

**Important Information:  
Forfeiture Proceedings and Pretrial Conference**

[A Version of this Document Will Be Served by District Attorney's Office together with the Forfeiture Petition]

After you are served with a Forfeiture Petition, you should expect to receive notice by mail, within a week or so, from the Court regarding the date of your Pretrial Conference. **The date of this Pretrial Conference will be approximately 30 days after you are served with the enclosed Forfeiture Petition.** You or your attorney must attend this Pretrial Conference.

When you receive the Notice of Pretrial Conference, if you are unable to attend because of a work commitment or other important obligation, you should contact the District Attorney's Office as soon as possible and ask them to ask the Court for a continuance so that you can attend the Pretrial Conference on the rescheduled date.

At the Pretrial Conference, if you do not speak or understand the English language, the Court will assign an interpreter according to the Unified Judicial System's Language Access Plan.

A Trial Commissioner, not a judge, will conduct the Pretrial Conference.

The Forfeiture Proceedings are civil cases and not criminal cases. The court cannot appoint an attorney to represent you in civil cases. You can hire an attorney to represent you. If you want to obtain counsel, and you need time to do so, please let the Trial Commissioner know when your case is called. If you choose to represent yourself, you should know that civil proceedings and civil rules can be complicated, and you will be expected to know and follow all of the rules which apply to civil cases just as lawyers are. Neither the Trial Commissioner nor other court employees are authorized to give you legal advice.

If you are represented in a criminal case which is related to the property seized, you should ask that attorney to help you with this case, or at least to inform you what rights you have.

**It is recommended that you retain an attorney**, but below is some important information about the civil proceedings if you choose to represent yourself.

- 1) Civil Forfeiture is an action brought against the offending property and not against any individuals. The guilt or innocence of the property owner is not determinative, and property owners need not be convicted of, or even charged with, any wrongdoing for civil forfeiture to go forward. Civil forfeiture is based on the legal proposition that property—homes, vessels, cars, and even cash—can be guilty of wrongdoing and thereby subject to forfeiture to the government.
- 2) You have the right to a jury trial in a civil forfeiture case. However, note that there are time limitations governing jury demands and a jury fee must be paid. Under Pa. R.C.P. No. 1007, the right to demand a jury is deemed waived unless a party files a jury demand not later than twenty (20) days after service of the last permissible pleading. A jury demand may be easily included on an Answer and New Matter, or may be endorsed on a separate filing. The Jury fee is \$247.94.
- 3) To dispute the forfeiture and to prevent you from losing your property, **you are required to file an Answer to the Forfeiture Petition within 30 days of the date you are served with the Forfeiture Petition** by the Commonwealth (the District Attorney or Attorney General's Office). **You may file an Answer on the date of your Pretrial Conference, or**

**you may request additional time to prepare and file your Answer.** Answers are not deemed filed until they are received and accepted for filing by the Office of Judicial Records. The Court cannot help you to prepare your Answer.

- 4) **If you have been criminally charged in a case associated with the forfeiture matter,** you may file a *Praecipe to Stay the Forfeiture Proceedings* prior to filing an Answer to the Forfeiture Petition. The forfeiture proceedings will be stayed by the Office of Judicial Records upon receipt of the *Praecipe*. However, please know that when the stay is lifted, you must file an Answer to the *Forfeiture Petition* within 30 days from the day the stay is lifted.
- 5) **If you wish to seek the temporary release of your seized property while these forfeiture proceedings are pending,** you may also file a *Motion for Release of Seized Property Pending the Conclusion of the Forfeiture Proceedings*, pursuant to 42 Pa.C.S. §§ 5805(f) and 5806 at any time after your property has been seized, including during the pendency of the forfeiture proceedings.
- 6) You and the Commonwealth are permitted to ask written questions and seek documents related to the forfeiture petition. This is called “discovery” and the written questions are called “Interrogatories.” When your case is called, the Commonwealth may serve you with its interrogatories. If you don’t respond to discovery in a timely manner, that is thirty days, then the Commonwealth can ask the court to impose a penalty including default judgment, which is an order by a Judge directing that the property be given to the Commonwealth. The Commonwealth can also obtain a default judgment if you fail to appear for status listings in your case.
- 7) Based on the information you provide through discovery, the DA’s Office may agree to the return of your property or may agree to a settlement. In such an event, the assistant DA will convey a proposed settlement agreement. If you agree to the settlement, it must be signed by both parties and presented to the judge for approval. If you do not accept the settlement, your case will proceed to trial.
- 8) You must attend all scheduled Pretrial Conferences, Status Conferences and scheduled hearings or trials.
- 9) A new law which was recently adopted (Act 13 of 2017) gives the owner of property seized by the Police/Commonwealth the ability, in a civil action or case, to ask the Court to:
  - a) stay (place on hold) the forfeiture proceedings if the owner of the property has been charged with a crime;
  - b) release the seized property until the case is over; and
  - c) return the property to the owner.
- 10) The Court of Common Pleas has adopted a General Court Regulation which provides more details about forfeiture proceedings: Trial Division General Court Regulation No. 01 of 2018. It is available on the Court’s website at [www.courts.phila.gov/regs](http://www.courts.phila.gov/regs).

**You should consult an attorney who can give you legal advice on what you need to do to safeguard your property rights in the seized property as well as any legal rights you may have in connection with the criminal case.**