

Lackawanna County  
Rules of Civil Procedure

**RULES OF CONSTRUCTION**

Rule 51. Title and Citation of Rules. . . . . 3

Rule 52. Effective Date of Rules. . . . . 3

Rule 76. Definitions. . . . . 3

Rule 101. Principles of Interpretation. . . . . 3

Rule 127. Construction of Rules. . . . . 4

Rule 128. Presumptions and Ascertaining the  
Intent of the Court of Common Pleas of  
Lackawanna County. . . . . 4

Rule 130. Construction of Rules and  
Derogation of the Common Law. . . . . 5

Rule 151. Effective Date of Amendments. . . . . 5

**THE BUSINESS OF THE COURT**

Rule 171. Sessions of Court. . . . . 5

Rule 172. Holidays. . . . . 5

Rule 188. Professional Conduct. . . . . 6

**PRACTICE AND PROCEDURE GENERALLY**

Rule 200. Attorneys Practicing Before This Court. . . . . 6

Rule 200.1. Appearances and Withdrawals. . . . . 7

Rule 201. Agreements of Attorneys. . . . . 7

Rule 205.2(a). Pleading Requirements. . . . . 7

Rule 205.2(b). Civil Cover Sheet. . . . . 7

Rule 206.1(a). Definition of Petition. . . . . 8

Rule 206.4(c). Issuance of Rule to Show Cause . . . . . 8

Rule 208.2(c). Motion Content. . . . . 9

Rule 208.2(d). Certificate of Concurrence. . . . . 9

Rule 208.2(e). Discovery Motion Certification. . . . . 9

Rule 208.3(a). Motion Procedure. . . . . 9

Rule 210. Submission and Form of Briefs. . . . . 10

Rule 210.1.	Transcription Required for Argument. . . .	10
Rule 211.	Disposition of Motions and Petitions. . . .	11
Rule 212.	Pre-Trial Procedure and Settlement Conference. . . . .	12
Rule 212.2.	Miscellaneous Instructions Pertaining to Trial. . . . .	14
Rule 212.6.	Special Trial Masters. . . . .	14
Rule 213.	Motions for Consolidation or Severance of Actions and Issues. . . . .	16
Rule 214.	Listing Cases for Hearing or Trial. . . . .	16
Rule 214.1.	Hearing and Trial Terms . . . . .	17
Rule 214.2.	Assignment of Medical Professional Liability and Protracted Cases. . . . .	18
Rule 214.3.	Notice of Hearing or Trial. . . . .	19
Rule 216.	Application for Continuance. . . . .	19
Rule 223.	Civil Trials. . . . .	20
Rule 223.1.	Trial Briefs. . . . .	21
Rule 223.2.	Additional Submission for Non-Jury Trials. . . . .	21
Rule 226.	Points for Charge and Jury Interrogatories. . . . .	21
Rule 227.1.	Post-Trial Motions in Jury Trials. . . . .	22
Rule 229.	Discontinuance. . . . .	23
Rule 230.2.	Termination of Inactive Cases. . . . .	23
Rule 238.	Notice of Settlement Offer. . . . .	23
Rule 240.	Proceeding In Forma Pauperis in Civil Cases. . . . .	23
Rule 248.	Modification of Time. . . . .	24
Rule 250.	Scope of Chapter. . . . .	24
Rule 250.1.	Suspension of Rules. . . . .	24
Rule 261.	Court Records. . . . .	24
Rule 262.	Court Records (Transcripts). . . . .	25
Rule 263.	Ordering of Transcripts. . . . .	25
Rule 275.	Costs. . . . .	25
Rule 290.	Appellate Court Filing Fees. . . . .	26

---

**SERVICE OF ORIGINAL PROCESS AND OTHER  
LEGAL PAPERS**

---

Rule 400.1.	Notice to Serve. . . . .	27
-------------	--------------------------	----

---

Rule 430.	Service by Publication in Actions in Ejectment. . . . .	27
Rule 430.2.	Service by Publication in Actions in Replevin. . . . .	27
Rule 430.3.	Service by Publication in Action Requesting Equitable Relief. . . . .	28
Rule 430.4.	Service by Publication for the Enforcement of Judgments for Payment of Money. . . . .	28
Rule 430.5.	Service by Publication of Actions Pursuant to 41 P.S. Section 407. . . . .	28
Rule 440.	Service of Legal Papers Other Than Original Process. . . . .	29

