

**CHAPTER 200. RULES OF CONSTRUCTION;
GENERAL PROVISIONS**

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Rule 201. Citation of Rules.

These rules may be cited as “Pa. R.C.P.D.J.No. ____ ”

Source

The provisions of this Rule 201 amended June 30, 1982, effective August 16, 1982, 12 Pa.B. 2266. Immediately preceding text appears at serial page (43131).

Rule 202. Definitions.

As used in these rules, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise or the particular word or phrase is expressly defined in the chapter in which the particular rule is included:

“adult” means an individual eighteen years of age or older;

“advanced communication technology” is any communication equipment that is used as a link between parties in physically separate locations.

“attorney at law” means an individual admitted to practice law by the Supreme Court of Pennsylvania;

“attorney of record” means an attorney at law who has filed a written document in accordance with Rule 207.1 as appearing for and representing a party in a legal proceeding;

“competent adult” means an individual eighteen years of age or older who is (1) not an incapacitated person, (2) not a party to the action, and (3) not an employee or a relative of a party;

“constable” means a certified constable or a certified deputy constable;

“magisterial district judge” means the magisterial district judge before whom the action or proceeding is pending;

“incapacitated person” means an incapacitated person as that term is defined under 20 Pa.C.S. § 5501 (relating to meaning of incapacitated person);

“prothonotary” includes any officer exercising the powers and performing the duties of the office of prothonotary as set forth in the Judicial Code, and includes the analogous officer in those counties which do not have a prothonotary;

“sheriff” includes a deputy sheriff;

“subpoena” means an order of the magisterial district judge commanding a person to attend and testify at a particular time and place; it may also require the person to produce documents or things which are under the possession, custody, or control of that person;

“verified,” when used in reference to a written statement of fact by the signer, means supported by oath or affirmation or made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Official Note: Justices of the peace are now statutorily known as “magisterial district judges.” See 42 Pa.C.S. § 102 and 42 P.S. § 20003(d). As to magisterial district judges’ civil jurisdiction, see 42 Pa.C.S. § 1515(a). The definitions of “sheriff” and “constable” include their deputies. As to deputy sheriffs, see 16 P.S. §§ 1202 and 4202. As to deputy constables, see 13 P.S. §§ 21—23. As to certification of constables and deputy constables, see 42 Pa.C.S. § 2942.

Source

The provisions of this Rule 202 amended and effective December 1, 1983, 13 Pa.B. 3875; amended July 16, 2001, effective August 1, 2001, 31 Pa.B. 4055; amended September 3, 2003, effective January 1, 2004, 33 Pa.B. 4663; amended June 1, 2006, effective October 1, 2006, 36 Pa.B. 2955; amended October 8, 2008, effective November 1, 2008, 38 Pa.B. 5843. Immediately preceding text appears at serial pages (319873) to (319874).

Rule 203. Computation of Time.

A. When any period of time is referred to in any rule, such period in all cases, except as otherwise provided in subdivision B of this rule, shall be so computed as to exclude the first and include the last day of such period. Whenever the last day of any such period shall fall on Saturday or Sunday, or on any day made a legal holiday by the laws of this Commonwealth or of the United States, such day shall be omitted from the computation.

B. Whenever in any rule the lapse of a number of months after a certain day is required, such number of months shall be computed by counting the months from such day, excluding the calendar month in which such day occurs, and shall include the day of the month in the last month so counted having the same numerical order as the day of the month from which the computation is made, unless there are not so many days in the last month so counted, in which case the period computed shall expire with the last day of such month.

Official Note: This rule is derived from Pa. R.C.P. Nos. 106 and 108.

Rule 204. Purpose and Intent of Rules.

The purpose and intent of these rules is to provide a complete and exclusive procedure for every action or proceeding to which they are applicable.

Official Note: This rule sets forth the general purpose and intent to make mandatory the use of the procedures prescribed in these rules.

Source

The provisions of this Rule 204 amended June 30, 1982, effective August 16, 1982, 12 Pa.B. 2266. Immediately preceding text appears at serial pages (43132) to (43133).

Rule 205. Record of Proceedings. Transcript of Record.

