

JUVENILE COURT PROCEDURAL RULES COMMITTEE ADOPTION REPORT

Amendment of Pa.R.J.C.P. 1120, 1149, 1330, 1409, 1512, 1514, 1515, and 1608-1611

On November 30, 2021, the Supreme Court amended Pennsylvania Rules of Juvenile Court Procedure 1120, 1149, 1330, 1409, 1512, 1514, 1515, and 1608-1611 to reflect the amendment of Title 67 of the Pennsylvania Consolidated Statutes to, *inter alia*, add Chapter 31 governing, in part, the family finding requirements resulting from the Act of June 29, 2019, P.L. 93, No. 14. See 67 Pa.C.S. §§ 3101-3104. The Juvenile Court Procedural Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, Comment. The statements contained herein are those of the Committee, not the Court.

Prior to 2018, matters involving family finding, kinship care, and subsidization of custody were governed by unconsolidated statutes compiled at 62 P.S. §§ 1301-1303.2. The statutory requirements for family finding were implemented and primarily codified in Pa.R.J.C.P. 1149 with corollary references throughout the Pennsylvania Rules of Juvenile Court Procedure. Those rules also contained citations to Title 62 of Purdon's Statutes.

In *Washington v. Department of Public Welfare*, 188 A.3d 1135 (Pa. 2018), the Court held that the manner in which the Act of June 30, 2012, P.L. 668, No. 80 was passed by the General Assembly violated Article III, Section 4 of the Pennsylvania Constitution. Accordingly, the Court struck Act 80 in its entirety as unconstitutional. Act 80 included provisions related to kinship care and custody subsidies. See 62 P.S. §§ 1302, 1303, 1303.1, and 1303.2. Thereafter, the General Assembly passed the Act of June 29, 2019, P.L. 93, No. 14, which added the substance of 62 P.S. §§ 1301-1303.2 to 67 Pa.C.S. §§ 3101-3104, retroactive to the date of the Court's decision in *Washington*.

The Committee published a proposal to update the statutory citations within the rules to correspond with those now located in Title 67 of the Pennsylvania Consolidated Statutes. See 51 Pa.B. 3095 (June 5, 2021). No comments were received.

These amendments become effective January 1, 2022.