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PART A. SUMMONS AND NOTICE**Rule 1600. Summons for the Permanency Hearing.**

A. *Summons.* At least fifteen days prior to the permanency hearing, the court may issue a summons compelling any party to appear for the permanency hearing.

B. *Order appearance.* The court may order the person having the physical custody or control of the child to bring the child to the hearing.

C. *Requirements.* The general summons procedures of Rule 1124 shall be followed.

Comment

Section 6335 of the Juvenile Act provides that the court is to direct the issuance of a summons to the parent, guardian, or other custodian, a guardian *ad litem*, and any other persons as appear to the court to be proper and necessary parties to the proceedings. 42 Pa.C.S. § 6335(a).

Other persons may be subpoenaed to appear for the hearing. *See* 42 Pa.C.S. § 6333.

Official Note: Rule 1600 adopted August 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1600 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).

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).

Source

The provisions of this Rule 1601 amended April 29, 2011, effective July 1, 2011, 41 Pa.B. 2413; amended May 17, 2018, effective October 1, 2018, 48 Pa.B. 3321. Immediately preceding text appears at serial page (369680).

Rule 1604. Submission of Reports.

A. *Generally.*

1) A foster parent, preadoptive parent, or relative providing care for a child may submit a report regarding the child's adjustment, progress, and condition for review by the court.

2) The report shall be submitted to the court designee at least seven days prior to the permanency hearing.

B. *Designation by President Judge.* The President Judge of each judicial district shall appoint a designee, other than a judge or party, to receive these reports.

C. *Duties of the County Agency.* Upon placement of the child with a foster parent, preadoptive parent, or relative providing care for a child, the county agency shall inform such person of:

- 1) the right to submit a report;
- 2) the name and address of the court designee who shall receive the reports; and
- 3) the requirement to submit the report at least seven days prior to the permanency hearing.

D. *Duties of Designee.* Within one business day of receiving the report, the court designee shall:

- 1) file a copy of the report with the clerk of courts; and
- 2) distribute copies to the judge, attorneys, parties, and if appointed, the court-appointed special advocate.

E. *Examination of Report.* Pursuant to Rule 1608(C), the court shall examine this report and consider its contents as it would consider any other evidence in the case.

Comment

The county agency is to provide the form designed by the Department of Public Welfare to the foster parent, preadoptive parent, or relative providing care for the child. *See* 42 Pa.C.S. § 6336.1(b).

See also 42 Pa.C.S. § 6341(d).

Pursuant to paragraph (E), the court is to examine this report and consider its contents as it would consider any other evidence. Evidence is to be properly entered into the record before the court will consider it. Evidence submitted directly to the court is considered an *ex parte* communication and is strictly prohibited. *See* Rule 1136 on *ex parte* communications.

Official Note: Rule 1604 adopted December 18, 2009, effective immediately. Amended April 29, 2011, effective July 1, 2011.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1604 published with the Court's Order at 40 Pa.B. 21 (January 2, 2010).

Final Report explaining the provisions of Rule 1604 published with the Court's Order at 41 Pa.B. 2434 (May 14, 2011).

Source

The provisions of this Rule 1604 adopted December 18, 2009, effective immediately, 40 Pa.B. 21; amended April 29, 2011, effective July 1, 2011, 41 Pa.B. 2434. Immediately preceding text appears at serial pages (347640) and (356721).

PART B(1). MODIFICATIONS

Rule 1606. Modification of Dependent Child's Placement.

A. *County agency's duties.*

- 1) *Emergencies.*
 - a) Only in an emergency when a judge cannot be reached, a child may be placed temporarily in a shelter care facility or other appropriate care.
 - b) The county agency immediately shall notify the court and all parties of any change made due to the emergency.

c) The county agency shall file a motion or stipulation for modification of the dispositional order by the next business day of the child's placement in a shelter care facility or other appropriate care.

2) *Non-emergent cases.* In all other cases, the county agency shall seek approval of the court for a change in the child's placement prior to the removal of the child from the placement by the filing of a motion or a stipulation for modification of the dispositional order.

B. *Contents of the motion.* The motion for modification of the dispositional order shall include:

- 1) the specific reasons for the necessity of change to the order;
- 2) the proposed placement;
- 3) the current location of the child;
- 4) the manner in which any educational, health care, and disability needs of the child will be addressed;
- 5) an averment as to whether each party concurs or objects to the proposal, including the child's wishes if ascertainable; and
- 6) the signatures of all the parties.

C. *Objections.* If a party objects to proposed modification of the dispositional order, the objections shall be filed no later than three days after the filing of the motion for modification of the child's placement.

D. *Court's duties.* Once the county agency has requested approval from the court to modify a child's placement or after an emergency change in placement has already taken place, the court may:

- 1) schedule a prompt hearing to determine whether there will be a modification of the child's placement;
- 2) enter an appropriate order to modify the child's placement; or
- 3) enter an order denying the motion.

Comment

This rule is intended to address changes in the child's placement. Brief temporary removals for hospitalization, respite situations, visitations, or other matters when a child will be returned to the same placement are not covered under this rule.

Pursuant to paragraph (A)(1), if there must be a change in the placement of the child due to an emergent situation, the county agency may temporarily place a child in a shelter-care facility or other appropriate care pending the filing of a motion for modification of the dispositional order. The county agency immediately is to notify the court and all parties of the change made and file a motion or stipulation by the next business day.

Pursuant to paragraph (A)(2), in all other cases, the court is to make a decision prior to the child being removed from the placement. Stability for the child is critical. Multiple placements can add to a child's trauma. A child should not be shuffled from home to home out of convenience for a foster parent, relative, or other person caring for the child.

Official Note: Rule 1606 adopted April 29, 2011, effective July 1, 2011.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1606 published with the Court's Order at 41 Pa.B. 2430 (May 14, 2011).

