

**CHAPTER 16  
POST-DISPOSITIONAL PROCEDURES**

**PART A  
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1600. Summons for the Permanency Hearing

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1616. Post-Dispositional Procedures; Appeals [RESERVED]

**RULE 1604. SUBMISSION OF REPORTS**

**A. Generally.**

**1) A foster parent, preadoptive parent, or relative providing care for a child may submit a report regarding the child's adjustment, progress, and condition for review by the court.**

**2) The report shall be submitted to the court designee at least seven days prior to the permanency hearing.**

**B. Designation by President Judge. The President Judge of each judicial district shall appoint a designee, other than the county agency, to receive these reports.**

**C. Duties of the County Agency. Upon placement of the child with a foster parent, preadoptive parent, or relative providing care for a child, the county agency shall inform such person of:**

**1) the right to submit a report;**

**2) the name and address of the court designee who shall receive the reports; and**

**3) the requirement to submit the report at least seven days prior to the permanency hearing.**

**D. Duties of Designee. Within one business day of receiving the report, the court designee shall:**

**1) file a copy of the report with the clerk of courts; and**

**2) distribute copies to the judge, attorneys, parties, and if appointed, the court-appointed special advocate.**

**D. Examination of Report. Pursuant to Rule 1608(D), the court shall examine this report and consider its contents as it would consider any other evidence in the case.**

**COMMENT**

**The county agency is to provide the form designed by the Department of Public Welfare to the foster parent, preadoptive parent, or relative providing care for the child. See 42 Pa.C.S. § 6336.1(b).**

**See also 42 Pa.C.S. § 6341(d).**

**Official Note: Rule 1604 adopted -, 2009, effective -.**

**Committee Explanatory Reports:**

**Final Report explaining the provisions of Rule 1604 published with the Court's Order at 39 Pa.B. - (-, 2009).**

## **RULE 1608. PERMANENCY HEARING**

- A. **Purpose of hearing.** For every case, the court shall conduct a permanency hearing for purposes of determining or reviewing:
- 1) the permanency plan of the child;
  - 2) the date by which the goal of permanency for the child might be achieved; and
  - 3) whether the placement continues to be best suited to the safety, protection, and physical, mental, and moral welfare of the child.
- B. **Court's findings.** At the permanency hearing, the court shall making findings consistent with 42 Pa.C.S. § 6351(f).
- C. **Recording.** The permanency hearing shall be recorded. The recording shall be transcribed:
- 1) pursuant to a court order; or
  - 2) when there is an appeal.
- D. **Evidence.**
- 1) Any evidence helpful in determining the appropriate course of action, including evidence that was not admissible at the adjudicatory hearing, shall be presented to the court.**
  - 2) If a report was submitted pursuant to Rule 1604, the court shall review and consider the report as it would consider all other evidence.**
- E. **Family Service Plan or Permanency Plan.** The county agency shall review the family service plan or permanency plan at least every six months. If the plan is modified, the county agency shall provide all parties and when requested, the court, with the modified plan at least fifteen days prior to the permanency hearing.

### **COMMENT**

See 42 Pa.C.S. §§ 6341, 6351.

Permanency planning is a concept whereby children are not relegated to the limbo of spending their childhood in foster homes, but instead, dedicated effort is made by the court and the county agency to rehabilitate and reunite the family in a reasonable time, and failing in this, to free the child for adoption. *In re M.B.*, 449 Pa. Super. 507, 674 A.2d 702 (1996), quoting *In re Quick*, 384 Pa. Super. 412, 559 A.2d 42 (1989).

To the extent practicable, the judge or master that presided over the adjudicatory and original dispositional hearing for a child should preside over the permanency hearing for the same child.

Under paragraph (B), the court is to make a finding consistent with 42 Pa.C.S. § 6351(f), in that the court is to determine all of the following: 1) the continuing necessity for and appropriateness of the

placement; 2) the appropriateness, feasibility, and extent of compliance with the permanency plan developed for the child; 3) the extent of progress made toward alleviating the circumstances which necessitated the original placement; 4) the appropriateness and feasibility of the current placement goal for the child; 5) the likely date by which the placement goal for the child might be achieved; 6) whether reasonable efforts were made to finalize the permanency plan in effect; 7) whether the child is safe; 8) if the child has been placed outside the Commonwealth, whether the placement continues to be best suited to the safety, protection, and physical, mental, and moral welfare of the child; 9) the services needed to assist a child who is sixteen years of age or older to make the transition to independent living; and 10) if the child has been in placement for at least fifteen of the last twenty-two months or the court has determined that aggravated circumstances exist and that reasonable efforts to prevent or eliminate the need to remove the child from the child's guardian or to preserve and reunify the family need not be made or continue to be made, whether the county agency has filed or sought to join a motion to terminate parental rights and to identify, recruit, process, and approve a qualified family to adopt the child unless: a) the child is being cared for by a relative best suited to the physical, mental, and moral welfare of the child; b) the county agency has documented a compelling reason for determining that filing a motion to terminate parental rights would not serve the needs and welfare of the child; or c) the child's family has not been provided with necessary services to achieve the safe return to the child's guardian within the time frames set forth in the permanency plan.

For family service plan requirements, see 55 PA CODE §§ 3130.61 & 3130.63.

**Official Note:** Rule 1608 adopted August 21, 2006, effective February 1, 2007. **Amended -, 2009, effective -.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1608 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006). **Final Report explaining the amendments to Rule 1608 published with the Court's Order at 39 Pa.B. - (-, 2009).**