

RULES OF COURT  
of the  
NINTH JUDICIAL DISTRICT  
CUMBERLAND COUNTY  
PENNSYLVANIA

MAY 2017

<b>PRELIMINARY RULES, RULES 1 - 199 .....</b>	<b>1</b>
RULES OF COURT .....	1
<i>Rule 1.</i> .....	1
STRUCTURE .....	1
<i>Rule 2.</i> .....	1
CUMBERLAND COUNTY RULES OF PROCEDURE .....	1
RULE - APPLICABILITY .....	2
<i>Rule 3.</i> .....	2
FOOTNOTES .....	2
<i>Rule 4.</i> .....	2
PETITION FOR NAME CHANGE: NOTICE .....	2
<i>Rule 5.</i> .....	2
<b>BUSINESS OF THE COURT, RULES 200 - 299.....</b>	<b>2</b>
ELECTRONIC FILING AND SERVICE OF LEGAL PAPERS .....	3
<i>RULE 205.4.</i> .....	3
PETITIONS AND ANSWERS .....	5
<i>Rule 206.1. Petitions</i> .....	5
<i>Rule 206.4(c). Rules to Show Cause.</i> .....	5
<i>Rule 208.3(a). Motions.</i> .....	6
PRETRIAL CONFERENCE .....	7
<i>Rule 212-1.</i> .....	7
<i>Rule 212-2.</i> .....	7
<i>Rule 212-3.</i> .....	7
PRETRIAL MEMORANDUM .....	7
<i>Rule 212-4.</i> .....	7
CALL OF CIVIL TRIAL LIST .....	8
<i>Rule 213-1.</i> .....	8
<i>Rule 213-2.</i> .....	8
TRIAL .....	8
<i>Rule 214-1.</i> .....	8
<i>Rule 214-2.</i> .....	9
<i>Rule 214-3.</i> .....	9
<i>Rule 215-1. Non-Jury Trials.</i> .....	9
<i>Rule 223-1.</i> .....	9
<i>Rule 223-2.</i> .....	9
INACTIVE CASES NOT AT ISSUE .....	10
<i>Rule 228.</i> .....	10
LAND USE APPEALS .....	10
<i>Rule 230. Disposition</i> .....	10
<b>MISCELLANEOUS RULES, RULES 300 - 999.....</b>	<b>11</b>
GENERAL RULE .....	11
<i>Rule 300.</i> .....	11
<i>Rule 350.</i> .....	12
<i>Rule 351.</i> .....	12
LEGAL JOURNAL .....	12
<i>Rule 355.</i> .....	12
IMPLEMENTING PA.R.C.P.J.P. 1008(B) .....	13
<i>Rule 357.</i> .....	13
BAIL .....	13
<i>Rule 358.</i> .....	13
<i>Rule 359.</i> .....	13
<i>Rule 361.</i> .....	13
<i>Rule 367.</i> .....	14
<i>Rule 368.</i> .....	14
<i>Rule 451.</i> .....	14
COURT OFFICE AND RECORDS .....	15
<i>Rule 500.</i> .....	15
<i>Rule 501.</i> .....	15
<i>Rule 550.</i> .....	15

COURT CALENDAR.....	16
<i>Rule 551</i> .....	16
<b>ACTIONS AT LAW, RULES 1000 - 1499.....</b>	<b>16</b>
PUBLICATION OF ACTIONS AT LAW .....	16
<i>Rule 1009-1</i> .....	16
<i>Rule 1009-2</i> .....	17
NOTICE TO DEFEND .....	17
<i>Rule 1018.1-1</i> .....	17
ARGUMENT COURT.....	17
<i>Rule 1028(c). Preliminary Objections</i> .....	17
<i>Rule 1034(a). Motions for Judgment on the Pleadings</i> .....	18
<i>Rule 1035.2(a). Motions for Summary Judgment</i> .....	18
JUDGMENTS.....	19
<i>Rule 1047-1</i> .....	19
EJECTMENT.....	19
<i>Rule 1051-1</i> .....	19
<i>Rule 1053-1</i> .....	19
ACTION TO QUIET TITLE.....	19
<i>Rule 1066-1</i> .....	19
<i>Rule 1066-2</i> .....	20
<i>Rule 1066-3</i> .....	20
<i>Rule 1066-4</i> .....	20
ARBITRATION RULES .....	21
<i>Rule 1301-1</i> .....	21
<i>Rule 1301-2</i> .....	21
<i>Rule 1302-1</i> .....	21
<i>Rule 1302-2</i> .....	22
<i>Rule 1302-3</i> .....	22
<i>Rule 1302-4</i> .....	22
<i>Rule 1302-5</i> .....	22
<i>Rule 1312-1</i> .....	22
<b>ACTIONS IN EQUITY, RULES 1500 - 1550 .....</b>	<b>23</b>
TRIALS.....	23
<i>Rule 1502-1</i> .....	23
ACCOUNTING .....	23
<i>Rule 1534-1</i> .....	23
SUPPORT MASTER.....	24
<i>Rule 1910.10 Hearing Procedure</i> .....	24
ACTIONS FOR CUSTODY, PARTIAL CUSTODY AND VISITATION OF MINOR CHILDREN.....	24
<i>Rule 1915.1-1</i> .....	24
<i>Rule 1915.3-1</i> .....	25
<i>Rule 1915.3-2</i> .....	25
<del><i>Rule 1915.3-3</i></del> .....	25
<i>Rule 1915.3-4</i> .....	25
<i>Rule 1915.3-5</i> .....	25
<i>Rule 1915.3-6</i> .....	25
<i>Rule 1915.3-7</i> .....	26
<i>Rule 1915.3-8(a) SETTLED CASE</i> .....	26
<i>Rule 1915.3-8(b) CONTESTED CASE</i> .....	26
<i>Rule 1915.4(a)</i> .....	26
<i>Rule 1915.5-1</i> .....	26
<i>Rule 1915.7-1</i> .....	26
<i>Rule 1915.12-1</i> .....	26
<i>Rule 1915.15</i> .....	26
DIVORCE RULES .....	27
<i>Rule 1920.3-1</i> .....	27
<i>Rule 1920.45-3</i> .....	27
<i>Rule 1920.45-4</i> .....	28
<i>Rule 1920.51-1</i> .....	28
<i>Rule 1920.51-2</i> .....	28

<i>Rule 1920.51-3</i> .....	28
<i>Rule 1920.52-1</i> .....	28
<i>Rule 1920.53-1</i> .....	29
<i>Rule 1920.53-2</i> .....	29
<i>Rule 1920.53-3</i> .....	29
<i>Rule 1920.53-4</i> .....	29
<i>Rule 1920.53-5</i> .....	30
<i>Rule 1920.53-6</i> .....	30
<i>Rule 1920.55-1</i> .....	30
TRANSCRIPT RULES .....	30
<i>Rule 4002</i> .....	30
<i>Rule 4007</i> .....	31
<i>Rule 4008</i> .....	32
INTERROGATORIES .....	33
<i>Rule 4005-1. Number of Interrogatories or Request for Admissions</i> .....	33
DISCOVERY MOTIONS .....	33
<i>Rule 4001-1</i> .....	33
<b>CRIMINAL ACTIONS</b> .....	<b>33</b>
SUMMARY APPEALS .....	33
<i>Rule 86</i> .....	33
APPROVAL OF POLICE COMPLAINTS AND ARREST WARRANT .....	34
AFFIDAVITS BY ATTORNEY FOR THE COMMONWEALTH .....	34
<i>Rule 107.1</i> .....	34
ARREST WITHOUT WARRANT .....	38
<i>Rule 130</i> .....	38
ARRAIGNMENT .....	38
<i>Rule 303-1</i> .....	39
ACKNOWLEDGMENT OF ARRAIGNMENT .....	39
<i>Rule 303-2</i> .....	39
CRIMINAL TRIAL LIST .....	40
PRETRIAL CONFERENCE .....	41
<i>Rule 311</i> .....	41
SUMMARY WARRANTS .....	41
<i>Rule 456</i> .....	41
SENTENCING JUDGE .....	46
<i>Rule 1401</i> .....	46
<b>APPEALS</b> .....	<b>46</b>
APPEAL TO APPELLATE COURT .....	46
<i>Rule 1925</i> .....	47
APPROVAL OF SEARCH WARRANT APPLICATIONS BY ATTORNEY FOR THE COMMONWEALTH .....	47
<i>Rule 2002a.1</i> .....	47
PROTECTION FROM ABUSE .....	47
<i>Rule 6113.1: Protection from Abuse</i> .....	47
<i>Rule 6114: Notification Upon Release</i> .....	47

# RULES OF THE COURT OF COMMON PLEAS

## PRELIMINARY RULES, Rules 1 - 199

### RULES OF COURT

**Rule 1.** The Rules of Court of the Ninth Judicial District shall hereinafter be known as the Cumberland County Rules of Procedure. They shall be abbreviated as C.C.R.P.

Adopted October 6, 1978, effective October 15, 1978.

### STRUCTURE

**Rule 2.** The following structure which shall be implemented from time to time hereafter by appropriate amendments to this rule is hereby established for the Cumberland County Rules of Procedure in order to amend, revise, supplement, and improve the rules heretofore promulgated. All rules, practices, precedents, and forms in effect at this time shall continue in full force and effect until such time as they are expressly rescinded or revised hereafter by order of the court.

### CUMBERLAND COUNTY RULES OF PROCEDURE

PRELIMINARY RULES	Rules 1 - 199
BUSINESS OF THE COURT	Rules 200 - 299
MISCELLANEOUS RULES	Rules 300 - 999
GENERAL RULES	Rules 300 - 349
MISCELLANEOUS RULES	Rules 350 - 449
ATTORNEY RULES	Rules 450 - 499
COURT OFFICES AND RECORDS	Rules 500 - 549
COURT CALENDAR	Rules 550 - 599
FORMS	Rules 900 - 999
ACTIONS AT LAW	Rules 1000 - 1499
ARBITRATION RULES	Rules 1301 - 1314
ACTIONS IN EQUITY	Rules 1500 - 1550
SPECIAL ACTIONS	Rules 1551 - 1999
DIVORCE RULES	Rules 1920.1 - 1920.92
NUMBER OF INTERROGATORIES OR REQUEST FOR ADMISSION	Rule 4005-1
CRIMINAL ACTIONS	Rules 10,000 - 10,999
APPEALS	Rules 20,000 - 21,999

Note: This rule integrates the local rules of court with the rules promulgated by the Pennsylvania Supreme Court, whenever possible. However, when a local rule relates to other than the Pa.R.C.P. it has been given a nonconflicting local number. Criminal rules refer to the Pa.R.Crim.P. by including its referent number with the local rule, i.e., C.C.R.P. 10.303-2 is pursuant to Pa.R.Crim.P. 303.

Adopted October 6, 1973, effective October 15, 1978; amended April 29, 1983, effective June 1, 1983.

### **RULE - APPLICABILITY**

**Rule 3.** The Cumberland County Rules of Procedure are applicable to the Court of Common Pleas, Civil Action - Law; Court of Common Pleas, Civil Action - Equity; Court of Common Pleas, Criminal; Court of Common Pleas, Orphans' unless otherwise provided.

Adopted October 6, 1978, effective October 15, 1978.

### **FOOTNOTES**

**Rule 4.** The footnotes in the rules are for information and shall not be considered as part of the rules.

Adopted October 6, 1978, effective October 15, 1978.

### **PETITION FOR NAME CHANGE: NOTICE**

**Rule 5.** Upon the filing of a petition for name change, the court shall enter an order directing that notice be given by the petitioner(s) of the filing of said petition and of the date set for the hearing thereon, which hearings shall not be less than one (1) month nor more than three (3) months after the filing of said petition, and said notice shall be:

- 1) Published in two newspapers of general circulation in said county or county contiguous thereto, one of which publications may be in the official paper for the publication of legal notices in said county.
- 2) Given to any non-petitioning parent of a child whose name may be affected by the proceedings.
- 3) Published or given, as the case may be, at least ten (10) days prior to the hearing.

See the Act of December 16, 1982, P.L. 1309, No. 295, Section 6.

Adopted November 17, 1992, effective February 1, 1993.  
Amended September 15, 1993.

### **BUSINESS OF THE COURT, Rules 200 - 299**

## ELECTRONIC FILING AND SERVICE OF LEGAL PAPERS

### **RULE 205.4** Electronic Filing and Service of Legal Papers Filed in the Civil Trial Division

(a)(1) The Cumberland County Court of Common Pleas does hereby permit electronic filing of all legal papers with the Prothonotary through its Electronic Filing System, as well as the electronic service of such papers, under terms more specifically provided in Pennsylvania Rule of Civil Procedure 205.4 and Cumberland County Rule of Procedure 205.4.

The Prothonotary's Office will provide the necessary technical assistance to those parties who lack the capability to file legal papers electronically.

(2) As used in this rule, the following words shall have the following meanings: "electronic filing" shall be the electronic transmission of legal papers by means other than facsimile transmission; "filing party" shall be an attorney, party or other person who files a legal paper by means of electronic filing; and "legal paper" shall be a pleading or other paper filed with the Prothonotary in any civil action, including attachments and exhibits, even if the legal papers are not adversarial in nature or do not require a response from the non-filing party or parties.

(b) Legal papers shall be presented for filing in a portable document format ("PDF"). As authorized by Pa.R.C.P. 205.4 (b)(1), in the event a legal paper is presented for filing in a hard-copy format or an electronic format other than a PDF, the Prothonotary shall convert said legal paper into a PDF and shall maintain it in that format. The Prothonotary shall return the hard-copy legal paper to the filing party for retention as required by Pa.R.C.P. 205.4(b)(4).

