

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

REPORT

Proposed Amendment of Pa.R.J.C.P. 1601 and 1609

The Juvenile Court Procedural Rules Committee proposes the amendment of Rule 1601 to require notice of the intention to seek a goal change discontinuing reunification and Rule 1609 to permit the court to grant a rehearing if such notice was not provided.

The Committee was informed of circumstances wherein permanency review hearings were resulting in goal changes discontinuing reunification without prior notice that such a goal change was to be decided at the hearing. As shared with the Committee, these events arose either when the county agency did not disclose the intention to seek a goal change until the hearing or when the judge *sua sponte* changes the goal at the conclusion of the permanency hearing.

Presently, the Rules do not provide a mechanism for providing notice that a goal change is being sought in a permanency review hearing. The Committee notes that “goal change hearings” may be emotional for both the child and the parents. Further, it is best practice to provide notice of an upcoming goal change hearing. See Pennsylvania Children’s Roundtable Initiative. *Pennsylvania Dependency Benchbook* at p. 119. Harrisburg, PA: Office of Children and Families in the Courts, 2010.

Therefore, to provide timely notice and the opportunity to prepare for and attend the hearing, the Committee proposes to amend Rule 1601 to add paragraph (B) to require either the permanency hearing notice to indicate whether the county agency seeks to discontinue a goal of reunification or for the county agency to provide separate notice consistent with paragraph (A) in terms of recipients and timeliness.

The Committee also proposes to amend Rule 1609 to add paragraph (H) to provide for a discretionary rehearing if notice was not given in accordance with Rule 1601(B). This language is based, in part, upon Rule 1243(B) providing for a discretionary rehearing for shelter care hearings. Rule 1609(H) is not intended to encourage noncompliance with Rule 1601(B); rather, it rejects a categorical mandate for a rehearing in every instance and invests the judge with the discretion to determine whether a rehearing is warranted.

The proposed requirements of Rule 1601(B) do not include instances where the judge *sua sponte* orders discontinuation of a goal of reunification without a request from the county agency. Although believed to be a seldom occurrence, the Committee

believes that the better practice is for the court to reject the current reunification goal and order the county agency to file for a change of goal so that notice may be provided.

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