

RULE 1604. SUBMISSION OF REPORTS

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

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

COMMENT

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Pursuant to paragraph (E), the court is to examine this report and consider its contents as it would consider any other evidence. Evidence is to be properly entered into the record before the court will consider it. Evidence submitted directly to the court is considered an *ex parte* communication and is strictly prohibited. See Rule 1136 on *ex parte* communications.

Official Note:

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Amended April 29, 2011, effective July 1, 2011.

Committee Explanatory Reports:

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Final Report explaining the provisions of Rule 1604 published with the Court's Order at 41 Pa.B. - (-).

CHAPTER 18 SUSPENSIONS

1800. SUSPENSIONS OF ACTS OF ASSEMBLY

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

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- 11) The Act of July 9, 1976, P.L. 586, No. 142, § 2, 42 Pa.C.S. § 6336.1(b)(2), which provides that the foster parent or parents, preadoptive parent or relative providing care for the child has a right to submit a report to the court, is suspended only insofar as the Act is inconsistent with Rule 1604, which requires the report to be submitted to a court designee who files the report and submits it to the judge, attorneys, parties, and if appointed, a court appointed special advocate.

- 12) The Act of July 9, 1976, P.L. 586, No. 142, § 2, 42 Pa.C.S. § 6351(e)(3)(i)(B), which provides for permanency hearings within six months of each previous permanency hearing until the child is returned home or removed from the jurisdiction of the court, is suspended only insofar as the Act is inconsistent with Rule 1607, which requires permanency hearings in all cases until the child is removed from the jurisdiction of the court.

COMMENT

The authority for suspension of Acts of Assembly is granted to the Supreme Court by Article V § 10(c) of the Pennsylvania Constitution. See also Rule 1102.

Official Note:

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Amended April 29, 2011, effective July 1, 2011.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1800 published with the Court's Order at 41 Pa.B. - (-).