

**Delaware County
Court of Common Pleas**

Local Rules of

CIVIL PROCEDURE

Rule *27 - Zoning and Other Local Administrative Appeals

1. Zoning Appeals

- (a) Whenever a zoning hearing board or the governing body of a municipality is required under the Pennsylvania Municipalities Planning Code to certify its record to the court in response to a writ of certiorari in a zoning appeal case, said record shall contain a copy of the entire zoning ordinance, building code or other ordinance, with the relevant portions indicated therein, and a copy of the zoning map of the municipality. After the zoning hearing board or the governing body of the municipality has made its return, the appeal shall be at issue and any party may certify the appeal ready for hearing by filing a certificate of readiness pursuant to Rule *241(b).
- (b) When the court deems it necessary it may remand the case to the zoning hearing board for the taking of additional testimony and the filing of a supplemental or additional opinion. Unless specifically relinquished, jurisdiction shall be retained by the court. In cases where jurisdiction is relinquished, the procedure on appeal shall be as prescribed for the original appeal.
- (c) Briefs shall be filed as the court shall direct. After argument or upon briefs submitted, or upon failure to submit briefs, the court shall enter such final decision as may be appropriate.
- (d) Appeals from decisions of a zoning hearing board or a governing body of a municipality shall be heard by the court upon the record. No questions shall be heard or considered by the court which were not raised at the hearing before the zoning hearing board or the governing body of the municipality , except:
 - (1) Questions involving the validity of a statute or the procedure before the zoning hearing board or the governing body of the municipality;
 - (2) Questions involving the jurisdiction of the zoning hearing board or the governing body of the municipality over the subject matter;
 - (3) Questions involving the timeliness of the decision rendered by the zoning hearing board or the governing body of the municipality;
 - (4) Questions which the court is satisfied that the appellant could not, by the exercise of due diligence, have raised before the zoning hearing board or the governing body of the municipality at the time of the hearing. If, upon argument, the court is satisfied that any such additional questions should be raised, further testimony shall be obtained as provided in section (b) hereof.

2. Other Administrative Appeals

All administrative agency appeals other than zoning appeals shall be heard by the court de novo. After the administrative officer of the municipality or hearing agency has made its return, whether or not additional evidence is required, the case shall be placed upon the appropriate list. Briefs shall be filed as the court shall direct.

Comment: In any appeal from the decision of the governing body of a municipality brought pursuant to section 1004 or 1005 of the Pennsylvania Municipalities Planning Code (53 P.S. §11044 and 11005) challenging the validity of a municipal ordinance or map or any provision thereof, the court will follow the procedure detailed in section 1010 of the Pennsylvania Municipalities Planning Code (53 P.S. §11044) and receive such additional evidence as may be required, or may refer the case to a referee.

Rule *29 - Appeals from Denial of Driver's License or Suspension, of Operating Privilege (75 Pa. C.S.A. § 1550)

- (a) Petitions appealing from the denial of a driver's license or the cancellation, suspension, recall or revocation of one's operating privilege shall have a face sheet in the form of a notice for the Court Administrator's use in setting the hearing date.

Petitions appealing a suspension imposed pursuant to 75 Pa. C.S.A. §1547(b)(refusal to submit to chemical testing after arrest) must identify the municipality in Delaware County where petitioner's arrest for driving under the influence of alcohol and/or controlled substance took place.

- (b) All such petitions and orders shall first be filed with the Office of Judicial Support to be time-stamped and assigned a number.
- (c) The petitioner shall promptly deliver a conformed copy of the petition to the Court Administrator to obtain a hearing date.
- (d) Requests for continuance shall be governed by the provisions of Rule *208.3(a).

Comment: Adopted March 29, 1990, Effective April 30, 1990; further amended October 25, 1990. Sections (a) and (c) amended November 17 1998. Section (d) amended January 28th, 2016 effective upon publication in the UJS portal.

Rule *30 - Appeals from Real Estate Assessment

- (a) Except as may otherwise be herein provided, the procedure on appeals from real estate assessment shall be governed by the provisions of Rule* 206.l(a).

Comment: Subsection (a) amended January 28, 2016, effective upon publication in the UJS Portal.

- (b) All such appeals shall be by petition which shall be filed with the Office of Judicial Support to be time-stamped and assigned a number. A separate petition shall be filed for each separately assessed property.
- (c) The petitioner shall file with the petition a certification that service in conformity with Pa.R.C.P. 440 has been made upon the Board of Assessment Appeal of Delaware County and all taxing districts or property owners affected by the appeal. A copy of this certification shall also be filed with the Court Administrator.
- (d) Respondent shall have twenty (20) days within which to answer the petition or enter an appearance. The entry of an appearance shall be deemed to constitute an answer denying the substantive averments in the petition challenging the propriety of the assessment. Failure to answer or appear within the prescribed time may result in a forfeiture of the right to oppose the appeal.
- (e) The 206.l(a)(c)(i) notice shall in a separate paragraph state the amount petitioner contends to be the fair market value of the property.

Comment: Subsection (e) amended January 28, 2016 effective upon publication in the UJS Portal.

- (f) Where the amount in controversy is not in excess of Fifty Thousand Dollars (\$50,000.00), the appeal shall be arbitrated in accordance with the provisions of Rule *130l(f) and an arbitration date will be assigned at the call of the tax assessment appeal list. Amount in controversy shall be deemed to be the difference between the assessment amount claimed by the opposing parties multiplied by the applicable common level ratio. All other appeals will receive judicial assignment at the call of the tax assessment appeal list and shall thereafter be processed pursuant to Rule *206. l(a)(2).

Comment: Subsection (f) amended January 23, 1998. Amended January 28, 2016 effective upon publication on the UJS Portal

- (g) In appeals involving income-producing property the appellant must provide to all parties, within sixty (60) days from the date the appeal was filed, the following information:
- (1) Income and expense statements for three (3) years immediately prior to the year in which the appeal was filed.
 - (2) A complete and current rent roll, to include a list of all tenants and their annual rent, the term of each lease (including any extension or renewal options), any special provisions and a sample lease.
- (h) All parties shall exchange appraisal reports within one hundred twenty (120) days from the date the appeal was filed.
- (i) Petitioner's failure to comply with sections (e), (g) or (h), in the absence of good cause, will result in the dismissal of the appeal. Respondent's failure to comply with paragraph (h), in the absence of good cause, will result in the grant of appropriate summary relief to appellant.
- J) The caption of any such appeal shall include, in addition to that which is otherwise required, the names and addresses of all record owners, the address of the property in question, the municipal subdivision wherein the property is located, and the tax folio number or numbers.

Comment: Adopted March 29, 1990, effective April 30, 1990. Amended July 22, 1992, April 26, 1994 and February 7, 1995 Subsection (f) amended January 23, 1998.

Rule *34. Termination of Inactive Cases

Annually, all cases in which the dockets of the Office of Judicial Support indicate that there has been no activity for two years or more, and where no active status certificate has been filed, shall be marked "Terminated under Pa.R.J.A. 1901". Any case so terminated shall not be reinstated except upon application to the court and for cause shown. Prior to the termination of any case under this Rule, notice shall be given pursuant to Pa.R.J.A. 1901(c).

Rule *76 - Definitions

Attorney of record. See the definition in Pa.R.C.P. 76.

Party shall mean a litigant's attorney of record or an unrepresented litigant.

Plaintiff or Defendant shall mean a party's attorney of record or the party where the litigant is unrepresented.

Comment: Amended April 6, 1993, effective June 1, 1993; further amended December 4, 1997

Rule *107 – Automation Program for Case Management.

The District Attorney's Office and the Office of the Public Defender have adopted an automation program for case management which will create and track subpoenas. Subpoenas which contain an electronic signature of the Director of the Office of Judicial Support and blue ink seal shall have the same force and effect as subpoenas containing an original ink signature and pressed seal.

Comment: Adopted June 18, 2002, effective 30 days after publication in the Pennsylvania Bulletin.

Local Rule 117. – Monetary Bail Acceptance at Correction Facility.

1. Magisterial District Judges shall provide continuous coverage for issuance of search warrants pursuant to Pa. R. Crim. P 203, arrest warrants pursuant to Pa. R. Crim. P. 513 and for the acceptance of deposits of bail.
2. Magisterial District Judges shall also provide coverage to conduct preliminary arraignments, conduct summary trials or set collateral in summary case following arrest with a warrant issued pursuant to Pa. R. Crim. P 430(A), set bail whenever an out-of-county warrant of arrest is executed within the Judicial District accept complaints and provide such other services as may be required by Pa. R. Crim. P. 117 (A) (2) (a), (b), (c) and (d).
3. In order to provide after hours coverage for the services set forth in paragraphs 1 and 2, Magisterial District Judges shall rotate evenings, weekends and holidays according to the provisions of the previous Orders of this Court establishing the Duty Groups within the Judicial District.
4. The Duty Magisterial District Judge shall provide after hours coverage in accordance with the long-standing hearing schedules set forth in the previous Orders of this Court establishing the Duty Groups within this Judicial District.
5. The Duty Magisterial District Judge shall be continuously available during his or her regular after hours coverage for the issuance of search warrants pursuant to Pa. R. Crim. P. 203, arrest warrants pursuant to Pa. R. Crim P. 513 and to accept deposits of bail as further provided for in paragraph 8 of this Order
6. In the event a Magisterial District Judge is needed for the issuance of a search or arrest warrant or other emergency matter when the court is not scheduled for after hours coverage, the Duty Magisterial District Judge will be contacted as provided for in paragraph 7 of this Order.
7. The Duty Magisterial District Judge Shall be contacted by either the Delaware County Emergency Services Center (911), the local law enforcement agency or the Pennsylvania State Constable when it becomes necessary to hold a preliminary arraignment or summary trial, issue a search warrant or warrant of arrest, set or accept bail or provide the other services set forth in paragraphs 1 and 2 of this Order.
8. All Magisterial District Court offices shall be open for normal business on Monday through Friday between the hours of 8:30 A.M. to 4:30 P.M. except that Magisterial District Court 32-2-40 shall be open between the hours of 2:00 P.M. and 10:00 P.M. on Monday through Thursday and between the hours of 11:00 A.M. and 7:00 P.M. on Friday for the purpose of conducting normal business and to act as the Duty Court for the Folcroft Duty Group on Monday through Thursday.
9. Monetary bail may be accepted by the issuing authority between the hours of 8:30 A.M. and 4:30 P.M. on Monday through Friday, by the Duty Magisterial District Judge during his or her regular after hours coverage and by the Warden of the George Hill Correctional Facility (or his designee) between the hours of 8:00 P.M. and 8:30 A.M. daily. If the issuing authority is unavailable to accept deposits of bail due to illness, vacation, or continuing education, the Magisterial District Judge covering for the issuing authority may accept the bail.

Comment: Adopted July 26, 2006, effective 30 days after publication in the Pennsylvania Bulletin

Rule 205.2 – Filing Legal Papers with the Office of Judicial Support (Rescinded)

Comment: Rule 205.2 was rescinded and renumbered rule 205(a).

Rule *205.2(a) - Filing Legal Papers With the Office of Judicial Support

All papers filed with the Office of Judicial Support shall include the following:

1. The facing page of all pleadings, petitions, and motions, and all other matters filed in the Office of Judicial Support shall provide a space three (3") inches in height, on the top right under the docket number for use of The Office of Judicial Support in affixing the date and time of filing.
2. Attorneys of record shall indicate their identification number and their business telephone number on all papers filed with the Office of Judicial Support.

Comment: Renumbered January 28, 2016. Effective upon publication on the UJS Portal.

Rule *205.2(b) - Cover Sheets

A cover sheet is to be completed and attached to the following,

The moving party is to check the appropriate box on the form.

- I. Petitions filed pursuant to Rule 206.1(a)
2. Motions filed pursuant to Rule 208.1
3. Responses to Motions or Petitions
4. Motions for Judgment on the Pleadings pursuant to Rule 1034(a)
5. Summary Judgment Motions pursuant to Rule 1035.2 (a)
6. Family Law Petitions and Motions pursuant to Rule 206.8

See Cover Sheet for Motions/Petitions Notice below:

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

COVER SHEET- NOTICE OF FILING OF MOTION OR PETITION UNDER
LOCAL RULES OF CIVIL PROCEDURE

Case Caption: _____ Civil Case No. _____

NATURE OF MATTER FILED: (please check one)

- J** Petition Pursuant to Rule 206.1 Response to Petition **J** Motion for Judgment or Pleadings Pursuant to Rule 1034(a)
- J** Motion Pursuant to Rule 208.1 **J** Response to Motion **J** Summary Judgment Pursuant to 1035.2
- J** Family Law Petition/Motion Pursuant to Rule 206.8

A motion or petition was filed in the above captioned matter on the _ day of _____, which:

J Requires you, Respondent, to file an Answer within twenty (20) days of the above date to this notice, or risk the entry of an Order in favor of the Petitioner. Answers must be filed and time stamped by the Office of Judicial Supp01t by 4:30 PM on the following date _____

J Requires you, Respondent, to appear at a hearing/conference on the ____ day of _____, at ____ in Courtroom _ , Delaware County Comthouse, Media, Pennsylvania. At this hearing/conference you must be prepared to present all testimony and/or argument, and must ensure that your witnesses will be present.

J Was timely answered, thus requiring the scheduling of the following hearing in the above captioned matter on: -----at 10:00 AM in Courtroom_ _

You, Petitioner/Movant, are responsible for notifying all interested responding parties of this hearing date at least ten (10) days prior thereto.

At this hearing, all patties must be prepared to present all testimony and/or argument and must ensure that their witnesses will be present.

J Qualifies as an Uncontested Motion or Petition, and as such requires neither an answer from the Respondent nor the scheduling of a hearing in this matter.

J Has been assigned to **Judge**-----

FOR OFFICE USE ONLY

Mailing Date: _____ Processed by: _____

7. Preliminary Objections pursuant to Rule 1028 (c)

See Notice Form for Rule 1028 (c) below

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

_____ No. _____
Plaintiff
vs.
_____ Civil Action- Law
Defendant

NOTICE PURSUANT TO RULE 1028(c)

To: PLAINTIFF AND DEFENDANT

The Filing date of the Preliminary Objections of _____ to _____
Complaint is _____

You are advised that a Reply Memorandum of law must be filed within twenty (20) days of that date, on or by _

Attorney of Record or Party

EXPLANATORY COMMENT -2010

On February 5th, 2010, the Pennsylvania Supreme Court adopted Pa.R.C.P. 205.5 which requires submission Statewide of a uniform cover sheet on each new civil filing. In the interest of efficiency, it was decided that the state-mandated form be replaced, rather than be filed in addition to, the "Civil Cover sheet and Entry of Appearance Form" formerly required by Delaware County Local Rule 241(a)

Comment: Amended May 14, 2010, effective immediately. Renumbered and amended January 28th, 2016 effective upon publication on the UJS Portal.

Rule *205.4 - Electronic Filing and Service of Legal Papers (Rescinded)

Comment: Rescinded February 13, 2007

Rule 206 A. - Petitions, Rules, Answers and Motions. (Rescinded)

Comment: Rule 206A was rescinded on June 28, 2004 and adopted as Rule 206.8.

