

THE COURTS

Title 210—APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES

[210 PA. CODE CH. 65]

Amendments to the Superior Court Operating Procedures

The Superior Court of Pennsylvania has adopted amendments to its published Operating Procedures. The amendments are reflected in the Superior Court Operating Procedures with the amendment of Pa. Code § 65.44

These changes were approved on May 24, 2021, effective immediately.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES

CHAPTER 65. OPERATING PROCEDURES OF THE SUPERIOR COURT

DECISIONAL PROCEDURES

§ 65.44. Confidentiality Issues.

The names of the parties in a caption for an appeal from a divorce, equitable distribution, custody, visitation or child support decision shall include the full names of the parties **if listed as such in the caption of the trial court's docket**. The Court, however, **in a custody action upon application of a party and for cause shown**, in its discretion[,] may order that the names of the parties listed in the caption be initialized if the Court determines that a child may be identified from the full names of the parties in the caption, **pursuant to Pa.R.A.P. 904(b)(2)**. This rule applies only to the names in the caption and does not apply to the text of a circulation or order of the Court. In such documents, the name of the child shall be initialized or the document shall refer to the child as "Child."

[Pa.B. Doc. No. 21-883. Filed for public inspection June 4, 2021, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CH. 4]

Order Amending Rule 407 of the Pennsylvania Rules of Juvenile Court Procedure; No. 870 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 26th day of May, 2021, upon the recommendation of the Juvenile Court Procedural Rules Committee, the proposal having been published for public comment at 47 Pa.B. 7011 (November 18, 2017):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 407 of the Pennsylvania Rules of Juvenile Court Procedure is 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, 2021.

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 4. ADJUDICATORY HEARING

Rule 407. Admissions.

A. *Admissions*. At any time after a petition is filed, the juvenile may tender an admission to some or all of the delinquent acts charged.

1) *Requirements*.

a) Before the court can accept an admission, the court shall determine that the admission is knowingly, intelligently, and voluntarily made.

b) As a part of this determination, the court shall ensure:

i) an attorney has reviewed and completed the admission colloquy with the juvenile pursuant to paragraph (C); and

ii) there is a factual basis for the admission.

c) At the hearing, the court shall conduct an independent inquiry with the juvenile to determine:

i) whether the juvenile understands the nature of the allegations to which he or she is admitting and understands what it means to admit;

ii) whether the juvenile understands that he or she has the right to a hearing before the judge and understands what occurs at a hearing;

iii) whether the juvenile is aware of the dispositions that could be imposed and the consequences of an adjudication of delinquency that can result from an admission;

iv) whether the juvenile has any questions about the admission; and

v) whether there are any other concerns apparent to the court after such inquiry that should be answered.

2) *Agreements*. If the parties agree upon the terms of an admission, the tender shall be presented to the court.

3) *Court Action*. If the court accepts the tender, the court shall enter an order incorporating any agreement. If the court does not accept the tender, the case shall proceed as if no tender had been made.

4) *Limitations on Withdrawals*. An admission may be withdrawn prior to the court entering the dispositional order. After the court has entered the dispositional order, an admission can be withdrawn only upon a demonstration of manifest injustice.

B. *Incriminating Statements*. An incriminating statement made by a juvenile in the discussions or conferences incident to an admission that is not ultimately accepted by the court or otherwise permitted to be withdrawn by the court shall not be used against the juvenile over objection in any criminal proceeding or hearing under the Juvenile Act, 42 Pa.C.S. § 6301 et seq.

C. *Written Admission Colloquy.* If a juvenile is making an admission, the colloquy shall be:

- 1) in writing;
- 2) reviewed and completed with the juvenile by an attorney;
- 3) submitted to and reviewed by the court; and
- 4) substantially in the following form:

ADMISSION COLLOQUY FORM

In re : _____ JD _____
 (Juvenile) :
 : Delinquent Act(s): _____
 : _____
 : _____
 : _____

Answer all of the questions on this form. If you do not understand any question, leave it blank and ask your lawyer or the judge.

