

RULE 120. DEFINITIONS

ADULT is any person, other than a juvenile, eighteen years old or older.

AFFIANT is any responsible person, capable of taking an oath, who signs, swears to, affirms, or when permitted by these rules, verifies a written allegation and appreciates the nature and quality of that person's act.

CLERK OF COURTS is that official in each judicial district who has the responsibility and function under state law **[and] or** local practice to maintain the official **[juvenile court file] court record** and docket, without regard to that person's official title.

COURT is the Court of Common Pleas, a court of record, which is assigned to hear juvenile delinquency matters. Court shall include masters when they are permitted to hear cases under these rules and magisterial district judges when issuing an arrest warrant pursuant to Rule 210. Juvenile Court shall have the same meaning as Court.

DETENTION FACILITY is any facility, privately or publicly owned and operated, designated by the court and approved by the Department of Public Welfare to detain a juvenile temporarily. The term detention facility, when used in these rules, shall include shelter-care.

DISPOSITION is a final determination made by the court after an adjudication of delinquency or any determination that ceases juvenile court action on a case.

GUARDIAN is any parent, custodian, or other person who has legal custody of a juvenile, or person designated by the court to be a temporary guardian for purposes of a proceeding.

INTAKE STAFF is any responsible person taking custody of the juvenile on behalf of the court, detention facility, or medical facility.

ISSUING AUTHORITY is any public official having the power and authority of a magistrate, a Philadelphia bail commissioner, or a Magisterial District Judge.

JUVENILE is a person who has attained ten years of age and is not yet twenty-one years of age who is alleged to have committed a delinquent act before reaching eighteen years of age.

LAW ENFORCEMENT OFFICER is any person who is by law given the power to enforce the law when acting within the scope of that person's employment.

MASTER is an attorney with delegated authority to hear and make recommendations for juvenile delinquency matters. Master has the same meaning as hearing officer.

MEDICAL FACILITY is any hospital, urgent care facility, psychiatric or psychological ward, drug and alcohol detoxification or rehabilitation program, or any other similar facility designed to treat a juvenile medically or psychologically.

MINOR is any person, other than a juvenile, under the age of eighteen.

OFFICIAL COURT RECORD is the juvenile court file maintained by the clerk of courts which contains all court orders, court notices, docket entries, filed documents, evidence admitted into the record, and other court designated documents in each juvenile case.

ORDINANCE is a legislative enactment of a political subdivision.

PARTIES are the juvenile and the Commonwealth.

PENAL LAWS include all statutes and embodiments of the common law, which establish, create, or define crimes or offenses, including any ordinances that may provide for placement in a juvenile facility upon a finding of delinquency or upon failure to pay a fine or penalty.

PETITION is a formal document by which an attorney for the Commonwealth or the juvenile probation officer alleges a juvenile to be delinquent.

PETITIONER is an attorney for the Commonwealth or a juvenile probation officer, who signs, swears to, affirms, or verifies and files a petition.

PLACEMENT FACILITY is any facility, privately or publicly owned and operated, that identifies itself either by charter, articles of incorporation, or program description, to receive delinquent juveniles as a case disposition. Placement facilities include, but are not limited to, residential facilities, group homes, after-school programs, and day programs, whether secure or non-secure.

POLICE OFFICER is any person, who is by law given the power to arrest when acting within the scope of the person's employment.

POLITICAL SUBDIVISION shall mean county, city, township, borough, or incorporated town or village having legislative authority.

PROCEEDING is any stage in the juvenile delinquency process occurring once a written allegation has been submitted.

RECORDING is the means to provide a verbatim account of a proceeding through the use of a court stenographer, audio recording, audio-visual recording, or other appropriate means.

VERIFICATION is a written statement made by a person that the information provided is true and correct to that person's personal knowledge, information, or belief and that any false statements are subject to the penalties of the Crimes Code, 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

WRITTEN ALLEGATION is the document that is completed by a law enforcement officer or other person that is necessary to allege a juvenile has committed an act of delinquency.

COMMENT

"Clerk of courts" is the person given the power under state law or local practice to maintain the official court record. See Rule 166 for additional responsibilities of the clerk of courts.

Under the term "court," to determine if masters are permitted to hear cases, see Rule 187. [See] See Rule 210 for the power of magisterial district judges to issue arrest warrants.

The term "disposition" includes all final determinations made by the court. A disposition includes a response to an adjudication of delinquency, such as sending the juvenile to a placement facility or placing the juvenile on probation. It also includes other types of final determinations made by the court. Other final determinations include a finding that the juvenile did not commit a delinquent act pursuant to Rule 408(B), a finding that the juvenile is not in need of treatment, rehabilitation, or supervision pursuant to Rule 409(A)(1), dismissing the case "with prejudice" prior to an adjudicatory hearing, or any other final action by the court that closes or terminates the case.

The "official court record" is to contain all court orders, court notices, docket entries, filed documents, evidence admitted into the record, and other court designated documents in each juvenile case. The court may also designate any document to be a part of the record. It does not include items contained in juvenile probation's reports and files unless they are made a part of the official record by being filed with the clerk of courts.

Neither the definition of "law enforcement officer" nor the definition of "police officer" gives the power of arrest to any person who is not otherwise given that power by law.

A "petition" and a "written allegation" are two separate documents and serve two distinct functions. A "written allegation" is the document that initiates juvenile delinquency proceedings. Usually, the "written allegation" will be filed by a law enforcement officer and will allege that the juvenile has committed a delinquent act that comes within the jurisdiction of the juvenile court. This document may have been formerly known as a "probable cause affidavit," "complaint," "police paper," "charge form," "allegation of delinquency," or the like. Once this document is submitted, a preliminary determination of the juvenile court's jurisdiction is to be made. Informal adjustment and other diversionary programs may be pursued. If the attorney for the Commonwealth or the juvenile probation officer determines that formal juvenile court action is necessary, a petition is then filed.

For definition of "delinquent act," see 42 Pa.C.S. § 6302.

Official Note: Rule 120 adopted April 1, 2005, effective October 1, 2005. Amended December 30, 2005, effective immediately. Amended March 23, 2007, effective August 1, 2007. Amended February 26, 2008, effective June 1, 2008. Amended July 28, 2009, effective immediately. **Amended December 24, 2009, effective immediately.**

Committee Explanatory Reports:

Final Report explaining the amendments to Rule 120 published with the Court's Order at 36 Pa.B. 18[7]6 (January 14, 2006). Final Report explaining the amendments to Rule 120 published with the Court's Order at 37 Pa.B. 148[5]3 (April 7, 2007). Final Report explaining the amendments to Rule 120 published with the Court's Order at 38 Pa.B. 1142 (March 8, 2008). Final Report explaining the amendment to Rule 120 published with the Court's Order at 39 Pa.B. 4743 (August 8, 2009). **Final**

**Report explaining the amendments to Rule 120 published with the Court's Order at 40 Pa.B. --
(January --, 2010).**

RULE 160. INSPECTION OF THE OFFICIAL COURT RECORD [JUVENILE FILE/RECORDS]

A. **General Rule.** [All files and records of the court in a proceeding, including the juvenile court file as provided in Rule 166, are] The official court record is only open to inspection [only] by:

- 1) the judges, masters, juvenile probation officers, and staff of the court;
- 2) the attorney for the Commonwealth, the juvenile's attorney, and the juvenile, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information, except **[in] at** the discretion of the court;
- 3) a public or private agency or institution providing supervision or having custody of the juvenile under order of the court;
- 4) a court, **[and]** its probation officers, **[and]** other officials or **professional** staff, and the attorney for the defendant for use in preparing a pre-sentence report in a criminal case in which the defendant is convicted and the defendant previously was adjudicated delinquent;
- 5) a judge or issuing authority for use in determining bail, provided that such inspection is limited to orders of delinquency adjudications and dispositions, orders resulting from dispositional review hearings, and histories of bench warrants and escapes;
- 6) the Administrative Office of Pennsylvania Courts;
- 7) the judges, juvenile probation officers, and staff of courts of other jurisdictions when necessary for the discharge of their official duties;
- 8) officials of the Department of Corrections, **[or]** a state correctional institution, or other penal institution to which an individual, who was previously adjudicated delinquent in a proceeding under the Juvenile Act, has been committed, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information contained in social reports, except **[in] at** the discretion of the court;
- ~~[8]~~9) a parole board, court, or county probation official in considering an individual who was previously adjudicated delinquent in a proceeding under the Juvenile Act, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information contained in social reports, except **[in] at** the discretion of the court;

[9) the judges, juvenile probation officers, and staff of courts of other jurisdictions when necessary for the discharge of their official duties;]

10) the State Sexual Offenders Assessment Board for use in completing assessments; and

11) with leave of court, any other person, agency, or institution having a legitimate interest in the proceedings or in the work of the unified judicial system.

