

LEHIGH COUNTY RULES OF JUVENILE COURT PROCEDURE

Leh.R.J.C.P. 102. CITATION OF RULES.

All juvenile court procedural rules promulgated by the Court of Common Pleas of Lehigh County shall be cited as Lehigh Rules of Juvenile Court Procedure ("Leh.R.J.C.P.")

Leh.R.J.C.P. 105. SEARCH WARRANTS.

Leh.R.Cr.P. 202 (Approval of Search Warrant Applications by Attorney for the Commonwealth.) shall apply to search warrant applications in juvenile delinquency matters.

Comment: Leh.R.Cr.P. provides: "The District Attorney of Lehigh County having filed a certification pursuant to Pa.R.Crim.P. 202, search warrants, in all circumstances, shall not be issued by any judicial officer unless the search warrant application has the approval of an attorney for the Commonwealth prior to filing."

Leh.R.J.C.P. 120. DEFINITIONS.

Unless the context clearly indicates otherwise, the words and phrases used in any juvenile court procedural rule adopted by the Court of Common Pleas of Lehigh County shall be given the same meaning as is given those words and phrases in the Pennsylvania Rules of Juvenile Court Procedure with the following exceptions and additions: (1) "Court", means the Court of Common Pleas of Lehigh County; (2) "Rule", means any rule of juvenile court procedure adopted by the Court of Common Pleas of Lehigh County; (3) "Clerk of Courts" means the Clerk of Courts of the Court of Common Pleas of Lehigh County; and (4) "except as otherwise provided", means except as provided by statute, by the Pennsylvania Rules of Juvenile Court Procedure, or by specific local juvenile court rule.

Leh.R.J.C.P.121. EFFECTIVE DATES OF RULES.

(a) A Rule or amendment to a Rule shall become effective upon the date specified by the court in adopting or amending such rule, but in no case until after the requirements of Pa.R.J.C.P. 121(D) and (E) are met.

(b) If no effective date is specified, the Rule or amendment to the Rule shall become effective on the first day of January or July, whichever is earlier, following the thirtieth day after its adoption, filing and publication in the *Pennsylvania Bulletin* (Pa.B.).

Leh.R.J.C.P. 205 Electronic Filing and Service of Legal Papers in Delinquency Matters

(A) The electronic filing of legal papers in the Lehigh County Court of Common Pleas, 31st Judicial District, is permissive in accordance with Pa.R.J.C.P. 205 and this rule.

(B) *Local Rule*

(1)(a) The legal papers which shall be filed electronically shall encompass all written motions, written answers, and any notices or documents for which filing is required or permitted, including orders and attachments, except for the following:

(i) applications for search warrants;

(ii) applications for arrest warrants;

- (iii) exhibits offered into evidence, whether or not admitted in a court proceeding;
- (iv) submissions filed *ex parte* as authorized by law;
- (v) written allegations of delinquency;
- (vi) applications for continuance; and

(1) Applications for continuance for delinquency cases can be submitted to Court Administration via facsimile at 610-871-2779, via email at CAHelp@lehighcounty.org, or in person.

(vii) notice of appeals.

(1) Notice of Appeals for delinquency cases can be submitted to the Clerk of Courts in person, or by mail with appropriate filing fees; or via email at COJRMotions-Orders@lehighcounty.org if the filing fee has been waived.

(1)(b) Any party who declines to participate in electronic filing, or who is unable to electronically file legal papers, or who is otherwise unable to access the system, shall be able to file legal papers in a physical paper format. Any party who declines to participate in electronic filing, or accept service of legal papers which were filed electronically, or who is otherwise unable to access the system, shall be served legal papers in a physical paper format.

(1)(c) The Administrative Office of Pennsylvania Courts has agreed upon the implementation plan for the use of PACFile in the Lehigh County Court of Common Pleas, 31st Judicial District.

(C) *Service*

(1) Petitions Alleging Delinquency shall be served upon the child and the child's guardian via first-class mail or in-person in accordance with Pa.R.J.C.P. 331(B).

(2) Petitions Alleging Delinquency shall be served upon the juvenile's attorney, attorney for the Commonwealth, and the juvenile probation officer via electronic transmission, first-class mail, or in-person in accordance with Pa.R.J.C.P. 331(C).

(3) Subpoenas shall be served upon a witness via certified mail, first-class mail, or in-person in accordance with Pa.R.J.C.P. 123(B)(1).

(4) Service upon the Court Administrator shall be done electronically and automatically through PACFile.

Leh.R.J.C.P. 210. ARREST WARRANTS.