A. A record of any proceedings before a magisterial district judge, including proof of service, returns, entry of judgment and other matters, appearing on a form prescribed by the State Court Administrator shall for all purposes be considered to be a sufficient record of those proceedings.

B. A copy of any such record appearing on such a form, certified to be a true copy by the magisterial district judge in whose office the record is on file or by any other official custodian of the record, shall for all purposes be considered to be a sufficient transcript of the record, including any judgment, order or other disposition contained therein.

C. Any Act of Assembly or part thereof inconsistent with this rule is suspended, to the extent of such inconsistency.

Official Note: Subdivision A defines the contents of records of proceedings before magisterial district judges, which makes use of prescribed forms. Subdivision B provides that certified true copies of these records are sufficient “transcripts,” for whatever purpose the transcript is to be used. Subdivision C suspends inconsistent Acts of Assembly to the extent of their inconsistency.

Source

The provisions of this Rule 205 amended through June 30, 1982, effective August 16, 1982, 12 Pa.B. 2266. Immediately preceding text appears at serial page (43133).

Rule 206. Costs; Proceedings In Forma Pauperis.

A. Except as otherwise provided by law, the costs for filing and service of the complaint shall be paid at the time of filing.

B. Except as otherwise provided by subdivision C of this rule, the prevailing party in magisterial district court proceedings shall be entitled to recover taxable costs from the unsuccessful party. Such costs shall consist of all filing, personal service, witness, and execution costs authorized by Act of Assembly or general rule and paid by the prevailing party.

C. Taxable costs on appeal or certiorari shall be paid by the unsuccessful party, and a plaintiff who appeals shall be considered an unsuccessful party if he or she does not obtain on appeal a judgment more favorable than that obtained in the magisterial district court proceeding. A defendant who prevails on certiorari proceedings brought by the defendant or who obtains a favorable judgment upon appeal by either party shall not be liable for costs incurred by the plaintiff in the preceding magisterial district court proceeding and may recover taxable costs in that proceeding from the plaintiff. A plaintiff who is unsuccessful in the magisterial district court proceeding may recover taxable costs in that proceeding from the defendant if the plaintiff is successful on appeal, and in that event the defendant may not recover costs in the magisterial district court proceeding from the plaintiff.

D. This rule shall apply to all civil actions and proceedings except actions pursuant to the Protection from Abuse Act.

Official Note: “Execution” costs include those for executing an order for possession. The items constituting taxable costs in appeal or certiorari proceedings will be governed by law or general rule applicable in the court of common pleas.

Under subdivision B, “personal service . . . costs” refers only to personal service since mail costs are to be borne by the plaintiff in all cases in accordance with Section 1725.1 of the Judicial Code, 42 Pa.C.S. § 1725.1.

This rule does not provide for the assessment of filing costs against an unsuccessful plaintiff who has been permitted to proceed in forma pauperis and who remains indigent. See *Brady v. Ford*, 451 Pa. Super. 363, 679 A.2d 837 (1996).

For special provisions governing actions pursuant to the Protection From Abuse Act, see Sections 6106(b) and (c) of the Domestic Relations Code, 23 Pa.C.S. §§ 6106(b) and (c).

E. Proceedings in Forma Pauperis

(i) A party who is without financial resources to pay the costs of litigation shall be entitled to proceed in forma pauperis.

(ii) Except as provided by subparagraph (iii), the party shall file a petition and affidavit in the form prescribed by subparagraph (vi). The petition may not be filed prior to the commencement of an action, which action shall be accepted in the first instance, without the payment of filing costs.

Except as prescribed by subparagraph (iii), the magisterial district judge shall act promptly upon the petition and shall enter a determination within five days from the date of the filing of the petition. If the petition is denied, in whole or in part, the magisterial district judge shall briefly state the reasons therefor. The unsuccessful petitioner may proceed no further so long as such costs remain unpaid.

(iii) If the party is represented by an attorney, the magisterial district judge shall allow the party to proceed in forma pauperis upon the filing of a praecipe which contains a certification by the attorney that the attorney is providing free legal service to the party and believes the party is unable to pay the costs.

(iv) A party permitted to proceed in forma pauperis shall not be required to pay any costs imposed or authorized by Act of Assembly or general rule which are payable to any court or any public officer or employee.

