

**SUPREME COURT OF PENNSYLVANIA  
JUVENILE COURT PROCEDURAL RULES COMMITTEE**

**RULE 160. INSPECTING, COPYING, AND DISSEMINATING THE OFFICIAL COURT  
RECORD**

A. **Inspecting.** The official court record is only open to inspection by:

- 1) the **[judges, masters] court**, juvenile probation officers, and staff of the court;
- 2) the attorney for the Commonwealth, the juvenile's attorney, and the juvenile, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information, except at the discretion of the court;
- 3) a public or private agency or institution providing supervision or having custody of the juvenile under order of the court;
- 4) **[a court, its]** probation officers, other officials or professional staff, and the attorney for the defendant for use in preparing a pre-sentence report in a criminal case in which the defendant is convicted and the defendant previously was adjudicated delinquent;
- 5) a judge or issuing authority for use in determining bail, provided that such inspection is limited to orders of delinquency adjudications and dispositions, orders resulting from dispositional review hearings, and histories of bench warrants and escapes;
- 6) the Administrative Office of Pennsylvania Courts;
- 7) the judges, juvenile probation officers, and staff of courts of other jurisdictions when necessary for the discharge of their official duties;
- 8) officials of the Department of Corrections, a state correctional institution or other penal institution to which an individual who was previously adjudicated delinquent in a proceeding under the Juvenile Act has been committed, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information contained in social reports, except at the discretion of the court;
- 9) a parole board[, **court,**] or county probation official in considering an individual's **parole or in exercising supervision over any individual** who

was previously adjudicated delinquent in a proceeding under the Juvenile Act, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information contained in social reports, except at the discretion of the court;

10) the State Sexual Offenders Assessment Board for use in completing assessments; **[and]**

**11) other persons presiding as a judicial officer when determining child custody;**

**12) the Department of Human Services when determining whether the juvenile's name and related information as provided in 23 Pa.C.S. § 6336 should be expunged from the Statewide database; and**

**[11]** **13)** with leave of court, any other person, agency, or institution having a legitimate interest in the proceedings or in the work of the unified judicial system.

\* \* \*

#### COMMENT

**Pursuant to paragraph (A)(11), other persons authorized by the court to assist in custody cases have access to the official court record when determining custody, as provided in 23 Pa.C.S. §§ 5328 and 5329.1.**

Pursuant to paragraph (A)**[(11)] (13)**, the court may order that any person, agency, or department receive a copy of all or portions of the record. The court order is to state: 1) the specific information the person, agency, or department may receive; 2) that the information received shall not be disseminated to any person, agency, or department not listed in the court order; and 3) that any dissemination of the information received is a violation of the court order.

See the Juvenile Act, 42 Pa.C.S. § 6307, for the statutory provisions on inspection of the juvenile's file and 42 Pa.C.S. § 6352.1 for disclosure of treatment records.

\* \* \*

**Official Note:** Rule 160 adopted April 1, 2005, effective October 1, 2005. Amended December 30, 2005, effective immediately. Amended August 20, 2007, effective December 1, 2007. Amended May 12, 2008, effective immediately. Amended December 24, 2009, effective immediately. Amended May 21, 2012, effective August 1, 2012. **Amended \_\_\_\_\_, 2017, effective \_\_\_\_\_, 2017.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 160 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005). Final Report explaining the revisions of Rule 160 published with the Court's Order at 36 Pa.B. 186 (January 14, 2006). Final Report explaining the amendments to Rule 160 published with the Court's Order at 37 Pa.B. 4866 (September 8, 2007). Final Report explaining the amendments to Rule 160 published with the Court's Order at 38 Pa.B. 2360 (May 24, 2008). Final Report explaining the amendments to Rule 160 published with the Court's Order at 40 Pa.B. 222 (January 9, 2010). Final Report explaining the amendments to Rule 160 published with the Court's Order at 42 Pa.B. 3203 (June 9, 2012). **Final Report explaining the amendments to Rule 160 published with the Court's Order at \_\_\_\_\_ Pa.B. (\_\_\_\_\_, 2017).**

