

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

REPORT

Proposed Amendment of Pa.R.J.C.P. 1515 and 1631

The Juvenile Court Procedural Rules Committee proposes to amend Rules 1515 and 1631 to establish procedures for orders affecting or transferring custody. This proposal is part of a joint recommendation with the Domestic Relations Procedural Rules Committee to develop reciprocating rules for when a custody petition is filed during a dependency proceeding.

The Committee observes that a transfer of custody to the previously non-custodial parent or a non-parent frequently closes dependency cases. With dependency dockets inaccessible to the public, problems have been noted in proving custody by a non-custodial parent or third party. Often the party from whom the child has been removed has a custody order obtained prior to the dependency action indicating they are the custodial parent.

The Committee has considered means and methods of transferring relevant custody determinations by the dependency court to the prothonotary's office to be filed on a custody docket. The Committee believes that the procedural rules should provide a framework for this process, but all judicial districts should retain discretion on how this would be accomplished locally.

Therefore, to establish a process for transferring information from dependency orders to the custody docket, Pa.R.J.C.P. 1631 is proposed to be amended by re-writing subdivision B to incorporate all the enumerated reasons for terminating services under subdivision A and providing a mechanism for docketing custody provisions of the termination order onto the custody dockets. Moreover, Pa.R.J.C.P. 1515 would be amended to specifically provide that transfer of custody in a dependency matter would operate to supersede any existing custody order. Additionally, the Committee proposes to clarify the language of Pa.R.J.C.P. 1515 as it relates to orders affecting or transferring custody.

The Committee invites all comments, concerns, and suggestions regarding this rulemaking proposal.