B. Public availability. Upon request, a public document shall be created by the clerk of courts if the case is designated eligible for public inspection pursuant to Rule 330 or 515.

1) For cases deemed eligible pursuant to Rule 330, the public document shall contain only the following information:

a) the juvenile's name;

b) the juvenile's age;

c) the juvenile's address; and

d) the offenses alleged in the juvenile's petition.

2) For cases deemed eligible pursuant to Rule 515, the public document shall contain only the following information:

a) the juvenile's name;

b) the juvenile's age;

c) the juvenile's address;

d) the offenses alleged in the juvenile's petition;

e) the adjudication on each allegation; and

f) the disposition of the case.

COMMENT

See the Juvenile Act, 42 Pa.C.S. § 6307, for the statutory provisions on inspection of the juvenile's file and 42 Pa.C.S. § 6352.1 for disclosure of treatment records.

See Rule 120 for definition of the "official court record."

This rule is meant to include the contents of the **official court record [juvenile court file]** as described in Rule 166 **[and the contents of the juvenile probation records or reports]**. **[Juvenile probation records or reports, include, but are not limited to, social summaries, psychological and psychiatric evaluations, personal histories, school records and reports, mental health histories and reports, drug and alcohol evaluations, and placement facility records and reports.]**

When delinquency proceedings are commenced pursuant to Rule 200(4), the entire criminal court file is to be transferred with the case to juvenile court. This criminal case file is now the juvenile court file, **which is the official court record,** and the disclosure requirements of this rule apply.

Under [P]paragraph (B), there is one document for each eligible case that is open for public inspection. The public document should be clearly marked for employees of the clerks of courts' office as the only document available for inspection by the general public. All other information contained in the **[juvenile court file] official court record** is not open for public inspection but only open to inspection to the persons enumerated in paragraph (A).

See Rule 330 for designation of public availability status in the juvenile petition. See Rule 515 for designation of public availability status in the dispositional order.

Official Note: Rule 160 adopted April 1, 2005, effective October 1, 2005; amended December 30, 2005, effective immediately. Amended August 20, 2007, effective December 1, 2007. Amended May 12, 2008, effective immediately. **Amended December 24, 2009, effective immediately.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 160 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005). Final Report explaining the revisions of Rule 160 published with the Court's Order at 36 Pa.B. 186 (January 14, 2006). Final Report explaining the amendments to Rule 160 published with the Court's Order at 37 Pa.B. 4866 (September 8, 2007). Final Report explaining the amendments to Rule 160 published with the Court's Order at 38 Pa.B. 2360 (May 24, 2008). **Final Report explaining the amendments to Rule 160 published with the Court's Order at 40 Pa.B. -- (January --, 2010).**

RULE 166. MAINTAINING RECORDS IN THE CLERK OF COURTS

- A. **Generally.** The juvenile court file is the official court record and shall contain all [original records, papers, and] court orders, [filed, copies of all] court notices, [and] docket entries, filed documents, evidence admitted into the record, and other court designated documents in each juvenile case. These records shall be maintained by the clerk of courts and shall not be taken from the custody of the clerk of courts without order of the court.
- B. **Docket entries.** The clerk of courts shall maintain a list of docket entries: a chronological list, in electronic or written form, of documents and entries in the [juvenile court file] official court record and of all proceedings in the case. The clerk of courts shall make docket entries at the time the information is made known to the clerk.
- C. **Contents of docket entries.** The docket entries shall include, at a minimum, the following information:
- 1) the juvenile's name, last known address, date of birth, if known;
 - 2) the names and addresses of all attorneys who have appeared or entered an appearance, the date of the entry of appearance(s), and the date of any withdrawal of appearance(s);
 - 3) notations concerning all papers filed with the clerk, including all court notices, appearances, admissions, motions, orders, findings and adjudications, and dispositions, briefly showing the nature and title, if any, of each paper filed, writ issued, and motion made, and the substance of each order or disposition of the court and of the returns showing execution of process;
 - 4) notations concerning motions made orally or orders issued orally in the courtroom when directed by the court;
 - 5) a notation of every judicial proceeding, continuance, and disposition;
 - 6) the location of exhibits made part of the record during the proceedings; **[and]**
 - 7)
 - a) the date of receipt in the clerk's office of the order or court notice;
 - b) the date appearing on the order or court notice; and
 - c) the date and manner of service of the order or court notice; and
 - 8) all other information required by Rule 345.

COMMENT

This rule sets forth the mandatory contents of the list of docket entries and the **[juvenile court file]official court record**. This is not intended to be an exhaustive list of what is required to be recorded in the docket entries. The judicial districts may require additional information to be recorded in a case or in all cases.

The list of docket entries is a running record of all information related to any action in a juvenile case in the court of common pleas of the clerk's county, such as dates of filings, of orders, and of court proceedings, including hearings conducted by masters. Nothing in this rule is intended to preclude the use of automated or other electronic means for time stamping or making docket entries.

This rule applies to all proceedings in the court of common pleas, including hearings conducted by masters, at any stage of the delinquency case.

This rule is not intended to include items contained in the juvenile probation records or reports. See Rule 160 (Inspection of **the Official Court Record**[**Juvenile File/Records**]) and its *Comment* for items contained in juvenile probation records or reports.

The practice in some counties of creating the list of docket entries only if an appeal is taken is inconsistent with this rule.

The requirement of paragraph (C)(2) that all attorneys and their addresses be recorded makes certain there is a record of all attorneys who have appeared for any juvenile in the case. The requirement also ensures that attorneys are served as required by Rules 167 and 345. See also Rule 345(C) concerning certificates of service.

In those cases in which the attorney has authorized receiving service by facsimile transmission or electronic means, the docket entry required by paragraph (C)(2) is to include the facsimile number or electronic address.

Paragraph (C)(4) recognizes that occasionally **[disposition] resolution** of oral motions presented in open court should be reflected in the docket, such as motions and orders related to omnibus motions as provided in Rule 346.

Official Note: Rule 166 adopted April 1, 2005, effective October 1, 2005. **Amended December 24, 2009, effective immediately.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 166 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005). **Final Report explaining the amendments to Rule 166 published with the Court's Order at 40 Pa.B. -- (January --, 2010).**

RULE 167. FILINGS AND SERVICE OF COURT ORDERS AND NOTICES

A. Filings.

- 1) All orders and court notices shall be transmitted promptly to the clerk of courts for filing. Upon receipt by the clerk of courts, the order or court notice shall be time stamped promptly with the date of receipt.
- 2) All orders and court notices shall be filed in the **[juvenile court file]official court record**.