(c)(1) The Prothonotary shall provide access to its Electronic Filing System at all times, except during periods of required maintenance.

(2) All legal papers shall be filed electronically through the Electronic Filing System, which will be accessible through the Cumberland County website, [www.ccpa.net/prothonotary](http://www.ccpa.net/prothonotary). To obtain access to the Electronic Filing System, counsel or any unrepresented party must first register with the Prothonotary's Office for a User Name and Password.

(3) The time and date of filing a legal paper and any receipt of the legal paper filed electronically shall be that registered by the Electronic Filing System. The Prothonotary shall provide, through the Electronic Filing System's website, an acknowledgement that the legal paper has been received, including the date and time of receipt, in a form which can be printed for retention by the filing party.

(d) A filing party shall pay the cost of the electronic filing of a legal paper by approved credit or debit card, or by advance deposit of sufficient funds with the Prothonotary. The following cards have been approved for payment of the electronic filing: American Express, Discover, MasterCard and Visa.

(e)(1) A filing party shall be responsible for any delay, disruption, interruption of the electronic signals and legibility of the document electronically filed, except when caused by the failure of the Electronic Filing System's website.

(2) No pleading or other legal paper that complies with the Pennsylvania Rules of Civil Procedure shall be refused for filing by the Prothonotary or the Electronic Filing System based upon a requirement of a local rule or local administrative procedure or practice pertaining to the electronic filing of legal papers.

(3) If a pleading or other legal paper is not accepted upon presentation for filing or is refused for filing by the Electronic Filing System, the Prothonotary by email, or the Electronic Filing System, as may be appropriate, shall immediately notify the party presenting the legal paper for filing of the date of presentation, the fact that the document was not accepted or refused for filing by the system, and the reason therefor.

(4)(i) The Court upon motion shall resolve any dispute arising under paragraphs (1) and (2) of this subdivision.

(ii) If a party makes a good faith effort to electronically file a legal paper but it is not received, accepted or filed by the Electronic Filing System, the Court may order that the paper be accepted and filed *nunc pro tunc* upon a showing that reasonable efforts were made to timely present and file the paper.

(f) As authorized by Pa.R.C.P. 205.4(f), the following administrative procedures are adopted:

(1) The electronic filing of legal papers using an authorized User Name and Password shall constitute the filing party's signature on electronic documents as provided by Pa.R.C.P. 1023.1 and, if the filing party is an attorney, shall constitute a certification of authorization to file it as provided in Pa.R.C.P. 205.1.

(2) Verification of pleadings, as required by Pa.R.C.P. 206.3 and 1024, as well as any other documents executed by the client or third parties, such as Affidavits or Certificates of Service, shall be scanned and attached to the electronic filing in a PDF at the time the legal paper is submitted for electronic filing.

(3) Personal Identifiers in civil matters, such as Social Security numbers, dates of birth, financial account numbers and names of minor children, shall be modified or partially redacted in all documents electronically filed in the office. When necessary, the Prothonotary shall obtain a hard copy of the unredacted information and maintain such information in a closed folder for inspection by the Court; such unredacted information shall not be made available on the Electronic Case Filing System.

(4) The Prothonotary is authorized to refuse for filing a legal paper submitted without the requisite filing fee; such legal paper shall only be deemed to have been filed on the date that said filing fee payment was received by the Prothonotary.

(5) Neither the Court nor the Prothonotary shall be required to maintain a hard copy of any legal paper, notice or Order filed or maintained electronically under this Rule.



(g)(1) Copies of all legal papers other than original process filed in an action or served upon any party to an action may be served:

(i) as provided by Rule 440; or

(ii) by electronic transmission, other than facsimile transmission, to all parties who have previously submitted electronic filing in the same case, pursuant to Cumberland County Civil Rule 205.4 and Pa.R.C.P. 205.4(g).

(2) Service by electronic transmission is complete when a legal paper is sent:

(i) to the recipient's electronic mail address, or

(ii) to an electronic filing system website and an e-mail message is sent to the recipient by the electronic filing system that the legal paper has been filed and is available for review on the system's website.

*NOTE: Upon the electronic filing of a legal paper other than original process, the electronic filing system may automatically send notice of the filing to all parties who have agreed to service by electronic transmission or whose e-mail address is included on an appearance or prior legal paper filed in connection with the action. If the electronic filing system sends notice of such filing, the party filing the legal paper only need serve those parties who are not served by the electronic filing system.*

*An electronic mail address set forth on letterhead is not a sufficient basis under this rule to permit electronic service of legal papers.*

(3) Copies of all Notice, Orders or Judgments from the Court in any action shall be served by electronic transmission through the Electronic Filing System to all parties who have previously submitted electronic filings in the same case. In the event that a party or parties have not yet submitted electronic filing in a particular case, then the Prothonotary shall provide notice by facsimile, other electronic means or by forwarding a hard copy to said party or parties.

Adopted October 30, 2014, effective December 1, 2014

## **PETITIONS AND ANSWERS**

### **Rule 206.1. Petitions**

In addition to petitions to open and for non pros, petition practice shall also be applicable to petitions to transfer venue on grounds of forum non conveniens and petitions which seek the issuance of a rule to serve the interest of justice. See Pa.R.C.P. 206.1(a)(2)

### **Rule 206.4(c). Rules to Show Cause.**

Cumberland County hereby adopts Pa.R.C.P. 206.5 as the procedure governing rules to show

cause. The issuance of rules to show cause will be discretionary with the court upon presentation of a petition seeking the same.

(1) A petition for a rule to show cause shall be filed with the Prothonotary who shall docket the petition and forward same to the Court Administrator for assignment to a Judge.

(2) Upon a grant of a rule to show cause an order shall be issued in accordance with Pa.R.C.P. 206.5 governing the requirements for an answer, the scheduling of depositions, and the manner in which argument will be schedule.

(3) The procedures with regard to rules to show cause shall also comply with the requirements with respect to motions, generally, set forth in Rule 208.3(a).

### **Rule 208.3(a). Motions.**

All motions and petitions shall be initially presented to the Prothonotary who shall forward same to the Court Administrator for assignment to a Judge for disposition.

(1) All motions submitted to the Court shall be in writing and shall prominently indicate the individual attorney responsible for the matter. Where that attorney is not the one who personally submits the papers, the names of both attorneys shall be clearly indicated.

(2) The motion shall state whether or not a judge has ruled upon any other issue in the same or related matter, and, if so, shall specify the judge and the issue.

(3) A proposed order or decree shall be prepared by counsel and affixed to the front of each petition or motion submitted to the Court. Where the Court cannot make an ex parte determination of the matter, the proposed order shall be in the nature of a rule to show cause why relief sought ought not to be granted.

(4) The Judge to whom a motion has been assigned shall, thereafter, by order, schedule such briefing and argument as shall be deemed necessary.

(5) Except as provided in Rules 1028(c), 1034(a), and 1035.2(a), no petition or motion, including those relating to depositions and discovery, shall be placed on an argument court list unless directed by the Judge assigned thereto.

(6) Where notice of the entry of any order is required under Pa.R.C.P. 236, the petitioner or moving party shall include in the proposed order the names of the persons and/or attorneys who are required to be notified and to provide duplicate copies of the proposed order with stamped envelopes addressed to the said persons and/or attorneys.

(7) All motions regarding discovery in civil cases including, but not limited to, motions to compel, for protective orders, and for sanctions, shall be filed with the Prothonotary who will transmit the motion/petition to the Court Administrator for assignment to a judge. Any answer or response to a discovery order or rule shall be filed, initially, with the Court Administrator who shall refer same to the judge assigned prior to filing with the Prothonotary.

(8) Hybrid Representation. In the event that a party who is represented by counsel of record attempts to file a motion, petition, answer or similar item on his or her own, the court will not docket the item but instead forward it to the counsel of record for such action as he or she deems appropriate on behalf of his or her client.

(9) All motions and petitions shall contain a paragraph indicating that the concurrence of any opposing counsel of record was sought and the response of said counsel; provided, that this requirement shall not apply to preliminary objections, motions for judgment on the pleadings, motions for summary judgment, petitions to open or strike judgments, and motions for post-trial relief.

## PRETRIAL CONFERENCE

**Rule 212-1.** For each term of court a pretrial conference for all cases on the civil trial list shall be held on Wednesday of the third week before civil trial week.

Note: This rule is derived from former Rule 203-1.

Adopted June 17, 1976, amended January 21, 1977, effective February 1, 1977; amended July 21, 1986, effective January 1, 1987; amended December 1, 1991, effective December 1, 1991; amended April 1, 1995, effective April 30, 1995.

**Rule 212-2.** The pretrial conference shall be attended by the attorney who will try the case. In the event that the attorney fails to attend the pretrial conference, he shall not be permitted to try the case.

Note: This rule is derived from former Rule 206(b).

Adopted June 17, 1976, effective July 1, 1976.

**Rule 212-3.** Any case in which the trial attorney fails to appear for the pretrial conference may be placed at the foot of the list or stricken from it. The court may impose alternative or additional appropriate sanctions on the party or counsel failing to appear.

Note: This rule is derived from former Rule 206(2).

Adopted June 17, 1976, effective July 1, 1976.

## PRETRIAL MEMORANDUM

**Rule 212-4.** Each party to a civil action shall submit a pretrial memorandum to the Court Administrator and serve a copy on all other parties, no later than Friday prior to the pretrial conference. The memorandum shall set forth in the following order:

- 1) A statement of the basic facts as to liability.
- 2) A statement of the basic facts as to damages.

- 3) A statement as to the principal issues of liability and damages.
- 4) A summary of legal issues regarding admissibility of testimony, exhibits or any other matter, and legal authorities relied on.
- 5) The identity of witnesses to be called.
- 6) A list of exhibits with brief identification of each.
- 7) The current status of settlement negotiations including a statement as to whether an Alternative Dispute Resolution option has been utilized.

Adopted and effective August 28, 1981.

Amended December 1, 1991, effective December 1, 1991.

Amended February 5, 2010, effective July 1, 2010.

### CALL OF CIVIL TRIAL LIST

**Rule 213-1.** For each term of court the civil trial list shall be called on Tuesday of the fourth week before civil trial week. Any case not answered at the first call, shall, at the option of the court, be placed at the foot of the list or stricken from it.

Note: This rule amends prior rule by dispensing with the second call of the list.

Adopted January 31, 1977, effective February 1, 1977

Amended December 1, 1991, effective December 1, 1991.

**Rule 213-2.** At the call of the trial list, counsel for all parties shall indicate that discovery has been completed, that Alternative Dispute Resolution options have been considered and, if agreed to, have been completed or will be completed so as not to delay trial, and that the case is otherwise ready for trial in all respects. Any case not ready for trial in all respects shall, at the option of the court, be placed at the foot of the list or stricken from it.

Adopted August 21, 1980, effective August 21, 1980.

Amended April 1, 1995, effective April 30, 1995.

Amended February 5, 2010, effective July 1, 2010.

### TRIAL

**Rule 214-1.** A case shall be listed for trial only by filing a praecipe in duplicate directing the Prothonotary to list the case for trial. The party listing the case for trial shall provide forthwith a copy of the praecipe to all counsel. The praecipe shall be in form prescribed by the Prothonotary.

Note: This rule is derived from former Rule 213.

Adopted October 6, 1978, effective October 15, 1978.

**Rule 214-2.** The trial list for cases at law shall close seven (7) weeks before the first day of trials. Trial lists shall be prepared by the Prothonotary in which the cases shall be arranged in the order of their listing. Copies of each trial list shall be made available to members of the Bar.

Note: This rule is derived from former Rule 213.

Adopted October 6, 1978, effective October 15, 1978  
amended November 16, 1987, effective January 1, 1988.

**Rule 214-3.** Where a case is listed for trial by direction of the Court, notice of such listing shall be given to counsel by the Prothonotary.

Note: This rule is derived from former Rule 312.

Adopted October 6, 1978, effective October 15, 1978.

### **Rule 215-1. Non-Jury Trials.**

This is an effort by the court to remove civil non-jury cases from the call of the civil trial list. If litigants to a case know that it will be a non-jury trial, they simply may file a praecipe with the Prothonotary, who will forward same to the Court Administrator's Office. The Court Administrator will assign the case to a judge immediately. This is somewhat similar to our procedure in equity cases. The hope is that non-jury trials might be scheduled more quickly and efficiently in this manner, instead of having to wait for the call of the civil trial list.

Adopted May 28, 1996; Effective August 1, 1996

**Rule 223-1.** In all trials the order of procedure shall be as follows: The counsel for the affirmative shall open his case and state the facts and, if necessary, the principles of law involved so that the relevancy of the facts may be understood, but without argument. Thereafter, the opposing counsel may open his case and proceed in like manner or may reserve his right to open until after the affirmative case in chief. If reserved, the counsel for the affirmative shall call witnesses for examination and cross-examination. If not reserved, the counsel for the affirmative shall present his case in chief at the close of the affirmative case. Closing arguments shall be in inverse order of the opening statements. Unless specifically allowed, no opening statement or summation shall exceed thirty (30) minutes.

Note: This rule is derived from former Rule 209.

Adopted September 21, 1953  
amended October 6, 1978, effective October 15, 1978.

**Rule 223-2.** Upon the return of the jury to the courtroom, the judge shall examine the written

verdict. If irregular, the judge shall further instruct the jury and send it back for further deliberation. If the written verdict is in proper form, regular and valid, the judge shall hand it to the Prothonotary who shall inquire of the foreman:

"Have you reached a verdict?"