Source

The provisions of this Rule 1606 adopted April 29, 2011, effective July 1, 2011, 41 Pa.B. 2430.

PART B(2). 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, whichever is earliest; or
- 2) each previous permanency hearing until the child is removed from the jurisdiction of the court pursuant to Rule 1613.

Comment

See 42 Pa.C.S. § 6351(e)(3).

Paragraph (A) provides when permanency hearings are to be held within thirty days. If the requirements of paragraph (A) do not apply, the court is to hold a permanency hearing every six months in every case until the child is removed from the jurisdiction of the court pursuant to paragraph (B). This includes cases when the child is not removed from the home or the child was removed and subsequently returned to the guardian, but the child is under the court's supervision.

See Rule 1800(11).

Official Note: Rule 1607 adopted August 21, 2006, effective February 1, 2007. Amended September 16, 2009, effective immediately.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1607 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to Rule 1607 published with the Court's Order at 39 Pa.B. 5546 (September 26, 2009).

Source

The provisions of this Rule 1607 amended September 16, 2009, effective September 16, 2009, 39 Pa.B. 5546. Immediately preceding text appears at serial pages (345022) to (345023).

Rule 1608. Permanency Hearing.

(a) *Purpose and Timing of Hearing.* For every case, the court shall conduct a permanency hearing at least every six months for purposes of determining or reviewing:

- 1) the permanency plan of the child;
- 2) the date by which the goal of permanency for the child might be achieved; and
- 3) whether the placement continues to be best suited to the safety, protection, and physical, mental, and moral welfare of the child.

(b) *Recording.* The permanency hearing shall be recorded.

(c) *Evidence.*

1) Any evidence helpful in determining the appropriate course of action, including evidence that was not admissible at the adjudicatory hearing, shall be presented to the court.

2) If a report was submitted pursuant to Rule 1604, the court shall review and consider the report as it would consider all other evidence.

(d) *Court's Findings.*

1) *Findings at all 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:

- (i) the appropriateness of the placement;
- (ii) the appropriateness, feasibility, and extent of compliance with the permanency plan developed for the child;
- (iii) the appropriateness and feasibility of the current 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);
- (iv) the likely date by which the permanency goal for the child might be achieved;
- (v) whether reasonable efforts were made to finalize the permanency plan in effect;
- (vi) whether the county agency has made services available to the guardian, and if not, why those services have not been made available;
- (vii) the continued appropriateness of the permanency plan and the concurrent plan;
- (viii) whether the county agency has satisfied the requirements of Rule 1149 regarding family finding, and if not, the findings and conclusions of the court on why the requirements have not been met by the county agency;
- (ix) whether the child is safe;

- (x) if the child has been placed outside the Commonwealth, whether the placement continues to be best suited to the safety, protection, and physical, mental, and moral welfare of the child;
- (xi) the services needed to assist a child who is 14 years of age or older to make the transition to a successful adulthood, including:
 - (A) whether services are being provided as required under 67 Pa.C.S. § 7505 (relating to transition plan and services);
 - (B) the specific independent living services or instructions that are currently being provided by the county agency or private provider;
 - (C) the areas of need in independent living instruction that have been identified by the independent living assessment completed pursuant to the Chafee Act, 42 U.S.C. §§ 671 *et seq.*;
 - (D) the independent living services that the child will receive prior to the next permanency review hearing;
 - (E) whether the child is in the least restrictive, most family-like setting that will enable him to develop independent living skills;
 - (F) the efforts that have been made to develop and maintain connections with supportive adults regardless of placement type;
 - (G) whether the child is making adequate educational progress to graduate from high school or whether the child is enrolled in another specified educational program that will assist the child in achieving self-sufficiency;
 - (H) the job-readiness services that have been provided to the child and the employment/career goals that have been established;
 - (I) whether the child has physical health or behavioral health needs that will require continued services into adulthood; and
 - (J) the steps being taken to ensure that the youth will have stable housing or living arrangements when discharged from care;
- (xii) any educational, health care, and disability needs of the child and the plan to ensure those needs are met;
- (xiii) if a sibling of a child has been removed from the home and is in a different setting than the child, whether reasonable efforts have been made to place the child and sibling of the child together or whether such joint placement is contrary to the safety or well-being of the child or sibling;
- (xiv) if the child has a sibling, whether visitation of the child with that sibling is occurring no less than twice a month, unless a finding is made that visitation is contrary to the safety or well-being of the child or sibling;
- (xv) whether sufficient steps have been taken by the county agency to ensure the caregiver is exercising the reasonable and prudent parent standard;
- (xvi) whether sufficient steps have been taken by the county agency to ensure the child has been provided regular, ongoing opportunities to engage in age-appropriate or developmentally-appropriate activities, including:
 - (A) consulting the child in an age-appropriate or developmentally-appropriate manner about the opportunities to participate in activities; and
 - (B) identifying and addressing any barriers to participation; and

(xvii) whether the visitation schedule for the child with the child's guardian is adequate, unless a finding is made that visitation is contrary to the safety or well-being of the child.

2) *Another Planned Permanent Living Arrangement (APPLA) for Children 18 Years of Age or Older.* APPLA shall not be utilized for any child under the age of 18. At each permanency hearing for a child who is 18 years or older and has a permanency goal of APPLA, the following additional considerations, inquiry, and findings shall be made by the court:

(i) *Court's APPLA Considerations.* Before making its findings pursuant to subdivision (d)(2)(iii), the court shall consider evidence, which is obtained as of the date of the hearing, and entered into the record concerning:

- (A) the intensive, ongoing, and unsuccessful efforts made to:
 - (I) return the child home; or
 - (II) secure a placement for the child with a fit and willing relative, a legal guardian, or an adoptive parent;
- (B) the specific services, including the use of search technology and social media to find biological family members and kin, as well as permanency services that have been provided to the child that serve as the intensive ongoing, and unsuccessful efforts to achieve reunification, adoption, or placement with a guardian or a fit and willing relative;
- (C) the full names of at least two identified supportive adults with whom the child has significant connections;
- (D) how each identified supportive adult has formalized the connection with the child;
- (E) the specific services that will be provided by the agency to support and maintain the connection between the child and identified supportive adult(s); and
- (F) the specific planned, permanent placement or living arrangement for the child that will provide the child with stability.

