

# **THE COURTS**

## **Title 210--APPELLATE PROCEDURE**

**[ 210 PA. CODE CH. 65 ]**

### **Amendments to the Superior Court Operating Procedures**

**[39 Pa.B. 1613]**

**[Saturday, April 4, 2009]**

The Superior Court of Pennsylvania has adopted amendments to its Internal Operating Procedures. These amendments are reflected in the Superior Court Internal Operating Procedures with amendments to 210 Pa. Code §§ 65.1--65.42.

These changes were approved on March 16, 2009, effective immediately.

*(Editor's Note: The following § 65.14 is new and has been printed in regular print to enhance readability.)*

#### **Annex A**

### **TITLE 210. APPELLATE PROCEDURE**

#### **PART II. INTERNAL OPERATING PROCEDURES**

#### **CHAPTER 65. INTERNAL OPERATING PROCEDURES OF THE SUPERIOR COURT**

##### **ADMINISTRATIVE OFFICES AND STAFF**

#### **§ 65.14. Children's Fast Track and Other Family Fast Track Appeals.**

A. In accordance with Pa.R.A.P. 102, revised in 2009, and in accordance with a program first established in this court in 2000, the court shall expedite handling of appeals involving parent-child relationships as follows:

1. Children's Fast Track: All cases involving dependency, termination of parental rights, adoption, custody, or paternity shall be designated as Children's Fast Track in the Superior Court.

2. Other Family Fast Track: Central Legal Staff in its discretion may expedite other appeals involving the parent-child relationship. Such cases shall be designated "Other Family Fast Track."

B. For all cases designated as Children's Fast Track or Other Family Fast Track, primary responsibility for monitoring the receipt of the record shall rest with the Central Legal Staff.

1. Upon receipt of an appeal that has been designated Children's Fast Track appeal by the trial court and/or the parties, the Prothonotary shall forward a letter from the President Judge of the Superior Court to the trial court judge, with copies to the clerk of the lower court, counsel for the parties or to the parties themselves if they are proceeding pro se, and Central Legal Staff. The letter shall stress the importance of the trial court's duty to send the record to the Superior Court in a timely manner, and shall stress the Superior Court's internal operating policy with respect to extensions of time for briefing, as set forth in I.O.P. 65.21 B.2.

2. In all cases designated Other Family Fast Track by the Superior Court, the Central Legal Staff shall forward the letter from the President Judge as set forth in the preceding paragraph B.1.

3. Upon receipt of an appeal that has not been designated Children's Fast Track by the trial court or the parties, the Prothonotary or Central Legal Staff may designate the appeal as a Children's Fast Track appeal if the circumstances so warrant. In such a case, the procedures set forth in paragraph B.1. or B.2. above will apply.

## MOTIONS PRACTICE

### § 65.21. Motions Review Subject to Single Judge Disposition.

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B. All petitions for extension of time shall be referred by the Prothonotary to the motions judge. Such petitions should be acted upon as soon as possible unless the motions judge feels an answer is necessary.

1. Petitions for extension shall be granted only on cause shown and in any event the filing of the brief is required, particularly in criminal cases, even though the right to argue is lost. Central Legal Staff shall be notified of the filing of the motion and the disposition. However, if the petition for extension is accompanied by a substantive motion, such as a motion to quash, remand, or withdraw, Central Legal Staff shall review the motion in an expeditious manner pursuant to the procedures set forth in Section 65.21(C) herein.

**[Notwithstanding any contrary procedure set forth above, all petitions for extension in cases which have been identified as family law fast track cases, upon receipt by the Prothonotary, shall be sent to Central Legal Staff for processing. All such petitions for extension in family law fast track cases shall be presented to a motions judge for disposition within three days of receipt of the petition by Central Legal Staff.]** Whenever an order is entered granting a petition for extension of time, and the order provides that no further extensions will be granted, any subsequent petition for

extension of time shall be referred by the Prothonotary to the judge who issued the original order.

**2. Notwithstanding any contrary procedures set forth above, all petitions for extension of time to file a brief in cases designated Children's Fast Track or Other Family Fast Track, upon receipt by the Prothonotary, shall be sent to Central Legal Staff for processing. All such petitions shall be presented to a motions judge for disposition within three days of receipt of the petition by Central Legal Staff. Petitions for extension of time to file a brief in Children's Fast Track or Other Family Fast Track cases shall be granted only upon a showing of good cause and extraordinary circumstances. Generalities such as the purpose of the motion is not for delay or that counsel is too busy will not constitute either good cause or extraordinary circumstances. Extensions for time should rarely be granted, and when granted should rarely be for a period in excess of seven days.**

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**§ 65.22. Motions Review Subject to Motions Panel Disposition.**

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B. After a motion subject to this Rule has been filed **[by] with** the Prothonotary's office, the Prothonotary shall forward the motion to Central Legal Staff which shall prepare and circulate to the motions panel a legal memorandum and recommendation.

**1. Votes thereon shall be due three weeks from the date on which the motion and accompanying documents are sent by Central Legal Staff, unless the case has been designated Children's Fast Track or Other Family Fast Track.**

**2. Votes on cases which have been identified as [family law fast track cases] Children's Fast Track or Other Family Fast Track shall be due two weeks from the date on which the motion and accompanying documents are sent by Central Legal Staff.**

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**DECISIONAL PROCEDURES**

**§ 65.31. Argument Sessions and Submit Panels.**

**A.** Argument sessions shall be held in the cities of Harrisburg, Philadelphia, and Pittsburgh. Special argument sessions may be scheduled in other locations by decision of the President Judge. Argument sessions shall begin at 9:30 a.m. unless otherwise designated.

**B. Submit panels shall be governed by I.O.P. 65.36.**

**C. The Prothonotary shall give Children's Fast Track and Other Family Fast Track cases priority in listing before argued and submit panels, and may schedule special sessions of the court at any time that the unlisted and eligible number of Children's Fast Track plus Other Family Fast Track cases which cannot be listed before a scheduled argued or submitted panel within thirty days exceeds six in any district.**

**§ 65.32. Daily List.**

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**B. A case shall be ready and available for assignment to a daily list on the date on which the appellee's brief is due, regardless of whether the brief has been filed, unless the case has been designated Children's Fast Track or Other Family Fast Track. Cases designated as Children's Fast Track or Other Family Fast Track shall be eligible for listing before an argument panel at the time that the brief for the appellant is filed.**

**§ 65.42. Circulation and Voting in Children's Fast Track and Other Family Fast Track Appeals.**

**Notwithstanding any contrary procedures set forth above, panels shall give priority in both circulation of and voting on proposed decisions, first in Children's Fast Track cases, and then in Other Family Fast Track cases.**