

SUPREME COURT OF PENNSYLVANIA

In Re: Order Amending Rules 801-816, 818 and 820, and Ascending Rule 817 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings before Magisterial District Judges

Supreme Court of Pennsylvania (March 13, 2015)

SUMMARY

This document amends Pennsylvania Rules of Civil Procedure 801–816, 818, and 820 and rescinds Rule 817 governing actions and proceedings before magisterial district judges. The amendments update terminology concerning incapacitated persons, clarify representation and procedural protections for minors and incapacitated persons, and address judgments, settlements, service, and appellate proceedings.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
JURISDICTION	Pennsylvania
DECIDED	March 13, 2015
DISPOSITION	other
PROCEDURAL POSTURE	The Supreme Court of Pennsylvania amended Rules 801–816, 818, and 820 and rescinded Rule 817 of the Pennsylvania Rules of Civil Procedure governing actions and proceedings before magisterial district judges.
PRECEDENTIAL VALUE	rulemaking order

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the Pennsylvania Rules of Civil Procedure governing actions before magisterial district judges should be amended to replace terminology concerning incompetency with terminology concerning incapacitated persons and to revise related guardianship procedures.

2. Whether Rule 817, addressing a party who is both an incompetent and a minor, should be rescinded because the statutory definition of an incapacitated person makes the rule unnecessary.

HOLDINGS

1. The court amended Rules 801–816, 818, and 820 to revise definitions and procedures governing minors and incapacitated persons, including representation by guardians, service, judgments, settlements, undisclosed incapacity, and appellate proceedings.
2. Rule 817 was rescinded because it was no longer necessary after the statutory definition of an incapacitated person was changed to refer only to adults.

KEY QUOTATIONS

“A minor is not required to be represented by a guardian in an action before a magisterial district judge.”
(Rule 802)

“Rule 817 was rescinded in 2015 because the rule was no longer necessary due to a change to the statutory definition of an incapacitated person. By definition, an incapacitated person is an adult; thus, Rule 817 is no longer needed.” (Rule 817)

FACTUAL BACKGROUND

The Pennsylvania Rules of Civil Procedure governing proceedings before magisterial district judges used the terms “incompetent” and “incompetency” and contained provisions addressing representation, service, judgments, settlements, and appeals involving minors and incapacitated persons. The amendments replace that terminology with “incapacitated person,” revise the rules to reflect guardianship under 20 Pa.C.S. § 5511, and clarify the role of guardians. Rule 817 was rescinded because an incapacitated person is statutorily defined as an adult, making a rule addressing a party who is both an incompetent and a minor unnecessary.

PROCEDURAL HISTORY

This is a per curiam rulemaking order rather than an adversarial appeal. The court revised terminology concerning incapacitated persons and guardians, modified procedures governing minors and incapacitated persons in magisterial district judge proceedings, and rescinded Rule 817 because the statutory definition of an incapacitated person makes the rule unnecessary.

DISPOSITION

other

CASES CITED

- Hamilton v. Moore, 335 Pa. 433, 6 A.2d 787 (1939)