A. Application The following judges and magisterial district judges are designated by the President Judge as issuing authorities to receive and act upon applications for arrest warrants in juvenile delinquency proceedings initiated in and for the 31 Judicial District of Pennsylvania composed of Lehigh County:

1. All commissioned judges of the Court of Common Pleas of Lehigh County, all commissioned magisterial district judges in the 31 Judicial District of Pennsylvania, and any

senior judge or senior magisterial district judge assigned to perform the duties of a judge or magisterial judge within the 31 Judicial District of Pennsylvania at the time of the application.

2. During normal business hours of the courts, such applications should normally be made to the magisterial district judge in whose district the offense(s) or any one offense is/are alleged to have occurred, or to a judge of the Court of Common Pleas regularly assigned to hear delinquency cases. After normal business hours and on holidays, these applications should normally be made to an on-call magisterial district judge. Nothing in this paragraph, however, shall diminish the authority of any judge or magisterial district judge designated in paragraph 1 of this order to receive and act upon such applications.

Note: This same designation was originally contained in an Order of Court dated September 30, 2005, and effective October 1, 2005. The Order of September 30, 2005, shall govern until this Rule becomes effective.

B. Approval of Commonwealth. The District Attorney of Lehigh County having filed a certification pursuant to Pa.R.J.C.P. 231, all applications for arrest warrants under Pa.J.C.P. 210 shall be approved by an attorney for the Commonwealth before the application for the warrant is submitted to an issuing authority.

Leh.R.J.C.P. 231. WRITTEN ALLEGATION (APPROVAL BY AN ATTORNEY FOR THE COMMONWEALTH).

The District Attorney of Lehigh County having filed a certification pursuant to Pa.R.J.C.P. 231, all written allegations in which it is alleged that an act of delinquency graded as a felony was committed shall be received and approved by an attorney for the Commonwealth before any delinquency proceeding is commenced.

Leh.R.J.C.P. 330. PETITION: FILING, CONTENTS, FUNCTION (FILING BY AN ATTORNEY FOR THE COMMONWEALTH).

The District Attorney of Lehigh County having filed a certification pursuant to Pa.R.J.C.P. 330, all petitions alleging a juvenile to be delinquent shall be filed only by an attorney for the Commonwealth.

Leh.R.J.C.P. 1205 Electronic Filing and Service of Legal Papers in Dependency Matters

(A) The electronic filing of legal papers in the Lehigh County Court of Common Pleas, 31st Judicial District, is permissive in accordance with Pa.R.J.C.P. 1205 and this rule.

(B) *Local Rule*

(1)(a) The legal papers which shall be filed electronically shall encompass all written motions, written answers, and any notices or documents for which filing is required or permitted, including orders and attachments, except for the following:

- (i) submissions filed *ex parte* as authorized by law;
- (ii) exhibits offered into evidence, whether or not admitted in a court proceeding; and
- (iii) applications for continuance; and,

(1) Applications for continuance for dependency cases can be submitted to Court Administration via facsimile at 610-871-2779, via email at CAHelp@lehighcounty.org, or in person.

(iv) notice of appeals.

(1) Notice of Appeals for dependency cases can be submitted to the Clerk of Courts in person, or by mail with appropriate filing fees; or via email at COJRMotions-Orders@lehighcounty.org if the filing fee has been waived.

(1)(b) Any party who declines to participate in electronic filing, or who is unable to electronically file legal papers, or who is otherwise unable to access the system, shall be able to file legal papers in a physical paper format. Any party who declines to participate in electronic filing, or accept service of legal papers which were filed electronically, or who is otherwise unable to access the system, shall be served legal papers in a physical paper format.

(1)(c) The Administrative Office of Pennsylvania Courts has agreed upon the implementation plan for the use of PACFile in the Lehigh County Court of Common Pleas, 31st Judicial District.

(C) *Service*

(1) Dependency Petitions and Shelter Care Applications shall be served upon the child and all of the child's guardians via certified mail and first-class mail, or in-person, in accordance with Pa.R.J.C.P. 1331(B)(1).

(2) Dependency Petitions, Shelter Care Applications, and Applications for Emergency Protective Custody shall be served upon the attorneys and the Office of Children and Youth Services via electronic transmission, first-class mail, or in-person in accordance with Pa.R.J.C.P. 1331(B)(2).

(3) Subpoenas shall be served upon a witness via certified mail, first-class mail, or in-person in accordance with Pa.R.J.C.P. 1123(B)(1).

(4) Service upon the Court Administrator shall be done electronically and automatically through PACFile.

filed with the Legislative Reference Bureau for publication in the Pennsylvania Bulletin; that one (1) certified copy shall be filed with the Juvenile Court Procedural Rules Committee of the Supreme Court of Pennsylvania; and that one copy shall be filed with the Clerk of Courts for Lehigh County.

THIS ORDER IS EFFECTIVE October 1, 2005.

BY THE COURT:

William H. Platt
President Judge