I admit that I did the following things (attorney shall list the delinquent acts, grading of acts, and counts): _____

General Information:

- 1) What is your full name? _____
- 2) Do you have any other name or nickname? _____
 If yes, state: _____
- 3) How old are you today? _____
- 4) What grade are you in? _____
- 5) Can you read, write, and understand English? _____
 (if yes, go to #6)

a) If you cannot read, has someone read this form to you? _____

If so, who? _____ (print name)

 (signature of reader verifies that the form has been read to the juvenile)

b) If you do not read English, have you been given a translator or a lawyer who speaks your language? _____

c) Did your translator or lawyer read this form to you and explain it? _____

If so, who? _____ (print name)

 (signature of reader verifies that the form has been read to the juvenile)

Knowing and Voluntary Admission:

- 6) Are you now a patient in a mental hospital? _____
 a) If yes, where? _____
 b) Are you being treated for a mental illness? _____
 c) If yes, what are you being treated for? _____
- 7) Have you taken any drugs or alcohol yesterday or today that do not make you think clearly? _____
 If yes, specify type of drugs and/or alcohol: _____
- 8) Has anyone threatened or forced you to sign this form? _____
 If yes, explain: _____

9) Have you been promised anything for this admission?
 If yes, explain: _____

Understanding the Admission:

10) Has your lawyer told you what you did was against the law? _____

11) By admitting what you did, do you understand that you are giving up:

a) the right to be presumed innocent, which means the judge does not think you broke the law until the D.A. (District Attorney) proves beyond a reasonable doubt that you broke the law (a reasonable doubt is a belief that it is very possible you did not break the law); _____

b) the right to a hearing by a fair judge; _____

c) the right to remain silent and your silence cannot be held against you; _____

d) the right to tell the judge your side of the story; _____

e) the right to ask witnesses questions; _____

f) the right to present witnesses or evidence to help tell your side of the story, but you do not have to do anything; _____

g) the right to tell the judge you disagree with something; _____

h) the right to ask the judge to decide if he or she should hear certain things; and _____

i) the right to have a higher court review this judge's decision. _____

12) Do you understand if the judge accepts your admission and believes you need help (finds you delinquent), the judge may make you get help? _____

Possible Consequences of Adjudication of Delinquency:

13) Do you understand that if you are found delinquent, the judge may make you pay money and place you outside of your home or on probation until you turn 21 years old? _____

14) Are you aware that if you are admitting to _____

_____ that your driving license will be suspended now or in the future (which means you will not be able to drive)?

(lawyer shall write acts on this line, cross off, or write n/a).

15) Do you understand that this case can be used against you in the future? For example, if you break the law again, you may get a longer sentence in jail. _____

16) Do you understand that if you are found delinquent, other people may find out about it? You may also have to tell people, including colleges, military recruiters, or employers? _____

17) Do you understand that if you are not a U.S. citizen, it may cause problems, which could include being forced to leave the U.S. _____

Admission Agreements:

18) Are you aware that the judge does not have to accept any agreement between you and the District Attorney? _____ (write n/a if no agreement)

19) If you change your mind about admitting to the charges before the judge decides your disposition or consequences, then you can ask the judge to let you take back your admission.

Appeals:

20) If you are found delinquent after this admission, you can have a higher court review your case for only three reasons:

[a) You did not understand this admission or you were forced to admit; _____

b) The court was not the proper court to take your admission; or _____

c) The judge's disposition or consequence is more than the biggest punishment an adult would get for the same crime. _____]

a) whether your admission was voluntary (you made your own decision to admit to a charge. No one forced you to do this. You understood what you were doing, including the consequences.);

b) whether the court was the correct court to hear your case (the court had the authority over your case); or

c) whether the court abused its responsibility or made any mistakes in the things that were ordered as your consequences.

If you do not admit, do you understand you have other rights? _____

Lawyer's Representation and Opportunity to Speak with Guardian

21) Are you okay with what your lawyer did for you and how he or she explained everything? _____

22) Did you talk with your parent or guardian about admitting to the charge(s)? _____

I promise that I have read the whole form or someone has read the form to me. I understand it. I am telling the truth. I am saying that I have done the things on page 1. I believe that this admission is best for me. The signature below and initials on each page of this form are mine.

JUVENILE

DATE

I, _____, lawyer for the juvenile, have reviewed this form with my client. My client has told me and I believe that he or she understands this form.

