

## 2007 Membership

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## Legal Authorization

Pa. Constitution, Article V, § 10(c)  
42 Pa. C.S., § 1722

## About the Committee

The Orphans' Court Procedural Rules Committee responds to developments in orphans' court procedure and reviews current rules governing statewide practice and procedure in the orphans' court, recommending new rules and rule changes as necessary.

**Orphans'**

**Court**

**Procedural**

**Rules**

**Committee**

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## 2007 Activities

### *Recommendation Promulgated by the Supreme Court*

Amendment to O.C. Rule 6.1 (Form of Accounts) and approval of Model Accounts for Estates, Trusts and Charitable Remainder Unitrusts. Adopted 3-29-07, effective 4-28-07.

### *Miscellaneous*

The committee also worked on the following projects in 2007 and will continue to work on them in 2008:

- exploration of necessary revisions to O.C. Rules 15.1-15.7 concerning domestic adoptions so that the rules are consistent with the current Adoption Code.
- address of concerns regarding the application and enforcement of O.C. Rule 5.6, which governs notice to estate beneficiaries and intestate heirs when letters testamentary or letters of administration are granted.
- amendment to O.C. Rule 7.1 governing exceptions so that it cross-references recently-adopted Pa. R.A.P. 311(a)(8), thereby permitting exceptions to be filed to an order determining the validity or invalidity of a will or trust.
- recommendation to the Appellate Procedural Rules Committee that Pa.R.A.P. 342 be amended to cross-reference Pa.R.A.P. 341(c) or provide an analogous procedure so that an aggrieved party can petition the orphans' court judge for a finding of finality and appeal the denial of that application, if necessary.
- continued exploration of possible rules of procedure governing practice before the registers of wills.
- continued exploration of orphans' court mediation.
- continued consideration of model physician interrogatories for uncontested incapacity hearings and forms regarding minors and incapacitated persons. The committee is not moving forward with any proposed forms until passage of new comprehensive guardianship legislation.
- monitoring the statewide e-filing rules and the Philadelphia pilot project. **AOPC**
- exploration of the relationship between the orphans' court rules, the Rules of Civil Procedure and the Pennsylvania Probate Estates and Fiduciaries Code, with the goal of assuring simple and clear procedures for orphans' court litigation that accounts for the unique nature of such litigation. The committee is researching citation practice and pleadings that should be permitted in orphans' court.
- continued monitoring of the use of the model forms. The committee plans to submit a recommendation in 2008 making nonsubstantive, technical and grammatical revisions to three forms. It also plans to develop a list of frequently asked questions to assist practitioners in answering specific questions on the Petitions for Adjudication.
- finalization and resubmission of a recommendation for proposed new O.C. Rule 15.9 to finalize foreign adoptions that are not "full and final," including proposed statewide forms for use with this rule.