Upon an affirmative response, the Prothonotary shall inquire of the foreman:

"What is your verdict?"

Thereupon the foreman shall pronounce the verdict.

Upon demand for a poll being made, the Prothonotary shall inquire of each juror separately as to his or her verdict. The Court shall instruct the Prothonotary as to the form of the question after consultation with counsel if desired.

If no demand for a poll is made or if the poll shows a legal verdict, the Prothonotary shall enter the verdict and shall inquire of the jury in the usual form as to whether or not the same is their verdict.

Note: This rule was formerly Rule 223.2.

Adopted September 21, 1953  
amended October 6, 1978, effective October 15, 1978.

## **INACTIVE CASES NOT AT ISSUE**

**Rule 228.** rescinded September 4, 2003

## **LAND USE APPEALS**

### **Rule 230. Disposition**

1. Contemporaneously with the notice of the filing of the complete return of the record, the Prothonotary shall forward the appeal to Court Administration for assignment of a Judge of the Court of Common Pleas. The Court Administrator shall assign appeals to the Judges on a rotating basis.
2. Within ten (10) 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. 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. The Prothonotary shall immediately serve a copy of the motion upon the assigned Judge.
3. 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.
4. After the conference, the Court shall issue an appropriate order addressing the filing of briefs.
  5. If no party has filed a request for a conference within ten (10) days after the Prothonotary gives notice of the filing of the complete return of the record, the Court shall immediately issue a standard order setting a briefing schedule and date for oral argument.
  6. The standard briefing schedule shall be as follows:

The appellant shall file a brief within forty (40) 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 (30) days after service of appellant's brief.

The appellant may file a reply brief within ten (10) days after service of the responsive brief.

7. Within the standard order setting the briefing schedule, the judge shall schedule oral argument for the next argument term corresponding with the close of the briefing period.
8. If appellant fails to file a brief within the time period established under the rules of this section 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.

Adopted March 22, 2017, effective May 1, 2017

## **MISCELLANEOUS RULES, Rules 300 - 999**

### **GENERAL RULE**

**Rule 300.** Whenever, by local rule of court, registered mail is required for the purpose of giving notice, certified mail may be used in lieu thereof with the same effect as registered mail.

Note: This rule was formerly Rule 187-1. See Purdons Statutes, Title 45, sec. 101.

Adopted and effective November 4, 1959.

**Rule 350.** The court shall appoint a committee of five (5) members of the bar, who shall have the care and charge of the law library, and who are empowered to appoint a librarian and make all needful rules and regulations for the management and control of the same, who shall hold office until their successors are appointed.

Note: This rule was formerly Rule 175. See Pa. Consolidated Statutes, Title 42, Sec. 3254.

Adopted September 21, 1953, effective November 1, 1954.

**Rule 351.** No book shall be taken from the Law Library without first completing a card to include a description of the book, the date, and the attorney's name. All books shall be returned within a week from the date removed, or earlier if requested by the Librarian.

Note: This rule was derived from former Rule 176.

Adopted September 21, 1953  
amended October 6, 1978, effective October 15, 1978  
amended April 29, 1983, effective June 1, 1983.

## LEGAL JOURNAL

**Rule 355.** The Cumberland Law Journal is designated as the official legal publication of Cumberland County and the legal newspaper designated by this Court for the publication of legal notices.

Advertisement of the following notices in the Cumberland Law Journal is hereby dispensed with:

- 1) Proposed budgets of Municipalities
- 2) Meetings, decisions and filings of Reports of Viewers
- 3) Any other notice involving a local government or one of its instrumentalities unless expressly provided otherwise by statute.

Note: See Purdons Statutes, Title 53, secs. 46308, 46523, 46526, 46527, 46529, 47010, 47726, 47812; P. Consolidated Statutes, Title 45, sec. 308.

Adopted September 21, 1953  
amended October 6, 1978, effective October 15, 1978.



**IMPLEMENTING PA.R.C.P.J.P. 1008(B)**

**Rule 357.** Rescinded July 17, 2008

**BAIL**

**Rule 358.** No attorney of the Court shall be received as bail or surety in any suit, action, prosecution or proceeding pending in the office of the Register of Wills or in any of the several Courts of this county, unless personally interested; nor shall the Prothonotary, Clerk of the Courts, Register or Sheriff, or their deputies, become bail or surety in any such action or proceeding in the line of their official duties.

Note: This rule was formerly Rule 89.

Adopted September 21, 1953; effective January 1, 1954.

**Rule 359.** No corporation shall be accepted as bail or surety on any bond to be approved by the Court, Prothonotary or Clerk, unless it has filed in the office of the Prothonotary a copy of its last annual statement to the Insurance Commissioner of the Commonwealth of Pennsylvania.

Note: This rule was derived from former Rule 90.

Adopted September 21, 1953; amended October 6, 1978, effective October 15, 1978.

**Rule 361.** Whenever individual sureties are allowed by law, said sureties shall execute and file with the bond a JUSTIFICATION OF SURETIES in the following form:

(Caption)

**JUSTIFICATION OF SURETIES**

Commonwealth of Pennsylvania  
County of Cumberland ss:

Personally appeared before me the undersigned officer, a \_\_\_\_\_ in and for the County and State aforesaid, \_\_\_\_\_, of \_\_\_\_\_, of \_\_\_\_\_; and \_\_\_\_\_, of \_\_\_\_\_; and \_\_\_\_\_, of \_\_\_\_\_; who severally being duly sworn, each for himself says that he is one of the sureties to the bond attached to this Justification, that he is a resident of the Commonwealth of Pennsylvania, County of Cumberland, that he is seized in fee simple of real estate titled in his own name (or in the name of himself and co-owner(s) who execute and join in this affidavit) situate in said County and State, and not exempt by law from sale or execution, of the value and worth over and above all encumbrances thereon, the whole of the sum named in the Bond to which this Justification is attached.

Sworn and subscribed to  
before me this \_\_\_ day  
of \_\_\_\_\_ A.D.  
19\_\_\_\_\_.

**Footnote:** Both tenants by the entireties or all other co-owners must sign. Tenants by the entireties or co-owners are considered as one surety only.

Note: This rule was formerly Rule 91-1.

Adopted June 1, 1956, effective July 1, 1976.

**Rule 367.** A party entitled to costs shall file a bill of costs with the Prothonotary which shall be served upon the opposing party or his attorney. Such bill shall set forth the witnesses in attendance at trial, the statutory witness fees paid to such witnesses, and the places from which mileage is claimed. The bill shall be verified under oath as being true and correct to the best of the affiant's knowledge and belief which verification shall include a statement that the witnesses were material and necessary. If the opposing party objects to a bill of costs, he must file his exceptions, in writing, with the Prothonotary, within ten (10) days of service. The Prothonotary shall hear and determine the objections. If either party is dissatisfied with the decision of the Prothonotary, the matter shall be heard by the Court; but no exception or appeal shall operate to stay execution or prevent the collection of the debt or costs, but any costs subject to the exception shall be retained until the question is decided.

Note: This rule was derived from former Rule 115.

Adopted June 1, 1976; amended October 6, 1978, effective October 15, 1978.

**Rule 368.** Pursuant to Act 101 of the Acts of 1978 of the General Assembly of the Commonwealth of Pennsylvania, the Domestic Relations Section of the Probation Office shall assess and collect the fee set forth in the said Act which shall henceforth be designated as the "service fee." The service fee, fifty (50) cents for each payment to be made by the party ordered to pay support through the Domestic Relations Office, shall be assessed and collected prospectively on a yearly basis.

Note: Act No. 1978-101 was repealed by the Act of October 5, 1980, P.L. 693, sec. 313, but that act expressly made section 24(a) of the Judiciary Act of July 9, 1976, applicable to the repeal of the 1978 Act. Section 24(a), in effect, authorizes continued collection for the service fee of fifty cents per payment until such fee is superseded by fees fixed pursuant to 42 Pa. C.S. sec. 1725. No such fees have yet been fixed.

Adopted and effective October 30, 1967  
amended April 29, 1983, effective June 1, 1983.

**Rule 451.** The Prothonotary shall maintain an alphabetical list of members of the bar of this Commonwealth who have presented a certificate issued by the Court Administrator of Pennsylvania evidencing admission to the bar, which list shall note the name, certificate, number and office address of each attorney.

Note: It shall be the responsibility of each attorney to advise the Prothonotary of any change in his listing.

Adopted January 31, 1977, effective February 1, 1977  
amended April 29, 1983, effective June 1, 1983.

Note: Rules 452 through 458 relating to the establishment and maintenance of a Bar of

Cumberland County are rescinded pursuant to the Supreme Court decision in Laffey v. Court of Common Pleas of Cumberland County, 503 Pa. 103, 468 A.2d 1084 (1983).

## COURT OFFICE AND RECORDS

**Rule 500.** The Prothonotary shall provide and maintain in the public room of his office a bulletin board upon which notices, the posting of which is required by the Rules of Court, may be posted.

The Prothonotary shall make all matters or documents required or authorized, except juvenile cases and other non-public files, from August 2001 forward available on the Prothonotary's website for public access. The Prothonotary shall provide access to the public to search these records by docket number or by name of the plaintiff or defendant.

The Prothonotary shall provide access to certain non-public files, specifically Cumberland County family law actions exclusive of Protection from Abuse Actions from August 2001 forward, by use of a password login, to certain subscribing Pennsylvania licensed attorneys.

Note: For the purpose of internet access, non-public files shall include divorce, custody, and protection from abuse cases filed after the effective date of this rule.

Adopted September 21, 1953, effective January 1, 1954.

Amended June 21, 2010, effective June 21, 2010.

Amended March 12, 2012, effective April 1, 2012.

**Rule 501.** Any matter erroneously entered in any entry of a book, docket, mortgage or deed book, will book or other official record in the offices of the Prothonotary, Register of Wills, Clerk of Courts, Recorder of Deeds and the Sheriff shall be so marked and the correct entry shall be inserted. If material is omitted, the omitted entry shall be placed on the record in a manner which will allow a clear and unambiguous reading of the record. In every case the date of the correction shall be noted.

Note: This rule is derived from Rule 217.

Adopted September 21, 1953

amended October 6, 1978, effective October 15, 1978.

**Rule 550.** (a) and (b) Beginning January 2, 1994, the first paper filed in each of the following shall be docketed as follows, and each succeeding paper will take the following number:

Court of Common Pleas, Civil Action-Law shall be:  
94-0001 Civil.

Court of Common Pleas, Civil Action-Equity, shall be:  
94-0001 Equity.

Court of Common Pleas, Criminal, shall be:  
94-0001 Criminal.

Court of Common Pleas, Criminal-Miscellaneous, shall be:  
94-0001 Miscellaneous.

Court of Common Pleas, Juvenile, shall be:  
94-0001 Juvenile.

Court of Common Pleas, Orphan's Court, shall be:  
94-0001 Orphans.

Court of Common Pleas, Orphan's Court-Adoptions, shall be:  
94-0001 Adoptions.

Adopted January 2, 1994, effective April 30 1995.

## COURT CALENDAR

**Rule 551.** The Court Calendar will be determined by the Court on a yearly basis. The Court Administrator will prepare the calendar at the direction of the President Judge.

Note: This Rule was derived from former Rule 550.

Adopted November 22, 1974, amended November 1, 1982, effective December 1, 1982; amended August 26, 1983, effective January 1, 1984; amended November 27, 1985, effective January 1, 1986; amended July 21, 1986, effective January 1, 1987; amended November 16, 1987, effective January 1, 1988; amended August 24, 1988, effective October 1, 1988.

## ACTIONS AT LAW, Rules 1000 - 1499

### PUBLICATION OF ACTIONS AT LAW

**Rule 1009-1.** In all actions where service of a complaint is by publication, it will be substantially in the following form:

To (Name(s) of defendant(s))

You are notified that the plaintiff(s), \_\_\_\_\_ (Name of Plaintiff(s)) has commenced an action (Name of Action) against you entered to (Term and Number of the Action) in the Court of Common Pleas of Cumberland County, Pennsylvania, which you are required to defend.

This action concerns the land here described:

\_\_\_\_\_ (In actions to quiet title or ejectment only)  
(This will be followed by the mandatory language of Pa.R.C.P. 1009(f) in all publications.)

By  
Sheriff

Attorney for Plaintiff

Address of Plaintiff's Attorney

Note: This rule is derived from former Rules 145,147. Adopted September 21, 1953; amended October 6,1978, effective October 15, 1978.

**Rule 1009-2.** Rescinded May 13, 1988, as being inconsistent with Pa.R.C.P. 430(b)(1).

### **NOTICE TO DEFEND**

**Rule 1018.1-1.** As provided by Pennsylvania Rule of Civil Procedure No. 1018.1, the following officer is designated to be named in the Notice to Defend in order to find out where legal help can be obtained: Cumberland County Bar Association, 32 S. Bedford Street, Carlisle, Pennsylvania - telephone number 717-249-3166

Note: This rule was formerly Rule 327.

Adopted June 13, 1975, effective July 1, 1975.  
Amended October 31, 1997, effective January 1, 1998.