## **RULE 1160. INSPECTION OF THE OFFICIAL COURT RECORD**

**A. Inspecting.** The official court record is only open to inspection by:

- 1) The **[judges, officers,] court** and **[professional]** staff of the court;
- 2) The parties to the proceeding and their counsel and representatives, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information contained in social reports, except at the discretion of the court;
- 3) A public or private agency or institution providing supervision or having custody of the child under order of the court;
- 4) **[A court, its p]**Probation officers, other officials or professional staff, and the attorney for the defendant for use in preparing a presentence report in a criminal case in which the defendant is convicted and who prior thereto had been a party to a proceeding under the Juvenile Act, 42 Pa.C.S. § 6301 *et seq.*;
- 5) The Administrative Office of Pennsylvania Courts;
- 6) The judges, officers and professional staff of courts of other jurisdictions when necessary for the discharge of their official duties;
- 7) Officials of the Department of Corrections, a State Correctional Institution or other penal institution to which an individual who was previously adjudicated delinquent in a proceeding under the Juvenile Act, 42 Pa.C.S. § 6301 *et seq.*, has been committed, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information contained in social reports, except at the discretion of the court;
- 8) A parole board**[, court,]** or county probation official in considering an individual's parole or in exercising supervision over any individual who was previously adjudicated delinquent in a proceeding under the Juvenile Act, 42 Pa.C.S. § 6301 *et seq.*, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information contained in social reports, except at the discretion of the court**[.];**
- 9) The State Sexual Offenders Assessment Board for use in completing assessments; **[and]**

**10) other persons presiding as a judicial officer when determining child custody;**

**11) the Department of Human Services when determining whether the party's name and related information as provided in 23 Pa.C.S. § 6336 should be expunged from the Statewide database; and**

**[10] 12)** With leave of court, any other person or agency or institution having a legitimate interest in the proceedings or in the work of the unified judicial system.

**B. Copying. Any person, agency, or department permitted to inspect the record pursuant to paragraph (A) may copy or be provided with a copy of the record.**

**C. Disseminating. Unauthorized dissemination of any information contained in the official court record to a person, agency, or department not permitted to inspect or copy the record pursuant to this rule may result in a finding of contempt of court.**

#### COMMENT

See the Juvenile Act, 42 Pa.C.S. § 6307, for the statutory provisions on inspection of all files and records of the court in a proceeding.

Persons specified in 23 Pa.C.S. § 6340 as having access to reports may qualify as persons having a legitimate interest in the proceedings under paragraph **(A)(12)**. See 23 Pa.C.S. § 6340. **Additionally, pursuant to paragraph (A)(10), other persons authorized by the court to assist in custody cases have access to the official court record when determining custody, as provided in 23 Pa.C.S. §§ 5328 and 5329.1.**

This rule is meant to include the contents of the official court record as described in Rule 1166, which does not include **county** agency records.

**Official Note:** Rule 1160 adopted August 21, 2006, effective February 1, 2007. Amended December 24, 2009, effective immediately. **Amended \_\_\_\_\_, 2017, effective \_\_\_\_\_, 2017.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1160 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006). Final Report explaining the amendments to Rule 1160 published with the Court's Order at 40 Pa.B. 222 (January 9, 2010). **Final Report explaining the amendments to Rule 1160 published with the Court's Order at \_\_\_ Pa.B. \_\_ (\_\_\_\_, 2017).**

## **RULE 1409. ADJUDICATION OF DEPENDENCY AND COURT ORDER**

A. **Adjudicating [the c]Child [d]Dependent.** Once the court has made its findings under Rule 1408, the court shall enter an order whether the child is dependent.

1) **Dependency.** If the court finds from clear and convincing evidence that the child is dependent, the court shall proceed to a dispositional hearing under Rule 1512.

2) **No [d]Dependency.**

**a) If the court finds the child not to be dependent [or the court finds a parent ready, willing, and able to provide proper parental care or control,] the court shall:**

**[a]i) dismiss the petition; and**

**[b]ii) order the child to be discharged from custody and any restrictions ordered in the proceedings.[: and]**

**b) If the court finds a parent ready, willing, and able to provide proper parental care or control, the court shall:**

**i) enter a sealed order on the custody docket awarding custody and stating the reasons why custody is not awarded to the other parent; and**

**ii) dismiss the petition.**

**[c) enter an order identifying individual(s) who will have the legal and physical custody until such order is modified by further order of the court.]**

B. **Timing.**

1) **Child in [c]Custody.** If a child is removed from the home, the court shall enter an adjudication of dependency within seven days of the adjudicatory hearing and enter its findings pursuant to Rule 1408.

2) **Child [n]Not in [c]Custody.** If a child is not removed from the home and if the court fails to enter an order of dependency, the court shall hold a status hearing every thirty days.

