

JUVENILE COURT PROCEDURAL RULES COMMITTEE FINAL REPORT¹

Amendment of Pa.R.J.C.P. 1601 and 1608

On May 17, 2018, the Supreme Court amended Rules of Juvenile Court Procedure 1601 and 1608 to require prior notice if a dependent child's permanency review hearing may result in a goal change away from reunification.

The Juvenile Court Procedural Rules Committee undertook rulemaking to address reported circumstances wherein permanency review hearings resulted in goal changes that discontinued reunification without prior notice that such a goal change would be decided at the hearing. This appeared inconsistent with the best practice of providing notice of an upcoming goal change hearing. See Pennsylvania Children's Roundtable Initiative. *Pennsylvania Dependency Benchbook* at p. 119. Harrisburg, PA: Office of Children and Families in the Courts, 2010.

After considering comments in response to a prior proposal, see 47 Pa.B. 947 (February 18, 2017), the Committee revised the proposal to extend Rule 1601(B) to include all parties (e.g., GAL) rather than solely the county agency. Moreover, the previously proposed provision for a discretionary rehearing was eliminated, believing that the effect of a goal change from reunification was so significant that due process required timely notice of the possibility of a goal change from reunification in all instances.

Given the gravity of a permanency review hearing that may result in a goal change from reunification, the Committee proposed to amend Rule 1608(d)(1)(c) to require that notice in accordance with proposed Rule 1601(B) be given before a court can order a goal change from reunification. As indicated in the revised Comment to Rule 1608, the court should direct the county agency to give notice to all other parties when the court seeks to change the goal in the absence of such notice.

Additionally, post-publication, the phrase "placement goal" was revised to "permanency goal" to more accurately describe the goal.

The amendments will become effective October 1, 2018.

¹ The Committee's Final Report should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.