

CHAPTER 17. AGGRAVATED CIRCUMSTANCES

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Rule 1701. Motion for Finding of Aggravated Circumstances.

A. *Dependency Petitions.* A motion for finding of aggravated circumstances may be included in a dependency petition pursuant to Rule 1330.

B. *Motion for Aggravated Circumstances.* If it is determined that aggravated circumstances exist after the filing of the petition, a request for a finding of aggravated circumstances shall be made by motion pursuant to Rule 1344. The motion shall be written.

Comment

See 42 Pa.C.S. §§ 6302, 6334(b).

Under paragraph (B), all motions for a finding of aggravated circumstances are to be written. Oral motions under Rule 1344 do not apply to motions for finding of aggravated circumstances.

The aggravated circumstances, as defined by 42 Pa.C.S. § 6302, are to be specifically identified in the motion for finding of aggravated circumstances.

Official Note: Rule 1701 adopted August 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1701 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1702. Filing of Motion for Finding of Aggravated Circumstances.

A motion for finding of aggravated circumstances shall be filed with the clerk of courts by the county agency as soon as possible but no later than twenty-one days from the determination by the county agency that aggravated circumstances exist.

Comment

See 42 Pa.C.S. § 6334(b).

Official Note: Rule 1702 adopted August 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1702 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1705. Adjudication of Aggravated Circumstances.

A. *Finding after adjudication of dependency.* After a finding of dependency pursuant to Rule 1409, the court shall determine if aggravated circumstances exist.

B. *Reasonable efforts.* If the court finds aggravated circumstances exist, the court shall determine whether reasonable efforts to prevent or eliminate the need for removing the child from the home or to preserve and reunify the family shall be made or continue to be made and the court shall proceed to a dispositional hearing under Rule 1512.

C. *Court order.* If the court finds that reasonable efforts pursuant to paragraph (B) were made, the court shall include a statement in its order to that effect.

Comment

Under paragraph (A), the court is to find a child dependent before determining if aggravated circumstances exist. See 42 Pa.C.S. § 6341(c.1). The petition may be amended to include aggravated circumstances pursuant to Rule 1330(C).

A statement as to whether reasonable efforts were made under paragraph (B) are to be included in the court order under Rule 1409(C).

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