Rule 206B.- Related to Non-Family Matters ----Motion Hearing, and Trial Divisions. (Rescinded)

Comment: Rule 206B was rescinded June 28, 2004

Rule 206.1(a)(c). Petition. Definition. Form. Content.

The following applications are defined as "petitions" and are to be governed by Rule 206.1, et seq.

The following petitions are scheduled for a hearing upon filing

- (1) Petition for adjudication of local agency
- (2) Petition for appointment of CPA as auditor
- (3) Petition for appointment of private police officer
- (4) Petition for appointment of a receiver
- (5) Petition for approval of bond
- (6) Petition to approve increase in municipal tax levy
- (7) Petition for attachment of bank accounts
- (8) Petition for change of name pursuant to 54 Pa.C.S.A. § 701 et seq.
- (9) Petition to change school district election districts
- (10) Petition to compromise, settle, or discontinue minor's action pursuant to Pa.R.Civ.P. 2039
- (11) Petition to disapprove a private sale by the Tax Claim Bureau
- (12) Petition to evict
- (13) Petition for expunction
- (14) Petition to fix fair market value of real property sold pursuant to Pa.R.Civ.P. 3282
- (15) Petition to issue certificate of title
- (16) Petition for judicial review of revocation of firearms license
- (17) Petition to levy taxes exceeding 30 mills for general municipal purposes
- (18) Petition nunc pro tunc - license suspension appeal
- (19) Petition for objection and exception to upset tax sale
- (20) Petition for private detective license
- (21) Petition for release of property from levy pursuant to Pa.R.Civ.P. 3119
- (22) Petition for return of firearms
- (23) Petition for sale of school district real estate
- (24) Petition to sell real estate at private sale
- (25) Petition to set aside tax sale of real estate
- (26) Petition to set tax millage for police benefits
- (27) Petition to stay tax sale
- (28) Petition to strike off nomination petition
- (29) Petition for supplemental relief in aid of execution pursuant to Pa.R.Civ.P. 3118
- (30) Petition to transfer liquor license
- (31) Petition for vehicle registration suspension

The following petitions are referred directly to a Judge.

- (32) Petition to direct the Sheriff to relist Sheriffs sale
- (33) Petition for emergency relief - stay all proceedings
- (34) Petition for emergency relief- stay public sale of real property
- (35) Petition for emergency relief - set aside Sheriffs sale
- (36) Petition for ex parte writ of seizure
- (37) Petition for liquor license appeal
- (38) Petition nunc pro tunc - liquor license appeal
- (39) Petition to postpone Sheriffs sale
- (40) Petition to proceed in forma pauperis
- (41) Petition to set aside Sheriffs sale
- (42) Petition to stay Sheriffs sale
- (43) Petition to stay suspension
- (44) Petition for zoning hearing - remand to Hearing Board

The following petitions require an answer within twenty (20) days.

- (45) Petition to amend answer
- (46) Petition to amend caption
- (47) Petition to amend complaint
- (48) Petition to amend new matter
- (49) Petition to appoint arbitrator
- (50) Petition to appoint Board of View pursuant to 56 P.S. §1-504
- (51) Petition to approve settlement of wrongful death and survival action
- (52) Petition to approve disbursement of funds
- (53) Petition to approve settlement
- (54) Petition for change of venue
- (55) Petition to confirm arbitration award
- (56) Petition for confirmation of the sale of real property
- (57) Petition for contempt
- (58) Petition for counsel fees
- (59) Petition for counsel fees and costs
- (60) Petition to disburse proceeds of escrow fund
- (61) Petition to disqualify attorney from representing client
- (62) Petition to disqualify the Board of Judges of Delaware County
- (63) Petition to dissolve or terminate supersedeas
- (64) Petition to enforce settlement
- (65) Petition for interpleader pursuant to Pa.R.Civ.P. 2302
- (66) Petition to intervene pursuant to Pa.R.Civ.P. 2328
- (67) Petition to issue order of possession
- (68) Petition to issue subpoena
- (69) Petition to join additional defendant
- (70) Petition for leave to join third party
- (71) Petition to mark judgment satisfied
- (72) Petition to merge judgments
- (73) Petition nunc pro tunc - appeal from district justice judgment
- (74) Petition nunc pro tunc - join additional defendant
- (75) Petition to open confessed judgment
- (76) Petition to open judgment of non pros
- (77) Petition to open order to settle, discontinue and end
- (78) Petition to open safe deposit box
- (79) Petition to open sealed record
- (80) Petition to open and/or strike judgment
- (81) Petition to pay judgment in installments
- (82) Petition to quash appeal and vacate supersedeas
- (83) Petition to quash writ to join additional defendant
- (84) Petition for reassessment of damages
- (85) Petition to reduce order to judgment
- (86) Petition to reinstate appeal
- (87) Petition to remand to arbitration modify judgment
- (88) Petition to remand for clarification of arbitrator's award
- (89) Petition to remove satisfaction and reinstate judgment
- (90) Petition to return writ of execution
- (91) Petition for settlement of survival action
- (92) Petition for stay of execution
- (93) Petition to stay mortgage foreclosure
- (94) Petition to strike appeal
- (95) Petition to strike lis pendens

- (96) Petition to strike mechanic's lien
- (97) Petition to strike non pros
- (98) Petition to strike and/or set aside garnishment
- (99) Petition to strike writ of certiorari
- (100) Petition to substitute party
- (101) Petition to take depositions
- (102) Petition to take depositions for preparation of pleadings
- (103) Petition to transfer to major case status
- (104) Petition to vacate arbitration award
- (105) Petition to vacate judgment
- (106) Petition to vacate, set aside and/or modify arbitrator's award
- (107) Petition to vacate and strike off order to settle, discontinue and end
- (108) Petition to withdraw appearance
- (109) Petition for writ of habeas corpus

(a) Petitions filed pursuant to Rule 206.1 shall be processed as follows:

(1) Cases not yet assigned to a judge

- (a) The originals of all petitions shall be filed with the Office of Judicial Support.
- (b) Service shall be contemporaneously made by the moving party in conformity with Pa.R.C.P. 440, or in the case of petitions that constitute initial process, in conformity with the Pennsylvania rules of Civil Procedure governing the manner of service of original process (see Pa.R.C.P. 400ff)
- (c) Each petition shall be accompanied by the following:
 - i. A cover sheet pursuant to Rule 205.2(b) clearly indicating the filing date and advising that an answer to the petition must be filed within twenty (20) days from that date.
 - ii. A certification that service in conformity with Pa.R.C.P. 440 or, in the case of original process, in conformity with the Pennsylvania Rules of Civil Procedure governing the service of original process is being contemporaneously made.
 - iii. A form of proposed order fairly encompassing the relief requested.
- (d) Each answer to petitions filed pursuant to this Rule shall be accompanied by the following:
 - i. A cover sheet pursuant to Rule 205.2(b) clearly indicating that they are being filed pursuant to Rule 206.1; and
 - ii. A form or proposed Order fairly encompassing the relief requested.
- (i) On the 21st day after filing the Office of Judicial Support shall send the record papers to the Court Administrator for reference by the Court Administrator to the appropriate judge.
- (ii) The moving party shall promptly advise the Court Administrator in writing if a matter has been resolved or withdrawn.
- (iii) Requests for an extension of the 20-day period in which to respond to a motion must be made in writing to the Court Administrator. The request shall indicate whether or not it is opposed by all other parties. No agreement entered into by the parties to extend the 20 day period shall be honored by the court without written notice to and the consent of the Court Administrator.

(2) Cases assigned to a judge

- (i) All applications that would otherwise be the subject of a petition will be processed by the assigned judge and should be directed to his or her chambers. The moving party shall contemporaneously notify all parties affected by the application.
- (ii) The form of all such applications and the time in which to respond thereto shall be determined by the judge on an ad hoc basis as circumstances and the exercise of his or her sound discretion shall warrant.
- (iii) Where the application takes the form of a formal petition, the original shall be filed with the Office of Judicial Support. The face sheet shall clearly indicate that a copy of the motion or petition has contemporaneously been submitted to the assigned judge, who shall be identified on the notice.
- (iv) The original of a formal response to a petition shall also be filed with the Office of Judicial Support, and a copy shall be contemporaneously submitted to the assigned judge.

(3) Emergency Matters or Stays of Proceedings in Non-Family Matters

- (i) Petitions seeking relief in emergency situations or stay of proceedings shall first be taken to the Office of Judicial Support to be time-stamped and docketed and then immediately brought by the party seeking the emergency relief or the stay of proceedings to the Court Administrator for reference to the appropriate judge.
- (ii) After the request for emergency relief or stay of proceedings has been either granted or denied by the court, the motion shall be returned to the Office of Judicial Support for filing of the Order.
- (iii) Hearing dates, where required, shall be set by the judge to whom the matter has been referred, or, where that judge will not also be the hearing judge, by the Court Administrator.
- (iv) The moving party shall make a good faith effort to give all parties affected by the application as much advance notice as reasonably possible of the date and time he/she intends to present his/her application and shall attach to the application a certification of the good faith effort that has been made. This certification shall provide the specific details of the moving party's efforts to comply with the advance notice requirement of this section, including, but not limited to, the method(s) by which notice was sought to be given, the date(s) and time(s) when notice was sought to be given, the address(es) and/or phone number(s) and/or fax number(s) at which notice was sought to be given and the identity(ies) of the party(ies) to whom notice was sought to be given. When the court fixes a hearing date following the submission of an application under this Rule, a second certification shall be filed by the moving party providing similar specific information setting forth the efforts that have been made to give to all affected parties as much notice as possible of the date, time and place set by the court for the hearing.
- (V) Except in emergency situations, no stay of proceedings shall be granted without actual prior notice to all parties affected thereby.

Comment: Adopted June 28, 2004

Rule 206.4(c)- Rule to Show Cause Alternative Procedures

Rules to show cause shall issue as of course with the filing of any Petition or Motion requiring a response in family and non-family matters.

Explanatory Comment: In non-family matters governed by Rule 206.1(a), the notice requirement serves the identical purpose of a rule to show cause, and no paper formally designated "Rule to Show Cause" shall be necessary.

In family matters, governed by Rule 206.8, present practice shall continue with rules issuing as of course pursuant to Rule 206.4(c)

Comment: Former Rule 206.6 was rescinded and renumbered 206.4(c) on June 28, 2004.

Rule 206.6 Rules to show Cause. (Rescinded)

Comment: Rescinded June 28, 2004 and renumbered Rule 206.4(c)

Rule 206.8 - Petitions, Rules, Answers, Motions in Family Matters

I. Cases not yet Assigned to a Judge

- (a) The original of all family law motions or petitions, including divorce, custody, or equitable distribution shall be filed in the Office of Judicial Support, which shall docket the pleading and forward to the Court Administrator by either the moving party or the Office of Judicial Support to obtain a hearing or conference date. All matters involving support are to be filed directly with the Domestic Relations Office pursuant to Pa.R.C.P. 1910.4. All family law motions or petitions are initially listed for a hearing and/or conference.
- (b) Service shall be contemporaneously be made by the moving party in conformity with Pa.R.C.P. 440, or in the case of motions or petitions that constitute initial process, in conformity with the Pennsylvania Rules of Civil Procedure governing the matter of service of original process. (See Pa.R.C.P. 400 ff.)
- (c) All motions or petitions shall be accompanied by the following:
 - i. A cover sheet, pursuant to Local Rule 205.2(b), plainly appearing on the face thereof indicating the filing date and the nature of the matter listed.
 - ii. A proposed order page encompassing the relief requested.
 - iii. A certification that service of the hearing/conference date in conformity with Pa.R.C.P. 440 or, in the case of original process, in conformity with the Pennsylvania Rules of Civil Procedure governing the service of original process is being contemporaneously made.

If one of the above items is not included in the motion or petition, the Court Administrator shall send notice to the moving party to refile the original motion or petition.
- (d) Answers to a motion or petition filed prior to the hearing pursuant to this Rule shall be accompanied by the following:
 - i. A cover sheet, pursuant to Rule 205.2(b), clearly indicating that they are being filed pursuant to Rule 206.8 and
 - ii. A proposed order fairly encompassing the relief requested.
- (e) Upon receipt of the motion or petition, the Court Administrator shall promptly schedule a hearing. The moving party shall promptly notify all parties affected of the hearing date. In the event that the moving party does not appear to file the motion or petition and obtain a hearing date, the moving party shall file an original and include a copy of the motion or petition with a self addressed stamped envelope with sufficient postage for return of the hearing date, which upon receipt by the moving party shall notify all affected parties of the hearing date.
- (f) The moving party shall file a certificate setting forth that notice was given to all affected parties of the date, time and place set by the court for the hearing/conference.
- (g) Matters that are uncontested at the time of filing shall be so certified by the moving party and shall follow the procedure set forth in Rule 208.2(d). The Office of Judicial Support shall promptly refer them to the Court Administrator.
- (h) Where a matter is to be withdrawn, a Praecipe to Withdraw Motion or Petition must be filed with the Office of Judicial Support, which shall promptly forward it to the Court Administrator. If the case has been referred to a Judge, the Court Administrator shall promptly forward the Praecipe to the judge.

- (i) After a hearing date has been assigned, requests for a continuance must be made on a continuance application form (available in the Court Administrator's Office) and submitted along with a stamped envelope preaddressed to the party requesting the continuance. Requests for a continuance may be referred to the appropriate Judge for review. After review of the continuance, the Court Administrator shall forward the result of the request of the continuance to the party who applied for the continuance. The requesting party must notify all parties affected of the result of the continuance request and the new hearing date, if applicable.

II. Emergency Matters or Stays of Proceedings in Cases not yet Assigned to a Judge

- (a) Motions or petitions seeking relief in emergency situations or stay of proceedings shall be brought first to the Office of Judicial Support to be docketed and time-stamped and then immediately brought by the party seeking the emergency relief or the stay of proceedings to the Court Administrator for reference to the appropriate Judge. The motion or petition shall be accompanied by the items required in 206.8(1)(c).
- (b) The motion or petition shall be accompanied by a certification that the moving party has made a good faith effort to give all parties affected by the application as much advance notice as reasonably possible of the date and time that the application will be presented to the Court. This certification shall provide the specific details of the moving party's efforts to comply with the advance notice requirement of this section including, but not limited to, the method(s) by which notice was sought to be given, the address(s) and/or phone number(s) and/or fax number(s) at which notice was sought to be given, and the identity(s) of the party(s) to whom notice was sought to be given.
- (c) Hearing dates, where required, shall be set by the Judge to whom the matter has been referred by the Court Administrator or, where that Judge will not also be the hearing Judge, by the Court administrator. The moving party shall promptly notify all parties affected of the hearing date and shall file a certification providing specific information setting forth the efforts that have been made to give to all affected parties as much notice as possible of the date, time and place set by the Court for the hearing. Such specific information includes, but not limited to, the method(s) by which notice was sought to be given, the address(s) and/or phone number(s) and/or fax numbers(s) which notice was sought to be given and the identity(s) of the party(s) to whom notice was sought to be given.
- (d) After the Court has decided the request for emergency relief or stay of proceedings, the motion or petition shall be returned to the Court Administrator who shall then forward it to the Office of Judicial Support for filing of the Order.
- (e) Except in emergency situations, no stay of proceedings shall be granted without actual prior notice to all parties affected thereby.

