

**COURT OF COMMON PLEAS OF MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA**

Admin. Order #13
6513 CV 2005

Re: Promulgation of Local Rules of Civil Procedure

ORDER

And Now, this 15th day of August, 2005, Monroe County Rules of Civil Procedure 206.8 (a) and 206.8 (b) are hereby promulgated effective thirty (30) days after publication in the Pennsylvania Bulletin, in accordance with Pa.R.C.P. No. 239. In conformity with Pa.R.C.P. 239, seven (7) certified copies of the within Order and Local Rules shall be filed by the Court Administrator with the Administrative Office of Pennsylvania Courts. Two (2) certified copies and diskette shall be distributed to the Legislative Reference Bureau for publication the Pennsylvania Bulletin. One (1) certified copy shall be filed Civil Procedural Rules Committee of the Supreme Court of Pennsylvania. One (1) copy shall be forwarded to the Monroe County Legal Reporter for publication. Copies shall be kept continuously available for public inspection in the Office of the Monroe County Prothonotary, the Office of the Court Administrator and the Monroe County Law Library.

BY THE COURT:

Ronald E. Vican

RONALD E. VICAN, P.J.

**RULE 206.8(a) – PETITION FOR PRIVATE DETECTIVE AND/OR SECURITY
GUARD LICENSE**

(1) Definitions:

(i) “Applicant” – includes any private detective, the business of detective agency, investigator, the business of investigator, security guard, or the business of watch, guard, or patrol agency.

(ii) “Private Detective” – includes any person, partnership, association or corporation, engaged in the private detective business, including individual private detectives, private detective agencies, investigators, or the business of investigator, or businesses providing watch, guard or patrol agency services. (Definition derived from The Private Detective Act of 1953, as amended, 22 P.S. § 12.)

(iii) The term “security guard” includes uniformed or nonuniformed security guards, any patrol agency and/or individuals who are employed full time or part time, on a temporary or permanent basis, to patrol, guard, protect, monitor, regulate, secure or watch over persons and/or property, either real or personal. (Definition derived from The Private Detective Act of 1953, as amended. 22 P.S. § 12(e).)

(2) Application for Private Detective License:

(i) An Applicant(s) (or Applicant’s counsel, hereafter “Applicant/Attorney”), seeking a private detective or security guard license pursuant to The Private Detective Act of 1953, as amended (hereafter “The Act”), shall file an original and one copy of a Petition for Private Detective or Security Guard License with the Clerk of Courts.

(ii) Applicant must comply with all requirements set forth in the Act and the Petition shall be accompanied by all documentation required under § 14 of The Act.

(iii) The Clerk of Courts shall forward a copy of the Petition to the Court Administrator.

(3) Applicant/Attorney shall serve a copy of the Petition on the District Attorney of Monroe County and shall file a Certificate of Service with the Clerk of Courts evidencing such service.

(4) Fingerprints of Applicant:

(i) In accordance with the Act, Applicant/Attorney shall submit, along with the Petition, fingerprint order cards to the Clerk of Courts;

(ii) The Clerk of Courts shall copy or make note of the cards submitted and **immediately** forward the original fingerprint order cards to the District Attorney of Monroe County for a fingerprint comparison.

(5) The District Attorney shall:

(i) within five (5) days after the filing of Applicant's fingerprints with the Clerk of Courts, submit the fingerprints to the Pennsylvania State Police Central Repository for purposes of conducting a fingerprint comparison with the fingerprints of criminals now or hereafter filed in the Pennsylvania State Police data base.

(ii) review the Applicant's Petition;

(iii) conduct a background check on the Applicant; and

(iv) prepare a report and recommendation to the Court. The report and recommendation must be signed by the District Attorney and shall be filed with the Clerk of Courts.

(6) Hearing on Petition:

(i) The District Attorney shall notify Applicant/Attorney when it has completed its investigation, at which time, Applicant/Attorney shall submit to the Court a proposed order for hearing in the form set forth below in sub-paragraph (9).

(ii) The Court shall schedule a hearing to consider Applicant's Petition, at which time the District Attorney or designee shall appear and report his/her recommendation.

(7) Notice of Hearing:

(i) Applicant/Attorney shall ensure that notice of the hearing date is published once a week for two consecutive weeks in the Monroe Legal Reporter and in one newspaper of general circulation published in Monroe County, the last advertisement to appear not less than three (3) days prior to the scheduled hearing;

(ii) Applicant/Attorney shall file an Affidavit of Publication, together with proofs of advertising, with the Clerk of Courts.

(8) Failure to comply with any provision of this rule may constitute sufficient grounds for the Court to dismiss the Petition and deny Applicant's request for a private investigator's license.

