

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

**REPORT**

**Proposed Revision of Comment to Pa.R.J.C.P. 152**

The Juvenile Court Procedural Rules Committee proposes to revise the Comment to Rule 152 to remove a statement suggesting a juvenile has a right to proceed *pro se*.

Rule 151 was substantially amended on May 16, 2011 to establish a presumption of indigency for juveniles. The purpose of this amendment was to assign counsel in every case in which the juvenile appears without counsel. On January 11, 2012, Rule 152 was amended to, *inter alia*, prohibit the waiver of counsel for certain proceedings. See Pa.R.J.C.P. 152(A)(3). Additionally, the Comment was revised to add:

Notwithstanding the provisions of paragraph (A)(3), a juvenile fourteen years of age or older may make or file a motion pursuant to Rule 344(E) for alternative relief, for example, when the juvenile subscribes to a protected formal belief system which prohibits attorney representation.

Thereafter, the Juvenile Act was amended by Section 2 of the Act of April 9, 2012, P.L. 223, to prohibit the waiver counsel for the same proceedings identified in Rule 152(A)(3). See 42 Pa.C.S. § 6337.1(b)(3). The Act does not provide for an exception to the prohibition against waiver.

In light of this subsequent legislation, the Committee has reconsidered the Comment. Until such time the Court or the Legislature holds that a juvenile has a right to proceed *pro se*, the Committee believes that suggesting so in a Comment is beyond procedural and may lend to confusion. Therefore, the Committee proposes to recommend to the Supreme Court that the above-comment be deleted from the Comment.

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