

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

[204 PA. CODE CH. 83]

Amendments of Pennsylvania Rules of Disciplinary Enforcement 203, 214 and 216; No. 79; Disciplinary Rules Docket

Order

Per Curiam:

And Now, this 29th day of July, 2009, Rules 203, 214 and 216 of the Pennsylvania Rules of Disciplinary Enforcement are amended to read as set forth in Annex A.

This Order shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration. The amendments adopted hereby shall take effect in thirty days.

PATRICIA NICOLA,
Chief Clerk
Supreme Court of Pennsylvania

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter B. MISCONDUCT

Rule 203. Grounds for discipline.

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(b) The following shall also be grounds for discipline:

(1) Conviction of a crime [**which under Enforcement Rule 214 (relating to attorneys convicted of crimes) may result in suspension**].

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Rule 214. Attorneys convicted of crimes.

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(d)(1) Upon the filing with the Supreme Court of a certified copy of an order demonstrating that an attorney has been convicted of a serious crime, the Court may enter a rule directing the respondent-attorney to show cause why the respondent-attorney should not be placed on temporary suspension, which rule shall be returnable within ten days.

* * * * *

(5) At any time before a plea or verdict or after a guilty plea or verdict of guilt in the criminal proceeding, Disciplinary Counsel and the respondent-attorney may file with the Court a joint petition for temporary suspension of the respondent-attorney on the ground that the respondent-attorney's temporary suspension is in the best interest of the respondent and the legal system.

(e) A certificate of conviction of an attorney for a [**serious**] crime [**filed under subdivision (b) or (c)**] shall be conclusive evidence of the commission of that crime in any disciplinary proceeding instituted against the attorney based upon the conviction.

* * * * *

Rule 216. Reciprocal discipline.

(a) Upon receipt of a certified copy of an order, **judgment or disciplinary directive of another court, a federal government agency or a military tribunal** demonstrating that an attorney admitted to practice in this Commonwealth has been disciplined by suspension, [**or**] disbarment, or revocation of license or pro hac vice admission, or has resigned from the bar or otherwise relinquished his or her license to practice while under disciplinary investigation in another jurisdiction, the Supreme Court shall forthwith issue a notice directed to the respondent-attorney containing:

(1) a copy of said order, **judgment or directive** from the other [**jurisdiction**] court, **federal government agency or military tribunal**; and

* * * * *

(b) In the event the discipline imposed in the other [**jurisdiction**] court, **federal government agency or military tribunal** has been stayed there, any reciprocal discipline imposed in the Commonwealth shall be deferred until such stay expires.

* * * * *

(e) An attorney who has been disciplined **in another court or by a federal government agency or a military tribunal**, by suspension, [**or**] disbarment, or revocation of license or pro hac vice admission, or who has resigned from the bar or otherwise relinquished his or her license to practice while under disciplinary investigation in another jurisdiction, shall report the fact of such suspension, [**or**] disbarment, **revocation or resignation** to the Secretary of the Board within 20 days after the date of the order, **judgment or directive imposing or confirming the discipline**.

[Pa.B. Doc. No. 09-1452. Filed for public inspection August 14, 2009, 9:00 a.m.]

Title 237—JUVENILE RULES

[237 PA. CODE CH. 16]

Order Amending Rule 1613 of the Rules of Juvenile Court Procedure; No. 476; Supreme Court Rules Docket

Order

Per Curiam:

Now, this 29th day of July, 2009, upon the recommendation of the Juvenile Court Procedural Rules Committee; the proposal having been published before adoption at 38 Pa.B. 5592 (October 11, 2008), in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 955, No. 1, October

10, 2008), and on the Supreme's Court web page, and an *Explanatory Report* to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the amendments to Rule 1613 of the Rules of Juvenile Court Procedure are adopted as follows.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective immediately.

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart B. DEPENDENCY MATTERS

CHAPTER 16. POST-DISPOSITIONAL PROCEDURES

PART B. PERMANENCY HEARING

Rule 1613. Termination of Court Supervision.