III. Cases Assigned to a Judge

- (a) All applications, to include emergency matters, that would otherwise be subject of a motion or petition will be processed by the assigned Judge and should be directed to his/her chambers. The moving party shall contemporaneously notify all parties affected by his or her application.
- (b) The form of all such applications and the time in which to respond thereto shall be determined by the Judge on an ad hoc basis as circumstances and the exercise of the Judge's sound discretion shall warrant.
- (c) Where the application takes the form of a formal motion or petition, the original shall be filed with the Office of Judicial Support. The cover sheet, pursuant to Rule 205.2(b) shall clearly indicate that a copy of the motion or petition has contemporaneously been submitted to the assigned Judge, who shall be identified on the notice.
- (d) The original of a formal response to a motion or petition shall also be filed with the Office of Judicial Support, and a copy shall be contemporaneously submitted to the assigned Judge.

Comment: The following applications are not governed by Rule 206.8, et seq. but rather are governed by the provisions of the general rule(s) governing the particular matter: Protection From Abuse Petitions pursuant to 23 Pa.C.S.A. 6101 et seq.

***Adopted June 28, 2004**

Rule 207. - Petition to Change Name. (Rescinded)

Rule 208. - Medical Malpractice. Health Care Provider. Affidavit of Noninvolvement. (Rescinded)

Comment: Rule 208 was rescinded June 29, 2004

Rule *208.1 - Motions. Non-Family Matters

- (a) The originals of all Motions shall be filed with the Office of Judicial Support.
- (b) Service shall be contemporaneously made by the moving party in conformity with Pa. R.C.P. 440.

Comment: Adopted June 28, 2004

Rule *208.2 - Motions. Form. Content

(a) All Motions shall be:

- (1) In conformity with Pa.R.C.P. 208.2 and
- (2) Include a cover sheet pursuant to Local Rule 205.2(b) clearly indicating the filing date advising that any response to the Motion must be filed within twenty (20) days from that date.

All responses to Motions filed under Rule 208.1 shall be accompanied by a cover sheet pursuant to Local Rule 205.2(b) and shall include a form of proposed Order.

Comment: Adopted June 29, 2004

Rule 208.2(d). Uncontested Motions. Certifications

If counsel for the moving party determines that a motion is uncontested by all parties involved in the case, counsel shall file a certification that the motion is uncontested. The moving party must complete the cover sheet pursuant to 205.2 and check the appropriate box, and include the certification with the motion.

Comment: Adopted June 28, 2004

Rule 208.2(e) - Motion. Certification.

- (a) All motions relating to discovery shall include a certificate signed by counsel for the moving party that counsel for that party has conferred or attempted to confer with all interested parties in order to resolve the matter without Court action, and shall set forth the nature of the efforts made to resolve the matter. Failure to comply with the foregoing shall result in the refusal of the Court to hear the motion.
- (1) All motions relating to discovery shall include a certificate signed by counsel for the moving party that counsel for that party has conferred or attempted to confer with all interested parties in order to resolve the matter without Court action, and shall set forth the nature of the efforts made to resolve the matter. Failure to comply with the foregoing shall result in the refusal of the Court to hear the motion.
- (2) The moving party shall attach a Certification of Good Faith, substantially in the following form, to his or her motion.

Comment: Adopted June 28, 2004; amended August 10, 2004.

**IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY,
PENNSYLVANIA**

CIVIL ACTION – LAW

**ATTORNEY CERTIFICATION OF GOOD FAITH
Pursuant to Delaware County Local R.C.P. 208.2(e)**

The undersigned counsel for movant hereby certifies and attests that:

a. He or she has had the contacts described below with opposing counsel or unrepresented party regarding discovery matter contained in the foregoing discovery motion in an effort to resolve the specific discovery dispute(s) at issue and, further, that despite counsel's good faith attempts to resolve the dispute(s), counsel have been unable to do so without Court intervention.

Description of effort to resolve discovery motion:

b. He or she was unsuccessful in actually contacting opposing counsel or unrepresented party in an attempt to resolve the discovery dispute(s) despite his or her good faith efforts to do so.

Description of effort to resolve discovery motion:

CERTIFIED TO THE COURT BY:

DATE

Attorney for Movant (name of party)

Note: The signature of respondent's counsel or party is not required.

Rule *208.3(a)- Simplified Procedure

The following "Motions" may be submitted for consideration by the Court without written responses or briefs.

1. Motion to compel discovery in aid of execution
2. Motion to break and enter
3. Motion requiring a supersedeas appeal board
4. Motion for writ of seizure
5. Motion for return of personal property
6. Motion for reconsideration
7. Motion for peremptory judgment

The foregoing motions, after filing with the Office of Judicial Support shall be presented to the Court Administrator's Office, which shall promptly deliver the motion to the appropriate Judge or schedule the case for a hearing before the Court. The moving party shall include a cover sheet pursuant to Rule 205.2(b) and shall promptly notify all parties affected of the hearing date, if so advised by the Court.

If a hearing date has been assigned, requests for a continuance shall be made on a fully completed continuance application form, available in the Court Administrator's Office and then submitted to the Court Administrator. Stamped envelopes, pre-addressed to all parties in interest, shall accompany the continuance application form. Requests for continuance received by the Court Administrator within one (1) week of the hearing date may be referred to the appropriate Judge for review.

Comment: Adopted June 28, 2004

Rule 208.3(b) Alternative Procedures.

(a) Motions filed pursuant to Rule 208.1 and 208.2 shall be processed as follows:

(1) In cases that are not assigned to a judge,

- (i) On the 21st day after filing the Office of Judicial Support shall send the record papers to the Court Administrator for reference by the Court Administrator to the appropriate judge.
- (ii) The moving party shall promptly advise the Court Administrator in writing if a matter has been resolved or withdrawn.
- (iii) Requests for an extension of the 20-day period in which to respond to a motion must be made in writing to the Court Administrator. The request shall indicate whether or not it is opposed by all other parties. No agreement entered into by the parties to extend the 20-day period shall be honored by the court without written notice to and the consent of the Court Administrator

(2) In cases that are assigned to a judge,

- (i) All applications that would otherwise be the subject of a motion or petition will be processed by the assigned judge and should be directed to his or her chambers. The moving party shall contemporaneously notify all parties affected by the application.
- (ii) The form of all such applications and the time in which to respond thereto shall be determined by the judge on an ad hoc basis as circumstances and the exercise of his or her sound discretion shall warrant.
- (iii) Where the application takes the form of a formal motion or petition, the original shall be filed with the Office of Judicial Support. The face sheet shall clearly indicate that a copy of the motion or petition has contemporaneously been submitted to the assigned judge, who shall be identified on the notice.
- (iv) The original of a formal response to a motion or petition shall also be filed with the Office of Judicial Support, and a copy shall be contemporaneously submitted to the assigned judge.

(3) Emergency Matters or Stays of Proceedings in Non-Family Matters.

- (i) Motions seeking relief in emergency situations or stay of proceedings shall first be taken to the Office of Judicial Support to be time-stamped and docketed and then immediately brought by the party seeking the emergency relief or the stay of proceedings to the Court Administrator for reference to the appropriate judge.
- (ii) After the request for emergency relief or stay of proceedings has been either granted or denied by the court, the motion shall be returned to the Office of Judicial Support for filing.
- (iii) Hearing dates, where required, shall be set by the judge to whom the matter has been referred, or, where that judge will not also be the hearing judge, by the Court Administrator.
- (iv) The moving party shall make a good faith effort to give all parties affected by the application as much advance notice as reasonably possible of the date and time he/she intends to present his/her application and shall attach to the application a certification of the good faith effort that has been made. This certification shall provide the specific

details of the moving party's efforts to comply with the advance notice requirement of this section to include, but not limited to, the method(s) by which notice was sought to be given, the date(s) and time(s) when notice was sought to be given, the address(es) and/or phone number(s) and/or fax number(s) at which notice was sought to be given and the identity(ies) of the party(ies) to whom notice was sought to be given. When the court fixes a hearing date following the submission of an application under this Rule, a second certification shall be filed by the moving party providing similar specific information setting forth the efforts that have been made to give to all affected parties as much notice as possible of the date, time and place set by the court for the hearing.

- (v) Except in emergency situations, no stay of proceedings shall be granted without actual prior notice to all parties affected thereby.

Comment: Adopted June 28, 2004

Rule *208.3(c)- Return of Weapons and Ammunition

The Sheriff of Delaware County, police department or other law enforcement agency, which maintains possession, control or custody of the firearms, other weapons or ammunition seized from a Defendant or owner pursuant to the provisions the Protection From Abuse Act (23 Pa. C.S.A. §6101 et seq.), shall, upon receipt of an Order of Court having jurisdiction, which dismisses a temporary or final Protection From Abuse Order and which has been certified by the Director of the Delaware County Office of Judicial Support, return to the Defendant or owner, such firearms, other weapons or ammunition seized, provided that all of the following conditions are satisfied:

1. The Defendant or the owner provides reasonable proof of ownership or of rightful possession of the firearms, other weapons or ammunitions seized;
2. The firearms, other weapons or ammunition seized are not evidence of a crime;
3. The Defendant or owner is not otherwise prohibited by applicable federal or state law from taking possession of the firearms, other weapons or ammunition seized,
4. The Defendant or owner has been given a clearance by the Pennsylvania State Police Instant Check System (PICS) Unit, as requested by the Sheriff of Delaware County.

In the event that a Defendant or owner fails to satisfy one or more of the above-stated conditions, the firearms, other weapons or ammunition seized shall remain in the possession, control, and custody of the Sheriff of Delaware County, the police department or the other law enforcement agency.

Defendant or owner who, for any reason, objects to the retention of the firearms, other weapons or ammunition seized may file a Petition seeking their return. The petitioning Defendant or owner shall serve a copy of the Petition on the Sheriff of Delaware County, police Department or other law enforcement agency returning possession of the same. The Court, after receipt of said Petition, shall promptly schedule a hearing on said Petition.

Comment: Adopted March 16, 2009, effective immediately.

Rule *223. - Conduct of the Jury Trial

(a)

- (5) The trial judge or any master appointed to take testimony may, sua sponte or upon application of any party, require that prospective witnesses remain outside the room where testimony is being taken until they are called to testify, subject to the provisions of Pa. Rule of Evidence 615.
- (6) Before trial no attorney, party or witness shall communicate or cause another to communicate with anyone he knows to be a member of the venire from which the jury will be selected for the trial.
- (7) During trial no involved attorney, party or witness shall communicate with or cause another to communicate with any member of the jury.
- (8) After trial no attorney, party or witness shall initiate communications with or cause another to initiate communications with any member of the jury without first receiving permission from the trial judge.

Comment: Former Rule *223(a)(4) renumbered as (a)(5) to conform to the numbering of Pa.R.C.P 223(a) on May 4, 1998. Former Rule *228(a), (b) & (c) renumbered as Rule *223(a)(6), (7) & (8) to conform to the subject matter of Pa.R.C.P. 223(a) on May 4, 1998. Section (a)(5) amended November 17, 1998.

Rule *223.1 - Custody and Storage of Trial Exhibits

- (a) The moving party shall keep custody of and be responsible for all non-documentary material submitted into evidence at trial. That material shall not be left in the courtroom after the conclusion of the trial of the case.
- (b) All trial exhibits which are larger than 8.5 x 11 shall remain in the custody of and be the responsible of the moving party. The moving party shall submit an original or copy of the trial exhibit no larger than 8.5 x 11 to the Court Clerk, which copy shall be marked and filed of record.
- (c) Notwithstanding the above-provisions, any party may petition the Court to retain custody of the Exhibit.

Comment: Adopted May 3, 2000.

Rule 227.l(g). - Appeal from objections to Tax Sale.

A Motion for post-trial relief may not be filed in an Adjudication or determination by the Court upon any Petition seeking to set aside a Tax Sale pursuant to the Pennsylvania Real State Tax Sale Law, 72 P.S. §5860.101 et seq.

Comment: Adopted December 18, 2001

Rule *227.3. Payment for Transcript.

The party requesting transcription of the record or any portion thereof in a motion for post-trial relief, or where the transcript is needed to advance the litigation, shall pay the cost thereof. Where any other party files an objection requesting that an additional portion of the record be transcribed, the trial judge, in the absence of agreement by the parties, shall in his discretion and to the extent this matter is not covered in the Pennsylvania Rules of Judicial Administration 4000, et seq., assign the cost of such additional transcription to any or all parties or to the county.

The designation of the portion of the record to be transcribed required by Pa.R.J.A. 4000, et seq. shall include the date the trial started and the courtroom where the trial was held utilizing the state standardized form. A copy of this designation shall be submitted contemporaneously with the filing of the motion for post-trial relief to the Office of the Director of the Recording Center.

Comment: Amended and entirely replaced December 29, 2016, effective January 1, 2017

Rule *237 - Notice of Praecipe for Final Judgment or Decree.

The certification of notice required by Pa.R.C.P. 237 shall include the name and mailing address of all other parties for the use of the Office of Judicial Support in giving the notice required by Pa.R.C.P. 236 (a)(2).

Comment: Amended February 7, 1995

Rule *237.1 - Notice of Praecipe for Entry of Default Judgment

- (a) The certification of notice required by Pa.R.C.P. 237.1 (a) shall include the name and mailing address of all other parties for the use of the Office of Judicial Support in giving the notice required by Pa.R.C.P. 236 (a)(2).

Comment: Amended February 7, 1995

Rule *241- Commencement of Action, Assignment of Cases, and Assessment of Damages Cases.

- (a) When suit is commenced, the Plaintiff shall complete and file with the Office of Judicial Support, in duplicate, the Court of Common Pleas Civil Cover Sheet in accordance with Pa.R.C.P. 205.5. In asbestos cases, a Special Case Information Form shall be filed in addition to the Civil Cover Sheet.
- (b) The Court Administrator shall assign the case to a trial judge, who shall thereafter dispose of all further matters in connection therewith, to include scheduling of the case for trial.
- (c) Assessment of damage cases may be certified as ready for trial at any time by sending a Certificate of Readiness to all other parties and filing two (2) copies of the Certificate and one (1) copy of a Certification of Service with the Court Administrator.

Comment: Rule 241 originally adopted March 11, 1991 rescinded May 3, 2000. Current Rule 241 adopted May 3, 2000, effective June 1, 2000; amended May 14, 2010, effective Immediately.

Rule *400 - Person to Make Service

- (a) A party filing a complaint or any other pleading that constitutes original process which is to be served by the Sheriff's Office shall deliver to that office a copy of the complaint or pleading for each party to be served together with instructions for service on a form available from the Sheriff's Office. Payment for the requested service must be made to the Sheriff's Office before service will be made or attempted.

Comment: Adopted November 1, 1994

Rule *400.1- Service of Original Process and Other Legal Papers

Original process shall be served within Delaware County

- (a) by the Sheriff or a competent adult in the actions in equity, partition, prevent waste and declaratory judgment when declaratory judgment is the only relief sought; and
- (b) by the sheriff in all other actions, or such other means, as provided in the Pennsylvania Rules of Civil Procedure.

