch “off” when leaving the office and reentering other environs of the judicial facility.

9. Special Permission Exception – The President Judge may, upon request, make exception to the prohibitions contained in this rule under such circumstances and subject to such conditions as the President Judge may prescribe. The presiding Judge in an active court proceeding is authorized to grant exception to this rule to any party as the interests of justice require. The permission shall be limited to the proceeding being conducted and for the sole purpose of allowing the party access to information from an electronic device. The permission shall not authorize the capturing, recording, or broadcasting of a photograph, video, or audio of the proceeding nor shall extend beyond the confines of the courtroom in which the proceeding is being conducted unless the proceeding is a ceremonial proceeding in which the presiding Judge has expressly authorized such actions.

10. Special Proceedings Exception – At the discretion of the presiding Judge, photographing, video or audio recordings, televising, or broadcasting any special proceeding such as a marriage, naturalization, or adoption in a courtroom and subject to directives from the presiding Judge.

11. Statutory Exception – The prohibitions in this rule shall not apply in instances where Pennsylvania statutory law permits the recording of executive or legislative branch proceedings conducted in offices or conference rooms other than courtrooms. Where such exception applies, the electronic device shall only be activated upon entry into the room in which the proceeding is occurring and shall be deactivated and have the power switch “off” before reentry into the other environs of a judicial facility.

D. Penalties.

1. Any violation of this rule may result in a finding of contempt and imposition of any other sanction authorized by law. Additionally, a violation of 18 Pa. C.S.A. § 5103.1 will result in criminal prosecution. The prohibitions set forth in this rule are in addition to all federal, state, and county laws and policies and any rule adopted by the Supreme Court including procedural rules.

2. Any person who violates this rule shall immediately surrender the electronic device to the Adams County Security Department, the Adams County Sheriff’s Department, or Court designee for the remainder of their visit. Additionally, the Security Department and/or the Sheriff’s Department is authorized to seize from any person any electronic equipment or device used in violation of this rule as necessary for the preservation of evidence in a subsequent contempt/criminal proceeding.

E. The exceptions set forth in this section do not authorize the use or operation of an electronic device to capture, record, transmit, or broadcast a photograph, video, motion

picture, or audio of a proceeding or person within a judicial facility or its environs. The exceptions set forth in this section do not shield a person from prosecution under 18 Pa. C.S.A. § 5103.1 for actions in violation of the statutory provision unless authorized by the presiding Judge.

Rule 1911. Sound System in Courtroom.

Unless directed otherwise by the presiding judge or presiding magisterial district judge during a proceeding, the management of a sound system in a courtroom, including the ability to control power to microphones, shall only be performed by the presiding judge or magisterial district judge, a tipstaff, personal staff of the presiding judge or magisterial district judge, or authorized court administration staff. Under no circumstances shall attorneys, agencies representatives, parties to a proceeding, or any other person touch the sound system, turn off or otherwise adjust a live microphone on the bench, an attorney table, a podium used to address the Court or a witness box. The only exception to this Rule shall be when an attorney, agency representative or party to a proceeding needs to temporarily mute a microphone to speak off the record, which said microphone shall be immediately unmuted once back on the record.

Uniform Rules Governing Court Reporting and Transcripts

Rule 4007. Request for Transcripts.

- (a) All requests for transcripts shall be set forth on a standardized form approved by the Administrative Office of Pennsylvania Courts and provided by the 51st Judicial District and available at the office of District Court Administrator of Adams County and the Adams County website. The form shall indicate the current rates authorized to be charged for transcripts under these rules. Requestors may also use the standardized form as created by the District Court Administrator of Pennsylvania.
- (b) For an ordinary transcript, the party requesting a full or partial transcript of a trial or other proceeding shall file the original request with the appropriate filing office (Clerk of Courts, Prothonotary, Orphans Court, or Domestic Relations Office) in which the litigation is pending. The requesting party shall also serve copies of the formal request to:
 - (1) the Judge presiding over the matter,
 - (2) the Court Reporter, Recorder, or Transcriptionist assigned to the proceeding,
 - (3) the District Court Administrator, and
 - (4) opposing counsel or party if the party is unrepresented.
- (c) Where daily, expedited, or same day transcripts are requested, request for those transcripts shall be filed in writing in the appropriate filing office at least ten (10) days prior to the proceeding with copies of the request delivered as required by paragraph (b). Where justice requires and ten (10) days prior notice cannot reasonably be

provided, requests for daily, expedited, or same day transcripts shall be made by oral motion to the presiding Judge.