B. Service.

- 1) A copy of any order or court notice shall be served promptly on each party's attorney, and the juvenile, if unrepresented.
- 2) The clerk of courts shall serve the order or court notice, unless the president judge has promulgated a local rule designating service to be by the court or court administrator.
- 3) **Methods of service.** Service shall be:
 - a) in writing by:
 - i) personal delivery to the party's attorney, and if unrepresented, the juvenile;
 - ii) mailing a copy to the party's attorney or leaving a copy for the attorney at the attorney's office;
 - iii) in those judicial districts that maintain in the courthouse assigned boxes for counsel to receive service, leaving a copy for the attorney in the attorney's box;
 - iv) sending a copy to an unrepresented juvenile by first class mail addressed to the juvenile's place of residence, detention, or placement;
 - v) sending a copy by facsimile transmission or other electronic means if the party's attorney, and if unrepresented, the juvenile has filed written request for this method of service or has included a facsimile number or an electronic address on a prior legal paper filed in the case; or
 - vi) delivery to the party's attorney, and if unrepresented, the juvenile by carrier service; or

b) orally in open court on the record.

C. **Unified Practice.** Any local rule that is inconsistent with the provisions of this rule is prohibited, including any local rule requiring a person to file or serve orders or court notices.

COMMENT

Court notices, as used in this rule, are communications that ordinarily are issued by a judge or the court administrator concerning, for example, calendaring or scheduling, including proceedings requiring the juvenile's presence.

A facsimile number or electronic address set forth on the letterhead is not sufficient to authorize service by facsimile transmission or other electronic means under paragraph (B)(3)(a)(v). The authorization for service by facsimile transmission or other electronic means under this rule is valid only for the duration of the case. A separate authorization is to be filed in each case by the juvenile, if unrepresented, or by the attorney who wants to receive documents by this method of service.

Nothing in this rule is intended to preclude the use of automated or other electronic means for the transmission of the orders or court notices between the judge, court administrator, and clerk of courts, or for time stamping.

Official Note: Rule 167 adopted April 1, 2005, effective October 1, 2005. **Amended December 24, 2009, effective immediately.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 167 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005). **Final Report explaining the amendments to Rule 167 published with the Court's Order at 40 Pa.B. -- (January --, 2010).**

RULE 172. ORDER TO EXPUNGE OR DESTROY

A. **Contents.** Any order to expunge or destroy the **[juvenile court file]official court record, juvenile probation records**, docket entries, law enforcement records, or fingerprints and photographs shall include the following information:

- 1) All items contained in Rule 170(B);
- 2) the printed name and signature of the judge issuing the order; and
- 3) the date of the court order.

B. **Service.** In addition to the service required by Rule 167, the clerk of courts shall serve certified copies of the order on the chief juvenile probation officer and any other person or agency as directed by the court.

Official Note: Rule 172 adopted April 1, 2005, effective October 1, 2005. **Amended December 24, 2009, effective immediately.**

Committee Explanatory Reports:

Final Report explaining the amendments to Rule 172 published with the Court's Order at 40 Pa.B. - (January -, 2010).

RULE 220. PROCEDURE IN CASES COMMENCED BY ARREST WITHOUT WARRANT

A. The person arresting a juvenile shall promptly:

1) notify the juvenile's guardian of:

- a) the arrest of the juvenile;
- b) the reason for the arrest; and
- c) the juvenile's whereabouts; and

2) either:

- a) release the juvenile to his or her guardian upon the guardian's promise to bring the juvenile before the court when requested by the court, unless detention of the juvenile is warranted; or
- b) deliver the juvenile before the court or to a detention facility designated by the court; or
- c) deliver the juvenile to a medical facility if the juvenile is believed to be suffering from a physical condition or illness that requires prompt treatment.

B. In all cases, the person arresting the juvenile promptly shall submit the written allegation, as required by Rule 231(A)(2).

COMMENT

The juvenile probation officer can accept juveniles for the court as described in paragraph (A)(2)(b).

The release of the juvenile does not eliminate the requirement of submission of a written allegation. For the general procedures governing written allegations, see Chapter Two, Part (C).

See 42 Pa.C.S. § 6326.

See 42 Pa.C.S. § 6308 for the taking of fingerprints and photographs by law enforcement officers. The arresting officer is to ensure that the fingerprints and photographs are forwarded to the central repository as required by the Pennsylvania State Police. 42 Pa.C.S. § 6309(c).

Official Note: Rule 220 adopted April 1, 2005, effective October 1, 2005. **Amended December 24, 2009, effective immediately.**

Committee Explanatory Reports:

Final Report explaining the provisions of Chapter Two, Part B published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005). **Final Report explaining the amendments to Rule 220 published with the Court's Order at 40 Pa.B. -- (January --, 2010).**

RULE 232. CONTENTS OF WRITTEN ALLEGATION

Every written allegation shall contain:

- 1) the name of the person making the allegations;
- 2) the name, date of birth, and address, if known, of the juvenile, or if unknown, a description of the juvenile;
- 3) a statement that:
 - a) it is in the best interest of the juvenile and the public that the proceedings be brought; and
 - b) the juvenile is in need of treatment, supervision, or rehabilitation;
- 4) the date when the offense is alleged to have been committed; provided, however:
 - a) if the specific date is unknown, or if the offense is a continuing one, it shall be sufficient to state that it was committed on or about any date within the period of limitations; and
 - b) if the date or day of the week is an essential element of the offense alleged, such date or day shall be specifically set forth;
- 5) the place where the offense is alleged to have been committed;
- 6)
 - a) a summary of the facts sufficient to advise the juvenile of the nature of the offense alleged; and
 - b) the official or customary citation of the statute and section, or other provision of law which the juvenile is alleged to have violated, but an error in such citation shall not affect the validity or sufficiency of the written allegation;
- 7) the name and age of any conspirators, if known;
- 8) a statement that the acts were against the peace and dignity of the Commonwealth of Pennsylvania or in violation of an ordinance of a political subdivision;
- 9) **a notation indicating whether the juvenile has or has not been fingerprinted and photographed;**
- 10)**a notation if criminal laboratory services are requested in the case;

[10]11) a verification by the person making the allegation that the facts set forth in the written allegation are true and correct to the person's personal knowledge, information, or belief, and that any false statement made is subject to the penalties of the Crimes Code, 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities;

[11]12) the signature of the person making the allegation and the date of execution of the written allegation; and

[12]13) the name and address of the juvenile's guardian, or if unknown, the name and address of the nearest adult relative.

COMMENT

This rule sets forth the required contents of all written allegations whether the person making the allegation is a law enforcement officer, a police officer, or a private citizen. See [\[http://www.courts.state.pa.us\]](http://www.courts.state.pa.us) <http://www.pacourts.us/Forms/Default.htm> for a copy of the written allegation form that is to be submitted.

See 42 Pa.C.S. § 6308 for the taking of fingerprints and photographs pursuant to paragraph (9).

Official Note: Rule 232 adopted April 1, 2005, effective October 1, 2005. Amended December 3, 2007, effective immediately. Amended January 23, 2009, effective March 1, 2009. **Amended December 24, 2009, effective immediately.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 232 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005). Final Report explaining the amendments to Rule 232 published with the Court's Order at 37 Pa.B. 6743 (December 22, 2007). Final Report explaining the amendments to Rule 232 published with the Court's Order at 39 Pa.B. 676 (Feb. 7, 2009). **Final Report explaining the amendments to Rule 232 published with the Court's Order at 40 Pa.B. -- (January --, 2010).**

**PART A
VENUE**

- 300. Venue
- 302. Inter-County Transfer

RULE 300. VENUE

A. **Generally.** A delinquency proceeding shall be commenced in:

- 1) the county in which the delinquent act was allegedly committed; or
- 2) the juvenile's county of residence.

B. **Change of venue.** The juvenile may file a motion for change of venue if there is substantial prejudice to the juvenile. The court shall decide the motion.

