

**2004 Membership:**

Honorable John M. Cascio, *Chair*  
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Honorable Joseph D. O’Keefe  
Honorable Eunice L. Ross  
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**Staff:**

Dean R. Phillips, Esq., *Chief Counsel*  
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**Legal Authorization:**

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

**About the Committee**

The Orphans’ Court Procedural Rules Committee 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.

**Orphans’**

**Court**

**Procedural**

**Rules**

**Committee**

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## 2004 Activities

The committee published 17 forms in electronic format (e-forms) which it proposes to recommend for use before the Commonwealth orphans' court divisions and registers of wills. The e-forms are intended to promote uniformity and standardize the content of pleadings and forms across the state without supplanting local forms. The committee hopes to submit the forms to the Supreme Court for adoption by the end of 2005.

Additionally in 2004, the committee submitted a recommendation proposing new Rule 3.7 enabling judicial districts, if they so choose, to implement the electronic filing of orphans' court documents. This recommendation was adopted 10-18-04, effective immediately. As of January 1, 2005, the first orphans' court electronic filing project in Pennsylvania will be operational in the orphans' court division of the Philadelphia Court of Common Pleas.

The committee also considered issues regarding:

- Pa. O.C.R. 6.12 (Status Report by Personal Representative)
- sanctions for failure to file inventory related to Section 3301(c) of the Probate, Estates and Fiduciaries Code
- a fiduciary's power to act after an appeal has been taken.

Finally, the committee continued to review Chapter 15 of the Orphans' Court

Procedural Rules, the current adoption code and pending legislation to amend the adoption code. The committee also considered issues raised by the Safe Families Act and monitored proposed legislation pertaining to foreign adoptions.

## 2005 Plans

Among the subjects of the committee's agenda for 2005 are

- completion of the above-named projects
- publication and submission of a joint recommendation with the Appellate Court Procedural Rules Committee seeking to amend Pa.R.A.P. 342 and 313 in light of several recent Superior Court panel decisions that have caused concern over the appealability of certain orphans' court matters
- submission of a proposed revision of O.C.R. 5.6 to clarify that the rule's notice requirement does not confer procedural or substantive rights on any person to whom the rule requires a fiduciary to give notice
- continued monitoring of adoption bills pending in the legislature
- changes to the Orphans' Court Rules to reflect the elimination of the rules of equity by the Civil Procedural Rules Committee
- consideration of a rule enabling mediation in orphans' court matters. AOPC