LAWYER FOR JUVENILE

DATE

D. Admission to an Act of Sexual Violence. If a juvenile is making an admission to an act of sexual violence, see 42 Pa.C.S. § 6358, which may render the juvenile eligible for civil commitment for involuntary treatment upon attaining 20 years of age and subject to SORNA requirements, then the admission colloquy form set forth in paragraph (C) shall be amended to include substantially the following form:

ADDENDUM TO ADMISSION COLLOQUY FORM

In re _____ JD _____
(Juvenile) _____
Delinquent Act(s): _____

ELIGIBILITY FOR CIVIL COMMITMENT FOR INVOLUNTARY TREATMENT

Civil Commitment Cases

I did at least one of the crimes (in the box below); AND

If the judge says that I am a delinquent; AND

If I am in placement when I turn age 20,

I can go to a different placement against my will.

See 42 Pa.C.S. § 6401 et seq.

Check all that are true:

<input type="checkbox"/> Rape, 18 Pa.C.S. § 3121	<input type="checkbox"/> Sexual Assault, 18 Pa.C.S. § 3124.1
<input type="checkbox"/> Involuntary Deviate Sexual Intercourse, 18 Pa.C.S. § 3123	<input type="checkbox"/> Indecent Assault, 18 Pa.C.S. § 3126
<input type="checkbox"/> Aggravated Indecent Assault, 18 Pa.C.S. § 3125	<input type="checkbox"/> Incest, 18 Pa.C.S. § 4302

1) If I am in placement when I am age 20, SOAB (State Sexual Offenders Assessment Board) will look at information about me to see if I have mental problems that make it hard for me to stop doing sexual crimes. _____ initials

See 42 Pa.C.S. § 6358.

2) If SOAB thinks that I need treatment, the judge will have a hearing. _____ initials

See 42 Pa.C.S. § 6358.

3) If the judge agrees I need treatment, I will have a second hearing. _____ initials

See 42 Pa.C.S. § 6358.

4) At the hearing, the judge will decide if I have mental problems that make it likely that I will do sexual crimes again. If the judge says yes [,]:

a) I will go to a different placement for at least one year. _____ initials

See 42 Pa.C.S. §§ 6403 & 6404.

b) I will be required to register as a sex offender under the Sex Offender Registration and Notification Act. _____ initials

See 42 Pa.C.S. § 9799.13(9)

c) If and when I am released from this different placement, I must register with the state police and report to them every 90 days for at least 25 years. It is a crime not to register and report to the state police. Information about me and my crime will also be available for everyone to see on the internet. _____ initials

See 42 Pa.C.S. §§ 9799.15(a)(5), (a.2) & 9799.15(b)(1)(iii); 18 Pa.C.S. § 4951.1.

d) If I am released from this different placement and continue to register and report to the state

police and I do not commit any more serious crimes for at least 25 years, I can ask the judge whether I can stop registering and reporting to the state police. _____ initials

See 42 Pa.C.S. § 9799.15(a.2).

5) The judge will look at my case each year. I will stay in that placement for as long as the judge decides that I have mental problems that make it likely that I will do sexual crimes again. _____ initials

See 42 Pa.C.S. § 6404.

6) If the judge says I can leave placement, I must continue to get treatment when told for my mental problems. The judge will look at my case after one year. _____ initials

See 42 Pa.C.S. §§ 6404.1 & 6404.2.

7) If the judge says I can stop getting treatment after one year, I still must talk to a counselor every month. _____ initials

See 42 Pa.C.S. §§ 6404.1 & 6404.2.

8) If I do not obey these rules or the counselor says I cannot stop my bad actions, I will be sent back to placement. _____ initials

See 42 Pa.C.S. § 6404.2.

Lawyer's Representation and Opportunity to Speak with Guardian

9) Did you talk with your lawyer before you decided to tell the judge you did the crimes (delinquent acts)

Yes No

10) Are you okay with what your lawyer did for you?

Yes No

11) Did your lawyer answer all your questions?

Yes No

12) Did you talk with your parent or guardian about saying you did the crimes? Yes No

If you answered no, would you like to talk with them now? Yes No

I have read this form or someone has read this form to me.

I understand the form and what I have to do. The signature below and initials on each page of this form are mine.

JUVENILE

DATE

I, _____, lawyer for the juvenile, have reviewed this form with my client. My client has informed me and I believe that he or she understands the rights, consequences, and dispositions outlined in this form. I have completed the foregoing sections with my client. I have explained them. I have no issues with my client admitting to the delinquent acts.

LAWYER FOR JUVENILE

DATE

Comment

Under paragraph (A)(1), the court is to determine if the admission is knowingly, intelligently, and voluntarily made by asking questions to ascertain the juvenile's ability to comprehend the written colloquy and to make an admission.

