

INTRODUCTION

The Supreme Court of Pennsylvania has adopted the proposed changes to Rules 1607 & 1800. The changes are effective immediately.

EXPLANATORY REPORT SEPTEMBER 2009

It was brought to the Committee's attention that courts are not reviewing cases in which the child either was not removed from the home or the child was removed and subsequently returned to the guardian, but the dependency case has not been terminated pursuant to Rule 1613.

Although the Juvenile Act provides for hearings in these cases, some counties disputed whether they were required to conduct such hearings.

Section 6351(e)(3)(i)(B) provides that the court shall conduct permanency hearings within six months of each previous permanency hearing until the child is returned to the child's guardian or removed from the jurisdiction of the court. See 42 Pa.C.S. § 6351(e)(3)(i)(B).

The adopted modifications to Rule 1607 provides for permanency hearings every six months in **every** case. This change of language clearly sets forth the standard for hearings in all cases so it is not confusing to the court or practitioner. If a child is under the court's supervision and living at home, the court shall review those cases to determine whether the situation that brought the child under the court's supervision has been resolved, whether the goals of the permanency plan are being met, and whether supervision continues to be necessary.

It was never intended that the court could have children under its supervision and not review those cases. If the court does not need to supervise the case, then the case should be closed pursuant to Rule 1613.

When the child has been removed from the home, the court shall continue to conduct permanency hearings and make findings consistent with 42 Pa.C.S. § 6351(f) & (f.1).

To ensure compliance with this change, Rule 1800 (11) suspends the Juvenile Act only insofar as it is inconsistent with this rule change.