C. **Court [o]Order.** The court shall include the following in its court order:

- 1) A statement pursuant to paragraph (A):
  - a) as to whether the court finds the child to be dependent from clear and convincing evidence;
  - b) including the specific factual findings that form the bases of the court's decision;
  - c) including any legal determinations made; and
- 2) Any orders directing the removal of a child from the home or change in the current residential status, including:
  - a) orders as to placement; or
  - b) visitation; or
  - c) change in custody; and
- 3) Any orders as to any aids in disposition that may assist in the preparation of the dispositional hearing, including orders regarding family finding.

### **Comment**

Before the court can find a child to be dependent, there must be clear and convincing evidence in support of the petition. The burden of proof is on the petitioner. The court's inquiry is to be comprehensive and its findings are to be supported by specific findings of fact and a full discussion of the evidence. *In re LaRue*, [244 Pa. Super. 218,] 366 A.2d 1271 (Pa. Super. 1976). See also *In re Frank W.D., Jr.*, [315 Pa. Super. 510,] 462 A.2d 708 (Pa. Super. 1983); *In re Clouse*, 244 Pa. Super. 396, 368 A.2d 780 (1976). The evidence must support that the child is dependent. *In the Matter of DeSavage*, [241 Pa. Super. 174,] 360 A.2d 237 (Pa. Super. 1976). The court is not free to apply the best interest of the child standard as the requirements of the Juvenile Act, 42 Pa.C.S. § 6341(c), require clear and convincing evidence that the child is dependent is the proper standard. *In re Haynes*, [326 Pa. Super. 311,] 473 A.2d 1365 (Pa. Super. 1983). **[A child, whose non-custodial parent is ready, willing, and able to provide adequate care for the child, cannot be found dependent on the basis of lacking proper parental care and control. *In re M.L.*, 562 Pa. 646, 757 A.2d 849 (2000). A trial court has the authority to transfer custody or modify custody to the child's non-custodial parent without a finding of dependency if**

**sufficient evidence of dependency would have existed but for the availability of the non-custodial parent. *In re Justin S.*, 375 Pa. Super. 88, 543 A.2d 1192 (1988).]**

The court is to specify which allegations in the petition are the bases for the finding of dependency pursuant to Rule 1408. The court is to make an adjudication of dependency based upon the allegations in the petition, not on alternative grounds. Due process and fundamental fairness require adequate notice of the allegations to afford a reasonable opportunity to prepare a defense. *In re R.M.*, [567 Pa. 646,] 790 A.2d 300 (Pa. 2002).

**A child, whose non-custodial parent is ready, willing, and able to provide adequate care for the child, cannot be found dependent on the basis of lacking proper parental care and control. *In re M.L.*, 757 A.2d 849 (Pa. 2000). A trial court has the authority to award custody to the child's non-custodial parent without a finding of dependency if sufficient evidence of dependency would have existed but for the availability of the non-custodial parent. *In re Justin S.*, 543 A.2d 1192 (Pa. Super. 1988).**

**An order entered pursuant to paragraph (A)(2)(b) may award custody to the non-custodial parent with the filing of a new custody order or through modification of an existing custody order. Requirements for the initiation of a custody action and the waiver of any filing fees are matters reserved for local rule or order.**

**[Under paragraph (B), if a child is removed from the home, a finding of dependency is to be made within seven days.]**

Under paragraph (C)(3), aids in disposition may include, but are not limited to, any services, investigations, evaluations, studies, treatment plans, and any other appropriate reports that may aid the court in making its determination at the dispositional hearing. See 42 Pa.C.S. § 6339 for orders of a social study or physical and mental examinations and treatment.

See also 42 Pa.C.S. §§ 6341 & 6302.

Pursuant to paragraph (C)(3), when making its determination for reasonable efforts made by the county agency, the court is to consider the extent to which the county agency has fulfilled its obligation pursuant to Rule 1149 regarding family finding. See also Rules 1242(C)(2) & (3)(b) & (c) and 1330(B)(6) and Comments to Rules 1242, 1330, 1515, 1608, 1609, 1610, and 1611 for reasonable efforts determinations.

If the requirements of Rule 1149 regarding family finding have not been met, the court is to make necessary orders to ensure compliance by enforcing this legislative mandate. See 62 P.S. § 1301 *et seq.* See also Rules 1242(E)(3) and 1609(D) and Comments to Rules 1242, 1408, 1512, 1514, 1515, 1608, 1609, 1610, and 1611.