(ii) *Court's Inquiry of Child's Desired Permanency Outcome.* Before making its findings pursuant to subdivision (d)(2)(iii), the court shall ask the child about the child's desired permanency outcome.

(iii) *Court's APPLA Findings.* After making all the findings of subdivision (d)(1) and before assigning the permanency goal of APPLA, at each subsequent permanency hearing, based upon the considerations and inquiry provided in subdivision (d)(2)(i)-(ii) and any other evidence deemed appropriate by the court, the court shall state in open court on the record the following:

- (A) reasons why APPLA continues to be the best permanency plan for the child; and
- (B) compelling reasons why it continues not to be in the best interests of the child to:
 - (I) return home;

- (II) be placed for adoption;
 - (III) be placed with a legal guardian;
 - (IV) be placed with a fit and willing relative; and
 - (C) the full names of at least two identified supportive adults with whom the child has significant connections; and
 - (D) the identity of the specific APPLA approved by the court.
- (3) *Additional Findings for 15 of Last 22 Months.* If the child has been in placement for 15 of the last 22 months, the court may direct the county agency to file a petition for involuntary termination of parental rights.
- (e) *Advanced Communication Technology.* Upon good cause shown, a court may utilize advanced communication technology pursuant to Rule 1129.
- (f) *Family Service Plan or Permanency Plan.*
- 1) The county agency shall review the family service plan or permanency plan at least every six months, including all family finding efforts pursuant to Rule 1149.
 - 2) The family service plan or permanency plan shall identify which relatives and kin were included in its development and the method of that inclusion.
 - 3) If the plan is modified, the county agency shall follow the filing and service requirements pursuant to Rule 1345.
 - 4) The parties and when requested, the court, shall be provided with the modified plan at least 15 days prior to the permanency hearing.

Comment:

See 42 Pa.C.S. §§ 6341, 6351.

Permanency planning is a concept whereby children are not relegated to the limbo of spending their childhood in foster homes, but instead, dedicated effort is made by the court and the county agency to rehabilitate and reunite the family in a reasonable time, and failing in this, to free the child for adoption. *In re M.B.*, 674 A.2d 702, 704 (Pa. Super. 1996) (quoting *In re Quick*, 559 A.2d 42 (Pa. 1989)).

To the extent practicable, the judge or juvenile court hearing officer who presided over the adjudicatory and original dispositional hearing for a child should preside over the permanency hearing for the same child.

Pursuant to subdivision (a), courts are to conduct a permanency hearing every six months. Courts are strongly encouraged to conduct more frequent permanency hearings, such as every three months, when possible.

The court may schedule a three-month hearing or conference. At the three-month hearing, the court should ensure that: 1) services ordered at the dispositional hearing pursuant to Rule 1512 are put into place by the county agency; 2) the guardian who is the subject of the petition is given access to the services ordered; 3) the guardian is cooperating with the court-ordered services; and 4) a concurrent plan is developed if the primary plan may not be achieved.

A three-month hearing or conference is considered best practice for dependency cases and is highly recommended. The court should not wait until six months has elapsed to determine if the case is progressing. Time to achieve permanency is critical in dependency cases. In order to seek reimbursement under Title IV-E of the Social Security Act, 42 U.S.C. §§ 601 *et seq.*, a full permanency hearing is to be conducted every six months, including required findings and conclusions of law on the record pursuant to subdivision (d).

In addition to the permanency hearing contemplated by this rule, courts may also conduct additional and/or more frequent intermittent review hearings or status conferences that address specific issues based on the circumstances of the case and assist the court in ensuring timely permanency.

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* Pa.R.J.C.P. 1512, Comment. 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.

Subdivision (d)(1)(iii) 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 subdivision (d)(1)(viii), 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* 67 Pa.C.S. §§ 7501 *et seq.* *See also* Pa.R.J.C.P. 1210(D)(8), 1242(E)(3), 1409(C), 1609(D), and 1611(C), and Comments to Pa.R.J.C.P. 1242, 1408, 1409, 1512, 1514, 1515, 1609, and 1611.

When making its determination for reasonable efforts made by the county agency, the court is to consider family finding. *See also* Pa.R.J.C.P. 1240(B)(6), 1242(C)(2), (C)(3)(b)-(c), and 1330(B)(6), and Comments to Pa.R.J.C.P. 1242, 1330, 1409, 1515, 1609, and 1611 for reasonable efforts determinations.

See 42 U.S.C. § 675(5)(A)—(I) and 67 Pa.C.S. § 7505 for development of a transition plan pursuant to subdivision (d)(1)(xi).

Pursuant to subdivision (d)(1)(xv), the county agency is to testify and enter evidence into the record on how it took sufficient steps to ensure the caregiver is exercising the reasonable and prudent parent standard. For the definition of “caregiver” and the “reasonable and prudent parent standard,” see Rule 1120. Pursuant to subdivision (d)(1)(xvi), when documenting its steps taken, the county agency is to include how it consulted with the child in an age-appropriate or developmentally-appropriate manner about the opportunities of the child to participate in activities. For the definition of “age-appropriate or developmentally-appropriate,” see Rule 1120. These additions have been made to help dependent children have a sense of normalcy in their lives. These children should be able to participate in extracurricular, enrichment, cultural, and social activities without having to consult caseworkers and ask the court's permission many days prior to the event. *See also* Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183), 42 U.S.C. §§ 675 and 675a (2014).