C. Transmission of all records. If there is a change of venue pursuant to paragraph (B):

- 1) the transferring court shall transfer certified copies of all documents, reports, and summaries in the juvenile's official court record to the receiving court; and**
- 2) The juvenile probation office of the transferring court shall transfer all its records to the juvenile probation office where venue has been transferred.**

Official Note: Rule 300 adopted April 1, 2005, effective October 1, 2005. **Amended December 24, 2009, effective immediately.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 300 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005). **Final Report explaining the amendments to Rule 300 published with the Court's Order at 40 Pa.B. -- (January --, 2010).**

RULE 302. INTER-COUNTY TRANSFER

A. **Adjudication of Delinquency.** When the court proceeds to an adjudicatory hearing for non-resident juveniles, it shall hear evidence on the petition pursuant to Rule 406 or accept an admission pursuant to Rule 407 and shall rule on the offenses in accordance with Rule 408. The court may transfer the case to the juvenile's county of residence for a hearing to determine if the juvenile is in need of treatment, rehabilitation, or supervision pursuant to Rule 409 and if the court finds the juvenile to be in need of treatment, rehabilitation, or supervision, the receiving court shall proceed under Chapter Five.

B. Courtesy Supervision.

- 1) The court may transfer supervision of the juvenile to the juvenile's county of residence after:
 - a) a consent decree is entered; or
 - b) a dispositional order is entered; and
- 2) The county providing courtesy supervision may, with cause, withdraw supervision at any time and return the matter for further action to the county which entered the dispositional order.

C. **Transmission of [juvenile court file]all records.** If the case is transferred **[under]pursuant to** paragraph (A) or (B)[,,:]

- 1) the transferring court shall [order] transfer [of] certified copies of all documents, reports, and summaries in the juvenile's [court file]official court record to the receiving court;**
- 2) the juvenile probation office of the transferring court shall transfer all its records to the juvenile probation office where jurisdiction has been transferred.**

COMMENT

The purpose of allowing transfer of disposition and supervision of the juvenile to the juvenile's county of residence is to allow probation to supervise the juvenile closely. Supervision is difficult if the juvenile lives in another county.

Under paragraph (B), this rule also may apply if the juvenile moves to a different county in this Commonwealth at some stage in the proceedings.

When the case is being transferred under paragraph (A), the transferring court should enter a finding of the amount of restitution owed and to whom it should be paid, if ordered. A restitution order should be included in the dispositional order, if applicable, under paragraph (B).

Official Note: Rule 302 adopted April 1, 2005, effective October 1, 2005. **Amended December 24, 2009, effective immediately.**

Committee Explanatory Reports:

**Final Report explaining the amendments to Rule 302 published with the Court's Order at 40 Pa.B. -
- (January -, 2010).**

RULE 330. PETITION: FILING, CONTENTS, FUNCTION

A. **Certification.** The District Attorney of any county may require that an attorney for the Commonwealth shall file all petitions. If the District Attorney elects to require an attorney for the Commonwealth to file the petition, the District Attorney shall file a certification with the court of common pleas. The certification shall:

- 1) state that an attorney for the Commonwealth shall file petitions; and
- 2) specify any limitations on the filing or classes of petitions.

B. **Filings.** In every delinquency proceeding, the attorney for the Commonwealth or the juvenile probation officer shall file a petition with the clerk of courts if it has been determined that informal adjustment or another diversionary program is inappropriate.

C. **Petition contents.** Every petition shall set forth plainly:

- 1) the name of the petitioner;
- 2) the name, date of birth, and address, if known, of the juvenile, or if unknown, a description of the juvenile;
- 3) a statement that:
 - a) it is in the best interest of the juvenile and the public that the proceedings be brought; and
 - b) the juvenile is in need of treatment, supervision, or rehabilitation;
- 4) the date when the offense is alleged to have been committed; provided, however:
 - a) if the specific date is unknown, or if the offense is a continuing one, it shall be sufficient to state that it was committed on or about any date within the period of limitations; and
 - b) if the date or day of the week is an essential element of the offense alleged, such date or day shall be specifically set forth;
- 5) the place where the offense is alleged to have been committed;
- 6)
 - a)
 - i) a summary of the facts sufficient to advise the juvenile of the nature of the offense alleged; and
 - ii) the official or customary citation of the statute and section, or other provision of law which the juvenile is alleged to have violated, but

an error in such citation shall not affect the validity or sufficiency of the written allegation; or

- b) a certification that the juvenile has not complied with the sentence imposed for a conviction of a summary offense.
- 7) the name and age of any conspirators, if known;
- 8) a statement that the acts were against the peace and dignity of the Commonwealth of Pennsylvania or in violation of an ordinance of a political subdivision;
- 9) **a notation indicating whether the juvenile has or has not been fingerprinted and photographed;**
- 10)** a notation if criminal laboratory services are requested in the case;
- [10]11)** a verification by the petitioner that the facts set forth in the petition are true and correct to the petitioner's personal knowledge, information, or belief, and that any false statements are subject to the penalties of the Crimes Code, 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities;
- [11]12)** the signature of the petitioner and the date of the execution of the petition;
- [12]13)** the whereabouts of the juvenile and if taken into custody, the date and time thereof;
- [13]14)** the name and address of the juvenile's guardian, or if unknown, the name and address of the nearest adult relative; and
- [14]15)** an averment as to whether the case is eligible pursuant to 42 Pa.C.S. § 6307 (b)(1)(ii) for limited public information.

COMMENT

Under paragraph (A), the District Attorney may file a certification with the court of common pleas stating that only an attorney for the Commonwealth may file a petition. If a certification has not been filed, then an attorney for the Commonwealth or a juvenile probation officer may file a petition.

A private citizen has the right to file a written allegation, not a petition. See Rule 800. The written allegation commences the proceedings in the juvenile system. See Rule 200. The case should progress in the same manner as any other case in the juvenile system. If the written allegation is disapproved, the private citizen may file a motion challenging the disapproval with the court of common pleas. See *Comment* to Rule 233.

Informal adjustment or other diversionary programs should be considered before a petition is filed. Once a petition is filed, informal adjustment is not permitted. See **Comment to Rule 312 and Commonwealth v. J.H.B.**, 760 A.2d 27 (Pa. Super. Ct. 2000).

Petitions should be filed without unreasonable delay. See *Commonwealth v. Dallenbach*, 729 A.2d 1218 (Pa. Super. Ct. 1999).

See 42 Pa.C.S. § 6308 for the taking of fingerprints and photographs pursuant to paragraph (C)(9).

The contents of a petition are the same as a written allegation except for the additional requirements in paragraphs (C) (6)(b), ~~[(12), and (14)](13), and (15).~~

Pursuant to paragraph ~~(14)~~**(15)**, the petitioner is to designate whether the allegations in the juvenile's petition make the case eligible for limited public information. See 42 Pa.C.S. § 6307(b)(2). When the case is designated, the clerk of courts is to mark the file clearly. For information that is available to the public in those eligible cases, see Rule 160.