---

**ACTIONS AT LAW**

---

Rule 1018.1.	Notice to Defend. . . . .	30
Rule 1019.	Contents of Pleadings, General and Specific Averments. . . . .	30
Rule 1021.	Claims for Relief-Accounting. . . . .	30
Rule 1021.1.	Claim for Relief. . . . .	31
Rule 1028(c).	Preliminary Objections. . . . .	31
Rule 1033.	Amendments to Pleadings. . . . .	31
Rule 1034.	Motion for Judgment on the Pleadings. . . . .	32
Rule 1035.2.	Motion for Summary Judgement. . . . .	33
Rule 1037.	Judgment Upon Default for Repair of Property. . . . .	34
Rule 1054.	Abstracts of Title. . . . .	35
Rule 1075.	Seizure of Property Before Judgment in Actions in Replevin. . . . .	35
Rule 1098.	Peremptory Judgment in Actions in Mandamus. . . . .	35
Rule 1143.	Commencement of Mortgage Foreclosure Action . . . . .	36
Rule 1143.1.	Conciliation Conference in Residential Mortgage Foreclosure Actions . . . . .	37
Rule 1301.	Arbitration. . . . .	39

---

**INJUNCTIONS**

---

Rule 1531.	Injunctions. . . . .	42
Rule 1531.1.	Contempt Proceedings on Injunctions. . . . .	42

---

**CLASS ACTION RULES**


---

Rule 1703.	Commencement of Action; Assignment of Judge. . . . .	42
Rule 1707.	Discovery Pertaining to Class Action Issues. . . . .	43
Rule 1710.	Determination of Class Action Certification Hearing. . . . .	43
Rule 1712.	Order and Notice of Certification as Class Action. . . . .	43
Rule 1713.	Pre-Trial of Class Actions. . . . .	44

---

**MINORS AND INCOMPETENT PARTIES**


---

Rule 2032.	Filing Affidavit as to Age. . . . .	44
Rule 2039.	Compromise, Settlement, Discontinuance or Distribution in Action Involving a Minor. . . . .	44
Rule 2056.	Notice to Guardian of Incompetent. . . . .	45
Rule 2059.	Notice to Incompetent of Application for Guardian Ad Litem. . . . .	45
Rule 2064.	Compromise, Settlement, Discontinuance and Distribution in Action Involving an Incompetent. . . . .	45

---

**ACTIONS FOR WRONGFUL DEATH**


---

Rule 2205.	Notice to Persons Entitled to Damages. . . . .	45
Rule 2206.	Court Approval of Distribution of Proceeds . . . . .	46

---

**JOINDER AND SUBSTITUTION OF PARTIES**


---

Rule 2227.	Compulsory Joinder. . . . .	46
Rule 2232.	Defective Joinder. Change of Parties. . . . .	46
Rule 2253.	Extension of Time Limits to Join Additional Defendants. . . . .	47
Rule 2352.	Praecipe for Rule for Substitution of Successor. . . . .	47
Rule 2353.	Service by Publication of Rule Concerning Substitution of Parties. . . . .	47

**EXECUTION AND ENFORCEMENT OF JUDGMENTS**

Rule 2959. Return Day for Rules Pertaining to Judgment by Confession. . . . . 48

Rule 3128. Notice of Resale of Personal Property by Sheriff. . . . . 48

Rule 3129.1. Notice of Sale. Real Property. . . . . 48

Rule 3130. Notice of Sale of Securities. . . . . 49

Rule 3190. Real Estate Tax Assessment Appeal. . . . . 50

Rule 3191. Intervention. . . . . 51

Rule 3192. Discovery. . . . . 51

Rule 3193. Pretrial Status Conference. . . . . 51

**DISCOVERY**

Rule 4000. Motion Practice for Discovery and Scheduling Matters. . . . . 52

Rule 4000.1. Motion for Presentation before a Special Trial Master. . . . . 52

Rule 4000.2. Case Management Proposal . . . . . 53

Rule 4007. Requests for Transcripts . . . . . 53

Rule 4007.1. Objections During Oral Depositions; Speaking Objections. . . . . 55

Rule 4008. Transcript Costs Payable by a Requesting Party Other Than the Commonwealth or a Subdivision Thereof . . . . . 55

Rule 4008.1. Transcript Costs Payable by the Commonwealth or a Subdivision Thereof . . . . . 57

Rule 4012. Protective Orders. . . . . 57

Rule 4013. Stay of Proceedings by Discovery. . . . . 58

Rule 4017.1. Objections During Videotape Depositions. . . . . 58

Rule 4019. Petitions for Sanctions before a Special Trial Master. . . . . 59

Rule 4020. Use of Deposition at Trial. . . . . 59

Rule 4021. Assignment of Judge for Discovery Proceedings. . . . . 59



Forms	Lackawanna Civil Forms . . . . .	61
Forms	Lackawanna Civil Forms Appendix . . . . .	71
Index	Lackawanna Civil Index . . . . .	99

