

Rule 515. Dispositional Order.

Comment:

When a disposition is no longer consistent with the goals of balanced and restorative justice, a juvenile's plan of rehabilitation may be changed through a dispositional review hearing and modification of dispositional order, including an adjustment of financial obligations. See **[Rule 610(A)-(B)] Pa.R.J.C.P. 610(a)-(c)**.

Rule 600. Summons and Notice of [the Commitment Review,] Dispositional Review[,] and Probation Revocation Hearing.

[A.](a) Summons. The court shall issue a summons compelling the juvenile and the juvenile's guardian to appear for the **[commitment review,]** dispositional review[,], or probation revocation hearing.

[B.](b) Notice. Notice of the hearing shall be given to:

- (1) the attorney for the Commonwealth;
- (2) the juvenile's attorney;
- (3) the juvenile probation office;
- (4) the placement facility staff, if the juvenile is in placement; and
- (5) the educational decision maker, if applicable.

[C.](c) Requirements. The general summons and notice procedures of Rule 124 shall be followed.

Comment: **[Section 6335(a) of the Juvenile Act provides that the]** The court shall direct the issuance of a summons to the juvenile, guardian, and any other persons as appears to the court to be proper and necessary for the proceedings. See 42 Pa.C.S. § 6335(a).

The attorney for the Commonwealth or its designee is to notify the victim of the date, time, place, and purpose of the dispositional **[and commitment]** review hearings. See **[Victim's Bill of Rights,]** 18 P.S. §§ 11.201 *et seq.*

Any person[s] may be subpoenaed to appear for the hearing. See **[Rule 123 and] Pa.R.J.C.P. 123;** 42 Pa.C.S. § 6333. However, nothing in these rules requires the attendance of the victim unless subpoenaed.

[Official Note: Rule 600 adopted April 1, 2005, effective October 1, 2005. Amended April 29, 2011, effective July 1, 2011. Amended May 26, 2011, effective July 1, 2011.

Committee Explanatory Reports:

Final Report explaining the amendments to Rule 600 published with the Court's Order at 41 Pa.B. 2413 (May 14, 2011). Final Report explaining the provisions of Rule 600 published with the Court's Order at 41 Pa.B. 3180 (June 25, 2011).]

Rule 610. Dispositional [and Commitment] Review.

[A. Dispositional Review Hearing. The court shall review its disposition and conduct dispositional review hearings for the purpose of ensuring that the juvenile is receiving necessary treatment and services and that the terms and conditions of the disposition are being met.

- (1) In all cases, the court shall conduct dispositional review hearings at least every six months.**
- (2) In all cases, the juvenile shall appear in person at least once a year.**
- (3) The court may schedule a review hearing at any time.]**

(a) Dispositional Review Hearing – Juvenile Not Committed. If a juvenile is not committed to an out-of-home placement, the court shall review its disposition and conduct dispositional review hearings subject to the following:

- (1) Frequency. The court may schedule a review hearing at any time but shall conduct dispositional review hearings at least every six months.**
- (2) Findings. At the conclusion of the hearing and on the record in open court, the court shall find the following, together with its reasoning for each finding:**
 - (i) whether the juvenile is receiving necessary treatment and services; and**
 - (ii) whether the terms and conditions of the disposition are being met.**

(b) Dispositional Review Hearing – Juvenile Committed. If a juvenile is committed to an out-of-home placement, the court shall review its disposition and conduct dispositional review hearings subject to the following:

- (1) Frequency. The court may schedule a review hearing at any time but shall conduct dispositional review hearings at least every three months.**

(2) Findings. At the conclusion of the hearing and on the record in open court, the court shall find the following, together with its reasoning for each finding:

(i) whether the child is receiving the necessary services or treatment contemplated by the court's disposition;

(ii) whether the child continues to pose a threat to the community;

(iii) whether additional services or treatment are needed;

(iv) whether the child should continue in placement or be released from placement under aftercare supervision; and

(v) the date of the next disposition review hearing.

[B.](c) Modification of Dispositional Order. Whenever there is a motion for a modification of the dispositional order, other than a motion to revoke probation as provided in Rule 612, notice and an opportunity to be heard shall be given to the parties and the victim. Any outstanding restitution amounts may not be reduced by modification of the dispositional order without specific notice to the victim prior to the hearing that a modification may be ordered.

