

THE COURTS

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CH. 16]

Order Amending Rules 1601 and 1608 of the Rules of Juvenile Court Procedure; No. 768 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 17th day of May, 2018, upon the recommendation of the Juvenile Court Procedural Rules Committee, the proposal having been published for public comment at 47 Pa.B. 3970 (July 22, 2017):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rules of Juvenile Court Procedure 1601 and 1608 are amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on October 1, 2018.

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart B. DEPENDENCY MATTERS

CHAPTER 16. POST-DISPOSITIONAL PROCEDURES

PART A. SUMMONS, NOTICE, AND REPORTS

Rule 1601. Permanency Hearing Notice.

A. At least fifteen days prior to the hearing, the court or its designee shall give notice of the permanency hearing to:

- 1) all parties;
- 2) the attorney for the county agency;
- 3) the child's attorney
- 4) the guardian's attorney;
- 5) the parents, child's foster parent, preadoptive parent, or relative providing care for the child;
- 6) the court appointed special advocate, if assigned;
- 7) the educational decision maker, if applicable; and
- 8) any other persons as directed by the court.

B. If a party intends to request a goal change from reunification, then either the notice shall state this purpose or the party shall give separate notice of the intended goal change in accordance with paragraph (A).

Comment

Given the significance of discontinuing the goal of reunification, the requirement of paragraph (B) is to ensure that parties, counsel, and interested persons have notice of the purpose of the hearing and are able to prepare for and attend the hearing.

Official Note: Rule 1601 adopted August 21, 2006, effective February 1, 2007. Amended April 29, 2011, effective July 1, 2011. Amended May 17, 2018, effective October 1, 2018.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1601 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to Rule 1601 published with the Court's Order at 41 Pa.B. 2413 (May 14, 2011).

Final Report explaining the amendments to Rule 1601 published with the Court's Order at 48 Pa.B. 3321 (June 2, 2018).

PART B(2). PERMANENCY HEARING

Rule 1608. Permanency Hearing.

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D. Court's [*finding*] *Finding*.

1) *Findings at all [six-month hearings] Six-Month Hearings.* At each permanency hearing, the court shall enter its findings and conclusions of law into the record and enter an order pursuant to Rule 1609. On the record in open court, the court shall state:

- a) the appropriateness of the placement;
- b) the appropriateness, feasibility, and extent of compliance with the permanency plan developed for the child;
- c) the appropriateness and feasibility of the current [**placement goal for the child**] **permanency goal for the child provided that, at no time may a goal be changed from reunification unless notice has been provided in accordance with Rule 1601(B);**
- d) the likely date by which the [**placement**] **permanency** goal for the child might be achieved;

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Comment

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Every child should have a concurrent plan, which is a secondary plan to be pursued if the primary permanency plan for the child cannot be achieved. See Comment to Rule 1512. For example, the primary plan may be reunification with the guardian. If the guardian does not substantially comply with the requirements of the court-ordered services, subsidized legal guardianship may be utilized as the concurrent plan. Because of time requirements, the concurrent plan is to be in place so that permanency may be achieved in a timely manner.

Paragraph (D)(1)(c) is intended to provide adequate notice and the opportunity to be heard when a goal is being changed from reunification. If the court intends to change the child's goal from reunification without a prior notice provided by a party pursuant to Rule 1601(B), then the court shall direct the county agency to provide such notice in accordance with Rule 1601(B).

Pursuant to paragraph (D)(1)(h), the court is to determine whether the county agency has reasonably satisfied the requirements of Rule 1149 regarding family finding, including the location and engagement of relatives and

kin at least every six months, prior to each permanency hearing. If the county agency has failed to meet the diligent family finding efforts requirements of Rule 1149, the court is to utilize its powers to enforce this legislative mandate. See 62 P.S. § 1301 *et seq.*; see also Rules 1210(D)(8), 1242(E)(3), 1409(C), 1609(D), and 1611(C) and Comments to Rules 1242, 1408, 1409, 1512, 1514, 1515, 1609, and 1611.

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Official Note: Rule 1608 adopted August 21, 2006, effective February 1, 2007. Amended December 18, 2009, effective immediately. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended October 21, 2013, effective December 1, 2013. Amended July 13, 2015, effective October 1, 2015. Amended December 9, 2015, effective January 1, 2016. Amended June 14, 2016, effective August 1, 2016. Amended April 6, 2017, effective September 1, 2017. **Amended May 17, 2018, effective October 1, 2018.**

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1608 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

Final Report explaining the amendments to Rule 1608 published with the Court's Order at 48 Pa.B. 3321 (June 2, 2018).

