

Rule 1120. Definitions.

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Comment

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The definition of “family finding” is derived from [62 P.S. § 1302] 67 Pa.C.S. § 3102.

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See also [62 P.S. § 1301] 67 Pa.C.S. §§ 3101 et seq. and 42 U.S.C. § 675 (Fostering Connections) to comply with state and federal regulations.

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[Official Note: Rule 1120 adopted August 21, 2006, effective February 1, 2007. Amended March 19, 2009, effective June 1, 2009. Amended December 24, 2009, effective immediately. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended May 20, 2011, effective July 1, 2011. Amended June 24, 2013, effective January 1, 2014. Amended October 21, 2013, effective December 1, 2013. Amended July 28, 2014, effective September 29, 2014. Amended July 13, 2015, effective October 1, 2015. Amended December 9, 2015, effective January 1, 2016. Amended April 6, 2017, effective September 1, 2017.]

[Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1120 published with the Court’s Order at 36 Pa.B. 5571 (September 2, 2006). Final Report explaining the amendments to Rule 1120 published with the Court’s Order at 39 Pa.B. 1614 (April 4, 2009). Final Report explaining the amendments to Rule 1120 published with the Court’s Order at 40 Pa.B. 222 (January 9, 2010). Final Report explaining the amendments to Rule 1120 published with the Court’s Order at 41 Pa.B. 2319 (May 7, 2011). Final Report explaining the amendments to Rule 1120 published with the Court’s Order at 41 Pa.B. 2413 (May 14, 2011). Final Report explaining the amendments to Rule 1120 published with the Court’s Order at 41 Pa.B. 2839 (June 4, 2011). Final Report explaining the amendments to Rule 1120 published with the Court’s Order at 43 Pa.B. 3941 (July 13, 2013). Final Report explaining the amendments to Rule 1120 published with the Court’s Order at 43 Pa.B. 6658 (November 9, 2013). Final Report explaining the amendments to Rule 1120 published with Court’s Order at 44 Pa.B. 5447 (August 16, 2014). Final Report explaining the amendments to Rule 1120 published with the Court’s Order at 45 Pa.B. 3987 (July 25, 2015). Final Report explaining the amendments to Rule 1120 published with the Court’s Order at 45 Pa.B. 7289 (December 26, 2015). Final

Report explaining the amendments to Rule 1120 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).]

Rule 1149. Family Finding.

A. Court's inquiry and determination.

- 1) The court shall inquire as to the efforts made by the county agency to comply with the family finding requirements pursuant to **[62 P.S. § 1301] 67 Pa.C.S. §§ 3101 et seq.**

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Comment

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See **[62 P.S. § 1301] 67 Pa.C.S. § 3101** for legislative intent regarding family finding and promotion of kinship care.

Family finding is required for every child when a child is accepted for services by the county agency. See **[62 P.S. § 1302] 67 Pa.C.S. § 3103**. It is best practice to find as many kin as possible for each child. These kin may help with care or support for the child. The county agency should ask the guardian, the child, and siblings about relatives or other adults in the child's life, including key supporters of the child or guardians.

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[Official Note: Rule 1149 adopted July 13, 2015, effective October 1, 2015.]

[Committee Explanatory Reports:

Final Report explaining the provisions to Rule 1149 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).]

Rule 1330. Petition: Filing, Contents, Function, Aggravated Circumstances.

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Comment

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If a petition is filed after the county agency has discontinued family finding for non-court cases, the county agency is to aver reasons for the discontinuance in the petition. See [62 P.S. § 1302.2(a)] 67 Pa.C.S. § 3104(a).

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[Official Note: Rule 1330 adopted August 21, 2006, effective February 1, 2007. Amended July 13, 2015, effective October 1, 2015.]

[Committee Explanatory Reports:

Final Report explaining the amendments to Rule 1130 published with the Court's Order at 41 Pa.B. 2319 (May 7, 2011).]

Rule 1409. Adjudication of Dependency [&] and Court Order.

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Comment

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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] 67 Pa.C.S. §§ 3101** *et seq.* See also Rules 1242(E)(3) and 1609(D) and *Comments* to Rules 1242, 1408, 1512, 1514, 1515, **and** 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.]

[Committee Explanatory Reports:

Rule 1409 adopted August 21, 2006, effective February 1, 2007. Amended July 13, 2015, effective October 1, 2015.]

Rule 1512. Dispositional Hearing.

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Comment

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Pursuant to paragraph (D)(1)(h), the court is to determine whether the county agency has reasonably satisfied the requirements of Rule 1149 regarding family finding. If the county agency has failed to meet the diligent family finding efforts requirements of Rule 1149, the court is to utilize its powers to enforce this legislative mandate. See **[62 P.S. § 1301] 67 Pa.C.S. §§ 3101 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, 1514, 1515, **and** 1608[, **1609, 1610, and]_1611.**

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[Official Note: Rule 1512 adopted August 21, 2006, effective February 1, 2007. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended July 13, 2015, effective October 1, 2015. Amended April 6, 2017, effective September 1, 2017.]

[Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1512 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006). Final Report explaining the amendments to Rule 1512 published with the Court's Order at 41 Pa.B. 2319 (May 7, 2011). Final Report explaining the amendments to Rule 1512 published with the Court's Order at 41 Pa.B. 2413 (May 14, 2011). Final Report explaining the amendments to Rule 1512 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015). Final Report explaining the amendments to Rule 1512 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).]

Rule 1514. Dispositional Finding Before Removal From Home.