The written colloquy serves as an aid for the court in making its determination that the admission is knowingly, intelligently, and voluntarily made and it does not supplant the court's responsibility to conduct a sufficient inquiry to support its determination pursuant to paragraph (A)(1).

Nothing in this rule prohibits the judge from reviewing the entire written colloquy with the juvenile on the record or asking more questions than required under paragraph (A)(1)(c).

The admission colloquy is similar to a guilty plea colloquy in criminal court; however, the juvenile court judge has special responsibilities under the Juvenile Act in providing a balanced attention to the protection of the community, the imposition of accountability for delinquent acts committed, and the development of competencies to enable juveniles to become responsible and productive members of the community. *See 42 Pa.C.S. § 6301.*

If the court finds an admission is not knowingly, intelligently, and voluntarily made, the case is to proceed to a hearing pursuant to Rule 406. The decision whether an admission is knowingly, intelligently, and voluntarily made is not appealable to another common pleas judge; therefore, the admission may not be presented to another judge once this determination has been made.

Under paragraph (A)(3), if the disposition agreed upon by the parties is unavailable or the court does not agree with the terms of the tender, the case is to proceed as if no tender had been made.

The court is not to accept a plea of *nolo contendere*. *See In re B.P.Y.*, 712 A.2d 769 (Pa. Super. 1998).

If the court does not accept an agreement or finds an admission not to be knowingly, intelligently, and voluntarily made, a motion for recusal of the judge may be appropriate for the adjudicatory hearing.

Pursuant to paragraph (C), an attorney is to review the written admission colloquy with the juvenile prior to entering the courtroom. The practice in some judicial districts permitting the juvenile probation officer to review this colloquy with the juvenile is inconsistent with this rule.

Pursuant to paragraph (D), the written admission colloquy in paragraph (C) is to be amended when the juvenile is admitting to an act that would render the juvenile eligible for court-ordered involuntary treatment upon attaining 20 years of age **and SORNA registration and reporting requirements**. *See 42 Pa.C.S. §§ 6358, 6403, 9799.13(9), and 9799.15(a)(5).* The court is to conduct a colloquy as to the potential consequences of an admission of this type using the form in paragraph (D).

The colloquy forms use several age-appropriate terms for the juvenile to understand; however, certain legal terms are contained in the form. It is expected that attorneys will explain these forms until their clients understand.

The forms used for admissions are to be substantially in the forms found at paragraphs (C)(4) and (D). The questions set forth are the minimal standard. A judicial district may choose to add requirements to these admis-

sion colloquies. Any addition to the required colloquies is considered a local rule and the procedures of Rule 121 **and Rule of Judicial Administration 103(d)** are to be followed if a judicial district chooses to make additions. See [**Rule 121**] **Pa.R.J.C.P. 121; Pa.R.J.A. No. 103(d)**.

The admission colloquies can be downloaded from the Supreme Court's webpage at [<http://www.pacourts.us/T/BoardsCommittees/JuvenileCourtProcedural/>] <http://www.pacourts.us/forms/juvenile-delinquency-forms>. The forms are also available in Spanish.

The Pennsylvania Juvenile Collateral Consequences checklist is also available on the Supreme Court's webpage.

Nothing in this rule precludes the court from entering a consent decree after the acceptance of an admission.

Official Note: Rule 407 adopted April 1, 2005, effective October 1, 2005. Amended January 18, 2012, effective April 1, 2012. Amended January 23, 2017, effective April 3, 2017. **Amended May 26, 2021, effective October 1, 2021.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 407 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 407 published with the Courts' Order at 42 Pa.B. 664 (February 4, 2012).

Final Report explaining the amendments to Rule 407 published with the Courts' Order at 47 Pa.B. **820** (February 11, 2017).

Final Report explaining the amendments to Rule 407 published with the Courts' Order at 51 Pa.B. 3090 (June 5, 2021).

FINAL REPORT¹

Amendment of Pa.R.J.C.P. 407

On May 26, 2021, the Supreme Court amended Rule of Juvenile Court Procedure 407 to add a provision concerning requirements pursuant to the Sex Offender Registration and Notification Act (SORNA), 42 Pa.C.S. §§ 9799.10—9799.42 for a sexually violent delinquent child (SVDC) committed for involuntary treatment. The Committee further recommends revision of the colloquy to make language concerning appellate rights after an admission consistent with Rule 512(C).

