

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

NOTICE OF PROPOSED RULEMAKING

Proposed Amendment of Pa.R.J.C.P. 300, 302, and 630

The Juvenile Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pennsylvania Rules of Juvenile Court Procedure 300, 302, and 630 governing venue, intercounty transfers, courtesy supervision, and closing of delinquency cases 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 **October 1, 2024**. 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

Rule 300. Venue.

[A.](a) Generally. A delinquency proceeding shall be commenced in:

- (1) the county in which the delinquent act was allegedly committed; or
- (2) the juvenile's county of residence.

[B.](b) Change of [venue] Venue. The juvenile may file a motion for change of venue if there is substantial prejudice to the juvenile. The court shall decide the motion **and, if granted, specify an effective date for the change of venue.**

[C.](c) Transmission of [all records] All Records. If there is a change of venue pursuant to **[paragraph (B)] subdivision (b), within five days of the date for the change of venue:**

(1) the transferring county's clerk of courts shall inform the receiving county's clerk of courts of the manner in which certified copies of all documents, reports, and summaries in the juvenile's official court record will be transferred;

[(1)](2) the transferring [court] county's clerk of courts shall transfer certified copies of all documents, reports, and summaries in the juvenile's official court record to the receiving [court] county's clerk of courts; [and]

[(2)](3) [The] the juvenile probation office of the transferring court shall transfer its juvenile probation files to the juvenile probation office where venue has been transferred;

(4) the receiving county's clerk of courts shall notify its juvenile probation office and the transferring county's clerk of courts of its receipt of the official court records; and

(5) the receiving juvenile probation office shall schedule the next court proceeding in accordance with the time requirements of these rules.

(d) Next Court Proceeding. The time requirements of these rules for the next court proceeding shall be calculated from the effective date for the change in venue.

[Official Note: Rule 300 adopted April 1, 2005, effective October 1, 2005. Amended December 24, 2009, effective immediately. Amended May 21, 2012, effective August 1, 2012.]

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 300 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005). Final Report explaining the amendments to Rule 300 published with the Court's Order at 40 Pa.B. 222 (January 9, 2010). Final Report explaining the amendments to Rule 300 published with the Court's Order at 42 Pa.B. 3203 (June 9, 2012).]

Rule 302. [Inter-County] Intercounty Transfer and Courtesy Supervision.

[A. Adjudication of Delinquency. When the court proceeds to an adjudicatory hearing for non-resident juveniles, it shall hear evidence on the petition pursuant to Rule 406 or accept an admission pursuant to Rule 407 and shall rule on the offenses in accordance with Rule 408. The court may transfer the case to the juvenile's county of residence for a hearing to determine if the juvenile is in need of treatment, rehabilitation, or supervision pursuant to Rule 409 and if the court finds the juvenile to be in need of treatment, rehabilitation, or supervision, the receiving court shall proceed under Chapter Five.

B. Courtesy Supervision.

- 1) The court may transfer supervision of the juvenile to the juvenile's county of residence after:
 - a) a consent decree is entered; or**
 - b) a dispositional order is entered; and****
- 2) The county providing courtesy supervision may, with cause, withdraw supervision at any time and return the matter for further action to the county which entered the dispositional order.**

C. Transmission of all records. If the case is transferred pursuant to paragraph (A) or (B):

- 1) the transferring court shall transfer certified copies of all documents, reports, and summaries in the juvenile's official court record to the receiving court;**
- 2) the juvenile probation office of the transferring court shall transfer its juvenile probation files to the juvenile probation office where jurisdiction has been transferred.]**

(a) Intercounty Transfer.

- (1) Timing. Upon motion of a party or court, and after a hearing, the court may order the transfer of a non-resident juvenile's case to the juvenile's county of residence at any time after**

ruling on the offenses in accordance with Rule 408 and prior to the disposition hearing.

- (2) Notice.** The court shall serve notice of the hearing upon the parties and the juvenile probation office. The district attorney in the proposed receiving county shall receive notice of the hearing and be granted standing to participate in the hearing.
- (3) Hearing.** The hearing should be conducted in the transferring county no more than 20 days from the date of the notice in subdivision (a)(2). The district attorney in the proposed receiving county shall be permitted to appear at the hearing utilizing advance communication technology.
- (4) Acceptance of Jurisdiction.** If the court in the transferring county finds that the proposed transfer would be consistent with the protection of the public interest and best suited to the juvenile's treatment, supervision, rehabilitation, and welfare:

 - (i)** the court shall communicate with the president judge or designee of the receiving judicial district to ascertain whether jurisdiction will be accepted;
 - (ii)** a record of the communication shall be made and served promptly by the court on the parties; and
 - (iii)** upon service of the record of the communication, the parties shall have five days to file written responses with the court regarding the decision to accept jurisdiction.
- (5) Order.**

 - (i)** An order approving a transfer shall specify an effective date for the transfer no less than ten days from date of the order to allow for the coordination of services and preparation of the official court record for transmission.
 - (ii)** If not contained in the official court record, the order should enter a finding of the amount of restitution owed and to whom it should be paid, if available.
 - (iii)** The court shall direct the clerk of courts to serve the order upon the parties, the receiving county agency, and

the president judge or designee of the receiving court, if applicable.