---



---

## Lackawanna County Family Court Rules

---

Rule 1910.10.	Alternative Hearing Procedures . . . . .	109
Rule 1915.1(b).	Scope. Definitions... . . . .	109
Rule 1915.3.	Commencement of Action. Complaint. Order... . . . .	109
Rule 1915.4.	Prompt Disposition of Custody Cases. . . . .	110
Rule 1915.4-1(a).	Alternative Hearing Procedures for Partial Custody or Visitation Actions. . . . .	111
Rule 1915.4-2.	Partial Custody. Visitation. Office Conference. Hearing. Record. Exceptions. Order... . . . .	111
Rule 1915.11(a).	Appointment of Attorney for Child. Interrogation of Child. . . . .	112
Rule 1915.13.	Special Relief . . . . .	112
Rule 1920.3.	Commencement of Action . . . . .	113
Rule 1920.51(a)(3).	Hearing by the Court. Appointment of Master. Notice of Hearing. . . . .	113
Rule 1940.3(a).	Order of Orientation Session and Mediation. Selection of Mediator. . . . .	116
Rule 1940.6.	Termination of Mediation . . . . .	116
Forms	Lackawanna Family Forms. . . . .	119
Index	Lackawanna Family Index . . . . .	149



---



---

**Lackawanna County  
Rules of Criminal Procedure**

---



---

**CHAPTER 1  
SCOPE OF RULES, CONSTRUCTION AND  
DEFINITIONS**

---

Rule 2.	Purpose and Construction. . . . .	155
Rule 3.	Definition. . . . .	155
Rule 4.	Citing the Rules. . . . .	155
Rule 5.	Design of Forms. . . . .	155
Rule 6.	Sessions of Criminal Court. . . . .	155

---



---

**CHAPTER 20  
ISSUING AUTHORITIES: VENUE, LOCATION AND  
RECORDING OF PROCEEDINGS  
CENTRAL COURT**

---

Rule 22.	Central Court. . . . .	156
Rule 23.	Continuous Availability and Temporary Assignment of Issuing Authorities. . . . .	157
Rule 27.	Stenographic Record. . . . .	157

---



---

**CHAPTER 50  
SUMMARY CASES**

---

Rule 51.	Means of Instituting Proceedings in Summary Cases. . . . .	157
Rule 86.	Appeals From Summary Conviction. . . . .	157

---



---

**CHAPTER 100.  
PROCEDURE IN COURT CASES**

---

Rule 101.1.	Approval of Police Complaints and Arrest Warrant Affidavits and Search Warrants and Search Warrant Affidavits By Attorney for the Commonwealth. . . . .	158
-------------	--	-----

---

Rule 101.2.	Approval of Search Warrant Applications By Attorney for the Commonwealth. . . .	159
Rule 122.	Public Defender . . . . .	159
Rule 130.	Procedure in Court Cases Initiated By Arrest Without Warrant. . . . .	160
Rule 141.	Private Counsel. . . . .	161
Rule 175.	Application for Accelerated Rehabilitative Disposition. . . . .	161
Rule 176.	Review of and Qualifications for ARD. . . .	162
Rule 177.	Application Process and Notice. . . . .	164
Rule 187.	Probation Without Verdict. . . . .	164

---

**CHAPTER 300.**  
**PRETRIAL PROCEDURES**

---

Rule 300.	Trial List. . . . .	168
Rule 301.	Continuances. . . . .	168
Rule 302.	Attorneys' Appearances and Withdrawals. . . . .	168
Rule 303.	Arraignment. . . . .	168
Rule 306.	Omnibus Pretrial Motions for Relief. . . .	169
Rule 307.	Time for Omnibus Pretrial Motion and Service . . . . .	169
Rule 308.	Other Pretrial Motions. . . . .	169
Rule 319.	Plea Agreements. . . . .	170
Rule 319.1.	Notice of Plea Agreements. . . . .	170
Rule 319.2.	ARD Notices. . . . .	170
Rule 319.3.	Guilty Plea Colloquy Form. . . . .	170
Rule 525.	Bail Bond . . . . .	170

---

**CHAPTER 1100**  
**TRIAL**

---

Rule 1119.	Request for Instructions and Charge to the Jury. . . . .	171
------------	---	-----

---

**CHAPTER 1400**  
**SENTENCING**

---

Rule 1404.	Disclosure of Reports. . . . .	172
------------	--------------------------------	-----



**CHAPTER 1600  
DEFENSE OF CRIMINAL CASES**

Rule 1600.	Public Defender. . . . .	172
Rule 1601.	Other Available Criminal Defense. . . . .	172