The magisterial district judge shall inform a party permitted to proceed in forma pauperis of the option to serve the complaint by mail in the manner permitted by these rules.

A party permitted to proceed in forma pauperis has a continuing obligation to inform the court of improvement in the party’s financial circumstances which will enable the party to pay costs.

(v) If there is a monetary recovery by judgment or settlement in favor of the party permitted to proceed in forma pauperis, the exonerated costs shall be

taxed as costs and paid to the magisterial district judge by the party paying the monetary recovery. In no event shall the exonerated costs be paid to the indigent party.

(vi) The petition for leave to proceed in forma pauperis and affidavit shall be substantially in the following form:

[Caption]
Petition

I hereby request that I be permitted to proceed in forma pauperis (without payment of the filing and service costs). In support of this I state the following:

- 1. I am the plaintiff in the above matter and because of my financial condition am unable to pay the costs for filing and service of this action.
- 2. I am unable to obtain funds from anyone, including my family and associates, to pay the costs of litigation.
- 3. I represent that the information below relating to my ability to pay the costs is true and correct:

(a)

Name: _____

Address: _____

Social Security No. _____

(b) Employment

My present employer is:

Employer: _____

Address: _____

Salary or wages per month: _____

Type of work: _____

or I am presently unemployed.

The date of my last employment was:

Salary or wages per month: _____

Type of work: _____

(c) Other income that I have received within the past twelve months:

Business or profession: _____

Other self-employment: _____

Interest: _____

Dividends: _____

Pension and annuities: _____

Social security benefits: _____

Support payments: _____

Disability payments: _____

Unemployment compensation and supplemental benefits: _____

Workman's compensation: _____

Public assistance: _____

Other: _____

(d) Other contributions to household support

(Wife) (Husband) Name: _____

My (Wife) (Husband) is employed: _____

Employer: _____

Salary or wages per month: _____

Type of work: _____

Contributions from children: _____

Contributions from parents: _____

Other contributions: _____

(e) Property owned

Cash: _____

Checking account: _____

Saving account: _____

Certificates of deposit: _____

Real estate (including home): _____

Motor vehicle: Make _____, Year _____

Cost _____, Amount owed \$ _____

Stocks; bonds: _____

Other: _____

(f) Debts and obligations

Mortgage: _____
Rent: _____
Loans: _____
Other: _____

(g) Persons dependent upon me for support

(Wife) (Husband) Name: _____

Children, if any:

Name: _____ Age _____

Name: _____ Age _____

Name: _____ Age _____

Other persons:

Name: _____

Relationship: _____

4. I understand that I have a continuing obligation to inform the Court of improvement in my financial circumstances which would permit me to pay the costs incurred herein.

5. I verify that the statements made in this petition are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Sec. 4904, relating to unsworn falsification to authorities.

Date: _____

Petitioner

Action by the Magisterial District Judge: _____

Date: _____

Magisterial District Judge

Official Note: This Rule substantially follows Pa.R.C.P. No. 240. Under subparagraph E(iv), "any costs" includes all filing, service, witness, and execution costs.

Source

The provisions of this Rule 206 adopted April 25, 1979, effective May 25, 1979, 9 Pa.B. 1499; amended September 18, 1990, effective immediately, 20 Pa.B. 5042; amended March 27, 1992, effective 90 days from the date on which the Order is signed, 22 Pa.B. 1893 and 1900; amended November 25, 2002, effective January 1, 2003, 32 Pa.B. 6078. Immediately preceding text appears at serial pages (256489) to (256492) and (288421).

Rule 207. Representation in Magisterial District Court Proceedings.

(A) In magisterial district court proceedings:

(1) Individuals may be represented by themselves, by an attorney at law, or by a representative with personal knowledge of the subject matter of the litigation and written authorization from the individual to appear as the individual's representative.

(2) Partnerships may be represented by an attorney at law, a partner, or by an employee or authorized agent of the partnership with personal knowledge of the subject matter of the litigation and written authorization from a partner to appear as the partnership's representative.

(3) Corporations or similar entities and unincorporated associations may be represented by an attorney at law, by an officer of the corporation, entity, or association, or by an employee or authorized agent of the corporation, entity, or association with personal knowledge of the subject matter of the litigation and written authorization from an officer of the corporation, entity, or association to appear as its representative.