Effective April 1, 2017, the Court amended Rule 407 to simplify language in the admission colloquy and to add a separate colloquy when a juvenile is making an admission to an act of sexual violence. See 42 Pa.C.S. § 6358; see also 47 Pa.B. 820 (February 11, 2017). Regarding the latter colloquy, it advised the juvenile of the possibility of civil commitment after termination of juvenile court supervision when the juvenile turns 21 years of age. The same judicial finding that would trigger the civil commitment would also result in the juvenile being subject to lifelong SORNA registration. See 42 Pa.C.S. § 9799.13(9) (applicability of SORNA to SVDC) and § 9799.15(a)(5) (lifelong registration requirement).

The Juvenile Court Procedural Rules Committee subsequently received a request to amend Rule 407(D) to add a provision regarding the SORNA registration requirement

under these circumstances. The Committee published a proposal to amend Rule 407 to revise the "Addendum to Admission Colloquy Form" to add a new Question 4(b) concerning the SORNA registration requirement, the frequency of reporting, the term of this obligation, and the public availability of registration information. The phrasing contained in the question was intended to reflect a seventh grade reading level. See 47 Pa.B. 7011 (November 18, 2017).

Additionally, for consistency purposes, the Committee proposed replacing the language of Question 20 in the Admission Colloquy Form in Rule 407(C) with the language contained in Question 9 of the Post Dispositional Rights Colloquy in Rule 512(C). The provisions in both forms discuss a juvenile's appellate rights after an admission; the Committee did not believe the description of the rights should vary because the rights themselves do not vary.

On February 21, 2018, the General Assembly passed Act 10 of 2018, which divided SORNA into two subchapters. Subchapter H is based on the original SORNA statute and is applicable to offenders who committed their offenses after the December 20, 2012 effective date of SORNA, 42 Pa.C.S. § 9799.11(c); Subchapter I is applicable to offenders who committed their offenses prior to the effective date of SORNA, 42 Pa.C.S. § 9799.52. Subchapter I does not provide for the SORNA registration of SVDCs and does not apply to those who were adjudicated delinquent for sexual offenses as juveniles. However, a determination of SVDC status for those who committed their offenses after the effective date of SORNA does result in an SVDC being placed on the SORNA registry under Subchapter H, and SVDCs are subject to the same registration and notification requirements as sexually violent predators (SORNA Subchapter H requirements), see 42 Pa.C.S. §§ 9799.15, 9799.16, 9799.26, 9799.27, as well as lifetime monthly counseling, see 42 Pa.C.S. § 6404.2(g). The General Assembly later passed Act 29 of 2018, which replaced Act 10, but made no relevant changes to Subchapter H regarding the statutory scheme applicable to SVDCs.

To reflect the consequences of Subchapter H, the Committee recommended post-publication revision of Pa.R.J.C.P. 407(D) to state:

D. Admission to an Act of Sexual Violence. If a juvenile is making an admission to an act of sexual violence, see 42 Pa.C.S. § 6358, which may render the juvenile eligible for civil commitment for involuntary treatment upon attaining 20 years of age **and subject to SORNA requirements**, then the admission colloquy form set forth in paragraph (C) shall be amended to include substantially the following form:

The added language would qualify the use of the form for offenses subject to Subchapter H, which contains the SORNA requirements. Consequently, the previously proposed Question 4(b) within the proposed "Addendum to Admission Colloquy" form in Pa.R.J.C.P. 407(D) was revised to include only the consequence of SORNA registration. Where an offense is not subject to Subchapter H due to the date of the offense, the colloquy requirement pursuant to Pa.R.J.C.P. 407(D) would not apply.

Another significant change resulting from Act 10 with regard to SVDCs under Subchapter H was the addition of a provision allowing SVDCs, and other lifetime registrants, to petition for removal from the registry after 25 years. See 42 Pa.C.S. § 9799.15(a.2). To reflect this change, the Committee recommended the post-publication

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.

addition of Questions 4(c)-(d) to the proposed “Addendum to Admission Colloquy” form. The content of Question 4(c) is partially derived from the previously proposed Question (4)(b). These changes are intended to further inform a juvenile of the consequences of an admission and ability to seek removal from the registry.

This amendment to Pa.R.J.C.P. 407 will become effective October 1, 2021.

