

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

REPORT

**Proposed Amendment of Pa.R.J.C.P. 100 and 1100, and
New Pa.R.J.C.P. 1107 and 1109**

The Juvenile Court Procedural Rules Committee proposes to amend Rule 100 and 1100 to include reference to the Child Protective Services Law, 23 Pa.C.S. § 6301 *et seq.* The Committee also proposes new rules to establish procedures for obtaining access to a child or other information for the purpose of investigating whether a child is at risk of abuse or neglect.

The Committee received anecdotal reports of county agencies obtaining court orders for access to children and other information for purposes to investigate child abuse or neglect claims in the absence of a dependency petition. *See also In re Appeal of R.G. & S.G.*, 875 A.2d 365 (Pa. Super. 2005); 55 Pa. Code § 3490.73(2). The Committee subsequently surveyed courts to gain a greater understanding and the results indicated a wide variation in this practice. Accordingly, the Committee proposes procedural rules to provide more uniformity across the state in this practice.

The first aspect of this proposal is to expand the scope of the Rules of Juvenile Court Procedure to include the Child Protective Services Law. This change is intended to alert users and to provide a reference to that body of substantive law. As indicated in practice, juvenile courts are already exercising jurisdiction over these types of proceedings.

The second aspect of this proposal is the contents of the application and order to obtain access to the child or other information. The Committee acknowledges that time is of the essence when investing abuse and neglect matters; therefore, proposed Rule 1107 does not contain a service provision. It is anticipated that these proceedings will be held *ex parte* on an expedited basis.

Given the *ex parte* aspect of these proceedings, the rules are intended to limit the scope and duration of the orders to that which is only necessary to investigate whether a child is at risk of abuse or neglect. Such orders should not be effective for more than 48 hours unless otherwise ordered or for good cause shown. Nor should the orders grant greater access than necessary to further the investigation.

The Committee invites all comments, concerns, and suggestions regarding this rulemaking proposal.