### **ARGUMENT COURT**

#### **Rule 1028(c). Preliminary Objections.**

All preliminary objections shall be filed with the Cumberland County Prothonotary's Office. Thereafter, the issues raised will be disposed of at regular sessions of argument court, which shall be scheduled as part of the annual court calendar. The procedure for disposition of matters at argument court shall be as follows:

- 1) The Prothonotary shall maintain the argument court list.
- 2) A case shall be listed by filing a praecipe, in duplicate, with the Prothonotary. The party listing the case for argument shall serve a copy of the praecipe on all counsel and any unrepresented party.
- 3) A case may be listed for argument either after all briefing requirements are met or the time for the briefing schedule has elapsed, whichever occurs first. A brief with two copies, limited to twenty (20) double-spaced pages unless prior court approval has been granted, containing a statement of facts, discussion of the issues and reference to all authorities relied upon, shall be filed with the Prothonotary concurrently with the preliminary objections. The objecting party shall furnish the briefs and serve a copy of the brief upon opposing counsel and any

unrepresented party. The responding party shall furnish briefs in a similar manner within twenty (20) days of the date of service of the objecting party's brief. Argument may be denied to any party who fails to comply with the filing requirements of this paragraph. If the party seeking the order has not filed a timely brief in accordance with this rule, the Court may deny the relief sought on that basis alone.

- 4) The argument list shall be closed twenty (20) days prior to the date for argument. The list shall then be prepared by the Prothonotary and the cases shall be set out in order of their listing. Upon the closing of the argument list, the Prothonotary shall furnish notification to all attorneys and unrepresented parties, who have cases listed for argument, of the listing by regular mail.
- 5) One week prior to argument, the Court Administrator, at the direction of the President Judge, shall prepare the final list of cases to be argued before either a single judge or an en banc panel of two judges, or three judges. The list of assigned cases shall be listed in the Prothonotary's Office and the Law Library six (6) days prior to the date for argument.
- 6) Issues raised, but not briefed, shall be deemed abandoned.
- 7) References in any brief to parts of the record appearing in a reproduced record shall be to the pages and the lines in the reproduced record where said parts appear, e.g., "(r. pg. 30 l. 15)." If references are made in the briefs to parts of the original record not reproduced, the references shall be to the parts of the record involved, e.g., "(Answer p. 7)," "(Motion for Summary Judgment p. 2)."
- 8) Counsel or any party presenting oral argument shall be limited to fifteen (15) minutes unless prior permission is granted to extend argument in a complex case.
- 9) Prior approval of the Court must be obtained to present cases only on briefs. Any request is to be made to the Court Administrator no later than five (5) days prior to argument. Cases submitted for argument on briefs are subject to the briefing schedule set forth in paragraph (5).
- 10) Briefs will be retained by the Prothonotary and will be on the record.
- 11) All agreements for continuances and/or withdrawals shall be communicated to the Court Administrator no later than seven (7) days prior to argument court.

**Rule 1034(a). Motions for Judgment on the Pleadings.**

Motions for judgment on the pleadings shall be filed with the Cumberland County Prothonotary's Office and disposed of in the same manner as preliminary objections in accordance with Rule 1028(c).

**Rule 1035.2(a). Motions for Summary Judgment.**

All motions for summary judgment shall be filed with the Cumberland County Prothonotary's Office and disposed of in the same manner as preliminary objections in accordance with Rule 1028(c).

Note: The foregoing rules 206.1, 206.4(c), 208.2(d), 208.3(a), 1028(c), 1034(a) and 1035.2(a) are promulgated pursuant to Pa.R.C.P. 239.1 et seq. These Supreme Court Rules require that courts of common pleas adopt rules with respect to motions practice. The foregoing local rules retain current practices and are, to a large extent, existing rules renumbered and reconfigured in accordance with the requirements of the Pennsylvania Supreme Court. These rules are derived from and also rescind existing Cumberland County rules 205-1, 206-1 through 209-2, 210-1 through 210-14, 227.1-1, 227.1-2, and 4001-1.

1028 (c) (5) amended February 3, 2011, effective February 3, 2011

1028 (c) (5) amended July 27, 2011, effective July 27, 2011

1028 (c) amended September 16, 2016, effective November 11, 2016.

1028 (c) (3) amended May 23, 2017, effective July 1, 2017

## JUDGMENTS

**Rule 1047-1.** In all actions in Trespass in which judgment has been entered against a defendant who has neither pleaded to the Complaint nor appeared at any time in the action, and in which the only damages to be assessed are the cost of repairs made to property, the said damages shall be assessed as provided in Pa.R.C.P. 1047, as amended.

Note: This rule is derived from former Rule 167-1.

Adopted December 27, 1963; amended October 6, 1978, effective October 15, 1978.

## EJECTMENT

**Rule 1051-1.** The defendant or any one of several defendants may disclaim title and deny possession of the whole of the land claimed in the action, in writing and under oath, and thereupon the action shall stop as to those disclaiming, unless the plaintiff, within twenty (20) days after notice, shall traverse such denial of possession under oath, in which case the cause shall go to trial. If the defendant disclaims and offers to confess judgment for a part of the land claimed and the plaintiff refuses to accept the same and fails to recover more than was embraced in said offer, he shall pay all costs incurred subsequent thereto.

Note: Service by publication in actions of ejectment shall be in accordance with C.C.R.P. 1009-1 and 2. This rule was formerly Rule 141.

Adopted September 21, 1953, effective January 1, 1954.

**Rule 1053-1.** When an action in ejectment has been brought and service by publication is proper under Pa.R.C.P. 1053 (d), such publication shall be in accordance with C.C.R.P. 1009-1 and 2.

Adopted October 6, 1978, effective October 15, 1978.

## ACTION TO QUIET TITLE

**Rule 1066-1.** When an action to quiet title has been brought and service by publication is proper

under Pa.R.C.P. 1064(c), such publication shall be in accordance with C.C.R.P. 1009-1 and 2.

Note: This rule is derived from former Rule 147.

**Rule 1066-2.** Except as otherwise provided by Order of Court, when the complaint has been served by publication and judgment has been entered against the defendant in accordance with Pa.R.C.P. 1066(b)(1), the time within which the defendant shall take the action directed by the decree of the Court shall be thirty (30) days after the last publication of notice of such decree.

Note: This rule was formerly Rule 148.

Adopted September 21, 1953, effective January 1, 1954.

**Rule 1066-3.** When the complaint has been served by publication, pursuant to Pa.R.C.P. 1064(c) except as otherwise provided by Order of Court, notice under Pa.R.C.P. 1066(b)(1) shall be given by one (1) publication in a newspaper of general circulation in the County and in the Cumberland Law Journal, and the Judgment against the defendant shall become final unless the defendant shall take the action directed by the decree of the Court. The publication of notice shall be in substantially the following form:

To  
(Name(s) of defendant(s))

You are notified that an Order has been entered to (Docket & Number of Action) in the Court of Common Pleas of Cumberland County, Pennsylvania, on (Date) directing that within thirty (30) days after this publication you shall (Set forth the action directed in the Order) or be forever barred from asserting any right, lien, title or interest inconsistent with the interest or claim set forth in the plaintiff's complaint to the land here described:

(Describe Land)

By \_\_\_\_\_ Sheriff

Attorney for Plaintiff

Address of Plaintiff's Attorney

When more than one publication is ordered, the above form shall be modified accordingly.

Note: This rule is derived from former Rule 149.

Adopted September 21, 1953; amended October 6, 1978, effective October 15, 1978.

**Rule 1066-4.** Upon filing of Proofs of Publication as required and upon failure of defendant to take any action before the expiration of the time set forth in the advertisement pursuant to Local Rule 1066-2, the plaintiff may issue to the Prothonotary a praecipe substantially in the following form:

Sir:

Enter on Appearance Docket and on Decree a notation that the defendant failed to take the action directed in the last advertisement within the time therein limited; and transmit to the



Recorder of Deeds a certified copy of the Decree containing the notation above described.  
\_\_\_\_\_  
Attorney for Plaintiff

Upon receipt of the said praecipe, the Prothonotary shall note on the Decree and on the Appearance Docket as follows:

"The Defendant has failed to take the action directed."

Date Prothonotary

A certified copy of the Decree with said notation shall be recorded in the Office of the Recorder of Deeds, shall be indexed against the Defendant as Grantor and to the Plaintiff as Grantee, and shall be noted on the margin of the record of any Deed, Mortgage, or other instrument affected by the Decree.

Note: This rule is derived from former Rule 150.

Adopted September 21, 1953  
amended October 6, 1978, effective October 15, 1978.

### ARBITRATION RULES

**Rule 1301-1.** All civil cases which are at issue in which the total amount in controversy is Fifty Thousand Dollars (\$50,000) or less, exclusive of interest and costs, except those cases involving the title to real estate, shall be submitted for hearing and award to three members of the Bar to be designated as a Board of Arbitrators.

Note: These rules are adopted pursuant to the authority of sec. 736l of the Judicial Code of July 9, 1976, 42 Pa.C.S. sec. 7361.

Adopted May 15, 1981, effective May 15, 1981;  
Amended December 21, 1992; effective February 1, 1993.

**Rule 1301-2.** All cases in trespass, otherwise meeting the requirements of Local Rule 1301-1, in which no appearance has been entered for the defendant (including those cases in which a default judgment has been entered against the defendant pursuant to Pa.R.C.P. 1037(a)), shall be submitted to a Board of Arbitrators for hearing and award upon the question of damages, unless damages have been assessed in accordance with Pa.R.C.P. 1037(b).

Note: Formerly Local Rule 401-2.

Adopted May 15, 1981, effective May 15, 1981.

**Rule 1302-1.** The court shall maintain a list of available arbitrators which shall include all members of the Cumberland County Bar actively engaged in practice. A member of the Bar may be removed from the list of arbitrators by making such a request to be excused from serving to the President Judge.

Adopted May 15, 1981, effective May 15, 1981.

**Rule 1302-2.** In all cases at issue and requiring compulsory submission to a Board of Arbitrators in accordance with Local Rule 1301-1, any party may submit a written petition to the Prothonotary for the appointment of a Board of Arbitrators. The petition shall be subscribed to by a party or counsel but need not be verified under oath. The petition shall set forth that the matter is at issue, the amount in controversy, the names of members of the Bar of Cumberland County who are interested in the matter or otherwise disqualified to sit as arbitrators, and a request for the appointment of a Board of Arbitrators. Upon receipt of the petition, the Prothonotary shall forward it and the case file to the President Judge for review and appointment of the Board of Arbitrators.

Note: See Local Rule 1312-1 for the form of the petition.

Adopted May 15, 1981, effective May 15, 1981.

**Rule 1302-3.** The Board of Arbitrators shall be appointed from the list of arbitrators by the President Judge. The first member appointed shall act as Chairman and shall fix the time and place for hearing.

Adopted May 15, 1981, effective May 15, 1981.

**Rule 1302-4.** In any case listed for trial before the court, if it shall come to the attention of the court that the case qualifies for compulsory arbitration under Local Rule 1301-1, the court may direct the plaintiff to file a Petition for Appointment of a Board of Arbitrators.

Note: Formerly Local Rule 403.

Adopted May 15, 1981, effective May 15, 1981.

**Rule 1302-5.** Unless otherwise ordered by the court, following the filing of the award, the Chairman of the Board of Arbitrators shall be paid the sum of \$160.50. Other members of the Board shall be paid the sum of \$128.00. In the event that the appointment of the Board is vacated, the Chairman shall be entitled to an administrative fee as ordered by the Court.

Note: Formerly Local Rule 407.

Adopted May 15, 1981, effective May 15, 1981, amended April 17, 1984, effective June 4, 1984.

Amended May 13, 1988, effective June 1, 1988,

Amended January 2, 1991, effective February 1, 1991.

Amended January 3, 2011, effective January 3, 2011.

Amended February 2, 2012, effective February 2, 2012

**Rule 1312-1.** The petition for Appointment of Arbitrators shall be substantially in the following form:

(CAPTION)

**PETITION FOR APPOINTMENT OF ARBITRATORS**

TO THE HONORABLE, THE JUDGES OF SAID COURT:

\_\_\_\_\_, counsel for the plaintiff/ defendant in the above action (or actions), respectfully represents that:

1. The above-captioned action (or actions) is (are) at issue.

2. The claim of the plaintiff in the action is \$ \_\_\_\_\_. The counterclaim of the defendant in the action is \$ \_\_\_\_\_.

The following attorneys are interested in the case(s) as counsel or are otherwise disqualified to sit as arbitrators: \_\_\_\_\_.

WHEREFORE, your petitioner prays your Honorable Court to appoint three (3) arbitrators to whom the case shall be submitted.

FIRM NAME OR INDIVIDUAL

ORDER OF COURT

AND NOW, \_\_\_\_\_, 19\_\_, in consideration of the foregoing petition, \_\_\_\_\_, Esq., \_\_\_\_\_, Esq., and \_\_\_\_\_, Esq., are appointed arbitrators in the above-captioned action (or actions) as prayed for.

By the Court,

\_\_\_\_\_

P.J.

Note: See Pa.R.C.P. 1312 for form of oath, award, and notice of entry of award.

Adopted May 15,1981, effective May 15,1981.

**ACTIONS IN EQUITY, Rules 1500 - 1550**

**TRIALS**

**Rule 1502-1.** The equity side of the court shall always be open. At any time an equity case is at issue, any party may file a praecipe with the Prothonotary for a pretrial conference. The Prothonotary shall immediately forward the praecipe to the Court Administrator who shall assign the case to a trial judge. A pretrial conference will be set at the convenience of the trial judge.

Adopted November 16,1987,effective January 1,1988.

**ACCOUNTING**

**Rule 1534-1.** Where matters arise in the Prothonotary's office requiring an accounting and/or auditor, the procedure shall be in accordance with the Rules of the Orphans' Court except as otherwise provided. Such accounts and reports shall be filed in the office of the Prothonotary, and

the Prothonotary shall perform the duties of the Clerk as specified in the Rules of the Orphans' Court.

