

**SUPREME COURT OF PENNSYLVANIA
MINOR COURT RULES COMMITTEE**

ADOPTION REPORT

**Amendment of Rule 1208 of the Pennsylvania Rules of Civil Procedure Governing
Actions and Proceedings Before Magisterial District Judges**

On February 19, 2025, the Supreme Court amended Rule 1208 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges to add commentary pertaining to emergency protection from abuse proceedings and companion animals. The Minor Court Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, cmt. The statements contained herein are those of the Committee, not the Court.

The Act of November 18, 2024, P.L. 1184, No. 146 (“Act 146”) permits a hearing officer, *i.e.*, magisterial district judge, to grant temporary ownership rights of a companion animal to the plaintiff in an emergency protection from abuse action and to order the defendant to refrain from various forms of contact with the animal. See 23 Pa.C.S. § 6108(a)(9.1). Act 146 took effect on January 17, 2025.

The commentary to Pa.R.Civ.P.M.D.J. 1208 was revised to add a cross-reference to 23 Pa.C.S. § 6108(a)(9.1), reflecting the new statutory relief in emergency protection from abuse proceedings. The Committee considered the proposed revision to be perfunctory insofar as it is merely commentary that provides the citation to the newly enacted statutory relief. Therefore, the Committee recommended that the Court adopt this recommendation in accordance with Pa.R.J.A. 103(a)(3), without prior publication for public comment.

The Committee considered whether Act 146 required further revisions to the rules governing emergency protective relief from abuse. However, the only reference in the rules to the specific relief available under 23 Pa.C.S. § 6110(a) is contained in the Comment to Pa.R.Civ.P.M.D.J. 1208. Moreover, the Committee observed that the new emergency relief is not being granted in the name of the companion animal or to the companion animal. Rather, it is an added form of relief for the plaintiff or minor children. Therefore, further rule revisions were believed unnecessary. Currently, the plaintiff is required to allege, in general terms, the cause for seeking emergency relief in an emergency petition. The Committee anticipated that the plaintiff will make allegations pertaining to the companion animal in the petition in its current form and advise the magisterial district judge during the *ex parte* hearing.

This amendment becomes effective on July 1, 2025. The amendment is concurrent with amendments to Pa.R.Civ.P.M.D.J. 1208 adopted by the Court on January 8, 2025 and effective on July 1, 2025. See 55 Pa.B. 708 (January 25, 2025).