

INTRODUCTION

The Juvenile Court Procedural Rules Committee is planning to recommend to the Supreme Court of Pennsylvania that the modification of Rule 1607 be adopted and prescribed. The proposed modified Rule 1607 provides that permanency hearings shall be conducted every six months in every case. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory *Report* highlights the intent of the rule. Please note that the Committee's *Reports* should not be confused with the official Committee *Comments* to the rules. Also note that the Supreme Court does not adopt the Committee's *Comments* or the contents of the explanatory *Reports*.

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel,

A. Christine Riscili, Esq.
Staff Counsel
Supreme Court of Pennsylvania
Juvenile Court Procedural Rules Committee
5035 Ritter Road, Suite 700
Mechanicsburg, PA 17055

no later than Monday, February 2, 2009

December 22, 2008

BY THE JUVENILE COURT PROCEDURAL RULES
COMMITTEE:

Francis Barry McCarthy, Chair

A. Christine Riscili, Esq.
Staff Counsel

EXPLANATORY REPORT

RULE 1607 - REGULAR SCHEDULING OF PERMANENCY HEARING

The proposed modified Rule 1607 provides for permanency hearings every six months in **every** case. It was brought to the Committee's attention that courts are not reviewing cases in which the child was not removed from the home or the child has been returned to the guardian but the dependency case has not been terminated pursuant to Rule 1613.

If a child is under the court's supervision and living at home, the court shall review those cases to see whether the situation that brought the child under the court's supervision has been resolved, whether the goals of the permanency plan are being met, and whether supervision continues to be necessary.

When the child has been removed from the home, the court shall continue to conduct permanency hearings and make findings consistent with 42 Pa.C.S. § 6351(f) & (f.1).

PART B
PERMANENCY HEARING

RULE 1607. REGULAR SCHEDULING OF PERMANENCY HEARINGS

A. **Thirty days.** The court shall conduct permanency hearings within thirty days of:

- 1) an adjudication of dependency at which the court determined that aggravated circumstances exist and that reasonable efforts to prevent or eliminate the need to remove the child from the child's guardian or to preserve and reunify the family need not be made or continue to be made;
- 2) a permanency hearing at which the court determined that aggravated circumstances exist and that reasonable efforts to prevent or eliminate the need to remove the child from the child's guardian or to preserve and reunify the family need not be made or continue to be made and the permanency plan for the child is incomplete or inconsistent with the court's determination;
- 3) an allegation that aggravated circumstances exist regarding a child who has been adjudicated dependent; or
- 4) a motion alleging that the hearing is necessary to protect the safety or physical, mental, or moral welfare of a dependent child.

B. **Six months.** The court shall conduct a permanency hearing within six months of:

- 1) the date of the child's removal from the child's guardian for placement pursuant to 42 Pa. C.S. §§ 6324 or 6332, or pursuant to a transfer of legal custody or other disposition pursuant to Rule 1515; or
- 2) each previous permanency hearing until the child is [**returned to the child's guardian or**] removed from the jurisdiction of the court pursuant to Rule 1613.

COMMENT

See 42 Pa.C.S. § 6351(e)(3).

Official Note: Rule 1607 adopted August, 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1607 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).