

INTRODUCTION

The Juvenile Court Procedural Rules Committee is planning to recommend to the Supreme Court of Pennsylvania that the modification of Rule 613 and the new rule 614 be adopted and prescribed. The proposed modified Rule 613 provides that the juvenile court loses jurisdiction when the juvenile attains the age of twenty-one. Rule 614 sets forth the procedures for early termination of court supervision by motion. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory *Report* highlights the intent of the rules. Please note that the Committee's *Reports* 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 explanatory *Reports*.

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel,

A. Christine Riscili, Esq.
Staff Counsel
Supreme Court of Pennsylvania
Juvenile Court Procedural Rules Committee
5035 Ritter Road, Suite 700
Mechanicsburg, PA 17055

no later than Monday, August 13, 2007.

June 21, 2007

BY THE JUVENILE COURT PROCEDURAL RULES
COMMITTEE:

Francis Barry McCarthy, Chair

A. Christine Riscili, Esq.
Staff Counsel

EXPLANATORY REPORT

RULE 613 - TERMINATION OF COURT SUPERVISION

The Committee is proposing that a new paragraph (A) be added to Rule 613. Pursuant to 42 Pa.C.S. § 6302, the juvenile court loses jurisdiction over a juvenile when the juvenile attains the age of twenty-one regardless of whether the terms of the court's dispositional order have been completed. This proposed addition requires the court to enter a court order terminating court supervision of the juvenile so cases may be properly closed when the juvenile turns twenty-one.

The Comment was also changed to reflect that restitution may be collected under 42 Pa.C.S. § 9728 when court supervision is terminated.

RULE 614 - EARLY TERMINATION OF COURT SUPERVISION BY MOTION

This new rule allows for early termination of court supervision if all the requirements of Rule 613 have not been met.

During the Committee's survey of all the judicial districts, some counties asked the Committee to look into several reasons why a court may want to terminate court supervision prior to the fulfillment of the court's dispositional order. Some examples of reasons for early termination could be that the juvenile is serving time in an adult prison and dual supervision is unnecessary; the juvenile would like to enroll in the military; or other compelling reasons for early termination.

The court has the power to continually change the terms of its court order at commitment review or dispositional review hearings. See Pa.Rs.J.C.P. 610(B) and 612(C), and 42 Pa.C.S. § 6353. If the court can change the terms of its dispositional order, it may decide to terminate court supervision prior to the completion of those terms.

Once court supervision has been terminated, restitution may be collected pursuant to 42 Pa.C.S. § 9728.

RULE 613. TERMINATION OF COURT SUPERVISION

A. Aging Out. When the juvenile has attained the age of twenty-one, the court shall enter an order terminating court supervision of the juvenile.

[A]**B. Notice.** [When the juvenile has completed the terms of the dispositional order, t]he juvenile probation officer shall move for the termination of the court's supervision by filing a motion.] **The juvenile probation officer shall promptly notify the court when the conditions of probation have been satisfied. The court shall decide if supervision should be terminated.** The [motion] **notice** shall set forth:

- 1) The juvenile has completed the terms of the court's dispositional order;
- 2) Restitution, fines, and costs have been paid in full; and
- 3) The juvenile has not committed any new offenses in which a criminal proceeding or proceeding governed by the Juvenile Act, 42 Pa.C.S. § 6301 *et seq.*, may be commenced.

[B]**C. Objection.** Any party may object to the [motion] **notice** under paragraph ([A]**B**) and request a hearing. Such objection shall be made within thirty days of receipt of the [motion]**notice**; otherwise, objections are deemed waived.

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

[D]**E. Termination.** When the requirements of paragraphs ([A]**B**) through ([C]**D**) have been met and the court is satisfied that the juvenile has carried out the terms of the dispositional order, the court may discharge the juvenile from its supervision.

COMMENT

For procedures on [motions]**filing and service of the notice under paragraph (B)(2)**, see Rule [344 and] 345. For procedures on the dispositional order, see Rule 515. See also, 42 Pa.C.S. § 6352. **For collection of restitution** [Under paragraph (A)(2)], see 42 Pa.C.S. § 9728 [for collection of outstanding restitution].

See Rule 614 for early termination of court supervision by motion.

Official Note: Rule 613 adopted April 1, 2005, effective October 1, 2005.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 613 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

RULE 614. EARLY TERMINATION OF COURT SUPERVISION BY MOTION

- A. Motion. Any party may move for early termination of court supervision. The motion shall state with specificity why early termination is sought and why the requirements of Rule 613 (A) have not been met.**
- B. Notice. In addition to the service requirements of Rule 345, any party moving for early termination shall serve the motion upon the juvenile probation officer.**
- C. Objection. A party or the juvenile probation officer may object to the motion under paragraph (A) and request a hearing. Such objection shall be made within thirty days of receipt of the motion; otherwise, objections are deemed waived.**
- D. Hearing. If objections have been made under paragraph (C), the court shall hold a hearing and give each party and the juvenile probation officer an opportunity to be heard before the court enters its final order.**
- D. Termination. When the requirements of paragraphs (A) through (D) have been met and the court is satisfied that there are compelling reasons to discharge the juvenile prior to the completion of the requirements of Rule 613(B), the court may order an early discharge of the juvenile from its supervision.**

COMMENT

For procedures on motions, see Rule 344. For filing and service requirements, see Rule 345. For procedures on the dispositional order, see Rule 515. See also, 42 Pa.C.S. § 6352. See 42 Pa.C.S. § 9728 for collection of outstanding restitution regardless of court supervision status.