

Rule 1320. Application to File a Private Petition.

[A.] Application contents. Any person, other than the county agency, may present an application to file a private petition with the court. The application shall include the following information:

- 1) the name of the person applying for a petition;
- 2) the name of the alleged dependent child;
- 3) the relationship of the person presenting this application to the child and to any other parties;
- 4) if known, the following:
 - a) the date of birth and address of the child;
 - b) the name and address of the child's guardian, or the name and address of the nearest adult relative;
 - c) if a child is Native American, the child's Native American history or affiliation with a tribe;
 - d) a statement, including court file numbers where possible, of pending juvenile or family court proceedings and prior or present juvenile or family court orders relating to the child;
- 5) a concise statement of facts in support of the allegations for which the application for a petition has been filed;
- 6) a statement that the applying person has reported the circumstances underlying this application to the county agency or a reason for not having reported the circumstances underlying the application;
- 7) a verification by the person making the application that the facts set forth in the application are true and correct to the person's personal knowledge, information, or belief, and that any false statements are subject to the penalties of the Crimes Code, 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities; and
- 8) the signature of the person and the date of the execution of the application for a petition.

Comment

[Rule 1330 requires that the county agency file a petition.] Any person, other than the county agency, **[is to] shall first** file an application to file a petition under this Rule. Rule 1800 suspends 42 Pa.C.S. § 6334**[, which provides any person may file a petition] to the extent it is inconsistent with this Rule.**

See Rule 1321 for hearing on application **[and finding that a petition is to be filed by the county agency].**

Official Note: Rule 1320 adopted August 21, 2006, effective February 1, 2007. Amended May 12, 2008, effective immediately. **Amended _____, 2016, effective _____, 2016.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1320 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006). Final Report explaining the amendments to Rule 1320 published with the Court's Order at 38 Pa.B. 2360 (May 24, 2008). **Final Report explaining the amendments to Rule 1320 published with the Court's Order at _____ Pa.B. (_____, 2016).**

Rule 1321. Hearing on Application for Private Petition.

A. Hearing. The court shall conduct a hearing within fourteen days of the presentation of the application for a petition to determine:

- 1) if there are sufficient facts alleged to support a petition of dependency; and
- 2) whether the person applying for the petition is a proper party to the proceedings.

B. Findings.

- 1) If the court finds sufficient facts to support a petition of dependency, **then the applicant may file** a petition [**may be filed**] pursuant to Rule 1330.
- 2) If the court finds the person making the application for a petition is a proper party to the proceedings, **then** the person shall be afforded all rights and privileges given to a party pursuant to law.

C. Joinder. Following grant of an application under this rule, the county agency shall be joined as party in any further proceedings upon filing and service of a private petition pursuant to Rules 1330 and 1331.

Comment

Under paragraph (A), at a hearing, the court is to determine if: 1) there are sufficient facts alleged to support a petition of dependency; and 2) the applying person is a proper party to the proceedings. A petition of dependency may go forward whether or not the applying person is determined to be a party to the proceedings.

If a child is in custody, the hearing under paragraph (A) may be combined with the shelter care hearing pursuant to Rule 1242.

Official Note: Rule 1321 adopted August 21, 2006, effective February 1, 2007.
Amended _____, 2016, effective _____, 2016.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1321 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006). **Final Report explaining the amendments to Rule 1321 published with the Court's Order at _____ Pa.B. (_____, 2016).**