

Rule 1.3. Definitions.

The following words and phrases when used in these Rules shall have the following meanings, respectively, unless the context clearly indicates otherwise or the particular word or phrase is expressly defined in the Chapter in which the particular Rule is included:

“Guardian *ad litem* or Trustee *ad litem*” – a fiduciary who is appointed by a court in a legal proceeding to represent an individual or class of individuals under a legal disability;

“Hearing Officer” – a person who is appointed by the court to investigate any issue of fact and to report findings of fact, conclusions of law, and recommendations to the court. A hearing officer shall include any person now or formerly referred to as a master by rule of court or statute;

“Incapacitated Person” – a person determined to be incapacitated under the provisions of Chapter 55 of Title 20 (relating to incapacitated persons);

[Note] Comment: This definitional section is new; but, some of the definitions are substantively identical to the definitions in former Rule 2.3 and other definitions are taken from and are similar to Pa.R.Civ.P. No. 76. **The term “hearing officer” is used in these Rules in the same manner as “master” in the Probate, Estates and Fiduciaries Code, 20 Pa.C.S. §§ 101 et seq. See, e.g., 20 Pa.C.S. § 751(1).**

Rule 2.11. Appointment of Official Examiners.

The court, by local rule or order in a particular matter, may appoint an official examiner who shall examine the assets held by or the transactions of any fiduciary.

[Note] Comment: Rule 2.11 is substantively identical to former Rule 9.1. The appointment and conduct of Auditors and **[Masters] Hearing Officers** is provided for in Chapter IX.

Chapter IX. Auditors and [Masters] Hearing Officers

Rule 9.1. Notice of Hearings.

An auditor or **[master] hearing officer** appointed pursuant to 20 Pa.C.S. § 751 shall give notice of scheduled hearings in such manner and to such parties as local rules shall prescribe.

[Note] Comment: Rule 9.1 is substantively identical to former Rule 8.1.

Rule 9.2. Filing of Report.

An auditor or **[master] hearing officer** shall file his or her report within 90 days after his or her appointment, unless the court extends the time upon request.

[Note] Comment: Rule 9.2 is based upon former Rule 8.2.

Rule 9.4. Form of [Master's] Hearing Officer's Report.

A [master's] hearing officer's report shall state the number, times, dates, and duration of the hearings held, the number, extent, and causes of any delays or continuances, and the basis of the court's jurisdiction, and shall include a statement and discussion of the questions involved, findings of fact and conclusions of law, and specific recommendations.

[Note] Comment: Rule 9.4 is substantively identical to former Rule 8.4.

Rule 9.5. Transcript of Testimony.

The transcript of testimony taken before an auditor or **[master] hearing officer** shall be filed with the report.

[Note] Comment: Rule 9.5 is **substantively** identical to former Rule 8.5.

Rule 9.6. Notice of Filing Report.

An auditor or **[master] hearing officer** shall give notice of the filing of the report or of the intention to file the report in such manner and to such parties as local rules shall prescribe.

[Note] Comment: Rule 9.6 is **substantively** identical to former Rule 8.6.

Rule 9.7. Confirmation of Report.

- (a) The report of an auditor shall be confirmed in such manner as local rules shall prescribe.
- (b) The report of a **[master] hearing officer** shall not be approved until a decree is entered adopting its recommendations.

[Note] Comment: Rule 9.7 is **substantively** identical to former Rule 8.7.

Rule 9.8. Security for Expenses and Fees.

An auditor or **[master] hearing officer**, the accountant, or any interested party may apply to the court at any time for leave to require security for the payment of the auditor's or **[master's] hearing officer's** expenses and fees, and, when such leave is granted, the auditor or **[master] hearing officer** may decline to proceed until security is entered.

[Note] Comment: Rule 9.8 is substantively identical to former Rule 8.8.