

**PART A  
BUSINESS OF COURTS**

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**RULE 120. DEFINITIONS**

\* \* \*

**ADVANCED COMMUNICATION TECHNOLOGY is any communication equipment that is used as a link between parties in physically separate locations and includes, but is not limited to, systems providing for two-way simultaneous audio-visual communication, closed circuit television, telephone and facsimile equipment, and electronic mail.**

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**COPY is an exact duplicate of an original document, including any required signatures, produced through mechanical or electronic means and includes, but is not limited to, copies reproduced by a photocopier, transmission using facsimile equipment, or by scanning into and printing out of a computer.**

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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 **or which otherwise provides treatment to 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.

\* \* \*

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

\* \* \*

#### COMMENT

\* \* \*

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.

**The definition of "proceeding" includes all formal stages when a written allegation has been submitted, including all subsequent proceedings until supervision is terminated pursuant to Rules 631 or 632. A hearing on a motion alleging probation violations is one of these subsequent stages. See Rule 612 for revocation of probation.**

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. **Amended April 21, 2011, effective July 1, 2011.**

#### *Committee Explanatory Reports:*

Final Report explaining the amendments to Rule 120 published with the Court's Order at 36 Pa.B. 186 (January 14, 2006). Final Report explaining the amendments to Rule 120 published with the Court's Order at 37 Pa.B. 1483 (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. 222 (January 9, 2010). **Final Report explaining the amendments to Rule 120 published with the Court's Order at 41 Pa.B. - (-).**

**RULE 128. PRESENCE AT PROCEEDINGS [IN ABSENTIA]**

**A. General Rule. The juvenile shall be present at all proceedings unless the exceptions of paragraph (B) apply.**

**B. Exceptions.**

**1) Absence from proceedings.** The court may proceed with a hearing in the absence of the juvenile if the court finds that the juvenile was properly subpoenaed or summoned to appear and has willfully failed to attend, and the juvenile's attorney is present.

**2) Exclusion from proceedings. The juvenile may be excluded from a proceeding only for good cause shown. If the juvenile is so excluded, the juvenile's attorney shall be present.**

**C. Advanced Communication Technology. A juvenile may appear utilizing advanced communication technology pursuant to Rule 129.**

**D. Order appearance. The court may order the guardian to bring the juvenile and to attend the proceeding.**

**COMMENT**

The court has discretion whether to proceed if the court finds that the juvenile received proper notice of the hearing and has willfully failed to appear.

**Pursuant to paragraph (B)(2), a juvenile may be excluded only for good cause shown. For example, a juvenile may be removed from the courtroom after repeated warnings for disruptive behavior.**

Requiring the juvenile's attorney to be present protects the juvenile's interest if the proceeding is conducted in the juvenile's absence. **However, unless good cause is shown, a juvenile should appear in court.**

*Cf. Commonwealth v. Ford*, 650 A.2d 433 (Pa. 1994); *Commonwealth v. Sullens*, 619 A.2d 1349 (Pa. 1992).

**Nothing in these rules creates a right of a juvenile to have his or her guardian present. See 42 Pa.C.S. §§ 6310, 6335(b), and 6336.1.**

**Official Note:** Rule 128 adopted April 1, 2005, effective October 1, 2005. **Amended April 21, 2011, effective July 1, 2011.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 128 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005). **Final Report explaining the amendments to Rule 128 published with the Court's Order at 41 Pa.B. - (-).**

**Rule 129. [Open Proceedings (Reserved)]Appearance by Advanced Communication Technology**

**A. Generally.**

- 1) The juvenile or a witness may appear at a proceeding by utilizing advanced communication technology pursuant to Rule 140, 141, 242, 394, 406, 512, and 610.**
- 2) At a minimum, the juvenile shall appear in person at least once a year.**

**B. Counsel.**

- 1) The juvenile shall be permitted to confer with counsel before entering into an agreement to appear utilizing advanced communication technology.**
- 2) The juvenile shall be permitted to communicate fully and confidentially with counsel immediately prior to and during the proceeding.**

**Comment**

**Paragraph (A) requires that every juvenile is to appear in person at least once a year. This includes juveniles who are not removed from their homes but who are under the court's supervision.**

