

Clinton County



25th Judicial District

Local Rules

CLINTON COUNTY RULES OF COURT

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A stylized, colorful map of Clinton County, North Carolina, is the background. The map features a yellow sun in the upper left, a light blue sky, a green field, and a blue road winding through the lower right. A white outline of a courthouse with a dome is centered on the map, and a yellow airplane is flying in the sky to the left of the courthouse.

CLINTON COUNTY LOCAL RULES
OF JUDICIAL ADMINISTRATION

Rule 101. Title and Citation of Rules.

- (A) These rules shall be known as the Clinton County Rules of Judicial Administration and may be cited as “Clinton R.J.Admin. No. _____.”

- (B) These rules shall govern all proceedings in the criminal division of the Court and shall be construed either consistent with or subordinate to all rules or decision of the Supreme Court of Pennsylvania, the rules of the Judicial Council of Pennsylvania, or any statutes still in effect governing practice and procedure.

Rule 200. Confidential Documents.

- (A) Unless required by applicable authority the following information is confidential and shall be not included in any document filed with the Court or the Office of the Prothonotary, Clerk of Courts, or Clerk of Orphans' Court, except on a Confidential Information Form filed contemporaneously with the document:
- (1) Social Security Numbers;
 - (2) Financial Account Numbers, except on active financial account number may be identified by the last four digits when the financial account is the subject of the case and cannot otherwise be identified;
 - (3) Driver License Numbers;
 - (4) State Identification (SID) Numbers;
 - (5) Minors' names and dates of birth except when a minor is charged as a defendant in a criminal matter (see 42 Pa.C.S. § 6355); and
 - (6) Abuse victim's address and other contact information, including employer's name, address and work schedule, in family court actions as defined by Pa.R.C.P. No. 1931(a), except for victim's name.

This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable authority.

- (B) The Confidential Information Form shall be available on the website of the Court and at the Office of Court Administrator.
- (C) Parties and their attorneys shall be solely responsible for complying with the provisions of this section and shall certify their compliance to the Court. The certification that shall accompany each filing shall be substantially in the following form: "I certify that this filing complies with the provisions of the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania that require filing confidential information and documents differently than non-confidential information and documents."
- (D) The Court or staff of the Office of the Prothonotary, Clerk of Courts, or Clerk of Orphans' Court is not required to review or redact any filed document for compliance with this section. A party's or attorney's failure to comply with this section shall not affect access to case records that are otherwise accessible.
- (E) If a filed document fails to comply with the requirements of this section, the Court may, upon motion or its own initiative, with or without a hearing order the filed document sealed, redacted, amended or any combination thereof. The Court may impose sanctions, including costs necessary to prepare a compliant document for filing in accordance with applicable authority.
- (F) This section shall apply to all documents for any case filed with the Court or in the Office of the Prothonotary, Clerk of Courts, or Clerk of Orphans' Court.

Rule 1901. Termination of Inactive Cases at Magisterial District Courts.

- (A)** An “inactive matter” is defined as any civil or criminal proceeding filed in any Magisterial District Office in which no action has been taken for a continuous period of twenty-four (24) months.
- (B)** On or before March 1st of each year, each Magisterial District Judge, after at least thirty (30) days written notice to all parties and any attorney representing any parties, shall dismiss said inactive matters.
- (C)** On or before May 1st of each year, each Magisterial District Judge shall transmit to the Court Administrator and the President Judge a written report of any inactive matter which has been dismissed along with an explanation concerning any inactive matter which has not been dismissed.
- (D)** Magisterial District Judges shall destroy files of terminated cases three (3) years after the order of termination or an audit by the Commonwealth of Pennsylvania has been completed, whichever is later.

Rule 4007. Court Reporters and Transcripts.

(A) General Provisions

- (1) The District Court Administrator is the designee for purposes of the administration of this local rule.
- (2) This rule shall not interfere with or otherwise limit the income of Court Reporters. Court Reporters shall continue to be properly compensated for their professional services as related to the preparation of transcripts and orders.

(B) Procedures

- (1) **Format.** Requests for ordinary transcripts shall be set forth on a standardized form provided by the District Court Administrator of the Commonwealth of Pennsylvania and available at the Office of the District Court Administrator of Clinton County or the Clinton County Website.
- (2) **Requests for Transcripts.** For an ordinary transcript, the party requesting the full or partial transcript of a trial or other proceeding shall file the original request with the appropriate filing office of the court (Clerk of Courts, Prothonotary, or Orphan's Court).
- (3) **Service.** The Requesting Party shall serve copies of the formal request to:
 - (a) The Presiding Judge;
 - (b) The Court Reporter(s) assigned to the proceeding;
 - (c) The District Court Administrator; and
 - (d) All opposing counsel or parties if party is unrepresented.
- (4) **Costs.** The Court Reporter, upon receipt of request, shall estimate the cost of transcribing the requested transcript and provide that information to the District Court Administrator. The District Court Administrator shall forward that information to the requesting party.
- (5) **Requests for Daily, Expedited or Same Day Transcript.**
 - (a) Requests for daily, expedited or same day transcript shall be filed in writing in the appropriate filing office at least thirty (30) days prior to the beginning of proceedings.
 - (b) Copies of the written request shall be served as provided for by Section (B)(3) *supra*.

- (c) In the event of an emergency, a party may request by oral motion to the court a daily, expedited or same day transcript. Granting said request shall be at the discretion of the Court.
- (6) **Private Litigants.** When a private litigant requests a transcript, the party ordering said transcript shall make a payment of 75% of the estimated cost of the transcript as determined on the official request for transcript form.
- (7) **Payment of Costs.** Deposit checks shall be made payable to The County of Clinton-Transcript Deposit Fund and shall be delivered to the District Court Administrator.
- (8) **Preparation of Transcript.** Upon receipt of the 75% deposit, the Court Reporter assigned to the proceeding shall be directed by the District Court Administrator to prepare the transcript.
- (9) **Notice of Completion.** The Court Reporter(s) shall notify the ordering party and the District Court Administrator of the completion of the transcript and the final cost thereof. The Court Reporter(s) shall deliver a copy to the District Court Administrator. The original transcript shall not be filed and counsel or parties shall not receive copies until payment in full is received by the District Court Administrator.
- (10) **Payment of Balance.** Checks for the final balance due will be made payable to *The County of Clinton-Transcript Deposit Fund* and delivered to the District Court Administrator. Upon receipt of payment in full, the Court Reporter shall file and deliver the transcript to the requesting party or parties and upon presentation of an appropriate bill by the Court Reporter, the County shall make payment to the Court Reporter.
- (11) **Economic Hardship.**
- (a) The application to waive all or a portion of the costs for an ordinary transcript shall be supported by an affidavit substantially in the form required by Rule 240(h) of the Pennsylvania Rules of Civil Procedure. Such application should be prepared in the form of a petition to waive all or a portion of the transcript costs and filed in the appropriate filing office.
- (b) When a litigant requests a transcript but cannot pay for the transcript due to alleged economic hardship, the Court will determine economic hardship pursuant to the procedure set forth in Paragraph (C)(3) infra.
- (c) In cases of economic hardship where the matter is under appeal or a transcript is necessary to advance litigation, the cost of procuring the transcript shall be waived or otherwise adjusted by the Court.
- (d) In cases of economic hardship where there is no pending appeal or there exist no obvious need for the transcript to advance litigation, the requesting party must demonstrate reasonable need for said transcript which shall be set forth in the request for transcript before the Court shall waive or adjust the cost of obtaining the transcript. The Court will determine if the requesting party has

demonstrated reasonable need to have the transcript prepared without payment of the cost of the transcript.

(C) Rates

Transcript cost payable by a requesting party other than the Commonwealth or a subdivision thereof shall be governed as follows:

(1) **Costs Payable.** The costs payable by the initial ordering party for a transcript delivered via electronic format shall be:

- (a) For an Ordinary Transcript, \$2.50 per page
- (b) For an Expedited Transcript, \$3.50 per page
- (c) For a Daily Transcript, \$4.50 per page
- (d) For Same Day delivery, \$6.50 per page
- (e) For Rough Draft, \$1.00 per page
- (f) For complex litigation add \$0.50 to the per page price for each class of transcript the Court will determine at the request of any party or Court Reporter, if the litigation shall be deemed “complex.”

(2) **Bound Paper Format.**

- (a) When a transcript is requested in bound paper form, the costs shall be in accordance with Section (C)(1) supra relating to electronic format plus a surcharge of \$0.25 per page.
- (b) When a transcript is requested to be delivered in electronic format, the Court Reporter shall prepare an additional transcript in bound paper format if one is needed to be filed of record at no additional cost.

(3) **Economic Hardship.**

- (a) Transcript cost shall not be waived for daily, expedited or same day transcript.
- (b) The transcript cost for necessary ordinary transcripts shall be waived as follows:
 - (i) If requester has been permitted to proceed in forma pauperis.
 - (ii) If requester has income less than 125 percent of the poverty line as defined by the U.S. Department of Health and Human Services poverty guidelines for the current year.
 - (iii) If requester is represented by an attorney providing free legal service and the attorney files a praecipe which contains a certification by the attorney that the attorney is providing free legal service to the party and believes that the party is unable to pay the costs.

(c) The transcript cost for necessary ordinary transcripts shall be reduced by one half if requester has income less than 200 percent of the poverty line as defined by the U.S. Department of Health and Human Services poverty guidelines for the current year.

(d) Transcript costs for ordinary transcripts that are not subject to appeal, where the transcript is not necessary to advance the litigation, may be waived at the Court's discretion for parties who qualify for economic hardship under (B)(11) if the party demonstrates reasonable need.

(4) Assignment and Allocation of Transcript Costs.

(a) The requesting party or the party required by rule to file the transcript shall be responsible for the cost of the transcript. Costs shall not be assessed against any party for any transcript ordered by the Court, unless requesting a copy as provided by Subparagraph (C)(5) of this rule.

(b) When more than one party requests a transcript, or more than one party is required by rule to file a transcript, the costs will be divided equally among the parties.

(5) Copies of a Transcript. A request for a copy of any transcript previously ordered, transcribed, and filed of record shall be provided according to the following schedule:

(a) \$0.75 per page bound, paper format

(b) \$0.50 per page for an electronic copy

Any request for a copy of a transcript shall be directed to the District Court Administrator. Filing offices must direct all requests for copies of any transcript to the District Court Administrator.

The District Court Administrator shall notify the responsible Court Reporter to prepare a copy of the ordered transcript. All payments shall be paid to The County of Clinton Transcript Deposit Fund and upon presentation of appropriate bill by the Court Reporter, the County shall pay said fee to the Court Reporter.

(6) Other Costs.

(a) Costs payable to a Court Reporter by the Commonwealth, any subdivision of the Commonwealth or indigent parties for preparation of an ordered transcript and/or other necessary document shall be paid by the County at the rate as follows:

(i) Ordinary transcripts and orders - \$2.25 per page; and

(ii) All other requests as set forth in Subparagraph (C)(1) supra.

(b) Said payment by the County shall be made upon presentation of appropriate billing document from the Court Reporter.

Rule 5102. Custody of Exhibits. General Provisions.

(A) During Court Proceedings.