Official Note: Rule 330 adopted April 1, 2005, effective October 1, 2005. Amended August 20, 2007, effective December 1, 2007. Amended January 23, 2009, effective March 1, 2009. **Amended December 24, 2009, effective immediately.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 330 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005). Final Report explaining the amendments to Rule 330 published with the Court's Order at 37 Pa.B. 4866 (September 8, 2007). Final Report explaining the amendments to Rule 330 published with the Court's Order at 39 Pa.B. 676 (Feb. 7, 2009). **Final Report explaining the amendments to Rule 330 published with the Court's Order at 40 Pa.B. -- (January --, 2010).**

RULE 345. FILING AND SERVICE

A. Filings.

- 1) **Generally.** Except as otherwise provided in these rules, all written motions, and any notice or document for which filing is required, shall be filed with the clerk of courts.
- 2) **Clerk of courts' duties.** Except as provided in paragraph (A)(3), the clerk of courts shall docket a written motion, notice, or document when it is received and record the time of filing in the docket. The clerk of courts promptly shall transmit a copy of these papers to such person as may be designated by the court.
- 3) **Filings by represented juveniles.** In any case in which a juvenile is represented by an attorney, if the juvenile submits for filing a written motion, notice, or document that has not been signed by the juvenile's attorney, the clerk of courts shall not file the motion, notice, or document in the **[juvenile court file] official court record** or make a docket entry, but shall forward it promptly to the juvenile's attorney.
- 4) **Method of filing.** Filing may be accomplished by:
 - a) personal delivery to the clerk of courts; or
 - b) mail addressed to the clerk of courts, provided, however, that filing by mail shall be timely only when actually received by the clerk within the time fixed for filing.

B. Service.

- 1) **Generally.** The party filing the document shall serve the other party concurrently with the filing.
- 2) **Method of service to parties.** Service on the parties shall be by:
 - a) personal delivery of a copy to a party's attorney, or, if unrepresented, the party; or
 - b) mailing a copy to a party's attorney or leaving a copy for the attorney at the attorney's office; or
 - c) in those judicial districts that maintain in the courthouse assigned boxes for counsel to receive service, leaving a copy for the attorney in the attorney's box; or

- d) sending a copy to an unrepresented juvenile by first class mail addressed to the juvenile's place of residence, detention, or placement.

C. **Proof of service.** All documents that are filed and served pursuant to this rule shall include a certificate of service.

COMMENT

See Rule 166 for maintaining records in the clerk of courts.

Under paragraph (A)(2), the court is to designate a court official to process motions and other matters for appropriate scheduling and resolution.

Under paragraph (B), the party filing a document is required to serve the other party.

This rule does not affect court orders, which are to be served upon each party's attorney and the juvenile, if unrepresented, by the clerk of courts as provided in Rule 167.

For service of petitions, see Rule 331.

Official Note: Rule 345 adopted April 1, 2005, effective October 1, 2005. Amended July 28, 2009, effective immediately. **Amended December 24, 2009, effective immediately.**

Committee Explanatory Reports:

Final Report explaining the amendment to Rule 345 published with the Court's Order at 39 Pa.B. 4743 (August 8, 2009). **Final Report explaining the amendments to Rule 345 published with the Court's Order at 40 Pa.B. -- (January --, 2010).**

RULE 362. REQUIREMENTS OF THE SUMMONS

The summons shall:

- 1) be in writing;
- 2) set forth the date, time, and place of the adjudicatory hearing;
- 3) instruct the juvenile about the juvenile's right to counsel, and if the juvenile is without financial resources or otherwise unable to employ counsel, the right to assigned counsel;
- 4) give a warning stating that the failure to appear for the hearing may result in arrest; **[and]**
- 5) include a copy of the juvenile petition; **and**
- 6) include an order directing the juvenile to submit to fingerprinting and photographing by, or arranged by, the law enforcement agency that submitted the written allegation in all cases in which the juvenile has not previously been fingerprinted or photographed.**

COMMENT

Section 6335(a) of the Juvenile Act requires a copy of the petition to accompany the summons. 42 Pa.C.S. § 6335(a).

See 42 Pa.C.S. § 6308 for the taking of fingerprints and photographs.

Official Note: Rule 362 adopted April 1, 2005, effective October 1, 2005. **Amended December 24, 2009, effective immediately.**

Committee Explanatory Reports:

Final Report explaining the amendments to Rule 362 published with the Court's Order at 40 Pa.B. - (January -, 2010).

RULE 408. RULING ON OFFENSES

- A. **Entered finding.** Within seven days of hearing the evidence on the petition or accepting an admission under Rule 407, the court shall enter a finding by specifying which, if any, offenses, including grading and counts, alleged in the petition were committed by the juvenile.
- B. **Did not commit acts.**
- 1)** If the court finds the juvenile did not commit **all of** the alleged delinquent acts, the court shall dismiss the **[allegations] petition** and release the juvenile, if detained, unless there are other grounds for the juvenile's detention.
 - 2)** **The court shall move to expunge the records related to the dismissed petition pursuant to 18 Pa.C.S. § 9123(a)(1) and Rule 172.**
 - 3)** **Absent cause shown, the court shall expunge the records and order the destruction of any fingerprints or photographs.**
- C. **Committed act.** If the court finds that the juvenile committed any delinquent act, the court shall proceed as provided in Rule 409.

COMMENT

Under paragraph (A), for any offense the court finds that the juvenile committed, the court is to specify the grading and count(s). See 42 Pa.C.S. § 6341(b). It is noted that some offenses have no specific grading, i.e., ungraded felony or misdemeanor of the Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. § 780-101 *et seq.*, or the ungraded delinquent act of failure to comply with a sentence for a summary offense, 42 Pa.C.S. § 6302 (definition of "delinquent act").

[Under paragraph (B), if all the allegations are dismissed, the court is to order the destruction of fingerprints and photographs. See 42 Pa.C.S. § 6341(a). Pursuant to paragraph (B), if the court finds that the juvenile did not commit all of the alleged delinquent acts, the court, upon its own motion, is to expunge the records pursuant to 18 Pa.C.S. § 9123(a)(1). Absent cause shown, the court is to expunge the records pursuant to Rule 172. In its order, the court is to specify the case reference number or other identifying number so the order only applies to the specified case. See Comment to Rule 170 for further definition of a reference number.

Official Note: Rule 408 adopted April 1, 2005, effective October 1, 2005. **Amended December 24, 2009, effective immediately.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 408 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005). **Final Report explaining the amendments to Rule 408 published with the Court's Order at 40 Pa.B. -- (January --, 2010).**

RULE 409. ADJUDICATION OF DELINQUENCY

A. **Adjudicating the juvenile delinquent.** Once the court has ruled on the offenses as provided in Rule 408, the court shall conduct a hearing to determine if the juvenile is in need of treatment, supervision, or rehabilitation.

1) **Not in need.** If the court determines that the juvenile is not in need of treatment, supervision, or rehabilitation, **the court shall enter an order providing that:**

a) jurisdiction shall be terminated and the juvenile shall be released, if detained, unless there are other reasons for the juvenile's detention; **and**

b) any fingerprints and photographs taken shall be destroyed.

2) **In need.**

a) If the court determines that the juvenile is in need of treatment, supervision, or rehabilitation, the court shall enter an order adjudicating the juvenile delinquent and proceed in determining a proper disposition under Rule 512.

b) The court also shall order the law enforcement agency that submitted the written allegation:

i) to take, or cause to be taken, the fingerprints and photographs of the juvenile if not previously taken pursuant to this case, and

ii) to ensure that these records, including the case reference number, are forwarded to the central repository maintained by the Pennsylvania State Police.

B. **Timing.**

1) If the juvenile is in detention, the court shall make its finding within twenty days of the ruling on the offenses pursuant to Rule 408.

2) If the juvenile is not in detention, the court shall make its finding within sixty days of the ruling on the offenses pursuant to Rule 408.

C. **Extending Time by Agreement.** The time restrictions under paragraphs (B)(1) and (B)(2) may be extended if there is an agreement by both parties.

COMMENT

Under paragraph (A), absent evidence to the contrary, evidence of the commission of acts that constitute a felony is sufficient to sustain a finding that the juvenile is in need of treatment, supervision, or rehabilitation. See 42 Pa.C.S. § 6341(b).

This rule addresses adjudicating the juvenile delinquent or releasing the juvenile from the court's jurisdiction. This determination is different from finding the juvenile committed a delinquent act under Rule 408.