**CHAPTER 4000  
BAIL**

Rule 4006.	Types of Bail. . . . .	173
Rule 4006.1.	Ten Percent Bail. . . . .	173
Rule 4006.2.	Requirements for Real Estate Bail. . . . .	173
Rule 4006.3.	Valuation of Real Estate for Bail. . . . .	175
Rule 4007.1.	Corporate Sureties & Bondsmen. . . . .	175
Rule 4011.	Termination of Case. . . . .	177
Rule 4015.	Receipt for and Return of Deposit. . . . .	178
Rule 4015.1.	Authorization to Pay Attorney. . . . .	179
Rule 4016.	Forfeiture of Bail. . . . .	179
Rule 4017.	Material Witnesses. . . . .	179
Forms	Lackawanna Criminal Forms . . . . .	181
Index	Lackawanna Criminal Index. . . . .	187

**Lackawanna County  
District Justice Rules**

Rule 201.	Title and Citation of Rules. . . . .	195
Rule 407.	General Monetary Exemption Before District Justice. . . . .	195
Rule 1006.	Appeal. . . . .	195
Rule 1008.	Landlord and Tenant Appeals. . . . .	195
Rule 1008.1.	Security. . . . .	196
Rule 1014.1.	Argument. . . . .	196
Rule 1019.	Statements of Objections. . . . .	197

---



---

**Rules of the  
Orphans' Court Division  
of the Court of Common Pleas of  
Lackawanna County**

---



---

**CHAPTER I  
PRELIMINARY RULES**

---

Rule 1.6(1).	Mediation. . . . .	201
Rule 1.7(1).	Entry and Withdrawal of Counsel. . . . .	202
Rule 1.9(1).	Index of Proceedings. . . . .	202
Rule 1.10(1).	Computation of Time. . . . .	203
Rule 1.11(1).	Legal Publication. . . . .	203
Rule 1.12(1).	Sureties. . . . .	203
Rule 1.12(2).	Corporate Fiduciaries; Approval Security. . . . .	204
Rule 1.13(1).	Depositories of the Court. . . . .	204

---

**CHAPTER II  
ACCOUNTS, OBJECTIONS AND  
DISTRIBUTIONS**

---

Rule 2.1(1).	First Complete Advertisement. . . . .	205
Rule 2.5(1).	Contents of Notice. . . . .	205
Rule 2.6(1).	Required Exhibits. . . . .	205
Rule 2.6(2).	Submissions of Additional Documents. . . . .	206
Rule 2.6(3).	Advertising of Accounts. . . . .	206
Rule 2.6(4).	Submission to Court. . . . .	206
Rule 2.7(1).	Time of Filing. . . . .	207
Rule 2.9(1).	Schedules of Distribution. . . . .	207
Rule 2.9(2).	Schedules of Distribution—Notice of Filing, Time, Method, and Return. . . . .	208
Rule 2.9(3).	Objections to Schedules of Distribution. . . . .	208
Rule 2.10(1).	Unknown Distributee. . . . .	209

**CHAPTER III  
PETITION, PRACTICE AND PLEADING**

Rule 3.2(1). Pleadings. . . . . 209

**CHAPTER V  
RULES GOVERNING SPECIFIC TYPES OF PETITIONS**

Rule 5.5(1). Time of Filing Report.. . . . 210  
Rule 5.6(1). Allowance of Counsel Fee from Minor’s  
Estate. . . . . 210  
Rule 5.10(1). Notice. . . . . 210  
Rule 5.11(1). Exhibits. . . . . 210  
Rule 5.16(1). Fees from Appointments. . . . . 211

**CHAPTER VII  
RULES RELATING TO PREHEARING AND  
HEARING PROCEDURES**

Rule 7.1(1). Depositions, Discovery, Production  
of Documents and Perpetuation of  
Testimony.. . . . 211  
Rule 7.5(1). Motion Court. . . . . 211  
Rule 7.5(2). Pre-Hearing/Trial Conference. . . . . 212

**CHAPTER IX  
AUDITORS AND MASTERS**

Rule 9.1(1). Notice. . . . . 212  
Rule 9.6(1). Notice and Objections. . . . . 213  
Rule 9.7(1). Decree. . . . . 213

**CHAPTER X  
REGISTER OF WILLS**

Rule 10.6(1). Fee for Delinquent Filing. . . . . 213  
Index Lackawanna Orphans’ Index. . . . . 215

---



---

## Lackawanna County Rules of Judicial Administration

---

Rule 101.	Public Access Policy: Case Records of the Trial Court.....	221
Forms	Lackawanna Judicial Administration Forms .....	223

---



---

## Lackawanna County Administrative Orders

---

Reestablishment of the Magisterial Districts within the 45th Judicial District; .....		235
Adult Probation Drug Test Fees. ....		237