- (1) The Court Reporter for all, or a portion, of a court proceeding, shall be designated as the “Custodian,” as defined by Pa. R.J.A. 5101(a)(2), for all documentary exhibits, photographs, and photographs of non-documentary exhibits submitted during the court proceeding, regardless of whether said exhibits are accepted or rejected.
- (2) The Proponent shall be designated as the “Custodian,” as defined by Pa. R.J.A. 5101(a)(2), of physical evidence (including, but not limited to, weapons, cash, other items of value, or other dangerous materials) and bulky, oversized, or otherwise physically impractical exhibits during a court proceeding.
- (3) If only one (1) Custodian is involved with a proceeding, said Custodian shall file with the appropriate filing office all submitted exhibits and index of exhibits within five (5) business days of the conclusion of the proceeding.
- (4) If multiple Custodians are involved with a proceeding, the first Custodian shall provide the subsequent Custodian (and so on, if more than two Custodians) with the submitted exhibits and index of exhibits. The Custodian at the conclusion of the proceeding shall file with the appropriate filing office all submitted exhibits and index of exhibits within five (5) business days of the conclusion of the proceeding.
- (5) Notwithstanding this subdivision, the parties to a proceeding may agree to an alternate custodial process if approved by the presiding judge and confirmed by an Order of Court.

(B) After Court Proceedings.

(1) Custodian.

- (i) **Documentary Exhibits.** The appropriate filing office shall be designated as “Custodian,” as defined by Pa. R.J.A. 5101(a)(1), for all documentary exhibits, photographs, and photographs of non-documentary after the conclusion of a court proceeding, upon filing of said exhibits and index of exhibits.

(ii) Non-Documentary or Physical Exhibits.

- (a) At the conclusion of a court proceeding, the proponent shall transfer custody of physical evidence (including, but not limited to, weapons, cash, other items of value, or other dangerous materials) and bulky, oversized, or otherwise physically impractical exhibits to the Court Reporter. The Court Reporter shall thereafter be designated as “Custodian,” as defined by Pa. R.J.A. 5101(a)(1), for such exhibits upon receipt from the proponent at the conclusion of a court proceeding.

- (b) Upon receipt of physical exhibits from the proponent, the Custodian shall handle said exhibits in accordance with procedures outlined in Clinton County Local Rule of Judicial Administration 5103.
- (iii) Notwithstanding this subdivision, the parties may agree to an alternate custodial process if approved by the presiding judge and confirmed by an Order of Court.

(C) Proceedings Before a Hearing Officer.

(1) During Proceedings Before a Hearing Officer.

- (i) **Documentary Exhibits.** During a proceeding before a Hearing Officer, the Court Reporter shall be designated as the “Custodian,” as defined by Pa. R.J.A. 5101(a)(2), for all documentary exhibits, photographs, and photographs of non-documentary exhibits submitted during the proceeding before the Hearing Officer, regardless of whether said exhibits are accepted or rejected.
- (ii) **Non-Documentary or Physical Exhibits.** During a proceeding before a Hearing Officer, the proponent shall be designated as the “Custodian,” as defined by Pa. R.J.A. 5101(a)(2), of physical evidence (including, but not limited to, weapons, cash, other items of value, or other dangerous materials) and bulky, oversized, or otherwise physically impractical exhibits.

(2) After Proceedings Before a Hearing Officer.

- (i) **Documentary Exhibits.** The appropriate filing office shall be designated as “Custodian,” as defined by Pa. R.J.A. 5101(a)(1), for all documentary exhibits, photographs, and photographs of non-documentary after the conclusion of a proceeding before a Hearing Officer, upon filing of said exhibits and index of exhibits.
- (ii) **Non-Documentary or Physical Exhibits.** At the conclusion of a proceeding before a Hearing Officer, the proponent shall transfer custody of physical evidence (including, but not limited to, weapons, cash, other items of value, or other dangerous materials) and bulky, oversized, or otherwise physically impractical exhibits to the Court Reporter. The Court Reporter shall thereafter be designated as “Custodian,” as defined by Pa. R.J.A. 5101(a)(1), for such exhibits upon receipt from the proponent at the conclusion of proceedings before a Hearing Officer.
- (iii) **Index of Exhibits.** Litigants and the Court Reporter shall utilize the attached form when indexing said exhibits which shall be delivered, along with a copy of said form, with the exhibits to the filing office by the Court Reporter. The filing office personnel receiving the exhibits shall execute the original indexing form of exhibits, along with the copy, noting the date

the exhibits were received by the filing office and return the copy to the Court Reporter and file the original of record with said document being scanned and docketed within five (5) business days of said filing.

- (iv) **Confidential Information.** In all Court Proceedings, including proceedings before a Hearing Officer, the proponent shall include a properly completed Confidential Information Form or Confidential Document Form for any exhibit offered into evidence that contains confidential information or confidential documents as defined in the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania. These forms shall be given by the proponent to the Court Reporter maintaining the Index of Exhibits at the time evidence is introduced.

**THE COURT OF COMMON PLEAS OF THE 25th JUDICIAL
DISTRICT OF PENNSYLVANIA**

Index of Exhibits

Case Name: _____

Docket Number: _____

Proceeding: _____

Date: _____

Presiding Judge: _____

Parties/Counsel Present: _____

Number	Description/Title	Proponent	Admitted	Rejected	Sealed by Court	Confidential Information Sheet Required?

Name of Person Completing this Index:

Rule 5103. Custody of Exhibits. Special Provisions.

(A) Documentary Exhibits.

- (1) **Reproduction of Oversized or Voluminous Documentary Exhibits.** Upon a good-cause request for reproduction of an oversized or voluminous documentary exhibit, the custodian of said exhibit shall furnish a digital copy of said exhibit to the requesting party for reproduction. Said digital copy may be in the form of a physical universal serial bus (USB) drive or a portable document file (PDF) or other electronic file format sent by email to the requesting party.

- (B) Photographs.** Any photograph offered by a proponent may not be larger than 8-1/2 x 11 inches.

(C) Non-documentary or Physical Exhibits: Generally.

- (1) If a proponent offers into evidence physical evidence (including, but not limited to, weapons, cash, other items of value, or other dangerous materials) or bulky, oversized, or otherwise physically impractical exhibits, said exhibit(s) must be photographed by the proponent, converted to a letter-sized document, and appropriately marked and produced during the court proceeding for inclusion in the documentary record. Any converted letter-sized document shall be filed by the Custodian in the appropriate filing office, with other submitted documentary exhibits and index of exhibits, within five (5) business days of the conclusion of the proceeding.
- (2) Unless otherwise provided by the presiding judge, at the conclusion of the court proceeding, custody of physical evidence (including, but not limited to, weapons, cash, other items of value, or other dangerous materials) and bulky, oversized, or otherwise physically impractical exhibits shall be transferred from the proponent to the Court Reporter for safekeeping as required by any applicable retention schedule, statute, rule, regulation, or policy, or until further Order of Court.
- (3) **Status Conference for Bulky, Oversized, or Otherwise Physically Impractical Exhibits.**
 - (i) In advance of any proceeding where a proponent anticipates their exhibits will be categorized as bulky, oversized, or otherwise physically impractical pursuant to Pa. R.J.A. 5103(c)(3), the proponent shall motion for a status conference to be attended by all counsel and parties of record, if unrepresented.
 - (ii) A status conference held pursuant to this subdivision may be held via telephone or other electronic means at the discretion of the presiding judge.
 - (iii) The presiding judge, counsel, and parties if unrepresented, shall discuss maintenance and security of the exhibit(s) both during and after the proceeding consistent with Pa. R.J.A. 5104(a)(4), and the presiding judge shall confirm the same per an Order of Court.

Rule 5104. Custody of Exhibits. Special Provisions for Oversized or Voluminous Documentary Exhibits.

- (A) All documentary exhibits shall be filed in the appropriate filing office.
- (B) For any documentary exhibit that is found by the Court to be oversized or voluminous, the Court, on the Court's own Motion, or at the request of any party, may direct the party offering the oversized or voluminous documentary exhibit to provide the oversized or voluminous documentary exhibit in the form of a physical universal serial bus (USB) drive, a portable document file (PDF), or other electronic file format.
- (C) The physical universal serial bus (USB) drive, portable document file (PDF), or other electronic file format shall be entered into evidence as an exhibit, shall be maintained by the Court Reporter, and not filed of record in the appropriate filing office.
- (D) At the sole discretion of the Court, the Court may order the physical universal serial bus (USB) drive, portable document file (PDF), or other electronic file format to be uploaded into the applicable electronic system utilized by the filing office.



**CLINTON COUNTY LOCAL RULES OF
CRIMINAL PROCEDURE**

Rule 101. Title, Citation, and Scope of Rules.

- (A) These rules shall be known as the Clinton County Rules of Criminal Procedure and may be cited as “Clinton R.Crim.P. No. _____.”
- (B) These rules shall govern all proceedings in the criminal division of the Court and shall be construed either consistent with or subordinate to all rules or decision of the Supreme Court of Pennsylvania, the rules of the Judicial Council of Pennsylvania, or any statutes still in effect governing practice and procedure.

Rule 202. Approval of Search Warrant Applications by Attorney for the Commonwealth.

The District Attorney of Clinton County having filed a Certification pursuant to Pa.R.Crim.P. 202, no Search Warrant Application shall hereafter be accepted by a Magisterial District Judge unless the Search Warrant Application has the approval of an Attorney for the Commonwealth prior to filing.

Rule 301. Procedures for Accelerated Rehabilitative Disposition in Summary Cases before the Minor Judiciary.

Diversion in summary cases shall be in accordance with the local procedures adopted for Adjudication Alternative Programs (A.A.P.) as adopted by this Court on January 23, 2006, by Administrative Order 1-2006, which states:

- (A) The following types of summary cases shall be eligible for A.A.P. to be supervised by the Magisterial District Judge, pursuant to 42 Pa.C.S.A. § 1520.
- (1) Retail Theft. 18 Pa.C.S.A. §3929(a),(b)(1)(i).
 - (2) Purchase, consumption, possession or transportation of intoxicating beverages by one less than twenty-one (21) years of age. 18 Pa.C.S.A. §6308.
 - (3) Misrepresentation of age to secure liquor or malt or brewed beverages by one less than twenty-one (21) years of age. 18 Pa.C.S.A. § 6307.
 - (4) Carrying a false identification card. 18 Pa.C.S.A. §6310.3.
 - (5) Use of tobacco in schools prohibited. 18 Pa.C.S.A. §6306.1.
 - (6) Disorderly conduct if defendant is a juvenile. 18 Pa.C.S.A. §5503.
 - (7) Harassment if defendant is a juvenile. 18 Pa.C.S.A. §2709(a).
 - (8) Criminal mischief if defendant is a juvenile. 18 Pa.C.S.A. §3304.
- (B) Admission shall be requested within ten (10) days of receipt of the citations or summons. Extensions of the application period may be granted by the Magisterial District Judge for good cause. The Magisterial District Judge shall determine eligibility for summary A.A.P. within seventy-two (72) hours of the submission of the application.
- (1) No defendant who has previously been placed in an A.A.P. or A.R.D. Program in any Court shall be admitted to A.A.P. in a summary matter.
 - (2) A defendant who applies for A.A.P. in a summary matter shall execute the following:

AFFIDAVIT

I have not previously been placed in an A.A.P. or A.R.D. Program in any court at either the Common Pleas Court or Magisterial District Court level. I make this statement subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.

