

**SUPREME COURT OF PENNSYLVANIA
ORPHANS' COURT PROCEDURAL RULES COMMITTEE**

NOTICE OF PROPOSED RULEMAKING

Proposed Amendment of Pa.R.O.C.P. 4.7 and Adoption of Pa.R.O.C.P. 4.8

The Orphans' Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Rule 4.7, and the adoption of Rule 4.8 of the Pennsylvania Rules of Orphans' Court Procedure for the reasons set forth in the accompanying Publication Report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be officially adopted by the Supreme Court.

Additions to the text of the proposal are bolded and underlined; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to the:

**Orphans' Court Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9546
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All communications in reference to the proposal should be received by **November 9, 2026**. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Orphans' Court
Procedural Rules Committee,

Hon. John J. McNally
Chair

Rule 4.7. Electronic Filing.

- (a) **Authorization for Electronic Filing.** A court may permit or require electronic filing of legal paper. Any court that implements electronic filing shall establish procedures governing such filing by local rule, which shall not be inconsistent with the procedures set forth herein.
- (b) **Electronic Filing of Legal Paper.**
 - (1) If implemented by court, a filing party may file a legal paper with the clerk by means of electronic filing.
 - (2) Any party may require the filing party to file the original of a legal paper or exhibit by filing a notice to file with the clerk and serving a copy of the notice upon the filing party. The filing party shall file the specified document with the clerk within 14 days after service of the notice. The court for any reason may direct any party to file the original of a legal paper or exhibit with the clerk within the time specified in the order. Upon disposition of the matter before the court, an original document may be returned to the party who filed it or retained by the court, as the court may determine.
- (c) **Signature, Verification and Retention of Legal Paper.**
 - (1) The original legal paper shall be **[properly]** signed[,], and **[where], if** required, verified.
 - (2) The electronic filing of a legal paper constitutes a certification by the filing party that the original document was signed, and **[where] if** applicable, verified.
 - (3) Unless retained by the court, the filing party shall maintain the original of all documents so certified, together with any exhibits filed, for **[5] five** years after the final disposition of the case.
- (d) **Website and Filing Date.**
 - (1) The court shall designate a website for the electronic filing of legal paper. A **[user name] username** and password shall be issued to **an** authorized **[users] user**.

- (2) The court shall provide electronic filing access at all times. The time and date of the filing shall be that registered by the court's computer system.
- (3) The court shall provide, through its website, an acknowledgement from the clerk that the filing has been processed. Such acknowledgement shall include the date and time of filing in a form **[which] that** can be printed for retention by the filing party.
- (e) **Delay in Filing.** A filing party shall be responsible for any delay, disruption, or interruption of electronic transmission, and for the legibility of the document electronically filed, except for delays caused by the failure of the court's website. The filing party may petition the court to resolve any dispute concerning an alleged failure of the court's website.
- (f) **Fees.**
 - (1) A filing party shall pay the fee for electronically filing a legal paper as provided by the court.
 - (2) The court may assess an additional automation fee for each legal paper electronically filed, which shall be used for the development, implementation, maintenance, and training in the use of the court's electronic filing system, and other related uses.

[Note: Rule 4.7] Comment: This rule is substantively **[identical] similar** to former **[Rule 3.7,] Pa.R.O.C.P. 3.7,** but has been relocated to Chapter IV **[of these Rules].**

[Explanatory Comment:] This rule is designed as a general enabling mechanism by which local judicial districts can, if they so choose, implement electronic filing. Implementation procedures not inconsistent with this rule will be determined by local rules of court.

Those jurisdictions that require electronic filing must also provide the necessary technical assistance to those parties who lack the capacity to electronically file legal paper.

Nothing in this rule is intended to change the procedural requirements of orphans' court practice, as embodied in the statutes and rules of court. Rather, this rule is intended to facilitate the delivery of legal paper to the court and the parties, as well as to reduce record management burdens in the office of the clerk. The terms "electronic filing," "filing party," and "legal paper" are defined in Pa.R.O.C.P. 1.3. The term "signature" is defined in Pa.R.O.C.P. 4.7. See also

Pa.R.J.A. 510(d) pertaining to the use of electronic signatures in the Guardianship Tracking System.