Pursuant to subdivision (d)(2), there are additional considerations, inquiries, and findings when the court conducts a permanency hearing for a child, who is 18 years of age or older and has a permanency plan of APPLA. APPLA should only be utilized as a permanency plan when all other alternatives have been exhausted. Even after exhaustive efforts have been made, the county agency should identify at least two supportive adults to be involved in the life of the child. Diligent efforts to search for relatives, guardians, adoptive parents, or kin are to be utilized. *See* Rule 1149 on family finding. Independent living services should also be addressed. Under subdivision (d)(2)(i)(A)(II), a fit and willing relative may include adult siblings.

Pursuant to subdivision (d)(2)(ii), the court is to engage the child in conversation to ascertain the child's desired permanency outcome. The conversation is to be between the child and the court, not the guardian *ad litem* answering for the child.

After all the requirements of subdivision (d)(1) and (d)(2)(i)-(ii) have been made, the court is to state in open court on the record the specific reasons why APPLA continues to be the best permanency plan for the child, the compelling reasons why it continues not to be in the best interests of the child to return home or be placed for adoption, with a legal guardian, or with a fit and willing rela-

tive, and the full names of at least two identified supportive adults with whom the child has significant connections. *See* subdivision (d)(2)(iii). The standards of this rule make choosing the plan of APPLA difficult to ensure that it is the last alternative available for the child. Additionally, this rule requires the court to state its finding in open court on the record. If the court takes a case under advisement, it is to continue the hearing until it is ready to make these findings. The time requirements of the Rules are to be followed when taking a case under advisement.

Concerning subdivision (d)(3), a petition for involuntary termination of parental rights is authorized by 23 Pa.C.S. §§ 2511—2514 and proceeds in accordance with Chapter 15 of the Pennsylvania Rules of Orphans' Court Procedure.

The court is to move expeditiously towards permanency. A goal change motion may be filed at any time.

A President Judge may allow Common Pleas Judges to “wear multiple hats” during a proceeding by conducting a combined hearing on dependency and Orphans' Court matters. *See* 42 Pa.C.S. § 6351(i); *see also In re Adoption of S.E.G.*, 901 A.2d 1017 (Pa. 2006), where involuntary termination occurred prior to a goal change by the county agency.

For family service plan requirements, see 55 Pa. Code §§ 3130.61 and 3130.63.

See Rule 1136 regarding *ex parte* communications.

See Rule 1610 for permanency hearing for children over the age of eighteen.

Source

The provisions of this Rule 1608 amended December 18, 2009, effective immediately, 40 Pa.B. 21; amended April 21, 2011, effective July 1, 2011, 41 Pa.B. 2319; amended April 29, 2011, effective July 1, 2011, 41 Pa.B. 2430; amended October 21, 2013, effective December 1, 2013, 43 Pa.B. 6658; amended July 13, 2015, effective October 1, 2015, 45 Pa.B. 3987; amended December 9, 2015, effective January 1, 2016, 45 Pa.B. 7289; amended June 14, 2016, effective on August 1, 2016, 46 Pa.B. 3415; amended April 6, 2017, effective September 1, 2017, 47 Pa.B. 2313; amended May 17, 2018, effective October 1, 2018, 48 Pa.B. 3321; amended November 30, 2021, effective January 1, 2022, 51 Pa.B. 7632; amended March 22, 2023, effective October 1, 2023, 53 Pa.B. 1791. Immediately preceding text appears at serial pages (393122) to (393124) and (407957) to (407959).

Rule 1609. Permanency Hearing Orders.

A. *Court Order.* After every permanency hearing, the court shall issue a written order, which provides whether the permanency plan is best suited to the safety, protection, and physical, mental, and moral welfare of the child.

B. *Determination made.* The court's order shall reflect a determination made pursuant to Rule 1608(D).

C. *Transfer of custody.* If the court decides to transfer custody of the child to a person found to be qualified to provide care, shelter, and supervision of the child, the permanency order shall include:

- 1) the name and address of such person unless disclosure is prohibited by court order;
- 2) the limitations of the order, including the type of custody granted; and
- 3) any temporary visitation rights of parents.

D. *Orders on family finding.*

- 1) The court order shall indicate whether family finding efforts made by the county agency were reasonable;

2) If the family finding efforts were not reasonable, the court shall order the county agency to engage in family finding prior to the next permanency hearing;

E. *Orders concerning education.*

1) The court's order shall address the stability and appropriateness of the child's education; and

2) When appropriate, the court shall appoint an educational decision maker pursuant to Rule 1147.

F. *Orders concerning health care and disability.*

1) The court's order shall identify, monitor, and address the child's needs concerning health care and disability; and

2) The court's orders shall authorize evaluations and treatment if parental consent cannot be obtained.

G. *Guardians.* The permanency order shall include any conditions, limitations, restrictions, and obligations imposed upon the guardian.

Comment:

When issuing a permanency order, the court should issue an order that is "best suited to the safety, protection, and physical, mental, and moral welfare of the child." 42 Pa.C.S. § 6351(a). *See In re S.J.*, 906 A.2d 547, 551 (Pa. Super. Ct. 2006) (citing *In re Tameka M.*, 525 Pa. 348, 580 A.2d 750 (1990)), for issues addressing a child's mental and moral welfare.

Pursuant to paragraph (D), when making its determination for reasonable efforts made by the county agency, the court is to consider the extent to which the county agency has fulfilled its obligation pursuant to Rule 1149 regarding family finding. *See also* Rules 1240(B)(6), 1242(C)(2) & (3)(b) & (c), and 1330(B)(6) and Comments to Rules 1242, 1330, 1409, 1515, 1608, 1610, and 1611 for reasonable efforts determinations.