Note: In following the procedures set forth in the Orphans' Court Rules, it may be necessary to change certain terminology in order to accurately reflect the nature of the matter in issue.

Adopted October 6, 1978, effective October 15, 1978.

## **SUPPORT MASTER**

### **Rule 1910.10 Hearing Procedure**

The Court of Common Pleas of Cumberland County adopts the alternative hearing procedure set forth in Pa.R.C.P. 1910.12.

Rule 1910.12 Conduct of Hearing: Exceptions

- (a) Hearings shall be conducted by the Support Master.
- (b) The Support Master shall engage the services of a stenographer; however, the notes of testimony shall not be transcribed unless:
  - (1) required by the Support Master to prepare the report and recommendation to the Court, or
  - (2) ordered by the Court following the filing of exceptions.
- (c) It shall be the responsibility of the party who first files exceptions to obtain an order directing that the notes of testimony be transcribed. The party filing the exceptions shall bear the cost of the original transcript. If both parties file exceptions, the cost of the original transcript shall be shared equally. Nothing herein shall prevent the Court from thereafter reallocating the costs of the transcript as part of a final order.
- (d) When exceptions are filed, the Domestic Relations Office shall forthwith forward the cases to the Court Administrator who shall assign them to the Judges of the Court of Common Pleas on a rotating basis.

NOTE: In Cumberland County the "Hearing Officer" referred to in Rule 1910.12 Pa.R.C.P. is designated as the Support Master.

## **ACTIONS FOR CUSTODY, PARTIAL CUSTODY AND VISITATION OF MINOR CHILDREN**

**Rule 1915.1-1** These rules shall govern all actions for custody, partial custody, and visitation, including original actions to modify decrees and contempts. The rules shall be interpreted as supplementing the Rules of Civil Procedure governing custody actions. Pa. R.C.P. 1915.1 et seq.

**Rule 1915.3-1**

(a) The original complaint and three (3) copies shall be filed with the Prothonotary who shall thereafter forward the copy of the complaint to the Court Administrator for assignment to a custody conciliator.

Amended April 1, 1995; effective April 30, 1995.

(b) If a custody claim is asserted in a divorce complaint, and either party desires a hearing on the custody issue, a copy of the divorce complaint, together with a simple motion for hearing, shall be presented to the Court Administrator for assignment to a custody conciliator.

**Rule 1915.3-2** The court shall appoint a member(s) of the Bar or other appropriate person, as an official of the court, to:

(a) Conciliate custody cases filed with the court;

(b) Recommend to the court that interim or temporary orders be entered in appropriate custody cases;

(c) Recommend appointment of counsel for the child;

(d) Recommend the utilization of home studies and/or expert witnesses.

The compensation of Custody Conciliators shall be set by order of court.

~~**Rule 1915.3-3** All custody matters not specifically reserved to the Court shall be scheduled for a conference before the conciliator not more than sixty (60) days from the date of assignment by the Court Administrator. The conciliator may reschedule the conference at the request of either party. The rescheduled date shall not be more than ninety (90) days from the date of assignment by the Court Administrator.~~

Amended April 1, 1995; effective April 30, 1995.

Rescinded effective July 1, 2017

**Rule 1915.3-4** Rescinded November 30, 2007

**Rule 1915.3-5** Upon receipt of a complaint or motion for hearing relating to child custody or visitation, the Court Administrator shall forthwith enter an order setting the time, date, and place for a Conciliation Conference and shall docket said order with the Prothonotary. The attorney for the moving party will then be advised that his/her complaint is ready to be served. The petitioner shall file an affidavit of service verifying that the defendant was served at least ten days prior to the scheduled hearing.

Amended April 1, 1995; effective April 30, 1995.

**Rule 1915.3-6** To facilitate the conciliation process and encourage frank, open and meaningful exchanges between the parties and their respective counsel, statements made by the parties, or their witnesses, shall not be admissible as evidence in court. The custody conciliator shall not be a witness for or against any party, neither shall the conciliator permit the recording in any way of the proceeding.

**Rule 1915.3-7** At the conclusion of the conference where the case remains contested the conciliator shall prepare a Conference Summary Report. This report shall contain facts gathered by the conciliator during the conference. This report shall become a part of the court records and a copy thereof shall be provided to the parties.

**Rule 1915.3-8(a) SETTLED CASE:** If, prior to or during the Conciliation Conference, the parties are able to reach an agreement, the conciliator may request that either party submit a proposed order of court. The conciliator may dictate the agreement in the presence of the parties or may request that either party present a proposed order as described in Rule 1915.7-1. In any case, the conciliator shall thereafter submit the proposed order to the Court Administrator who shall transmit the order to the court for disposition.

**Rule 1915.3-8(b) CONTESTED CASE:** Should the parties fail to reach an agreement prior to the conclusion of the Conciliation Conference, the conciliator shall submit his/her Conference Summary Report and any proposed recommended orders to the Court Administrator for prompt assignment to a Judge, who shall thereafter review the proposed recommended order and direct the matter for hearing. The proposed recommended order may contain a requirement that the parties file a pretrial memorandum with the Judge to whom the matter has been assigned.

Amended April 1, 1995; effective April 30, 1995.

Amended November 30, 2007; effective November 30, 2007

**Rule 1915.4(a)** All custody matters not specifically reserved to the Court shall be scheduled for a conference before the conciliator not more than forty-five (45) days from the date of assignment by the Court Administrator. The conciliator may reschedule the conference at the request of either party. The rescheduled date shall not be more than seventy-five (75) days from the date of assignment by the Court Administrator. The proposed order must be provided by the conciliator to the Court within seven (7) days of the conciliation conference.

Amended May 23, 2017; effective July 1, 2017

**Rule 1915.5-1** If a question of jurisdiction or venue is raised prior to the Conciliation Conference, such objections shall be referred by the conciliator to the court for disposition. No other pleading need be filed to a claim for custody or visitation. Notwithstanding, if the responding party intends to file counterclaims or cross-claims, same shall be filed prior to the Conciliation Conference, where possible.

**Rule 1915.7-1** If at any time prior to the conference the parties are able to agree upon custody or visitation the parties may submit to the conciliator a proposed consent order, with written consents attached thereto, signed by the parties and their counsel, if any. Upon receipt of a consent order, the court may, in its discretion, enter an order without taking testimony thereon.

**Rule 1915.12-1** All petitions for contempt and/or modification shall be filed in the same manner as original complaints in Rule 1915.3(1) and the Court Administrator shall refer same to the conciliator for review.

**Rule 1915.15** In addition to the information required by Pa. R.C.P. 1915.15(a) each complaint or motion for hearing relating to child custody or visitation shall contain a second cover sheet substantially in the following format:

Plaintiff	: IN THE COURT OF COMMON PLEAS OF : CUMBERLAND COUNTY, PENNSYLVANIA : CIVIL ACTION - LAW : : CUSTODY/VISITATION : :
Defendant	: NO.

ORDER OF COURT

AND NOW, (date) , upon consideration of the attached complaint, it is hereby directed that the parties and their respective counsel appear before \_\_\_\_\_, the conciliator, at on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_, at \_\_\_\_\_ m., for a Pre-Hearing Custody Conference. At such conference, an effort will be made to resolve the issues in dispute; or if this cannot be accomplished, to define and narrow the issues to be heard by the court, and to enter into a temporary order. Failure to appear at the conference may provide grounds for entry of a temporary or permanent order.

FOR THE COURT,

By:  
 Custody Conciliator

The Court of Common Pleas of Cumberland 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 our office. All arrangements must be made at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference or hearing.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

CUMBERLAND COUNTY BAR ASSOCIATION  
 32 South Bedford Street  
 Carlisle, PA 17013  
 (717) 249-3166

Amended April 1, 1995; effective April 30, 1995.  
 Amended November 30, 2007; effective November 30, 2007

**DIVORCE RULES**

**Rule 1920.3-1.** Upon the filing of a divorce complaint with the Prothonotary, the plaintiff shall pay to the Prothonotary, in addition to any other filing fees, an administrative fee in the amount of \$125.00.

Adopted December 1, 1991, effective December 1, 1991

**Rule 1920.45-3.** All request for marriage counseling shall be made in writing and submitted to the

Prothonotary within twenty (20) days of the date of service. The request shall include reference to the case docket number so that the Prothonotary can properly identify the case.

Adopted September 3, 1980, effective immediately.

**Rule 1920.45-4.** When the Prothonotary receives timely notice of a request for counseling, the proceedings will immediately be stayed. The Prothonotary will forward to the court a copy of the request for counseling, at which time the court will enter an appropriate order requiring that the parties enter into counseling.

Adopted September 3, 1980, amended April 1, 1995; effective April 30, 1995.

**Rule 1920.51-1.** Unless directed otherwise by the court or precluded by the Divorce Code of Pennsylvania Rules of Civil Procedure, claims in a divorce action shall be heard by a master, who shall be appointed based upon experience in family law and familiarity with the Divorce Code. Counsel shall be responsible for requesting the appointment of a master on the form provided by Pa. R.C.P. 1920.74.

Adopted April 29, 1983, effective June 1, 1983.

**Rule 1920.51-2.** The motion for appointment of a master and the proposed order shall be delivered to the court and a copy shall be served upon the other party.

(a) Upon application of the master, the court may require, upon good cause shown, additional deposits.

Note: This amendment substantially changes prior practice by abolishing prior subsection (a), (b), and (d).

Adopted April 29, 1983, effective June 1, 1983.

Amended December 1, 1991, effective December 1, 1991.

**Rule 1920.51-3.** The master shall mail or deliver the written notice of the master's hearing, required by Pa. R.C.P. 1920.51(b), at least fifteen (15) days prior to the hearing date.

Note: This rule is derived from former Rule 1133.5.

Adopted April 29, 1983, effective June 1, 1983.

**Rule 1920.52-1.** In all cases, each claim in a divorce action shall be the subject of a separate decree; no decree shall adjudicate more than one claim. Decrees adjudicating claims for support, alimony, or alimony pendente lite shall be in the form from time to time prescribed by the Domestic Relations Office.

Note: This rule is derived from Pa.R.C.P.1920.52(d) and section 504 of the Divorce Code, 23P.S. sec. 504.

Adopted April 29, 1983, effective June 1, 1983.



**Rule 1920.53-1.** If the master finds the proceedings fatally defective in any particular, he shall make a prompt report to the court. If he finds them defective in a particular curable by amendment, he shall notify counsel and suspend further action pending correction. If no correction is made, he shall report to the court.

Note: This rule was formerly Rule 1133-6.

Adopted April 29, 1983, effective June 1, 1983.

**Rule 1920.53-2.** To facilitate efficient review of the transcript of the testimony, the master shall require presentation of evidence in the following order:

- (a) Name, address, age, and occupation of each party;
- (b) when the method of service of the complaint has been by registered mail, proof of the defendant's signature;
- (c) date and place of marriage;
- (d) length of the parties' respective residences within the Commonwealth;
- (e) name, age, and residence of each child, and with whom each resides;
- (f) grounds for divorce or annulment; and
- (g) other relevant matters.

Note: This rule is derived from former Rule 1133-7 and Pa. R.C.P. 1920.53(b) & (c).

Adopted April 29, 1982, effective June 1, 1983.

**Rule 1920.53-3.** The master shall determine whether actions for support and custody have been instituted, whether decrees have been entered, the nature of the decrees, and whether they have been observed.

Note: This rule is derived from former Rule 1133-10 and 1133-11.

Adopted April 29, 1983, effective June 1, 1982.

**Rule 1920.53-4.** The master shall engage the services of a stenographer; however, the testimony shall not be transcribed unless:

- (a) Required by the master to prepare the report to the court, or
- (b) ordered by the court following the filing of exceptions or otherwise.

Note: This rule is derived from former Rule 1133-12. Under this rule the expense of transcribing the recorded testimony should be incurred only when there is an actual need for a transcript. If the master can prepare the report without a transcript and no

exceptions are filed thereto, then no transcript need be prepared.

Adopted April 29, 1983, effective June 1, 1983.

**Rule 1920.53-5.** Note: This rule is abolished effective December 1, 1991

**Rule 1920.53-6.** Proof of notice of the filing of the master's report to each party, as required by Pa. R.C.P. 1920.53(a)(2), shall be filed of record. The master shall inform each party that exceptions may be filed pursuant to Pa. R.C.P. 1920.55 within ten (10) days after notice of the filing of the report was mailed.

Note: This rule is derived from former Rule 1133-17.

Adopted April 29, 1983, effective June 1, 1983.

**Rule 1920.55-1.** When exceptions to the Divorce Master's report are filed, the Prothonotary shall forthwith forward the cases to the Court Administrator who shall assign them to the Judges of the Court of Common Pleas on a rotating basis.

Adopted April 29, 1983, effective June 1, 1983.  
Amended March 22, 2017, effective May 1, 2017

## TRANSCRIPT RULES

### **Rule 4002.** Definitions

All terms in these rules shall have the same meaning as defined in Pa. R.J.A. No. 4002. As further clarification:

(A) *Commonwealth or subdivision thereof* includes any Pennsylvania state, county, regional, or municipal government entity, including any department, board, attorney, employee or agent acting on behalf of that entity.

(B) *Transcript* includes any electronic or paper record, including orders, prepared by a court reporter of any proceeding presided over by a judge, a magisterial district judge, or a master.

(C) All transcripts fall into one of two categories regarding need and purpose:

(1) an *ordinary* transcript is either:

(a) required by rule because notice of appeal has been filed; or

(b) required by order or rule to advance litigation in a matter currently before the court.