(1) The juvenile may be detained pending a court hearing.

(2) A detention hearing shall be held within 72 hours of the juvenile's detention, if detained.

(3) The juvenile shall be given a statement of reasons for the discharge from a placement facility or motion for modification of the dispositional order.

(4) A review hearing shall be held within 20 days of the discharge from the placement facility or motion for modification of the dispositional order.

[C. Advanced Communication Technology. A court may utilize advanced communication technology pursuant to Rule 129 for a juvenile or a witness unless good cause is shown otherwise.]

(d) Juvenile Appearance, Witness Appearance, and Advanced Communication Technology.

- (1) Juvenile's 12-Month Appearance. The juvenile shall appear in person every 12 months from the date of disposition for a review hearing.**
- (2) Juvenile's Other Appearances. A court may utilize advanced communication technology pursuant to Rule 129 for a juvenile's appearance at other review hearings.**
- (3) Witness's Appearance. A court may utilize advanced communication technology pursuant to Rule 129 for a witness unless good cause is shown otherwise.**

[D.](e) Post-Dispositional Rights. A colloquy and inquiry of post-dispositional rights shall be conducted when a juvenile is aggrieved by a modification of the dispositional order.

Comment: At any hearing, if it is determined that the juvenile is in need of an educational decision maker, the court is to appoint an educational decision maker pursuant to Rule 147.

[Under paragraph (A), the court is to conduct dispositional review hearings as frequently as necessary to ensure that the juvenile is receiving necessary treatment and services and that the terms and conditions of the disposition are being met. See Rule 800.]

When conducting a dispositional review hearing, the court is to ensure that the disposition continues to provide balanced attention to the protection of the community, the imposition of accountability for offenses committed, and the development of competencies to enable the juvenile to become a responsible and productive member of the community. A change in the plan of rehabilitation may result in the adjustment of financial obligations imposed pursuant to Rule 515. An "adjustment" is not intended to invite the imposition of increased fines, fees, or costs after disposition.

Nothing in this rule prohibits the juvenile from requesting an earlier review hearing. The juvenile may file a motion requesting a hearing when there is a need for change in treatment or services. **Nor does the rule prohibit the court from scheduling more frequent review hearings.**

Additionally, nothing in this rule is intended to prohibit the emergency transfer of a juvenile from a placement facility to a detention facility pending reconsideration of the

dispositional order, and this rule is not intended to preclude a motion for modification of a dispositional order after the juvenile has been detained.

Under **[paragraph (B)] subdivision (c)**, the attorney for the Commonwealth or its designee is to notify the victim of the date, time, place, and purpose of the review hearing. Prior to ordering the modification of the dispositional order, the court is to give the victim an opportunity to submit an oral **[and/or]** written victim-impact statement if the victim so chooses. See **[Victims Bill of Rights,]** 18 P.S. §[§] 11.201**(5)-(5.2) [et seq]**. Whenever a motion seeks a reduction of outstanding restitution, the victim should be given specific notice of the relief sought prior to the hearing. A court may not order a downward adjustment of outstanding restitution without first ensuring that notice was given to the victim of the possibility that such an adjustment was specifically being considered at the dispositional review hearing.

Any person[s] may be subpoenaed to appear for the hearing. See **[Rule 123 and] Pa.R.J.C.P. 123;** 42 Pa.C.S. § 6333. However, nothing in these rules requires the attendance of the victim unless subpoenaed. If the victim is not present, the victim is to be notified of the final outcome of the proceeding.

[Some placement facilities are hours away from the dispositional court. Paragraph (C) allows a hearing to be conducted via teleconferencing, two-way simultaneous audio-visual communication, or similar method.] Concerning subdivision (d)(1), see Pa.R.J.C.P. 129(A)(2). Concerning subdivisions (d)(2)-(d)(3), the preferred technology is one that provides simultaneous audio-visual communication. Audio-only communication is discouraged, but acceptable if there is no practicable alternative. The juvenile is to be afforded all the same rights and privileges as if the hearing was held with all present in the courtroom.

If a juvenile is detained or placed, the juvenile is to be placed in a detention facility or placement facility, which does not include a county jail or state prison. **[See Rule 120 and its Comment for definitions of] See Pa.R.J.C.P. 120 (defining “detention facility” and “placement facility[.]”**].

