

Orphans'

Court

Procedural

Rules

Committee

1999 Membership:

Honorable Jane Cutler Greenspan, *Chair*
Mark S. Blaskey, Esq.
Lawrence Barth, Esq.
Honorable John M. Cascio
Honorable Eunice L. Ross
Kenneth E. Lewis, Esq.
Edward S. McKenna, Esq.

Staff:

Dean R. Phillips, Esq., *Counsel*
Tricia W. Nagel

Legal Authorization:

Pa. Constitution, Article V, § 10(c)
42 Pa. C.S., § 1722

1206 Criminal Justice Center
1301 Filbert Street
Philadelphia, PA 19107
Telephone: (215) 683-7035
Fax: (215) 683-7037

History/Background

The Orphans' Court Procedural Rules Committee was established under Article V, § 10(c) of the 1968 Pennsylvania Constitution and 42 Pa. C.S., § 1772. It responds to developments in orphans' court procedure and reviews current rules governing statewide practice and procedure in the orphans' court, recommending new rules as necessary. The committee also responds to questions and comments received from the judiciary, lawyers, the public and various agencies.

1999 Activities

The committee met once in 1999, at the Hershey Hotel on July 22, 1999, in conjunction with the Pennsylvania Conference of State Court Trial Judges' conference.

Working jointly with the Appellate Court Procedural Rules Committee, Recommendation 41 was prepared, proposing an amendment to Orphans' Court Rule 15.7 to provide **confidentiality in adoption matters** which were appealed. This recommendation was adopted by Supreme Court order dated March 3, 1999.

The committee continued its review and preparation, with the Appellate Court Procedural Rules Committee, of Joint Recommendation 98-1, revising Orphans' Court Rules 7.1 and 7.2 (pertaining to **"exceptions" practice**) and Pa.R.A.P. 341 (**Final Orders**).

The committee had previously submitted to the Supreme Court amendments to Rule 5.6 (**Notice to Beneficiaries and Intestate Heirs**), proposed Rule 5.7 (**Form of Notice and Certification**) and Rule 14 (**Incapacitated Persons**). The Supreme Court adopted the committee's amendments to Rules 5.6, 5.7 and 14.1 through 14.4 by order dated December 23, 1998, effective January 1, 1999.

2000 Plans

In 2000 the committee plans to review uniform probate forms. It will also review existing rules and statutes governing adoption, guardianship, standby guardianship and termination of parental rights to determine if the existing rules are sufficient to assure judicious, orderly and swift determination of such matters. Notarization of disclaimers will also be addressed.

The committee looks forward to finalizing its joint recommendation with the Appellate Court Procedural Rules Committee governing finality and appealability of orphans' court orders. It also intends to review several questions arising from the recent amendments to Rule 5.6 and to submit a final version of Joint Recommendation 98-1 to the Supreme Court.

Contact Persons

Questions about the committee and its work may be directed to either of the following individuals:

Honorable Jane Cutler Greenspan, Chair
Court of Common Pleas of Philadelphia County
1206 Criminal Justice Center
1301 Filbert Street
Philadelphia, PA 19107
Telephone: (215) 683-7035
Fax: (215) 683-7037

Dean R. Phillips, Esq., Counsel
P.O. Box 447
Ridley Park, Pennsylvania 19078
telephone: (610) 534-3450
fax: (610) 534-3453.