**This rule is not intended to compel the use of advanced communication technology but rather permit appearance by telephone or by a system providing two-way simultaneous audio-visual communication. Advanced communication technology may be utilized for the convenience of witnesses; efficient use of resources; or when a party or witness has an illness, is incarcerated, or is otherwise in a remote location. See Rules 140, 141, 242, 394, 406, 512, and 610 for specific requirements for the use of advanced communication technology.**

**Additionally, special care is to be taken when utilizing advanced communication technology to prevent disclosure of sensitive information to unauthorized persons or entities and to prevent a breach of confidentiality between the juvenile and the juvenile's attorney.**

**Pursuant to paragraph (B)(1), the juvenile is to be permitted to confer with counsel prior to agreeing to a proceeding utilizing advanced communication technology. Pursuant to paragraph (B)(2), the juvenile is permitted to confer with counsel privately prior to and during the proceedings. The juvenile is to be afforded all the same rights as if the hearing was held with all parties present in the courtroom.**

**Official Note: Rule 129 adopted April 21, 2011, effective July 1, 2011.**

**Committee Explanatory Reports:**

**Final Report explaining the amendments to Rule 129 published with the Court's Order at 41 Pa.B. - (-). -**

**Rule 130. Court Fees Prohibited for Advanced Communication Technology**

**The court shall not impose any fees upon the juvenile or witness for utilizing advanced communication technology.**

**Comment**

**See March 13, 2002 Order of the Supreme Court of Pennsylvania (No. 241 Judicial Administration; Doc. No. 1) which provides that no fees shall be imposed against a defendant in a criminal proceeding for the utilization of advanced communication technology.**

**Official Note: Rule 130 adopted April 21, 2011, effective July 1, 2011.**

**Committee Explanatory Reports:**

**Final Report explaining the amendments to Rule 130 published with the Court's Order at 41 Pa.B. - (-). -**

**RULE [130]137. PUBLIC DISCUSSION BY COURT PERSONNEL OF PENDING MATTERS**

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**Official Note:** Rule 130 adopted April 1, 2005, effective October 1, 2005. **Renumbered Rule 137 and amended April 21, 2011, effective July 1, 2011.**

**Committee Explanatory Reports:**

**Final Report explaining the renumbering of 130 to 137 published with the Court's Order at 41 Pa.B. - (-).**

## RULE 140. BENCH WARRANTS FOR FAILURE TO APPEAR AT HEARINGS

\* \* \*

E. Advanced Communication Technology. A court may utilize advanced communication technology pursuant to Rule 129 for a juvenile or a witness unless good cause is shown otherwise.

F. Return & execution of the warrant for juveniles and witnesses.

\* \* \*

### COMMENT

\* \* \*

Pursuant to paragraph (E)(2), the bench warrant is to be returned to the judge who issued the warrant or to the judge designated by the President Judge to hear warrants by the arresting officer executing a return of warrant. See paragraph (E)(3).

Pursuant to paragraph (E)(4), the bench warrant is to be vacated after the return of the warrant is executed. "Vacated" is to denote that the bench warrant has been served, dissolved, executed, dismissed, canceled, returned, or any other similar language used by the judge to terminate the warrant. The bench warrant is no longer in effect once it has been vacated.

Pursuant to paragraph (E)(5), once the warrant is vacated, the juvenile probation officer, other court designee, or law enforcement officer is to remove the warrant from all appropriate registries so the juvenile is not taken into custody on the same warrant if the juvenile is released.

\* \* \*

**Official Note:** Rule 140 adopted February 26, 2008, effective June 1, 2008. Amended September 30, 2009, effective January 1, 2010. **Amended April 21, 2011, effective July 1, 2011.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 140 published with the Court's Order at 38 Pa.B. 1142 (March 8, 2008). Final Report explaining the amendments to Rule 140 with the Court's Order at 39 Pa.B. 6029 (October 17, 2009). **Final Report explaining the amendments to Rule 140 published with the Court's Order at 41 Pa.B. - (-).**

## RULE 141. BENCH WARRANTS FOR ABSCONDERS

\* \* \*

### D. Prompt hearing.

- 1) The juvenile shall have a detention hearing within seventy-two hours of the placement in detention.
- 2) **A court may utilize advanced communication technology pursuant to Rule 129 for a juvenile or a witness unless good cause is shown otherwise.**

\* \* \*

#### COMMENT

\* \* \*

Pursuant to paragraph (C), the juvenile is to be detained in a detention facility or any other facility designated in the bench warrant. If a juvenile is taken into custody pursuant to the bench warrant in a county other than the county of issuance, the juvenile is to be transported back to the county of issuance prior to the seventy-two-hour detention hearing mandated pursuant to paragraph (D)(1).

