

INTRODUCTION

The Juvenile Court Procedural Rules Committee is soliciting public comment on proposed modifications to Rule 1187 before it considers any recommendations to the Supreme Court of Pennsylvania. These proposed modifications address the authority of a master in a dependency case.

The Committee requests that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel, Christine Riscili at juvenilerules@pacourts.us. Email is the preferred method for receiving comments in an effort to conserve paper and expedite the distribution of comments to the Committee. Emailed comments need not be reproduced and sent via hard copy. The Committee will acknowledge receipt of your comment.

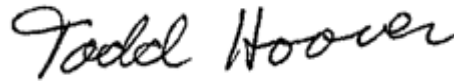
For those who do not have access to email, comments may be faxed to the Committee at 717-231-9541 or written comments may be mailed to:

Christine Riscili, Esq.
Supreme Court of Pennsylvania
Juvenile Court Procedural Rules Committee
Pennsylvania Judicial Center
601 Commonwealth Ave, Suite 6200
P.O. Box 62635
Harrisburg, PA 17106-2635.

All comments shall be received no later than Tuesday, February 4, 2014.

12/20/2013

BY THE JUVENILE COURT PROCEDURAL RULES
COMMITTEE:



Honorable Todd A. Hoover, Chair



Christine Riscili
Counsel

EXPLANATORY REPORT

The Juvenile Court Procedural Rules Committee (Committee) is seeking public comment on amendments to Rule 1187 regarding the authority of a master in dependency cases.

The Committee believes that the consequences of a dependency case can be so severe because it may involve removing a child from the custody of his or her parents, that the initial case must be heard by a judge. The course of the case and the decision concerning whether a child is dependent should only be decided by a judge.

The purpose of creating the position of masters in judicial districts was to assist the judge in the multitude of hearings that occur in dependency cases. For example, aiding the court by presiding over shelter-care hearings or routine reviews, such as the permanency hearing. However, this assistance has gradually evolved to where many masters are presiding over all phases of the case.

In some judicial districts, a judge will not preside over a case until there is a goal change to termination of parental rights. Yet, once a case has progressed to that level, there usually is no more help to the parents because the county agency has exhausted all avenues of reunification.

A judge should hear the evidence and make a finding as to dependency in each case. Once a judge enters the initial disposition, reviews may be handled by the master if the judge decides that it will reassign the case to the master.