

INTRODUCTION

The Juvenile Court Procedural Rules Committee is soliciting public comment on modifications to Rules 1302, 1515, 1608, 1610, and 1631 before it considers any recommendations to the Supreme Court of Pennsylvania. These proposed modifications address inter-county transfer, docketing a change in custody, and clarifying the timing of a transition plan hearing.

The Committee requests that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel, Christine Riscili at juvenerules@pacourts.us. Email is the preferred method for receiving comments in an effort to conserve paper and expedite the distribution of comments to the Committee. Emailed comments need not be reproduced and sent via hard copy. The Committee will acknowledge receipt of your comment.

For those who do not have access to email, comments may be faxed to the Committee at 717-231-9541 or written comments may be mailed to:

Christine Riscili, Esq.
Supreme Court of Pennsylvania
Juvenile Court Procedural Rules Committee
Pennsylvania Judicial Center
601 Commonwealth Ave, Suite 6200
P.O. Box 62635
Harrisburg, PA 17106-2635.

All comments shall be received no later than Friday, July 25, 2014.

5/28/2014

BY THE JUVENILE COURT PROCEDURAL RULES
COMMITTEE:



Honorable Todd A. Hoover, Chair



Christine Riscili, Counsel

EXPLANATORY REPORT

The Juvenile Court Procedural Rules Committee (Committee) is seeking public comment on modifications to Rules 1302, 1515, 1608, 1610, and 1631. These proposed modifications address inter-county transfer, docketing a change in custody, and clarifying the timing of a transition plan hearing.

Rule 1302

There have been questions regarding the methodology of transferring a case. These modifications seek to clarify the procedure.

Judges should be communicating informally with each other (e.g. telephone, email) to decide whether a case should be transferred and whether the receiving court is willing to agree to the transfer of the case. There is a multitude of issues that may arise in transfer cases, including where jurisdiction lies if a party has moved, custody has changed to an outside county person, or another similar situation. There are also frequently many issues in the case and a better understanding of those issues can be relayed by a simple conversation.

After this communication, the judges decide together whether a case will be transferred. If transfer will occur, each judge must issue an order. The transferring court will enter an order: 1) transferring the case to the receiving court; and 2) ordering the official court record and county agency records to be transferred to the receiving court. At the same time, the receiving court will issue an order: 1) accepting jurisdiction of the case; and 2) scheduling the next court event.

At no time should a child be without services while transfer of a case is being discussed. The transferring county must continue to provide services until both orders have been issued.

Rule 1515

There are times when the judge in juvenile court issues an order changing the custody of the child that could affect an existing custody case. To ensure all parties are notified properly, the order changing custody must be docketed on both dockets: Juvenile Court and Civil Court.

Rule 1608, 1610, and 1631

Under the current Rules, the transition plan hearing is in the Termination of Court Supervision rule. After thoughtful consideration, the Committee believes it is more appropriately placed in the permanency hearing rule. The entire content of this procedure has been lifted from Rule 1631 and placed into Rule 1608.

The purpose of this move is to ensure hearings occur prior to the child's eighteenth birthday and that the county agency is prepared with achieving these requirements prior to that timeframe. In many instances, a transition plan takes

time for thoughtful discussion of the available services with the child. Planning, making decisions, and providing services must occur. If a county agency waits until time of termination of a case, many plans would fail for lack of ample time to complete the plan. It is essential to consider thoughtfully all the details necessary to achieve independence while giving the child the time needed.