- (d) Following receipt of a request for transcript, the presiding Judge shall forthwith produce an order:
 - (1) setting forth the amount of the deposit which shall be 75 percent of the anticipated total cost of the transcript and directing the transcript to be prepared upon payment of the deposit;
 - (2) setting a reduced payment rate and directing the transcript to be prepared upon payment of the reduced rate; or
 - (3) approving or denying an economic hardship exemption and, where applicable, directing preparation of the transcript.
- (e) Upon receipt of the court order referenced in subparagraph (d) above, the filing office shall make service of the same on the requestor. If deposit or reduced payment is required, the payment shall be paid to the filing office prior to commencement of transcript preparation. Upon receipt of the payment, the filing office shall promptly advise Court Administration of the same who thereafter shall direct the Court Reporter to prepare the transcript.
- (f) A request for a copy of any transcript previously ordered, transcribed, and filed of record shall comply with Adams R.J.A. 4007(a). After the Court has set the amount to be paid, and upon satisfaction of any financial obligation related to the request, the Court Reporter shall provide a copy to the requesting party.

Rule 4008. Transcript Costs.

- (a) Costs payable by a requesting party other than the Commonwealth or subdivision thereof to produce an Original transcript shall be:
 - (1) for an ordinary transcript, \$2.50 per page,
 - (2) for an expedited transcript, \$3.50 per page,
 - (3) for a daily transcript, \$4.50 per page, and
 - (4) for same day delivery, \$6.50 per page.
- (b) Costs payable by the Commonwealth or subdivision thereof to produce an Original transcript shall be:
 - (1) for an ordinary transcript, \$1.55 per page,
 - (2) for an expedited transcript, \$1.75 per page,
 - (3) for a daily transcript, \$2.00 per page, and
 - (4) for same day delivery, \$4.00 per page.
- (c) Regardless of whether the request is made by a party or the Commonwealth or subdivision thereof, in order to obtain a copy of the Original transcript, costs payable by the requesting party shall be 50 cents per page for an electronic copy and/or 75 cents

per page for a bound, paper copy in addition to any cost incurred for the production of the original.

(d) Economic hardship.

(1) A party seeking consideration of an economic hardship related to obtaining a transcript may petition the Court in utilizing the in forma pauperis self-help packet available at the Adams County Law Library or online at www.adamscountypa.gov. In order for a party to be considered for economic hardship, the in forma pauperis self-help packet must be fully completed and verified.

(2) A transcript requested by Legal Aid Services must include with the request for transcript a letter of certification verifying that the client meets financial eligibility and the matter is under appeal or the transcript being requested is necessary to advance the current litigation.

(e) Except as otherwise set forth in this rule, no filing fee shall be assessed to a litigant filing a request for transcript.

Rule 4009. Fees.

(a) Fees for all transcripts shall be payable by check, money order, or credit card as required by the respective filing office.

(b) All revenue received related to the production of transcripts or copies thereof, unless required to be held in escrow pursuant to these rules, shall be transferred to the Adams County general fund coded to the Courts' charges for services revenue line.

Rule 4011. Delivery of Transcript.

(a) The Court Reporter shall notify the requesting party and the District Court Administrator or designee upon completion of the transcript and shall indicate the balance to be paid at the respective filing office.

(b) The District Court Administrator or designee shall notify the filing office of the balance owed.

(c) Upon completion of the transcript, the Court Reporter shall file it of record and the deposit paid, if any, shall be applied to the cost of production of the original.

(1) No copy of a transcript shall be provided to any party unless an original transcript has been filed of record and the cost of the copy being sought, if any, has been paid.

(2) If a Judge requires a transcript that has not been filed of record, regardless if there are any current requests for the transcript from any party, the requesting Judge shall direct the Court Reporter to create and file the transcript of record

and, once filed, to produce a copy to the requesting Judge. Thereafter, any further requests by any party shall be charged at the copy rate.

- (d) Upon payment of the balance owed to the filing office, the filing office shall notify Court Administration, and thereafter the Court Reporter shall deliver a copy to the requesting party.