**Official Note:** Rule 1409 adopted August 21, 2006, effective February 1, 2007. Amended July 13, 2015, effective October 1, 2015. **Amended \_\_\_\_\_, 2017, effective \_\_\_\_\_, 2017.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1409 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006). Final Report explaining the amendments to Rule 1409 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015). **Final Report explaining the amendments to Rule 1409 published with the Court's Order at \_\_\_\_\_ Pa.B. (\_\_\_\_\_, 2017).**

## **RULE 1515. DISPOSITIONAL ORDER**

- A. **Generally.** When the court enters a disposition, the court shall issue a written order, which provides that the disposition is best suited to the safety, protection, and physical, mental, and moral welfare of the child. The order shall include:
- 1) any findings pursuant to Rules 1512(D) and 1514;
  - 2) the date of the order; and
  - 3) the signature and printed name of the judge entering the order.
- B. **Transfer of custody.** If the court **[decides to transfer] transfers legal or physical** custody of the child to a person or agency found to be qualified to provide care, shelter, and supervision of the child, **then** the dispositional order shall include:
- 1) the name and address of such person or agency, unless the court determines disclosure is inappropriate;
  - 2) the **conditions and** limitations **[of the order, including the type of custody granted] on custody**; and
  - 3) any **remaining rights and duties of the parents or guardian, including** visitation rights.
- C. **Guardian.** **If the court permits the child to remain with the parents or guardian, then [T]**the dispositional order shall include any **[conditions, limitations, restrictions, and obligations imposed upon the guardian] conditions and limitations on the child’s legal or physical custody as is necessary for the protection of the child.**

### **Comment**

See 42 Pa.C.S. §§ 6310, 6351.

When issuing a dispositional order, the court should issue an order that is “best suited to the safety, protection, and physical, mental, and moral welfare of the child.” 42 Pa.C.S. § 6351(a). See *In re S.J.*, 906 A.2d 547, 551 (Pa. Super. [Ct.] 2006) (citing *In re Tameka M.*, [525 Pa. 348,] 580 A.2d 750 (Pa. 1990)), for issues addressing a child’s mental and moral welfare.

When making its determination for reasonable efforts made by the county agency, the court is to consider the extent to which the county agency has fulfilled its obligation pursuant to Rule 1149 regarding family finding. See *also* Rules 1240(B)(6), 1242(C)(2) & (3)(b) & (c), and 1330(B)(6) and Comments to Rules 1242, 1330, 1409, 1608, 1609, 1610, and 1611 for reasonable efforts determinations.

If the requirements of Rule 1149 regarding family finding have not been met, the court is to make necessary orders to ensure compliance by enforcing this legislative mandate. See 62 P.S. § 1301 *et seq.* See *also* Rules 1210(D)(8), 1242(E)(3), 1409(C), 1609(D), and 1611(C) and Comments to Rules 1242, 1408, 1409, 1512, 1514, 1608, 1609, 1610, and 1611. 45 C.F.R. § 1356.21 provides a specific foster care provider may not be placed in a court order to be in compliance with and receive funding through the Federal Financial Participation.

Dispositional orders should comport in substantial form and content to the model orders to receive funding under the federal Adoption and Safe Families Act (ASFA) of 1997 (P. L. 105-89). The model forms are also in compliance with Title IV-B and Title IV-E of the Social Security Act. For model orders, see <http://www.pacourts.us/forms/dependency-forms>.

See *In re Tameka M.*, [525 Pa. 348,] 580 A.2d 750 (Pa. 1990).

**The custody order should set forth any conditions and limitations using the words and phrases set forth in 23 Pa.C.S. § 5322. The transfer of legal custody vests the custodian with the authority to determine the nature and treatment of the child for ordinary medical care. See 42 Pa.C.S. § 6357. For pre-dispositional examination and treatment of a child, see Rule 1145. For non-emergent, non-routine care not already included in an approved treatment plan, the custodian should seek parental consent or receive prior court authorization when consent cannot be obtained.**

**Official Note:** Rule 1515 adopted August 21, 2006, effective February 1, 2007. Amended April 29, 2011, effective July 1, 2011. Amended July 13, 2015, effective October 1, 2015. **Amended \_\_\_\_\_, 2017, effective \_\_\_\_\_, 2017.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1515 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006). Final Report explaining the amendments to Rule 1515 published with the Court's Order at 41 Pa.B. 2413 (May 14, 2011). Final Report explaining the amendments to Rule 1515 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015). **Final Report explaining the amendments to Rule 1515 published with the Court's Order at \_\_\_\_\_ Pa.B. \_\_\_\_\_ (\_\_\_\_\_, 2017).**