Pursuant to 42 Pa.C.S. § 6308(c)(3), all fingerprints and photographic records are to be destroyed upon order of the court if the juvenile is not adjudicated delinquent.

Pursuant to paragraph (A)(2)(b)(ii), a case reference number is to be included to help track this case. See Comment to Rule 170 for further description of a case reference number.

A report on the disposition is to be sent to the Juvenile Court Judges' Commission. See 42 Pa.C.S. § 6309(d).

For dispositional hearing procedures, see Chapter Five.

Official Note: Rule 409 adopted April 1, 2005, effective October 1, 2005. **Amended December 24, 2009, effective immediately.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 409 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005). **Final Report explaining the amendments to Rule 409 published with the Court's Order at 40 Pa.B. -- (January --, 2010).**

RULE 515. DISPOSITIONAL ORDER

A. **Generally.** When the court enters a disposition after an adjudication of delinquency pursuant to Rule 409(A)(2), the court shall issue a written order, which provides balanced attention to the protection of the community, accountability for the offenses committed, and development of the juvenile's competencies to enable the juvenile to become a responsible and productive member of the community. The order shall include:

- 1) the terms and conditions of the disposition;
- 2) the name of any agency or institution that **[is to] shall** provide care, treatment, supervision, or rehabilitation of the juvenile;
- 3) a designation whether the case is eligible pursuant to 42 Pa.C.S. § 6307 (b)(1)(i) for limited public information;
- 4) **a directive that the juvenile shall submit to fingerprinting and photographing by, or arranged by, the law enforcement agency that submitted the written allegation in all cases in which the juvenile has not previously been fingerprinted or photographed;**
- 5) the date of the order; and
- [5]6)** the signature and printed name of the judge entering the order.

B. **Restitution.** If restitution is ordered in a case, the dispositional order shall include:

- 1) a specific amount of restitution to be paid by the juvenile;
- 2) to whom the restitution **[is to] shall** be paid; and
- 3) a payment schedule, if so determined by the court.

C. **Guardian participation.** The court shall include any obligation in its dispositional order imposed upon the guardian.

D. Disposition reporting. The court shall forward the case disposition to the Juvenile Court Judges' Commission, as required by the Commission.

COMMENT

Pursuant to paragraph (A)(3), the court is to determine if the case is eligible for limited public information under the requirements of 42 Pa.C.S. § 6307 (b)(1)(i). See 42 Pa.C.S. § 6307 (b)(2). When the case is designated, the clerk of courts is to mark the file clearly. For information that is available to the public in those eligible cases, see Rule 160.

See 23 Pa.C.S. § 5503 and 42 Pa.C.S. **§§ 6308, 6309 &** 6310.

Dispositional orders should comport in substantial form and content to the Juvenile Court Judges' Commission model orders to receive funding under the federal Adoption and Safe Families Act (ASFA) of 1997 (P.L. 105-89). The model forms are also in compliance with Title IV-B and Title IV-E of the Social Security Act. For model orders, see <http://www.jcjc.state.pa.us> or <http://www.dpw.state.pa.us> or request a copy on diskette directly from the Juvenile Court Judges' Commission, Room 401, Finance Building, Harrisburg, PA 17120.

Official Note: Rule 515 adopted April 1, 2005, effective October 1, 2005. Amended August 20, 2007, effective December 1, 2007. Amended July 28, 2009, effective immediately. **Amended December 24, 2009, effective immediately.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 515 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005). Final Report explaining the amendments to Rule 515 published with the Court's Order at 37 Pa.B. 4866 (September 8, 2007). Final Report explaining the amendment to Rule 515 published with the Court's Order at 39 Pa.B. 4743 (August 8, 2009). **Final Report explaining the amendments to Rule 515 published with the Court's Order at 40 Pa.B. -- (January --, 2010).**

PART A
BUSINESS OF COURTS

- 1120. Definitions
- 1121. Local Rules
- 1122. Continuances
- 1123. Subpoenas
- 1124. Summons
- 1126. Defects in Form, Content, or Procedure
- 1127. Recording and Transcribing Juvenile Court Proceedings
- 1128. Presence at Proceedings
- 1129. Open Proceedings [RESERVED]
- 1130. Public Discussion by Court Personnel of Pending Matters
- 1133. Motion to Intervene
- 1134. Proceedings *In Camera*
- 1135. Captions
- 1140. Bench Warrants for Failure to Appear

RULE 1120. DEFINITIONS

ADULT is any person, other than a child, eighteen years old or older.

AGGRAVATED CIRCUMSTANCES are those circumstances specifically defined pursuant to the Juvenile Act, 42 Pa.C.S. § 6302.

CHILD is a person who is under the age of eighteen who is the subject of the dependency petition, or who was adjudicated dependent before reaching the age of eighteen years and who, while engaged in a course of instruction or treatment, requests the court to retain jurisdiction until the course has been completed, but in no event shall remain in a course of instruction or treatment past the age of twenty-one years.

CLERK OF COURTS is that official in each judicial district who has the responsibility and function under state law **[and]or** local practice to maintain the official **[juvenile court file]court record** and docket, without regard to that person's official title.

COUNTY AGENCY is the county children and youth social service agency established pursuant to the County Institution District Law, 62 Pa.C.S. § 2305 or established through the county commissioners in the judicial districts where the County Institution District Law was abolished, 16 P.S. §§ 2161, 2168, and supervised by the Department of Public Welfare pursuant to the Public Welfare Code, 62 Pa.C.S. § 901 *et seq.*

COURT is the Court of Common Pleas, a court of record, which is assigned to hear dependency matters. Court shall include masters when they are permitted to hear cases under these rules. Juvenile court shall have the same meaning as court.

FAMILY SERVICE PLAN is the document in which the county agency sets forth the service objectives for a family and services to be provided to a family by the county agency.

GUARDIAN is any parent, custodian, or other person who has legal custody of a child, or person designated by the court to be a temporary guardian for purposes of a proceeding.

JUDGE is a judge of the Court of Common Pleas.

LAW ENFORCEMENT OFFICER is any person who is by law given the power to enforce the law when acting within the scope of that person's employment.

MASTER is an attorney with delegated authority to hear and make recommendations for dependency matters. Master has the same meaning as hearing officer.

MEDICAL FACILITY is any hospital, urgent care facility, psychiatric or psychological ward, drug and alcohol detoxification or rehabilitation program, or any other similar facility designed to treat a child medically or psychologically.

MINOR is any person under the age of eighteen.

OFFICIAL COURT RECORD is the juvenile court file maintained by the clerk of courts which contains all court orders, court notices, docket entries, filed documents, evidence admitted into the record, and other court designated documents in each case.

PARTY is a person who is legally entitled to participate in the proceedings but nothing in these Rules confers standing upon a person.

PERMANENCY PLAN is a comprehensive plan that will result in a permanent home for the child.

PETITION is a formal document by which a child is alleged to be dependent.

PETITIONER is any person, who signs or verifies, and files a petition.

POLICE OFFICER is any person, who is by law given the power to arrest when acting within the scope of that person's employment.

PROCEEDING is any stage in the dependency process occurring once a shelter care application has been submitted or a petition has been filed.

PROTECTIVE CUSTODY is when a child is taken into custody for protection as an alleged dependent child pursuant to the Juvenile Act, 42 Pa.C.S. § 6301 *et seq.* or custody may be assumed pursuant to 23 Pa.C.S. § 6315.

RECORDING is the means to provide a verbatim account of a proceeding through the use of a court stenographer, audio recording, audio-visual recording, or other appropriate means.

SHELTER CARE FACILITY is a physically unrestricted facility that provides temporary care of a child and is approved by the Department of Public Welfare.

VERIFICATION is a written statement made by a person that the information provided is true and correct to that person's personal knowledge, information, or belief and that any false statements are subject to the penalties of the Crimes Code, 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

COMMENT

The county agency is a party to the proceeding and should not function as the "Clerk of Courts."