[Pa.B. Doc. No. 21-884. Filed for public inspection June 4, 2021, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CHS. 11, 13, 14, 15 AND 16]

Proposed Amendment of Pa.R.J.C.P. 1120, 1149, 1330, 1409, 1512, 1514, 1515 and 1608—1611

The Juvenile Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pennsylvania Rules of Juvenile Court Procedure 1120, 1149, 1330, 1409, 1512, 1514, 1515, and 1608—1611 to update statutory citations 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:

Daniel A. Durst, Chief Counsel
 Juvenile Court Procedural Rules Committee
 Supreme Court of Pennsylvania
 Pennsylvania Judicial Center
 PO Box 62635
 Harrisburg, PA 17106-2635
 FAX: 717-231-9541
 juvenilerules@pacourts.us

All communications in reference to the proposal should be received by July 15, 2021. 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*

JUDGE JOY REYNOLDS McCOY,
Chair

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart B. DEPENDENCY MATTERS

CHAPTER 11. GENERAL PROVISIONS

PART A. BUSINESS OF COURTS

Rule 1120. Definitions.

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Comment

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The definition of “family finding” is derived from [62 P.S. § 1302] 67 Pa.C.S. § 3102.

* * * * *

See also [62 P.S. § 1301] 67 Pa.C.S. §§ 3101 et seq. and 42 U.S.C. § 675 (Fostering Connections) to comply with state and federal regulations.

* * * * *

Official Note: Rule 1120 adopted August 21, 2006, effective February 1, 2007. Amended March 19, 2009, effective June 1, 2009. Amended December 24, 2009, effective immediately. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended May 20, 2011, effective July 1, 2011. Amended June 24, 2013, effective January 1, 2014. Amended October 21, 2013, effective December 1, 2013. Amended July 28, 2014, effective September 29, 2014. Amended July 13, 2015, effective October 1, 2015. Amended December 9, 2015, effective January 1, 2016. Amended April 6, 2017, effective September 1, 2017. **Amended** , 2021, effective , 2021.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1120 published with the Court’s Order at 47 Pa.B. 2313 (April 22, 2017).

Final Report explaining the amendments to Rule 1120 published with the Court’s Order at 51 Pa.B. 3095 (June 5, 2021).

PART B(1). EDUCATION AND HEALTH OF CHILD

Rule 1149. Family Finding.

A. Court’s inquiry and determination.

1) The court shall inquire as to the efforts made by the county agency to comply with the family finding requirements pursuant to [62 P.S. § 1301] 67 Pa.C.S. §§ 3101 et seq.

* * * * *

Comment

* * * * *

See [62 P.S. § 1301] 67 Pa.C.S. § 3101 for legislative intent regarding family finding and promotion of kinship care.

Family finding is required for every child when a child is accepted for services by the county agency. See [62 P.S. § 1302] 67 Pa.C.S. § 3103. It is best practice to find as many kin as possible for each child. These kin may help with care or support for the child. The county agency should ask the guardian, the child, and siblings about relatives or other adults in their life, including key supporters of the child or guardians.

* * * * *

Official Note: Rule 1149 adopted July 13, 2015, effective October 1, 2015. Amended , 2021, effective , 2021.

Committee Explanatory Reports:

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Final Report explaining the provisions to Rule 1149 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

Final Report explaining the amendments to Rule 1149 published with the Court's Order at 51 Pa.B. 3095 (June 5, 2021).

CHAPTER 13. PRE-ADJUDICATORY PROCEDURES

PART C. PETITION

Rule 1330. Petition: Filing, Contents, Function, Aggravated Circumstances.

* * * * *

Comment

* * * * *

If a petition is filed after the county agency has discontinued family finding for non-court cases, the county agency is to aver reasons for the discontinuance in the petition. *See* [62 P.S. § 1302.2(a)] 67 Pa.C.S. § 3104(a).

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Official Note: Rule 1330 adopted August 21, 2006, effective February 1, 2007. Amended July 13, 2015, effective October 1, 2015. Amended , 2021, effective , 2021.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1330 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

Final Report explaining the amendments to Rule 1330 published with the Court's Order at 51 Pa.B. 3095 (June 5, 2021).

CHAPTER 14. ADJUDICATORY HEARING

Rule 1409. Adjudication of Dependency and Court Order.

* * * * *

Comment

* * * * *

If the requirements of Rule 1149 regarding family finding have not been met, the court is to make necessary orders to ensure compliance by enforcing this legislative mandate. *See* [62 P.S. § 1301] 67 Pa.C.S. §§ 3101 *et seq.* *See also* Rules 1242(E)(3) and 1609(D) and Comments to Rules 1242, 1408, 1512, 1514, 1515, 1608, 1609, 1610, and 1611.