## **RULE 1631. TERMINATION OF COURT SUPERVISION**

A. **Concluding Supervision.** Any party, or the court on its own motion, may move for the termination of supervision when court-ordered services from the county agency are no longer needed and:

- 1) the child has remained with the guardian and the circumstances which necessitated the dependency adjudication have been alleviated;
- 2) the child has been reunified with the guardian and the circumstances which necessitated the dependency adjudication and placement have been alleviated;
- 3) the child **is under eighteen years of age and** has been placed with a ready, willing, and able parent who was not previously identified by the county agency;
- 4) the child has been adopted and services from the county agency are no longer needed;
- 5) the child has been placed in the custody of a permanent legal custodian and services from the county agency are no longer needed;
- 6) the child has been placed in the physical and legal custody of a fit and willing relative and services from the county agency are no longer needed;
- 7) the child has been placed in another living arrangement intended to be permanent and services from the county agency are no longer needed and a hearing has been held pursuant to paragraph (E) for a child who is age eighteen or older;
- 8) the child has been adjudicated delinquent and services from the county agency are no longer needed because all dependency issues have been resolved;
- 9) the child has been emancipated by the court;
- 10) the child is eighteen years of age or older and a hearing has been held pursuant to paragraph (E);
- 11) the child has died;
- 12) a court in another county of this Commonwealth has accepted jurisdiction; or

13) a court in another state has accepted jurisdiction.

- B. **[Ready, willing, and able parent. When services from the county agency are no longer necessary because the court has determined that the child is not dependent pursuant to paragraph (A)(3) because a non-custodial parent has been found by the court to be able and available, the court shall enter an order awarding custody to that parent and the court order shall have the effect and be docketed as a decision entered pursuant to the Pa.R.C.P.]**

**Order Transferring or Affecting Custody.**

**1) When the court terminates supervision pursuant to paragraph (A)(3), the court shall:**

**i) enter a sealed order on the custody docket awarding custody, stating the reasons why custody is not awarded to the other parent; and**

**ii) order the termination of court supervision.**

**2) When the court terminates supervision pursuant to paragraph (A)(5) or (A)(6), the court shall:**

**i) enter a sealed order on the custody docket awarding custody, stating the reasons why custody has been awarded; and**

**ii) order the termination of court supervision.**

C. **Objection.** Any party may object to a motion under paragraph (A) and request a hearing.

D. **Hearing.** If objections have been made under paragraph (C), the court shall hold a hearing and give each party an opportunity to be heard before the court enters its final order.

E. **Children [e]Eighteen [y]Years of [a]Age or [o]Older.**

1) Before the court can terminate its supervision of a child who is eighteen years of age or older, a hearing shall be held at least ninety days prior to the child turning eighteen years of age.

- 2) Prior to the hearing, the child shall have the opportunity to make decisions about the transition plan and confer with the county agency about the details of the plan. The county agency shall provide the transition plan to the court and the plan shall, at a minimum, include:
  - a) the specific plans for housing;
  - b) a description of the child's source of income;
  - c) the specific plans for pursuing educational or vocational training goals;
  - d) the child's employment goals and whether the child is employed;
  - e) a description of the health insurance plan that the child is expected to obtain and any continued health or behavioral health needs of the child;
  - f) a description of any available programs that would provide mentors or assistance in establishing positive adult connections;
  - g) verification that all vital identification documents and records have been provided to the child;
  - h) a description of any other needed support services; and
  - i) notice to the child that the child can request resumption of juvenile court jurisdiction until the child turns twenty-one years of age if specific conditions are met.
- 3) At the hearing, the court shall review the transition plan for the child. If the court is not satisfied that the requirements of paragraph (E)(2) have been met, a subsequent hearing shall be scheduled.
- 4) The court shall not terminate its supervision of the child without approving an appropriate transition plan, unless the child, after an appropriate transition plan has been offered, is unwilling to consent to the supervision and the court determines termination is warranted.

F. **Cessation of [s]Services.** When all of the above listed requirements have been met, the court may discharge the child from its supervision and close the case.

## Comment

For procedures on motions, see Rule 1344. For procedures on the dispositional order, see Rule 1515.

For guidelines under paragraph (A), see 42 Pa.C.S. §§ 6301(b) & 6351(f.1).

