

Orphans' Court Procedural Rules Committee Report

Adoption of Pa. O.C. Rule 1.40 and Amendment of Pa. O.C. Rule 14.8

The Orphans' Court Procedural Rules Committee ("Committee") recommended to the Supreme Court the adoption of new Rule 1.40 and the amendment of Rule 14.8 of the Pennsylvania Orphans' Court Rules ("Rules"). The Committee made this recommendation to the Court pursuant to Pa.R.J.A. 103(a)(3) without prior publication because the proposed changes are of a perfunctory nature or required in the interests of justice and efficient administration.

New Rule 1.40: This new Rule applies Pa.R.C.P. No. 240, governing requests to proceed *in forma pauperis*, to every action or proceeding before a court covered by the Rules. Prior to the substantial rewrite of the Rules that took effect on September 1, 2016,¹ former Rule 3.1 required conformity with the Rules of Civil Procedure when the Orphans' Court Rules did not provide guidance on a particular matter. Because the former Rules did not include a procedure for a person without the financial resources to pay the costs of litigation to proceed *in forma pauperis*, such matters were governed by Pa.R.C.P. No. 240 prior to the effective date of the Rules rewrite, September 1, 2016. Former Rule 3.1 was rescinded and was not replaced in the rewrite. The new Rules that took effect in 2016 did not address *in forma pauperis* proceedings. Thus, there was no longer a rule that a person without financial resources to pay the cost of litigation could rely upon to obtain *in forma pauperis* status. New Rule 1.40 restores the pre-2016 reliance on Pa.R.C.P. No. 240.

Rule 14.8: This Rule provides for the requirement and timing of guardian reports and inventories required by statute and took effect on June 1, 2019.² See Rule 14.8.

The Administrative Office of Pennsylvania Courts developed an electronic filing system for filing reports and inventories by guardians, the Guardianship Tracking System ("GTS"). The Court adopted a Rule of Judicial Administration establishing the GTS as the exclusive method for electronically filing required guardianship reports and inventories and for tracking data related to statewide guardianship cases of adult incapacitated persons.³ See Pa.R.J.A. No. 510(b). That Rule includes instructions on establishing a UJS portal account, making electronic filings via the GTS, handling of paper records, and the use of electronic signatures. *Id.* (b)–(d).

With statewide implementation of the GTS completed and the new Guardianship Rules in full effect, the Court added a note to Rule 14.8(a) cross-referencing Pa.R.J.A. No. 510 to ensure awareness of the administrative requirements of the GTS by guardians.

¹ See Order of December 1, 2015, No. 682, Supreme Court Rules Docket.

² See Order of June 1, 2018, No. 770, Supreme Court Rules Docket.

³ See Order of August 31, 2018, No. 501, Judicial Administration Docket.