Official Note: Rule 1409 adopted August 21, 2006, effective February 1, 2007. Amended July 13, 2015, effective October 1, 2015. Amended , 2021, effective , 2021.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1409 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

Final Report explaining the amendments to Rule 1409 published with the Court's Order at 51 Pa.B. 3095 (June 5, 2021).

CHAPTER 15. DISPOSITIONAL HEARING

PART B. DISPOSITIONAL HEARING AND AIDS

Rule 1512. Dispositional Hearing.

* * * * *

Comment

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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. 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] 67 Pa.C.S. §§ 3101 *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, 1514, 1515, 1608, 1609, 1610, and 1611.

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Official Note: Rule 1512 adopted August 21, 2006, effective February 1, 2007. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended July 13, 2015, effective October 1, 2015. Amended April 6, 2017, effective September 1, 2017. Amended , 2021, effective , 2021.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1512 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

Final Report explaining the amendments to Rule 1512 published with the Court's Order at 51 Pa.B. 3095 (June 5, 2021).

Rule 1514. Dispositional Finding Before Removal from Home.

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Comment

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Pursuant to paragraph (A)(4), the court is to determine whether the county agency has reasonably satisfied the requirements of Rule 1149 regarding family finding. 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] 67 Pa.C.S. §§ 3101 *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, 1515, 1608, 1609, 1610, and 1611.

Official Note: Rule 1514 adopted August 21, 2006, effective February 1, 2007. Amended April 29, 2011, effective July 1, 2011. Amended July 13, 2015, effective October 1, 2015. Amended , 2021, effective , 2021.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1514 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

Final Report explaining the amendments to Rule 1514 published with the Court's Order at 51 Pa.B. 3095 (June 5, 2021).

Rule 1515. Dispositional Order.

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Comment
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If the requirements of Rule 1149 regarding family finding have not been met, the court is to make necessary orders to ensure compliance by enforcing this legislative mandate. *See* [62 P.S. § 1301] 67 Pa.C.S. §§ 3101 *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, 1608, 1609, 1610, and 1611. 45 C.F.R. § 1356.21 provides a specific foster care provider may not be placed in a court order to be in compliance with and receive funding through the Federal Financial Participa-

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Official Note: Rule 1515 adopted August 21, 2006, effective February 1, 2007. Amended April 29, 2011, effective July 1, 2011. Amended July 13, 2015, effective October 1, 2015. Amended , 2021, effective 2021.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1515 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

Final Report explaining the amendments to Rule 1515 published with the Court's Order at 51 Pa.B. 3095 (June 5, 2021).

CHAPTER 16. POST-DISPOSITIONAL PROCEDURES

PART B(2). PERMANENCY HEARING

Rule 1608. Permanency Hearing.

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Comment
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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] 67 Pa.C.S. §§ 3101 *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. Amended , 2021, effective , 2021.

Committee Explanatory Reports:

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

Final Report explaining the amendments to Rule 1608 published with the Court's Order at 51 Pa.B. 3095 (June 5, 2021).

Rule 1609. Permanency Hearing Orders.

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Comment
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If the requirements of Rule 1149 regarding family finding have not been met, the court is to make necessary orders to ensure compliance by enforcing this legislative mandate. *See* [62 P.S. § 1301] 67 Pa.C.S. §§ 3101 *et seq.* *See also* Rules 1210(D)(8), 1242(E)(3), and 1409(C) and Comments to Rules 1242, 1408, 1409, 1512, 1514, 1515, 1608, 1610, and 1611.

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Official Note: Rule 1609 adopted August 21, 2006, effective February 1, 2007. 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 , 2021, effective , 2021.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1609 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

Final Report explaining the amendments to Rule 1609 published with the Court's Order at 51 Pa.B. 3095 (June 5, 2021).

Rule 1610. Permanency Hearing for Children over Eighteen.

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Comment
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Pursuant to paragraph (D), 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] 67 Pa.C.S. §§ 3101 *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, 1608, 1609, and 1611.

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Official Note: Adopted October 21, 2013, effective December 1, 2013. Amended July 13, 2015, effective October 1, 2015. Amended April 6, 2017, effective September 1, 2017. Amended , 2021, effective , 2021.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1610 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

Final Report explaining the amendments to Rule 1610 published with the Court's Order at 51 Pa.B. 3095 (June 5, 2021).