---



---

## Luzerne County Rules of Civil Procedure

---



---

### Rules of Construction

---

Rule 51.	Title and Citation of Rules.....	253
Rule 52.	Effective Date of Rules. ....	253
Rule 76.	Definitions.....	253
Rule 101.	Principles of Interpretation. ....	254
Rule 127.	Construction of Rules. ....	254
Rule 128.	Presumptions and Ascertaining the Intent of the Court. ....	254
Rule 130.	Construction of Rules and Derogation of the Common Law.....	255
Rule 151.	Effective Date of Amendments. ....	255

---

### **The Business of the Court**

---

Rule 171.	Sessions of Court. . . . .	255
Rule 172.	Holidays. . . . .	255

---

### **Practice and Procedure Generally**

---

Rule 205.2(a).	Rescinded . . . . .	256
Rule 205.4.	Electronic Filing and Service of Legal Papers. . . . .	256
Rule 206.4(c).	Procedure for Issuance of Rule to Show Cause. . . . .	259
Rule 208.2(d).	Certificate of Concurrence/ Non-concurrence. . . . .	261
Rule 208.2(e).	Certification Relating to Discovery. . . . .	262
Rule 208.3(a).	Motion to Compel Answers to Interrogatories and/or Responses to Requests for Production of Documents. . . . .	262
Rule 208.3(b).	Argument Court and Argument Lists. . . . .	262
Rule 210.	Form and Briefs. . . . .	263
Rule 211.	Oral Argument. . . . .	263
Rule 212.2.	Pre-Trial Conference—Pre-Trial Memoranda. . . . .	264
Rule 212.3.	Pre-Trial Procedures, Scheduling Conference, Settlement Conference, and Trial Procedures. . . . .	264
Rule 214.	Listing Cases for Hearing or Trial. . . . .	264
Rule 229.3.	Discontinuance Upon Settlement. . . . .	265
Rule 270.	Writ of Certiorari/Appeals From Zoning Hearing Boards. . . . .	265
Rule 275.	Land Use Appeals. . . . .	266
Rule 290.	Eminent Domain. . . . .	266

---

### **Service of Original Process and Other Legal Papers**

---

Rule 430(a).	Official Periodical. . . . .	267
Rule 510.	Public Access Policy. . . . .	267

---

---

**Actions at Law**


---

Rule 1018.1.	Notice to Defend. . . . .	267
Rule 1028(c).	Procedure for Filing of Preliminary Objections. . . . .	267
Rule 1034(a).	Procedure for Filing of Motion for Judgment on the Pleadings. . . . .	269
Rule 1035.2(a).	Procedure for Filing of Motion for Summary Judgment. . . . .	270
Rule 1037.1.	Liability for Costs. . . . .	271
Rule 1037.2.	Bill of Costs; Taxation. . . . .	271
Rule 1081.	Concealment of Property; Examination of Defendant—Action in Replevin. . . . .	272
Rule 1098.	Peremptory Judgment in an Action in Mandamus. . . . .	273
Rule 1143.	Commencement of Mortgage Foreclosure Action. . . . .	273
Rule 1143.1.	Conciliation Conference in Residential Mortgage Foreclosure Actions. . . . .	274
Rule 1144.	Commencement of Consumer Credit Card/Debt Collection Actions. . . . .	276
Rule 1144.1.	Conciliation Conference in Consumer Credit Card/Debt Collection Actions. . . . .	277

---

**Arbitration**


---

Rule 1301.	Cases Subject to Arbitration. . . . .	278
Rule 1302.	Certification for Arbitration. . . . .	279
Rule 1303.	Administration. . . . .	279
Rule 1304.	Selection of Arbitrators. . . . .	280
Rule 1305.	Striking of Case from Arbitration List or Trial List. . . . .	281
Rule 1306.	Notice of Hearing. . . . .	282
Rule 1307.	Continuances. . . . .	282
Rule 1308.	Hearing. . . . .	282
Rule 1309.	Award. . . . .	283
Rule 1310.	Delay Damages. . . . .	283
Rule 1311.	Award Docketing, Notice, Lien and Judgment. . . . .	284

Rule 1312.	Appeal. . . . .	284
Rule 1313.	Compensation. . . . .	285
Rule 1920.51.	Administrative Fee for Appointment of Master in Divorce. . . . .	285

---

### **Actions for Wrongful Death**

---

Rule 2205.	Notice of Pendency of Wrongful Death Action. . . . .	286
Rule 2206.	Court Approval of Distribution of Proceeds. . . . .	286

---

### **Execution and Enforcement of Judgments**

---

Rule 2959.	Return Day for Rules Pertaining to Judgment by Confession. . . . .	287
Rule 3128.	Notice of Resale of Personal Property by Sheriff. . . . .	287
Rule 3129.1.	Notice of Sale—Real Property. . . . .	287
Rule 3130.	Notice of Sale of Securities. . . . .	288