The definition of "clerk of courts" should not necessarily be interpreted to mean the office of clerk of courts as set forth in 42 Pa.C.S. § 102, but instead refers to that official who maintains the official **[juvenile court files]court record** and docket regardless of the person's official title in each judicial district. It is to be determined locally which official is to maintain these records and the associated docket.

The county institution districts in counties of the fourth, fifth, sixth, seventh, and eighth classes were abolished pursuant to 16 P.S. § 2161. It is the county commissioners' duties in the fourth, fifth, sixth, seventh, and eighth classes to provide the children and youth social service agency with the necessary services for the agency to provide care for the child. See 16 P.S. § 2168.

Under the term "court," to determine if masters are permitted to hear cases, see Rule 1187.

For the family service plan, see 55 Pa. Code § 3130.61

The definition of "law enforcement officer" does not give the power of arrest to any person who is not otherwise given that power by law.

The "official court record" is to contain all court orders, court notices, docket entries, filed documents, evidence admitted into the record, and other court designated documents in each case. The court may also designate any document to be a part of the record. It does not include items contained in county agency's records unless they are made a part of the official record by being filed with the clerk of courts.

The term "petitioner" may include any person; however, if the person is not the county agency, an application to file a petition pursuant to Rule 1320 is to be made. If the court, after a hearing, grants the application, the applicant may file a petition.

Official Note: Rule 1120 adopted August 21, 2006, effective February 1, 2007. Amended March 19, 2009, effective June 1, 2009. **Amended December 24, 2009, effective immediately.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1120 published with the Court's Order at 36 Pa.B. **[5599]5571** (September 2, 2006). Final Report explaining the amendments to Rule 1120 published with the Court's Order at 39 Pa.B. 1614 (April 4, 2009). **Final Report explaining the amendments to Rule 1120 published with the Court's Order at 40 Pa.B. -- (January --, 2010).**

**PART C
RECORDS**

**PART C(1)
ACCESS TO JUVENILE COURT RECORDS**

1160. Inspection of ~~[Juvenile Court File/Records]~~Official Court Record

RULE 1160. INSPECTION OF THE OFFICIAL COURT RECORD[JUVENILE COURT FILE/RECORDS]

[All files and records of the court in a proceeding are]The official court record is only open to inspection **[only]** by:

- 1) The judges, officers, and professional staff of the court;
- 2) The parties to the proceeding and their counsel and representatives, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information contained in social reports, except at the discretion of the court;
- 3) A public or private agency or institution providing supervision or having custody of the child under order of the court;
- 4) A court, **[and]** its probation **officers, [and]** other officials or professional staff, and the attorney for the defendant for use in preparing a presentence report in a criminal case in which the defendant is convicted and who prior thereto had been a party to a proceeding under the Juvenile Act, 42 Pa.C.S. § 6301 *et seq.*;
- 5) The Administrative Office of Pennsylvania Courts;
- 6) The judges, officers, and professional staff of courts of other jurisdictions when necessary for the discharge of their official duties;
- 7) Officials of the Department of Corrections, **[or]** a State Correctional Institution, or other penal institution to which an individual, who was previously adjudicated delinquent in a proceeding under the Juvenile Act, 42 Pa.C.S. § 6301 *et seq.*, has been committed, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information contained in social reports, except at the discretion of the court;
- 8) A parole board, court, or county probation official in considering an individual's parole or in exercising supervision over any individual who was previously adjudicated delinquent in a proceeding under the Juvenile Act, 42 Pa.C.S. § 6301 *et seq.*, but the persons in

this category shall not be permitted to see reports revealing the names of confidential sources of information contained in social reports, except at the discretion of the court.

- 9) The State Sexual Offenders Assessment Board for use in completing assessments;
and
- 10) With leave of court, any other person or agency or institution having a legitimate interest in the proceedings or in the work of the unified judicial system.

COMMENT

See the Juvenile Act, 42 Pa.C.S. § 6307, for the statutory provisions on inspection of **all files and records of the court in a proceeding**[the juvenile court's file].

Persons specified in 23 Pa.C.S. § 6340 as having access to reports may qualify as persons having a legitimate interest in the proceedings under paragraph (10). See 23 Pa.C.S. § 6340.

This rule is meant to include the contents of the **[juvenile court file]official court record** as described in Rule 1166, which does not include agency records.

Official Note: Rule 1160 adopted August 21, 2006, effective February 1, 2007. **Amended December 24, 2009, effective immediately.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1160 published with the Court's Order at 36 Pa.B. **[5599]5571** (September 2, 2006). **Final Report explaining the amendments to Rule 1160 published with the Court's Order at 40 Pa.B. -- (January --, 2010).**

RULE 1166. MAINTAINING RECORDS IN THE CLERK OF COURTS

- A. **Generally.** The juvenile court file is the official court record and shall contain all original records, papers, and orders filed, copies of all court notices, and docket entries. These records shall be maintained by the clerk of courts and shall not be taken from the custody of the clerk of courts without order of the court.
- B. **Docket entries.** The clerk of courts shall maintain a list of docket entries: a chronological list, in electronic or written form, of documents and entries in the **[juvenile court file]official court record** and of all proceedings in the case. The clerk of courts shall make docket entries at the time the information is made known to the clerk.
- C. **Contents of docket entries.** The docket entries shall include, at a minimum, the following information:
- 1) the child's name, address, date of birth, if known;
 - 2) the guardian's name, address, if known;
 - 3) the names and addresses of all attorneys who have appeared or entered an appearance, the date of the entry of appearance(s), and the date of any withdrawal of appearance(s);
 - 4) notations concerning all papers filed with the clerk, including all court notices, appearances, motions, orders, findings and adjudications, dispositions, permanency reviews, and adoptions, briefly showing the nature and title, if any, of each paper filed, writ issued, and motion made, and the substance of each order or disposition of the court and of the returns showing execution of process;
 - 5) notations concerning motions made orally or orders issued orally in the courtroom when directed by the court;
 - 6) a notation of every judicial proceeding, continuance, and disposition;
 - 7) the location of exhibits made part of the record during the proceedings; and
 - 8)
 - a) the date of receipt in the clerk's office of the order or court notice;
 - b) the date appearing on the order or court notice; and
 - c) the date and manner of service of the order or court notice; and
 - 9) all other information required by Rule 1345.

COMMENT

This rule sets forth the mandatory contents of the list of docket entries and the **[juvenile court file]official court record**. This is not intended to be an exhaustive list of what is required to be recorded in the docket entries. The judicial districts may require additional information to be recorded in a case or in all cases.

The list of docket entries is a running record of all information related to any action in a dependency case in the court of common pleas of the clerk's county, such as dates of filings, of orders, and of court proceedings, including hearings conducted by masters. Nothing in this rule is intended to preclude the use of automated or other electronic means for time-stamping or making docket entries.

This rule applies to all proceedings in the court of common pleas, including hearings conducted by masters, at any stage of the dependency case.

This rule is not intended to include items contained in the county agency records or reports.

The practice in some counties of creating the list of docket entries only if an appeal is taken is inconsistent with this rule.

The requirement of paragraph (C)(3) that all attorneys and their addresses be recorded makes certain there is a record of all attorneys who have appeared for any party in the case. The requirement also ensures that attorneys are served as required by Rules 1167 and 1345. See *also* Rule 1345(C) concerning certificates of service.

In those cases in which the attorney has authorized receiving service by facsimile transmission or electronic means, the docket entry required by paragraph (C)(3) is to include the facsimile number or electronic address.

Paragraph (C)(5) recognizes that occasionally **[disposition]resolution** of oral motions presented in open court should be reflected in the docket, such as motions and orders.