Date

Name

1. Prior to placing a defendant in A.A.P., the Magisterial District Judge shall determine that the defendant has not previously been placed in A.A.P. in a summary matter in this judicial district by contacting the other District Courts within the Judicial District.
2. Costs of supervision and restitution, if any, must be paid in full before admission to the A.A.P. Program. These costs include court costs incident to a non-traffic summary offense and any costs incident to the program to which the defendant is referred.
3. The defendant shall be notified in writing of acceptance or rejection from the A.A.P.
 - a. If accepted, defendant shall appear at a time designated by the Magisterial District Judge for completion of all documentation incident to admission to A.A.P.
 - b. If rejected, the Magisterial Judge shall notify defendant that he has ten (10) days to enter his plea and the case shall proceed in accord with Chapter 400 of the Pennsylvania Rules of Criminal Procedure.
4. The Magisterial District Judge shall schedule and notify the defendant at time of admission to A.A.P. of a hearing date to determine if all A.A.P. requirements have been met within the prescribed time frame of the specific programs entered into.
5. Requests for continuance of said hearing shall be denied, except in compelling circumstances. No continuance shall be for more than seven (7) days.
6. A defendant accepted into A.A.P. shall be referred to the following programs:
 - a. Retail theft
 - b. Alcohol
 - c. Tobacco in schools
 - d. Disorderly conduct
 - e. Criminal mischief
 - f. Harassment
7. Upon successful completion of all requirements, this defendant's case shall be dismissed and the defendant discharged.
8. If defendant declines A.A.P. or fails to successfully complete the program requirements, the case shall proceed in accord with Chapter 50 of the Pennsylvania Rules of Criminal Procedure.
9. No summary case shall remain "active" for purposes for A.A.P. supervision in excess of one (1) year.
10. The following shall be displayed in each Magisterial District office:

**NOTICE TO THOSE CHARGED
WITH CERTAIN SUMMARY OFFENSES—**

**Retail Theft,
Underage Alcohol Offenses,
Tobacco on School Property,
Harassment,
Disorderly Conduct,
and Criminal Mischief by a Juvenile**

You may be eligible to participate in a program (A.A.P.) which will result in dismissal of the charge against you. The A.A.P. Program is available for defendants who have not previously been placed into an A.A.P. or A.R.D. Program. You must pay all costs and restitution before admission to the A.A.P. Program. You will be required to attend a counseling program. If you successfully complete the program, the charge against you will be dismissed. If you want to apply for the A.A.P. Program, notify the Magisterial District Judge immediately.

Rule 301(A). Diversionary Programs Cyber Harassment of Child and Transmission of Sexually Explicit Images by Minor.

(A)

- (1) Pursuant to 18 Pa.C.S. § 2709(a.1)(2) any juvenile charged with a violation of 18 Pa.C.S. § 2709(a)(1), (2) or (3) graded as summary offense may be placed into a diversionary program as described in subsection (4) below.
- (2) Pursuant to 18 Pa.C.S. § 2709(a.1)(2) and juvenile charged with a violation of 18 Pa.C.S. § 2709 (a)(1), (2), (3), (4), (5), (6), or (7) or (a.1) graded as misdemeanor of the third degree or higher, the Court may process the juvenile pursuant to Pa.R.J.C.P. No. 312 (relating to informal Adjustment) or Pa.R.J.C.P. No. 370 (relating to Consent Decree).
- (3) If a juvenile is placed into a diversionary program for a summary offense and violates said diversionary program, the juvenile shall be certified to the Office of Juvenile Probation which shall initially consider a recommendation to the Court to process the juvenile pursuant to Pa.R.J.C.P. No. 312 (relating to Informal Adjustment) or Pa.R.J.C.P. No. 370 (relating to Consent Decree).
- (4) All diversionary programs for an offense under 18 Pa.C.S. § 2709 will be:
 - (a) administered by the Office of Juvenile Probation; and
 - (b) include the legal and non-legal consequences of cyber harassment.
- (5) If a juvenile completes the diversionary program, the Office of Juvenile Probation shall forward to the Court appropriate documents to expunge the record of the Juvenile.

(B)

- (1) Pursuant to 18 Pa.C.S. § 6321(f) any juvenile charged with a violation of 18 Pa.C.S. § 6321 graded as a summary offense may be placed into a diversionary program as described in subsection (4) below.
- (2) Pursuant to 18 Pa.C.S. § 6321(f) any juvenile charged with a violation of 18 Pa. C.S. § 6321 grades as a misdemeanor of the third degree or higher, the Court may process the juvenile pursuant to Pa.R.J.C.P. No. 312 (relating to Informal Adjustment) or Pa.R.J.C.P. No. 370 (relating to Consent Decree).
- (3) If a juvenile is placed into a diversionary program for a summary offense and violates said diversionary program, the juvenile shall be certified to Office of Juvenile Probation which shall initially consider a recommendation to the Court to process the juvenile pursuant to Pa.R.J.C.P. No. 312 (relating to Informal Adjustment) or Pa.R.J.C.P. No. 370 (relating to Consent Decree).

- (4) All diversionary programs for an offense under 18 Pa.C.S. § 6321 will be:
- (a) administered by the Office of Juvenile Probation; and
 - (b) include the legal and non-legal consequences of sharing sexually explicit images.
- (5) If a juvenile completes the diversionary program, the Office of Juvenile Probation shall forward to the Court appropriate documents to issue an Order to expunge the record of the juvenile.
- (C) Magisterial District Judges shall use the attached form when referring any juvenile to Office of Juvenile Procedure for participation in above-described diversionary programs.

REFERRAL FORM FOR DIVERSIONARY PROGRAM

REFERRED TO: Office of Juvenile Probation

SECTION I (to be completed by referral source)

Referral Source: Magisterial District Judge _____

Referral Date: _____

Referral Individual's Name _____

Address: _____

Telephone #: _____

Birth Date: _____

Violation and Date: _____

Arresting Police Dept.: _____

Referral Comments _____

(Optional): _____

Referred Individual's _____

Signature: _____

SECTION II (to be completed by Office of Juvenile Probation)

The above named individual has completed all criteria.

_____ DATE _____

The above named individual has not completed all criteria. Areas of non-compliance are:

_____ DATE _____

COMMENTS:

Rule 302. Procedures for Accelerated Rehabilitative Disposition in Summary Cases in the Court of Common Pleas.

Because the District Attorney has not filed a Certification to proceed by local option under Rule 300, no local rule exists.

Rule 319. Procedures for Accelerated Rehabilitative Disposition Expungement.

Upon a defendant satisfying all obligations of the Accelerated Rehabilitative Disposition (ARD) Program, the Adult Probation Office shall forward a memo to the attorney for the Commonwealth which shall have attached a proposed Order of Court that would dismiss the charges and expunge the record of the defendant. A copy of the memo and proposed Order shall also be forwarded to the attorney for the defendant, or if unrepresented, the defendant. The memo shall have a section for the attorney for the Commonwealth to indicate whether the attorney for the Commonwealth objects or does not object to the entry of said Order, along with a signature line for the attorney for the Commonwealth.

The Office of the attorney for the Commonwealth shall then forward the proposed Order with all attachments to the Judge who presided over the matter. If the attorney for the Commonwealth does not indicate an objection, the Court shall execute the Order and forward said Order to the Office of the Clerk of Courts to be filed.

If the attorney for the Commonwealth indicates an objection, the Court may schedule a hearing to review the matter or take any other necessary action.

Rule 506.1. Private Criminal Complaint for Violation of Order or Agreement Entered Pursuant to the Protection From Abuse Act (23 Pa.C.S.A. §6101, et seq.) or the Protection of Victims of Sexual Violence or Intimidation Act (42 Pa.C.S.A. § 62A01, et seq.)

(A) In lieu of filing a complaint with the police, a plaintiff may file a private criminal complaint against a defendant alleging indirect criminal contempt for a noneconomic violation of any provision of an order or court-approved consent agreement issued under the Protection From Abuse Act, 23 Pa.C.S. § 6101 et seq., or Probation of Victims of Sexual Violence or Intimidation Act, 42 Pa.C.S. §62A01 et seq., with the Office of District Attorney, the Court or the Magisterial District Judge in the district where the violation occurred in accordance with the following procedure:

- (1) With the Office of District Attorney – The Plaintiff may file with the Office of District Attorney a private criminal complaint on a form approved by the Court. The District Attorney’s Office shall review the complaint and approve or disapprove it without unreasonable delay. If the District Attorney approves the complaint, the attorney shall indicate this decision on the complaint form and shall docket the complaint with the Clerk of Courts. The Clerk of Courts shall forward it to the Judge who handled the original order or consent agreement. The Judge shall review the allegations and if the Judge finds that probable cause exists, the Judge shall issue a warrant. The court shall forward the warrant to the Sheriff of Clinton County.
- (2) The Sheriff shall serve the warrant upon the defendant and take the Defendant before the Court without unnecessary delay. If the Court is not in session the Defendant shall be taken to the appropriate Magisterial District Judge. The defendant shall be afforded a preliminary arraignment pursuant to 23 Pa.C.S. § 6113(d) or 42 Pa. C.S.A. § 62A12(c) and bail shall be set (and the Court shall be notified if arraignment occurs in front of a Magisterial District Judge). The court shall schedule a hearing within ten (10) days of the filing of the private criminal complaint. If the Judge finds that sufficient grounds are not alleged in the complaint, the Judge may summarily dismiss the complaint without a hearing.
- (3) If the District Attorney disapproves the complaint, the attorney shall state the reasons on the complaint form and return it to the affiant. Thereafter, the affiant may petition the court of common pleas and proceed pro se in accordance with subsection (2).
- (4) With the Court or the Magisterial District Judge in the district where the violation occurred – The Plaintiff may file with the Court or the Magisterial District Judge in the district where the violation occurred a private criminal complaint on a form approved by the court. After the complaint is filed, it shall be immediately forwarded to the Office of the District Attorney (unless the District Attorney has already disapproved the complaint, in which case the affiant shall proceed pro se in the Court of Common Pleas), who shall review it and follow the procedure outlined in subsection (a)(1) of this Rule.



PRIVATE CRIMINAL COMPLAINT

COMMONWEALTH OF PENNSYLVANIA VS.

Magisterial Docket Number: MDJ Name: Hon. Address: Telephone:

Docket No: Date Filed: OTN:

(Above to be completed by the court personnel)

DEFENDANT: NAME and ADDRESS

(Fill in defendant's name and address)

Notice: Under Pa.R.Crim.P. 506, your complaint may require approval by the attorney for the Commonwealth before it can be accepted by the magisterial district court.

Fill in as much information as you have.

Table with columns: Defendant's Race/Ethnicity, Defendant's Sex, Defendant's D.O.B., Defendant's A.K.A. (also known as), and Defendant's Vehicle Information (Plate Number, State, Registration Sticker).

