

**SUPREME COURT OF PENNSYLVANIA
JUVENILE COURT PROCEDURAL RULES COMMITTEE**

NOTICE OF PROPOSED RULEMAKING

Proposed Amendment of Pa.R.J.C.P. 610

The Juvenile Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pennsylvania Rule of Juvenile Court Procedure 610 governing juvenile dispositional review procedures for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. 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 report accompanying this proposal was prepared by the Committee to indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be adopted by the Supreme Court.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

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All communications in reference to the proposal should be received by **January 17, 2025**. 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 Andrea Marceca Strong, Chair

**SUPREME COURT OF PENNSYLVANIA
JUVENILE COURT PROCEDURAL RULES COMMITTEE**

PUBLICATION REPORT

Proposed Amendment of Pa.R.J.C.P. 610

The Juvenile Court Procedural Rules Committee (“Committee”) is considering proposing the amendment of Pennsylvania Rule of Juvenile Court Procedure 610 to require the review of a juvenile’s out-of-home placement at least every three months and for the court to make specific findings.

On June 22, 2021, the Pennsylvania Juvenile Justice Task Force released its Report and Recommendations containing several suggested rules changes. Recommendation 16.4 stated:

Pa.R.J.C.P 610 should be modified to require dispositional review hearings in all cases (including those disposed to probation) to be held at a minimum every three months and to set forth the specific determinations that must be made at each proceeding (similar to the specificity of the determinations that must be made by the court in permanency hearings for dependent children under Rule 1610).

The Act of October 16, 2024, P.L. 1003, No. 107 amended 42 Pa.C.S. § 6353 to require a “dispositional review” of a juvenile’s out-of-home placement at least every three months and for the court to make specific findings and to explain its reasoning for each finding. Prior to Act 107, the Juvenile Act required the court to review a juvenile’s out-of-home placement, *i.e.*, commitment, every six months and to hold a dispositional review hearing at least every nine months. That statutory requirement was suspended insofar as it was inconsistent with Pa.R.J.C.P. 610, which required dispositional and commitment review hearings to be held at least every six months regardless of whether the juvenile was in an out-of-home placement. See Pa.R.J.C.P. 800(18). Thus, a juvenile’s disposition, if the juvenile was not in an out-of-home placement, would be reviewed at least every six months. Similarly, a juvenile’s disposition, if the juvenile was in an out-of-home placement, would also be reviewed every six months. For a juvenile in an out-of-home placement, the disposition review was called a “commitment review.” As the timing and nature of the review were similar, the terminology seemed to be a distinction without a difference under the rule.

The Juvenile Act places a limitation on the period of time that a juvenile may be placed out-of-home. See 42 Pa.C.S. § 6353(a). This period of time, however, may be extended or modified. See *id.* As amended by Act 107, the Juvenile Act requires a “disposition review hearing” of the out-of-home placement at least every three months.

See *id.* § 6353(a.1)(1). Act 107 also requires the court to make specific findings of fact and explain its rationale for those finding. See *id.* § 6353(a.1)(2)-(a.1)(3).

The Committee proposes amending the title of Pa.R.Civ.P. 610 to remove “and Commitment” to indicate that both types of review are “dispositional” but with different timing and required findings. Current subdivision (A) would be replaced with subdivisions (a) and (b). Subdivision (a) would require a dispositional review hearing at least every six months if a juvenile is not committed to an out-of-home placement. The timing of this review retains the current six-month minimum. The required findings for that review are carried over from current subdivision (A). Subdivision (b) is intended to reflect the specific requirements of Act 107, including the minimum three-month review and the findings necessary for a juvenile committed to an out-of-home placement.

Current subdivision (A)(2) concerning the appearance of the juvenile has been consolidated with proposed subdivision (d) concerning the use of advanced communication technology or ACT. Current subdivision (A)(3), permitting the court to schedule a review at any time, has been merged into proposed subdivisions (a)(1) and (b)(1).

Finally, no amendment of Pa.R.J.C.P. 800(18) is proposed because it applies to Act of July 9, 1976, P.L. 586, No. 142, § 2, not to Act 107.

The Committee invites all comments, concerns, and suggestions regarding this rulemaking proposal.

Rule 610. Dispositional [and Commitment] Review.

[A. Dispositional Review Hearing. The court shall review its disposition and conduct dispositional review hearings for the purpose of ensuring that the juvenile is receiving necessary treatment and services and that the terms and conditions of the disposition are being met.

- (1) In all cases, the court shall conduct dispositional review hearings at least every six months.**
- (2) In all cases, the juvenile shall appear in person at least once a year.**
- (3) The court may schedule a review hearing at any time.]**

(a) Dispositional Review Hearing – Juvenile Not Committed. If a juvenile is not committed to an out-of-home placement, the court shall review its disposition and conduct dispositional review hearings subject to the following:

- (1) Frequency. The court may schedule a review hearing at any time but shall conduct dispositional review hearings at least every six months.**
- (2) Findings. At the conclusion of the hearing and on the record in open court, the court shall find the following, together with its reasoning for each finding:**
 - (i) whether the juvenile is receiving necessary treatment and services; and**
 - (ii) whether the terms and conditions of the disposition are being met.**

(b) Dispositional Review Hearing – Juvenile Committed. If a juvenile is committed to an out-of-home placement, the court shall review its disposition and conduct dispositional review hearings subject to the following:

- (1) Frequency. The court may schedule a review hearing at any time but shall conduct dispositional review hearings at least every three months.**

(2) Findings. At the conclusion of the hearing and on the record in open court, the court shall find the following, together with its reasoning for each finding:

- (i) whether the child is receiving the necessary services or treatment contemplated by the court's disposition;**
- (ii) whether the child continues to pose a threat to the community;**
- (iii) whether additional services or treatment are needed;**
- (iv) whether the child should continue in placement or be released from placement under aftercare supervision; and**
- (v) the date of the next disposition review hearing.**

[B.](c) Modification of Dispositional Order. Whenever there is a motion for a modification of the dispositional order, other than a motion to revoke probation as provided in Rule 612, notice and an opportunity to be heard shall be given to the parties and the victim. Any outstanding restitution amounts may not be reduced by modification of the dispositional order without specific notice to the victim prior to the hearing that a modification may be ordered.