(B) A representative, employee, or authorized agent may take no action on behalf of a party until the written authorization required under paragraph (A)(1), (2), or (3) is filed with the court.

Official Note: This rule is intended to permit a non-lawyer representative, employee, or authorized agent to appear on behalf of an individual, partnership, corporation or similar entity, or unincorporated association, but not to allow a non-lawyer to establish a business for the purpose of representing others in magisterial district court proceedings.

It is intended that the designation of a non-lawyer representative, employee, or authorized agent to represent a party is to apply only on a case-by-case basis. A party may not give blanket authorization for a non-lawyer representative, employee, or authorized agent to represent the party in all cases involving the party.

As to "personal knowledge of the subject matter of the litigation" see Pa.R.E. 602 and Comment.

A business organized as a sole proprietorship may be represented in the same manner as an individual under paragraph (A)(1).

See rules in Chapter 800 as to representation of minors and incapacitated persons by guardians.

Source

The provisions of this Rule 207 adopted September 23, 1985, effective October 12, 1985, 15 Pa.B. 3632; amended June 1, 2006, effective October 1, 2006, 36 Pa.B. 2955. Immediately preceding text appears at serial page (309514).

Rule 207.1. Attorney of Record; Notices.

(A) An attorney at law shall be deemed the attorney of record for a party if and only if the attorney files with the magisterial district court a written statement acknowledging that he or she represents the party in the proceeding. The written

statement must include the attorney's name, mailing address, and Supreme Court of Pennsylvania attorney identification number.

(B) An attorney of record for a party shall remain the attorney of record for that party until:

- (1) the attorney of record gives written notice to the magisterial district court and the party that he or she is withdrawing as the attorney of record for the party, or;
- (2) another attorney becomes the attorney of record for the party in accordance with paragraph (A).

(C) Except as otherwise provided in these rules, when a party has an attorney of record or is represented by a non-lawyer representative under Rule 207, and when a rule specifies that a notice is to be given or mailed to the party, a copy of the notice shall also be given or mailed to the attorney of record or the non-lawyer representative.

Official Note: Paragraph (B) provides for the withdrawal of an attorney of record. Nothing in this rule requires leave of court or that another attorney become the attorney of record before an attorney may withdraw. But compare Pa.R.C.P. No. 1012(b). Nothing in paragraph (B) is intended to affect an attorney's ethical duty to his or her client. See Pennsylvania Rules of Professional Conduct Rule 1.16.

Paragraph (C) makes clear that copies of all notices must be given or mailed to all parties of record as well as to all attorneys of record and non-lawyer representatives.

See Rule 207 regarding the designation and authorization of a non-lawyer representative.

Source

The provisions of this Rule 207.1 adopted June 1, 2006, effective October 1, 2006, 36 Pa.B. 2955.

Rule 208. Repealed Acts of Assembly not to Continue as Part of the Common Law.

No Act of Assembly pertaining to civil practice and procedure before magisterial district judges or to appellate proceedings with respect to judgments and decisions of magisterial district judges in civil matters which was repealed by § 2 of the Judiciary Act Repealer Act, Act of April 28, 1978, P. L. 202, No. 53, shall continue as part of the common law of Pennsylvania under § 3(b) of that Act.

Source

The provisions of this Rule 208 adopted December 16, 1983, effective December 1, 1983, 13 Pa.B. 3875.

Rule 209. Continuances.

- A. Continuances may be granted for cause or by agreement.
- B. Continuances shall be to a specific time and date. The magisterial district judge shall note continuances on the docket and shall promptly give or mail to the parties written notice of continuances.
- C. Except for good cause shown,