I, _____ (Name of Complainant-Please Print or Type)

do hereby state: (check appropriate box)

- 1. [] I accuse the above-named defendant who lives at the address set forth above [] I accuse the defendant whose name is unknown to me but who is described as [] I accuse the defendant whose name and popular designation or nickname is unknown to me and whom I have therefore designated as John Doe.

with violating the penal laws of the Commonwealth of Pennsylvania at _____ (Place-Political Subdivision)

in _____ County on or about _____

Participants were: (if there were participants, place their names here, repeating the name of the above defendant)



Defendant's Name:
Docket Number:



PRIVATE CRIMINAL COMPLAINT

2. The acts committed by the accused were:
(Set forth a summary of the facts sufficient to advise the defendant of the nature of the offense charged. A citation to the statute allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section and subsection of the statute or ordinance allegedly violated.)

All of which were against the peace and dignity of the Commonwealth of Pennsylvania and contrary to the Act of Assembly, or in violation of _____ and _____
(Section) (Subsection)
of the _____
(PA Statute)

3. I ask that process be issued and that the defendant be required to answer the charges I have made.
4. I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa.C.S. § 4904) relating to unsworn falsification to authorities.
5. I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Date

Signature of Complainant

Office of the Attorney for the Commonwealth Approved Disapproved because

(Name of Attorney for Commonwealth-Please Print or Type)

(Signature of Attorney for Commonwealth)

(Date)

AND NOW, on this date _____, I certify that the complaint has been properly completed and verified.

(Magisterial District)

(Issuing Authority)

SEAL




Rule 507. Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth.

The District Attorney of Clinton County, having filed a Certification pursuant to Pa.R.Crim.P. 507, Criminal Complaints and Arrest Warrant Affidavits by Police Officers, as defined in the Rules of Criminal Procedure, charging Criminal Homicide in violation of 18 Pa.C.S.A. § 2501; Murder in any degree in violation of 18 Pa.C.S.A. § 2502; Voluntary Manslaughter in violation of 18 Pa.C.S.A. § 2503; Involuntary Manslaughter in violation of 18 Pa.C.S.A. § 2504; Rape in violation of 18 Pa.C.S.A. § 3121; Statutory Sexual Assault in violation of 18 Pa.C.S.A. § 3122.1; Involuntary Deviate Sexual Assault in violation of 18 Pa.C.S.A. § 3123; Sexual Assault in violation of 18 Pa.C.S.A. § 3124.1; Aggravated Indecent Assault in violation of 18 Pa.C.S.A. § 3125; Indecent Assault in violation of 18 Pa.C.S.A. § 3126; Sexual Abuse of Children in violation of 18 Pa.C.S.A. § 6312; Homicide by Vehicle in violation of 75 Pa.C.S.A. § 3732; and Homicide by Vehicle While Driving under the Influence in violation of 75 Pa.C.S.A. § 3735 shall not be accepted by any judicial officer unless the Complaint and/or Affidavit has the approval of an attorney for the Commonwealth prior to filing.

Rule 576.1. Electronic Filing and Service of Legal Papers.

- (A) The 25th Judicial District Court of Common Pleas of Clinton County and the Administrative Office of Pennsylvania Courts (AOPC) have agreed upon the implementation of the electronic statewide filing system known as PACFile for certain criminal filings. In accordance with Pa.R.Crim.P. 576.1 and this Rule, legal papers may be filed electronically using PACFile. Electronic filing is permissive and not mandatory.
- (B) Legal Papers Defined. The legal papers which may be filed electronically includes all written motions, answers, and any notices or documents for which filing is required or permitted, including orders, copies of exhibits, and attachments except for the following:
- (1) Applications for search warrants;
 - (2) Applications for arrest warrants;
 - (3) Any grand jury materials, except the indicting grand jury indictment or the investigating grand jury presentment;
 - (4) Submissions filed ex parte as authorized by law;
 - (5) Submissions filed or authorized to be filed under seal; and
 - (6) Exhibits offered into evidence, whether or not admitted, in a court proceeding.
- (C) All filings shall comply with the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania.
- (D) Attorneys or self-represented individuals who wish to file legal papers electronically shall establish a PACFile account using the Unified Justice System of Pennsylvania's Web Portal. Parties who are unwilling or unable to participate in the electronic filing of legal papers are permitted to file and serve legal papers in a physical paper format. Establishment of a PACFile account shall constitute consent to participate in electronic filing, including acceptance of service electronically of any document filed in PACFile.
- (E) Applicable filing fees shall be accepted in the same manner as currently required by statute, court order, Local Rule or as established by fee schedule.
- (F) Upon electronic submission of a legal paper, the PACFile system shall provide an electronic notification to other parties and attorneys to the case who are participating in electronic filing that the legal paper has been submitted. Upon submission, this notification shall satisfy the service requirements of Rules 114(B) and 576(B) on any attorney or party who has established a system account.
- (G) Service of electronic filings on any attorney or party who has not established a UJS web portal account, who is unable to file or receive legal papers electronically or is otherwise unable to access the system shall be made by the procedures provided under Rule 114(B) and 576(B).

(H) *Legal Papers Filed in Paper Format.* Any legal paper submitted for filing to the Clerk of Courts in a physical paper format shall be accepted by the Clerk of Courts in that format and retained by the Clerk of Courts as is required by applicable rules of the Court and record retention policies. The Clerk of Courts shall convert such physical filings to a PDF and add it to the system, except those legal papers defined in paragraph (B).



CLINTON COUNTY LOCAL
MISCELLANEOUS RULES OF
PROCEDURE

Rule 101. Title and Citation of Rules.

These rules shall be known as the Clinton County Rules of Miscellaneous Procedure and may be cited as “Clinton R.M.P. No. _____.”

Rule 102. Scope of Rules.

These rules shall govern all proceedings in the Court of Common Pleas of Clinton County, Pennsylvania, and shall be construed either consistent with or subordinate to all rules or decisions of the Supreme Court of Pennsylvania, rules of the Judicial Council of Pennsylvania, any statutes still in effect governing practice and procedure, the Clinton County Rules of Criminal Procedure, the Clinton County Rules of Civil Procedure, and the Clinton County Orphans' Court Rules.

Rule 201. Court in Continuous Session. Court Calendar.

(A) Court shall be in continuous session throughout the year.

(B) Prior to December of each year, the Court by order will fix the Court calendar for the upcoming year. A copy of this order shall be posted in the Prothonotary's office and mailed to all attorneys regularly practicing before the Court.

Rule 701. Bill of Costs.

- (A) Every bill of costs shall set forth the names and addresses of the witnesses, the dates of their attendance, the number of miles actually traveled by each, and the places from which mileage is claimed. To the bill of costs shall be attached any subpoena, endorsed with a return of service on oath or affirmation of the person who served it, setting forth the place where service on each witness was made, the date of service, and the number of miles actually traveled in making service.
- (B) Every bill of costs shall be verified on oath or affirmation of the party filing it or their agent or attorney that the witnesses named were actually present in Court on the dates stated and that they were material witnesses.
- (C) All bills of costs shall be filed, a copy thereof served on the adverse party, and proof of service filed within ten (10) days after the trial or continuance.
- (D) Any party upon whom a bill of costs has been served may, within five (5) days after such service, file exceptions and request a hearing. Failure to file timely exceptions shall be deemed a waiver of all objections to the bill as filed. The collection of costs will be stayed until the trial judge has decided the matter.



CLINTON COUNTY LOCAL RULES
OF CIVIL PROCEDURE

Rule 51. Title, Citation and Scope of Rules.

- (A) These rules shall be known as the Clinton County Rules of Civil Procedure and may be cited as “Clinton R.C.P. No. _____.”
- (B) These rules shall govern all proceedings in the civil division of the Court and shall be construed either consistent with or subordinate to all rules or decision of the Supreme Court of Pennsylvania, the rules of the Judicial Council of Pennsylvania, or any statutes still in effect governing practice and procedure.

Rule 205.2(b). Motion Cover Sheet.

The procedure set forth in this section shall apply to every request for relief and/or application to the court for an order, whether by petition, motion, preliminary objection, exception, or stipulation, that the filing party desires to bring before the court, except a motion for a continuance.

- (A) A cover sheet substantially in the form set forth in subsection (G) of this section shall be attached to the front of every request for a court order to which this rule applies. Any request for relief on the front of which an applicable Pennsylvania Rule of Civil Procedure requires a specific order or notice to be attached shall include that order or notice directly following the cover sheet.
- (B) The cover sheet shall consist of only one page. Captions may be abbreviated. If additional space is necessary to list counsel and unrepresented parties, a separate sheet may be attached. The filing party or counsel shall be responsible for identifying all parties and others to be given notice or their counsel on the cover sheet. If a party was not served with a copy of the executed cover sheet as a result of an omission of the filing party, the argument or hearing may be rescheduled or, in the discretion of the court, the request for relief may be denied.
- (C) If a cover sheet is not attached as required by this rule, the court may choose not to act upon the request for relief until an appropriate cover sheet is filed. If the filing party does not attach a cover sheet as required by this rule, a cover sheet, along with a copy of the original motion may be filed by any party, or the court.
- (D) If expedited consideration by the court is requested or required by statute or rule of procedure, the reason for such consideration shall be set forth on the cover sheet. Such consideration must be requested if the date of the pretrial conference has been set or if the case has already been pretried.
- (E) A proposed order granting the relief requested shall be attached to the cover sheet.
- (F) The court shall schedule argument, hearing or briefing as the court may require, note the scheduling information on the cover sheet, and issue the scheduling order appearing on the cover sheet. The Prothonotary shall docket and promptly forward the completed cover sheet to all parties identified on the cover sheet.
- (G) The form of the cover sheet shall be substantially as follows:

COURT OF COMMON PLEAS, CLINTON COUNTY, PENNSYLVANIA
MOTION COVER SHEET

CAPTION (may be abbreviated)

DOCKET NO. _____

vs.

Case Assigned to Judge _____

NONE

1. NAME OF FILING PARTY: _____

2. FILING PARTY'S ATTORNEY: _____

3. TYPE OF FILING: _____

<p>4. THE FOLLOWING IS/ARE REQUESTED (IT IS THE JUDGE'S DISCRETION TO GRANT OR DENY ANY REQUEST.)</p> <p><input type="checkbox"/> Argument</p> <p><input type="checkbox"/> Evidentiary Hearing</p> <p><input type="checkbox"/> Court Conference</p> <p><input type="checkbox"/> Rule to Show Cause</p> <p><input type="checkbox"/> Issue an Appropriate Order</p> <p><input type="checkbox"/> Entry of Uncontested Order (attach supporting documentation)</p> <p><input type="checkbox"/> Expedited Consideration</p> <p>State the Basis: _____ _____ _____</p> <p><input type="checkbox"/> Telephone Conferencing Requested. (Telephone number shall be provided to court administrator prior to hearing.)</p> <p><input type="checkbox"/> Video Conferencing Requested.</p> <p><input type="checkbox"/> Attach this Cover Sheet to the Original Motion Previously Filed on: _____</p> <p><input type="checkbox"/> Other: _____</p>	<p>5. Agreement of Opposing Party Sought?</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, was it granted or denied? _____</p> <p>6. TIME REQUIRED:</p> <p>_____</p> <p>7. DATE OF NEXT SCHEDULED PROCEEDING</p> <p>_____ <input type="checkbox"/> None</p> <p>8. NAMES AND ADDRESSES OF ALL COUNSEL OF RECORD AND UNREPRESENTED PARTIES:</p> <p>_____</p> <p>• Court Administration <input type="checkbox"/> Continued on Separate Sheet</p>
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ORDER