Official Note: Rule 1166 adopted August 21, 2006, effective February 1, 2007. **Amended December 24, 2009, effective immediately.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1166 published with the Court's Order at 36 Pa.B. **[5599]5571** (September 2, 2006). **Final Report explaining the amendments to Rule 1166 published with the Court's Order at 40 Pa.B. -- (January --, 2010).**

RULE 1167. FILINGS AND SERVICE OF COURT ORDERS AND NOTICES

A. Filings.

- 1) All orders and court notices shall be transmitted promptly to the clerk of courts for filing. Upon receipt by the clerk of courts, the order or court notice shall be time-stamped promptly with the date of receipt.
- 2) All orders and court notices shall be filed in the **[juvenile court file]official court record**.

B. Service.

- 1) A copy of any order or court notice shall be served promptly on each party's attorney, and the party, if unrepresented.
- 2) The clerk of courts shall serve the order or court notice, unless the president judge has promulgated a local rule designating service to be by the court or its designee.
- 3) **Methods of service.** Service shall be:
 - a) in writing by:
 - i) personal delivery to the party's attorney, and if unrepresented, the party;
 - ii) mailing a copy to the party's attorney or leaving a copy for the attorney at the attorney's office;
 - iii) in those judicial districts that maintain in the courthouse assigned boxes for counsel to receive service, leaving a copy for the attorney in the attorney's box;
 - iv) sending a copy to an unrepresented party by first class mail addressed to the party's place of business, residence, or detention;
 - v) sending a copy by facsimile transmission or other electronic means if the party's attorney, and if unrepresented, the party has filed written request for this method of service or has included a facsimile number or an electronic address on a prior legal paper filed in the case;
 - vi) delivery to the party's attorney, and if unrepresented, the party by carrier service; or

b) orally in open court on the record.

C. **Unified Practice.** Any local rule that is inconsistent with the provisions of this rule is prohibited, including any local rule requiring a person to file or serve orders or court notices.

COMMENT

Court notices, as used in this rule, are communications that ordinarily are issued by a judge or the court administrator concerning, for example, calendaring or scheduling, including proceedings requiring the party's presence.

A facsimile number or electronic address set forth on the letterhead is not sufficient to authorize service by facsimile transmission or other electronic means under paragraph (B)(3)(a)(v). The authorization for service by facsimile transmission or other electronic means under this rule is valid only for the duration of the case. A separate authorization is to be filed in each case by the party, if unrepresented, or by the attorney who wants to receive documents by this method of service.

Nothing in this rule is intended to preclude the use of automated or other electronic means for the transmission of the orders or court notices between the judge, court administrator, and clerk of courts, or for time-stamping.

Official Note: Rule 1167 adopted August 21, 2006, effective February 1, 2007. **Amended December 24, 2009, effective immediately.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1167 published with the Court's Order at 36 Pa.B. **[5599]5571** (September 2, 2006). **Final Report explaining the amendments to Rule 1167 published with the Court's Order at 40 Pa.B. -- (January --, 2010).**

**PART A
VENUE**

- 1300. Venue
- 1302. Inter-County Transfer

RULE 1300. VENUE

B. **Generally.** A dependency proceeding shall be commenced in:

- 1) the county in which the child is present; or
- 2) the child's county of residence.

B. **Change of venue.** For the convenience of parties and witnesses, the court, upon its own motion or motion of any party, may transfer an action to the appropriate court of any county where the action could originally have been brought or could be brought at the time of filing the motion to change venue.

C. **Transmission of [juvenile court file]all records.** If there is a change of venue pursuant to paragraph (B)[,]:

- 1) the transferring court shall [forward]transfer certified copies of all documents, reports, and summaries in the child's [court file]official court record to the receiving court; and**
- 2) The county agency of the transferring court shall transfer all its records to the county agency where venue has been transferred.**

COMMENT

See 42 Pa.C.S. § 6321.

For procedures regarding motions and answers, see Rule 1344. In addition to the procedures for service of orders under Rule 1167, an order changing venue is to be served upon the new county agency and the receiving court so they may begin proceedings in the receiving county.

Official Note: Rule 1300 adopted August 21, 2006, effective February 1, 2007. **Amended December 24, 2009, effective immediately.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1300 published with the Court's Order at 36 Pa.B. **[5599]5571** (September 2, 2006). **Final Report explaining the amendments to Rule 1300 published with the Court's Order at 40 Pa.B. -- (January --, 2010).**

RULE 1302. INTER-COUNTY TRANSFER

- A. **Transfer.** A court may transfer a case to another county at any time.
- B. **Transmission of [juvenile court file]official court record.** If the case is transferred **[under]pursuant to** paragraph (A)[,];
- 1) the transferring court shall [transmit]transfer certified copies of all documents, reports, and summaries in the child's [court file]official court record to the receiving court; and**
 - 2) the county agency of the transferring court shall transfer all its records to the county agency where jurisdiction has been transferred.**

COMMENT

See 42 Pa.C.S. § 6321.

Official Note: Rule 1302 adopted August 21, 2006, effective February 1, 2007. **Amended December 24, 2009, effective immediately.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1302 published with the Court's Order at 36 Pa.B. **[5599]5571** (September 2, 2006). **Final Report explaining the amendments to Rule 1302 published with the Court's Order at 40 Pa.B. -- (January --, 2010).**

RULE 1345. FILING AND SERVICE

A. Filings.

- 1) **Generally.** Except as otherwise provided in these rules, all written motions, and any notice or document for which filing is required, shall be filed with the clerk of courts.
- 2) **Clerk of courts' duties.** Except as provided in paragraph (A)(3), the clerk of courts shall docket a written motion, notice, or document when it is received and record the time of filing in the docket. The clerk of courts promptly shall transmit a copy of these papers to such person as may be designated by the court.
- 3) **Filings by represented parties.** In any case in which a party is represented by an attorney, if the party submits for filing a written motion, notice, or document that has not been signed by the party's attorney, the clerk of courts shall not file the motion, notice, or document in the child's **[court file]official court record** or make a docket entry, but shall forward it promptly to the party's attorney.
- 4) **Method of filing.** Filing may be accomplished by:
 - a) personal delivery to the clerk of courts; or
 - b) mail addressed to the clerk of courts, provided, however, that filing by mail shall be timely only when actually received by the clerk within the time fixed for filing.

B. Service.

- 1) **Generally.** The party filing the document shall serve the other party concurrently with the filing.
- 2) **Method of service to parties.** Service on the parties shall be by:
 - a) personal delivery of a copy to a party's attorney, or, if unrepresented, the party; or
 - b) mailing a copy to a party's attorney or leaving a copy for the attorney at the attorney's office; or
 - c) in those judicial districts that maintain in the courthouse assigned boxes for counsel to receive service, leaving a copy for the attorney in the attorney's box; or

- d) sending a copy to an unrepresented party by first class mail addressed to the party's place of residence.

C. **Proof of service.** All documents that are filed and served pursuant to this rule shall include a certificate of service.

COMMENT

See Rule 1166 for maintaining records in the clerk of courts.

Under paragraph (A)(2), the court is to designate a court official to process motions and other matters for appropriate scheduling and **[disposition]resolution**.

Under paragraph (B)(1), the party filing a document is required to serve the other party.

This rule does not affect court orders, which are to be served upon each party's attorney and the guardian, if unrepresented, by the clerk of courts as provided in Rule 1167.

For service of petitions, see Rule 1331.

Official Note: Rule 1345 adopted August 21, 2006, effective February 1, 2007. **Amended December 24, 2009, effective immediately.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1345 published with the Court's Order at 36 Pa.B.

[5599]5571 (September 2, 2006). **Final Report explaining the amendments to Rule 1345 published with the Court's Order at 40 Pa.B. -- (January --, 2010).**