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* 67 Pa.C.S. §§ 7501 *et seq.* *See also* Pa.R.J.C.P. 1210(D)(8), 1242(E)(3), and 1409(C), and *Comments* to Pa.R.J.C.P. 1242, 1408, 1409, 1512, 1514, 1515, 1608, 1610, and 1611.

Pursuant to subdivision (E), the court's order is to address the child's educational stability, including the right to an educational decision maker. The order should address the child's right to: 1) educational stability, including the right to: a) remain in the same school regardless of a change in placement when it is in the child's best interest; b) immediate enrollment when a school change is in the child's best interest; and c) have school proximity considered in all placement changes, 42 U.S.C. §§ 675(1)(G) and 11431 *et seq.*; 2) an educational decision maker pursuant to Rule 1147, 42 Pa.C.S. § 6301, 20 U.S.C. § 1439(a)(5), and 34 C.F.R. § 300.519; 3) an appropriate education, including any necessary special education, early intervention, or remedial services pursuant to 24 P.S. §§ 13-1371 and 13-1372, 55 Pa. Code § 3130.87, and 20 U.S.C. §§ 1400 *et seq.*; 4) the educational services necessary to support the child's transition to successful adulthood pursuant to 42 Pa.C.S. § 6351 if the child is 14 or older; and 5) a transition plan that addresses the child's educational needs pursuant to 42 U.S.C. § 675(5)(H) if the child will age out of care within 90 days.

Pursuant to paragraph (F), the court's order is to address the child's needs concerning health care and disability. The order should address the right of: 1) a child to receive timely and medically appropriate screenings and health care services pursuant to 55 Pa. Code §§ 3700.51 and 3800.32 and 42 U.S.C. § 1396d(r); 2) a child to a transition plan that addresses the child's health care needs, and includes specific options for how the child can obtain health insurance after leaving care pursuant to

42 U.S.C. § 675(5)(H) if the child will age out of care within ninety days; and 3) a child with disabilities to receive necessary accommodations pursuant to 42 U.S.C. § 12132; 28 C.F.R. § 35.101 *et seq.*, Section 504 of the Rehabilitation Act of 1973, *as amended*, 29 U.S.C. § 794, and implementing regulations at 45 C.F.R. § 84.1 *et seq.* In addition, the court is to ensure progress and compliance with the child's case plan for the ongoing oversight and coordination of health care services under 42 U.S.C. § 622(b)(15).

Pursuant to the Juvenile Act, the court has authority to order a physical or mental examination of a child and medical or surgical treatment of a minor, who is suffering from a serious physical condition or illness which requires prompt treatment in the opinion of a physician. The court may order the treatment even if the guardians have not been given notice of the pending hearing, are not available, or without good cause inform the court that they do not consent to the treatment. 42 Pa.C.S. § 6339(b).

See Rule 1611 for permanency hearing orders for children over the age of eighteen.

Source

The provisions of this Rule 1609 amended April 29, 2011, effective July 1, 2011, 41 Pa.B. 2413; amended October 21, 2013, effective December 1, 2013, 43 Pa.B. 6658; amended July 13, 2015, effective October 1, 2015, 45 Pa.B. 3987; amended November 30, 2021, effective January 1, 2022, 51 Pa.B. 7632; amended March 22, 2023, effective October 1, 2023, 53 Pa.B. 1791. Immediately preceding text appears at serial pages (407959) to (407961).

Rule 1610. Permanency Hearing for Children over Eighteen.

A. *Purpose and timing of hearing.* For every case for children over the age of eighteen, the court shall conduct a permanency hearing at least every six months for purposes of determining:

- (1) whether the child continues to meet the definition of child under Rule 1120 and has requested the court to retain dependency jurisdiction;
- 2) whether the transition plan of the child is consistent with Rule 1631(E)(2);
- 3) the date by which the goal of permanency for the child might be achieved; and
- 4) whether the placement continues to be best suited to the safety, protection, and physical, mental, and moral welfare of the child.

B. *Recording.* The permanency hearing shall be recorded.

C. *Evidence.* Any evidence helpful in determining the appropriate course of action, including evidence that was not admissible at the adjudicatory hearing, shall be presented to the court.

D. *Court's findings.* At the permanency hearing, the court shall enter its findings and conclusions of law into the record and enter an order pursuant to Rule 1611. The court shall make a determination whether the county agency has satisfied the requirements of Rule 1149 regarding family finding, and if not, the findings and conclusions of the court on why the requirements have not been met by the county agency.

Comment:

See 42 Pa.C.S. §§ 6341, 6351.

To the extent practicable, the judge or juvenile court hearing officer who presided over the adjudicatory and original dispositional hearing for a child should preside over the permanency hearings for the same child. In resumption of jurisdiction cases, to the extent practicable, the judge or juvenile court hearing officer who presided over the original case should preside over the re-opened case.

Pursuant to paragraph (A), courts are to conduct a permanency hearing every six months. Courts are strongly encouraged to conduct more frequent permanency hearings, such as every three months, when possible.

A three-month hearing or conference is considered best practice for dependency cases and is highly recommended. The court should not wait until six months has elapsed to determine if the transition plan is progressing. Time to achieve permanency is critical in dependency cases. In order to seek reimbursement under Title IV-E of the Social Security Act, 42 U.S.C. § 601 *et seq.*, a full permanency hearing is to be conducted every six months.

In addition to the permanency hearing contemplated by this rule, courts may also conduct additional and/or more frequent intermittent review hearings or status conferences, which address specific issues based on the circumstances of the case, and which assist the court in ensuring timely transition.

See 42 U.S.C. § 675 (5)(A)—(H) for development of a transition plan.

See Rule 1128 regarding presence at proceedings and Rule 1136 regarding *ex parte* communications.

Pursuant to subdivision (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* 67 Pa.C.S. §§ 7501 *et seq.* *See also* Pa.R.J.C.P. 1210(D)(8), 1242(E)(3), 1409(C), 1609(D), and 1611(C), and *Comments* to Pa.R.J.C.P. 1242, 1408, 1409, 1512, 1514, 1515, 1608, 1609, and 1611.