- (1) not more than one continuance shall be granted to each party, and
 - (2) the aggregate of all continuances shall not extend the date of the hearing:
 - (a) beyond 90 days from the date of filing the plaintiff's complaint in proceedings commenced pursuant to Rule 303, or
 - (b) beyond 30 days from the date of filing the plaintiff's complaint in proceedings commenced pursuant to Rule 502.
- D. In all proceedings governed by these rules, the following shall constitute cause for granting a continuance:
- (1) the scheduling of a party's attorney of record to appear at any proceeding under the Pennsylvania Rules of Disciplinary Enforcement, whether
 - (a) as counsel for a respondent-attorney before a hearing committee, special master, the Disciplinary Board or the Supreme Court;
 - (b) as a special master or member of a hearing committee; or
 - (c) as a member of the Disciplinary Board.
 - (2) the scheduling of a party's attorney of record to appear at any proceeding involving the discipline of a justice, judge or magisterial district judge under Section 18 of Article V of the Constitution of Pennsylvania, whether
 - (a) as counsel for a justice, judge or magisterial district judge before the special tribunal provided for in 42 Pa.C.S. § 727, the Court of Judicial Discipline, the Judicial Conduct Board or any hearing committee or other arm of the Judicial Conduct Board; or
 - (b) as a member of the Court of Judicial Discipline, the Judicial Conduct Board or any hearing committee or other arm of the Judicial Conduct Board.
- E. Continuances shall be granted in compliance with federal or state law, such as the Service-members Civil Relief Act., 50 App. U.S.C.A. § 501 et seq.

Official Note: This rule was amended in 2005 to consolidate the provisions of former Rules 320 (relating to continuances in civil actions) and 511 (relating to continuances in possessory actions) into one general rule governing continuances. The limitations set forth in subdivision C are intended to ensure that these cases proceed expeditiously. The grounds set forth in subdivisions D and E, of course, are not intended to be the only grounds on which a continuance will be granted.

Source

The provisions of this Rule 209 adopted March 15, 1994, effective upon publication, 24 Pa.B. 1675; amended December 16, 2004, effective July 1, 2005, 35 Pa.B. 10; amended September 9, 2008, effective October 1, 2008, 38 Pa.B. 5163. Immediately preceding text appears at serial pages (319879) to (319880) and (309515).

Rule 210. Practices Prohibited.

The following practices are specifically prohibited:

- (1) The use of depositions or interrogatories for discovery or use at a hearing.

- (2) Adding parties after the previous judgment.
- (3) Attachment proceedings previous to judgment.
- (4) Entry of a judgment by warrant of attorney or by confession of judgment.

Official Note: In keeping with the policy of making the procedures in actions before magisterial district judges as simple and nontechnical as possible and in view of the time limitations imposed elsewhere in these rules, it was thought desirable to prohibit specifically the practices mentioned in the four subdivisions of this rule. See also Rules 204 and 381.

Source

The provisions of this Rule 210 adopted April 5, 2002, effective January 1, 2003, 32 Pa.B. 2199.

Rule 211. Abolished, Consolidated, or Changed Magisterial Districts; Subsequent Filings.

When these rules specify that a party is to file or serve an ancillary or supplementary action in the magisterial district court which rendered a judgment or issued other process, but that court no longer exists or its magisterial district boundaries have been changed, the party may file or serve the ancillary or supplementary action only in the magisterial district court in which the original record of the proceedings containing the judgment is filed.

Official Note: This rule provides a procedure for filing or serving an ancillary or supplementary action, when the action should be filed or served in the magisterial district court which rendered the judgment or issued other process, but that court has been abolished, consolidated or otherwise changed. Such actions may include a request for order of execution or a request for a certified copy of a judgment (see Rule 402), an objection to levy or other property claim (see Rule 413), a request for order of possession (see Rule 515), or a request for entry of satisfaction (see Rule 341), among others. The rule provides that, under these circumstances, the action may be filed or served only in the magisterial district court that has become the official custodian of the original record, even though that court did not render the judgment.

Source

The provisions of this Rule 211 adopted April 5, 2002, effective January 1, 2003, 32 Pa.B. 2199.

Rule 212. Design of Forms.

The Court Administrator of Pennsylvania, in consultation with the Minor Court Rules Committee, shall design and publish forms necessary to implement these rules.

Source

The provisions of this Rule 212 adopted November 25, 2002, effective January 1, 2003, 32 Pa.B. 6080.

Rule 213. Subpoena to Attend and Testify.

A. A subpoena may be used to command a person to attend and to produce documents or things only at a trial or hearing in an action or proceeding pending before the magisterial district judge.

B. A subpoena may not be used to compel a person to appear or to produce documents or things ex parte before an attorney, a party, or a representative of the party.