For the colloquy and inquiry of post-dispositional rights, see Rule 512(C). If a change in disposition results in an out-of-home placement, then the court should also explain to the juvenile the availability of review of the out-of-home placement pursuant to Pa.R.A.P. 1612.

[Official Note: Rule 610 adopted April 1, 2005, effective October 1, 2005. Amended December 30, 2005, effective immediately. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended May 26, 2011, effective July 1, 2011. Amended June 28, 2013, effective immediately. Amended

May 11, 2017, effective October 1, 2017. Amended October 22, 2021, effective April 1, 2022.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 610 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005). Final Report explaining the revisions of Rule 610 published with the Court's Order at 36 Pa.B. 186 (January 14, 2006). Final Report explaining the amendments to Rule 610 published with the Court's Order at 41 Pa.B. 2319 (May 7, 2011). Final Report explaining the amendments to Rule 610 published with the Court's Order at 41 Pa.B. 2413 (May 14, 2011). Final Report explaining the amendments to Rule 610 published with the Court's Order at 41 Pa.B. 3180 (June 25, 2011). Final Report explaining the amendments to Rule 610 published with the Court's Order at 43 Pa.B. 3938 (July 13, 2013). Final Report explaining the amendments to Rule 610 published with the Court's Order at 47 Pa.B. 2969 (May 27, 2017). Final Report explaining the amendments to Rule 610 published with the Court's Order at 51 Pa.B. 6905 (November 6, 2021).]

Rule 612. Modification or Revocation of Probation.

Comment:

Whenever a motion seeking to modify probation also seeks a reduction of outstanding restitution, the victim should be given specific notice of the relief sought prior to the hearing. A court may not order a downward adjustment of outstanding restitution without first ensuring that notice was given to the victim of the possibility that such an adjustment was specifically being considered at the hearing. See Pa.R.J.C.P. **[610(B)] 610(c)**.

Rule 620. Post-Dispositional Motions.

Comment:

If there is after-discovered evidence concerning the dispositional hearing, a motion for a change in the dispositional order may be filed with the court. The motion may allege a need for a change in the dispositional order pursuant to Rule **[610(B)] 610(c)**. If this motion is made, notice and an opportunity to be heard is to be given to the parties and the victim. See **[Rule 610(B) and] Pa.R.J.C.P. 610(c)**; 42 Pa.C.S. § 6353.

Rule 800. Suspensions of Acts of Assembly.

This rule provides for the suspension of the following Acts of Assembly that apply to delinquency proceedings only:

- [(18) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6353(a), which requires dispositional review hearings to be held at least every nine months when a juvenile is removed from the home, is suspended only insofar as it is inconsistent with the requirement of Rule 610, which requires dispositional review hearings to be held at least every six months.]**

Comment:

[Official Note: Rule 800 adopted April 1, 2005, effective October 1, 2005. Amended December 30, 2005, effective immediately. Amended March 23, 2007, effective August 1, 2007. Amended February 26, 2008, effective June 1, 2008. Amended March 19, 2009, effective June 1, 2009. Amended February 12, 2010, effective immediately. Amended April 21, 2011, effective July 1, 2011. Amended July 18, 2012, effective October 1, 2012. Amended April 6, 2017, effective September 1, 2017.]

Committee Explanatory Reports:

Final Report explaining the amendments to Rule 800 published with the Court's Order at 36 Pa.B. 186 (January 14, 2006). Final Report explaining the amendments to Rule 800 published with the Court's Order at 37 Pa.B. 1483 (April 7, 2007). Final Report explaining the amendments to Rule 800 published with the Court's Order at 38 Pa.B. 1142 (March 8, 2008). Final Report explaining the amendments to Rule 800 published with the Court's Order at 39 Pa.B. 1614 (April 4, 2009). Final Report explaining the amendments to Rule 800 published with the Court's Order at 40 Pa.B. 1073 (February 27, 2010). Final Report explaining the amendments to Rule 800 published with the Court's Order at 41 Pa.B. 2319 (May 7, 2011). Final Report explaining the amendments to Rule 800 published with the Court's Order at 42 Pa.B. 4909 (August 4, 2012). Final Report explaining the amendments to Rule 800 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).]