When making its determination for reasonable efforts made by the county agency, the court is to consider family finding. *See also* Rules 1240(B)(6), 1242(C)(2) & (3)(b) & (c) and 1330(B)(6) and *Comments* to Rules 1242, 1330, 1409, 1515, 1608, 1609, and 1611 for reasonable efforts determinations.

When the court has resumed jurisdiction pursuant to Rule 1635, the court is to schedule regular permanency hearings. The county agency is to develop a new transition plan for the child.

Source

The provisions of this Rule 1610 adopted October 21, 2013, effective December 1, 2013, 43 Pa.B. 6658; amended July 13, 2015, effective October 1, 2015, 45 Pa.B. 3987; amended April 6, 2017, effective September 1, 2017, 47 Pa.B. 2313; amended November 30, 2021, effective January 1, 2022, 51 Pa.B. 7632; amended March 22, 2023, effective October 1, 2023, 53 Pa.B. 1791. Immediately preceding text appears at serial pages (407961) to (407962).

Rule 1611. Permanency Hearing Orders for Children over Eighteen.

A. *Court order.* After every permanency hearing for children over the age of eighteen, the court shall issue a written order, which provides whether the transition plan is best suited to the safety, protection, and physical, mental, and moral welfare of the child.

B. *Determinations made.* The court's order shall reflect the determinations made pursuant to Rule 1610(D).

C. *Orders on family finding.*

- 1) The court order shall indicate whether family finding efforts made by the county agency were reasonable;
- 2) If the family finding efforts were not reasonable, the court shall order the county agency to engage in family finding prior to the next permanency hearing;

D. *Orders concerning education.* The court's order shall address the stability and appropriateness of the child's education, if applicable, including whether an educational decision maker is appropriate.

E. *Orders concerning health care and disability.*

- 1) The court's order shall identify, monitor, and address the child's needs concerning health care and disability; and
- 2) The court's orders may authorize evaluations and treatment.

Comment:

When issuing a permanency order, the court should issue an order that is "best suited to the safety, protection, and physical, mental, and moral welfare of the child." 42 Pa.C.S. § 6351(a). *See In re S.J.*, 906 A.2d 547, 551 (Pa. Super. Ct. 2006) (citing *In re Tameka M.*, 525 Pa. 348, 580 A.2d 750 (1990)), for issues addressing a child's mental and moral welfare.

Pursuant to paragraph (C), when making its determination for reasonable efforts made by the county agency, the court is to consider the extent to which the county agency has fulfilled its obligation pursuant to Rule 1149 regarding family finding. *See also* Rules 1240(B)(6), 1242(C)(2) & (3)(b) & (c), and 1330(B)(6) and Comments to Rules 1242, 1330, 1409, 1515, 1608, 1609, and 1610 for reasonable efforts determinations.

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* 67 Pa.C.S. §§ 7501 *et seq.* *See also* Pa.R.J.C.P. 1210(D)(8), 1242(E)(3), and 1409(C), and Comments to Pa.R.J.C.P. 1242, 1408, 1409, 1512, 1514, 1515, 1608, 1609, and 1610.

Pursuant to paragraph (D), the court's order is to address the child's educational stability, including the right to an educational decision maker. The intent of this paragraph is to ensure that the inquiry regarding the appointment of an educational decision maker is considered. Federal and state law requires educational decision makers until the age of twenty-one if an educational decision maker is necessary. *See* Comment to Rule 1609(E) and 34 C.F.R. § 300.320(c).

Pursuant to paragraph (E), the court's order is to address the child's needs concerning health care and disability. *See* Comment to Rule 1609(F).

Source

The provisions of this Rule 1611 adopted October 21, 2013, effective December 1, 2013, 43 Pa.B. 6658; amended July 13, 2015, effective October 1, 2015, 45 Pa.B. 3987; amended November 30, 2021, effective January 1, 2022, 51 Pa.B. 7632; amended March 22, 2023, effective October 1, 2023, 53 Pa.B. 1791. Immediately preceding text appears at serial pages (407962) to (407963).

PART (C). POST-DISPOSITIONAL PROCEDURES**Rule 1613. [Reserved].****Comment**

This rule was renumbered from Rule 1613 to Rule 1631 on October 21, 2013. *See* Rule 1631.

Source

The provisions of this Rule 1613 amended August 29, 2009, effective immediately, 39 Pa.B. 4887; amended April 29, 2011, effective July 1, 2011, 41 Pa.B. 2430; reserved and renumbered as 237 Pa. Code Rule 1631 October 21, 2013, effective December 1, 2013, 43 Pa.B. 6658. Immediately preceding text appears at serial pages (357370) to (357373).

Rule 1616. Post-Dispositional Procedures; Appeals [Reserved].**PART D. CESSATION OR RESUMPTION OF COURT SUPERVISION OR JURISDICTION**

Rule	
1631.	Termination of Court Supervision.
1634.	Motion for Resumption of Jurisdiction.
1635.	Hearing on Motion for Resumption of Jurisdiction.

Rule 1631. 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 is under 18 years of age and has been placed with a ready, willing, and able parent who was not previously identified by the county agency;
- 4) the child has been adopted and services from the county agency are no longer needed;
- 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 physical and legal 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 and a hearing has been held pursuant to subdivision (e) for a child who is age eighteen or older;

8) the child has been adjudicated delinquent and services from the county agency are no longer needed because all dependency issues have been resolved;

9) the child has been emancipated by the court;

10) the child is 18 years of age or older and a hearing has been held pursuant to subdivision (e);

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.

(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 subdivision (a)(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 the Pennsylvania Rules of Civil Procedure.

(c) *Objection.* Any party may object to a motion under subdivision (a) and request a hearing.