1. An Argument Factual Hearing Court Conference is scheduled for _____ at _____ M. in Courtroom No. _____, Clinton County Courthouse, Lock Haven, PA.
2. Proceeding will be held before the Custody Conciliator/Divorce Hearing Officer.
3. Briefs are to be filed by the following dates:
Filing Party _____
Responding Party/Parties _____
4. A Rule is issued upon Respondent to show cause why the Petitioner is not entitled to the relief requested.
5. A Response to the Motion/Petition shall be filed as follows: _____
6. See Order Attached. See Separate Order Issued This Date.
7. Other: _____

DATE: _____

JUDGE

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

- (A) The procedure specified in Pennsylvania Rule of Civil Procedure 206.5 is adopted to govern petition practice in Clinton County. The issuance of a Rule to Show cause shall be discretionary with the Court in accordance with that Rule.
- (B) The provisions of this rule shall not be applicable to Preliminary Objections.
- (C) After a petition has been time-stamped in the Prothonotary's Office, such petition may be presented to the Court as follows:
 - (1) Any petition may be presented to an available Judge at 8:30 A.M. on any business day or in open court immediately preceding or following any court proceeding.
 - (2) Any petition may be delivered to the Court Administrator who shall refer the petition to the appropriate judge.
- (D) All petitions shall contain a certification by counsel that concurrence in the petition has been sought and that such concurrence has been given or denied. Counsel shall take reasonable steps to secure such concurrence or non-concurrence. Concurrence need not be sought of *pro se* parties. Certification shall be on a separate piece of paper, attached to the petition at the end thereof. If concurrence or non-concurrence cannot be secured after reasonable efforts, the petition may be filed without said certification, but the petitioner shall thereafter have a continuing duty to file such a certification within a reasonable time.
- (E) The Petitioner shall attach to the Petition a proposed order substantially in the form set forth in Pa.R.C.P. No. 206.5(d).
- (F) At the time the petition is time-stamped, a copy of the petition, together with a copy of the proposed order, shall be served in accordance with Pa.R.C.P. No. 440. It shall be presumed that members of the Clinton County Bar agree that their mailbox in the Prothonotary's Office is designated as an appropriate place for service unless they note otherwise on the first page of their pleading.
- (G) Any Petition which is insufficient on its face will be returned unsigned to the Prothonotary without further notice to counsel.

Rule 208.2(d). Certification of Uncontested Motions.

All Motions, except for motions pertaining to discovery, shall contain a certification by counsel that concurrence in the motion has been sought and that such concurrence has been given or denied. Counsel shall take reasonable steps to secure such concurrence or non-concurrence. Concurrence need not be sought of pro se parties. Certification shall be on a separate piece of paper, attached to the motion at the end thereof. If concurrence or non-concurrence cannot be secured after reasonable efforts, the motion may be filed without said certification, but the moving party shall thereafter have a continuing duty to file such a certification within a reasonable time.

Rule 208.2(e). Certification of Discovery Motions.

Any Motions pertaining to discovery shall contain a certification by counsel that counsel has conferred or attempted to confer with all interested parties in order to resolve the matter without court action. Certification shall be on a separate piece of paper, attached to the motion at the end thereof. If a resolution cannot be secured without court action after reasonable efforts, the motion may be filed without said certification, but the moving party shall thereafter have a continuing duty to file such a certification within a reasonable time.

Rule 208.3(a). Motion Practice.

(A) After a motion has been time-stamped in the Prothonotary's Office, such motion may be presented to the Court as follows:

- (1) Any motion may be presented to an available judge at 8:30 A.M. on any business day or in open court immediately preceding or following any court proceeding.
- (2) Any motion may be delivered to the Court Administrator who shall refer the motion to the appropriate Judge.

(B) Counsel shall prepare and submit a proposed order with any motion.

(C) At the time the motion is time-stamped, a copy of the motion, together with a copy of the proposed order shall be served in accordance with Pa.R.C.P. No. 440.

(D) Any motion which is insufficient on its face will be returned unsigned to the Prothonotary without further notice to counsel.

Rule 212.3.1. Counsel's Pre-Trial Conference (Civil Jury and Non-Jury Trial).

- (A) As directed by the Court, plaintiff's counsel shall arrange for a pre-trial conference between counsel which shall be held not later than forty-five (45) days prior to the pre-trial conference. Counsel's conference shall be conducted at the Clinton County Courthouse unless all counsel agree to another location. Arrangements for the availability of a room at the Courthouse shall be made through the Court Administrator. The failure of plaintiff's counsel to comply with the schedule provided herein shall upon motion be grounds for a non-pros.
- (B) At counsel's conference the following matters shall be accomplished:
- (1) Counsel shall exchange lists of potential witnesses, their addresses, and a general statement of the proposed testimony of each witness. The lists shall indicate which witnesses will be called and which may be called. Only witnesses so listed will be permitted to testify at trial.
 - (2) Counsel shall examine, number, and list all exhibits which they intend to introduce and use at trial, whether during the case in chief or in rebuttal. Exhibits shall be marked by using the labels then in use by the Court. Any party may use at trial any exhibit listed by any other party. Only exhibits so listed and numbered will be admitted into evidence at trial. Counsel shall make a good faith attempt to agree as to the authenticity and admissibility of exhibits which have been listed and marked. If such an agreement cannot be reached, the objecting party shall state in detail the reasons for an objection together with any authorities in support of that position.
 - (3) Counsel shall agree upon a brief factual statement of the case to be read to the jury as a part of voir dire and submit proposed questions to be used by the Court or counsel in conducting voir dire.
 - (4) Each party shall submit to the other parties, in writing, the principles upon which they intend to rely at trial. If the parties disagree as to the applicability of a particular legal principle, a statement shall be prepared indicating the nature of said disagreement and each party's respective position.
 - (5) Each party claiming damages shall submit to the party against whom the claim is asserted, an itemized list of special damages being sought and the estimated value of said general damages.
 - (6) Counsel shall explore in depth the prospects for settlement and if a settlement cannot be achieved be prepared to explain to the Court the areas of difference in arriving at a settlement.
- (C) The Court may, in its discretion, sua sponte dispense with the requirement of Counsel's Pre-Trial Conference and request that the Court Administrator schedule a Pre-Trial Conference between the assigned Judge and Counsel.

Rule 212.3.2. Report of Counsel's Pre-Trial Conference.

- (A) Within ten (10) days of the completion of counsel's conference, plaintiff's counsel shall prepare a report thereof and submit the same to the assigned Judge and counsel. To the extent the report requires information and rules of law pertaining to defendant's case, it shall be the responsibility of defendant's counsel to provide plaintiff's counsel with such data. The report shall contain the following as applicable:
- (1) A statement of the date and place where counsel's conference was held.
 - (2) A list of all prospective witnesses and accompanying data as required by Clinton R.C.P. No. 212.3.1(B)(1).
 - (3) A list of all exhibits which have been examined, numbered and listed in accordance with Clinton R.C.P. No. 212.3.1(B)(2). Each numbered exhibit shall be briefly but adequately identified on this list together with an indication as to whether the objecting party's statement of reasons for the objection shall be included.
 - (4) The agreed upon brief statement of facts to be read to the jury for voir dire purposes together with each party's proposed questions for voir dire.
 - (5) Plaintiff's statement of the legal principles being relied upon to support the case together with an indication as to whether those principles are in dispute as well as a statement of the legal principles being relied upon by all other parties.
 - (6) A statement of damages as required by Clinton R.C.P. No. 212.3.1(B)(5).
 - (7) Any stipulation of fact which the parties have agreed upon for use at trial including any waivers of specific claims or defenses.
 - (8) Concise trial briefs regarding the anticipated legal issues to be presented at trial. When any portion of a trial brief relies upon an unreported opinion, photocopies of that opinion shall be attached to the briefs.
 - (9) A concise statement, in narrative form, from each party as to the basic facts intended to be proven at trial.
 - (10) Proposed special verdict questions which any party anticipates submitting at the time of trial.
- (B) If any party disagrees with any representation made in plaintiff's report of counsel's conference, a written objection to said report shall be submitted to the assigned Judge within ten (10) days of the filing of plaintiff's report.

Rule 212.3.3. Pre-Trial Conference.

- (A) If no objection are filed to the Report of Counsel's Pre-Trial Conference within the time limits prescribed by Clinton R.C.P. No. 212.3.2(B), the Court Administrator shall forthwith schedule the matter for a pre-trial conference between the assigned Judge and counsel. This conference shall be attended by counsel who are expected to try the case and who shall either be authorized to enter into a settlement agreement or who shall have in attendance, in person or readily available by telephone, such persons who are empowered to enter into a settlement agreement. The Judge and counsel shall discuss the report of counsel's conference, any possible simplification of the issues, the possible bifurcation of the trial, limitations on the number of expert witnesses, the prospects of settlement, and such other matters as may aid in the trial or disposition of the action.
- (B) If a party fails to cooperate in the conduct of the pre-trial proceedings mandated by Clinton R.C.P. Nos. 212.3.1, 212.3.2, and 212.3.3, including but not limited to, failure to attend any scheduled conference and/or the inadequate preparation of required documents, such failure shall be deemed to be grounds for the entry of a judgment of non pros or other appropriate default relief.

Rule 430. Service by Publication.

Service by publication authorized by Pa.R.C.P. No. 430(a) shall be made by publishing a notice of the action (1) time in one (1) newspaper of general circulation within Clinton County; proof of publication shall be filed with the Prothonotary.

Rule 1012. Attorney and Party Contact Information

- (A) It is the sole responsibility of attorneys and unrepresented parties in matters before the Court to maintain current and accurate contact information with the Court. The term “contact information” shall include a valid mailing address, a valid telephone number and a valid email address.
- (B) Upon the commencement of any action, the filing party shall be responsible to provide the Office of the Prothonotary contact information for the filing party and all other parties to the action, if known. Such information shall be listed on a separate document filed contemporaneously with the pleading commencing the action.
- (C) The failure of any attorney or unrepresented party to maintain current and accurate contact information with the Court may result in the attorney or unrepresented party failing to receive timely notice of Court Orders, scheduled case events and other proceedings. Such failure will not be considered by the Court as an excuse for the attorney’s or unrepresented party’s failure to timely file responsive documents, appear for scheduled proceedings, or comply with Court Orders.

Note: A form Praecipe for Change of address/Contact Information has been approved by the Court and is available at: <https://www.clintoncountypa.com/government/court-services/county-courts/court-forms/-fsiteid-1or> by contacting the District Court Administrator’s Office directly at 570-893-4016.

Plaintiff		
vs.		NO. _____
Defendant		

PRAECIPE TO CHANGE ADDRESS/CONTACT INFORMATION

TO THE PROTHONOTARY:

Kindly change the Plaintiff's/Defendant's/Attorney's mailing address and other noted information in the above captioned matter to the following:

Name

Address, Number and Street

Address, Number and Street (cont.)

Address, City, State, Zip Code

Email Address

Telephone No. (Please check applicable type)

- Landline
- Mobile
- Mobile with Text receipt capability

Telephone No. (alternate)

- Landline
- Mobile
- Mobile with Text receipt capability

I certify that I am the Party/Attorney named above, that the above is my true and correct mailing address and contact information, and that I understand that the above address may be used for any mailing of notices and orders of court directed to the undersigned.