Comment: Amended July 27, 1999, effective September 1, 1999; further amended November 23, 1999

Rule *425. - Service of Process and Pleadings, Additional Defendants

- (a) No copies of pleadings previously filed with the Office of Judicial Support shall be filed with a complaint against an additional defendant. However, pursuant to Pa.R.C.P. 425(a), copies of previously filed pleading shall be served with the complaint against the additional defendant.

Comment: Amended December 4, 1997.

Rule *430(b)(1) - Service Pursuant to Special Order of Court. Publication - Approved Newspapers of General Circulation - Legal Newspaper.

- (i) All legal advertisements required to be published in a newspaper of general circulation, except as otherwise provided by act of assembly, specific procedural rule or order of Court, shall appear only in such newspapers which shall be kept on file at all times in the Office of Judicial Support, arranged in alphabetical order according to the communities covered thereby. The Director of the Office of Judicial Support, the Court Administrator and a duly appointed representative, selected by the presiding President Judge on an annual basis, are hereby appointed as a newspaper examining board, hereinafter in this rule called "board". Before any newspaper is placed upon such approved list, there shall be presented to the board the information required by a directive on file in the Office of Judicial Support.
- (ii) After a newspaper has been approved by the board, it shall remain upon the approved list of newspapers, unless there should be a failure of compliance with any of the conditions set forth in the Newspaper Advertising Act, its supplements and amendments; the board requests that a renewal application be filed; or an amended directive signed by the President Judge establishes other procedures.
- (iii) The Delaware County Legal Journal shall be the legal newspaper for the publication of legal advertisements and notices required by law, rule, order or decree of court.
- (iv) Except as otherwise provided by law, service by publication shall be made in the Delaware County Legal Journal and in one newspaper, approved and selected in accordance with this rule. Such publication shall appear once a week for two successive weeks. The second of these advertisements shall appear at least five days prior to the date upon which action may be required.
- (V) In any matter requiring legal advertisement in a newspaper of general circulation, the newspaper selected shall have a circulation in the municipality wherein or near which the person to be served or notified lives or last lived while a resident of the county, or wherein or near which the real estate, if such be involved, is located.

Comment: The provisions of former Rules *431, *432 and *440 have been incorporated into Rule *430(b)(1)

Adopted February 7, 1995; amended June 22, 2001.

Rule *621 - Eminent Domain.

In an eminent domain proceeding, a petition for appointment of a Board of Viewers shall be in full compliance with the express provisions of the Eminent Domain Code, section 502 (26 P .S. §1-502).

Rule *622- Board of View Procedure

- (a) The Court Administrator shall act as the clerk for the Board of View.
- (b) The petitioner for the appointment of a board of view shall present his petition to the Court Administrator, with a copy for each viewer. A separate petition shall be filed for each location or premises to be viewed.
- (c) The Court Administrator shall secure the signature of a judge to the order appointing the Board of View and notify the viewers of their appointment.
- (d) Upon receipt of the order of appointment of the Board of View, the petitioner shall serve a copy of the order upon the adverse party or parties (condemner or condemnee).
- (e) The Court Administrator shall arrange a time for viewing and for hearing with the viewers and parties in interest and send notice to all parties. Certified mail shall be used for notice to unrepresented litigants. Whenever possible, the Court Administrator will fix the time for the first hearing to immediately follow the viewing.
- (f) All hearings shall be held in the Delaware County Courthouse complex unless otherwise authorized by the court and arrangements for the use of said facilities shall be made with the Court Administrator.
- (g) At or before the view the condemner shall furnish each member of the Board of View with a plan of the property affected by the taking, comprehensive enough to show the property taken, and the "before" and "after" quantities or areas of the real estate involved.
- (h) The petitioner shall present to the viewers at the first hearing a title report of the property involved issued by a reputable title company showing the status of the title at the time of the taking.
- (i) Whenever possible, prior to the hearing before the viewers, attorneys for all parties involved should stipulate in writing to all of the undisputed facts including:
 - (1) The names and addresses of the owners and leaseholders of the real estate involved with abstracts of the last deeds of record and a metes and bounds description of the real estate involved.
 - (2) A list of liens and claims against the real estate involved including an itemization of all delinquent taxes, sewer rents and other municipal claims.
 - (3) A description of all easements, rights-of-way, uses, franchises and other matters affecting the land involved.
 - (4) The date of the taking and a reference to the condemning resolution, ordinance or other authority.
- (j) Attorneys should be prepared to submit to the Board of View at the first hearing a brief, concise statement of any legal principles in issue.
- (k) Any request for a continuance or substitution of viewer shall be made to the Court Administrator in writing, accompanied by a proposed order. There shall be no continuance of a view or hearing or substitution without an order of court on cause shown.
- (l) In the case of settlement or discontinuance or withdrawal of action, attorneys shall notify the court administrator promptly.
- (m) The Court Administrator shall prepare and keep a record showing the case involved and the names of the viewers. A full history of the proceedings shall be kept by the Court Administrator as a supplement to the Office of Judicial Support's records.
- (n) The final report of a jury of view shall be sent to the Court Administrator, who in turn will promptly file said report with the Office of Judicial Support.

Comment: Amended November 21, 1995

Rule *623- Appeals from Award of Board of View

- (a) The original of the notice of appeal from the award of a Board of View shall be filed with the Office of Judicial Support. The Office of Judicial Support shall promptly forward a copy to the Court Administrator.
- (b) At trial on the appeal the condemnee's title shall be taken as admitted unless at least 10 days prior to trial the condemner has served on the condemnee an affidavit denying the condemnee's title and setting forth the basis therefor.

Comment: Amended March 11, 1991

Rule *624- Voluntary Procedure Before a Board of View

- (a) In any eminent domain case where a Board of View has been appointed, all parties in interest, by written stipulation filed of record, may waive a view and hearing before the viewers, and secure a report from the Board of View, by following the procedure outlined below.

The information summary must contain the following:

- (1) Date of declaration of taking;
 - (2) Location of property involved;
 - (3) Plan showing size of the area before the take, the relation of the take to the whole area, and the amount of the take.
 - (4) Zoning of tract or area.
 - (5) Parties in interest: owners; mortgagees; tenants; judgment creditors; others (If any party has not joined in the stipulation, explain why not.);
 - (6) Damages sought: general; severance; business dislocation; removal, moving; consequential.
 - (7) Statute: sections applicable to the case.
 - (8) Contentions: zoning; value; imminence of condemnation; other.
 - (9) Appraisals: one or more (attach).
- (b) Upon receipt of the information summary, the Board of View shall visit the site, either individually or together. The board shall study the information supplied, meet and render an award.

Rule *903- Bill of Costs

- (a) A bill of costs may be filed within 10 days after final decree, judgment or award, or within 10 days after the final decision on appeal. A copy shall be served in accordance with the provisions of Pa.R.C.P. 440 upon a party or parties against whom the bill is filed, and the bill shall be accompanied by a certification setting forth the date and manner of service.
- (b) Every bill of costs after trial shall contain the names of the witnesses, the dates of their attendances, the number of miles actually traveled by them, the places between which mileage is claimed, cost of any subpoenas, service of subpoenas and affidavit. Such bill shall be verified by the affidavit of the party filing it or his agent or attorney, setting forth that the witnesses named were actually present in court, and that, in his opinion, they were material witnesses.

Every bill of costs on an appeal from a judgment, order or decree of this court shall contain an itemized statement of the cost of the printing of the paper books and the affidavit and shall be verified by the affidavit of the attorney of record.

- (c) Exceptions to a bill of costs may be filed within 10 days after service of the bill of costs; otherwise the party so served shall be deemed to have waived all objections to the bill filed. Upon the filing of exceptions, the Office of Judicial Support shall fix a date, time and place for taxation no less than 10 days after the filing of the exceptions. The exceptant shall serve a copy of the exceptions and a notice of the date, time and place of taxation upon the adverse party.
- (d) Any appeal from the taxation of costs shall be taken within 10 days and shall be accompanied with a specification of the items to which the appellant excepts and the reasons for his exceptions. Notice of the taking of the appeal and a copy of the specifications shall be served promptly upon all other parties of record. Said appeals shall be submitted to the appropriate judge for decision.

Comment: Amended March 11, 1991.

Rule *917.- Sureties

- (a) No attorney, director of the Office of Support, Clerk of Court, Sheriff or their personnel shall become bail or surety in any action.
- (b) The qualifications and sufficiency of all sureties, require at the commencement of all actions, shall be determined and approved by the Office of Judicial Support. Exceptions to the decision of the Office of Judicial Support shall be filed within 10 days. A hearing shall be held as directed by the court.
- (c) No individual surety shall be accepted unless the application is accompanied by the affidavit of the individual offered as surety, setting forth:
 - (1) His or her name, residence and occupation.
 - (2) The location of the real estate owned by the proposed surety, or so much as may be sufficient, with a reference to the record of the deed, the nature and amount of all liens, if any, the assessed value, and whether title is held by the proposed surety in fee.
 - (3) That after the payment of his or her debts, engagements and liabilities, the proposed surety believes that he or she is worth not less than \$ _____.
- (d) Any surety company desiring to qualify as surety shall file with the Office of Judicial Support a certificate of the insurance commissioner, as required by law, accompanied by a financial statement as of December 31 of the last preceding year. Any corporation whose home office is outside of the County of Delaware shall also file a stipulation agreeing that services of process, in any proceeding arising out of its acting as surety, or fiduciary pursuant to approval under this rule, may be made upon it serving such process upon the Office of Judicial Support and that such service shall be equivalent to actual services upon such corporation. If the company desires to continue to offer itself as surety, it shall file annually with the Office of Judicial Support on or before the first Monday of June of each year a similar certificate and statement and failure to do so within such time shall bar it from acting until such certificate and statement shall have been filed. A surety company which shall have complied with the requirements of this rule shall be approved by the Office of Judicial Support, unless otherwise provided by law; subject to the right of exceptions and hearing by court.
- (e) In all cases where the sufficiency of a corporate surety is before the court, there shall be presented to the court:
 - (1) A certificate of the Office of Judicial Support that the surety has complied with this rule.
 - (2) A copy of the power of attorney from the surety to the attorney.
 - (3) A certificate by an officer, under the seal of the surety, that the power of attorney is still in force and effect.
 - (4) A certificate of the recorder of deeds that the power of attorney is recorded and unrevoked.

Rule *922- Money or Property Paid into Court

- (a) In any action (excluding eminent domain) the defendant may at any time before trial pay into court the amount he admits to be due and accrued costs. He shall give notice to the opposite party or his attorney within 10 days. The plaintiff may receive the amount so paid, and either enter a discontinuance or proceed to trial. In the latter case, he shall pay all costs subsequently accruing, unless he is awarded judgment for a sum greater than that admitted to be due and paid in to court.

- (b) All money paid or property delivered into court shall be delivered to the Office of Judicial Support, who shall give a receipt. Money paid or property delivered into court shall be disbursed or redelivered by the Office of Judicial Support only upon order of the court.

Rule *955- Vacancies in Municipal Offices.

- (a) Petitions for appointments to fill vacancies in municipal offices shall set forth:
- (1) The act of assembly authorizing the appointment;
 - (2) The manner in which the vacancy occurred;
 - (3) The name and residence, and the name of the political party, if any, under whose nomination he was elected, of the prior incumbent, whose death, removal, resignation, etc., created the vacancy.
 - (4) The date of the commencement and expiration of the term of the office to be filed.
 - (5) The name, residence, age, occupation, citizenship and political party, if any, of the proposed office holder.
 - (6) A full statement of the facts which petitioners believe qualify the proposed office holder.

The residence (street number, municipality) of each petitioner shall be set forth opposite his signature.

Rule *1006(d)(1)(3)(a).- *Change of Venue*

Upon transfer, unless otherwise ordered by the court, the successful petitioner for the change of venue shall pay such fees and costs to the Office of Judicial Support as though the transferred case had initially been filed in this court. These costs shall be part of the transfer costs. Payment of these fees and costs shall be made upon receipt by the Office of Judicial Support of the record papers, to include a certified copy of the docket entries from the transferring court.

Comment: Adopted September 7, 1990; amended December 4 1997. Renumbered January 28, 2016. Effective upon publication on the UJS Portal.

Rule 1007. - Commencement of Action, Automatic Certification Form. (Rescinded)

Comment: Rescinded August 10, 2004

Rule *1007.1- Jury Trial, Demand and Waiver

- (e) Except as provided in section (f) juries in civil cases shall consist, initially, of eight members. Trial in such cases shall continue so long as at least six jurors remain in service. If the number of jurors falls below six, a mistrial may be declared upon prompt application by any party then on the record.
- (f) Trial by a jury consisting of 12 members may be had if demand is made in accordance with the provisions of Pa.R.C.P. 1007.1(a). If a demand for jury trial does not specifically request (12) members, the jury shall consist of eight members.
- (g) Where the right to jury trial has not been previously waived as provided in Pa.R.C.P. 1007.1(a), any subsequent waiver of trial by jury shall be by written stipulation of the parties filed of record with the Office of Judicial Support. This stipulation shall be in substantially the following form:

ANDNOW, this day of _____, 20_ it is agreed by and between the parties that trial by jury be waived, and that this case be tried before a judge of this court.

Counsel for Plaintiff

Counsel for Defendant

Rule *1012- Limited Entry of Appearance. Withdrawal of Appearance. Notice.

(a)(1) An attorney whose representation is pro bono and through Legal Aid of Southeastern Pennsylvania shall be permitted to enter a written limited entry of appearance which shall state an address at which pleadings and other legal papers may be served in the manner provided by Rule Pa.R.C.P. 440(a)(1), a telephone number and clearly express the limitation of the attorney's representation. This written notice of limited entry of appearance shall be given forthwith to all parties. This limited entry of appearance shall also be accompanied by a Praeceptum to proceed In Forma Pauperis including an appropriate certification under rule Pa.R.C.P. 240(d)(1) and any fee for the limited entry of appearance or any filing made at the same time as the limited entry of appearance shall be waived.

(a)(2) The limited entry of appearance under subsection (a)(1) shall be substantially in the following form:

CAPTION

PRAECEPTUM FOR ENTRY OF LIMITED APPEARANCE

To the Office of Judicial Support:

Kindly enter my appearance on behalf of _____, in the above-captioned matter. I hereby certify that I have accepted the representation of _____ through Legal Aid of Southeastern Pennsylvania, I am accepting no fee for my services and my appearance is limited to the performance of the following responsibilities:

- Representation through _____ custody Master's conferences.
- Representation through all custody Master's conferences in the _____ months following the filing of this entry of limited appearance.
- Representation through one custody trial before a judge in the court of Common Pleas.

Other: _____

Upon completion of the above delineated duties and consistent with rule 1012(a)(3), I may withdraw my appearance without further petition or order of this court.

Signature

(a)(3) An attorney may withdraw his or her appearance without leave of court if the attorney has previously entered his or her appearance under subsection (a)(1) and has completed all of his or her responsibilities as enumerated in the form completed under subsection (a)(2). This written notice of withdrawal of appearance shall be given forthwith to all parties and the court (assigned Judge) and any fee for the withdrawal of the limited entry of appearance shall be waived.

(a)(4) The withdrawal of appearance under subsection (a)(3) shall be substantially in the following form:

CAPTION

PRAECIPE FOR THE WITHDRAWAL OF LIMITED APPEARANCE

To the Office of Judicial Support:

Kindly withdraw my appearance on behalf of _____, in the above-captioned matter. I hereby certify that I have completed all duties as delineated in my limited entry of appearance filed on _____.