(2) a *non-ordinary* transcript is any transcript requested or prepared for any reason other than *ordinary* as defined in section (C)(1) above.

(D) The terms *daily*, *expedited*, *rough draft* and *same-day delivery* all refer to variations in the delivery deadline and cost for *non-ordinary* transcripts.

Adopted December 3, 2016, effective January 3, 2017.

**Rule 4007.** Requests for Transcripts

(A) All requests for transcripts shall be submitted to the appropriate filing office, with a copy to the district court administrator's office, utilizing a form prescribed by the district court administrator, which shall include all elements required in the form provided by the state court administrator.

(B) The Request for Transcript of a court proceeding shall be filed in the appropriate filing office (Prothonotary, Clerk of Courts, Register of Wills/Clerk of the Orphans' Court and/or Domestic Relations) The requesting party shall also serve copies of the formal request to:

(1) the judge presiding over the matter;

(2) the court reporter, court recorder or transcriptionist;

(3) the district court administrator's office (electronic submission through the transcript web link is preferred); and

(4) opposing counsel, or if not represented, the opposing party.

(C) A request for daily, expedited, or same-day transcripts shall be filed in the appropriate filing office (Prothonotary, Clerk of Courts, Register of Wills/Clerk of the Orphans' Court and/or Domestic Relations) at least ten (10) days before the scheduled proceeding. Copies of the written request shall be provided as required in paragraph (B)(2) above. In the event of an emergency, a party may request by oral motion a daily, expedited, or same-day transcript. This request will be accommodated upon approval of the trial judge and the court reporter.

(D) When a litigant requests a transcript,

(1) the litigant ordering a transcript shall make non-refundable, partial payment of 90% of the estimated transcript cost upon receipt of their invoice. Invoices will be sent within 6 business days after the receipt of the transcript request by the Court Administrator's office. The deposit shall be paid by cash, money order, certified check, or law firm check made payable to Cumberland County, and shall be delivered to the Court Administrator's office within seven (7) calendar days from the date the parties are notified.

(4) upon payment of any balance owed, the court reporter, court recorder or transcriptionist shall deliver the original transcript to the appropriate filing office and copies to the parties. Upon receipt of the final invoice, payment for the final balance shall be paid by cash, money order, certified check, or law firm check made payable to Cumberland County and shall be delivered to the Court Administrator's office within seven (7) calendar days from the date the parties are notified.

Adopted December 3, 2016, effective January 3, 2017.

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

(A) Costs

(1) The costs payable by a requesting party, other than the Commonwealth or a subdivision thereof, for a transcript in an electronic format shall be:

(a) for an ordinary transcript, \$2.50 per page;

(b) for an expedited transcript, \$3.50 per page, expedited transcripts are only available if the court reporter is able to accommodate;

(c) for a daily transcript, \$4.50 per page, daily transcripts are only available if the court reporter is able to accommodate; and

(d) for same day delivery, \$6.50 per page, same delivery transcripts are only available if the court reporter is able to accommodate.

(2) When the transcript is prepared in bound paper format, the costs shall be in accordance with paragraph (1) relating to electronic format plus a surcharge of \$0.25 per page.

(B) Economic hardship – minimum standards

(4) The application to waive all or a portion of costs for ordinary transcripts shall be supported by an affidavit substantially in the form required by Rule 240(h) of the Pennsylvania Rules of Civil Procedure. Such application should be prepared in the form of a Petition to Waive All or a Portion of the Transcript Costs and filed in the appropriate filing office. Any request for hardship reduction or waiver of costs for any ordinary transcript shall be filed contemporaneously with the request for transcript. No reduction or waiver of costs shall be requested or granted for any non-ordinary transcript unless the requesting party demonstrates reasonable need.

(a) Copies of the forms listed above shall be provided to:

(i) The presiding judge;

(ii) The court reporter;

(iii) The Court Administrator's Office;

(iv) Opposing counsel or the opposing party if self-represented.

(D) Copies of transcript

A request for a copy of any transcript previously ordered, transcribed and filed of record shall be provided by the appropriate filing office according to the following schedule:

(1) \$0.50 per page bound, paper format, and,

(2) \$0.50 per page electronic copy, not to exceed \$50.00. An additional \$20.00 fee may be charged if the copy cannot be emailed directly and needs to be transferred to another medium or multiple emails are required for file transfer.

(E) Additional Costs

A trial judge may impose a reasonable surcharge in cases such as mass tort, medical malpractice or other unusually complex litigation, where there is a need for court reporters to significantly expand their dictionary. Such surcharges are at the discretion of the trial judge.

Adopted December 3, 2016, effective January 3, 2017.

## INTERROGATORIES

### **Rule 4005-1. Number of Interrogatories or Request for Admissions.**

Interrogatories or requests for admissions to a party, as a matter of right, shall not exceed forty (40) in number. Interrogatories or requests for admissions inquiring as to the names and locations of witnesses, or the existence, location and custodian of documents or physical evidence each shall be construed as one (1) interrogatory or request for admission. All other interrogatories or requests for admissions, including subdivisions or one numbered interrogatory or request for admission, shall be construed as separate interrogatories or requests for admissions. If counsel for a party believes that more than forty (40) interrogatories or requests for admissions are necessary, he shall consult with opposing counsel promptly and attempt to reach a written stipulation as to a reasonable number of additional interrogatories or requests for admissions. Counsel are expected to comply with this requirement in good faith. In the event a written stipulation cannot be agreed upon, the party seeking to submit additional interrogatories or requests for admissions shall file a motion with the court showing the necessity for relief.

Adopted August 8, 1985, effective September 30, 1985.

## DISCOVERY MOTIONS

**Rule 4001-1.** All motions and petitions regarding discovery in civil cases, including, but not limited to, motions to compel, for protective orders and for sanctions, shall be filed, with the Prothonotary who will transmit the motion/petition to the Court Administrator for assignment to a judge. Any answer or response to an order or rule shall be filed, initially, with the Court Administrator who shall refer same to the judge assigned prior to filing with the Prothonotary.

Adopted November 10, 1990, effective November 30, 1990.

Amended April 1, 1996, effective May 1, 1996.

## CRIMINAL ACTIONS

## SUMMARY APPEALS

**Rule 86.** Every appeal from conviction in a summary proceeding shall be heard within two hundred and seventy (270) days after its return unless a continuance is granted for good cause shown.

Adopted December 14, 1965; amended November 5, 1973; amended October 6, 1978, effective October 15, 1978; amended April 20, 2016, effective June 1, 2016

## **APPROVAL OF POLICE COMPLAINTS AND ARREST WARRANT**

### **AFFIDAVITS BY ATTORNEY FOR THE COMMONWEALTH**

**Rule 107.1.** The District Attorney of Cumberland County having filed a certification pursuant to Pa.R.Crim.P. 107, criminal complaints and arrest warrant affidavits by police officers, as defined in the Rules of Criminal Procedure, charging one (1) or more of the following offenses:

- (a) All offenses set forth in Chapter 25 of the Pennsylvania Crimes Code entitled "Criminal Homicide;
- (b) The following offenses set forth in Chapter 27 of the Pennsylvania Crimes Code entitled "Assault:"
  - (i) Aggravated Assault in violation of 18 Pa.C.S. § 2702;
  - (ii) Assault by Prisoner in violation of 18 Pa.C.S. § 2703;
  - (iii) Assault by Life Prisoner in violation of 18 Pa.C.S. § 2704;
  - (iv) Stalking (second or subsequent offense) in violation of 18 Pa.C.S. § 2709(b);
  - (v) Ethnic Intimidation in violation of 18 Pa.C.S. § 2710;
  - (vi) Neglect of care-dependent person (serious bodily injury suffered) in violation of 18 Pa.C.S. § 2713;
- (c) The following offenses set forth in Chapter 29 of the Pennsylvania Crimes Code entitled "Kidnapping;"
  - (i) Kidnapping in violation of 18 Pa.C.S. § 2901;
  - (ii) Interference with Custody of Children in violation of 18 Pa.C.S. § 2904;
  - (iii) Interference with Custody of Committed Persons in violation of 18 Pa.C.S. § 2905;
  - (iv) Criminal Coercion in violation of 18 Pa. C.S. § 2906;
  - (v) Disposition of Ransom in violation of 18 Pa.C.S. § 2907;
  - (vi) Concealment of Whereabouts of a Child in violation of 18 Pa.C.S. § 2909;
  - (vii) Luring a Child into a Motor Vehicle in violation of 18 Pa.C.S. § 2910;
- (d) The following offenses set forth in Chapter 31 of the Pennsylvania Crimes Code entitled "Sexual Offenses:"
  - (i) Rape in violation of 18 Pa.C.S. § 3121;
  - (ii) Statutory Sexual Assault in violation of 18 Pa.C.S. § 3122.1;
  - (iii) Involuntary Deviate Sexual Intercourse in violation of 18 Pa.C.S. § 3123;
  - (iv) Sexual Assault in violation of 18 Pa.C.S. § 3124.1;
  - (v) Aggravated Indecent Assault in violation of 18 Pa.C.S. § 3125;
  - (vi) Indecent Assault (if victim less than 16 years of age and/or impaired by mental disability or intoxicants) in violation of 18 Pa.C.S. § 3126;
  - (vii) Indecent Exposure (if victim present less than 16 years of age) in violation of 18 Pa.C.S. § 3127;
- (e) All offenses set forth in Chapter 32 of the Pennsylvania Crimes Code entitled "Abortion;"

- (f) The following offenses set forth in Chapter 33 of the Pennsylvania Crimes Code entitled "Arson, Criminal Mischief and Other Property Destruction:"
  - (i) Arson and Related Offenses in violation of 18 Pa.C.S. § 3301;
  - (ii) Causing or Risking Catastrophe in violation of 18 Pa.C.S. § 3302;
  - (iii) Criminal Mischief (pecuniary loss in excess of \$5,000) in violation of 18 Pa.C.S. § 3304;
  - (iv) Institutional Vandalism (pecuniary property loss in excess of \$5,000) in violation of 18 Pa.C.S. § 3307;
  - (v) Agricultural Vandalism (pecuniary loss in excess of \$5,000) in violation of 18 Pa.C.S. § 3309;
  
- (g) The following offenses set forth in Chapter 35 of the Pennsylvania Crimes Code entitled "Burglary and Other Criminal Intrusion:"
  - (i) Burglary in violation of 18 Pa.C.S. § 3502;
  - (ii) Criminal Trespass in violation of 18 Pa.C.S. § 3503 (a)(1)(i) and (ii);
  
- (h) All offenses set forth in Chapter 37 of the Pennsylvania Crimes Code entitled "Robbery;"
  
- (i) The following offenses set forth in Chapter 39 of the Pennsylvania Crimes Code entitled "Theft and Related Offenses;"
  - (i) Theft by Unlawful Taking or Disposition (over \$25,000 and/or committed during disaster as defined in 18 Pa.C.S. § 3903 and/or the property is a Motor Vehicle as defined by 75 Pa. C.S. § 102 and/or the property is a firearm as defined by 18 Pa.C.S. § 6102(2)) in violation of 18 Pa.C.S. § 3921;
  - (ii) Theft by Deception (over \$25, 000 and/or victim over 60 years of age and/or the property is a Motor Vehicle as defined by 75 Pa.C.S. § 102 and/or the property is a firearm as defined by 18 Pa.C.S. § 6102(2)) in violation of 18 Pa.C.S. § 3922;
  - (iii) Theft by Extortion (over \$2,000 and/or the property is a Motor Vehicle as defined by 75 Pa.C.S. § 102 and/or the property is a firearm as defined by 18 Pa.C.S. § 6102(2)) in violation of 18 Pa.C.S. § 3923;
  - (iv) Theft of Property Lost, Mislaid or Delivered by Mistake (over \$25,000 and/or the property is a Motor Vehicle as defined by 75 Pa.C.S. § 102 and/or the property is a firearm as defined by 18 Pa.C.S. § 6102(2)) in violation of 18 Pa.C.S. § 3924;
  - (v) Theft by Receiving Stolen Property (over \$25,000 and/or committed during disaster as defined in 18 Pa.C.S. § 3903 and/or the receiver is in the business of buying or selling stolen property and/or the property is a Motor Vehicle as defined by 75 Pa.C.S. § 102 and/or the property is a firearm as defined by 18 Pa.C.S. § 6102(2)) in violation of 18 Pa.C.S. § 3925;
  - (vi) Theft of Services (over \$25,000) in violation of 18 Pa.C.S. § 3926;
  - (vii) Theft by Failure to Make Required Disposition of Funds Received (over \$25,000) in violation of 18 Pa.C.S. § 3927;
  - (viii) Unauthorized Use of Automobile and Other Vehicles (committed during disaster as defined in 18 Pa.C.S. § 3903) in violation of 18 Pa.C.S. § 3928;
  - (ix) Retail Theft (committed during disaster as defined in 18 Pa.C.S. § 3903) in violation of 18 Pa.C.S. § 3929;
  - (x) Theft of Trade Secrets in violation of 18 Pa. C.S. § 3930;
  - (xi) Theft of Leased Property (over \$25,000) in violation of 18 Pa.C.S. § 3932;
  
- (j) The following offenses set forth in Chapter 41 of the Pennsylvania Crimes Code entitled "Forgery and Fraudulent Practices:"
  - (i) Fraudulent Destruction, Removal or Concealment of Recordable Instruments in violation

of 18 Pa.C.S. § 4103;