I further understand that by providing an email address above, I am consenting to use of that email address for receipt of copies of all legal papers in this action that are not required to be served personally or to be contacted by Court officials.

Date

Plaintiff/Defendant/Attorney for

Attorney ID No. _____

Rule 1018.1. Notice to Defendant. Form.

The designated officer to be named in the Notice to Defend from whom legal help can be obtained as required by Pa.R.C.P. No. 1018.1 shall be:

IF YOU DO NOT HAVE A LAWYER CONTACT:

Pennsylvania Bar Association
Lawyer Referral Service
100 South Street
PO Box 186
Harrisburg, PA 17108-0186
Telephone – 800-692-7375
Website – pabar.org/site/For-the-Public/Find-a-Lawyer/Get-a-Referral

IF YOU CANNOT AFFORD A LAWYER, YOU MAY BE ELIGIBLE FOR LEGAL AID THROUGH:

North Penn Legal Services
Penn Tower Building
25 West Third Street, Suite 400
Williamsport, PA 17701
Telephone – 570-323-8741
Fax – 570-323-5256
Website – nplsoi.legalserver.org/modules/matter/extern_intake.php?pid=129h=daa817

Rule 1028(c). Procedures Concerning Disposition of Preliminary Objections.

(A) Procedure Defined.

- (1) Preliminary Objections shall be accompanied by a memorandum of law and must be filed with the office of the Prothonotary.
- (2) Service shall be made in conformity with Pa.R.C.P. No. 440.
- (3) All Preliminary Objections shall be accompanied by a notice plainly appearing on the face thereof of the date the motion was filed with the Prothonotary and advising that a reply memorandum of law must be filed within thirty (30) days from that date. The moving party shall also file an affidavit of service which shall state that the notice required by this rule has been given.
- (4) The Prothonotary shall immediately send the Preliminary Objections and the accompanying memorandum to the Court Administrator who shall refer the matter to the appropriate Judge. All requests for an extension of the thirty (30) day period to answer Preliminary Objections must be approved by the Court by a motion addressed to the Court Administrator; no agreement entered into solely by the parties will be honored by the Court.
- (5) Any Preliminary Objections filed without the accompanying memorandum may be dismissed. If a reply memorandum has not been filed pursuant to the notice required by subsection (3) of this rule, the Court may dispose of the matter without such memorandum.
- (6) 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 Prothonotary.
- (7) The Court in its discretion may grant additional time in which to file a reply memorandum, request additional memoranda, call for oral argument, advance the time for submitting memoranda, or enter an Order prior to the expiration of the thirty (30) day reply period.

(B) Matters Requiring Factual Supplement to the Record.

- (1) In the case of Preliminary Objections challenging jurisdiction or service, a memorandum of law and notice to opposing parties to file a reply memorandum of law within thirty (30) days need not be filed contemporaneously with the Preliminary Objections. Instead, the party filing the Preliminary Objections shall indicate that additional testimony is required.
- (2) In all such cases, the party filing the Preliminary Objections 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 Preliminary Objections.
- (3) If the Court requires, the party filing the Preliminary Objections shall file a memorandum of law within two (2) weeks from the completion of the supplementation of the record. This memorandum shall be processed as stated above.

Rule 1034(a). Procedures Concerning Disposition of Motions for Judgment on the Pleadings.

(A) Procedure Defined.

- (1) Motions for Judgment on the Pleadings shall be accompanied by a memorandum of law and must be filed with the office of the Prothonotary.
- (2) Service shall be made in conformity with Pa.R.C.P. No. 440.
- (3) All Motions for Judgment on the Pleadings shall be accompanied by a notice plainly appearing on the face thereof of the date the motion was filed with the Prothonotary and advising that a reply memorandum of law must be filed within thirty (30) days from that date. The moving party shall also file with the motion an affidavit of service which shall state that the notice required by this rule has been given.
- (4) The Prothonotary shall immediately send the motion to the Court Administrator who shall refer the matter to the appropriate Judge. All requests for an extension of the thirty (30) day period to answer such motions must be approved by the Court by a motion addressed to the Court Administrator; no agreement entered into solely by the parties will be honored by the Court.
- (5) Any motion subject to this rule which is filed without an accompanying memorandum may be dismissed. If a reply memorandum has not been filed pursuant to the notice required by subsection (3) of this rule, the Court may dispose of the matter without such memorandum.
- (6) 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 Prothonotary.
- (7) The Court in its discretion may grant additional time in which to file a reply memorandum, request additional memoranda, call for oral argument, advance the time for filing, or enter an order prior to the expiration of the thirty (30) day reply period.

(B) Matters Requiring Factual Supplement to the Record.

- (1) In the case of motions 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 thirty (30) days need not be filed contemporaneously with the motion. Instead, the moving party shall indicate that additional testimony is required.
- (2) In all such cases, 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 motion.
- (3) If the Court requires, the moving party shall file a memorandum of law within two (2) weeks from the completion of the supplementation of the record. This memorandum shall be processed as stated above.

Rule 1035.2(a). Procedures Concerning Disposition of Motions for Summary Judgment.

(A) Procedure Defined.

- (1) Motions for Summary Judgment shall be accompanied by a memorandum of law and must be filed in the Office of the Prothonotary.
- (2) Service shall be made in conformity with Pa.R.C.P. No. 440.
- (3) All motions shall be accompanied by a notice plainly appearing on the fact thereof of the date the motion was filed with the Prothonotary and advising that a reply memorandum of law must be filed within thirty (30) days from that date. The moving party shall also file with the motion an affidavit of service which shall state that the notice required by this rule has been given.
- (4) The Prothonotary shall immediately send the Motion for Summary Judgment to the Court Administrator who shall refer the matter to the appropriate Judge. All requests for an extension of the thirty (30) day period to answer such motions must be approved by the Court by a motion addressed to the Court Administrator; no agreement entered into solely by the parties will be honored by the Court.
- (5) Any motion subject to this rule which is filed without an accompanying memorandum may be dismissed. If a reply memorandum has not been filed pursuant to the notice required by subsection (3) of this rule, the Court may dispose of the matter without such memorandum.
- (6) 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 Prothonotary.
- (7) The Court in its discretion may grant additional time in which to file a reply memorandum, request additional memoranda, call for oral argument, advance the time for filing, or enter an order prior to the expiration of the thirty (30) day period.

(B) Matters Requiring Factual Supplement to the Record.

- (1) In the case of motions 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 thirty (30) days need not be filed contemporaneously with the motion. Instead, the moving party shall indicate that additional testimony is required.
- (2) In all such cases, 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 motion.
- (3) If the Court requires, the moving party shall file a memorandum of law within two (2) weeks from the completion of the supplementation of the record. This memorandum shall be processed as stated above.

Rule 1301.1. Compulsory Submission.

All cases which are at issue where the amount in controversy is Fifty Thousand and 00/100 (\$50,000.00) Dollars or less, except those involving title to real estate, shall first be submitted to and heard by a Board of three (3) members of the Bar of this Court, as provided by 42 Pa.C.S.A. 7361. Unless a party has demanded a jury trial, the President Judge may dispense with compulsory arbitration and order the matter tried as a non-jury trial. At such non-jury trial, the parties may proceed pursuant to Pa.R.C.P. 1305 with respect to evidentiary matters.

Rule 1301.2. Arbitrators.

- (A) All members of the Clinton County Bar unless a member has requested to be removed shall constitute the Board of Arbitrators and all members shall act as arbitrators. No two (2) members from the same firm or office, or related by blood or marriage, shall serve on the same board, unless this requirement is waived in writing by all parties in interest or their counsel.
- (B) The Prothonotary shall maintain, in alphabetical order, a list of all members of the Clinton County Bar who have not requested in writing to be removed from the list of the Board of Arbitrators. Upon the filing of a praecipe for arbitration or pursuant to an Order of Court, the Prothonotary shall submit a list of five (5) names to the plaintiff or the attorney for plaintiff. In the event there are additional parties to the proceeding, the Prothonotary shall add an additional name for each additional party. This list shall be in the order in which the names are on the list of the Prothonotary, passing those members who are disqualified to the next qualified member. The plaintiff may strike one (1) member from the list and shall return the list to the Prothonotary within thirty (30) days of the Prothonotary forwarding the list the plaintiff. The Prothonotary shall then forward the list to the defendant. The defendant may likewise strike one (1) member from the list and shall return the list to Prothonotary within thirty (30) days of the Prothonotary forwarding the list to the defendant. In the event of an additional party or parties, the Prothonotary shall forward the list to the additional party or parties after the defendant has returned the list to the Prothonotary or waived the right to strike. Each additional party shall return the list to the Prothonotary within thirty (30) days of the Prothonotary forwarding the list to the additional party.
- (C) In the event a party does not exercise the right to strike within thirty (30) days of the list being served upon that party's attorney or if proceeding pro se, the party, then the party shall have been deemed to have waived the right to strike and the Prothonotary shall forward the list to the next party having the right to strike a member from the list with the Prothonotary noting on the list that the said party has waived the right to strike pursuant to this local rule due to failure to return the list to the Prothonotary exercising that party's right to strike.
- (D) The first three (3) remaining members shall constitute the Board and the first shall be the chairperson. Any stricken member, as well as any disqualified member, shall, in alphabetical order, be at the head of the list for the next and/or subsequent cases.

Rule 1301.3. Consolidation of Arbitration Actions.

When the same transaction or occurrence, or series of transactions or occurrences, gives rise to more than one cause of action and separate actions have been commenced, all such action shall be consolidated for arbitration, referred to the same board of arbitration, and heard together, unless the total amount in controversy exceeds Fifty Thousand and 00/100 (\$50,000.00) Dollars, in which case none of them shall be submitted to arbitration. It shall be the duty of every board of arbitrators, before proceeding with the hearing, to ascertain whether or not any such separate action has been commenced.

Rule 1301.4. Place of Arbitration Hearing.

All hearings shall be held in the Clinton County Courthouse.

Rule 1301.5. Fees of Arbitrators.

The fee of the chairperson shall be three hundred and 00/100 (\$300.00) dollars for a half-day hearing and six hundred and 00/100 (\$600.00) dollars for a full-day hearing. The fee of each other arbitrator shall be two hundred and seventy-five (\$275.00) dollars for a half-day hearing and five hundred and fifty (\$550.00) dollars for a full-day hearing. These fees shall be applicable in all cases, including those which have been consolidated as provided under Clinton R.C.P. No. 1301.3. In cases requiring lengthy hearings or involving unusual questions of law or fact, the Court may, on petition of the arbitrators, increase the fees to an amount which will reasonably compensate them for the services performed.

Rule 1534. Accounting by Fiduciaries.

- (A) A fiduciary filing an account pursuant to Pa.R.C.P. No. 1534 shall give written notice to all parties or their counsel of record that such account will be presented for confirmation on a date not less than thirty (30) days after such notice. Said notice shall include any proposed schedule of distribution and a statement that the account may be confirmed and distribution ordered unless exceptions are filed with the Prothonotary before that date.
- (B) Service of the aforesaid documents on a party shall be by personal service or upon counsel.

Rule 1910.15. Filing of Paternity Actions.

When a party seeks to initiate an action for paternity, the action must be initiated in the Domestic Relations Office.

