

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

NOTICE OF PROPOSED RULEMAKING

Proposed Adoption of new Pa.R.J.C.P. 420

The Juvenile Court Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the adoption of new Pa.R.J.C.P. 420 governing preservation of weight of evidence claims for appeal, 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.

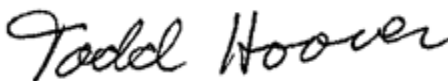
Additions to the text of the proposal are bolded and underlined; deletions to the text are bolded and bracketed.

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

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Juvenile Court Procedural Rules Committee
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Pennsylvania Judicial Center
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All communications in reference to the proposal should be received by **May 1, 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,



Honorable Todd A. Hoover
Chair

EXPLANATORY REPORT

On December 15, 2014, the Supreme Court decided *In re J.B.*, 106 A.3d 76 (Pa. 2014), directing the Juvenile Court Procedural Rules Committee to address the absence of procedural rules on preservation of weight of evidence claims in juvenile court.

When preserving a claim that the ruling on the offenses pursuant to Rule 408, an adjudication of delinquency pursuant to Rule 409, or the transfer to criminal proceedings pursuant to Rule 394 is against the weight of the evidence, the claim can be raised orally, in a written motion, or by the filing of a post-dispositional motion. If the claim is not raised, it is waived for appeal.

When preserving a claim that the disposition, change in disposition, or a revocation of probation is against the weight of evidence, the claim must be raised on the record or presented in a post-dispositional motion to be preserved. See Rule 620 for procedures.

When the weight of evidence has been preserved on the record orally or by the filing of a written motion pursuant to Rule 420(A)(1) or (2), the timing for the appeal is governed by Pa.R.A.P. 903 and Pa.R.J.C.P. 620(B)(3). The notice of appeal must be filed within thirty days of the entry of the order from which the appeal is taken or within thirty days of the imposition of the dispositional order, whichever applies.

When the weight of evidence has been raised in a post-dispositional motion, the timing for the appeal is governed by Pa.R.J.C.P. 620(B)(2). The notice of appeal shall be filed within thirty days of: 1) the entry of the order deciding the motion; 2) the entry of the order denying the motion by operation of law in cases in which the judge fails to decide the motion; or 3) the order memorializing the withdrawal of cases in which a party withdraws the motion.