

–The following text is entirely new–

Rule 10.7 Disclosure of Certain Digital Assets or a Catalog of Electronic Communications of a Decedent.

- (a) **At Time of Filing Petition for Grant of Letters.** If a personal representative intends to access the digital assets or a catalog of electronic communications of a decedent, other than the content of the decedent's electronic communications, the personal representative may file with the petition an affidavit containing the recitals set forth in 20 Pa.C.S. § 3908(b). The affidavit shall be taken before and administered by the Register pursuant to 20 Pa.C.S. § 3908(c).

- (b) **After Filing Petition for Grant of Letters.** If a personal representative intends to access the digital assets or a catalog of electronic communications of a decedent, other than the content of the decedent's electronic communications, the personal representative may file an affidavit with the Register containing the recitals set forth in 20 Pa.C.S. § 3908(b). The affidavit shall be taken before and administered by the Register pursuant to 20 Pa.C.S. § 3908(c).

- (c) **Upon Request of a Custodian.** If a custodian requests a finding of the court with respect to a catalog of electronic communications of a decedent pursuant to 20 Pa.C.S. § 3908(a)(4)(iv) from a personal representative who has not already filed an affidavit as provided under subdivisions (a) or (b):
 - (1) the personal representative may file an affidavit with the Register pursuant to 20 Pa.C.S. § 3908(b)(1); and
 - (2) provide the custodian a copy of the affidavit bearing evidence of filing with the Register.

Comment: This rule is intended to implement § 3908 of the Revised Uniform Fiduciary Access to Digital Assets Act relating to the disclosure of certain digital assets or a catalog of electronic communications of a decedent, other than the content of such electronic communications, to a personal representative. See 20 Pa.C.S. § 3908. Relevant terms, such as “catalog of electronic communications,” “content of electronic communication,” “custodian,” and “digital asset” are defined by statute. See 20 Pa.C.S. § 3902. This rule does not apply to access to the contents of a decedent's electronic communications; such access is governed by 20 Pa.C.S. § 3907.

A filing made pursuant to subdivision (a) or (b) is independent of any filing made pursuant to subdivision (c).

An affidavit filed by the personal representative with the Register pursuant to subdivision (c) is not required to be taken before and administered by the Register. See 20 Pa.C.S. § 3908(b)(1) (requiring, in pertinent part, that the affidavit be filed subject to penalties under 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities)). Moreover, such an affidavit does not need to be notarized.

While Registers are not subject to the *Case Records Public Access Policy of the Unified Judicial System*, they are encouraged to ensure the confidentiality of identifying information contained in affidavits filed pursuant to this rule. See *Case Records Public Access Policy of the Unified Judicial System*, § 1.0, Comment.

Rule 15.10. Involuntary Termination of Parental Rights.

(c) Hearing and Decree.

- (1) Notice of the hearing on the petition shall be provided and served in accordance with 23 Pa.C.S. § 2513(b) and Rule 15.4(b)(3).
- (2) On or before the hearing, the court shall be presented with a certificate of service stating that notice of the hearing on the petition was given to the petitioner and all others entitled to a copy of the notice in accordance with **[23 Pa.C.S. § 2503] 23 Pa.C.S. § 2513** and Rule 15.4(b)(3).
