

RULE 121. LOCAL RULES

- A. **Definition of Local Rule.** For the purpose of this rule, the term, "local rule" shall include every rule, administrative order, regulation, directive, policy, custom, usage, form, or order of general application, however labeled or promulgated, which is adopted or enforced by a court of common pleas to govern juvenile delinquency practice and procedure.
- B. **Vacated Local Rules and Repromulgation.**
- 1) All local rules promulgated before October 1, 2005 were vacated at the time of the adoption of these Rules.
 - 2) **All local rules not published on the Unified Judicial System (UJS) Portal by June 1, 2010 shall be vacated.**
 - 3) Each judicial district may promulgate new local rules that do not conflict with the Rules of Juvenile Court Procedure after submission under paragraph (D).
- C. **Corresponding numbers.** Local rules shall be given numbers that are keyed to the number of the Rules of Juvenile Court Procedure to which the local rules correspond.
- D. **Submission to Committee.**
- 1) All proposed local delinquency rules and proposed amendments to local delinquency rules shall be submitted in writing to the Juvenile Court Procedural Rules Committee for the Committee to review.
 - 2) The adopting court shall not proceed with the proposed local rule or amendment[s] until the adopting court receives written notification from the Committee that the proposed local rule or amendment[s are] **is** not inconsistent with any general rule of the Supreme Court.
- E. **Vacating and Suspending Local Rules.** Local rules shall not be inconsistent with any rule of the Supreme Court or any Act of Assembly.
- 1) The Juvenile Court Procedural Rules Committee may at any time recommend that the Supreme Court suspend, vacate, or require amendment of a local rule.
 - 2) The Juvenile Court Procedural Rules Committee may suspend that local rule pending action by the Court on that recommendation.

F. **Publication of Local Rules.** All local rules shall be published on the UJS Portal maintained by the Administrative Office of Pennsylvania Courts and in the *Pennsylvania Bulletin* to be effective and enforceable.

1) The adopting court shall publish every local rule on the UJS Portal.

a) Current Rules. All current local rules promulgated before March 1, 2010 shall be published on the UJS Portal by June 1, 2010 to be effective and enforceable.

b) New Rules. All new local rules that have been submitted to the Committee pursuant to paragraph (D)(1) shall be published on the UJS Portal no later than ninety days after receiving written notification from the Committee under paragraph (D)(2).

c) Vacating Rules. If local rules are not published by these time requirements, they shall be vacated pursuant to paragraph (B)(2).

2) The adopting court shall not publish the local rule in the *Pennsylvania Bulletin* until it has received the statement from the Committee that the proposed local rule is not inconsistent with any general rule of the Supreme Court.

[2]3) The adopting court shall submit the following items to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*:

- a) two certified copies of the local rule;
- b) a copy of the local rule on a computer diskette, CD-ROM, or electronic copy that complies with the requirements of 1 *Pa.Code* § 13.11(b) - (f); and
- c) a copy of the written notification, received from the Juvenile Court Procedural Rules Committee, providing that the local rule is not inconsistent with the Pennsylvania Rules of Juvenile Court Procedure.

[3]4) The effective date of the local rule shall not be less than 30 days after the date of publication of the rule on the UJS Portal and in the *Pennsylvania Bulletin*.

G. **Filing with AOPC.** Contemporaneously with publishing the local rule in the *Pennsylvania Bulletin*, the adopting court shall:

1) file one certified copy of the local rule with the Administrative Office of Pennsylvania Courts; and

2) publish a copy of the local rule on the UJS Portal at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.

H. Public inspection.

- 1) The local rules shall be kept continuously available for public inspection and copying in the office of the clerk of courts.
- 2) Upon request and payment of reasonable costs of reproduction and mailing, the clerk shall furnish to any person a copy of any local rule.

I. Mandatory Acceptance of Filing.

- 1) No pleading or other legal paper shall be refused for filing by the clerk of courts based on a requirement of a local rule.
- 2) No case shall be dismissed nor request for relief granted or denied because of the failure to comply with a local rule.
- 3) In any case of noncompliance with a local rule, the court shall alert the party to the specific provision at issue and provide a reasonable time for the party to comply with the local rule.

