

## JUVENILE COURT PROCEDURAL RULES COMMITTEE ADOPTION REPORT

### **Amendment of Pa.R.J.C.P. 1120, 1149, 1154, 1242, 1330, 1409, 1512, 1514, 1515, 1608, 1609, 1610, 1611, and 1631**

On March 22, 2023, the Supreme Court amended Pennsylvania Rules of Juvenile Court Procedure 1120, 1149, 1154, 1242, 1330, 1409, 1512, 1514, 1515, 1608, 1609, 1610, 1611, and 1631 to, *inter alia*, implement the Act of November 3, 2022, P.L. 1765, No. 118. This Act amended Title 67 concerning family finding, permanency and transition plans, and amended the Juvenile Act concerning permanency hearings. 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, cmt. The statements contained herein are those of the Committee, not the Court.

The Act is intended to improve the transition of a child leaving foster care at 18 years of age or older. The Act, *inter alia*, repealed the current family finding statutes and relocated them to Chapter 75 within Title 67. See 67 Pa.C.S. §§ 7501-7509. Further, the Act included a requirement that the county agency develop a permanency plan and provide services to facilitate that plan. See 67 Pa.C.S. § 7504. Additionally, the county agency is required to plan for, and provide services related to, a child's transition out of foster care. See *id.* § 7505. The Act also amended the Juvenile Act concerning the disposition of dependent children at 42 Pa.C.S. § 6351(f)(8), (f)(8.2), and (f.1).

For children 14 years of age or older, the Act requires the court to determine at the permanency review hearing whether transition planning and services are being provided in accordance with 67 Pa.C.S. § 7505. See 42 Pa.C.S. § 6351(f)(8). Whether the required services are being provided is addressed in the amendment of Pa.R.J.C.P. 1608(d)(1)(xi)(A). There is no proposed requirement for planning because the rule text currently does not require a transition plan pursuant to 42 U.S.C. § 675(5)(A). Instead, the transition plan requirement of 67 Pa.C.S. § 7505 is referenced in the same Comment currently referencing the transition plan required by 42 U.S.C. § 675(5)(A).

The county agency is also required to develop a permanency plan and provide permanency services pursuant to 67 Pa.C.S. § 7504 when a child's legal custody is temporarily transferred pursuant to 42 Pa.C.S. § 6351(A)(2). Section 7504 contains specific requirements for the plan and services. Given that these requirements apply when a child is removed from home, *i.e.*, legal custody is temporarily transferred, subdivision (a)(6) has been added to Pa.R.J.C.P. 1514 (Dispositional Finding Before Removal from Home).

For children 18 years of age or older whose supervision is being terminated, a transition plan that complies with 67 Pa.C.S. § 7505 is required in addition to the present requirement that the transition plan comply with 42 U.S.C. § 675(5)(H). See 42 Pa.C.S. § 6351(f)(8.2). The stated requirements for a transition plan under § 7505 are:

- (1) Identification of or detailed options for a suitable place of intended residence.
- (2) A list, with contact information, of supportive adults and family members.
- (3) Identification of local opportunities for mentorships and continuing social support.
- (4) A plan or detailed options for employment, job training or continuing education.
- (5) Documentation of the child's possession of relevant documents or, if the child does not have possession of the documents, an explanation of the reasons why the child does not have the documents and detailed instructions on how the child may obtain the documents.

67 Pa.C.S. § 7505(B).

Permanency hearings for children over 18 are governed by Pa.R.J.C.P. 1610. Subdivision (A)(2) of that rule requires the court to determine whether the transition plan is consistent with Pa.R.J.C.P. 1631(e)(2). Turning to that rule, subdivision (e)(2)(i) (“specific plans for housing”) appears to satisfy § 7505(B)(1). Subdivision (e)(2)(vi) (“a description of any programs that would provide mentors or assistance in establishing positive adult connections”) and subdivision (e)(2)(viii) (“a description of any other needed support services”) appear to satisfy § 7505(B)(3). Subdivision (e)(2)(iii) (“the specific plans for pursuing educational or vocational training goals”) and subdivision (e)(2)(iv) (“the child’s employment goals and whether the child is employed”) appear to satisfy § 7505(B)(4). Subdivision (e)(2)(vii) (“verification that all vital identification documents and records have been provided to the child”) appears to satisfy § 7505(B)(5).

There is one item in § 7505(B) that is not included in subdivision (e)(2): “A list, with contact information, of supportive adults and family members.” 67 Pa.C.S. § 7505(B)(2). Accordingly, Pa.R.J.C.P. 1631 has been amended to add subdivision (e)(2)(ix).

The Act also changes the applicability of another planned permanent living arrangement (“APPLA”) from children 16 years old to children 18 years old. See 42 Pa.C.S. § 6351(f.1)(5)(i). This is addressed by the amendment of Pa.R.J.C.P. 1608(d)(2). Further, for APPLA, two, rather than one, supportive adults with significant connections

to the child's life must be identified. See *id.* § 6351(f.1)(5)(ii) and (f.1)(5)(iv)(D). This is addressed by the amendment of Pa.R.J.C.P. 1608(d)(2)(i)(C) and (d)(2)(iii)(C). Finally, the court must also identify the specific approved APPLA. See *id.* § 6351(f.1)(5)(iv)(E). This is addressed by the amendment of Pa.R.J.C.P. 1608(d)(2)(iii)(D).

In addition, the Comments accompanying Pa.R.J.C.P. 1154, 1242, 1512, and 1609 have been amended to reflect the Act of December 28, 2015, P.L. 559, No. 94.

Aside from stylistic revisions, the following commentary has been removed:

#### **Pa.R.J.C.P. 1154**

Official Note: Rule 1154 adopted August 21, 2006, effective February 1, 2007. Amended April 29, 2011, effective July 1, 2011. Amended April 6, 2017, effective September 1, 2017.

*Committee Explanatory Reports:* Final Report explaining the amendments to Rule 1154 published with the Court's Order at 41 Pa.B. 2413 (May 14, 2011). Final Report explaining the amendments to Rule 1154 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

#### **Pa.R.J.C.P. 1242**

Official Note: Rule 1242 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 May 16, 2017, effective July 1, 2017.

*Committee Explanatory Reports:* Final Report explaining the provisions of Rule 1242 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006). Final Report explaining the amendments to Rule 1242 published with the Court's Order at 41 Pa.B. 2319 (May 7, 2011). Final Report explaining the amendments to Rule 1242 published with the Court's Order at 41 Pa.B. 2413 (May 14, 2011). Final Report explaining the amendments to Rule 1242 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015). Final Report explaining the amendments to Rule 1242 published with the Court's Order at 47 Pa.B. 3078 (June 3, 2017).

#### **Pa.R.J.C.P. 1608**

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 October 1, 2016.

*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 Pa.B. - (-).

#### **Pa.R.J.C.P. 1631**

Official Note: Rule 1613 adopted August 21, 2006, effective February 1, 2007. Amended July 29, 2009, effective immediately. Amended April 29, 2011, effective July 1, 2011. Amended October 21, 2013 and renumbered from Rule 1613 to Rule 1631, effective December 1, 2013.

*Committee Explanatory Reports:* Final Report explaining the provisions of Rule 1613 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006). Final Report explaining the amendments to Rule 1613 published with the Court's Order at 39 Pa.B. 4887 (August 15, 2009). Final Report explaining the amendments to Rule 1613 published with the Court's Order at 41 Pa.B. 2430 (May 14, 2011). Final Report explaining the amendments to Rule 1631 published with the Court's Order at 43 Pa.B. 6658 (November 9, 2013).

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These amendments become effective October 1, 2023.