

PART II. ORPHANS' COURT RULES

- Rule
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Source

The provisions of this Part II amended December 5, 1975, 5 Pa.B. 3133, unless otherwise noted.

RULE 1: JUDGES—LOCAL RULES

- Rule
- 1.1 Power of judges.
 - 1.2 Local rules.
 - 1.3 Forms.

Source

The provisions of this Rule 1 amended April 26, 1979, effective August 1, 1979, 9 Pa.B. 1514, unless otherwise noted.

Rule 1.1. Powers of judges.

Any judge of an Orphans' Court Division, whether or not it consists of more than one judge, may hear and determine all matters jurisdiction of which is exercised through the Orphans' Court Division.

Explanatory Note: This is the same as the first sentence of § 731 of the Probate, Estates and Fiduciaries Code. The Judiciary Act Repealer Act repeals Section 731 effective June 27, 1980. This addition to the Supreme Court Rules is intended to clarify the situation as it will exist after June 27, 1980.

Source

The provisions of this Rule 1.1 adopted April 26, 1979, effective August 1, 1979, 9 Pa.B. 1514.

Rule 1.2. Local rules.

The Orphans' Courts of the several judicial districts of this Commonwealth may adopt local rules regulating practice and procedure, but such rules shall not be inconsistent with any rule adopted by the Supreme Court of this Commonwealth or any Act of Assembly regulating the practice and procedure in the Orphans' Courts of this Commonwealth.

Explanatory Note: This is substantially identical to what formerly was Rule 1 before the addition of Rule 1.1.

Source

The provisions of this Rule 1.2 amended April 26, 1979, effective August 1, 1979, 9 Pa.B. 1514. Immediately preceding text appears at serial page (25035).

Rule 1.3. Forms.

The Supreme Court hereby adopts forms for practice and procedure before the Registers of Wills and Orphans' Court Divisions of this Commonwealth which shall be acceptable in all jurisdictions in addition to forms otherwise approved or mandated for use pursuant to local rules. These forms for statewide practice are set forth in an Appendix to these rules. The forms may be revised and supplemented from time to time. The forms shall also be maintained for public access at a website designated by the Supreme Court.

Committee Comment—2006: A number of forms previously recommended by the Committee for use before the Register of Wills, but not formally adopted by the Court, had appeared following Rule 10.1. Most of those forms have now been consolidated or revised and set forth in the Appendix hereto. However, certain forms have been deleted because they are properly generated by the Register of Wills rather than counsel. The forms formerly set forth in the body of Rules 5.7, 6.12, 14.5, 16.11 and 16.12, some with minor revisions, have been moved to the Appendix as well. In addition, a number of new forms for use in the Orphans' Court have been adopted by the Court. The current website for electronic access to the forms is found at <http://www.aopc.org/Index/Forms/IndexForms.asp>. The forms posted on the website are capable of on-line completion.

Source

The provisions of this Rule 1.3 adopted October 16, 2006, effective 30 days from date on entry, 36 Pa.B. 6760.

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