COMMENT

The purpose of this rule is to further the policy of the Supreme Court to implement the unified judicial system under the Constitution of 1968, to facilitate the statewide practice of law under this Court's general rules, and to promote the further policy that a general rule of juvenile court procedure normally preempts the subject covered. It is intended that local rules should not repeat general rules or statutory provisions verbatim or substantially verbatim nor should local rules make it difficult for attorneys to practice law in several counties.

The caption or other words used as a label or designation is not to determine whether something is or establishes a local rule; if the definition in paragraph (A) of this rule is satisfied, the matter is a local rule regardless of what it may be called. The provisions of this rule also are intended to apply to any amendments to a "local rule." Nothing in this rule is intended to apply to case-specific orders.

Paragraph (B)(1) vacated all current local rules on October 1, 2005, the original effective date of this rule. **Paragraph (B)(2) vacated all local rules not published on the UJS Portal by June 1, 2010.** The local rules are to be repromulgated to comply with this rule. This includes rekeying pursuant to paragraph (C) and meeting the appropriate filing requirements under paragraphs (F) & (G).

To simplify the use of local rules, local juvenile delinquency procedural rules are required to be given numbers that are keyed to the number of the general juvenile delinquency procedural rules to which the local rules correspond pursuant to paragraph (C). This requirement is not intended to apply to local rules that govern the general business of the court and which do not correspond to a general juvenile delinquency procedural rule.

Paragraph (D), added in 2008, requires that, before publishing the local rule or proceeding with any of the other requirements in paragraphs (F) and (G), the adopting court must submit all proposed local delinquency rules or rule amendments to the Juvenile Court Procedural Rules Committee for review.

The 2008 amendments emphasize that the adopting authority is to comply with all the provisions of this rule before any local rule, or any amendment to local rules, will be effective and enforceable.

Paragraph (F) requires the local rule to be published **on the UJS Portal and** in the *Pennsylvania Bulletin* to be effective.

Pursuant to the 2010 amendments under paragraph (F)(1), all current local rules are to be published on the UJS Portal by June 1, 2010 to be effective and enforceable. If they are not published by this time, they are vacated and may be repromulgated if the procedures of this Rule are followed. All new local rules promulgated after March 1, 2010 are to be published on the UJS Portal no later than ninety days after receiving written notification from the Committee that the proposed rule or amendment is not inconsistent with any general rule of the Supreme Court of Pennsylvania.

Pursuant to 1 Pa. Code § 13.11(b) - (f), any documents that are submitted for publication must be accompanied by a diskette or CD-ROM formatted in MS-DOS, ASCII, Microsoft Word, or WordPerfect or in lieu of a diskette or CD-ROM, an electronic copy may be submitted to Legislative Reference Bureau at pabsupreme@palrb.us. The diskette, CD-ROM, or email cover sheet must be labeled with the court's name and address and the local rule's computer file name. In addition, a copy of the written notification, received from the Juvenile Court Procedural Rules Committee, that the local rule is not inconsistent with the Rules of Juvenile Court Procedure is to be submitted.

Pursuant to paragraph (F)(~~2~~**3**), an electronic copy is a document sent via email to the *Pennsylvania Bulletin*.

Although under paragraph (F)(~~3~~**4**) a local rule is not to be effective until at least thirty days after the date of publication in the *Pennsylvania Bulletin*, when a situation arises that requires immediate action, the local court may act by specific orders governing particular cases in the interim before an applicable local rule becomes effective.

The Administrative Office of Pennsylvania Courts maintains a web-page containing the text of local rules. That web-page is located at: <http://www.pacourts.us/T/SpecialCourts/LocalRules.htm>.

Paragraph (H) requires that a separate consolidated set of local rules be maintained in the clerk's office.

The purpose of paragraph (I) is to: 1) require that all documents presented for filing are accepted by the clerk of court, *also see* Rule 345 (A)(2); and 2) prevent the dismissal of cases, or the granting or denial of requested relief, because a party has failed to comply with a local rule. In addition, paragraph (I) requires that the party be alerted to the local rule, and be given a reasonable amount of time to comply with the local rule.