I further certify that I notified the Plaintiff/Defendant and the court (assigned judge) on _____ of my withdrawal.

(Date)

Consistent with local rule 1012(a)(3), I am authorized to withdraw my appearance without further petition or order of this Court.

All further notices or communications shall be sent directly to the Plaintiff/Defendant at the following address.

Name: _____

Address: _____

Phone: _____

Respectfully submitted:

----- **Esquire**

Former Counsel for (Plaintiff/Defendant)

Comment: Amended and replaced June 21, 2016, effective 30 days after publication in the Pennsylvania Bulletin.

Rule* 1018.1- Notice to Defend, Form

- (c) Pursuant to Pa. R.C.P. 1018.1(c), the Lawyers' Reference Service, Front & Lemon Streets, Media, Pennsylvania 19063, (610) 566-6625, is designated as the agency to be named in the notice from whom legal help can be obtained.

Comment: Amended June 28, 2004

Rule *1019- Pleadings, Foreign Statutes

- (i)(a) When either party relies on an Act of Congress or the statute of another state or country, or any part thereof, he shall so aver in his pleadings and set forth a copy of the statute and refer to the date of its enactment and place of digest.

Comment: Renumbered January 28, 2016 effective 30 days after publications in the Pennsylvania Bulletin.

Rule 1025. - Use of Backers, Endorsement of Pleading (Rescinded)

Comment: Rule 1025 was rescinded June 28, 2004.

Rule* 1028 - Disposition of Preliminary Objections, Motions for Summary Judgment and Motions for Judgment on the Pleadings(Rescinded)

Comment: Rule 1028 rescinded on June 28, 2004 and renumbered Rule 1028 (c).

Rule* 1028(c)- Disposition of Preliminary Objections, Motions for Summary Judgment and Motions for Judgment on the Pleadings

1. Procedure Defined

- (a) Preliminary objections, motions for summary judgment and motions for judgment on the pleadings shall be accompanied by a memorandum of law in support thereof.
- (b) Service shall be made in conformity with Pa.R.C.P. 440.
- (c) All such motions shall be accompanied by a notice, plainly appearing on the face thereof, of the date the motion was filed with the Office of Judicial Support and advising that a reply memorandum of law must be filed within twenty (20) days from that date, except that in the case of summary judgment motions the notice shall advise that a reply memorandum must be filed within thirty (30) days from that date. The moving party shall also file with his motion a certification of service in conformity with Pa.R.C.P. 405(b). This certification shall state that the notice required by this Rule has been given.
- (d) If any motion subject to this Rule is filed without an accompanying memorandum, the Office of Judicial Support shall send the record papers to the Court Administrator. Otherwise, the Office of Judicial Support shall not send the record papers to the Court Administrator until the opposing party has filed his reply memorandum or until twenty (20) days after the motion was filed (or in the case of summary judgment motions, thirty (30) days), whichever occurs first. Upon receiving the record papers from the Office of Judicial Support the Court Administrator shall then refer the matter to the appropriate judge. All requests for an extension of the prescribed time in which to answer such motions must be approved by the Court. Such approval shall be sought by a letter addressed to the Court Administrator. No agreement entered into solely by the parties will be honored by the Court.
- (e) Any motion subject to this rule which is filed without accompanying memorandum may be dismissed. If a reply memorandum has not been filed pursuant to the notice required by section (c) of this rule, the Court may dispose of the matter without such memorandum.
- (f) If any matter is settled or withdrawn prior to disposition, the Court Administrator shall be promptly advised, and the moving party shall file an appropriate praecipe with the Office of Judicial Support.
- (g) The Court in its discretion may grant additional time in which to file a reply memorandum, request additional memoranda, or call for oral argument, or advance the time for filing.

2. Matters Requiring Factual Supplement to the Record

- (a) In the case of preliminary objections based on facts not presently a part of the record, a memorandum of law and notice to opposing parties to file a reply memorandum of law within twenty (20) days need not be filed contemporaneously with the preliminary objections. Instead, the face sheet notice shall indicate the date the preliminary objections were filed with the Office of Judicial Support and shall be endorsed with a notice to plead pursuant to Pa.R.C.P. 1361.
- (b) If an answer is filed and served, the moving party shall undertake to supplement the record with the necessary facts by affidavit, deposition or testimony, as the case may require, within sixty (60) days from the filing of the answer.
- (c) Within two (2) weeks from the completion of the supplementation of the record, whether by the adverse party's failure to file an answer to the preliminary objections or by affidavit, deposition or testimony, the moving party shall file a memorandum of law. This memorandum shall be processed in accordance with Section 1 of this Rule.

Comment: Rule 1028 rescinded and renumbered as Rule 1028 (c) on June 28, 2004

Rule* 1034. - Motion for Judgment on the Pleadings. (Rescinded)

Comment: Rule 1034 rescinded and renumbered as Rule 1034(a) on June 28, 2004.

Rule* 1034(a) - Motion for Judgment on the Pleadings

(a) The procedure for Motion for judgment on the pleadings shall be set forth in Rule 1028(c).

Comment: Rule 1034 was rescinded and renumbered Rule 1034(a) on June 28, 2004

Rule* 1035.2 - Motion for Summary Judgment (Rescinded)

Comment: Rule 1035.2 was rescinded and renumbered as Rule 1035.2(a) on June 28, 2004.

Rule* 1035.2(a) - Motion for Judgment

(a) The procedure for summary judgment motions shall be set forth in Rule 1028(c) except that respondent shall have thirty (30) days from the filing date of the motion in which to file a reply memorandum.

Comment: Rule 1035.2 was rescinded and renumbered Rule 1035.2(a) on June 28, 2004.

Rule* 1037- Assessment of Damages for Cost of Repairs to Property, Opening Judgment by Default

(b)(3) In all actions in which the only damages to be assessed are the costs of repairs that have been made to property, damages may be assessed in accordance with the provisions of Pa.R.C.P. 1037(b). The Praecipe, affidavit of repairman, and affidavit of notice shall be substantially the following form:

(i) Form of Praecipe

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

Plaintiff

No. _ of 20

v.

Defendant

Civil Action

PRAECIPE FOR ASSESSMENT OF DAMAGES
UNDER PA.R.C.P. 1037 (b) (2)

To the Office of Judicial Support:

Plaintiff(s) hereby waive(s) any other damages under the judgment entered except the cost of repairs made to his (her, their) property, and he (she, they) request that damages be assessed as follows:

Cost of repairs: _____

Interest from _____ plus costs.

TOTAL

TO Office of Judicial Support
Courthouse Media, Pennsylvania

(ii) Assessment of Damages

And now, this day of _ AD. 20 _ plaintiff(s) having waived any other damages under the judgment entered except the cost of repairs made to his (her, their) property, and having filed an affidavit of the repairman containing an itemized repair bill, and having filed an affidavit of mailing of notice of this assessment to the defendant(s), and the defendant(s) not having filed by written Praecipe a request for trial on the issue of such

damages, plaintiffs damages are assessed as above in the sum of:

Office of Judicial Support

The Praecipe shall be accompanied by an affidavit of the repairman. The affidavit of the repairman shall contain an itemized repair bill setting forth the charges for labor and material used in the repair of the property. It shall also state the qualifications of the person who made or supervised the repairs, that the repairs were necessary, and that the prices for labor and material were fair and reasonable and those customarily charged.

(iii) Form of Affidavit of Repairman

_____ being duly sworn according to law deposes and says that he has been engaged in the business of motor vehicle repair work and/or the estimating of motor vehicle repair work for _____ years; that he made and/or supervised the repairs set forth in the attached repair bill, the contents of which are incorporated by reference; that the said repairs were necessary and the prices for labor and material set forth were fair and reasonable and those customarily charged.

Sworn to and subscribed
before me this ____ day
of A.D.20____
Notary Public
My Commission Expires: _____

The plaintiff shall send a copy of the affidavit and repair bill to the defendant by registered or certified mail directed to his last known address, together with a notice setting forth the date of the intended assessment of damages, which shall be not less than 10 days from the mailing of the notice and a statement that damages will be assessed in the amount of the repair bill unless prior to the date of assessment the defendant by written praecipe files with the Office of Judicial Support a request for trial on the issue of such damages. An affidavit of mailing notice shall be filed.

(iv) Form of Affidavit of Mailing Notice

Commonwealth of Pennsylvania

County of Delaware

_____ being duly sworn according to law, deposes and says that he is the attorney for the plaintiff(s); that on (date) he sent by registered or certified mail to the defendant(s) at his (her, their) last known address(es) a copy of the affidavit of the repairman and a copy of the repair bill, together with a notice that damages would be assessed on or after (a date at least ten days after the date on which the notice was sent) in the amount of the repair bill unless prior to (the last mentioned date) the defendant had filed a written Praecipe with the Office of Judicial Support requesting a trial on the issue of the damages.

(d)(1) A petition for relief from judgment entered for want of an appropriate pleading shall be accompanied by the properly executed pleading in question.

Comment: Renumbered from former Rule *2959 October 29, 1988, effective immediately.
Renumbered January 28, 2016, effective 30 days after publication in the
Pennsylvania Bulletin.

Rule *1038 - Custody and Storage of Trial Exhibits

- (a) The custody and storage of trial exhibits in a trial without a jury shall be dealt with in the same manner as in a jury trial, pursuant to Local Rule *223.1.

Comment: Adopted May 3, 2000.

Rule 1042.21 - Professional Liability Actions; Motions For Mediation

- (A) The ADR Committee of the Delaware County Bar Association shall prepare a list of available co-mediators it deems appropriate for mediation in professional liability actions subject to approval by the Court. The list shall be updated annually by the Committee and resubmitted to the Court for approval.
- (B) The Court Administrator shall designate the assigned co-mediators upon request by the Court.
- (C) In the event the Court approves a motion for mediation and only if the parties have not agreed to a private mediator(s), the Court shall request the Civil Court Administrator to designate co-mediators. The Court shall thereafter order mediation, including in its Order the name, address, and telephone number of the co-mediators. A copy of the Court order shall be forwarded to the Civil Court Administrator, and to the selected co-mediators. If a co-mediator has a conflict of interest, or is unable to serve for any reason, then the co-mediator shall immediately notify the Civil Court Administrator for purposes of further assignment.
- (D) The co-mediators shall confer with each other and all counsel to establish the date, time, and place of the mediation session pursuant to the Court's Order. Unless specifically requested by the co-mediators, the parties shall not contact or forward documents to the co-mediators. Counsel who are primarily responsible for the case and any unrepresented party shall attend the mediation session. All parties, insurers and principals of parties of decision-making authority must attend the mediation session in person, unless their attendance is excused by the co-mediators for good cause shown; in such an event, they must be available by telephone during all mediation sessions. All parties, insurers, principals, and counsel must be prepared to fully discuss all liability and damage issues and to participate in meaningful settlement negotiations.
- (E) The co-mediators, (generally comprised of an experienced member of the Plaintiffs Bar and an experienced member of the Defense Bar), will jointly conference the case, attempting to facilitate settlement (utilizing standard mediation practices, including shuttle diplomacy, caucusing, etc.), or they may give a neutral evaluation. The co-mediators cannot be called as a witness as to the mediation of any issue arising therefrom. All communications among the co-mediators, the parties, and/or their counsel shall remain confidential. Any comments and/or opinions expressed by the co-mediators are advisory only. All counsel, parties, their agents and/or representatives shall comply with these directives, including the foregoing terms and conditions contained in this local Rule.
- (F) No mediation proceedings, including any statement made or writing submitted by a participant, shall be disclosed to any person who is not directly involved with the mediation session. The parties' settlement positions and/or statements shall not be disclosed to the trial Judge unless mutually agreed to by the parties; and, in the event the case involves a non jury trial, under no circumstances shall the parties' settlement positions and statements be disclosed to the assigned Judge. No transcript or other recording may be made of the mediation session, and the mediation proceeding shall not be used by any adverse party for any reason including the litigation at issue.
- (G) The moving party who sought mediation shall notify the Court and the Civil Court Administrator in writing at the conclusion of the mediation process indicating whether or not a settlement has been reached.
- (H) The moving party shall pay the cost of the co-mediators and shall pay each co-mediator directly. The rate of compensation for each co-mediator is \$150.00 per hour. The party who initially filed the motion for mediation shall also pay a \$50.00 non-refundable administrative fee paid to the Delaware County Bar Association upon assignment of the co-mediators by the Court.

Comment: All motions filed pursuant to this Rule are subject to the procedural requirements set forth in Rules *205.2(a)(b); 208.1 and 208.2

Comment: Adopted December 20, 2004, filed for public inspection January 7, 2005.

Rule *1147- Complaint in Mortgage Foreclosure

The plaintiff shall attach to his complaint a copy of the notice required by §403 of the Loan Interest & Protection Law (41 P .S. §403).

Rule *1301- Scope, Stipulations Amending Amount in Controversy

- (a) In accordance with §7361 of the Judicial Code (42 Pa. C.S.A.), as amended, all civil cases, to include assessments of damages, where the amount in controversy, exclusive of interest and costs, does not exceed \$50,000.00 shall first be tried before a board of arbitrators. This rule does not apply to cases involving title to real estate nor to other cases prohibited from reference to a board of arbitrators under existing law.
- (b) The amount in controversy originally pleaded cannot be reduced to a sum not in excess of \$50,000.00 except by stipulation of the parties or by order of court. If the case has already been assigned to a judge, the stipulation must be approved by that judge. All such stipulations, whether requiring court approval or not, shall be filed with the Office of Judicial Support and the Court Administrator.

Comment: Adopted October 25, 1990. Further amended April 6, 1993, effective June 1, 1993.

Rule *1302.- List of Arbitrators, Appointment to Board

- (a) The Delaware County Arbitration Committee shall prepare a list of available arbitrators subject to the requirements of Pa.R.C.P. 1302(a) for approval by the court. This list shall be updated annually by the Committee and resubmitted to the court for approval.
- (b) The Court Administrator shall appoint arbitrators from this list who have been approved by the court.

Comment: Readopted and amended April 13, 1993.

Rule *1303.- Hearing, Notice

(A)(1)

- (i) All arbitration cases will be assigned a date and time for hearing at the time of the initial filing by the plaintiff or appellant from a judgment by a District Justice. The hearing date shall be the first available date no less than 270 days from the date of initial filing.
- (ii) A notice prepared and attached by the Office of Judicial Support shall indicate the hearing time and date, which notice shall be attached at the time of initial filing. The aforementioned notice shall be affixed both to the original and all service copies of the complaint or praecipe for writ of summons or, in the case of appeal from District Justice judgments, the notice of appeal.
- (iii) The notice attached by the Office of Judicial Support to the original filing shall also include the following statement:

"This matter will be heard by a board of arbitrators at the time, date and place specified but, if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge."
- (iv) In the case of a joinder complaint, the moving party shall provide to the parties being joined a copy of the original notice setting forth the time, place and location of the arbitration hearing, as well as a copy of the notice referred to in (a)(1)(iii).
- (v) In no event shall less than thirty (30) days' written notice of the date, time and place of hearing be given to the parties or their attorneys of record.