Custody of Exhibits in Court Proceedings

Rule 5102. Exhibits Generally

A. When the Clerk of Courts or Prothonotary is serving the Court and present during a judicial proceeding and an attorney or party needs to have an exhibit entered into evidence:

1. The Clerk of Courts or Prothonotary shall be responsible for marking the exhibit.
2. For criminal matters, the Clerk of Courts shall be responsible for maintaining an exhibit sheet.
3. When the proceeding has adjourned, the Clerk of Courts or Prothonotary shall be responsible for taking and maintaining possession of all exhibits that have been admitted into evidence;
 - a. Placement of the document exhibits in the appropriate file;
 - b. If there are other physical exhibits (weapons, instruments of crime/fraud, etc.), the Sheriff's Office will provide the Clerk of Courts or Prothonotary with an escort to the filing office.
4. Court Reporters shall be responsible for providing blank exhibit tags to the Clerk of Courts or Prothonotary.

B. If neither the Clerk of Courts nor Prothonotary is serving the Court and present during a judicial proceeding and an attorney or party needs to have an exhibit entered into evidence:

1. The Court Reporter shall be responsible for marking exhibits;
2. For criminal matters, the Court Reporter shall be responsible for maintaining an exhibit sheet to be filed with the Clerk of Courts.
3. When the proceeding for which neither the Clerk of Courts nor Prothonotary were present has concluded for the day:
 - a. The Tipstaff in charge of the courtroom shall be responsible for:

- i. Gathering all exhibits;
 - ii. For criminal matters, gathering the exhibit sheet from the Court Reporter;
 - iii. If applicable, verifying that the exhibits match the items listed on the sheet;
 - iv. Returning the exhibits and exhibit sheet, if applicable, to the appropriate filing office, who shall verify receipt of all exhibits upon acceptance.
- b. The Sheriff in charge of the courtroom shall be responsible to escort the Tipstaff to the filing office if there are other physical exhibits (weapons, instruments of crime/fraud, illegal substances, etc.).

4. If the court proceeding ends for the day after the closing of a filing office, the Chief Tipstaff or designee shall ensure the securing of all exhibits in a locked area that is only accessible to the Chief Tipstaff or designee.

- a. If the court proceeding resumes the next business day, the Chief Tipstaff or designee shall return the exhibits to the courtroom unless otherwise instructed by the presiding Judge.
- b. If the court proceeding has concluded, the Chief Tipstaff or designee shall return the exhibits to the appropriate filing office at the beginning of the next business day, to be escorted by the Sheriff's Office if there are other physical exhibits (weapons, instruments of crime/fraud, illegal substances, etc.).

C. In the event the Court takes a matter under advisement and needs to maintain the exhibits, the Tipstaff in charge of the courtroom shall:

1. Gather the exhibits;
2. For criminal matters, gather the exhibit sheet from the Court Reporter;
3. Secure the exhibits in a locked area that is only accessible to the Chief Tipstaff or designee and to allow them to be removed when the presiding Judge requests to examine them, and to re-secure them when the presiding Judge is no longer needs them;
4. When instructed by the presiding Judge, return the exhibits to the appropriate filing office, to be escorted by the Sheriff's Office if there are other physical exhibits (weapons, instruments of crime/fraud, illegal substances, etc.).

D. The handling of exhibits as described in this Rule only applies to exhibits that have been admitted by the Court. Any exhibits introduced but not admitted by the Court shall be the responsibility of the party that introduced the exhibit.

Rule 5103. Civil Trial Exhibits.

A. After trial, exhibits admitted into evidence shall be retained by the Prothonotary until it is determined whether an appeal has been taken from a final judgment. If an appeal has been taken, the exhibits shall be retained by the Prothonotary until disposition of the appeal.

B. Within sixty (60) days after the final disposition of all appeals or the date when no further appeal may be taken under the Pennsylvania Rules of Appellate Procedure, the party who offered the exhibits may reclaim them from the Prothonotary. Any exhibits not so reclaimed may be destroyed or otherwise disposed of by the Prothonotary after thirty (30) days written notice by regular mail to the attorney or party who offered the exhibit.

C. Notwithstanding the above, any person who has a possessory or legal interest in any exhibit which has been introduced into evidence may file a claim for such exhibit within thirty (30) days after trial. The presiding judge shall determine the validity of such claim and determine the manner and timing of disposition.

[Pa.B. Doc. No. 24-976. Filed for public inspection July 12, 2024, 9:00 a.m.] [Replacement of entire set of Rules]

{Current as of August 12, 2024}