FINAL REPORT¹

Amendment of Pa.R.J.C.P. 1601 and 1608

On May 17, 2018, the Supreme Court amended Rules of Juvenile Court Procedure 1601 and 1608 to require prior notice if a dependent child's permanency review hearing may result in a goal change away from reunification.

The Juvenile Court Procedural Rules Committee undertook rulemaking to address reported circumstances wherein permanency review hearings resulted in goal changes that discontinued reunification without prior notice that such a goal change would be decided at the hearing. This appeared inconsistent with the best practice of providing notice of an upcoming goal change hearing. See Pennsylvania Children's Roundtable Initiative. *Pennsylvania Dependency Benchmark* at p. 119. Harrisburg, PA: Office of Children and Families in the Courts, 2010.

After considering comments in response to a prior proposal, see 47 Pa.B. 947 (February 18, 2017), the Committee revised the proposal to extend Rule 1601(B) to include all parties (*e.g.*, GAL) rather than solely the county agency. Moreover, the previously proposed provision for a discretionary rehearing was eliminated, believing that the effect of a goal change from reunification was so significant that due process required timely notice of the possibility of a goal change from reunification in all instances.

Given the gravity of a permanency review hearing that may result in a goal change from reunification, the Committee proposed to amend Rule 1608(d)(1)(c) to require that notice in accordance with proposed Rule 1601(B) be given before a court can order a goal change from reunification. As indicated in the revised Comment to Rule 1608, the court should direct the county agency to give notice to all other parties when the court seeks to change the goal in the absence of such notice.

¹ The Committee's Final Report 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 Committee's explanatory Final Reports.

Additionally, post-publication, the phrase "placement goal" was revised to "permanency goal" to more accurately describe the goal.

The amendments will become effective October 1, 2018.

[Pa.B. Doc. No. 18-854. Filed for public inspection June 1, 2018, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Amendment of Municipal Court Traffic Division Local Rule 454; Administrative Order No. 01 of 2018

Order

And Now, this 11th day of May, 2018, it is *Ordered* and *Decreed* that Philadelphia Municipal Court Traffic Division Rule No. 454 Trial in Summary Cases. Role of the Affiant. Sentencing Orders is amended as follows, effective July 1, 2018.

This Administrative Order is issued in accordance with Pa.R.J.A. No. 103 and shall be filed with the following rule with the Office of Judicial Records (formerly the Prothonotary, Clerk of Courts and Clerk of Quarter Sessions) in a docket maintained for Administrative Orders issued by the First Judicial District of Pennsylvania. As required by Pa.R.J.A. 103(d)(5)(ii), two certified copies of this Administrative Order and rule shall be distributed to the Legislative Reference Bureau, together with a copy on a computer diskette, for publication in the *Pennsylvania Bulletin*. As required by Pa.R.J.A. 103(d)(6) one certified copy of this Administrative Order and rule shall be filed with the Administrative Office of Pennsylvania Courts, shall be published on the website of the First Judicial District at <http://www.courts.phila.gov>, and shall be incorporated in the compiled set of Philadelphia local rules no later than 30 days following publication in the *Pennsylvania Bulletin*. Copies of the Administrative Order, rule and Fee Schedule shall also be published in *The Legal Intelligencer* and will be submitted to American Lawyer Media, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

By the Court

HONORABLE GARY S. GLAZER,

Administrative Judge

Philadelphia Municipal Court Traffic Division

Rule 454. Trial in Summary Cases. Role of the Affiant. Sentencing Orders.

(a) *Summary Trial*. The summary trial shall be conducted by Traffic Division judges and hearing officers as provided by Pa.R.Crim.P. 454 and 1036. **The summary trials will be recorded, through electronic means or by a court reporter.** At the conclusion of the summary trial, the judge or hearing officer shall sign the docket of the Traffic Division, identifying the disposition and the amount of the fine and costs imposed, if any. No facsimile signature may be used to sign the docket of the Traffic Division.

(b) *Evidence*.

(1) The law enforcement officer who issued or filed the citation need not appear for the summary trial. The defendant shall be advised of the charges in the citation.

(2) Any authorized user of the Pennsylvania Justice Network (“JNET”) may produce and offer to the Court the defendant’s certified driving record, as necessary.

(3) The attorney for the Commonwealth may appear and assume charge of the prosecution or, when no attorney appears on behalf of the Commonwealth, an affiant may assume charge of the prosecution and may be permitted to ask questions of any witness who testifies. Such affiant may request, in open court, that the Traffic Division judge or hearing officer permit the withdrawal of one or more of the charges pursuant to Pa.R.Crim.P. 457. If the Traffic Division or hearing officer judge authorizes the withdrawal of one or more of the charges, such withdrawal(s) shall be noted on the docket of the Traffic Division.

