

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

PRESIDENT JUDGE GENERAL COURT REGULATION NO. 2001-03

In Re: Adoption of Philadelphia Rule of Civil Procedure
No. 7109.1

O R D E R

AND NOW, this 16th day of November, 2001, the Board of Judges of Philadelphia County having voted at the Board of Judges' meeting held on November 15, 2001 to adopt Philadelphia Rule of Civil Procedure 7109.1, IT IS HEREBY ORDERED that Philadelphia Rule of Civil Procedure 7109.1, attached hereto, is adopted effective January 1, 2002.

This General Court Regulation is issued in accordance with Pa.R.Civ.P. No. 205.4, and shall become effective January 1, 2002. As required, the original General Court Regulation shall be filed with the Prothonotary in a Docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas of Philadelphia County, and copies shall be submitted the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil Procedural Rules Committee. Copies of the Order shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

/s/ FREDERICA A. MASSIAH-JACKSON

FREDERICA A. MASSIAH-JACKSON
PRESIDENT JUDGE,
COURT OF COMMON PLEAS OF
PHILADELPHIA COUNTY

Phila.R.Civ.P.No. 7109.1

Electronic Filing of Mental Health Applications or Petitions

(1) **General Rule.** (A) Except as otherwise provided by subsection (B) of this rule, parties shall file legal papers, including original process, with the Prothonotary by means of electronic filing in any **civil mental health** matter filed pursuant to the Mental Health Procedures Act of 1976, as amended, and the within rule.

(B) Notwithstanding subsection (A), appeals to appellate courts filed from orders issued by the Court pursuant to Petitions for Review of certification orders issued by Mental Health Review Officers cannot be filed electronically, but must be filed with the Prothonotary in a paper format.

(C) The filing party shall maintain the original paper copy of any legal paper that is electronically filed and shall file the original with the Prothonotary if requested pursuant to Pa.R.C.P. No. 205.4(b)(2)(ii).

(D) The Prothonotary shall not maintain a paper file of any legal papers filed electronically pursuant to this rule.

(2) **File Date. Acceptance By Prothonotary.** The Prothonotary shall provide electronic access at all times; however, legal papers submitted electronically shall be deemed “filed” after they are reviewed and accepted by the Prothonotary. Electronically filed document will be reviewed and accepted for filing during normal business hours only. The Prothonotary shall electronically provide a filing status message to the filing party setting forth the “filed” date and time.

Note

A filing party accepts the risk that a document filed by means of electronic filing may not be properly or timely filed with the Prothonotary. See Pa.R.C.P. No. 205.4(e)(2).

(3) **Scheduling of Hearing.** Upon filing of the application or petition, a hearing shall be scheduled consistent with the dictates of the Mental Health Procedures Act.

(4) **Service of Pleading and Scheduling Order.** After the application or petition is verified and accepted and a hearing date scheduled, the Prothonotary shall notify all parties that the application was filed and is available, and further that a scheduling order was entered. This notification shall constitute service of the application or petition on all parties, and service of the scheduling order as required by Pa.R.C.P. No. 236.

(5) **Orders.** Upon conclusion of the hearing, the Mental Health Review Officer shall enter an appropriate order electronically. An electronic copy of the order shall be e-mailed or made available electronically to all parties through the Mental Health Electronic Filing System. Participation in the Electronic Filing System and the electronic availability of the orders as provided herein shall constitute compliance with Pa.R.C.P. No. 236.

(6) **Website.** The Prothonotary's web site, and the Mental Health System, may be found at the following website address: <http://courts.phila.gov>, or at such other site as may be designated from time to time. The Prothonotary shall provide electronic access at all times; however, the electronically filed document will be reviewed and accepted for filing during normal business hours only. The time and date of the filing and receipt shall be as set forth above.

(7) **Authorized Users.** The Civil Mental Health Electronic Filing System shall be accessible to attorneys and other parties with the prior approval of the Prothonotary. An appropriate user name and password will be provided, and specific software may also be required.

(8) **Fees.** The Prothonotary shall impose an automation fee of \$5.00 per Mental Health Application or Petition filed, together with any other requisite filing fees. All Petitions and Applications not filed with the Prothonotary electronically after the implementation date of this rule shall be subject to both the automation fee and the requisite filing fee. The President Judge may waive all or any portion of the filing fee and automation fee. The funds generated by the automation fee shall be set aside by the Prothonotary and remitted monthly to the First Judicial District's Procurement Unit, and shall be used for, but not limited to, the development, training, implementation and maintenance of the electronic filing system for the Philadelphia Court of Common Pleas. The procedure for payment of the fees and costs of the Prothonotary shall be set forth on the Prothonotary's web site.

Adopted by the Board of Judges of the Court of Common Pleas of Philadelphia County on November 15, 2001. Effective January 1, 2002.