Pursuant to paragraphs (D)(1) and (E), the time requirements of the Rules of Juvenile Court Procedure are to apply, including the seventy-two hour detention hearing. See, e.g., Rules 240, 391, 404, 510, and 605.

\* \* \*

**Official Note:** Rule 141 adopted September 30, 2009, effective January 1, 2010. **Amended April 21, 2011, effective July 1, 2011.**

#### ***Committee Explanatory Reports:***

Final Report explaining the provisions of Rule 141 published with the Court's Order at 39 Pa.B. 6029 (October 17, 2009). **Final Report explaining the amendments to Rule 141 published with the Court's Order at 41 Pa.B. - (-).**

## RULE 242. DETENTION HEARING

\* \* \*

### B. Manner of hearing.

\* \* \*

- 4) **Presence at hearing.** The juvenile shall be present at the detention hearing and the juvenile's attorney or the juvenile, if unrepresented, may:

\* \* \*

- 5) **Advanced Communication Technology. A court may utilize advanced communication technology pursuant to Rule 129 for a juvenile or a witness unless good cause is shown otherwise.**

\* \* \*

**Official Note:** Rule 242 adopted April 1, 2005, effective October 1, 2005. **Amended April 21, 2011, effective July 1, 2011.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 242 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005). **Final Report explaining the amendments to Rule 242 published with the Court's Order at 41 Pa.B. - (-).**

## RULE 394. TRANSFER HEARING

\* \* \*

### B. Advanced Communication Technology.

- 1) Juvenile. A court may utilize advanced communication technology pursuant to Rule 129 for the appearance of the juvenile only if the parties consent.
- 2) Witness. A court may utilize advanced communication technology pursuant to Rule 129 for the appearance of a witness unless good cause is shown otherwise.

### C. Findings. At the hearing, if the court finds:

\* \* \*

**Official Note:** Rule 394 adopted April 1, 2005, effective October 1, 2005. Amended April 21, 2011, effective July 1, 2011.

#### *Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 394 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005). Final Report explaining the amendments to Rule 394 published with the Court's Order at 41 Pa.B. - (-).

## RULE 406. ADJUDICATORY HEARING

\* \* \*

**C. Advanced Communication Technology. A court may utilize advanced communication technology pursuant to Rule 129 for the appearance of the juvenile or witness only if the parties consent.**

\* \* \*

**Official Note:** Rule 406 adopted April 1, 2005, effective October 1, 2005. **Amended April 21, 2011, effective July 1, 2011.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 406 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005). **Final Report explaining the amendments to Rule 406 published with the Court's Order at 41 Pa.B. - (-).**

## RULE 512. DISPOSITIONAL HEARING

A. **Manner of hearing.** The court shall conduct the dispositional hearing in an informal but orderly manner.

\* \* \*

**3) Advanced Communication Technology. A court may utilize advanced communication technology pursuant to Rule 129 for the appearance of the juvenile or the witness only if the parties consent.**

\* \* \*

**Official Note:** Rule 512 adopted April 1, 2005, effective October 1, 2005. Amended May 17, 2007, effective August 20, 2007. **Amended April 21, 2011, effective July 1, 2011.**

### *Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 512 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005). Final Report explaining the amendments to Rule 512 published with the Court's Order at 37 Pa.B. 2506 (June 2, 2007). **Final Report explaining the amendments to Rule 512 published with the Court's Order at 41 Pa.B. - (-).**

## RULE 610. DISPOSITIONAL AND COMMITMENT REVIEW

A. **Dispositional Review Hearing.** The court shall review its disposition and conduct dispositional review hearings for the purpose of ensuring that the juvenile is receiving necessary treatment and services and that the terms and conditions of the disposition are being met.