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

(e) *Children 18 Years of Age or Older.*

1) Before the court can terminate its supervision of a child who is 18 years of age or older, a hearing shall be held at least 90 days prior to the child turning 18 years of age.

2) Prior to the hearing, the child shall have the opportunity to make decisions about the transition plan and confer with the county agency about the details of the plan. The county agency shall provide the transition plan to the court and the plan shall, at a minimum, include:

(i) the specific plans for housing;

(ii) a description of the child's source of income;

(iii) the specific plans for pursuing educational or vocational training goals;

(iv) the child's employment goals and whether the child is employed;

(v) a description of the health insurance plan that the child is expected to obtain and any continued health or behavioral health needs of the child;

(vi) a description of any available programs that would provide mentors or assistance in establishing positive adult connections;

(vii) verification that all vital identification documents and records have been provided to the child;

(viii) a description of any other needed support services;

(ix) a list, with contact information, of supportive adults and family members; and

(x) notice to the child that the child can request resumption of juvenile court jurisdiction until the child turns 21 years of age if specific conditions are met.

3) At the hearing, the court shall review the transition plan for the child. If the court is not satisfied that the requirements of subdivision (e)(2) have been met, a subsequent hearing shall be scheduled.

4) The court shall not terminate its supervision of the child without approving an appropriate transition plan, unless the child, after an appropriate transition plan has been offered, is unwilling to consent to the supervision and the court determines termination is warranted.

(f) *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 subdivision (a), see 42 Pa.C.S. §§ 6301(b) and 6351(f.1).

Pursuant to subdivision (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.*, 619 A.2d 758 (Pa. Super. 1993). The court may also decide to retain dependency jurisdiction regardless of the delinquency adjudication because the child still needs dependency services.

If dependency issues have not been resolved, the case should be kept open and services ordered. The court should ensure that services are not discontinued solely because the child was adjudicated delinquent. The county agency and the juvenile probation are to collaborate on the case and resolve all outstanding issues. If a child is in a delinquency placement, the court is to ensure that the county agency and the juvenile probation office have collaborated to ensure appropriate services are in place.

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

Pursuant to subdivision (a)(10), a child who was adjudicated dependent prior to reaching the age of 18 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 21. 42 Pa.C.S. § 6302. See also 55 Pa. Code §§ 3103.5 and 3130.87; *In re S.J.*, 906 A.2d 547 (Pa. Super. 2006).

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

Pursuant to subdivision (b), a child whose non-custodial parent is ready, willing, and able to provide adequate care for the child may not be found dependent. See *In re M.L.*, 757 A.2d 849 (Pa. 2000). Subdivision (b) does not apply to resumption of jurisdiction cases.

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

Pursuant to subdivision (e)(2), the county agency is to assist the child and provide all the support necessary in developing a transition plan. See 42 U.S.C. § 675(5)(A)—(H); 67 Pa.C.S. § 7505.

Pursuant to subdivision (e)(3), the court is to approve a transition plan that is suitable for the child and that has been personalized at the direction of the child.

If the court has resumed jurisdiction pursuant to Rule 1635, a new transition plan is to be developed for the child. Before the court can terminate supervision, the requirements of subdivision (e) are to be followed. In no case is a juvenile over 21 to remain under juvenile court supervision. *See* Pa.R.J.C.P. 1635(E). *See* also Rule 1635(E) for termination of juvenile court jurisdiction if the court denies the motion for resumption of jurisdiction.

Source

The provisions of this Rule 1631 renumbered from 237 Pa. Code Rule 1613 and amended October 21, 2013, effective December 1, 2013, 43 Pa.B. 6658; amended March 22, 2023, effective October 1, 2023, 53 Pa.B. 1791. Immediately preceding text appears at serial pages (407964) to (407967).

Rule 1634. Motion for Resumption of Jurisdiction.

A. *Venue.* A motion to resume jurisdiction shall be filed with the court that terminated court supervision of the child pursuant to Rule 1631.

B. *Contents.* The motion for resumption of jurisdiction shall aver:

- 1) dependency jurisdiction was previously terminated:
 - a) within ninety days prior to the child's eighteenth birthday; or
 - b) on or after the child's eighteenth birthday; and
- 2) the child:
 - a) is under twenty-one years of age;
 - b) was adjudicated dependent prior to turning eighteen years of age;
 - c) has requested the court to resume jurisdiction; and
 - d) is:
 - i) completing secondary education or an equivalent credential;
 - ii) enrolled in an institution which provides postsecondary or vocational education;
 - iii) participating in a program actively designed to promote or prevent barriers to employment;
 - iv) employed for at least eighty hours per month; or
 - v) incapable of doing any of the activities as prescribed in paragraphs (B)(2)(d)(i)—(iv) due to a medical or behavioral health condition, which is supported by regularly updated information in the permanency plan for the child;
- 3) whether the child would like his or her guardian or other interested adult involved in the court proceedings;
- 4) that a verification has been signed by the child attesting the above requirements have been met; and

- 5) whether an expedited hearing for placement and services is being requested due to the child's current living arrangement.
- C. *Service.* A copy of the motion shall be served upon:
- 1) the county agency;
 - 2) the attorney for the county agency;
 - 3) the child;
 - 4) the child's attorney; and
 - 5) the guardian or other interested adult if the child requesting resumption of jurisdiction would like the guardian or other interested adult involved in the case as averred in paragraph (B)(3).

Comment

A motion to resume jurisdiction can be filed by the child, county agency, or attorney for the child. At the request of the child, if the county agency or previous attorney is approached by the child concerning the court reopening the child's case, the county agency or attorney is to assist the child in the filing of the motion.

Pursuant to paragraph (A), the motion is to be filed in the county that terminated juvenile court jurisdiction. If the juvenile has moved to another county, the juvenile may request the court to transfer jurisdiction pursuant to Rule 1302 at any time after the filing of the motion to resume jurisdiction, including prior to the hearing on the motion. *See* Rules 1302 and 1635.