A. *Concluding Supervision.* Any party, or the court on its own motion, may move for the termination of supervision when court-ordered services from the county agency are no longer needed and:

1) **the child has remained with the guardian and the circumstances which necessitated the dependency adjudication have been alleviated;**

2) **the child has been reunified with the guardian and the circumstances which necessitated the dependency adjudication and placement have been alleviated;**

3) **the child has been placed with a ready, willing, and able parent [has come forward] who was not previously identified by the county agency ;**

[2] 4) **the child has been adopted and services from the county agency are no longer needed;**

[3) **the court has transferred jurisdiction to another court;]**

5) **the child has been placed in the custody of a permanent legal custodian and services from the county agency are no longer needed;**

6) **the child has been placed in the custody of a fit and willing relative and services from the county agency are no longer needed;**

7) **the child has been placed in another living arrangement intended to be permanent and services from the county agency are no longer needed;**

8) **the child has been adjudicated delinquent and services from the county agency are no longer needed;**

9) **the child has been emancipated by the court;**

[4] 10) **the child is eighteen years old and [no longer wants service] refusing further services from the county agency;**

11) **the child has died;**

12) **a court in another county of this Commonwealth has accepted jurisdiction; or**

13) **a court in another state has accepted jurisdiction.**

[5) **the court has found other reasons for termination of court supervision; or**

6) a) the family has completed the terms of the family service plan or permanency plan; and

b) the child is returned to the guardian.]

B. *Ready, willing, and able parent.* When services from the county agency are no longer necessary because the court has determined that the child is not dependent pursuant to paragraph (A) [2] 3) because a non-custodial parent has been found by the court to be able and available, the court shall enter an order awarding custody to that parent and the court order shall have the effect and be docketed as a decision entered pursuant to Pa.R.C.P.

C. *Objection.* Any party may object to a motion under paragraphs (A) and request a hearing.

D. *Hearing.* If objections have been made under paragraph (C), the court shall hold a hearing and give each party an opportunity to be heard before the court enters its final order.

E. *Cessation of services.* When all of the above listed requirements have been met, the court may discharge the child from its supervision and close the case.

Comment

For procedures on motions, see Rule 1344. For procedures on the dispositional order, see Rule 1515.

For guidelines under paragraph (A), see [See also,] 42 Pa.C.S. §§ 6301(b) & 6351(f.1).

Pursuant to paragraph (A)(8), if a child has been adjudicated delinquent, the court may terminate court supervision unless dependency is necessary for placement. *In re Deanna S.*, 422 Pa. Super. 439, 619 A.2d 758 (1993). The court may also decide to retain dependency jurisdiction regardless of the delinquency adjudication because the child still needs dependency services.

For procedures on emancipation pursuant to paragraph (A)(9), see *Berks County Children and Youth Services v. Rowan*, 428 Pa. Super. 448, 631 A.2d 615 (1993). See also, 22 Pa. Code § 11.11, 55 Pa. Code § 145.62.

Pursuant to paragraph (A)(10), a child who was adjudicated dependent prior to reaching the age of eighteen and who, while engaged in a course of instruction or treatment, requests the court to retain jurisdiction until the course has been completed, may remain in the course of instruction or treatment until the age of twenty-one. 42 Pa.C.S. § 6302. See also, 55 Pa. Code §§ 3130.5 & 3130.87; *In re S.J.*, 906 A.2d 547 (Pa. Super. Ct. 2006).

The court may not terminate jurisdiction solely because the dependent child is a runaway. *In re Deanna S.*, 422 Pa. Super. 439, 619 A.2d 758 (1993).

A child whose non-custodial parent is ready, willing, and able to provide adequate care for the child may not be found dependent. *In re M.L.*, 562 Pa. 646, 757 A.2d 849 (2000). See paragraph (B).

Pursuant to 42 Pa.C.S. § 6351(a)(2.1), a court may transfer permanent legal custody to a person found by the court to be qualified to receive and care for the child. 42 Pa.C.S. § 6351(a)(2.1). See also *Justin S.*, 375 Pa. Super. 88, 543 A.2d 1192 (1988).

Official Note: Rule 1613 adopted August, 21, 2006, effective February 1, 2007. **Amended July 29, 2009, effective immediately.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1613 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Final Report explaining the amendments to Rule 1613 published with the Court's Order at 39 Pa.B. 4889 (August 15, 2009).

Introduction

The Supreme Court of Pennsylvania has adopted the proposed changes to Rule 1613. The changes are effective July 29, 2009.

**EXPLANATORY REPORT
JULY 2009**

Rule 1613 has been modified to specify the reasons for terminating a case.

This change eliminates confusion as to how a dependency case can be terminated and prohibits judicial districts from improperly terminating run-away cases. The court may not terminate jurisdiction solely because the dependent child is a runaway. *In re Deanna S.*, 422 Pa.Super. 439, 619 A.2d 758 (1993).

This will also enable the Administrative Office of Pennsylvania Courts to track dependency cases more effectively and the specific reason for termination.

The following paragraphs explain how the Committee compiled the list of reasons for termination.

Paragraphs (A)(1) and (2) are preferred permanency choices under the Juvenile Act. 42 Pa.C.S. §§ 6301(b) and 6351(f.1)(1).