[1) A court may schedule a review hearing at any time.]

[2]1) In all cases [when the juvenile is removed from the home], the court shall hold conduct dispositional review hearings at least every six months.

2) In all cases, the juvenile shall appear in person at least once a year.

3) The court may schedule a review hearing at any time.

\* \* \*

C. **Advanced Communication Technology.** [If the parties agree, commitment and dispositional review hearings may be held by teleconferencing, two-way simultaneous audio-visual communication, or another similar method when a juvenile is committed to a placement facility. The juvenile shall be permitted to communicate fully and confidentially with the juvenile's attorney immediately prior to and during the proceeding.] A court may utilize advanced communication technology pursuant to Rule 129 for a juvenile or a witness unless good cause is shown otherwise.

### COMMENT

Under paragraph (A), the court is to conduct dispositional review hearings as frequently as necessary to ensure that the juvenile is receiving necessary treatment and services and that the terms and conditions of the disposition are being met.[may hold a review hearing at any time; however, if the juvenile is removed from the home, the court is to conduct a hearing at least every six months.]See Rule 800.

When conducting a dispositional review hearing, the court is to ensure that the disposition continues to provide balanced attention to the protection of the community, the imposition of accountability for offenses committed, and the development of competencies to enable the juvenile to become a responsible and productive member of the community.

Nothing in this rule prohibits the juvenile from requesting an earlier review hearing. The juvenile may file a motion requesting a hearing when there is a need for change in treatment or services.

Additionally, n[N]othing in this rule is intended to prohibit the emergency transfer of a juvenile from a placement facility to a detention facility pending reconsideration of the dispositional order and this rule is not intended to preclude a motion for modification of a dispositional order after the juvenile has been detained.

Some placement facilities are hours away from the dispositional court. Paragraph (C) allows a hearing[, when a juvenile is in a placement facility,] to be conducted via teleconferencing, two-way simultaneous audio-visual communication, or similar method. The juvenile is to be afforded all the same rights and privileges as if the hearing was held with all present in the courtroom.

**Official Note:** Rule 610 adopted April 1, 2005, effective October 1, 2005; amended December 30, 2005, effective immediately. Amended April 21, 2011, effective July 1, 2011.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 610 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005). Final Report explaining the revisions of Rule 610 published with the Court's Order at 36 Pa.B. 186 (January 14, 2006). **Final Report explaining the amendments to Rule 610 published with the Court's Order at 41 Pa.B. - (-).**

## CHAPTER 8 SUSPENSIONS

### RULE 800. SUSPENSIONS OF ACTS OF ASSEMBLY

This rule provides for the suspension of the following Acts of Assembly that apply to delinquency proceedings only:

\* \* \*

- 16) The Act of July 9, 1976, P.L. 586, No. 142, § 2, 42 Pa.C.S. § 6353(a), which requires dispositional review hearings to be held at least every nine months **when a juvenile is removed from the home**, is suspended only insofar as it is inconsistent with the requirement of Rule 610, which requires dispositional review hearings to be held at least every six months [**when a juvenile is removed from the home**].

#### COMMENT

\* \* \*

**Official Note:** Rule 800 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 March 19, 2009, effective June 1, 2009. Amended February 12, 2010, effective immediately. **Amended April 21, 2011, effective July 1, 2011.**

#### *Committee Explanatory Reports:*

Final Report explaining the amendments to Rule 800 published with the Court's Order at 36 Pa.B. 186 (January 14, 2006). Final Report explaining the amendments to Rule 800 published with the Court's Order at 37 Pa.B. 1483 (April 7, 2007). Final Report explaining the amendments to Rule 800 published with the Court's Order at 38 Pa.B. 1142 (March 8, 2008). Final Report explaining the amendments to Rule 800 published with the Court's Order at 39 Pa.B. 1614 (April 4, 2009). Final Report explaining the amendments to Rule 800 published with the Court's Order at 40 Pa.B. 1073 (February 27, 2010). **Final Report explaining the amendments to Rule 800 published with the Court's Order at 41 Pa.B. - (-).**