---

### **Depositions and Discovery**

---

Rule 4001.	Rule to Show Cause Under Discovery Proceedings. . . . .	289
Rule 4017.1.	Objections at Videotape Depositions. . . . .	289
Rule 4021.	Assignment of Judge for Complex Cases or Discovery Proceedings. . . . .	290

---

### **Tax Assessment Appeals**

---

Rule 5000.	Real Estate Tax Assessment Appeal. . . . .	290
Rule 5001.	Intervention. . . . .	291
Rule 5002.	Discovery. . . . .	292
Rule 5003.	Pretrial Status Conference. . . . .	292

---



---

## Luzerne County Administrative Orders

---

Order Adopting Rules for Compulsory Arbitration; No. 4767-C 2000 . . . . .	295
Repeal of Various Court of Common Pleas Rules; No. 426-C 2001 . . . . .	296
Order Adopting the Revision, Reorganization and Renumbering Rules of Civil and Criminal Procedure and Rules Concerning Election Code; No. 4904C/04; 395 MISC-04 . . . . .	297
Reestablishment of the Magisterial Districts within the 11th Judicial District . . . . .	304
Fees Assessed Pursuant to 18 P.S. . . . .	305
Relocation of Magisterial District 11-1-02 within the Eleventh Judicial District; No. 400 . . . . .	306
Request to Increase Clerk of Court's Fee Pursuant . . . . .	307
DUI Enforcement Assessment Fee (DEAF) Pursuant to 75 Pa.C.S.A. § 3802; No. CP-40-MD-00113-2020. . . . .	309
Forms                      Luzerne Civil Forms . . . . .	311
Index                      Luzerne Civil Index . . . . .	341

---



---

## Luzerne County Rules of Criminal Procedure

---

Rule 102.                      Citing the Criminal Procedural Rules. . . . .	347
Rule 122.                      Assignment of Counsel. . . . .	347
Rule 150.                      Bench Warrants. . . . .	347
Rule 202.                      Approval of Search Warrant Applications by Attorney for the Commonwealth — Local Option. . . . .	348
Rule 300(B)(2).              Accelerated Disposition in Summary Cases. . . . .	348



Rule 301. Procedures for Accelerated Rehabilitative Disposition in Summary Cases Before the Minor Judiciary. . . . . 348

Rule 507. Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth — Local Option. . . . . 350

Rule 536. Bail — Professional Bondsmen — Forfeiture. . . . . 351

Rule 571. Arraignment. . . . . 353

Rule 580. Disposition of Pretrial Motions. . . . . 354

Rule 588. Motion for Return of Property. . . . . 354

Rule 708. Probation, Intermediate Punishment, or Parole. . . . . 355

Rule 4010. Bail Agency. . . . . 355

Administrative Orders Luzerne Criminal Orders . . . . . 357

Index Luzerne Criminal Index . . . . . 367

---



---

## Luzerne County Rules of Judicial Administration

---

Rule 101. Title and Citation of Rules. . . . . 373

Rule 283. (Repealed). . . . . 373

Rule 506. (Repealed). . . . . 373

Rule 507. Court Records. . . . . 373

Rule 1901. Termination of Inactive Cases. . . . . 375

Rule 1910. Broadcasting, Taking of Photographs, Video or Motion Pictures. . . . . 376

Rule 4007. Requests for Transcripts . . . . . 377

Rule 4008. Costs payable by Requesting Party other than the Commonwealth or subdivision thereof. . . . . 378

Rule 5000.5. Requests for Transcripts. . . . . 380

Rule 5000.7. Fees for Transcripts. . . . . 381

---



---

## Luzerne County Rules Concerning Election Code

---

Rule 501.	Election Districts. . . . .	387
Rule 504.	Official Appointments. . . . .	388
Rule 505.	Commissioners. . . . .	389
Rule 510.	Motions Court. . . . .	389
Forms	Luzerne Election Code Forms. . . . .	391

---



---

## Luzerne County Court of Common Pleas Orphans' Court Division

---

### CHAPTER I. PRELIMINARY RULES

Rule 1.1.	Short Title and Citation . . . . .	397
Rule 1.2.	Construction and Application of Rules. . .	397
Rule 1.3.	Definitions . . . . .	398
Rule 1.4.	Extension of Time Limitations . . . . .	400
Rule 1.5.	Local Rules . . . . .	400
Rule 1.6.	Mediation by Agreement, Local Rule, or Court Order . . . . .	400
Rule 1.7.	Entry and Withdrawal of Counsel . . . .	401
Rule 1.8.	Forms . . . . .	401