(c) *Sentencing Orders.* Every defendant shall be given a copy of the written order imposing sentence issued as required by Pa.R.Crim.P. 454(E). The Traffic Division judges and hearing officers shall use sentencing orders substantially in the form set forth below whenever a period of incarceration is entered as part of the sentence.

***Comment:* [Unless otherwise required, for purposes of conducting summary trials and proceedings under Title 75, the Municipal Court Traffic Division is a court not of record and neither a court reporter or other electronic means shall be used to record or transcribe the testimony except as provided in Pa.R.Crim.P. 112. The Traffic Division may, however, direct that proceedings conducted before hearing officers be recorded solely for quality control purposes. These recordings shall not be deemed a public record and shall not be available, discoverable or offered in evidence in any proceeding.] The Philadelphia Municipal Court is a court of record and therefore the summary trials will be recorded utilizing court reporters or electronic means. Transcripts shall be available as provided in PA.R.J.A. No. 4001 et seq., and Phila.R.J.A. No. *4007 et seq.**

Note: Adopted December 21, 2005, effective on February 1, 2006; amended on May 8, 2014 effective June 23, 2014; **amended on May , 2018, effective July 1, 2018.**

[Pa.B. Doc. No. 18-855. Filed for public inspection June 1, 2018, 9:00 a.m.]

Honorable Kathryn Streeter-Lewis
 Honorable Barbara A. McDermott
 Honorable Jeffrey Minehart

(2) the following Judges are designated as Indicting Grand Jury Zone and Case Type Supervising Judges pursuant to Phila.R.Crim.P. 556.2:

<i>Supervising Judges</i>	<i>Indicting Grand Jury Zone and Case Type</i>
Honorable Sierra Thomas Street	Preliminary Hearing IGJ Cases
Honorable Barbara A. McDermott	South & Southwest Zone IGJ Cases
Honorable Sierra Thomas Street	Northeast & Northwest Zone IGJ Cases
Honorable Timika Lane	Central & East Zone IGJ Cases
Honorable Kathryn Streeter-Lewis	Direct File Juvenile IGJ Cases
Honorable Glenn B. Bronson	Homicide IGJ Cases

This Administrative Order shall be filed with the Office of Judicial Records (formerly the Prothonotary, Clerk of Courts and Clerk of Quarter Sessions) in a docket maintained for Administrative Orders issued by the First Judicial District of Pennsylvania. Two certified copies of this Administrative Order shall be distributed to the Legislative Reference Bureau on a computer diskette for publication in the *Pennsylvania Bulletin*, and one certified copy shall be filed with the Administrative Office of Pennsylvania Courts, and shall be published on the website of the First Judicial District at <http://www.courts.phila.gov>. Copies of the Administrative Order shall also be published in *The Legal Intelligencer* and will be submitted to American Lawyer Media, Jenkins Memorial Law Library, and the Law Library for the First Judicial District

By the Court

HONORABLE SHEILA WOODS-SKIPPER,
President Judge
Court of Common Pleas

[Pa.B. Doc. No. 18-856. Filed for public inspection June 1, 2018, 9:00 a.m.]

Title 249—PHILADELPHIA RULES
PHILADELPHIA COUNTY
Designation of Indicting Grand Jury Judges; Administrative Order No. 03 of 2018

Order

And Now, this 14th day of May, 2018, effective June 1, 2018, it is hereby *Ordered* and *Decreed* that:

(1) the following Judges are designated as Supervising Judges of Philadelphia County’s Indicting Grand Jury(ies) pursuant to Phila.R.Crim.P. 556:

Honorable Leon W. Tucker, Chief Supervising Judge
 Honorable Sierra Thomas Street
 Honorable Glenn B. Bronson
 Honorable Timika Lane

Title 249—PHILADELPHIA RULES
PHILADELPHIA COUNTY
Renumbering and Amendment of Philadelphia Municipal Court Criminal Rule 550; Adoption of Rule 210 and Rule 513; President Judge General Court Regulation No. 01 of 2018

Order

And Now, this 14th day of May, 2018, the Board of Judges of the Philadelphia Municipal Court having voted to renumber and amend current Philadelphia Municipal Court Criminal Rule No. 550 and to adopt Rule 210 and Rule 513, it is hereby *Ordered* and *Decreed* that:

1) Philadelphia Municipal Court Criminal Rule No. 550 is renumbered Philadelphia Municipal Court Criminal Rule No. 540. Preliminary Arraignment, and is amended as follows, effective July 1, 2018; and

2) Rule 210. Unexecuted Search Warrants. Filing of Executed Search Warrants, Inventory and Related Papers with the Office of Judicial Records and Rule 513. Dissemination of Arrest Warrant Information, are adopted effective July 1, 2018.