If the child does not have an attorney at the time of the filing of the motion, the court is to assign legal counsel pursuant to Rule 1151 and immediately order service of the motion to resume jurisdiction on the child's attorney. It is best practice to appoint the guardian *ad litem* or legal counsel who was previously assigned to the child as legal counsel. *See* Rule 1151.

If the child is the party filing the motion, the President Judge of each judicial district is to designate a person to serve the other parties for the child. If the county agency or attorney is filing the motion, they should serve the other parties.

If the child has averred that the child desires the involvement of a guardian or other interested adult in their case, this person is to be served with the motion and given notice of any subsequent hearings if the court orders such involvement. Notice does not confer standing upon the guardian or other interested adult. *See* Rule 1635(B)(5) and Comment.

See 42 Pa.C.S. §§ 6302 & 6351(j).

See also Rule 1300 for change of venue and Rule 1302 for inter-county transfer of the case.

Official Note: Adopted October 21, 2013, effective December 1, 2013.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1634 published with the Court's Order at 43 Pa.B. 6658 (November 9, 2013).

Source

The provisions of this Rule 1634 adopted October 21, 2013, effective December 1, 2013, 43 Pa.B. 6658.

Rule 1635. Hearing on Motion for Resumption of Jurisdiction.

A. *Time for hearing.* Within thirty days of receiving a motion for resumption of jurisdiction, the court shall conduct a hearing to determine whether it will resume juvenile court jurisdiction.

B. *Notice.* Notice of the date, time, place, and purpose of the hearing shall be given to:

- 1) the county agency;
- 2) the attorney for the county agency;
- 3) the child;
- 4) the child's attorney;
- 5) any other persons, including the guardian or other interested adult, as directed by the court.

C. *Hearing.* At the hearing, the court shall state its findings and conclusions of law on the record in open court as to whether:

- 1) dependency jurisdiction was previously terminated:
 - a) within ninety days prior to the child's eighteenth birthday; or
 - b) on or after the child's eighteenth birthday but before the child turns twenty-one years of age; and
- 2) the child continues to meet the definition of child pursuant to 42 Pa.C.S. § 6302 because the child:
 - a) is under twenty-one years of age;
 - b) was adjudicated dependent prior to turning eighteen years of age;
 - c) has requested the court to resume jurisdiction; and
 - d) is:
 - i) completing secondary education or an equivalent credential;
 - ii) enrolled in an institution which provides postsecondary or vocational education;
 - iii) participating in a program actively designed to promote or prevent barriers to employment;
 - iv) employed for at least eighty hours per month; or
 - v) incapable of doing any of the activities as prescribed in paragraphs (C)(2)(d)(i)—(iv) due to a medical or behavioral health condition, which is supported by regularly updated information in the permanency plan for the child;

- 3) reasonable efforts were made by the county agency to prevent the return of the child to juvenile court jurisdiction unless, due to the child's immediate need for assistance, such lack of efforts was reasonable;
- 4) it will exercise jurisdiction pursuant to 42 Pa.C.S. § 6351(j) because it is best suited to the protection and physical, mental, and moral welfare of the child;
- 5) a guardian or other interested adult should be involved in the child's case;
- 6) there are any health or educational needs of the child; and
- 7) the county agency has developed an appropriate transition plan.

D. *Orders.*

- 1) After a hearing, the court shall enter an order granting or denying the motion to resume juvenile court jurisdiction.
- 2) If the court resumes jurisdiction, the court shall order:
 - a) that resumption of jurisdiction is best suited to the protection and physical, mental, and moral welfare of the child;
 - b) any findings as to the transition plan for the child;
 - c) regular scheduling of permanency hearings pursuant to Rule 1608;
 - d) any designations of custody and/or placement of the child; and
 - e) any evaluations, tests, or treatments for the health and educational needs of the child.

E. *Termination of court supervision in resumption cases.*

- 1) Once the goals in the transition plan have been accomplished for a child which, at a minimum, includes the requirements pursuant to Rule 1631(E)(2), or the child has refused to cooperate with the plan, a party may move for termination of court supervision pursuant to Rule 1631.
- 2) In no event shall a child remain under juvenile court supervision once the child has turned twenty-one years of age.

F. *Advanced Communication Technology.* The provisions of Rule 1129 shall apply to this proceeding.

Comment

The court may decide whether a guardian or other interested adult will participate in the child's case. The court is to consider the preferences of the child when making an order for participation. *See* Rule 1634(B)(3) for notation of child's preference and 42 Pa.C.S. § 6310 for guardian involvement. Notice or invitation to participate does not confer standing upon the guardian or other interested adult.

See 42 Pa.C.S. §§ 6302 & 6351(j).

A juvenile court hearing officer may conduct these hearings. *See* Rule 1187.

If the court resumes jurisdiction, the county agency is to engage in family finding unless presently or previously discontinued pursuant to Rule 1149(B). *See* Rules 1608(D)(1)(h) and 1610(D) (court findings at permanency hearing whether the county agency has satisfied the requirements of Rule 1149 regarding family finding). If family finding was previously discontinued, the county agency may seek to resume family finding efforts pursuant to Rule 1149(C).

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.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1635 published with the Court's Order at 43 Pa.B. 6658 (November 9, 2013).

Final Report explaining the amendments to Rule 1635 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

Final Report explaining the amendments to Rule 1635 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

Source

The provisions of this Rule 1635 adopted October 21, 2013, effective December 1, 2013, 43 Pa.B. 6658; amended July 13, 2015, effective October 1, 2015, 45 Pa.B. 3987; amended April 6, 2017, effective September 1, 2017, 47 Pa.B. 2313. Immediately preceding text appears at serial pages (378006) to (378008).

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