Paragraph (A)(3) is addressed by *In re M.L.*, 562 Pa.646, 757 A.2d 849 (2000). A child whose non-custodial parent is ready, willing, and able to provide adequate care for the child may not be found dependent. If this parent comes forward after the commencement of dependency proceedings, the court may terminate the dependency supervision and enter an order awarding custody to the parent. See paragraph (B).

Paragraphs (A)(4)–(7) are other permanency options provided for in the Juvenile Act. 42 Pa.C.S. § 6351 (f.1)(2)–(5).

Pursuant to paragraph (A)(8), if a child has been adjudicated delinquent, the court may terminate court supervision unless dependency is necessary for placement. *In re Deanna S.*, 422 Pa. Super. 439, 619 A.2d 758 (1993). The court may also decide to retain dependency jurisdiction regardless of the delinquency adjudication so the child can obtain dependency services from the county agency.

The court may also decide to emancipate the child under paragraph (A)(9). See *Berks County Children and Youth Services v. Rowan*, 428 Pa. Super. 448, 631 A.2d 615 (1993). See also, 22 Pa. Code § 11.11, 55 Pa. Code § 145.62.

Pursuant to paragraph (A)(10), a child who was adjudicated dependent prior to reaching the age of eighteen and who, while engaged in a course of instruction or treatment, requests the court to retain jurisdiction until the course has been completed, may remain in the course of instruction or treatment until the age of twenty-one. 42

Pa.C.S. § 6302. See also, 55 Pa. Code §§ 3130.5 & 3130.87; *In re S.J.*, 906 A.2d 547 (Pa. Super. Ct. 2006).

The court may also transfer the case to another court. See paragraphs (A)(12) & (13).

[Pa.B. Doc. No. 09-1453. Filed for public inspection August 14, 2009, 9:00 a.m.]

Title 25—LOCAL COURT RULES

BEAVER COUNTY

Beaver County Regional Booking Center Fund Fee; Criminal Division No. 59; AD 2009

Administrative Order

Upon the recommendations of the Criminal Rules Committee of the Beaver County Bar Association and the Beaver County Criminal Justice Advisory Board, and pursuant to authority granted at 42 Pa.C.S.A. § 1725.6, it is hereby Ordered and Directed that the Beaver County Regional Booking Center Fund Fee, as provided for at L.R. 552 (D), be increased from \$50.00 to \$100.00 for each booking of a defendant. Because the Beaver County Regional Booking Center has been in full operation since March, 2003, the Policy and Procedure Manuals, as amended, are readopted as the controlling policies for the continuing operation of the Center.

The fees collected pursuant to this Order shall be collected by the Beaver County Clerk of Court's Office and shall be made payable to Beaver County and deposited into a specially created and maintained Regional Booking Center Fund. Monies in the Beaver County Regional Booking Center Fund shall be used solely for the operation and maintenance of the Beaver County Regional Booking Center.

The Beaver County District Court Administrator is directed to publish this Order in the *Pennsylvania Bulletin* and on the Unified Judicial System's web site.

This Order shall be effective on the first Monday following thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

JOHN D. McBRIDE
President Judge

[Pa.B. Doc. No. 09-1454. Filed for public inspection August 14, 2009, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated July 30, 2009, Reginald D. Greene is disbarred from the practice of law in this Commonwealth retroactive to June 5, 2008. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted

attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 09-1455. Filed for public inspection August 14, 2009, 9:00 a.m.]

SUPREME COURT

Accreditation of the American Board of Certification as a Certifying Organization in the Area of Bankruptcy; No. 80; Disciplinary Rules Docket

Order

And Now, this 30th day of July, 2009, upon consideration of the recommendation of the Pennsylvania Bar Association Review and Certifying Board, the American Board of Certification is hereby accredited as a certifying organization in the area of Consumer Bankruptcy, Creditors' Rights and Business Bankruptcy for the period from November 30, 2009 until November 30, 2014.

RONALD D. CASTILLE,
Chief Justice

[Pa.B. Doc. No. 09-1456. Filed for public inspection August 14, 2009, 9:00 a.m.]

Accreditation of the National Board of Trial Advocacy as a Certifying Organization in the Areas of Civil Trial Advocates and Criminal Trial Advocates; No. 81; Disciplinary Rules Docket

Order

And Now, this 30th day of July, 2009, upon consideration of the recommendation of the Pennsylvania Bar Association Review and Certifying Board, the National Board of Trial Advocacy is hereby accredited as a certifying organization in the areas of Civil Trial Advocates and Criminal Trial Advocates for a period of five years. The accreditation authorized by this order is retroactive to June 1, 2009, and shall expire on June 1, 2014.

RONALD D. CASTILLE,
Chief Justice

[Pa.B. Doc. No. 09-1457. Filed for public inspection August 14, 2009, 9:00 a.m.]