**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)] Appearance by Advanced Communication Technology**
- 1130. **[Public Discussion by Court Personnel of Pending Matters] Court Fees Prohibited for Advanced Communication Technology**
- 1133. Motion to Intervene
- 1134. Proceedings *In Camera*
- 1135. Captions
- 1137. Public Discussion by Court Personnel of Pending Matters**
- 1140. Bench Warrants for Failure to Appear

**RULE 1120. DEFINITIONS**

\* \* \*

**ADVANCED COMMUNICATION TECHNOLOGY is any communication equipment that is used as a link between parties in physically separate locations and includes, but is not limited to, systems providing for two-way simultaneous audio-visual communication, closed circuit television, telephone and facsimile equipment, and electronic mail.**

\* \* \*

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\* \* \*

**COMMENT**

\* \* \*

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.

**The definition of “proceeding” includes all formal stages once a shelter care application has been submitted or a petition has been filed, including all subsequent proceedings until supervision is terminated pursuant to Rule 1613.**

**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. **Amended April 21, 2011, effective July 1, 2011.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1120 published with the Court’s Order at 36 Pa.B. 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. 222 (January 9, 2010). **Final Report explaining the amendments to Rule 1120 published with the Court’s Order at 41 Pa.B. - (-).**

## RULE 1128. PRESENCE AT PROCEEDINGS

\* \* \*

### B. Exceptions.

\* \* \*

- 2) **Exclusion from proceedings.** A party may be excluded from a proceeding only for good cause shown. If a party is so excluded, counsel for the party shall be permitted to be present.

### C. Advanced Communication Technology. A child or guardian may appear by utilizing advanced communication technology pursuant to Rule 1129.

### D. Order appearance. The court may order any person having the physical custody or control of a child to bring the child to any proceeding.

#### COMMENT

[Under paragraph (B)(1), if a child is an infant, that would qualify as good cause.] In no case is a proceeding to occur in the absence of the child's attorney. The court has discretion whether to proceed if the court finds that a party received proper notice of the hearing and has willfully failed to appear.

Requiring the child's attorney to be present pursuant to paragraph (B)(2) protects the child's interest if the proceeding is conducted in the child's absence. However, unless good cause is shown, a child should appear in court. It is important that all children, including infants, appear in court so the court can observe the interaction between the caregiver and child and observe the child's development and health.

Ensuring a child appears in court on a regular basis is critical because the court oversees the child and is to ensure his or her care, protection, safety, and wholesome mental and physical development. However, the court may ask that the child be removed from the courtroom during sensitive testimony.

See *In re Adoption of S.B.B. and E.P.R.*, 372 Pa.Super. 456, 539 A.2d 883 (1988).

Nothing in these rules creates a right of a child to have his or her guardian present. See 42 Pa.C.S. §§ 6310, 6335(b), 6336.1.

**Official Note:** Rule 1128 adopted August, 21, 2006, effective February 1, 2007. Amended April 21, 2011, effective July 1, 2011.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1128 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006). Final Report explaining the amendments to Rule 1128 published with the Court's Order at 41 Pa.B. - (-).

**Rule 1129. [Open Proceedings (Reserved)]Appearance by Advanced Communication Technology**

**A. Generally.**

- 1) The child, guardian, or a witness may appear at a proceeding by utilizing advanced communication technology pursuant to Rules 1140, 1242, 1406, 1512, and 1608.**
- 2) At a minimum, the child shall appear in person at least every six months unless as otherwise provided by Rule 1128.**

**B. Counsel.**

- 1) The child or guardian shall be permitted to confer with counsel before entering into an agreement to appear utilizing advanced communication technology.**
- 2) The child or guardian shall be permitted to communicate fully and confidentially with counsel immediately prior to and during the proceeding.**

**Comment**

**Paragraph (A) requires that every child is to appear in person at least every six months. There may be instances in which the child is excused from attending pursuant to Rule 1128.**

**This rule is not intended to compel the use of advanced communication technology but rather permit appearance by telephone or by a system providing two-way simultaneous audio-visual communication. Advanced communication technology may be utilized for the convenience for witnesses; efficient use of resources; or when a party or witness has an illness, is incarcerated, or is otherwise in a remote location. See Rules 1140, 1242, 1406, 1512, and 1608 for specific requirements for the use of advanced communication technology.**