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Comment

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Pursuant to paragraph (A)(4), the court is to determine whether the county agency has reasonably satisfied the requirements of Rule 1149 regarding family finding. If the county agency has failed to meet the diligent family finding efforts requirements of Rule 1149, the court is to utilize its powers to enforce this legislative mandate. See **[62 P.S. § 1301] 67 Pa.C.S. §§ 3101** *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, 1515, **and** 1608[, 1609, 1610, and]- 1611.

[Official Note: Rule 1514 adopted August 21, 2006, effective February 1, 2007. Amended April 29, 2011, effective July 1, 2011. Amended July 13, 2015, effective October 1, 2015.]

[Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1514 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006). Final Report explaining the amendments to Rule 1514 published with the Court's Order at 41 Pa.B. 2413 (May 14, 2011). Final Report explaining the amendments to Rule 1514 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).]

Rule 1515. Dispositional Order.

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Comment

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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] 67 Pa.C.S. §§ 3101** *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, and 1608[, **1609, 1610, and]**- 1611.

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[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.]

[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).]

Rule 1608. Permanency Hearing.

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Comment

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Pursuant to paragraph (D)(1)(h), the court is to determine whether the county agency has reasonably satisfied the requirements of Rule 1149 regarding family finding, including the location and engagement of relatives and kin at least every six months, prior to each permanency hearing. If the county agency has failed to meet the diligent family finding efforts requirements of Rule 1149, the court is to utilize its powers to enforce this legislative mandate. See **[62 P.S. § 1301] 67 Pa.C.S. §§ 3101 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, 1515, 1609, and 1611.

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[Official Note: Rule 1608 adopted August 21, 2006, effective February 1, 2007. Amended December 18, 2009, effective immediately. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended October 21, 2013, effective December 1, 2013. Amended July 13, 2015, effective October 1, 2015. Amended December 9, 2015, effective January 1, 2016. Amended June 14, 2016, effective August 1, 2016. Amended April 6, 2017, effective September 1, 2017. Amended May 17, 2018, effective October 1, 2018.]

[Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1608 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006). Final Report explaining the amendments to Rule 1608 published with the Court's Order at 40 Pa.B. 21 (January 2, 2010). Final Report explaining the amendments to Rule 1608 published with the Court's Order at 41 Pa.B. 2319 (May 7, 2011). Final Report explaining the amendments to Rule 1608 published with the Court's Order at 41 Pa.B. 2430 (May 14, 2011). Final Report explaining the amendments to Rule 1608 published with the Court's Order at 43 Pa.B. 6658 (November 9, 2013). Final Report explaining the amendments to Rule 1608 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015). Final Report explaining the amendments to Rule 1608 published with the Court's Order at 45 Pa.B. 7289 (December 26, 2015). Final Report explaining the amendments to Rule 1608 published with the Court's Order at 46 Pa.B. 3416 (July 2, 2016). Final Report explaining the amendments to Rule 1608 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017). Final Report explaining the amendments to Rule 1608 published with the Court's Order at 48 Pa.B. 3321 (June 2, 2018).]

Rule 1609. Permanency Hearing Orders.

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Comment

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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] 67 Pa.C.S. §§ 3101** *et seq.* See *also* Rules 1210(D)(8), 1242(E)(3), and 1409(C) and *Comments* to Rules 1242, 1408, 1409, 1512, 1514, 1515, 1608, 1610, and 1611.

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[Official Note: Rule 1609 adopted August 21, 2006, effective February 1, 2007. Amended April 29, 2011, effective July 1, 2011. Amended October 21, 2013, effective December 1, 2013. Amended July 13, 2015, effective October 1, 2015.]

[Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1609 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006). Final Report explaining the amendments to Rule 1609 published with the Court's Order at 41 Pa.B. 2413 (May 14, 2011). Final Report explaining the amendments to Rule 1609 published with the Court's Order at 43 Pa.B. 6658 (November 9, 2013). Final Report explaining the amendments to Rule 1609 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).]

Rule 1610. Permanency Hearing for Children Over Eighteen.

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Comment

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Pursuant to paragraph (D), the court is to determine whether the county agency has reasonably satisfied the requirements of Rule 1149 regarding family finding, including the location and engagement of relatives and kin at least every six months, prior to each permanency hearing. If the county agency has failed to meet the diligent family finding efforts requirements of Rule 1149, the court is to utilize its powers to enforce this legislative mandate. See **[62 P.S. § 1301] 67 Pa.C.S. §§ 3101** *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, 1515, 1608, 1609, and 1611.

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[Official Note: Adopted October 21, 2013, effective December 1, 2013. Amended July 13, 2015, effective October 1, 2015. Amended April 6, 2017, effective September 1, 2017.]

[Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1610 published with the Court's Order at 43 Pa.B. 6658 (November 9, 2013). Final Report explaining the amendments to Rule 1610 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015). Final Report explaining the amendments to Rule 1610 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).]

Rule 1611. Permanency Hearing Orders for Children Over Eighteen.

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Comment

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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] 67 Pa.C.S. §§ 3101** *et seq.* See also Rules 1210(D)(8), 1242(E)(3), and 1409(C) and *Comments* to Rules 1242, 1408, 1409, 1512, 1514, 1515, 1608, 1609, and 1610.

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[Official Note: Adopted October 21, 2013, effective December 1, 2013. Amended July 13, 2015, effective October 1, 2015.]

[Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1611 published with the Court's Order at 43 Pa.B. 6658 (November 9, 2013). Final Report explaining the amendments to Rule 1611 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).]