As required by Pa.R.J.A. No. 103(d), the proposed local rule was submitted to the Supreme Court of Pennsylvania Criminal Rules Committee for review, and written notification has been received from the Criminal Rules Committee certifying that the proposed local rule is not inconsistent with any general rule of the Supreme Court. This General Court Regulation and the following local rule shall be filed with the Office of Judicial Records (formerly the Prothonotary, Clerk of Courts and Clerk of Quarter Sessions) in a docket maintained for General Court Regulations issued by the First Judicial District of Pennsylvania. As required by Pa.R.J.A. No. 103(d)(5)(ii), two certified copies of this General Court Regulation and the following local rule, as well as one copy of the General Court Regulation and local rule shall be distributed to the Legislative Reference Bureau on a computer diskette for publication in the *Pennsylvania Bulletin*. One certified copy of this General Court Regulation and local rule shall be filed with the Administrative Office of Pennsylvania Courts, shall be published on the website of the First Judicial District at <http://www.courts.phila.gov>, and shall be incorporated in the compiled set of local rules no later than 30 days following publication in the *Pennsylvania Bulletin*. Copies of the General Court Regulation and local rule shall also be published in *The Legal Intelligencer* and will be submitted to American Lawyer Media, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

By the Court

HONORABLE MARSHA H. NEIFIELD,
President Judge
Philadelphia Municipal Court

Rule [550] 540. Preliminary Arraignment.

(A) Preliminary arraignments shall be held 24/7/365, **at the Justice Juanita Kidd Stout Center for Criminal Justice, in accordance with Pa.R.Crim.P. No. 540. Information available to the Arraignment Court Magistrate through PARS may be relied upon by the Arraignment Court Magistrate, shall be included in the case file, and shall be accessible by the parties and the public as provided by the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania. The Arraignment Court Magistrate shall include in the case file documentary exhibits, if any, introduced by the Commonwealth or defense counsel.**

(B) **Hospital bedside preliminary arraignments may be conducted between 7:00 AM and 7:00 PM (or**

at such other times as authorized by the President Judge from time to time), in person or by using two-way simultaneous audio-visual communications as directed by the issuing authority or Arraignment Court Magistrate. Police shall direct all requests for bedside **preliminary** arraignments to the **assigned** Arraignment Court Magistrate [**sitting on the day shift**] at the [**Criminal Justice Center**] **Justice Juanita Kidd Stout Center for Criminal Justice.**

Note: Former rule 550 rescinded and new rule adopted by the Municipal Court Board of Judges on November 18, 2005; effective March 15, 2006. Rule renumbered and amended on May 14, 2018; effective July 1, 2018.

(Editor's Note: The following rules are added and printed in regular type to enhance readability.)

Rule 210. Unexecuted Search Warrants. Filing of Executed Search Warrants, Inventory and Related Papers with the Office of Judicial Records.

(A) From time to time, the Arraignment Court Magistrates shall destroy all unexecuted Search Warrants and related papers filed with, and issued by, the Arraignment Court Magistrates pursuant to Pa.R.Crim.P. No. 200 et seq.

(B) All Executed Search Warrants, the Inventory and related papers shall be filed by the Arraignment Court Magistrates and the law enforcement officers with the Office of Judicial Records at the Justice Juanita Kidd Stout Center for Criminal Justice. Search Warrant information shall be disseminated as provided in Pa.R.Crim.P. No. 212, subject to any sealing requests granted pursuant to Pa.R.Crim.P. No. 211. The Office of Judicial Records shall file the Search Warrants and related papers in the applicable Criminal or Miscellaneous Docket.

Note: Adopted by the Municipal Court Board of Judges on May 14, 2018; effective July 1, 2018

Rule 513. Dissemination of Arrest Warrant Information.

All Executed Arrest Warrants and related papers shall be filed by the issuing authority and the law enforcement officer with the Office of Judicial Records at the Justice Juanita Kidd Stout Center for Criminal Justice. Arrest Warrant information shall be disseminated as provided in Pa.R.Crim.P. No. 513 (C), subject to any sealing requests granted pursuant to Pa.R.Crim.P. No. 513.3. The Office of Judicial Records shall file and docket the Arrest Warrants and related papers in the applicable Criminal or Miscellaneous Docket.

Adopted by the Municipal Court Board of Judges on May 14, 2018; effective July 1, 2018

[Pa.B. Doc. No. 18-857. Filed for public inspection June 1, 2018, 9:00 a.m.]