- (1) The juvenile may be detained pending a court hearing.
- (2) A detention hearing shall be held within 72 hours of the juvenile's detention, if detained.
- (3) The juvenile shall be given a statement of reasons for the discharge from a placement facility or motion for modification of the dispositional order.
- (4) A review hearing shall be held within 20 days of the discharge from the placement facility or motion for modification of the dispositional order.

[C.](d) Juvenile Appearance and Advanced Communication Technology. **The juvenile shall appear in person at least once a year.** A court may utilize advanced communication technology pursuant to Rule 129 for a juvenile or a witness unless good cause is shown otherwise.

[D.](e) Post-Dispositional Rights. A colloquy and inquiry of post-dispositional rights shall be conducted when a juvenile is aggrieved by a modification of the dispositional order.

Comment: At any hearing, if it is determined that the juvenile is in need of an educational decision maker, the court is to appoint an educational decision maker pursuant to Rule 147.

[Under paragraph (A), the court is to conduct dispositional review hearings as frequently as necessary to ensure that the juvenile is receiving necessary treatment and services and that the terms and conditions of the disposition are being met. See Rule 800.]

When conducting a dispositional review hearing, the court is to ensure that the disposition continues to provide balanced attention to the protection of the community, the imposition of accountability for offenses committed, and the development of competencies to enable the juvenile to become a responsible and productive member of the community. A change in the plan of rehabilitation may result in the adjustment of financial obligations imposed pursuant to Rule 515. An “adjustment” is not intended to invite the imposition of increased fines, fees, or costs after disposition.

Nothing in this rule prohibits the juvenile from requesting an earlier review hearing. The juvenile may file a motion requesting a hearing when there is a need for change in treatment or services.

Additionally, nothing in this rule is intended to prohibit the emergency transfer of a juvenile from a placement facility to a detention facility pending reconsideration of the dispositional order, and this rule is not intended to preclude a motion for modification of a dispositional order after the juvenile has been detained.

Under **[paragraph (B)] subdivision (c)**, the attorney for the Commonwealth or its designee is to notify the victim of the date, time, place, and purpose of the review hearing. Prior to ordering the modification of the dispositional order, the court is to give the victim an opportunity to submit an oral and **[or]** written victim-impact statement if the victim so chooses. See **[Victims Bill of Rights,]** 18 P.S. §§ 11.201**(5) [et seq]**. Whenever a motion seeks a reduction of outstanding restitution, the victim should be given specific notice of the relief sought prior to the hearing. A court may not order a downward adjustment of outstanding restitution without first ensuring that notice was given to the victim of the possibility that such an adjustment was specifically being considered at the dispositional review hearing.

Any person**[s]** may be subpoenaed to appear for the hearing. See **[Rule 123 and] Pa.R.J.C.P. 123;** 42 Pa.C.S. § 6333. However, nothing in these rules requires the

attendance of the victim unless subpoenaed. If the victim is not present, the victim is to be notified of the final outcome of the proceeding.

Some placement facilities are hours away from the dispositional court. **[Paragraph (C)] Subdivision (d)** allows a hearing to be conducted via teleconferencing, two-way simultaneous audio-visual communication, or similar method. The juvenile is to be afforded all the same rights and privileges as if the hearing was held with all present in the courtroom.

If a juvenile is detained or placed, the juvenile is to be placed in a detention facility or placement facility, which does not include a county jail or state prison. **[See Rule 120 and its Comment for definitions of] See Pa.R.J.C.P. 120 (defining “detention facility” and “placement facility[.]”]**.

For the colloquy and inquiry of post-dispositional rights, see Rule 512(C). If a change in disposition results in an out-of-home placement, then the court should also explain to the juvenile the availability of review of the out-of-home placement pursuant to Pa.R.A.P. 1612.

[Official Note: Rule 610 adopted April 1, 2005, effective October 1, 2005. Amended December 30, 2005, effective immediately. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended May 26, 2011, effective July 1, 2011. Amended June 28, 2013, effective immediately. Amended May 11, 2017, effective October 1, 2017. Amended October 22, 2021, effective April 1, 2022.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 610 published with the Court’s Order at 35 Pa.B. 2214 (April 16, 2005). Final Report explaining the revisions of Rule 610 published with the Court’s Order at 36 Pa.B. 186 (January 14, 2006). Final Report explaining the amendments to Rule 610 published with the Court’s Order at 41 Pa.B. 2319 (May 7, 2011). Final Report explaining the amendments to Rule 610 published with the Court’s Order at 41 Pa.B. 2413 (May 14, 2011). Final Report explaining the amendments to Rule 610 published with the Court’s Order at 41 Pa.B. 3180 (June 25, 2011). Final Report explaining the amendments to Rule 610 published with the Court’s Order at 43 Pa.B. 3938 (July 13, 2013). Final Report explaining the amendments to Rule 610 published with the Court’s Order at 47 Pa.B. 2969 (May 27, 2017). Final Report explaining the amendments to Rule 610 published with the Court’s Order at 51 Pa.B. 6905 (November 6, 2021).]