

**SUPREME COURT OF PENNSYLVANIA  
JUVENILE COURT PROCEDURAL RULES COMMITTEE**

**NOTICE OF PROPOSED RULEMAKING**

**Proposed Modification to Pa.R.J.C.P. 1608**

The Juvenile Court Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the modification to Pa.R.J.C.P. 1608 governing considerations, requirements, and findings in Another Planned Permanent Living Arrangement (APPLA) cases for children sixteen years of age or older, for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They neither will constitute a part of the rules nor will be officially adopted by the Supreme Court.

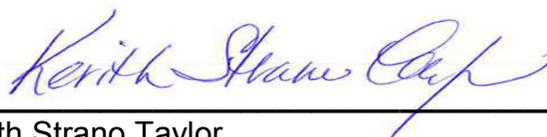
Additions to the text of the proposal are bolded and underlined; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

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Juvenile Court Procedural Rules Committee  
Supreme Court of Pennsylvania  
Pennsylvania Judicial Center  
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All communications in reference to the proposal should be received by **September 4, 2015**. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Juvenile Court Procedural Rules Committee,



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Kerith Strano Taylor  
Vice Chair

## EXPLANATORY REPORT

Unless Pennsylvania receives an extension on the implementation date of the new federal legislation, Preventing Sex Trafficking and Strengthening Families Act, P.L. 113-183, on September 29, 2015, several requirements in APPLA cases must be met for children sixteen years of age or older at each permanency hearing. It should be noted that children under the age of sixteen will no longer be permitted to have a permanency plan of APPLA. See 42 U.S.C. § 675.

The county agency and the court are required to document, consider, ask, or make certain findings at each permanency hearing. When the county agency documents its requirements pursuant to paragraph (D)(2)(a), the county agency may testify from its case notes or submit a report to the court, whichever the court prefers. If the court requires the county agency to submit a report, the report should be entered into the record and distributed to all parties. It would be advisable for counties to develop a discovery process for these reports. The parties must have the opportunity to cross-exam the caseworker when a report is submitted.

The county agency must document its intensive, ongoing, and unsuccessful efforts to return the child home or secure a placement for the child with a fit and willing relative, a legal guardian, or an adoptive parent. A “fit and willing relative” includes adult siblings. See 42 U.S.C. § 675.

Additionally, the county agency must document its steps taken to ensure the child’s foster family home or child-care institution is following the reasonable and prudent parent standard. The “reasonable and prudent parent standard” is defined as the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of the child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the county agency to participate in extracurricular, enrichment, cultural, and social activities. See 42 U.S.C. § 675.

Next, the county agency must document that the child has had regular, ongoing opportunities to engage in age or developmentally appropriate activities. “Age and developmentally appropriate activities” is defined as the activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally-appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group and in the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child. See 42 U.S.C. § 675.

The court must consider all the mandated documented steps taken by the county agency listed *supra*. In addition to considering the mandated documented steps placed upon the county agency, the court must ask the child about the child's desired permanency outcome. Finally, the court shall state in open court on the record the reasons why APPLA continues to be the best permanency plan for the child and the compelling reasons why it continues to not be in the best interests of the child to return home, be placed for adoption, be placed with a legal guardian, or be placed with a fit and willing relative. See 42 U.S.C. § 675.