Rule 1915.3. Filing a Claim for Custody

- (A)** To comply with 23 Pa.C.S.A. §5329. 1, a party filing an action for custody, including modification, must complete the first page and file the entirety of the Information Sharing in Custody Filing Form as an attachment to the filing party's Complaint or Petition.
- (B)** In said Filing Form, Household 1 shall be considered Plaintiff's household and Household 2 shall be considered Defendant's household.
- (C)** Plaintiff is required to complete the information for said Filing Form for both Plaintiff's household and Defendant's household.
- (D)** The Office of the Prothonotary shall send the Complaint or Petition and the attached Information Sharing in Custody Filing Form to the Office of Children and Youth.
- (E)** Except proceedings scheduled on an emergency basis, the Office of Children and Youth shall file the completed Information Sharing in Custody Form with the Court in the Office of the Prothonotary at least seventy-two (72) hours before the scheduled proceeding.

IN THE COURT OF COMMON PLEAS OF _____ COUNTY, PENNSYLVANIA

Plaintiff	.	
v.	.	No. _____
Defendant	.	

Information Related to Child Abuse and Involvement with Protective Services

HOUSEHOLD 1 – Please list ALL household members and attach sheets if necessary:

NAME	DATE OF BIRTH	ADDRESS	RELATIONSHIP TO CHILD(REN)

- Party resides at a confidential location protected by the Protection from Abuse Act, 23 Pa. C.S. § 6112 and/or the Domestic and Sexual Violence Victim Address Confidentiality Act, 23 Pa. C.S. § 6701-6713, and/or the Child Custody Act, 23 Pa. C.S. § 5336(b).

HOUSEHOLD 2 – Please list ALL household members and attach sheets if necessary:

NAME	DATE OF BIRTH	ADDRESS	RELATIONSHIP TO CHILD(REN)

- Party resides at a confidential location protected by the Protection from Abuse Act, 23 Pa. C.S. § 6112 and/or the Domestic and Sexual Violence Victim Address Confidentiality Act, 23 Pa. C.S. § 6701-6713, and/or the Child Custody Act, 23 Pa. C.S. § 5336(b).

SUBJECT CHILD(REN) – Attach additional sheets if necessary:

NAME	DATE OF BIRTH

TO BE COMPLETED BY THE AGENCY

CHECK ALL THAT APPLY:

- No information on this family within CCYA records.
- Child Protective Services (Complete CPS section below)
- General Protective Services (Complete GPS section below)

I. Child Protective Services (CPS) Cases

Was any child(ren), listed above, subject of an indicated report of child abuse?

Yes No* If yes, indicate date(s) of incident(s) and name(s): _____

Was any child(ren), listed above, subject of a founded report of child abuse?

Yes No* If yes, indicate date(s) of incident(s) and name(s): _____

Has a party or member of the party's household been identified as the perpetrator in an indicated report of child abuse?

Yes No* If yes, indicate date(s) of incident(s) and name(s): _____

Has a party or member of the party's household been identified as the perpetrator in a founded report of child abuse?

Yes No* If yes, indicate date(s) of incident(s) and name(s): _____

* If all FOUR questions above are answered "No", DO NOT complete the box below

NAME OF CCYA:	
CCYA CASEWORKER(S): (PLEASE LIST CURRENT OR MOST RECENTLY ASSIGNED)	
CCYA SUPERVISOR(S): (PLEASE LIST CURRENT OR MOST RECENTLY ASSIGNED)	
FOR EACH INSTANCE, PLEASE PROVIDE: (Attach additional sheets if necessary)	
A. RECEIVED DATE OF INDICATED OR FOUNDED CPS REFERRAL(S):	B. DETERMINATION DATE OF INDICATED OR FOUNDED CPS REFERRAL(S):
C. WAS A SERVICE PROVIDED? <input type="checkbox"/> No If answered "No", skip questions D, E, and F. <input type="checkbox"/> Yes If answered "Yes", please list the type of service(s) and name of service provider(s):	
D. DATE SERVICES ENDED, IF APPLICABLE:	
E. WHO RECEIVED THE SERVICES?	
F. SERVICES WERE: <input type="checkbox"/> Voluntary <input type="checkbox"/> Court-ordered If court-ordered, please provide the docket number:	
G. DESCRIPTION OF CONTRACT: LIST CATEGORY OF ABUSE ALONG WITH ANY PERTINENT INFORMATION TO BE CONSIDERED AS PART OF THE BEST INTERESTS OF THE CHILD ANALYSIS.	

II. General Protective Services (GPS) Cases

Has a party or a member of a party's household been provided services?

Yes No*

* If answered "No", DO NOT complete the box below

NAME OF CCYA:	
CCYA CASEWORKER(S): (PLEASE LIST CURRENT OR MOST RECENTLY ASSIGNED)	
CCYA SUPERVISOR(S): (PLEASE LIST CURRENT OR MOST RECENTLY ASSIGNED)	
FOR EACH INSTANCE, PLEASE PROVIDE: (Attach additional sheets if necessary)	
A. RECEIVED DATE OF GPS REFERRAL(S):	B. THE CONCERNS IDENTIFIED ON THE GPS REFERRAL(S) WERE: <input type="checkbox"/> Valid <input type="checkbox"/> Invalid
C. WERE GPS SERVICES PROVIDED? <input type="checkbox"/> Yes <input type="checkbox"/> No	D. DATE GPS SERVICES ENDED, IF APPLICABLE:
E. WHO RECEIVED GPS SERVICES?	
F. GPS SERVICES WERE: <input type="checkbox"/> Voluntary <input type="checkbox"/> Court-ordered If court-ordered, please provide the docket number:	
G. GENERALLY DESCRIBE THE SERVICES PROVIDED:	
H. IF THE CCYA MADE REFERRALS TO OUTSIDE PROVIDERS, LIST THE TYPE OF SERVICE AND THE NAME OF THE SERVICE PROVIDER:	
I. DESCRIPTION OF CONTRACT: LIST CONCERNS ALONG WITH ANY PERTINENT INFORMATION TO BE CONSIDERED AS PART OF THE BEST INTERESTS OF THE CHILD ANALYSIS.	

Rule 1915.26. Conciliation Conference.

- (A) The Court shall refer all actions for custody of minor children to a Custody Conciliator for purposes of a conciliation conference. Applicable Pennsylvania and local Custody Rules shall be followed.
- (B) The Custody Conciliator shall be an attorney of law authorized to practice before the Supreme Court of Pennsylvania and shall be appointed to such position by the President Judge of the Court of Common Pleas of Clinton County. The Custody Conciliator shall not practice family law before a Judge, conference officer, or hearing officer employed in the 25th Judicial District.
- (C) The Custody Conciliator shall attempt to resolve the differences between the parties, encourage amicable resolution of those differences and may recommend mediation, or counseling services to the parties. Any resolution of the custody dispute shall be reduced to writing, signed by the parties and counsel, for approval and entry as an Order of the Court.
- (D) The Custody Conciliator may conduct an informal hearing, take testimony of the parties under oath, and hear the position of the parties relative to custody. The Custody Conciliator shall have the right to conduct oral examination of the child who is the subject matter of the proceeding. No other witnesses shall be permitted, except in extraordinary cases, and at the discretion of the Custody Conciliator. The testimony shall not be recorded or transcribed. The Custody Conciliator shall not be bound by technical rules of evidence and all evidence of reasonably probative value may be received. The Custody Conciliator shall consider the Court Ordered written evaluation of experts. The hearing shall not be considered a hearing of the type permitted by Pa. R.Civ.P. 1915.4-1 but shall be considered an extension of the conciliation process.
- (E) The proceeding shall be concluded on the date fixed for said proceeding, except that the Custody Conciliator may continue the proceeding to a date certain for good cause shown, or to obtain, investigate or evaluate reports from a social service agency or a private provider.
- (F) Any investigative or evaluative reports ordered and/or obtained may be considered by the Custody Conciliator.
- (G) If a written settlement is not reached, by stipulation, the Custody Conciliator shall file a recommended interim order. At the discretion of the Custody Conciliator, the Custody Conciliator may also file a written report.
- (H) Upon receipt of the recommended interim order and any other document from the Custody Conciliator, the Court may issue the interim order, and schedule the matter for a pretrial conference, and/or schedule the matter for a final hearing before the Court.

Rule 1915.27. Nonappearance at Proceeding before Custody Conciliator.

- (A) If a plaintiff/petitioner fails to appear, without proper cause shown, at the conciliation conference before the Custody Conciliator, and the Custody Conciliator is satisfied that proper notice of the order giving the date and time for the conciliation conference has been given to the plaintiff/petitioner, the Custody Conciliator shall recommend to the Court that an order be entered dismissing the complaint or petition to modify with respect to that party
- (B) If a defendant/respondent or any party joined in the case fails to appear, without proper cause shown, at the conciliation conference before the Custody Conciliator, and the Custody Conciliator is satisfied that proper service of the order has been given to the defendant/respondent or the non-appearing party, it shall be presumed that said party has agreed to a conciliation in that party's absence, and the Custody Conciliator shall proceed and recommend an order to be entered by the Court.
- (C) If all parties fail to appear at a conciliation conference before the Custody Conciliator, and the Custody Conciliator is satisfied that proper service has been given to the parties, the Custody Conciliator shall recommend to the Court that an Order be entered dismissing the custody complaint or the petition to modify custody order.

Rule 1920.31. Filing a Claim for Alimony Pendente Lite.

- (A)** All claims for Alimony Pendente Lite shall be filed by Complaint with the Domestic Relations Section of this Court.
- (B)** The filing party shall provide verification of the divorce filing. This verification shall include the docket number and caption of the divorce case.
- (C)** The Domestic Relations Section shall schedule a conference for the parties and collect necessary information to determine the parties' income prior to a hearing before the Court.
- (D)** The Domestic Relations Section shall not collect and/or enforce Alimony and/or Alimony Pendente Lite Orders unless specifically ordered by this Court.
- (E)** Collection and enforcement of Alimony and/or Alimony Pendente Lite Orders by the Domestic Relations Section shall not be ordered by the Court unless special circumstances are present that make the collection and/or enforcement by the Domestic Relations Section necessary.
- (F)** All claims for alimony subsequent to divorce and enforcement of alimony thereof shall continue to be filed and docketed in the Office of the Prothonotary at the parties' divorce caption and docket number.

Rule 1920.51. Hearing by Permanent Hearing Officer.

(A) The Court of Common Pleas of Clinton County shall appoint a Hearing Officer to hear the following issues concerning divorce matters pending before the Court:

- (1) Alimony;
- (2) Equitable Distribution of Marital Property;
- (3) Counsel Fees;
- (4) Costs and Expenses;
- (5) Divorce pursuant to § 3301(a) or § 3301(b) of the Divorce Code; and
- (6) Any allegations in any Counter-Affidavit denying the averments in the Affidavit and action under § 3301(c)(2) or § 3301(d) of the Divorce Code, including the date of separation.

(B) Any party may request a hearing before the Hearing Officer on the above issues by filing a motion in the Office of the Prothonotary requesting that the Court Administrator schedule said proceeding.

Rule 1920.55-1. Continuance Requests and Hearing Officer's Report.

(A) The Hearing Officer shall file a report as provided by Pa. R.Civ.P. 1920.53 and 1920.54(a). Any request for a continuance of any proceeding before the Hearing Officer shall be filed with the Office of the Prothonotary directed to the Office of Court Administrator.