The court may, from time to time, modify the approved electronic filing system to take into consideration the costs and security of the system and the maintenance of electronic data and images.

Historical Commentary

The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking.

Explanatory Comment: This Rule is designed as a general enabling mechanism by which local judicial districts can, if they so choose, implement electronic filing. Implementation procedures not inconsistent with this Rule will be determined by local rules of court.

Those jurisdictions which require e-filing must also provide the necessary technical assistance to those parties who lack the capacity to electronically file legal paper.

Nothing in this Rule is intended to change the procedural requirements of Orphans' Court practice, as embodied in the statutes and rules of court. Rather, this Rule is intended to facilitate the delivery of legal paper to the court and the parties, as well as to reduce record management burdens in the office of the clerk. The terms "electronic filing," "filing party," and "legal paper" are defined in Rule 1.3.

The court may, from time to time, modify the approved electronic filing system to take into consideration the costs and security of the system and the maintenance of electronic data and images.

— The following text is entirely new —

Rule 4.8. Signature.

When used in reference to legal papers filed with the clerk, a "signature" includes a handwritten signature, a copy of a handwritten signature, a computer-generated signature or a signature created, transmitted, received, or stored by electronic means by the signer or by someone with the signer's authorization unless otherwise provided in these rules.

Comment: Compare Pa.R.Civ.P. 76 (defining "signature"). See Pa.R.O.C.P. 1.3 (defining "legal paper").

This rule is intended to permit the use of other forms of signature to be deemed the equivalent of a handwritten or "wet" signature on legal papers. A signatory, regardless of the use of a signature in any permitted form, remains subject to sanctions pursuant to the Pennsylvania Rules of Orphans Court Procedure, and penalties and liability as permitted by law. See, e.g., Pa.R.O.C.P. 3.12; Pa.R.O.C.P. 3.13; 18 Pa.C.S. § 4904; 42 Pa.C.S. §§ 2503, 8351.

Nothing in this rule should be interpreted as permitting a facsimile signature on any document that is required by law to bear a handwritten signature to be valid. See, e.g., 15 U.S.C. § 7003(a)(1)–(a)(2); 73 P.S. § 2260.104(b)(1). See also *In re Estate of Kittler*, 303 A.3d 463, 470 (Pa. Super. 2023) (holding that an electronic signature on a will did not meet the statutory requirement that a will be signed by the testator).

Unless otherwise required by statute or rule, an original document is not required to be filed as an exhibit. A duplicate of the document shall be admissible to the same extent as the original unless a genuine question is raised about the original's authenticity, or the circumstances make it unfair to admit the duplicate. See Pa.R.E. 1003; Pa.R.O.C.P. 3.3(j) (requiring a copy of a writing to be attached to a pleading, unless it is inaccessible to the pleader).

**SUPREME COURT OF PENNSYLVANIA
ORPHANS' COURT PROCEDURAL RULES COMMITTEE**

PUBLICATION REPORT

Proposed Amendment of Pa.R.O.C.P. 4.7 and Adoption of Pa.R.O.C.P. 4.8

The Orphans' Court Procedural Rules Committee ("Committee") is considering proposing to the Supreme Court of Pennsylvania the amendment of Rule 4.7 and the adoption of Rule 4.8 of the Pennsylvania Rules of Orphans' Court Procedure. This proposal would permit the use of "facsimile signatures" on legal papers filed with the orphans' courts.

The Committee has been studying whether facsimile signatures should be accepted in lieu of "wet" or pen-and-ink signatures on documents filed with the court. Preliminarily, the concept of a "wet" signature may be illustrated through reference to Pa.R.E. 902(4) and the Comment concerning the self-authentication of certified copies of public records. In relevant part, that rule states: "A certificate required by paragraph (4)(B) may include a handwritten signature, a copy of a handwritten signature, a computer generated signature, or a signature created, transmitted, received, or stored by electronic means, by the signer or by someone with the signer's authorization. A seal may, but need not, be raised." Its commentary, in relevant part, states: "Pa.R.E. 902(4) differs from F.R.E. 902(4) insofar as the rule does not require the certificate to include a pen-and-ink signature or raised seal for the self-authentication of public documents." The Committee also notes the recent adoption of Pa.R.Civ.P. 1930.11, permitting the use of facsimile signatures on documents filed pursuant to Pa.R.Civ.P. 1901 – 1959. See 55 Pa.B. 8356 (December 13, 2025).