**Additionally, special care is to be taken when utilizing advanced communication technology to prevent disclosure of sensitive information to unauthorized persons and entities or to prevent a breach of confidentiality between a party and the party's attorney.**

**Pursuant to paragraph (B)(1), the child or guardian is to be permitted to confer with counsel prior to agreeing to a proceeding utilizing advanced communication technology. Counsel includes legal counsel and/or the guardian *ad litem*. Pursuant to paragraph (B)(2), the child or guardian is permitted to confer with counsel privately prior to and during the proceedings. The child is to be afforded all the same rights as if the hearing was held with all parties present in the courtroom.**

**Official Note: Rule 1129 adopted April 21, 2011, effective July 1, 2011.**

**Committee Explanatory Reports:**

**Final Report explaining the amendments to Rule 1129 published with the Court's Order at 41 Pa.B. - (-).**

**Rule 1130. Court Fees Prohibited for Advanced Communication Technology**

**The court shall not impose any fees upon any party or witness for utilizing advanced communication technology.**

**Comment**

**See March 13, 2002 Order of the Supreme Court of Pennsylvania (No. 241 Judicial Administration; Doc. No. 1) which provides that no fees shall be imposed against a defendant in a criminal proceeding for the utilization of advanced communication technology.**

**Official Note: Rule 1130 adopted April 21, 2011, effective July 1, 2011.**

**Committee Explanatory Reports:**

**Final Report explaining the amendments to Rule 1130 published with the Court's Order at 41 Pa.B. - (-). -**

**RULE [1130]1137. PUBLIC DISCUSSION BY COURT PERSONNEL OF PENDING MATTERS**

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**Official Note:** Rule 1130 adopted August, 21, 2006, effective February 1, 2007.  
**Renumbered Rule 1137 and amended April 21, 2011, effective July 1, 2011.**

**Committee Explanatory Reports:**

Final Report explaining the provisions of Rule 1130 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006). **Final Report explaining the renumbering of 1130 to 1137 published with the Court's Order at 41 Pa.B. - (-).**

**RULE 1140. BENCH WARRANTS FOR FAILURE TO APPEAR**

\* \* \*

**B. Party.**

**1) Where to take the party.**

\* \* \*

**c)**

\* \* \*

- i) **Minor.** If the party is a minor, the party shall be detained in a shelter[-]care facility or other placement as deemed appropriate by the judge.

\* \* \*

**C. Witnesses.**

**1) Where to take the witness.**

\* \* \*

**c)**

\* \* \*

- i) **Minor.** If a detained witness is a minor, the witness shall be detained in a shelter[-]care facility or other placement as deemed appropriate by the judge.

\* \* \*

**4) Out-of-county custody.**

\* \* \*

**e)**

\* \* \*

- i) **Minor.** If the witness is a minor, the witness may be detained in an out-of-county shelter[-]care facility or other placement as deemed appropriate by the judge.

\* \* \*

**D. Advanced Communication Technology. A court may utilize advanced communication technology pursuant to Rule 1129 unless good cause is shown otherwise.**

**E. Return & execution of the warrant for parties and witnesses.**

\* \* \*

**COMMENT**

\* \* \*

Pursuant to paragraph ([D]E)(2), the bench warrant is to be returned to the judge who issued the warrant or to the judge designated by the President Judge to hear warrants by the arresting officer executing a return of warrant. See paragraph ([D]E)(3).

Pursuant to paragraph **(D)E**(4), the bench warrant is to be vacated after the return of the warrant is executed so the party or witness is not taken into custody on the same warrant if the party or witness is released. "Vacated" is to denote that the bench warrant has been served, dissolved, executed, dismissed, canceled, returned, or any other similar language used by the judge to terminate the warrant. The bench warrant is no longer in effect once it has been vacated.