(b)(2) Should the court decide to hear the matter pursuant to Pa.R.C.P. 1303(b)(2), the trial court may choose to

- (i) enter a judgment of nonsuit if the plaintiff is not ready or fails to appear; or
- (ii) enter a judgment of non pros if neither party is ready or appears; or
- (iii) hear the matter and make a decision, if the defendant is not ready or fails to appear.

(b)(3) Should a nonsuit be entered under this Rule, it is subject to the filing of a motion under Rule *227.1(a)(3) for post-trial relief to remove the nonsuit.

(b)(4) Should a judgment of non pros be entered under this Rule, it is subject to the filing of a petition under Rule 3051 for relief from a judgment of non pros.

(b)(5) Should an adverse decision be entered under this Rule against a Defendant who failed to appear, The Defendant may file a motion for post-trial relief which may include a request for a new trial on the ground of a satisfactory excuse for the defendant's failure to appear.

Comment: Amended January 9, 2007

(c) When the amount in controversy, exclusive of interest, costs and delay damages, is reduced to a sum not in excess of Fifty Thousand Dollars (\$50,000.00) in accordance with the provisions of Rule *1301(b), the case shall forthwith be assigned a hearing date no less than 60 days from the date on which the stipulation is filed or the date of the court's order. The plaintiff shall promptly notify all other parties of the hearing date and time assigned by the Court Administrator.

(d) The plaintiff may apply to the court to have a case originally filed as an arbitration matter certified as a non-arbitration matter. Such application shall be by motion filed in accordance with the provision of Rule *206(B)l.

(e) In the event a case is settled or otherwise concluded it shall be plaintiff's responsibility to give prompt written notification thereof to the Court Administrator in the form of an order to settle, discontinue and end or an application for continuance pending consummation of the settlement.

(f) All motions, with the exception of applications for continuance, must be filed no later than thirty (30) days before the hearing date.

Comment: Adopted February 9, 1999, clarified May 3, 1999.

Rule *1305 - Conduct of Hearing. Evidence

(b)(1) In addition to the items described in Pa.R.C.P. 1305(b)(1), and subject to all the provisions thereof, a party may offer in evidence without further proof the following items:

(vii) photographs, models and other non-documentary exhibits. Where the nature of these exhibits is such that it is not feasible to send a copy to the adverse party, an accurate description of the exhibits shall be provided, and they shall be made available for reasonable inspection by the adverse party. If the moving party receives no written objection thereto not less than 10 days prior to the trial date, this physical evidence shall be admitted. If objection is made, the moving party may submit a written request to the Court Administrator for reference to the appropriate judge.

Comment: Rule *1305 amended April 6, 1993, effective June 1, 1993; and February 1, 1996. [Amendment of December 4, 1997 was rescinded as partially duplicative of Pa.R.C.P. 1305(b)(1) on January 23, 1998.] Former Rule *1305 renumbered *1305(b)(1)(vii) and amended January 23, 1998.

Rule *1308(a)(2)- Appeal, Arbitrator's Compensation

Subject to the provisions of PA. R.C.P. 1308(a)(2) the Appellant shall pay to the Office of Judicial Support a fee, said fee to be established by Order of the President Judge. Checks shall be made payable to the Treasurer of Delaware County.

Comment: Amended April 6, 1993, effective June 1, 1993. Further amended December 4, 1997;
amended February 13, 2007

Rule *1531- Special Relief, Injunctions

- (a) In non-emergency cases already assigned to a judge, applications for preliminary injunctions shall be governed by the provisions of Rule *206(B)(3).
- (b) In non-emergency cases not yet assigned to a judge, applications for preliminary injunctions shall be by petition, in conformity with Rule *206(B)(3), which shall be filed with the Office of Judicial Support to be time-stamped and docketed and then brought to the Court Administrator by the applicant to obtain a hearing date. Thereafter, the applicant will be notified of the scheduled hearing date by the Court. The applicant, once notified, will thereafter notify all interested parties of the scheduled hearing date and time.
- (c) Where petitioner seeks a preliminary or special injunction prior to notice or hearing, his petition shall have an appropriate order attached thereto. The Court Administrator will determine the appropriate judge to whom the petitioner shall promptly present the matter.
- (d) Where a party against whom a preliminary injunction has been granted prior to notice or hearing shall move to dissolve it prior to the date set by the court for hearing, either for insufficient security or for any other cause, he shall give such notice of the hearing on his application to the petitioner as the court may direct. This notice shall set forth the grounds for the applications to dissolve.

Comment: Adopted October 25, 1990; amended May 5, 2000.

Rule *1534- Filing an Account and Exception to Accounts.

- (a) All trustees, committees, guardians, receivers, assignees for the benefit of creditors and all persons and fiduciaries who shall be under obligation to file an account shall give notice of the filing and the time at which the account will be called for confirmation to all persons in interest of whom the accountant shall have knowledge. Unless otherwise provided by law, the Office of Judicial Support shall give notice once a week for three successive weeks in the Delaware County Legal Journal and one approved newspaper that the account will be presented to the court for confirmation and for an order of distribution at the time stated in the notice, unless exceptions are filed with the Office of Judicial Support before that date. Upon due proof being made of said publication, the accountant or his attorney of record shall present the account in open court on the day fixed in said notice at which time, unless the account is marked "for information only," the court may refer the account to an auditor, who shall proceed in manner similar to that prescribed by Rule 1530(3) et seq, or the court may confirm the account nisi, subject to exceptions which may be filed at or before the time of presentation of the account for confirmation. If no exceptions have been filed, the account shall be confirmed as of course without further actions by the court.

If an account is marked "for information only" and no exceptions are filed, it shall not be confirmed but shall remain on file.

Where the court shall sit to make distribution without appointing an auditor, a petition for distribution shall be filed similar in form to petitions for distribution required by the Orphan's Court Division.

Whenever the court shall sit to pass on exceptions to an account or make distribution of any fund, where there has been no auditor appointed, the accountant shall give notice at least 10 days prior to the time fixed for the hearing to all parties in interest, including creditors, by registered mail to their last known address, stating that all persons must prove their claims at such hearing or be barred from participating in the distribution of the fund, and he shall certify to the court that such notice has been given.

Comment: Amended January 28th, 2016. Effective upon publication on the UJS portal.

Rule *1558.- Masters in Partition

- (b) Masters in partition shall be members of the bar of this court who maintain their principal offices in this county.

Rule *1910.3(4).- Parties

- (i) In connection with any complaint for support or petition to modify or terminate a support order, affecting a competent child over 18 years of age, the parent representing the interests of the child shall attach to said complaint or petition the child's written consent in the form of an affidavit.
- (ii) The affidavit shall take the following form:

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

Plaintiff
v.
Defendant

No. _____ of 20____
Civil Action - Support

AFFIDAVIT OF CONSENT TO
PETITION FOR SUPPORT

I, _____, being of _____ years of age, consent to having _____, my _____, (relationship) act in my place and stead in a certain support action as filed at No. _____

I further authorize _____ to appear in any proceeding on my behalf related to the petition for my support. IN WITNESS,

I set my hand and seal **this** _____ day of _____, 20____

Petitioner

Sworn to and subscribed before me this _____ day of _____, 20____

Notary Public

I, _____, agree to act for and on behalf of _____ as above authorized.

Attorney

Rule *1910.9(c)- *Discovery*

- (1) When the income and assets of a party are not sufficiently ascertainable from the information supplied pursuant to Pa.R.C.P. 1910.9(b), 1910.16(b) and 1910.27, or when there are other compelling reasons, discovery may be requested by motion, setting forth reasons and the specific discovery requested.
- (2) Discovery shall be requested only by written motion filed in the Office of Judicial Support with a copy to the Domestic Relations Office. Upon its filing, said motion for discovery shall be scheduled for hearing by the Domestic Relations Office not sooner than seven days from the service thereof pursuant to Pa.R.C.P. 440. Notice of the time for hearing shall be served with the motion.
- (3) The hearing officer shall hear these requests and make a recommendation. The procedure shall then follow that provided in Pa.R.C.P. 1910.11 (f) et seq.

Rule *1910.11(a)- Intake Conference, Hearing Conference, Guidelines

- (1) Upon commencement of an action (Pa.R.C.P. 1910.4), but prior to the conference referred to in Pa.R.C.P. 1910.11 (herein designated "hearing conference"), the Domestic Relations Officer or his designee shall provide for service of the complaint in conformance with Pa.R.C.P. 411, and shall conduct an intake conference. A notice in the following form shall be attached to the complaint.

Form of Notice of Office

Conference Notice: To _____(name of defendant)

You are directed to appear for an intake conference in the Domestic Relations Office at the Media Courthouse on the _ day of _____20 at ___ o'clock .M.

By:

Domestic Relations Officer

You have the right to a lawyer, who may attend the conference and represent you. 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 may get legal help.

Lawyer's Reference Service
Front and Lemon Streets
Media, Pennsylvania 19063
(610) 566-6625

Comment: See Pa.R.C.P. 411 for service particulars

- (2) At the intake conference, the Domestic Relations Officer shall obtain information from the parties with respect to family history, income, expenses, and other pertinent information, as may be necessary to reach an agreement between the parties, or to prepare for a hearing conference before the hearing officer. At the intake conference the Domestic Relations Officer will make use of the court-approved guidelines for assistance in determining an appropriate recommendation with respect to the amount of support. Copies of the guidelines materials are available at the Domestic Relations Office.
- (3) If no agreement is reached at the intake conference, or the defendant fails to appear, the Domestic Relations Officer shall schedule a hearing conference and serve the defendant pursuant to Pa.R.C.P. 440 with an order in form as required by Pa.R.C.P. 1910.2 6(b). At the hearing conference each party shall produce a completed guidelines worksheet.

Comment: Amended September 27, 1988, effective immediately.

Rule *1910.13- Contempt

- (a) If the alleged disobedience constitutes failure to appear or to produce records at a hearing, an application for a bench warrant or to hold the person in contempt may be made upon oral motion in open court prior to the call of the case or upon commencement of the hearing.
- (b) Except as provided in section (a), proceedings shall be by way of petition and rule to show cause. The petition shall aver the terms of the order which the person is alleged to have disobeyed and the facts alleged to constitute the disobedience.

Comment: The power of the court to exercise its contempt power sua sponte is unaffected by this Rule.

Rule *1910.15. - Paternity

- (a) The Domestic Relations Division shall conduct an intake conference. If the defendant acknowledges paternity, the action shall then proceed under Pa.R.C.P. 1910.11. If the defendant denies paternity, the intake officer shall provide both parties with a notice of their right to a blood test and trial by jury in the form provided by Rule *1910.28(b).
- (b) If a party requests a blood test as authorized by the Judicial Code, 42 Pa. C.S. §6131 *et seq.*, and the parties agree on this issue and the payment of the expense, they shall enter into a stipulation to this effect. An order shall then be entered for the testing in the form provided in Rule *1910.28(c).

Comment: Regardless of the agreement of the parties as to who initially will bear the expense of the blood test, the court has the authority to tax the expense as costs upon conclusion of the action. (Judicial Code 42 Pa.C.S. §6135).

- (c) If the parties are unable to stipulate to paternity the matter shall be listed by the Domestic Relations Division for a hearing before a judge. The judge shall enter an appropriate order in the form provided in Rule *1910.28(c).
- (d) The results of the blood test shall be returned to the Domestic Relations Division which will forward them to the parties or their counsel. The matter shall then be listed for a hearing before a judge by the Domestic Relations Division, unless the putative father has not been excluded by the blood test and demands a trial by jury, in which event the action shall be transferred to the Court Administrator's Office for jury trial assignment.
- (e) Should the defendant deny paternity and neither party request a blood test, the case shall be listed for a hearing before a judge by the Domestic Relations Division, unless the putative father demands a trial by jury, in which event the action shall be transferred to the Court Administrator's Office for jury trial assignment.

Rule *1910.19- Modification of Existing Orders

- (b) The petition shall proceed directly to hearing before a hearing officer unless a request for a conference is made in the petition.

Rule *1910.21 - Civil Contempt

(a)

(3) The Lawyers' Reference Service, Front & Lemon Streets, Media, Pennsylvania 19063, (610) 566-6625, is designated as the agency to be named in the notice.

(4) The petition shall have attached a rule together with the notice. The rule shall be substantially in the following form:

RULE

Effective (date), upon consideration of the within petition, it is hereby ordered that a rule is issued upon the respondent to show cause why he/she should not be held in contempt of court.

Rule returnable and hearing in accordance with the attached notice.

By the Court:

J.

(b) In lieu of attaching a copy of the support order or official statement of arrearages the petition may aver the terms of the order and the amount of arrearages. At the hearing the official records shall be available.

Comment: Amended June 28, 2004.

Rule *1910.28(b)- Form of Notice of Right to Trial on Issue of Paternity

The following notice and order shall be used in lieu of the form of notice provided in Pa.R.C.P. 1910.28(b).

Form of Notice for Blood Tests:

IN THE COURT OF COMMON PLEAS OF
DELAWARE COUNTY, PENNSYLVANIA

Plaintiff No. _____ of 20
v.
Defendant Civil Action - Support

NOTICE OF RIGHTS TO BLOOD TEST AND TO
TRIAL ON ISSUE OF PATERNITY

The defendant has not acknowledged paternity of the child, _____ born on _____ in
_____ (City and State), to _____ (Mother).

- (a) The parties are advised of their right to blood testing pursuant to the Judicial Code, 42 Pa. C.S.A. 6131, *et seq.*
- (b) The parties are advised of their right to a trial by jury to determine the issue of paternity, and to have an attorney represent them on the issue of paternity.
- (c) The parties further are advised that the trial on the issue of paternity shall be without a jury unless a party demands a trial by jury, in writing, within ten (10) days from the date of this notice on the separate form attached.

Domestic Relations Officer

Date:

I acknowledge receipt of a copy of this notice this _____ day of _____, 20

Plaintiff: _____ Defendant: _____

Form of Order for Blood Tests:

IN THE COURT OF COMMON PLEAS OF
DELAWARE COUNTY, PENNSYLVANIA

Petitioner No. _____ of 20

vs.

Respondent • _____ Civil Action - Support

ORDER

AND NOW, this _____ day of _____, 20____, upon denial of paternity by the respondent, and upon petition by _____, the court makes the following ORDER:

The petitioner and respondent and the minor child whose paternity is in question, are hereby ordered to submit to blood grouping tests, red cell typing and human leucocyte antigen testing (42 Pa. C.S.A. 6131 *et seq.*) .such blood tests to be performed by qualified experts.

The blood tests are to be taken by and made under the auspices of _____ and at _____ on the _____ day of _____, 20__, at ____ AM/PM.

By the Court:

J.

Form of Order for Blood Tests:

IN THE COURT OF COMMON PLEAS OF
DELAWARE COUNTY, PENNSYLVANIA

Petitioner

No. _____ of 20

vs.

Respondent

Civil Action - Support

ORDER

AND NOW, this ____ day of _____, 20__, upon denial of paternity by the respondent, and upon petition by _____, the court makes the following ORDER:

The petitioner and respondent and the minor child whose paternity is in question, are hereby ordered to submit to blood grouping tests, red cell typing and human leucocyte antigen testing (42 Pa. C.S.A. 6131 *et seq.*) .such blood tests to be performed by qualified experts.