- (ii) Tampering with Records or Identification in violation of 18 Pa. C.S § 4104;
- (iii) Deceptive or Fraudulent Business Practices in violation of 18 Pa.C.S. § 4107;
- (iv) Commercial Bribery and Breach of Duty to Act Disinterestedly in violation of 18 Pa.C.S. § 4108;
- (v) Rigging Publicly Exhibited Contest in violation of 18 Pa.C.S. § 4109;
- (vi) Defrauding Secured Creditors in violation of 18 Pa.C.S. § 4110;
- (vii) Fraud in Insolvency in violation of 18 Pa.C.S. § 4111;
- (viii) Receiving Deposits in a Failing Financial Institution in violation of 18 Pa.C.S. § 4112;
- (ix) Misapplication of Entrusted Property and Property of Government or Financial Institution in violation of 18 Pa.C.S. § 4113;
- (x) Securing Execution of Documents by Deception in violation of 18 Pa.C.S. § 4114;
- (xi) Copying; Recording Devices in violation of 18 Pa.C.S. § 4116;
- (xii) Insurance Fraud in violation of 18 Pa.C.S. § 4117;
- (xiii) Washing Vehicle Titles in violation of 18 Pa.C.S. § 4118;
- (xiv) Trademark Counterfeiting in violation of 18 Pa.C.S. § 4119;

**(k)** The following offenses set forth in Chapter 43 of the Pennsylvania Crimes Code entitled "Offenses Against the Family:"

- (i) Bigamy in violation of 18 Pa.C.S. § 4301;
- (ii) Incest in violation of 18 Pa.C.S. § 4302;
- (iii) Concealing Death of Child Born Out of Wedlock in violation of 18 Pa.C.S. § 4303;
- (iv) Dealing in Infant Children in violation of 18 Pa.C.S. § 4305;

**(l)** All offenses set forth in Chapter 47 of the Pennsylvania Crimes Code entitled "Bribery and Corrupt Influence;"

**(m)** The following offenses set forth in Chapter 49 of the Pennsylvania Crimes Code entitled "Falsification and Intimidation:"

- (i) Perjury in violation of 18 Pa.C.S. § 4902;
- (ii) Witness or Informant Taking Bribe in violation of 18 Pa.C.S. § 4909;
- (iii) Tampering With or Fabricating Physical Evidence in violation of 18 Pa.C.S. § 4910;
- (iv) Tampering With Public Records or Information in violation of 18 Pa.C.S. § 4911;
- (v) Impersonating a Public Servant in violation of 18 Pa.C.S. § 4912;
- (vi) Impersonating a Notary Public in violation of 18 Pa. C.S § 4913;
- (vii) Intimidation of Witnesses or Victims (if graded a felony) in violation of 18 Pa.C.S. § 4952;
- (viii) Retaliation Against Witness or Victim in violation of 18 Pa.C.S. § 4953;

**(n)** All offenses set forth in Chapter 51 of the Pennsylvania Crimes Code entitled "Obstructing Governmental Operations;"

**(o)** All offenses set forth in Chapter 53 of the Pennsylvania Crimes Code entitled "Abuse of Office;"

**(p)** The following offenses set forth in Chapter 55 of the Pennsylvania Crimes Code entitled "Riot, Disorderly Conduct and Related Offenses:"

- (i) Riot in violation 18 Pa.C.S. § 5501;
- (ii) Abuse of Corpse in violation of 18 Pa.C.S. § 5510;



- (iii) Lotteries, Etc. in violation of 18 Pa.C.S. § 5512;
- (iv) Gambling Devices, Gambling, Etc. in violation of 18 Pa.C.S. § 5513;
- (v) Pool Selling and Bookmaking in violation of 18 Pa.C.S. § 5514;
- (vi) Prohibiting of Paramilitary Training in violation of 18 Pa.C.S. § 5515;

**(q)** All offenses set forth in Chapter 57 of the Pennsylvania Crimes Code entitled "Wiretapping and Electronic Surveillance;"

**(r)** The following offenses set forth in Chapter 59 of the Pennsylvania Crimes Code entitled "Public Indecency:"

- (i) Prostitution and Related Offenses (if graded a felony) in violation of 18 Pa.C.S. § 5902;
- (ii) Obscene and Other Sexual Material and Performances in violation of 18 Pa.C.S. § 5903

**(s)** Certain Bullets Prohibited in violation of 18 Pa.C.S. § 6121;

**(t)** The following offenses set forth in Chapter 63 of the Pennsylvania Crimes Code entitled "Minors:"

- (i) Corruption of Minors in violation of 18 Pa.C.S. § 6301;
- (ii) Sexual Abuse of Children in violation of 18 Pa.C.S. § 6312;

**(u)** The following prohibited acts set forth in "The Controlled Substance, Drug Device and Cosmetic Act:"

- (i) Acquisition of Controlled Substance by Fraud (Narcotics of Schedule I and II, Cocaine, PCP, or Methamphetamine/Phencyclidine and/or Amphetamine, if the police officer has reason to believe that the weight of the substance involved is greater than 2.5 grams and/or Marijuana, if the police officer has reason to believe that the weight of the Marijuana involved is greater than 10 pounds or involved more than 21 live plants and/or Methaqualone, if the police officer has reason to believe that the offense involves more than 50 tablets or 25 grams) in violation of 35 P.S. § 780-113(a)(12);
- (ii) Delivery by Practitioner (Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine/Phencyclidine, and/or Amphetamine, if the police officer has reason to believe that the weight of the substance involved is greater than 2.5 grams and/or Marijuana, if the police officer has reason to believe that the weight of the Marijuana involved is greater than 10 pounds or involved more than 21 live plants and/or Methaqualone, if the police officer has reason to believe the offense involves more than 50 tablets or 25 grams and/or the offense involved the administration, dispensing, delivery, gift or prescription to a minor under the age of 18 and/or the police officer has reason to believe the offense occurred within 1000 feet of a public or private elementary or secondary school) in violation of 35 P. S. § 780-113(a)(14);
- (iii) Manufacture, Delivery, or Possession with Intent to Deliver (Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine/Phencyclidine, and/or Amphetamine, if the police officer has reason to believe that the weight of the substance involved is greater than 2.5 grams and/or Marijuana, if the police officer has reason to believe that the weight of the Marijuana involved is greater than 10 pounds or involved more than 21 live plants and/or Methaqualone, if the police officer has reason to believe that the offense involves more than 50 tablets or 25 grams and/or the offense involved manufacture, delivery or possession with intent to deliver to a minor under the age of 18 and/or the police officer has reason to believe the offense occurred within 1000 feet of a public or private elementary or secondary school) in violation of 35 P.S. § 780-113(a)(30);
- (iv) Possession of Anabolic Steroids or Substance Labeled as a Dispensed Prescription

(Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine/Phencyclidine, and/or Amphetamine, if the police officer has reason to believe that the weight of the substance involved is greater than 2.5 grams and/or Marijuana, if the police officer has reason to believe that the weight of the Marijuana involved is greater than 10 pounds or involved more than 21 live plants and/or Methaqualone, if the police officer has reason to believe that the offense involves more than 50 tablets or 25 grams) in violation of 35 P.S. § 780-113(a)(37);

(v) Manufacture of Amphetamines in violation of 35 P.S. § 780-113(k);

(v) Transports, etc. Hazardous Waste Without Permit in violation of "Solid Waste Management Act," 35 P.S. § 6018.101 - 6018.1002;

(w) Knowingly Releases Hazardous Air Pollutant in violation of "Air Pollution Control Act," 35 P.S. § 691.1 - 691.1001;

(x) Homicide by Vehicle in violation of 75 Pa.C.S. § 3732;

(y) Homicide by Vehicle While Driving Under the Influence in violation of 75 Pa.C.S. § 3735;

(z) Aggravated Assault by Vehicle While Driving Under the Influence in violation of 75 Pa.C.S. § 3735.1;

(aa) Accidents Involving Death or Personal Injury (if the officer has reason to believe that the victim has suffered or may suffer serious bodily injury as defined in the statute) in violation of 75 Pa.C.S. § 3742;

(bb) Corrupt Organizations in violation of 18 Pa.C.S. § 911;

(cc) Possession of Weapon on School Property in violation of 18 Pa.C.S. § 912;

(dd) Possession of Firearm or Other Dangerous Weapon in Court Facility in violation of 18 Pa.C.S. § 913;

(ee) Attempt, Solicitation, or Conspiracy to Commit any offense which itself requires the approval of the Attorney for the Commonwealth prior to filing, 18 Pa.C.S. § 901, 902 and 903 shall not hereafter be accepted by any judicial officer unless the complaint and affidavit has the approval of an Attorney for the Commonwealth prior to filing.

Adopted July 30, 1997.

## **ARREST WITHOUT WARRANT**

**Rule 130.** Pursuant to the authority of the Pennsylvania Supreme Court in Pa.R.Crim.P. 130(c), the procedures applicable to cases initiated by arrest without warrant as provided by that rule are hereby adopted.

Adopted June 19, 1981, effective July 1, 1981;  
amended April 29, 1983, effective June 1, 1983.

## **ARRAIGNMENT**

**Rule 303-1.** Every defendant shall be arraigned before a judge, before the Clerk of Court, the Clerk's deputy or by first class mail, where the defendant is represented by counsel of record and upon timely initiative, hereinafter set forth:

- (a) Arraignment shall take place at the Cumberland County Courthouse, at the Cumberland County Prison, at the State Correctional Institution at Camp Hill, by first class mail, or at such other place as may be designated by an order of the President Judge.
  - (1) If defense counsel chooses to have the defendant arraigned via first class mail, then the defendant and his or her counsel must complete the Acknowledgment of arraignment form designated by Rule 303-2; and file the Acknowledgment of arraignment form with the Clerk of Court before the date set for arraignment.
- (b) Except when arraignment is done via first class mail, arraignment shall take place no later than fifteen (15) days after the information has been filed, unless waived by a defendant who has counsel, or is otherwise postponed by the court for cause shown.
- (c) Defendant and counsel, if an appearance has been entered, shall receive written notice of the arraignment no later than five (5) days before the date scheduled for the arraignment.
  - (1) Such notice shall include a caption containing the name of the case, and the docket number and/or the offense tracking number.
  - (2) A completed subpoena to appear for formal arraignment shall be executed and given personally to the defendant by the District Justice following a preliminary hearing on the charges or a waiver thereof. Notice may also be given by first-class mail or in accordance with Pa.R.Crim.P. 9024.
- (d) If a defendant is represented by private counsel, or court-appointed counsel other than the Public Defender, defendant may appear with counsel before the Clerk of Court for arraignment anytime prior to the scheduled formal arraignment, at which time counsel shall enter a formal appearance, if an appearance has not been previously entered of record.
- (e) At arraignment, the defendant shall be instructed to appear at a pretrial conference pursuant to Rule 311 and trial.

Adopted January 11, 1978, effective January 16, 1978; Amended December 19, 1989, effective January 1, 1990; Amended December 8, 1997, effective January 22, 1998, Amended February 2, 1998, effective March 9, 1998.

### **ACKNOWLEDGMENT OF ARRAIGNMENT**

**Rule 303-2.** The following form shall be signed, and a copy given to defendant, on arraignments held before the Clerk of Courts or a deputy. Upon any refusal to sign the form, the Clerk or deputy shall read the form to defendant and attest to same.

I, \_\_\_\_\_(Name of defendant) acknowledge that:

(1) I have been informed of the charges against me filed at \_\_\_\_\_.  
(docket number)

(2) I have received a copy of the information and have waived reading of the same.

(3) I have been informed that I have not more than:

(a) Seven (7) days after this arraignment in which to request a bill of particulars from the district attorney under Pa.R.Crim.P. 304, and

(b) Fourteen (14) days after this arraignment to move for discovery under Pa.R.Crim.P. 305, and

(c) Thirty (30) days after this arraignment to file and serve an omnibus pretrial motion for relief under Pa.R.Crim.P. 306 and 307, including motions to suppress evidence under Pa.R.Crim.P. 323.

(4) I understand my right to be represented by counsel.

(5) I understand that if I am not able to afford to hire an attorney that one will be appointed to represent me at no expense to me.

(Each of the numbered paragraphs must be initialed by the defendant).

Signature of Defendant

Signature of Defendant's  
Counsel

WITNESS:

Adopted January 11, 1978, effective January 16, 1978.  
Amended December 19, 1989; effective January 1, 1990.

## **CRIMINAL TRIAL LIST**

### **Rule 303-3**

(a). A criminal trial list of all cases arraigneded and undisposed of for the upcoming trial term shall be published and distributed by the District Attorney not later than the day before the pretrial conference scheduled for that term.

(b). The District Attorney's Office shall provide the Court Administrator's Office with a list of all undisposed cases arraigned for that trial term not later than 10:00 a.m. on the last working day before the trial term. The Court Administrator's Office shall publish and distribute not later than noon on the last working day before the trial term a schedule of all undisposed cases arraigned for that trial term. The District Attorney shall call cases for trial before the next available judge in the order scheduled.

Any request for a continuance will be considered only after notice to the other party. Any continuance granted shall include an order to appear at the next term's pretrial conference date. A similar trial schedule shall be published for the second trial week of any term not later than the previous Thursday. The District Attorney shall coordinate the calling of cases for trial as scheduled with the Court Administrator.

Adopted September 25, 1989; effective October 30 1989; amended December 13, 2007.

## **PRETRIAL CONFERENCE**

**Rule 311** At arraignment, each defendant shall be ordered to appear for trial on the first day of a trial term and further ordered to appear at a pretrial conference on the Tuesday before that date. If defendant is incarcerated in a prison other than the Cumberland County Prison or the State Correctional Institution at Camp Hill, he shall be ordered to appear at a pretrial conference on the Thursday before the trial date. Defense counsel and a District Attorney are required to attend the pretrial conference.