Official Note: See Rule 202 for definition of “subpoena.” Compare Pa.R.C.P. No. 234.1. The magisterial district judge has discretion to limit the scope of subpoenas to persons, documents, or things that are relevant to the cause of action before the magisterial district judge. As to Subdivision B, see Rule 210.

Source

The provisions of this Rule 213 adopted September 3, 2003, effective January 1, 2004, 33 Pa.B. 4663.

Rule 214. Subpoena; Issuance; Service.

A. Magisterial district judges may issue subpoenas throughout the Commonwealth. Magisterial district judges shall not issue subpoenas in blank.

B. Upon the request of a party proceeding *pro se*, the authorized representative of a party, or an attorney of record, the magisterial district judge may issue a subpoena signed and under the seal of the magisterial district judge. The magisterial district judge shall specify in the subpoena the name and address for service of the person subpoenaed; the name of the party on whose behalf the person is being ordered to testify; the date, time, and place at which the person is to appear; and a description of the documents or things that the person is to produce, if any.

(1) The party, authorized representative, or attorney of record requesting the subpoena shall provide the magisterial district court with the information required in paragraph (B).

(2) If the subpoena is to be issued, the magisterial district court shall fill in the information provided and return it to the requestor for service.

C. A subpoena may be served upon any person within the Commonwealth by a competent adult

(1) by handing a copy to the person; or

(2) by handing a copy

(a) at the residence of the person to an adult member of the family with whom the person resides; but if no adult member of the family is found, then to an adult in charge of such residence; or

(b) at the residence of the person to the clerk or manager of the hotel, inn, apartment house, boarding house, or other place of lodging at which the person resides; or

(c) at any office or usual place of business of the person to the person’s agent or other person for the time being in charge thereof.

(D) The person making service of a subpoena must file a return of service form in the magisterial district court in which the hearing is pending within 48 hours of service, and in no event later than the commencement of the hearing. Filing under this paragraph may be accomplished by sending a copy by facsimile transmission.

(E) If a subpoenaed witness is under the age of 18, the parent or guardian of the witness shall be served with a copy of the subpoena in the same manner as prescribed in paragraph (C).

Official Note: When issuing a subpoena, the magisterial district judge has discretion to limit the scope of the subpoena to persons, documents, or things that are relevant to the cause of action before the magisterial district judge.

Paragraph (D) provides for filing by facsimile transmission. It is the intent of these rules that filing documents by facsimile transmission is permitted only when expressly provided for in the rules. Paragraph (D) also provides for use of a form promulgated by the Court Administrator of Pennsylvania.

Paragraph (E) provided that parties choosing to subpoena witnesses under the age of 18 must alert the magisterial district court of the witness' age and are responsible for any additional service costs.

See Rule 202 for definitions of "subpoena" and "attorney of record." Compare Pa.R.C.P. Nos. 234.2 and 402(a) and Pa.R.Crim.P. 107. See also Rule 207 regarding representation by an authorized representative.

For the scope of the contempt powers of magisterial district judges, see 42 Pa.C.S. § 4137. See also Pa.R.Crim.P. 140-142.

Source

The provisions of this Rule 214 adopted September 3, 2003, effective January 1, 2004, 33 Pa.B. 4663; amended October 8, 2008, effective May 1, 2009, 38 Pa.B. 5844. Immediately preceding text appears at serial pages (309516) to (309517).

Rule 215. Advanced Communication Technology.

Magisterial district judges may authorize the use of advanced communication technology during any civil proceeding or action governed by the Rules of Civil Procedure for Magisterial District Judges.

Official Note: This rule was adopted in 2008 to specify that magisterial district judges may use advanced communication technology in their courtrooms during adversarial proceedings. In an ex parte proceeding, such as an action pursuant to the Protection From Abuse Act, 23 Pa.C.S. § 6101 *et seq.*, magisterial district judges also may permit the use of advanced communication technology. Limited technology available in some magisterial district courts may preclude the use of certain advanced communication technology options. Compare Pa.R.Crim.P. 119.

Source

The provisions of this Rule 215 adopted October 8, 2008, effective November 1, 2008, 38 Pa.B. 5844.

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(339780) No. 410 Jan. 09

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