The blood tests are to be taken by and made under the auspices of _____ and at _____ on the _____ day of _____, 20__, at ____ AM/PM.

By the Court:

J.

Rule *1910.29(b) - Notice to Obligor Concerning Disclosure of Arrearages

Notice to an obligor that the amount of his arrearages is to be made available to a consumer credit bureau organization requesting this information pursuant to 23 Pa. C.S. §4303, shall be sent by first class mail to the obligor at his last known address by the Domestic Relations Division. This notice shall be in substantially the following form:

We have received an inquiry concerning your arrearages from a consumer credit bureau organization. Our records show that as of (date) your arrearages amount to \$____. You have twenty (20) days from date of this notice in which to notify the Domestic Relations Division, in writing or in person, that you contest the accuracy of this information before it is provided to the requesting organization.

If you pay your arrearages in full within this period, no information concerning them will be provided to the requesting organization.

Actions for Custody, Partial Custody and Visitation of Minor Children

Comment: The following changes in procedure for Custody cases in Delaware County Court of Common Pleas were approved by President Judge A. Leo Sereni on June 18, 1996 to be effective July 1, 1996:

- (I) The following cases will be scheduled before the custody conciliators:
 - A. New Cases.
 - B. Older cases that have been in the inventory for a significant amount of time.
 - C. Evaluation issues.
 - D. Enforcement Issues.
 - E. Emergency cases – (with the understanding that the Family Court Judges will initially screen the case to determine if it is an emergency.)

- (II) If there is an agreement of the parties and counsel at the initial conciliation, a triplicated agreement will be completed by counsel at this conference and will be immediately sent to a Family Court Judge for signature.

- (III) If there is no agreement, the parties will be given notice of the date, time and place for a second conciliation conference/hearing. At the hearing, testimony may be taken if requested by counsel/parties, so as to conform with the Pennsylvania Rules of Civil Procedure. If an agreement is reached, the procedure set forth above will occur; if no agreement is reached, the Custody Conciliator shall prepare a Recommendation - (in triplicate form) which will become a Temporary Order of Court immediately. Any party may, within 10 days, file a Demand for Hearing.

Rule *1915.4-1 Custody Proceedings, Appointment of Conciliator

- (d) A Custody Conciliator shall be appointed by the Board of Judges. All custody proceedings shall be listed for a conference before the Conciliator prior to being assigned to a judge. The parties to the case and if represented, their counsel, shall attend.
- (e) Agreements reached as a result of the conference shall be submitted in form of stipulation and proposed order to the Custody Conciliator, who will present the stipulation and order to the court with a recommendation.
- (f) Cases not resolved at the initial conciliation conference may be continued and relisted by the Custody Conciliator for further conferencing, or may be forwarded to the court for hearing on the merits. When cases are forwarded for court hearing the Conciliator will submit a brief synopsis of the case as part of a letter of transmittal.
- (g) If, after proper service and/or notification, a party fails to appear at a conciliation conference, the Conciliator will report to the court and may recommend that the court impose appropriate sanctions.
- (h) A party may offer into evidence without further proof the following items:
 - (1) Reports and correspondence and records from physical health providers, educators, law enforcement departments and related officials if said documents are provided to opposing counsel or pro se party at least twenty (20) days before the scheduled hearing. If the moving party receives no written objection thereto not less than ten (10) days prior to the trial date, this evidence shall be admitted without the necessity of testimony from the scrivener. If objection is made, the party requesting the admission of said evidence may submit a specific written request for an evidentiary ruling to the Court Administrator for referral to the appropriate Judge. In no event shall the scheduled hearing be delayed as a result of the application of this rule.
 - (2) Reports and correspondence from mental health providers and custody evaluators if said documents are provided to opposing counsel or pro se party at least twenty (20) days before the scheduled hearing. If the moving party receives no written objection thereto, not less than ten (10) days prior to the trial date, this evidence shall be admitted without the necessity of testimony from the scrivener. If objection is made, the party requesting the admission of said evidence must be prepared to present the person whose testimony is waived by this Rule. In no event shall the scheduled hearing be delayed as a result of the application of this Rule.

Comment: Local Rule 1915.3 rescinded and entirely replaced with Local Rule 1915.4-1
June 30, 2016. Effective 30 days after publication in the Pennsylvania

Rule *1915.11(d). - Appointment of Attorney for Child, Interrogation of Child, Attendance of Child at Hearing or Conference.

- (d) Unless the party is directed by the court, the party wishing to bring a child or children to the hearing or conference shall provide at least seven (7) days written notice to all involved parties, or, if represented, their counsel.

Comment: Adopted June 30, 2016. Effective 30 days after publication I the Pennsylvania Bulletin.

Rule *1915.19 - Seminar for Separated and Divorced Parents

- (a) If a case is not resolved at the first conciliation conference, the court may order the parties to attend an educational seminar. The court may also order such attendance at any time sua sponte or by stipulation of the parties.
- (b) This seminar shall be conducted in the courthouse complex or at such other location approved by the court.
- (c) Each party shall be responsible for payment of his or her share of the seminar costs prior to the seminar. The provider shall waive for any party who has been qualified by the court to proceed in forma pauperis that party's share of the costs.
- (d) A certificate of compliance shall be given to the attendees and filed by the provider with the Office of Judicial Support.
- (e) Any party who fails to comply with the court's order directing completion of this educational seminar may be subject to a finding of contempt; and the court may impose whatever sanctions it deems appropriate including, but not limited to, an order imposing the payment of counsel fees. A hearing on a custody petition shall not be delayed by a party's refusal or delay in complying with this order.

Comment: Adopted May 4, 1998 (replacing former Rule *1915.4).

Rule *1915.23 - Attorney Eligibility.

No attorney associated with the District Attorney's Office in any capacity shall represent a party or co-respondent in a divorce action or a party in a custody proceeding unless such attorney shall file a written certification that such retention counsel in no way arises from any association with the District Attorney's Office, and that said attorney has not represented and does not presently represent any of the parties, the co-respondent or the Commonwealth in any support or criminal proceeding on behalf of the District Attorney's Office.

Rule *1920.1 - Definitions.

- (a) “At issue” means 20 days after service of the complaint when no other pleadings have been filed.

Rule *1920.11 - Pleadings Allowed

An original and one copy of all pleadings shall be filed with the Office of Judicial Support.

Rule *1920.12- Caption of the Complaint and Marriage Certificate.

- (e) The original marriage certificate or a photocopy thereof shall be attached to the complaint.

Rule *1920.31. - Hearings for Alimony Pendente Lite, Counsel Fees and/or Costs

- (f) At the conclusion of the hearing, the hearing officer shall file with the court his findings of fact, with his recommendations and a proposed order. The order shall state that any party may request a hearing before a judge by filing within 10 days after mailing of the notice of entry of the order a written demand therefore with the Court Administrator using the miscellaneous court and notice to serve form. If neither party requests a hearing before a judge within the 10-day period, the order shall constitute the final order. A request for a hearing before a judge shall not stay the recommended order. The hearing before a judge shall be de novo. Thereafter the order the court enters shall be the final order.
- (1) Any party may seek Alimony Pendente Lite by completing and filing with the Office of Judicial Support an application for Alimony Pendent Lite. The Office of Judicial Support shall promptly forward the application to the Domestic Relations Office which shall assign a PASCES identifying number and list the matter for hearing before the Master. The Domestic Relations Office will notify the parties of the hearing date and time. Applications for continuances shall be directed to the Domestic Relations Office.
 - (2) At the conclusion of the hearing, the Master shall file with the Court findings of fact, with recommendations and a proposed Order. The order shall state that any party may request a hearing before a Judge by filing within 10 days after mailing of the Notice of Entry of the Order, a written Notice of Demand for hearing with the Office of Judicial Support. The party requesting a hearing before a Judge shall file the Notice of Demand with the Office of Judicial Support and serve a copy of the Notice of Demand on all parties and the Court Administrator's Office for assignment to a Judge in conformity with Pa. R.C.P. 440. If neither party requests a hearing before a Judge within the ten-day period, the Master's recommended Order shall constitute the final Order.
 - (3) The Domestic Relations Office will close the case unless Ordered by the Court to collect the Alimony Pendente Lite. A request for a hearing before a Judge shall not stay the recommended Order. The hearing before the Judge shall be de novo.
 - (4) The alimony Pendente Lite Application shall be in substantially the following form: *(see form next page)*.

Domestic Relations Section of Delaware County
P.O. Box 543
Media, PA 19063
Phone: 610-891-4314
Fax: 610-891-1959

Application for Alimony Pendente Lite
(Please print clearly)

Divorce Docket Number: _____

Plaintiffs Name: _____

Social Security Number: ____ - ____ - ____ Date of Birth: / /

Address: _____

Is address confidential? Yes No

Home Phone Number: (_) ____ -

Attorney's Name: _____

Attorney's Address: _____

Attorney's Phone Number: (_) ____ -

Defendant's Name:

Social Security Number: ____ - ____ - ____ Date of Birth: / /

Address: _____

Is address confidential? Yes No

Home Phone Number: (_) ____ -

Attorney's Name: _____

Attorney's Address: _____

Attorney's Phone Number: (_) ____ -

Plaintiffs Signature: _____ Date ----- /

(File original plus two (2) copies.)

Comment: Amended November 19, 2002.

Rule *1920.53 - Hearing by Master, Report

- (a) Masters shall be appointed by the court to determine the issue of marital status. The court may appoint masters from a list of masters prepared and maintained by the Delaware County Bar Association, and supervised by the court. The master's fee shall be set by order of the court, from which shall be retained such administrative costs and deductions as the court shall set from time to time, with any additional fee for additional time or services to be set by the court on a case by case basis. Such masters shall have jurisdiction only for the determination of the issue of marital status, and only where the pleadings request relief under the Divorce Code.
- (d) The master shall fix a day for a hearing which shall not be more than 45 days after his appointment, unless the court, for cause shown, shall extend the time. At least 10 days prior to the hearing date, the master shall give the parties or counsel of the record the required notice.
- (e) Both the motion and the order for the appointment of a master shall be filed with the Office of Judicial Support in substantially the forms set forth below. The motion shall contain a separate certification by counsel for the moving party listing the names of the partners and associates of all attorneys representing either party.

(CAPTION)
MOTION FOR THE APPOINTMENT OF A MASTER

AND NOW, to wit, **this** day of _____ 20____, _____ moves your honorable court, as hereinafter provided, the complaint having been duly served upon the defendant, as required by law, (an answer) or (no answer) having been filed within the time fixed by law, all requested discovery on the issue of marital status having been completed, and (no attorney on defendant's behalf having entered an appearance) or (_____ having entered his/her appearance for defendant).

_____ Motion is made for the appointment of a master whose function shall be to make a recommendation as to the dissolution of marital status only.

There are no other members of the Delaware County Bar Association known to be representing or to have represented either party in any domestic matter except _____. A certification of counsel regarding partners and associates, pursuant to Rule* 1920.53(e), is attached hereto.

_____, Esquire, attorney for moving party (File original plus one (1) copy.)

(CAPTION)
ORDER

AND NOW, to wit **this** day of ____ 20__ upon consideration of the foregoing motion of _____ Esquire, attorney for _____ the court appoints _____ Esquire, as master in the above captioned action, to hear testimony and to make a recommendation with regard to the dissolution of marital status only.

By the Court:

(File original plus two (2) copies.)

- (f) Unless otherwise directed in writing by the court, all hearings before masters in divorce actions shall be held in the courthouse complex, or other court authorized facilities.

Comment: Subsections (a) & (d) amended May 4, 1998.

Rule *1920.54 - Hearing by Master. Report. Related Claims

(d) Once the ancillary claims for property division, alimony and counsel fees/expenses are ripe for determination, either party may file a motion for a case management conference with the Office of Judicial Support which will then be forwarded to the Court Administrator. This motion should be in substantially the following form:

(CAPTION)

MOTION FOR CASE MANAGEMENT CONFERENCE

1. The moving party is _____, the (plaintiff or defendant) in the above matter.

2. Respondent is _____, the (plaintiff or defendant) in the above matter.

3. Moving party represents that both parties have filed affidavits of consent; or one party has filed an affidavit of consent under 23 Pa.C.S. §3301(c)(2); or that plaintiff has filed and served a 3301(d) affidavit to which no counter-affidavit has been filed; or that a fault divorce master has recommended that a divorce be granted and no exceptions have been filed, and therefore the case is ripe for equitable distribution.

4. Moving party represents that an Inventory has been filed in compliance with Pa. R.C.P 1920.33.

5. Moving party respectfully requests that the matter be scheduled for a case management conference.

Respectfully submitted,

As a condition precedent to the scheduling of a case management conference for the disposition of the outstanding ancillary claims, the moving party must have filed an Inventory Pursuant to Pa. R.C.P. 1920.33 and certify in the motion for case management conference that an Inventory has been filed. Additionally, one of the following must have occurred:

- (1) both parties have executed and filed affidavits of consent pursuant to §3301(c) of the Divorce Code;
- (2) one party has filed an affidavit of consent under 23 Pa.C.S. §3301(c)(2);
- (3) one party has filed and served a 3301(d) affidavit and all accompanying materials pursuant to the Pennsylvania Rules of Civil Procedure, and twenty (20) days have passed from service thereof without a counter-affidavit having been filed refuting either the allegation of a two-year separation or the allegation of an irretrievable breakdown of the marriage;
- (4) a recommendation for a fault divorce has been issued by a divorce master and no exceptions have been taken thereto; or, if exceptions have been taken, those exceptions have been resolved by the court in favor of upholding the master's recommendation.

(e) The Court Administrator shall then schedule a case management conference before a hearing officer. At the conclusion of the case management conference, a case management order shall be issued which shall include:

- (1) a listing of document production or other discovery required;
- (2) a schedule for such discovery/document production;
- (3) a due date for the parties' pre-trial statements;
- (4) a date for a pre-trial conference;
- (5) such other matters necessary to prepare the case for the pre-trial conference as the hearing officer shall deem appropriate.

Failure to comply with the requirements of a case management order may result in the imposition of sanctions under Pa. R.C.P. 4019 and/or Pa. R.C.P. 1920.33 (c)(d). Sanctions may include but are not limited to an award of attorney's fees and/or precluding the introduction of evidence in support of or in opposition to claims.

