

SUPREME COURT OF PENNSYLVANIA

In Re: Order Adopting New Rule 217 & Amending Rule 803 & Official Notes to Rules 304, 503, 1205 & 1206 of PA Rules of Civil Procedure Before MDJs

Supreme Court of Pennsylvania (June 1, 2018)

SUMMARY

This document adopts new Pennsylvania Rule of Civil Procedure 217 governing certification and handling of confidential information and confidential documents filed in magisterial district courts. It also amends Rule 803 and the official notes to Rules 304, 503, 1205, and 1206 to reference compliance with the Unified Judicial System of Pennsylvania Case Records Public Access Policy.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
JURISDICTION	Pennsylvania
DECIDED	June 1, 2018
DISPOSITION	other
PROCEDURAL POSTURE	The Supreme Court of Pennsylvania issued a rulemaking order adopting a new Rule 217 and amending Rule 803 and official notes to Rules 304, 503, 1205, and 1206 of the Pennsylvania Rules of Civil Procedure governing proceedings before magisterial district judges.
PRECEDENTIAL VALUE	Binding rulemaking order adopting and amending Pennsylvania Rules of Civil Procedure before magisterial district judges.

TOPICS

[civil procedure](#) [pleadings](#) [domestic violence](#) [family law procedure](#)

PRACTICE AREAS

[civil procedure](#) [family law](#) [protection from abuse](#)

QUESTIONS PRESENTED

1. Whether to adopt new Pennsylvania Rule of Civil Procedure 217 governing certification and filing of confidential information and confidential documents in proceedings before magisterial district judges.

2. Whether to amend Rule 803 and the official notes to Rules 304, 503, 1205, and 1206 to conform those provisions to the Case Records Public Access Policy and related statutory requirements.

HOLDINGS

1. Rule 217 is adopted to require attorneys and unrepresented parties filing documents in proceedings before magisterial district courts to comply with Sections 7.0 and 8.0 of the Case Records Public Access Policy, including required certifications and, when applicable, Confidential Information Forms or Confidential Document Forms.
2. In an action before a magisterial district judge to which a minor is a party, the complaint must be entitled in the minor's name without reference to minority or guardianship, and the minor must be designated by the initials of the first and last name.
3. The official notes to Rules 304, 503, 803, 1205, and 1206 are amended to provide that filings under those rules are subject to the Case Records Public Access Policy.

FACTUAL BACKGROUND

This is a rulemaking order rather than an adjudication arising from disputed facts. The court identified the need to govern confidential information and confidential documents filed in magisterial district court proceedings and to conform related rules and official notes to the Unified Judicial System's Case Records Public Access Policy. The amendments also address the designation of minors in complaints and filing procedures in landlord-tenant and protection-from-abuse matters.

PROCEDURAL HISTORY

The court exercised its rulemaking authority to adopt and amend procedural rules and accompanying official notes. The order addresses filing requirements, confidential information, complaints involving minors, emergency relief, and protection-from-abuse proceedings before magisterial district judges.

DISPOSITION

other

OPINION

PER CURIAM.

[This is an entirely new rule.] Rule 217. Confidential Information and Confidential Documents. Certification. Unless public access is otherwise constrained by applicable authority, any attorney, or any party if unrepresented, who files a document pursuant to these rules with a magisterial district court shall comply with the requirements of Sections 7.0 and 8.0 of the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania (Policy) including a certification of compliance with the Policy and, as necessary, a Confidential Information Form,

unless otherwise specified by rule or order of court, or a Confidential Document Form in accordance with the Policy.

Note: Applicable authority includes but is not limited to statute, procedural rule or court order. The Case Records Public Access Policy of the Unified Judicial System of Pennsylvania (Policy) can be found on the website of the Supreme Court of Pennsylvania at <http://www.pacourts.us/public-records>. Sections 7.0(D) and 8.0(D) of the Policy provide that the certification shall be in substantially the following form: I certify that this filing complies with the provisions of the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania that require filing confidential information and documents differently than non- confidential information and documents.

The Confidential Information Form and the Confidential Document Form can be found at <http://www.pacourts.us/public-records>. Rule 304. Form of Complaint ... Official Note: Rule 304 is designed to promote uniformity, simplification of procedure and better access by the public to the judicial services of magisterial district judges.

The use of a form will help to accomplish this purpose and will also provide easier statistical and other administrative control by the Supreme Court. The filings required by this rule are subject to the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania. See Rule 217. Rule 503. Form of Complaint ... Official Note: As in the other rules of civil procedure for magisterial district judges, the complaint will be on a printed form.

The filings required by this rule are subject to the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania. See Rule 217. As to notice to remove, the form will simply state that such a notice, when required, was given to the defendant in accordance with law. See § 501 of the Landlord and Tenant Act, 68 P.S. § 250.501 as amended by § 2(a) of the Judiciary Act Repealer Act, Act of April 28, 1978, P.L.

202, No. 53, 42 P.S. § 20002(a). In subdivision C(8) the landlord is permitted to claim, in addition to the specific amount of rent due and unpaid at the date of filing, whatever unspecified amount of rent will remain due and unpaid at the date of the hearing.

As to claiming damages for injury to property, compare Pa.R.C.P. No. 1055. ... Rule 803. Entitlement of Complaint The complaint in an action before a magisterial district judge to which a minor is a party shall be entitled in the name of the minor, without reference to the party's minority or any guardian.

The minor shall be designated by the initials of his or her first and last name. Official Note: The complaint will be entitled in the name of the minor, whether plaintiff or defendant. However, the minor shall be designated by the initials of his or her first and last name. If a guardian does

represent the minor, this will be reflected by a notice of intent to represent attached to the complaint form as required by Rule 805B.

The filings required by this rule are subject to the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania. See Rule 217. Rule 1205. Persons Who May Seek Emergency Relief ... Official Note: This rule is derived from Section 6106 of the Protection From Abuse Act, 23 Pa.C.S. § 6106, as well as 42 Pa.C.S. § 62A05.

The filings required by this rule are subject to the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania. See Rule 217. 2 Rule 1206. Commencement of Proceedings ... Official Note: Paragraph B is added to assure compliance with the requirement of Section 6110(d) of the Protection From Abuse Act, 23 Pa.C.S. § 6110(d), as well as 42 Pa.C.S. § 62A09(d).

Practice varies among the judicial districts as to what procedures the plaintiff must follow to continue in effect a protection order in the court of common pleas upon the certification of an emergency protection order to the court of common pleas.

The hearing officer should provide clear instructions to the plaintiff as to what must be done to continue in effect the protection order in the court of common pleas. See Rule 1210 and Note and Rule 1211 and Note. Paragraph C is derived from Section 6106(b) of the Protection From Abuse Act, 23 Pa.C.S. § 6106(b), as well as 42 Pa.C.S. § 62A05(b) and reflects the practice when a temporary order is issued at the common pleas level.

The filings required by this rule are subject to the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania. See Rule 217. 3