Rule 1611. Permanency Hearing Orders for Children over Eighteen.

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Comment
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If the requirements of Rule 1149 regarding family finding have not been met, the court is to make necessary orders to ensure compliance by enforcing this legislative mandate. See [62 P.S. § 1301] 67 Pa.C.S. §§ 3101 et seq. See also Rules 1210(D)(8), 1242(E)(3), and 1409(C) and Comments to Rules 1242, 1408, 1409, 1512, 1514, 1515, 1608, 1609, and 1610.

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Official Note: Adopted October 21, 2013, effective December 1, 2013. Amended July 13, 2015, effective October 1, 2015. Amended , 2021, effective , 2021.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1611 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

Final Report explaining the amendments to Rule 1611 published with the Court's Order at 51 Pa.B. 3095 (June 5, 2021).

REPORT

Proposed Amendment of Pa.R.J.C.P. 1120, 1149, 1330, 1409, 1512, 1514, 1515, & 1608—1611

The Juvenile Court Procedural Rules Committee is considering proposing to the Supreme Court the amendment of Pennsylvania Rules of Juvenile Court Procedure 1120, 1149, 1330, 1409, 1512, 1514, 1515, and 1608—1611 to reflect the amendment of Title 67 of the *Pennsylvania Consolidated Statutes* to, *inter alia*, add Chapter 31 governing, in part, the family finding requirements resulting from the Act of June 29, 2019, P.L. 93, No. 14. See 67 Pa.C.S. §§ 3101—3104.

Prior to 2018, matters involving family finding, kinship care, and subsidization of custody were govern by unconsolidated statutes compiled at 62 P.S. §§ 1301—1303.2. The statutory requirements for family finding were implemented and primarily codified in Pa.R.J.C.P. 1149 with corollary references throughout the Pennsylvania Rules of Juvenile Court Procedure. Those rules also contained citations to Title 62 of *Purdon's Statutes*.

In *Washington v. Department of Public Welfare*, 188 A.3d 1135 (Pa. 2018), the Court held that the manner in which the Act of June 30, 2012, P.L. 668, No. 80 was passed by the General Assembly violated Article III, Section 4 of the Pennsylvania Constitution. Accordingly, the Court struck Act 80 in its entirety as unconstitu-

tional. Act 80 included provisions related to kinship care and custody subsidies. See 62 P.S. §§ 1302, 1303, 1303.1, and 1303.2.

Thereafter, the General Assembly passed the Act of June 29, 2019, P.L. 93, No. 14, which added the substance of 62 P.S. §§ 1301—1303.2 to 67 Pa.C.S. §§ 3101—3104, retroactive to the date of the Court's decision in *Washington, supra*. This rulemaking proposal is intended to update the statutory citations within the rules to correspond with those now located in Title 67 of the *Pennsylvania Consolidated Statutes*. No substantive amendment of the rules is intended.

The Committee invites all comments, concerns, and suggestions.

[Pa.B. Doc. No. 21-885. Filed for public inspection June 4, 2021, 9:00 a.m.]

SUPREME COURT

Order Designating Special 2021 Court Holiday Commemorating Juneteenth; No. 551 Judicial Administration Doc.

Order

Per Curiam

And Now, this 20th day of May, 2021,

Whereas Juneteenth is a date of great historical and cultural significance, marking the date in 1865 when news of the signing of the Emancipation Proclamation two years earlier by President Abraham Lincoln reached Galveston, Texas, the furthest point in the South, with the arrival of Union soldiers; and

Whereas commemoration of Juneteenth celebrates that event, and further serves as an occasion to promote the advancement of unity, equality and justice for all Pennsylvanians; and

Whereas on June 19, 2019, the Governor of Pennsylvania signed legislation designating June 19 as “Juneteenth National Freedom Day,” and recognizing it as an annual observance in Pennsylvania; and

Whereas the Governor has designated June 18, 2021 as a special holiday for employees in agencies under the Governor's jurisdiction;

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that June 18, 2021 is hereby designated as a special holiday for state-level employees of the Unified Judicial System; and

It Is Further Ordered that all courts of the Unified Judicial System shall be closed other than for essential functions or other proceedings as may be deemed necessary in the discretion of President Judges.

This *Order* shall be effective immediately.

[Pa.B. Doc. No. 21-886. Filed for public inspection June 4, 2021, 9:00 a.m.]