- (f) At the pre-trial conference, the hearing officer will discuss the issues applicable to the case as well as potential settlement. The hearing officer will also resolve any outstanding discovery issues. At the conclusion of the pre-trial conference, in the discretion of the hearing officer, the case will be assigned either a date for another pre-trial conference or a hearing date.
- (g) The parties must be present at the hearing and prepared to present testimony and/or documentary evidence. The hearing will be a non-record hearing. However, on application of a party, and in the sole discretion of the hearing officer, the hearing or portions thereof may be reported (and transcribed). It shall be the obligation of the party requesting reporting (and transcription) to make the necessary arrangements therefore.
- (h) All case management conferences, pre-trial conferences and hearings shall be held in the courthouse complex or other authorized facilities.
- (i) Hearings shall be conducted in accordance with the Pennsylvania Rules of Evidence. A party may, however, offer into evidence in the nature of real estate and personal property appraisals, estimates of value or worth, listings of fees and costs, actuarial and other economic reports, as well as the official or certified record of any governmental or judicial body, provided that true and correct copies of all such documentary evidence have been provided to the adverse party no later than the date for pre-trial conference, unless the time has been extended by the hearing officer.
- (j)(i) In cases assigned to the Equitable Distribution Masters for disposition, petitions filed by counsel seeking Leave to Withdraw as Counsel shall be filed pursuant to Local Rule 206.8. All Petitions filed by Counsel seeking Leave to Withdraw as Counsel, and the Certification required in connection therewith, shall be filed at least ten (10) days prior to any scheduled proceeding before the Equitable Distribution Master.
 - (ii) At the time of the filing of the Petition, or prior to the Hearing Date assigned thereto, petitioning counsel, when appropriate, may file a Certification reporting that all parties and counsel have been notified of the filing of the Petition, and that there is no opposition thereto. Upon the filing of such a Certification, the matter shall be removed from the Hearing List, and the Order, submitted with the Petition shall be entered as a matter of course.
- (k)(i) The parties to a Decision of an Equitable Distribution Master shall have the right to seek Reconsideration of the Decision by the filing of a detailed Petition within fourteen (14) days of the date of entry of the Decision. Grounds for Reconsideration shall be limited to miscalculation, failure of the Master to consider specific assets or liabilities, and other or similar errors. Reconsideration shall not lie in order to permit re-litigation by the parties of an award or denial of Alimony or Counsel-Fees or Costs, the percentage of division, or other issues related to the dispositive plan decided upon by the Master.

The Petition for Reconsideration shall be referred immediately to the Master making the Decision for disposition. Filing of the Petition shall not, in and of itself, serve to stay the time for Appeal. Grant of the Petition for Reconsideration shall act as a Supersedeas of all matters.

 - (ii) The parties to a decision of an Equitable Distribution Master shall have the right of Appeal from the Decision of the Equitable Distribution Master by the filing of a Request for Hearing De Novo within twenty (20) days of the date of entry of the Decision.
 - (iii) A party filing an Appeal of a Decision of the Equitable Distribution Master shall pay a fee to the Office of Judicial Support in the amount of Three Hundred Dollars (\$300.00) in consideration thereof.

Comment: Former rule rescinded in its entirety and readopted November 17, 1998; amended June 21, 2005

Rule* 1920.76 - Divorce Decrees and Property Settlement Agreement

- (c) If the parties enter into a written agreement concerning ancillary issues and further agree that it may be incorporated into the decree of divorce or any subsequent order of court regarding ancillary relief, a true and correct copy of the agreement, duly executed and dated by the parties, shall be submitted to the court with a decree in substantially the following form:

(CAPTION) _____

DECREE

AND NOW, this _day of ____ 20_, it is hereby decreed that____ , Plaintiff, and _____ Defendant, are divorced from the bonds of matrimony.

The Property Settlement Agreement dated _____ 20_ is hereby incorporated but not merged into this Decree for enforcement purposes only.

By the Court:

J.

Comment: Further adopted October 25, 1990. Subsections (a) & (b) rescinded May 4, 1998.

Rule *1920.88 - Dismissal of Actions

Any divorce matter or ancillary matter that has not progressed by the filing of some petition or other proceeding within two years shall be disposed of by the Office of Judicial Support in accordance with Pa. R.J.A. 1901 and shall not be reinstated except by petition and rule showing good cause.

Rule *1920.90 - Divorce Files Impounded

In all divorce actions filed after December 31, 1939, the file shall be open to inspection by the parties or their attorneys of record without order of court. Inspection by others shall be only upon order of court for good cause shown.

In all divorce actions filed before January 1, 1940, the file shall be open to the general public for inspection.

Comment: Amended January 29, 2013, effective immediately.

Rule 1930.4(d). Service of Original Process in Domestic Relations Matters.

(d) *Acceptance of Service.* In lieu of service pursuant to this rule, the defendant or the defendant's authorized agent may accept service of original process by filing with the prothonotary a separate notarized document which shall be in substantially the following form:

Case Caption
ACCEPTANCE OF SERVICE

Comment: If the defendant accepts service personally, the second sentence of the affidavit should be deleted

In all Divorce actions in which Defendant is a Self-Represented Party, and in which the only proof of service/method of service of the complaint is the Defendants acceptance of service, the Defendant's (or Authorized Agent's) acceptance of service of the complaint shall be notarized (or) Counsel for Plaintiff may file a certification of service of the complaint noting Defendant's/Authorized Agent's acceptance of service (or) the plaintiff, if represented by counsel, may file an Affidavit/Verification of Signature attesting to the Defendant's signature on the Acceptance of Service of the Divorce Complaint.

Rule *2039 - Compromise, Settlement, Discontinuance of a Minor's Action and Distribution

- (a) The petition to compromise, settle or discontinue a minor's action shall include the following items:
1. A report from a physician dated within 30 days of the filing of the petition;
 2. A verified statement by the minor's guardian with respect to
 - (i) the minor's physical and/or mental condition and
 - (ii) certifying the guardian's approval of the proposed settlement (or discontinuance) and distribution of the settlement proceeds;
 3. A statement by the minor's attorney of his or her professional opinion concerning liability; and
 4. The minor's written approval of the proposed settlement and distribution (or discontinuance) in the event the minor has attained the age of sixteen 16.
- (b)
1. If the proposed distribution includes a claim for counsel fees in excess 25 percent of the net (after expenses incurred by counsel) settlement, evidence shall be presented as to the nature and extent of the services rendered.
 2. Within 30 days of the order approving the proposed settlement and distribution counsel for the minor shall file with the Office of Judicial Support a certification that the funds awarded to the minor were deposited in accordance with the provisions of Pa.R.C.P. 2039(b)(2).

Comment: Adopted February 1, 1996.

Rule *2952. - Complaint, Contents. [Rescinded]

Comment: Rescinded March 7, 2005.

Rule *2953 - Successive Action

- (c) Where an instrument contains more than one warrant of attorney to confess judgment or a warrant of attorney to confess successive judgments, and the instrument has previously been filed in the Office of Judicial Support of this county or in the Prothonotary's Office of some other county, judgment may be confessed on any unused warrant in that same instrument with endorsement thereon of the place of record of prior judgments on the same instrument, together with a statement by the plaintiff or his attorney that the warrant of attorney so used has not been previously exhausted. Upon entry of such judgment, the Office of Judicial Support shall enter on the docket of any prior proceedings in this county on the same instrument a memorandum of the place of record of any subsequent judgments confessed on said instrument.

Rule *2955 - Confession of Judgment

- (c) Whenever a judgment is entered by confession upon a bond or note secured by a mortgage upon real estate situated in this county, the attorney entering the judgment shall certify the book and page where the mortgage is recorded.

Rule *2956 - Entry of Judgment

When the confession is contained in an instrument secured by a mortgage upon real estate situated in this county, the Office of Judicial Support shall deliver a copy of the certification of the attorney, the date of the entry of the judgment and its term and number to the Recorder, who shall enter the date of entry of judgment and its number upon the margin of the mortgage.

Rule *2958 - Execution, Notice of Entry of Judgment

- (b) No writ of execution to sell real estate shall issue upon a judgment entered on an instrument accompanied by a mortgage on real estate until 20 days after the affidavit has been filed, certifying that the written notice has been served personally or sent by registered mail. Where the owners of the mortgaged premises, or obligors, are not known or their whereabouts are unknown, the affidavit shall state what was done to ascertain such information.

Rule *3021(b)(1)- Lis Pendens

- (a) Members of the bar may by praecipe enter a cause as lis pendens but such praecipe must include a description of the property affected by such action and a simple or brief description or identification of said property for use by the Office of Judicial Support in indexing said lis pendens. Inclusion of property not the subject of the suit shall be sufficient cause to summarily strike said lis pendens.
- (b) The Office of Judicial Support shall enter lis pendens upon the judgment index, with a reference to the number and term of the action and a brief description or reference to the property affected.

Comment: Renumbered January 28th, 2016. Effective upon publication on the UJS Portal

Rule *3121 - Stay of Execution, Setting Aside Execution

- (c) After the sale of real estate has been advertised, an order to stay execution will be conditioned upon the advertising costs incurred being paid by defendant, unless, on cause shown, the application could not have been made with reasonable diligence before the sale was advertised. Any order to stay execution, with the exception of a judgment entered on confession, will be conditioned upon payment of costs by defendant unless execution was issued within seven days after the entry of judgment, and in the latter event, the plaintiff will bear the costs. An order staying a writ of execution upon personal property shall not affect the plaintiffs right to have a levy made, unless the order shall direct the sheriff to return the writ without a levy.

Rule *3123 - Debtor's Exemption

- (a) When a defendant files with the sheriff a claim for exemption, the sheriff shall give to the plaintiff and the defendant at least 48 hours notice of the time and place at which an appraisal of the property claimed by the defendant will be made. The parties and their attorneys may be present when the appraisal is made. The sheriff shall make and file his appraisal of the property claimed by the debtor under any exemption law within 10 days after such claim is filed and the appraisal shall be confirmed as of course unless exceptions be filed within five days after the expiration of such 10-day period.

Rule *3128 - Notice of Sale, Personal Property

- (c) A petition for the continuance of a sheriffs sale shall be presented to the appropriate judge, accompanied with an order in a form as follows:

ORDER

Effective (date), after consideration of the within petition and upon motion of _____, attorney for petitioners, the sheriffs sale of personal property located at _____, Pennsylvania, more particularly described in the writ of execution filed in the above-captioned matter scheduled for (date and time), is hereby continued until (date and time) upon payment of all outstanding sheriffs costs.

By the Court:

J.

Rule *3129 - Notice of Sale, Real Property

- (b) Notice in a newspaper of general circulation shall be in an approved newspaper which has a circulation in the municipality in which the property is situated. Plaintiff shall prepare and deliver to the sheriff the form of handbills and advertisements giving the information required by law. The newspaper advertisement shall be in one paragraph in six-point solid type without leads. All usual words shall be abbreviated wherever possible and all distances shall be in Arabic numerals.

- (d) A petition for the continuance of a sheriffs sale shall be presented to the appropriate judge accompanied with an order in a form as detailed in Rule *3128 (c).

Rule *3139 - Sheriffs Return

(a)

(3) The sheriff shall make a return upon a general stay, continuance or adjournment of the sale of real estate.

(c) The sheriff shall return with every writ of execution an itemized schedule of any personal property seized under the writ.

Rule *3183 - Stay of Execution, Setting Aside Execution

- (g) Whenever, prior to sheriff's sale on a residential mortgage obligation, the default shall be cured pursuant to section 404 of the Act of January 30, 1974, No. 16 (41 P.S. §404), the mortgagee or his attorney shall sign a praecipe prepared by or on behalf of the mortgagor to vacate the judgment. The praecipe shall be in substantially the following form:

(CAPTION)

PRAECIPE TO VACATE JUDGMENT UPON CURING
OF DEFAULT ON RESIDENTIAL MORTGAGE

OFFICE OF JUDICIAL SUPPORT:

Vacate the judgment in the above-captioned matter without prejudice pursuant to the attached court order.

ORDER

Effective (date), it appearing that the default on the residential mortgage forming the subject of this suit has been cured pursuant to section 404 of the Act of January 30, 1974, No. 6, the Office of Judicial Support is hereby directed to mark the judgment previously entered herein as follows: "Vacated without prejudice to the continuing validity and lien priority of the mortgage held by the plaintiff which was the subject matter of this action and without prejudice to the institution by the plaintiff of a new proceeding under the mortgage loan documents upon a default hereafter occurring."

By the Court:

J.

Rule *3233(b) - Notice to accompany writs of scire facias.

All writs of scire facias issued in accordance with 53 P.S. §7185 shall begin with a notice in essentially the following form:

(CAPTION)

TO:

DATE:

IMPORTANT NOTICE

A claim for a delinquent lien or liens has been filed against you. If you fail to respond to this lien as set forth in the accompanying writ, you may lose your home and/or personal property. You must take action within fifteen (15) days from the date on which you were served with this notice and writ by entering, in writing, with the Court your defenses or objections to the claim or claims set forth against you. You are warned that, if you fail to do so, the matter may proceed without you, and a judgment, to include loss of your home and/or personal property, may be entered against you by the Court without further notice.

If you do not have a lawyer or cannot afford one, you may contact, either in person or by telephone, the following office to find out where you can get legal help.

LAWYERS REFERENCE SERVICE
FRONT AND LEMON STREETS
MEDIA, PA 19063
610-566-6625

Comment: Adopted April 26, 1994, effective immediately.

Rule *4002 - Place for Depositions to be Taken

In the absence of a contrary agreement between the parties pursuant to Pa.R.C.P. 4002 or a contrary order by the court, depositions shall be held in the courthouse complex. This rule shall not apply to depositions pursuant to Pa.R.C.P. 3117.

Rule *4007.1 - Procedure in Deposition by Oral Examination

- (a) Written notice required by Pa.R.C.P. 4007.1(a) shall not be filed with the Office of Judicial Support unless said deposition is to be taken for the purpose of preparing a complaint pursuant to Pa.R.C.P. 4007.1(c).

Rule *4012 - Protective Orders

- (c) No copies of pleadings or discovery matters already filed with the Office of Judicial Support shall be attached as exhibits to any motion for a protective order presented pursuant to Pa. R CP 4012.

Rule *4017.1- Videotape Depositions

- (i) The oath shall be administered by a court reporter, if present. Otherwise, any attorney present at the deposition, as an officer of the court, is authorized to administer the oath to the witness.
- (j) Prior to making any objection or moving to strike testimony during the course of the deposition, the objecting/moving party shall advise the video operator that he wishes to go off camera. The objection or motion, the basis therefor, the response of the adverse party and any other discussion pertaining to the objection or motion shall be made off camera but recorded by the court reporter as part of the written transcript of the deposition. At the conclusion of the discussion the parties shall advise the video operator, and the deposition shall then resume on camera.
- (k) If any objections and/or motions to strike have been made, the parties shall first review the written transcript and attempt to resolve areas of disagreement before requesting the trial judge to rule. In the event the parties are unable to resolve all their differences, the trial judge shall be notified promptly so as not to delay the trial. The objecting or moving party shall specify the pages and lines in the written transcript that are the subject of his objection or motion.
- (l) On camera testimony directed to be stricken by the trial judge shall not be heard or seen by the jury. The trial judge shall make whatever explanation to the jury he deems appropriate concerning the stricken testimony.
- (m) A deposition pursuant to this rule may be taken at any place agreed to by the parties unless the court for cause shown otherwise orders. In the absence of any agreement, the deposition shall take place in the courthouse complex. (See Rule *4002.)

Comment: Amended March 11, 1991.

Rule *4019 - Sanctions

- (a)(3) Where the court determines that a party's failure to respond to discovery requests is without reasonable justification, the court may, as part of its order directing compliance with the discovery requests, direct the non-complying party to pay a reasonable counsel fee to the requesting party. (See Rule *76 for definition of *party*.)

- (k) No copies of pleadings or discovery matters already filed with the Office of Judicial Support shall be attached as exhibits to any motions for sanctions presented pursuant to Pa.R.C.P. 4019.

Comment: Amended July 22, 1992.