After the court has alerted the party to the local rule pursuant to paragraph (I), the court may impose a sanction for subsequent noncompliance either on the attorney or the juvenile if proceeding *pro se*, but may not dismiss the case, or grant or deny relief because of non-compliance.

Official Note: Rule 121 adopted April 1, 2005, effective October 1, 2005. Amended December 12, 2008, effective immediately. **Amended January 11, 2010, effective March 1, 2010.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 121 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005). Final Report explaining the amendments to Rule 121 published with the Court's Order at 38 Pa.B. 7080 (December 27, 2008). **Final Report explaining the amendments to Rule 121 published with the Court's Order at 40 Pa.B. - (January -, 2010).**

**PART C.
POST- DISPOSITIONAL MOTIONS**

RULE 520. POST- DISPOSITIONAL MOTIONS

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COMMENT

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BRIEFS; TRANSCRIPTS; ARGUMENT

Under paragraph (C)(1), the judge should determine, on a case-by-case basis, whether briefs, memoranda of law, or arguments are required for a fair resolution of the post-dispositional motion. If they are not needed, or if a concise summary of the relevant law and facts is sufficient, the judge should so order. Any local rules requiring briefs or oral argument are inconsistent with this rule. See Rule 121(**C**)(**E**).

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Official Note: Rule 520 adopted May 17, 2007, effective August 20, 2007. Amended July 28, 2009, effective immediately. **Amended January 11, 2010, effective March 1, 2010.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 520 published with the Court's Order at 37 Pa.B. 2506**[9]** (June 2, 2007). Final Report explaining the amendment to Rule 520 published with the Court's Order at 39 Pa.B. 4743 (August 8, 2009).

RULE 1121. LOCAL RULES

- A. **Definition of Local Rule.** For the purpose of this rule, the term, "local rule" shall include every rule, administrative order, regulation, directive, policy, custom, usage, form, or order of general application, however labeled or promulgated, which is adopted or enforced by a court of common pleas to govern juvenile dependency practice and procedure.
- B. **Vacated Local Rules and Repromulgation.**
- 1) All local rules promulgated before February 1, 2007 were vacated at the time of the adoption of these Rules.
 - 2) **All local rules not published on the Unified Judicial System (UJS) Portal by June 1, 2010 shall be vacated.**
 - 3) Each judicial district may promulgate new local rules that do not conflict with the Rules of Juvenile Court Procedure after submission under paragraph (D).
- C. **Corresponding numbers.** Local rules shall be given numbers that are keyed to the number of the Rules of Juvenile Court Procedure to which the local rules correspond.
- D. **Submission to Committee.**
- 1) All proposed local dependency rules and proposed amendments to local dependency rules shall be submitted in writing to the Juvenile Court Procedural Rules Committee for the Committee to review.
 - 2) The adopting court shall not proceed with the proposed local rule or amendment[s] until the adopting court receives written notification from the Committee that the proposed local rule or amendment[s are] **is** not inconsistent with any general rule of the Supreme Court.
- E. **Vacating and Suspending Local Rules.** Local rules shall not be inconsistent with any rule of the Supreme Court or any Act of Assembly.
- 1) The Juvenile Court Procedural Rules Committee may at any time recommend that the Supreme Court suspend, vacate, or require amendment of a local rule.
 - 2) The Juvenile Court Procedural Rules Committee may suspend that local rule pending action by the Court on that recommendation.

F. **Publication of Local Rules.** All local rules shall be published on the UJS Portal maintained by the Administrative Office of Pennsylvania Courts and in the *Pennsylvania Bulletin* to be effective and enforceable.

1) The adopting court shall publish every local rule on the UJS Portal.

a) Prior Rules. All local rules promulgated before March 1, 2010 shall be published on the UJS Portal by June 1, 2010 to be effective and enforceable.

b) New Rules. All new local rules that have been submitted to the Committee pursuant to paragraph (D)(1) shall be published on the UJS Portal no later than ninety days after receiving written notification from the Committee under paragraph (D)(2).

c) Vacating Rules. If local rules are not published by these time requirements, they shall be vacated.