### CHAPTER II. ACCOUNTS, OBJECTIONS AND DISTRIBUTIONS

Rule 2.1.	Form of Account . . . . .	402
Rule 2.2.	Form; Assets Transferred by the Exercise of a Power of Appointment . . . . .	404
Rule 2.3.	Form; Separate Accounts for Minors . . .	404

Rule 2.4.	Petition for Adjudication/Statement of Proposed Distribution; Virtual Representation . . . . .	405
Rule 2.5.	Notice of Account Filing . . . . .	407
Rule 2.6.	Filing with the Clerk . . . . .	410
Rule 2.7.	Objections to Accounts or Petitions for Adjudication/Statements of Proposed Distribution . . . . .	410
Rule 2.8.	Pleadings Allowed After Objections are Filed . . . . .	411
Rule 2.9.	Confirmation of Accounts; Awards . . . . .	412
Rule 2.10.	Foreign Heirs and Unknown Distributees . . . . .	412
Rule 2.11.	Appointment of Official Examiners . . . . .	413

---

**CHAPTER III.  
PETITION PRACTICE AND PLEADING**

---



---

**PART A.  
PETITION PRACTICE**

---

Rule 3.1.	Petitions Generally . . . . .	413
Rule 3.2.	Headings; Captions . . . . .	413
Rule 3.3.	Contents of All Pleadings; General and Specific Averments . . . . .	414
Rule 3.4.	Form of Petition; Exhibits; Consents; Signing and Verification . . . . .	415
Rule 3.5.	Mode of Proceeding on Petition . . . . .	418

---

**PART B.  
RESPONSIVE PLEADINGS**

---

Rule 3.6.	Pleadings Allowed After Petition . . . . .	420
Rule 3.7.	Time for Filing and Service of Responsive Pleadings . . . . .	421
Rule 3.8.	Headings of Responsive Pleadings . . . . .	421
Rule 3.9.	Preliminary Objections . . . . .	421

Rule 3.10.	Denials; Effect of Failure to Deny . . . . .	423
Rule 3.11.	Answer with New Matter . . . . .	424

---

**PART C.  
PLEADINGS IN GENERAL**

---

Rule 3.12.	Signing . . . . .	424
Rule 3.13.	Verification . . . . .	425
Rule 3.14.	Amendment . . . . .	425
Rule 3.15.	Pleading More Than One Cause of Action; Alternative Pleadings . . . . .	426

---

**CHAPTER IV.  
FORMAT AND SERVICE OF LEGAL PAPER  
BY PARTIES AND COURT; ELECTRONIC FILING**

---

Rule 4.1.	Format of All Legal Paper . . . . .	426
Rule 4.2.	Citation or Notice to Individuals and Entities . . . . .	427
Rule 4.3.	Service of Legal Paper Other than Citations or Notices . . . . .	428
Rule 4.4.	Charities – Notice to the Attorney General . . . . .	430
Rule 4.5.	Service of Legal Paper by Court and Clerk. . . . .	432
Rule 4.6.	Notice of the Date of Entry of an Adjudication or Court Order on the Docket. . . . .	432
Rule 4.7.	Electronic Filing . . . . .	433

---

**CHAPTER V.  
RULES GOVERNING SPECIFIC  
TYPES OF PETITIONS**

---

Rule 5.1.	Declaratory Judgment . . . . .	435
Rule 5.2.	Family Exemption . . . . .	435

Rule 5.3. Intestate Share to Surviving Spouse  
from Real Estate . . . . . 436

Rule 5.4. Revocation, Vacation or Extension of  
Time for Filing of Surviving Spouse’s  
Election . . . . . 437

Rule 5.5. Appointment of a Guardian ad litem or a  
Trustee ad litem . . . . . 438

Rule 5.6. Appointment of a Guardian for the  
Estate or Person of a Minor . . . . . 439

Rule 5.7. Appointment of a Trustee . . . . . 441

Rule 5.8. Discharge of Fiduciary and Surety . . . . . 442

Rule 5.9. Partition . . . . . 443

Rule 5.10. Public Sale of Real Property . . . . . 443

Rule 5.11. Private Sale of Real Property or Options  
Therefor . . . . . 444

Rule 5.12. Mortgage or Lease of Real Property . . . . . 444

Rule 5.13. Inalienable Property . . . . . 445

Rule 5.14. Designation of a Successor Custodian. . . . . 445

Rule 5.15. Confirmation of Trustee Appointment. . . . . 445

---

**CHAPTER VI.  
Reserved**

---



---

**CHAPTER VII.  
RULES RELATING TO PRE-HEARING AND  
HEARING PROCEDURE**

---

Rule 7.1. Depositions, Discovery, Production of  
Documents, Perpetuation of Testimony,  
and Subpoenas to Attend and Testify . . . . . 446