Adopted September 25, 1989; effective October 30, 1989.

## **SUMMARY WARRANTS**

### **Rule 456**

1. Central Booking is available during defined time periods to hold defendants with summary warrants that police encounter during their normal course of duty or constables executing warrants **issued to them directly** by a Magisterial District Judge.
2. Defined hours: Sunday through Thursday during non-court hours. Central Booking will not accept defendants with summary warrants on Friday, Saturday, and County holidays. At any time during the defined hours that Central Booking may experience full capacity, police and/or constables will be informed of a temporary suspension of acceptance of Summary Warrant defendants over the 911 Police Radio System.
3. This policy does not pertain to juvenile defendants with summary warrants. Juvenile defendants with summary warrants will not be accepted at Central Booking.
4. In the event that Central Booking is able to ascertain that the defendant has medical issues that put them at risk during holding, Central Booking will issue a Payment Determination Hearing Notice and release the defendant. An officer or constable serving a summary warrant should ask the defendant if they *require life-sustaining* medication over the period of time until the defendant might be released (the next day) and attempt to obtain that medicine for the defendant.

5. If the defendant suffers a medical episode while in Central Booking, the defendant will be released to EMS.
6. Central Booking will complete an Intake form on each defendant brought in on a summary warrant so that updated contact information is collected.
7. Warrant Procedures:
  - a. Summary Warrants for Non-Payment:
    - Per this policy, warrants not issued to a constable for service by an MDJ should be verified on AOPC <https://ujportal.pacourts.us/> .
    - For verified active warrants, the defendant's case attached to the warrant can be located at <https://ujportal.pacourts.us/> by accessing ePay. You will need the defendant's first name, last name, and DOB. Select MDJ cases and the case associated with the warrant.
    - The defendant must pay the amount necessary to bring the payment plan on the warrant's case up to date. If the delinquent payment amount cannot be made *in full* at the time of service, the defendant may be transported to Central Booking.
    - For constables: A Fee bill must be attached to the warrant paperwork at Central Booking in order to facilitate proper addition of fees to the defendant's case. Central Booking will forward the Fee bill to the Magisterial District Judge for review and assessment.
    - The defendant will be held at Central Booking until either a). A release amount as defined in this policy can be paid, or b). the issuing Magisterial District Judge is informed and makes a determination of action.
    - Release Policy: The Central Booking Center will release defendants immediately when the following release amounts are met:
      - The release amount will be based on the delinquent payment amount as determined through AOPC's ePay system. If the full amount of the delinquent payment plan is under \$200, delinquent payment amount must be paid in full.
      - If the full amount of the delinquent payment plan is \$200 or over, the minimum amount of \$200 or 50% of the total, whichever is greater, must be paid.
      - If the defendant has multiple summary warrants, the total of all warrants delinquent payment plans will determine the release amount. If the total of all of the amounts owed on all cases exceeds \$1000.00, the defendant must pay a minimum of \$500. *That amount should be put towards the oldest case first, next oldest, etc.*
    - A chart of release amounts is attached to this policy.
    - If the release amount is met, but bringing the payment plan into current status is not equal to the full amount owed on the warrant, the defendant will be given a Payment Determination Hearing Notice scheduling such hearing on a weekday and time selected by each Magisterial District Judge for their cases. This date shall be not less than 2 weeks following release (providing at least 10 days notice per Rule 456).

- Central Booking will email a copy of the receipt and the hearing notice, if applicable, to the Magisterial District Judge to notify them of the payment and release. The Magisterial District Judge shall clear the warrant.
- If the defendant is not able to make the release amount, Central Booking may still collect a lesser amount towards the summary warrant total. The defendant will be held until court hours the next morning and the issuing Magisterial District Judge is informed and makes a determination of action.
- No defendant shall be committed without following the steps outlined in Title 42 Pa. C.S. 4137 for sections (a3) and (a4). After issuance of a warrant, bail and a contempt hearing shall be set. If imprisonment is a possibility, hearings should be set on Public Defender day. For District Courts that regularly schedule hearings in only the morning or afternoon on PD day, select a time that corresponds with the Public Defender's normal schedule (am or pm).

b. Summary Warrants for Failure to Respond:

- Per this policy, warrants not issued to a constable for service by an MDJ should be verified on AOPC <https://ujportal.pacourts.us/>.
- Pursuant to Rule 431, the police officer or constable serving the warrant shall:
  - 1) Accept a signed guilty plea and the full amount of fines and costs if stated on the warrant;
  - 2) Accept a signed not guilty plea and the full amount of the collateral on the warrant if stated on the warrant; or
  - 3) If the defendant is unable to pay the full amount of fines and costs or the defendant is unable to pay the collateral, transport the defendant to Central Booking.
- Signed plea paperwork shall be forwarded to the MDJ office. The Magisterial District Judge shall clear the warrant.
- For constables: A Fee bill must be attached to the warrant paperwork at Central Booking in order to facilitate proper addition of fees to the defendant's case. Central Booking will forward the Fee bill to the Magisterial District Judge for review and assessment.
- Release Policy: The Central Booking Center will release defendants immediately when the following release amounts are met:
  - 1) For a guilty plea, the release amount will be based on the total amount of fines and costs if stated on the warrant. If the full amount of the fines and costs is under \$200, the amount must be paid in full.
  - 2) If the full amount of the fines and costs is \$200 or over, the minimum amount of \$200 or 50% of the total, whichever is greater, must be paid.
  - 3) If the defendant has multiple summary warrants for Failure to Respond, the total of all warrants' fines and costs will determine the release amount.

If the total of all of the amounts owed on all cases exceeds \$1000.00, the defendant must pay a minimum of \$500. *That amount should be put towards the oldest case first, next oldest, etc.*

- 4) If the release amount is met, but the full amount of fines and costs is not paid, the defendant will be given a Payment Determination Hearing Notice for a date and time selected by each Magisterial District Judge for their cases for the following week.
- 5) For not guilty pleas, 100% of the collateral, if stated on the warrant, must be paid.

- If a defendant has summary warrants for Failure to Pay and Failure to Respond, apply the appropriate policy to each type, separately.
- Central Booking will email a copy of the signed receipt, signed plea paperwork, and any hearing notices to the Magisterial District Judge to notify them of the payment and release. The Magisterial District Judge shall clear the warrant.
- If the defendant cannot meet the release amount or the collateral, the Magisterial District Judge shall conduct a bench warrant hearing. If the Magisterial District Judge is unavailable, please refer to c. (Release without payment).

- c. Release without payment: Central Booking will email the Magisterial District Office that a defendant is being held on a summary warrant. If the Magisterial District Office has not contacted Central Booking regarding holding a bench warrant hearing for the defendant by noon the following day, the defendant will be released with a Payment Determination Hearing Notice scheduling such hearing on a weekday and time selected by each Magisterial District Judge for their cases. This date shall be not less than 2 weeks following release (providing at least 10 days notice per Rule 456).

d. Collection of Money:

- Warrants must clearly establish the total amount owed or collateral amount. If a Failure to Respond Warrant has no fines and costs or collateral listed, you should accept the guilty plea or not guilty plea without payment and forward to the Magisterial District Judge per the policy below (“Upon facilitating payment” and “When a warrant is served and payment is facilitated”). The amount paid shall be “warrant satisfied”.
- Each Police Department may determine if they will facilitate the monetary satisfaction of the warrant as described below. If a department does not want to participate in the payment process, the defendants may be transported to Central Booking.
- **For Failure to Pay:** Police or Constables serving a warrant and facilitating collection may assist the defendant to make a payment through AOPC’s ePay ( <https://ujportal.pacourts.us/> ).



- **For Failure to Respond**: Police or constables serving a warrant and facilitating collection may assist the defendant to make a payment through the Valu Payment System.
  - Upon facilitating payment, the defendant should be given a copy of the warrant as a receipt with the following information:
    - 1) Amount Paid
    - 2) Date
    - 3) Officer/Constable Name and Signature
    - 4) Identifying Badge #/Constable Id
    - 5) Signature of Defendant
  - When a warrant is served and payment is facilitated by an officer or a constable, the issuing MDJ Office must be informed by the police officer or constable via email that the warrant has been served, and the amount paid, so that the warrant can be cleared from the system. The Magisterial District Judge shall clear the warrant. A copy of the receipt must be forwarded to the Magisterial District Judge.
  - At Central Booking, defendants will be allowed to use the phone to make calls to obtain payments.
  - Central Booking will utilize ePay and Official payments as detailed above.
  - Cash payments collected at Central Booking will be receipted per booking policy and payments will be submitted to Magisterial District Court 09-2-02 for processing.
  - Magisterial District Court 09-2-02 shall enter the information as a new case and provide a refund to the originating MDJ's office.
    - 1) Enter district court number 09-2-02. Click on Payment Icon that says "Receipt by Responsible Participant."
    - 2) The "Responsible Participant" entered is the Court receiving the payment.
    - 3) It will then say that there is no balance due.
    - 4) Click "Add" and a new screen appears.
    - 5) In "Assessment Category" choose "Escrow"
    - 6) For "Assessment Type" choose "Night Court Payment"
    - 7) For "Assessment Amount" type in the amount collected
    - 8) There is a place for docket number, which is the case that had the warrant.
    - 9) In the comments, we would put "Warrant served for \_\_\_\_\_ defendant. \_\_\_\_\_ amount collected."
- e. Procedure for Central Booking when a defendant comes in with a Fingerprint Order and is found to have a summary warrant:
- If the defendant is currently housed in another institution, Central Booking will notify the Magisterial District Judge by faxing a copy of the warrant with the name of the institution on it.

- If the defendant comes in during business hours on a Fingerprint Order or on a View Arrest and they have a Summary Warrant:
  - 1) If the defendant has the cash or the ability to pay via a credit card, Central Booking will collect the payment.
  - 2) If the defendant does not have the ability to pay, Central Booking will contact the Constable for that MDJ and request that they pick the defendant up and take him to the MDJ's Office. If the Constable is not available, Central Booking will issue a Payment Determination Hearing Notice.
  - 3) If the defendant enters Central Booking and he or she has children in the car, Central Booking will attempt to collect payment as detailed above, but will issue a Payment Determination Hearing Notice if the defendant is unable to pay.
  
- f. Procedure for Cumberland County Prison when a defendant is incarcerated on another matter and has summary warrants:
  - Apply the policy for both types of warrants as detailed above by attempting to collect the release amount.
  - If the release amount is met, notify the Magisterial District Judge to cancel the warrant and provide the defendant with a receipt copy of the warrant and a Payment Determination Hearing upon release.
  - If the release amount cannot be met, Cumberland County Prison will notify the Magisterial District Judge that the defendant has been issued a Payment Determination Hearing Notice upon release, provide the defendant with a receipt copy of the warrant upon release documenting "Payment Determination Hearing Notice has been served, date of release, and correction officer signature". The Magisterial District Judge will cancel the warrant.

Adopted May 16, 2016; effective August 1, 2016.

## SENTENCING JUDGE

**Rule 1401.** The sentence on a plea guilty or nolo contendere may be imposed by a judge other than the judge who received the plea of guilty or nolo contendere. In such event, the defendant must have been so notified at the time of entering the plea.

Adopted and effective May 10, 1973.

## APPEALS

### APPEAL TO APPELLATE COURT

**Rule 1925.** In every appeal from an order or decree of this Court to which no post-trial motions or exceptions were filed but such appeal is taken directly to an appellate court, appellant or appellant's counsel shall within ten (10) days after taking the appeal, file of record a concise statement of the matters complained of and intended to be argued on appeal and shall serve a copy thereof upon the judge from whose order or decree the order was taken; except that if such judge was a visiting judge, such copy shall be served upon the president judge of this Court, so that an appropriate opinion may be prepared and filed. Whenever an appeal is withdrawn by counsel, notice of such withdrawal shall be given immediately to the judge from whose order or decree the appeal was taken; except that if such judge was a visiting judge, such notice shall be given to the president judge of this court.

Adopted October 6, 1978, effective October 15, 1978.  
Abolished April 30, 1995.

### **APPROVAL OF SEARCH WARRANT APPLICATIONS BY ATTORNEY FOR THE COMMONWEALTH**

**Rule 2002a.1** The District Attorney of Cumberland County having filed a certification pursuant to Pa.R.Crim.P. 2002A, all search warrants, as defined in the Rules of Criminal Procedure, shall not hereafter be issued by any judicial officer unless the search warrant application has the approval of an Attorney for the Commonwealth prior to filing.

Adopted July 30, 1997

### **PROTECTION FROM ABUSE**

#### **Rule 6113.1: Protection from Abuse**

The filing of private criminal complaints, alleging criminal contempt of a Protection from Abuse Order as authorized by 23 P.S. 6113.1, shall be filed with the District Attorney of Cumberland County.

Adopted April 1, 1995; effective April 30, 1995.

#### **Rule 6114: Notification Upon Release**

(a) Notification upon release. The Warden of the Cumberland County Prison shall use all reasonable means to immediately notify the victim sufficiently in advance of the release of the offender from any incarceration imposed under a Protection from Abuse Action and/or contempt. Notification shall be required for work release, furlough, medical leave, community service, discharge, escape and recapture. Notification shall include the terms and conditions imposed on any temporary release from custody.

(b) The plaintiff must keep the Warden of the Cumberland County Prison advised of contact information; failure to do so will constitute waiver of any right to notification under this section.

Adopted April 1, 1995; effective April 30, 1995.