2) The adopting court shall not publish the local rule in the *Pennsylvania Bulletin* until it has received the statement from the Committee that the proposed local rule is not inconsistent with any general rule of the Supreme Court.

[2]3) The adopting court shall submit the following items to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*:

a) two certified copies of the local rule;

b) a copy of the local rule on a computer diskette, CD-ROM, or electronic copy that complies with the requirements of 1 *Pa.Code* § 13.11(b) - (f); and

c) a copy of the written notification, received from the Juvenile Court Procedural Rules Committee, providing that the local rule is not inconsistent with the Pennsylvania Rules of Juvenile Court Procedure.

[3]4) The effective date of the local rule shall not be less than 30 days after the date of publication of the rule on the UJS Portal and in the *Pennsylvania Bulletin*.

G. **Filing with AOPC.** Contemporaneously with publishing the local rule in the *Pennsylvania Bulletin*, the adopting court shall:

1) file one certified copy of the local rule with the Administrative Office of Pennsylvania Courts; and

2) publish a copy of the local rule on the UJS Portal at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.

H. Public inspection.

- 1) The local rules shall be kept continuously available for public inspection and copying in the office of the clerk of courts.
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- 3) In any case of noncompliance with a local rule, the court shall alert the party to the specific provision at issue and provide a reasonable time for the party to comply with the local rule.

COMMENT

The purpose of this rule is to further the policy of the Supreme Court to implement the unified judicial system under the Constitution of 1968, to facilitate the statewide practice of law under this Court's general rules, and to promote the further policy that a general rule of juvenile court procedure normally preempts the subject covered. It is intended that local rules should not repeat general rules or statutory provisions verbatim or substantially verbatim nor should local rules make it difficult for attorneys to practice law in several counties.

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To simplify the use of local rules, local juvenile dependency procedural rules are required to be given numbers that are keyed to the number of the general juvenile dependency procedural rules to which the local rules correspond pursuant to paragraph (C). This requirement is not intended to apply to local rules that govern the general business of the court and which do not correspond to a general juvenile dependency procedural rule.

Paragraph (D), added in 2008, requires that, before publishing the local rule or proceeding with any of the other requirements in paragraphs (F) and (G), the adopting court must submit all proposed local dependency rules or rule amendments to the Juvenile Court Procedural Rules Committee for review.

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Pursuant to 1 Pa. Code § 13.11(b) - (f), any documents that are submitted for publication must be accompanied by a diskette or CD-ROM formatted in MS-DOS, ASCII, Microsoft Word, or WordPerfect or in lieu of a diskette or CD-ROM, an electronic copy may be submitted to Legislative Reference Bureau at pabsupreme@palrb.us. The diskette, CD-ROM, or email cover sheet must be labeled with the court's name and address and the local rule's computer file name. In addition, a copy of the written notification, received from the Juvenile Court Procedural Rules Committee, that the local rule is not inconsistent with the Rules of Juvenile Court Procedure is to be submitted.

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Paragraph (H) requires that a separate consolidated set of local rules be maintained in the clerk's office.

The purpose of paragraph (I) is to: 1) require that all documents presented for filing are accepted by the clerk of court, *also see* Rule 1345 (A)(2); and 2) prevent the dismissal of cases, or the granting or denial of requested relief, because a party has failed to comply with a local rule. In addition, paragraph (I) requires that the party be alerted to the local rule, and be given a reasonable amount of time to comply with the local rule.

After the court has alerted the party to the local rule pursuant to paragraph (I), the court may impose a sanction for subsequent noncompliance either on the attorney or the party if unrepresented, but may not dismiss the case, or grant or deny relief because of non-compliance.

Official Note: Rule 1121 adopted August 21, 2006, effective February 1, 2007. Amended December 12, 2008, effective immediately. **Amended January 11, 2010, effective March 1, 2010.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1121 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006). Final Report explaining the amendments to Rule 1121 published with the Court's Order at 38 Pa.B. 7080 (December 27, 2008). **Final Report explaining the amendments to Rule 1121 published with the Court's Order at 40 Pa.B. - (January -, 2010).**