\* \* \*

**Official Note:** Rule 1140 adopted March 19, 2009, effective June 1, 2009. **Amended April 21, 2011, effective July 1, 2011.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1140 published with the Court's Order at 39 Pa.B. 1614 (April 4, 2009). **Final Report explaining the amendments to Rule 1140 published with the Court's Order at 41 Pa.B. - (-).**

**PART C  
SHELTER CARE**

- 1240. Shelter Care Application
- 1241. Notification of Shelter Care Hearing
- 1242. **[General Conduct of]** Shelter Care Proceeding
- 1243. Shelter Care Rehearing

**RULE 1242. [GENERAL CONDUCT OF] SHELTER CARE HEARING.**

\* \* \*

**B. Manner of hearing.**

\* \* \*

- 4) Advanced Communication Technology. Upon good cause shown, a court may utilize advanced communication technology pursuant to Rule 1129.**

\* \* \*

**COMMENT**

**Pursuant to paragraph (B)(4), it is expected that the parties be present. Only upon good cause shown should advanced communication technology be utilized.**

\* \* \*

**Official Note:** Rule 1242 adopted August, 21, 2006, effective February 1, 2007. **Amended April 21, 2011, effective July 1, 2011.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1242 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006). **Final Report explaining the amendments to Rule 1242 published with the Court's Order at 41 Pa.B. - (-).**

## **RULE 1406. ADJUDICATORY HEARING**

A. **Manner of hearing.** The court shall conduct the adjudicatory hearing in an informal but orderly manner.

**1) Notification.** Prior to commencing the proceedings, the court shall ascertain:

[1]**a)** whether notice requirements pursuant to Rules 1360 and 1361 have been met; and

[2]**b)** whether unrepresented parties have been informed of the right to counsel pursuant to 42 Pa.C.S. § 6337.

**2) Advanced Communication Technology. Upon good cause shown, a court may utilize advanced communication technology pursuant to Rule 1129.**

\* \* \*

### **COMMENT**

Due process requires that the litigants receive notice of the issues before the court and an opportunity to present their case in relation to those issues. *In re M.B.*, 356 Pa.Super. 257, 514 A.2d 599 (1986), *aff'd*, 517 Pa. 459, 538 A.2d 495 (1988).

**Pursuant to paragraph (A)(2), it is expected that the parties be present. Only upon good cause shown should advanced communication technology be utilized.**

A full record of the hearing is to be kept. *In re J.H.*, 788 A.2d 1006 (Pa. Super. Ct. 2001). See also 42 Pa.C.S. § 6336.

\* \* \*

**Official Note:** Rule 1406 adopted August, 21, 2006, effective February 1, 2007. **Amended April 21, 2011, effective July 1, 2011.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1406 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006). **Final Report explaining the amendments to Rule 1406 published with the Court's Order at 41 Pa.B. - (-).**

## RULE 1512. DISPOSITIONAL HEARING

A. **Manner of hearing.** The court shall conduct the dispositional hearing in an informal but orderly manner.

\* \* \*

**3) Advanced Communication Technology. Upon good cause shown, a court may utilize advanced communication technology pursuant to Rule 1129.**

\* \* \*

### COMMENT

\* \* \*

Paragraph (A)(2) does not infringe on the right to call witnesses to testify, in addition to those specified individuals. See Rule 1123 for subpoenaing a witness.

**Pursuant to paragraph (A)(3), it is expected that the parties be present. Only upon good cause shown should advanced communication technology be utilized.**

For transcription of the record under paragraph (B), see also Rule 1127.

\* \* \*

**Official Note:** Rule 1512 adopted August, 21, 2006, effective February 1, 2007. **Amended April 21, 2011, effective July 1, 2011.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1512 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006). **Final Report explaining the amendments to Rule 1512 published with the Court's Order at 41 Pa.B. - (-).**

## RULE 1608. PERMANENCY HEARING

\* \* \*

E. **Advanced Communication Technology. Upon good cause shown, a court may utilize advanced communication technology pursuant to Rule 1129.**

F. **Family Service Plan or Permanency Plan.**

\* \* \*

### COMMENT

\* \* \*

**Official Note:** Rule 1608 adopted August 21, 2006, effective February 1, 2007. Amended December 18, 2009, effective immediately. **Amended April 21, 2011, effective July 1, 2011.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1608 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006). Final Report explaining the amendments to Rule 1608 published with the Court's Order at 40 Pa.B. 21 (January 2, 2010). **Final Report explaining the amendments to Rule 1608 published with the Court's Order at 41 Pa.B. - (-).**