**A child under eighteen years of age whose non-custodial parent is ready, willing, and able to provide adequate care for the child may no longer be deemed dependent. *In re M.L.*, 757 A.2d 849 (Pa. 2000). When services from the county agency are no longer necessary pursuant to paragraph (A)(3) because the court has determined that the child is not dependent because a non-custodial parent has been found by the court to be able and available, the court should enter an order awarding custody to that parent pursuant to paragraph (B). For children eighteen years of age and older, see paragraph (E).**

Pursuant to paragraph (A)(8), if a child has been adjudicated delinquent, the court may terminate court supervision unless dependency is necessary for placement. *In re Deanna S.*, [422 Pa. Super. 439,] 619 A.2d 758 (Pa. Super. 1993). The court may also decide to retain dependency jurisdiction regardless of the delinquency adjudication because the child still needs dependency services.

If dependency issues have not been resolved, the case should be kept open and services ordered. The court should ensure that services are not discontinued solely because the child was adjudicated delinquent. The county agency and the juvenile probation are to collaborate on the case and resolve all outstanding issues. If a child is in a delinquency placement, the court is to ensure that the county agency and the juvenile probation office have collaborated to ensure appropriate services are in place.

For procedures on emancipation pursuant to paragraph (A)(9), see *Berks County Children and Youth Services v. Rowan*, [428 Pa. Super. 448,] 631 A.2d 615 (Pa. Super. 1993). See also, 22 Pa. Code § 11.11, 55 Pa. Code § 145.62.

Pursuant to paragraph (A)(10), a child who was adjudicated dependent prior to reaching the age of eighteen and who, while engaged in a course of instruction or treatment, requests the court to retain jurisdiction until the course has been completed, may remain in the course of instruction or treatment until the age of twenty-one. 42 Pa.C.S. § 6302. See also, 55 Pa. Code §§ 3103.5 & 3130.87; *In re S.J.*, 906 A.2d 547 (Pa. Super. [Ct.] 2006).

The court may not terminate jurisdiction solely because the dependent child is a runaway. *In re Deanna S.*, [422 Pa. Super. 439,] 619 A.2d 758 (Pa. Super. 1993).

[A child whose non-custodial parent is ready, willing, and able to provide adequate care for the child may not be found dependent. *In re M.L.*, 562 Pa. 646, 757 A.2d 849 (2000). See paragraph (B). Paragraph (B) does not apply to resumption of jurisdiction cases.]

[Pursuant to 42 Pa.C.S. § 6351(a)(2.1), a] A court may transfer permanent legal custody to a person found by the court to be qualified to receive and care for the child. See 42 Pa.C.S. § 6351(a)(2.1). [*See also Justin S.*, 375 Pa.Super. 88, 543 A.2d 1192 (Pa. Super. 1988).]

**An order entered pursuant to paragraph (B) may award custody with the filing of a new custody order or through modification of an existing custody order. Requirements for the initiation of a custody action and the waiver of any filing fees are matters reserved for local rule or order.**

Pursuant to paragraph (E)(2), the county agency is to assist the child and provide all the support necessary in developing a transition plan. See 42 U.S.C. § 675 (5)(A)-(H).

Pursuant to paragraph (E)(3), the court is to approve a transition plan that is suitable for the child and that has been personalized at the direction of the child.

If the court has resumed jurisdiction pursuant to Rule 1635, a new transition plan is to be developed for the child. Before the court can terminate supervision, the requirements of paragraph (E) are to be followed. In no case is a juvenile over twenty-one to remain under juvenile court supervision. See Rule 1635(E). See *also* Rule 1635(E) for termination of juvenile court jurisdiction if the court denies the motion for resumption of jurisdiction.

**Official Note:** Rule 1613 adopted August, 21, 2006, effective February 1, 2007. Amended July 29, 2009, effective immediately. Amended April 29, 2011, effective July 1, 2011. Amended October 21, 2013 and renumbered from Rule 1613 to Rule 1631, effective December 1, 2013. **Amended \_\_\_\_\_, 2017, effective \_\_\_\_\_, 2017.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1613 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006). Final Report explaining the amendments to Rule 1613 published with the Court's Order at 39 Pa.B. 4887 (August 15, 2009). Final Report explaining the amendments to Rule 1613 published with the Court's Order at 41 Pa.B. 2430 (May 14, 2011). Final Report explaining the amendments to Rule 1631 published with the Court's Order at 43 Pa.B. 6658 (November 9, 2013). **Final**

**Report explaining the amendments to Rule 1631 published with the Court's Order at Pa.B. (\_\_\_\_\_, 2017).**