

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY**  
**PRESIDENT JUDGE GENERAL COURT REGULATION NO. 97-02**  
**In Re: Amendment of Phila. Civ. R. No. 7109**  
**ORDER**

AND NOW, this 8th day of August, 1997, in order to fully implement the aims of the Mental Health Procedures Act of 1976, as amended, IT IS HEREBY ORDERED, ADJUDGED and DECREED that the following provisions of Phila. Civ. R. No. 7109, effective July 1, 1997, are amended as follows [deleted language is redlined and new language is in bold/italics]:

(1) Subsection (d) is amended to read as follows:

(d) ***Form of Applications, Petitions and Certifications.*** All Applications, Petitions and Certifications filed pursuant to the Mental Health Procedures Act shall be on forms approved by the Department of Public Welfare. ***Provided, however, that the parties shall attach a cover sheet with all Applications, Petitions and Responses in the form set forth hereunder or as modified by the Court from time to time.***

(2) Subsection (e)(3) is amended to read as follows:

(e)(3) ***Filing and Service of Petition.*** The Petition must be filed with the Prothonotary within 120 hours of commencement of involuntary emergency treatment rendered pursuant to Section 302, and served by the Petitioner as soon as practicable on the person, ***his/her attorney, the City Solicitor and the Mental Health Review Officer.***

(3) Subsection (e)(4) is amended to read as follows:

(e)(4) ***Scheduling of Conference.*** An informal conference shall be ~~scheduled and held~~ ***listed*** within 24 hours after the application is filed, ~~and concluded~~ ***with Court intervention to occur*** within 120 hours of the commencement of involuntary emergency treatment rendered pursuant to Section 302.

(4) Subsection (f)(1)(D) is amended to read as follows:

(f)(1)(D) ***Scheduling of Hearing.*** A hearing ~~must be scheduled for a date~~ ***shall be held*** not more than five (5) days after the filing of the Petition.

(5) Subsection (f)(1)(F)(iv) is amended to read as follows:

(f)(1)(F)(iv) Testimony by a physician who examined the person;

(6) Subsection (f)(1)(F)(v) is deleted in its entirety.

(7) Subsection (f)(2)(F)(iii) is amended to read as follows:

(f)(2)(F)(iii) Any other information relevant to the issue of whether the person is severely mentally disabled and in need of treatment, ~~even if such information is normally excludable under the rules of evidence, provided the information is found to be reliable.~~

(8) Subsection (g)(4) is amended to read as follows:

(g)(4) ***Scheduling of Hearing.*** A hearing ~~must be scheduled and~~ ***shall be*** held not more than five (5) days after the filing of the Petition.

(9) Subsection (g)(6)(D) is amended to read as follows:

(g)(6)(D) ~~Any other relevant information, even if normally excludable under the rules of evidence, provided the information is found to be reliable.~~ ***Any other information relevant to the issue of whether the person is severely mentally disabled and in need of treatment.***

(10) Subsection (h)(2)(B) is amended to read as follows:

(h)(2)(B) transfers which constitute a greater restraint cannot be accomplished unless ***before the expiration of the period of involuntary treatment a petition is filed as provided in this rule*** and the Mental Health Review Officer ~~holds, after a hearing, and~~ finds the transfer to be necessary and appropriate.

(11) Subsection (i)(3) is amended to read as follows:

(i)(3) ***Preparation of Record for the Court.*** The Mental Health Review Officer shall ***produce the record of the proceedings held by the Mental Health Review Officer*** ~~cause the transcription of the underlying proceedings for presentation~~ to the Review Judge no later than the hearing date, and shall ensure that the evidence relied upon by the Mental Health Review Officer is available to the Review Judge.

(12) Subsection (k) is amended to read as follows:

(k) ***Appointment of Counsel.*** ~~The Public Defender is appointed~~ ***The President Judge, or his designee, shall appoint counsel*** to represent all persons who may be subject to involuntary medical examination and treatment, unless it appears that any such person can afford, and desires to have, private representation. ~~In the event a conflict prevents the Public Defender from representing any eligible person, conflict counsel shall be appointed as directed by the President Judge.~~

This General Court Regulation is issued in accordance with Phila. Civ.R.No. 51 and Pa.R.C.P. 239 and shall become effective immediately. As required by Pa.R.C.P. No. 239, 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 to 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 Legal Communications, Ltd., The Legal Intelligencer, Jenkins Memorial Law Library, and the law library for the First Judicial District.

BY THE COURT:  
ALEX BONAVIDACOLA  
PRESIDENT JUDGE  
COURT OF COMMON PLEAS  
OF PHILADELPHIA COUNTY