The Committee believes that the requirement of a "wet" signature is archaic because, in more modern practice, the entire case record may be digital and never exist in physical form. Further, with the remote practice of law or multi-office/multi-county practices, obtaining a client's "wet" signature prior to filing causes unnecessary delay and expense when signed documents are mailed, and an unnecessary inconvenience when documents must be signed in person. In the emergency guardianship context, when time is of the essence, one can anticipate that it may not be practical or possible to obtain a "wet" signature prior to filing.

Currently, the Orphans' Court Rules do not include a definition of "signature" or a list of examples as to what constitutes a signature. See, e.g., Pa.R.Civ.P. 76 (definition of "signature"). Pa.R.O.C.P. 3.12 and 3.13, pertaining to the signing of pleadings and verifications, respectively, do not address what constitutes a valid signature on such

documents. If electronic filing is used, an original legal paper must be “properly” signed and, where required, verified. See Pa.R.O.C.P. 4.7(c)(1).

Pa.R.Civ.P. 76 does not define a “signature”; rather it provides examples of what may constitute a “signature.” However, it is only with reference to documents produced by a court does that rule include “a handwritten signature, a copy of a handwritten signature, a computer generated signature or a signature created, transmitted, received, or stored by electronic means, by the signer or by someone with the signer’s authorization.” See Pa.R.Civ.P. 76 (definition of “signature”). These examples do not include documents filed with the court by parties.

Proposed Pa.R.O.C.P. 4.8 would permit the use of facsimile signatures. The language is borrowed from the examples of “signature” in Pa.R.Civ.P. 76, as applied to court-generated documents. The rule would not prohibit the use of commercial applications that allow users to “sign” a document electronically because the digital artifacts indicating the date and time when a document was signed and the electronic location of the signer permit authentication.

The Committee observes that some may argue that a “wet” signature is a fraud deterrent. However, the Committee did not find it provides a significant safeguard against forgery. If a party would be willing to forge a facsimile signature, then the party would likely be inclined to also forge a “wet” signature. See *a/so* 18 Pa.C.S. § 4101(b) (defining a “writing” for the offense of forgery to include digital signatures). Nor did the Committee believe that a “wet” signature provided such an assurance of attribution to warrant its continued requirement. Therefore, the Committee added cautionary citations to relevant authority in the commentary advising readers that the form of a signature is not a shield against the consequences of the improper use of a signature.

The Committee does not intend for the new signature to extend to documents underlying a legal filing whose execution is beyond the scope of the rules, *e.g.*, a will. The federal Electronic Signatures in Global and National Commerce Act specifically excludes:

a contract or other record to the extent it is governed by— (1) a statute, regulation, or other rule of law governing the creation and execution of wills, codicils, or testamentary trusts; [or] (2) a State statute, regulation, or other rule of law governing adoption, divorce, or other matters of family law.

15 U.S.C. § 7003(a)(1)–(a)(2). Similarly, Pennsylvania’s Uniform Electronic Transactions Act does not apply to: “a transaction to the extent it is governed by any of the following: A law governing the creation and execution of wills, codicils or testamentary trusts.” See 73 P.S. § 2260.104(b)(1). The Committee cited this authority in the commentary to proposed Rule 4.8.

The Committee proposes amending Rule 4.7 (“Electronic Filing”) to reflect new Rule 4.8. First, given the proposed definition of “signature,” the Committee proposes deleting the word “properly” from the phrase “the original legal paper be *properly* signed. See Pa.R.O.C.P. 4.7(c)(1) (emphasis added). The word “properly” is likely derived from Pa.R.Civ.P. 205.4 and is not helpful given the new expansive meaning of signature in Rule 4.8. Further, it may cause confusion among those who believe that a “wet” signature is the only form of a proper signature, notwithstanding the new definition in Rule 4.8.

In addition, stylistic changes were made throughout Rule 4.7.

The Committee welcomes all comments, concerns, and suggestions concerning this rule proposal.