Rule 1920.55-2. Hearing Officer Procedure.

The Court adopts the procedures as set forth in Pennsylvania Rule of Civil Procedure 1920.55-2.

Rule 2039. Compromise. Settlement. Discontinuance and Distribution.

- (A) A petition for compromise, settlement, or discontinuance of an action to which a minor is a party of record shall recite the factual nature of the minor's action, the prognosis for the minor's injuries, the reasons for any proposed compromise, settlement, or discontinuance, and a request for a proposed distribution of the fund. A hearing will be scheduled at which the minor shall appear and evidence shall be presented as to the extent of the minor's injuries and such other matters as the Court deems necessary. If the petition is accompanied by (1) a written report of a physician based upon an examination of the minor within thirty (30) days preceding the filing of the petition, (2) an affidavit of each counsel of record giving an opinion as to the probabilities of proof of defendant's negligence, and of the minor's negligence, if any, and (3) in the event that the minor is sixteen (16) years of age or over, his or her written approval of the proposed settlement and distribution, the Court may approve the proposed compromise, settlement or discontinuance, and distribution without the requirement of a hearing, if satisfied of the accuracy of the information presented and that, based upon such information, the proposed disposition of the action and distribution of the proceeds adequately compensates the minor for the injuries sustained and expenses incurred.
- (B) The petition shall include a detailed statement outlining attorney fees, if any, the nature of the legal services rendered, and correspondence from any insurance carrier detailing the nature of the negotiations.

Rule 2952. Judgment on Warrant More than Twenty Years Old or on Missing or Unsigned Warrant.

An application for leave of Court to enter judgment under the circumstances set forth in Pa.R.C.P. No. 2952(a)(9) shall be by petition and rule to show cause, returnable twenty (20) days after service. The petition shall set forth that the instrument containing the warrant was duly executed, that the obligation is unpaid, and that the obligor is alive.

The rule shall be served personally if the obligor can be found within the Commonwealth; if the obligor cannot be found within the Commonwealth, he or she shall be served by registered mail. If the address of the obligor is unknown, notice of the rule shall be published by the Sheriff once each week for three (3) successive weeks in one newspaper of general circulation within the county. If no answer is filed within twenty (20) days after service or within five (5) days after the last publication of the notice, the rule may, on motion, forthwith be made absolute and leave granted to enter judgment in accordance with the warrant.

Rule 3252. Writ of Execution. Money Judgments. Notice.

The designated officer to be named in the Notice to find out where legal help can be obtained as required by Pa.R.C.P. No. 3252(a) shall be:

Court Administrator
Court of Common Pleas of Clinton County
230 East Water Street
Lock Haven, PA 17745
(570) 893-4016

Rule 4005. Interrogatories.

Neither written Interrogatories to a party nor the Answers thereto shall be filed with the Prothonotary without leave of Court unless to supplement a Motion.

Rule 4009.1. Production of Documents.

Neither Requests for Production of Documents nor the responses thereto shall be filed with the Prothonotary without leave of Court unless to supplement a Motion.

Rule 4009.21. Notice of Intent to Serve Subpoena.

Notice to a person, not a party, of intent to serve a subpoena shall not be filed with the Prothonotary unless to supplement a Motion.



CLINTON COUNTY LOCAL RULES
OF ORPHANS' COURT

Rule 1.1. Title, Citation, and Scope of Rules.

- (A) These rules shall be known as the Clinton County Rules of Orphans' Court and may be cited as "Clinton R.O.C. No. _____."
- (B) These rules shall govern all proceedings in the Orphans' Court division of the Court and shall be construed either consistent with or subordinate to all rules or decision of the Supreme Court of Pennsylvania, the rules of the Judicial Council of Pennsylvania, or any statutes still in effect governing practice and procedure.

Rule 1.8(c). Orphans' Court Cover Sheet.

The procedure set forth in this section shall apply to every request for relief and/or application to the court for an order, whether by petition, motion, preliminary objection, exception, or stipulation, that the filing party desires to bring before the court, except a motion for a continuance.

- (A) A cover sheet substantially in the form set forth in subsection 7 of this section shall be attached to the front of every request for a court order to which this rule applies. Any request for relief on the front of which an applicable Pennsylvania Rule of Civil Procedure requires a specific order or notice to be attached shall include that order or notice directly following the cover sheet.
- (B) The cover sheet shall consist of only one page. Captions may be abbreviated. If additional space is necessary to list counsel and unrepresented parties, a separate sheet may be attached. The filing party or counsel shall be responsible for identifying all parties and others to be given notice or their counsel on the cover sheet. If a party was not served with a copy of the executed cover sheet as a result of an omission of the filing party, the argument or hearing may be rescheduled or, in the discretion of the court, the request for relief may be denied.
- (C) If a cover sheet is not attached as required by this rule, the court may choose not to act upon the request for relief until an appropriate cover sheet is filed. If the filing party does not attach a cover sheet as required by this rule, a cover sheet, along with a copy of the original motion may be filed by any party, or the court.
- (D) If expedited consideration by the court is requested or required by statute or rule of procedure, the reason for such consideration shall be set forth on the cover sheet. Such consideration must be requested if the date of the pretrial conference has been set or if the case has already been pretried.
- (E) A proposed order granting the relief requested shall be attached to the cover sheet.
- (F) The court shall schedule argument, hearing or briefing as the court may require, note the scheduling information on the cover sheet, and issue the scheduling order appearing on the cover sheet. The Office of the Clerk of the Orphans' Court shall docket and promptly forward the completed cover sheet to all parties identified on the cover sheet.
- (G) The form of the cover sheet shall be substantially as follows:

**COURT OF COMMON PLEAS, CLINTON COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION – COVER SHEET**

(For a Petition; for an Objection to an Account; or for an Objection to an Inventory)

CAPTION:

DOCKET NO: _____

vs.

Case Assigned to Judge _____
_____ None

1. NAME OF FILING PARTY:
2. FILING PARTY'S ATTORNEY:
3. TYPE OF FILING:

Basis of Orphans' Court Jurisdiction (Check One)			
<input type="checkbox"/> Decedent's Estate Person	<input type="checkbox"/> Trust	<input type="checkbox"/> TPR or Adoption	<input type="checkbox"/> Incapacitated
<input type="checkbox"/> Minor	<input type="checkbox"/> Power of Attorney	<input type="checkbox"/> Non-Profit Corporation	
<input type="checkbox"/> Other (specify) _____			

Filing Party's Relationship to Entity or Person checked above:				
<input type="checkbox"/> Personal Representative	<input type="checkbox"/> Parent or Guardian	<input type="checkbox"/> Trustee	<input type="checkbox"/> Heir	<input type="checkbox"/> Adopting Parent
<input type="checkbox"/> Trust Beneficiary	<input type="checkbox"/> Creditor	<input type="checkbox"/> Corporate Officer	<input type="checkbox"/> Agent (POA)	
<input type="checkbox"/> Other (specify) _____				

<p>4. THE FOLLOWING IS/ARE REQUESTED:</p> <p><input type="checkbox"/> Argument</p> <p><input type="checkbox"/> Evidentiary Hearing</p> <p><input type="checkbox"/> Court Conference</p> <p><input type="checkbox"/> Rule to Show Cause</p> <p><input type="checkbox"/> Issue an Appropriate Order (attach supporting documentation)</p> <p><input type="checkbox"/> Expedited Consideration</p> <p>State the Basis:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><input type="checkbox"/> Telephone Conferencing Requested</p> <p><input type="checkbox"/> Attach this Cover Sheet to the Original Motion Previously Filed on: _____</p> <p><input type="checkbox"/> Other: _____</p>	<p>5. Agreement of Opposing Party Sought? Yes/No – If yes, was it granted or denied? _____</p> <p>6. TIME REQUIRED: _____</p> <p>7. NAMES AND ADDRESSES OF ALL COUNSEL OF RECORD AND UNREPRESENTED PARTIES: (All parties or others to be served with notice must be designated in this section)</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><input type="checkbox"/> Continued on Separate Sheet</p>
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ORDER

1. ___ An ___ Argument ___ Factual Hearing ___ Court Conference is scheduled for _____ at _____ am/pm, in Courtroom No. _____, Clinton County Courthouse, Lock Haven, Pennsylvania.
2. ___ Briefs are to be filed by the following dates:
Filing Party: _____ Responding Party/Parties: _____
3. ___ A Rule is issued upon Respondent to show cause why the Petitioner is not entitled to the relief requested.
4. ___ A Response to the Motion/Petition shall be filed as follows: _____
5. ___ See Order Attached. ___ See Separate Order Issued This Date.
6. ___ Other: _____

Date: _____

JUDGE

cc: ALL PARTIES OR OTHERS TO BE SERVED WITH NOTICE MUST BE DESIGNATED IN "7" ABOVE.



CLINTON COUNTY LOCAL RULES
OF JUVENILE COURT

Rule 205. Electronic Filing and Service of Legal Papers.

- (A) The 25th Judicial District Court of Common Pleas of Clinton County and the Administrative Office of Pennsylvania Courts (AOPC) have agreed upon the implementation of the electronic statewide filing system known as PACFile for certain delinquency filings. In accordance with Pa.R.J.C.P. 205 and this Rule, legal papers may be filed electronically using PACFile. Electronic filing is permissive and not mandatory.
- (B) **Legal Papers Defined.** The legal papers which may be filed electronically includes all written motions, answers, and any notices or documents for which filing is required or permitted, including orders, copies of exhibits, and attachments except for the following:
- (1) Applications for search warrants;
 - (2) Applications for arrest warrants;
 - (3) Any grand jury materials, except the indicting grand jury indictment or the investigating grand jury presentment;
 - (4) Submissions filed ex parte as authorized by law;
 - (5) Submissions filed or authorized to be filed under seal; and
 - (6) Exhibits offered into evidence, whether or not admitted, in a court proceeding.
- (C) Attorneys or self-represented individuals who wish to file legal papers electronically shall establish a PACFile account using the Unified Justice System of Pennsylvania's Web Portal. Parties who are unwilling or unable to participate in the electronic filing of legal papers are permitted to file and serve legal papers in a physical paper format. Establishment of a PACFile account shall constitute consent to participate in electronic filing, including acceptance of service electronically of any document filed in PACFile.
- (D) Applicable filing fees shall be accepted in the same manner as currently required by statute, court order, Local Rule or as established by fee schedule.
- (E) Upon electronic submission of a legal paper, the PACFile system shall provide an electronic notification to other parties and attorneys to the case who are participating in electronic filing that the legal paper has been submitted. Upon submission, this notification shall satisfy the service requirements of Rules 167(B) and 345(B) on any attorney or party who has established a system account.
- (F) Service of electronic filings on any attorney or party who has not established a UJS web portal account, who is unable to file or receive legal papers electronically or is otherwise unable to access the system shall be made by the procedures provided under Rule 167(B) and 345(B).
- (G) *Legal Papers Filed in Paper Format.* Any legal paper submitted for filing to the Clerk of Courts in a physical paper format shall be accepted by the Clerk of Courts in that format and retained by the Clerk of Courts as is required by applicable rules of the Court and record retention policies. The Clerk of Courts shall convert such physical filings to a PDF and add it to the system, except those legal papers defined in paragraph (B).