(9) Forms: Order for Hearing

Form – Order for Hearing – Petition for Private Detective and/or Security Guard License

**COURT OF COMMON PLEAS OF MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA**

IN RE: : **NO. _____ P.DET. 2 _____**
:
PETITION OF :
:
:

ORDER

AND NOW, this _____ day of _____, 20____, upon consideration of the within Petition for [Private Detective or Security Guard] License and upon motion of _____, Attorney for Applicant, a hearing is fixed on the application for the _____ day of _____, 20____, at _____ m., in Courtroom No. _____, Monroe County Courthouse, Stroudsburg, Pennsylvania.

Applicant or Applicant’s attorney shall publish Notice of the Hearing once a week for two consecutive weeks in the Monroe Legal Reporter and in one newspaper of general circulation published in Monroe County, the last advertisement to appear not less than three (3) days prior to the scheduled hearing; and shall file an Affidavit of Publication, together with proofs of advertising, with the Clerk of Courts.

BY THE COURT:

_____ **J.**

cc: (Applicant/Applicant’s Attorney)
District Attorney’s Office

RULE 206.8(b) – PETITION FOR APPOINTMENT OF SCHOOL POLICE

(1) Definitions:

(i) “Applicant” – means the Board of School Directors of the school district requesting appointment of school police officers.

(ii) “School Police Officers” – includes any person who is hired by the school district for the purpose of enforcing good order in school buildings, on school buses and on school grounds located within the school district; including protecting the students and controlling large crowds at extra curricular student activities and events. (Definition derived from The Public School Code of 1949, as amended, 24 P.S. § 7-778(c).)

(iii) “Solicitor” – legal counsel for the school district.

(iv) “Appointee” – the person or persons to be employed by the Applicant as a school police officer.

(2) Application for School Police:

(i) An Applicant or the Solicitor on behalf of Applicant (hereafter “Applicant/Solicitor”), seeking appointment of school police officers pursuant to the Public School Code of 1949, as amended, 24 P.S. § 7-778 (hereafter “The School Code”), shall file an original and one copy of a Petition for Appointment of School Police with the Prothonotary.

(ii) Applicant must comply with all requirements set forth in The School Code and the Petition shall contain the following information:

(a) The name, address, social security number, date of birth, and dates of Act 34 clearance and the FBI investigation clearance for the Appointee(s) to be employed as a school police officer.

(b) The fingerprints of the Appointee(s).

(c) A report issued by the Federal Bureau of Investigation, United States Department of Justice, Investigation Division (“FBI”) indicating that the Appointee(s) has no arrest record.

(d) A copy of the Request for Criminal History Record Check issued by the Pennsylvania State Police (PSP) indicating that the Appointee(s) has no arrest record.

(e) A statement by the Applicant representing that Appointee(s) is of good character and repute.

(f) A statement by the Applicant that the Appointee(s) has not resided outside the Commonwealth of Pennsylvania in any other jurisdiction since the FBI and PSP issued the reports verifying that the Appointee(s) does not have a criminal record.

(iii) The Prothonotary shall forward a copy of the Petition to the Court Administrator.

(3) Hearing on Petition:

(i) Applicant/Solicitor shall submit to the Court a proposed order for hearing in the form set forth below in sub-paragraph (F).

(ii) The Court shall schedule a hearing to consider Applicant's Petition, at which time the Solicitor shall appear and report his/her recommendation.

(4) Notice of Hearing:

(i) Applicant/Solicitor shall ensure that notice of the hearing date is published once a week for two consecutive weeks in the Monroe Legal Reporter and in one newspaper of general circulation published in Monroe County, the last advertisement to appear not less than three (3) days prior to the scheduled hearing;

(ii) Applicant/Solicitor shall file an Affidavit of Publication, together with proofs of advertising, with the Clerk of Courts.

(5) Failure to comply with any provision of this rule may constitute sufficient grounds for the Court to dismiss the Petition and deny Applicant's request to appoint the Appointee(s) as school police officers.

(6) Forms: Order for Hearing

Form – Order for Hearing – Petition for Appointment of School Police Officer

**COURT OF COMMON PLEAS OF MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA**

IN RE: : **NO. _____ MISC. 2 _____**
:
PETITION FOR APPOINTMENT OF :
SCHOOL POLICE OFFICER(s) FOR :
THE {Insert Name of School District} :

ORDER

AND NOW, this _____ day of _____, 20____, upon consideration of the within Petition for Appointment of School Police Officer(s) for the [Name of School District] and upon motion of _____, Solicitor for Applicant, a hearing is fixed on the application for the _____ day of _____, 20____, at _____ m., in Courtroom No. _____, Monroe County Courthouse, Stroudsburg, Pennsylvania.

Applicant or Solicitor attorney shall publish Notice of the Hearing once a week for two consecutive weeks in the Monroe Legal Reporter and in one newspaper of general circulation published in Monroe County, the last advertisement to appear not less than three (3) days prior to the scheduled hearing; and shall file an Affidavit of Publication, together with proofs of advertising, with the Clerk of Courts.

BY THE COURT:

J.

cc: (Applicant/Solicitor)
District Attorney's Office