(6) Matters of Cooperation between Courts. Communication between courts and juvenile probation offices on schedules, calendars, court records, and similar matters may occur without informing the parties. A record need not be made of the communication.

(7) Receiving Court. On or before the effective date of the order established in subdivision (a)(5)(i), the receiving court shall enter an order:

(i) accepting jurisdiction of the case as of the effective date;

(ii) appointing counsel for the juvenile;

(iii) directing the clerk of courts to serve the order upon the transferring court, if necessary, the county agencies, the parties, and the transferring county's clerk of courts; and

(iv) scheduling the next court proceeding for the juvenile.

(8) Next Court Proceeding. The time requirements of these rules for the next court proceeding shall be calculated from the effective date for the transfer.

(9) Transmission of Official Court Record.

(i) The transferring county's clerk of courts shall inform the clerk of the receiving court of the manner in which certified copies of all documents, reports, and summaries in the child's official court record will be transferred.

(ii) On the effective date of the transfer, the transferring county's clerk of courts shall transmit certified copies of all documents, reports, and summaries in the juvenile's official court record to the clerk of the court of the receiving county.

(iii) The receiving county's clerk of courts shall notify its county agency and the transferring court of its receipt of the official court records.

(b) Courtesy Supervision.

- (1) Timing. The court may transfer supervision of a juvenile to the juvenile's county of residence after:**
 - (i) a consent decree is entered; or**
 - (ii) a dispositional order is entered.**
- (2) Transmission of Records. The juvenile probation office of the transferring court shall transfer its juvenile probation files and a copy of the official court record to the juvenile probation office where the case has been transferred.**
- (3) Continuity of Services. The juvenile probation offices shall arrange for the continuity of services the juvenile may be receiving with minimal disruption.**
- (4) Withdrawal of Supervision. The county providing courtesy supervision may, with cause, withdraw supervision at any time and return the matter for further action to the county which entered the dispositional order.**

Comment: [The purpose of allowing transfer of disposition and supervision of the juvenile to the juvenile's county of residence is to allow probation to supervise the juvenile closely. Supervision is difficult if the juvenile lives in another county.

Under paragraph (B), this rule also may apply if the juvenile moves to a different county in this Commonwealth at some stage in the proceedings.

When the case is being transferred under paragraph (A), the transferring court should enter a finding of the amount of restitution owed and to whom it should be paid, if ordered. A restitution order should be included in the dispositional order, if applicable, under paragraph (B).]

Pursuant to subdivision (a), a juvenile's case may be transferred to the juvenile's county of residence after a ruling on offenses or after an adjudication of delinquency. See 42 Pa.C.S. § 6321(c)(1). However, a transfer is not required.

The court entering the dispositional order is responsible for implementing the disposition, including the costs of placement or treatment, and the collection of any financial obligations from the juvenile.

Judicial communications and service of orders on judges is unnecessary if the intercounty transfer occurs within the same judicial district.

Nothing in the rule is intended to prevent the juvenile probation office's participation as a witness for the district attorney or a witness called by the court. See Pa.R.E. 614 (Court's Calling or Examining a Witness). A transfer is not best suited to the juvenile's treatment, supervision, rehabilitation, and welfare if the receiving judicial district does not accept jurisdiction.

The period between the order approving the transfer and the effective date of the transfer is intended to prepare for the case transfer. The juvenile probation offices are expected to communicate prior to the actual transfer of a case to another county so that efforts can be coordinated and services, if any, transitioned without interruption. Coordination includes the transfer of records maintained by the juvenile probation office that are not otherwise included in the official court record. This period also allows the clerk to prepare the official court record for transmission to the receiving county on the effective date of the transfer.

Nothing in this rule prohibits the use of electronic means when transferring and receiving records. However, if there is an electronic transfer, the receiving county is to send an electronic confirmation of receipt of the records as the return receipt. The transferring county's clerk of courts is to docket the confirmation of receipt of records by the receiving county and may close the case once the confirmation has been received.

Upon receiving the order accepting the case, the transferring court may order the termination of court supervision pursuant to Rule 630(b).