Rule 7.2. Motion for Judgment on the Pleadings . . . . . 446

Rule 7.3. Motion for Summary Judgment . . . . . 447

Rule 7.4. Injunctions . . . . . 447

**CHAPTER VIII.  
RECONSIDERATION**

Rule 8.1.	Exceptions and Post-Trial Motions . . . . .	447
Rule 8.2.	Motions for Reconsideration. . . . .	448

**CHAPTER IX.  
AUDITORS AND MASTERS**

Rule 9.1.	Notice of Hearings . . . . .	448
Rule 9.2.	Filing of Report. . . . .	448
Rule 9.3.	Form of Auditor’s Report . . . . .	449
Rule 9.4.	Form of Master’s Report. . . . .	449
Rule 9.5.	Transcript of Testimony . . . . .	449
Rule 9.6.	Notice of Filing Report . . . . .	449
Rule 9.7.	Confirmation of Report. . . . .	449
Rule 9.8.	Security for Expenses and Fees. . . . .	449

**CHAPTER X.  
REGISTER OF WILLS**

Rule 10.1.	Forms . . . . .	450
Rule 10.2.	Petition Practice . . . . .	450
Rule 10.3.	Hearings . . . . .	450
Rule 10.4.	Appeals from the Register of Wills . . . . .	451
Rule 10.5.	Notice to Beneficiaries and Intestate Heirs . . . . .	451
Rule 10.6.	Status Report by Personal Representative . . . . .	453

**CHAPTER XI.  
Reserved**

XXX

**CHAPTER XII.  
Reserved**

**CHAPTER XIII.  
Reserved**

**CHAPTER XIV.  
GUARDIANSHIPS OF INCAPACITATED PERSONS**

Rule 14.2—14.5	(Reserved) . . . . .	454
Rule 14.1.	Guardianship Petition Practice and Pleading. . . . .	455
Rule 14.2.	Petition for Adjudication of Incapacity and Appointment of a Guardian of the Person or Estate of an Incapacitated Person. . . . .	456
Rule 14.3.	Alternative Proof of Incapacity: Expert Report in Lieu of In-Person or Deposition Testimony of Expert. . . . .	460
Rule 14.4.	Counsel. . . . .	462
Rule 14.5.	Waiver or Modification of Bond. . . . .	462
Rule 14.6.	Determination of Incapacity and Selection of Guardian . . . . .	463
Rule 14.7.	Order and Certificate. . . . .	465
Rule 14.8.	Guardianship Reporting, Monitoring, Review, and Compliance. . . . .	466
Rule 14.9.	Review Hearing. . . . .	468
Rule 14.10.	Proceedings Relating to Real Property. . .	469
Rule 14.11.	Transfer of Guardianship of the Person to Another State. . . . .	469
Rule 14.12.	Transfer of Guardianship of the Estate to Another State. . . . .	470
Rule 14.13.	Acceptance of a Guardianship Transferred from Another State. . . . .	472
Rule 14.14.	Forms . . . . .	473

**CHAPTER XV.  
ADOPTIONS**

Rule 15.1.	Local Rules. . . . .	473
Rule 15.2.	Voluntary Relinquishment to Agency . . .	474
Rule 15.3.	Voluntary Relinquishment to Adult Intending to Adopt Child. . . . .	475
Rule 15.4.	Involuntary Termination of Parental Rights. . . . .	476
Rule 15.5.	Adoption. . . . .	477
Rule 15.6.	Notice; Method and Time . . . . .	478
Rule 15.7.	Impounding; Docket Entries; Reports; Privacy. . . . .	478
Rule 15.8.	Registration of Foreign Adoption Decree. . . . .	479
Rule 15.9.	Petition for Adoption of a Foreign Born Child. . . . .	482

**CHAPTER XVI.  
PROCEEDINGS PURSUANT TO SECTION 3206  
OF THE ABORTION CONTROL ACT**

Rule 16.1.	Definitions; Scope. . . . .	486
Rule 16.2.	Confidentiality . . . . .	488
Rule 16.3.	Precedence of Proceeding. . . . .	488
Rule 16.4.	Commencement; Venue; No Filing Fees. . . . .	488
Rule 16.5.	Application; Contents; Form of Verification; Assistance in Preparation. . .	488
Rule 16.6.	Dockets; Document Maintenance. . . . .	489
Rule 16.7.	Reserved . . . . .	489
Rule 16.8.	Reserved . . . . .	489
Rule 16.9.	Reserved . . . . .	489
Rule 16.10.	Form; Generally . . . . .	489
Rule 16.11.	Reserved . . . . .	490
Rule 16.12.	Reserved . . . . .	490
Forms	Luzerne County Orphans' Court . . . . .	491
Index	Luzerne County Orphans' Court . . . . .	547