Pursuant to subdivision (b)(2), if only supervision is being transferred, the juvenile's official court record is not required to be transferred to the clerk of courts of the receiving county.

[Official Note: Rule 302 adopted April 1, 2005, effective October 1, 2005. Amended December 24, 2009, effective immediately. Amended May 21, 2012, effective August 1, 2012.]

Committee Explanatory Reports:

Final Report explaining the amendments to Rule 302 published with the Court's Order at 40 Pa.B. 222 (January 9, 2010). Final Report explaining the amendments to Rule 302 published with the Court's Order at 42 Pa.B. 3203 (June 9, 2012).]

Rule 630. Loss of Court Jurisdiction.

- (a) Age.** When the juvenile has attained the age of **[twenty-one] 21**, the court shall enter an order terminating court supervision of the juvenile.
- (b) Intercounty Transfer. When a juvenile's case has been transferred to another county pursuant to Rule 302(a), the transferring court shall enter an order within 30 days of the transfer closing the case in the county from which the juvenile was transferred.**

Comment: The Juvenile Court has jurisdiction of a delinquent child if the child is under **[twenty-one] 21** years and committed an act of delinquency prior to reaching the age of **[eighteen] 18**. See 42 Pa.C.S. §§ 6302 **[&] and** 6303.

Subdivision (b) does not apply if a juvenile is receiving courtesy supervision in another county pursuant to Rule 302(b).

[Official Note: Rule 630 adopted February 26, 2008, effective April 1, 2008.]

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 630 published with the Court's Order at 38 Pa.B. 1146 (March 8, 2008).]

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

PUBLICATION REPORT

Proposed Amendment of Pa.R.J.C.P. 300, 302, and 630

The Juvenile Court Procedural Rules Committee (“Committee”) is considering proposing the amendment of Pennsylvania Rules of Juvenile Court Procedure 300, 302, and 630 governing venue, intercounty transfers, courtesy supervision, and closing of delinquency cases.

The genesis of this proposal was a request to create a statewide form to be used for the transfer of delinquency cases from one county to another. This request prompted the Committee to examine the transfer rules in light of rulemaking previous undertaken concerning the transfer of dependency cases. See 50 Pa.B. 2389 (May 9, 2020) (amending Pa.R.J.C.P. 1300, rescinding and replacing Pa.R.J.C.P. 1302).

The Juvenile Act permits a delinquency proceeding to be commenced in the county where the juvenile resides or in the county where the acts constituting the alleged delinquency occurred. See 42 Pa.C.S. § 6321(b)(1)-(b)(2). Within the rules, Pa.R.J.C.P. 300 governs venue, which addresses where a delinquency proceeding can be commenced. The rule also provides for a change of venue and the transmission of records.

The Juvenile Act also permits the transfer of a delinquency case if the juvenile resides in one county and the proceeding is commenced in another county. See *id.* § 6321(c)(1). Procedurally, intercounty transfers are governed by Pa.R.J.C.P. 302. The rule provides that a court may transfer a case after a ruling on the offenses pursuant to Pa.R.J.C.P. 408. After the transfer, the receiving county is to then determine whether to adjudicate the juvenile as delinquent pursuant to Pa.R.J.C.P. 409. Please note Pa.R.J.C.P. 302(B) also permits the transfer of a case for “courtesy supervision” after disposition.

Regarding venue, the Committee proposes amendment of Pa.R.J.C.P. 300 to facilitate the transmission of records by specifying when the records should be transferred, requiring identification of the mode of transfer, creating a feedback loop for the receipt of records, assigning responsibility for scheduling the next court proceeding, and addressing the effect a change of venue has on the timing requirements for the next court proceeding.

Concerning the records transfer, the Committee believes the use of Common Pleas Case Management System will expedite the transfer rather than relying upon paper

records and the United States Postal Service. Further, at this stage of a proceeding, the record typically is not voluminous.

Concerning the timing requirements for the next court proceeding, the effective date for the change of venue would be used to calculate the next procedural deadline. As Pa.R.J.C.P. 300(B), by its very terms, only permits a juvenile to seek a change of venue, the time restriction on detention for an untimely adjudicatory hearing would be subject to the exception permitted by Pa.R.J.C.P. 240(D)(2) (permitting continued detention for delays caused by the juvenile).

Regarding intercounty transfers, the Committee proposes amending Pa.R.J.C.P. 302(a) to permit transfers any time after ruling on offenses pursuant to Pa.R.J.C.P. 408, including after adjudication of delinquency pursuant to Pa.R.J.C.P. 409, but before disposition pursuant to Pa.R.J.C.P. 512. Currently, the rule only permits transfer after a ruling on the offenses pursuant to Pa.R.J.C.P. 408, but not after adjudication of delinquency pursuant to Pa.R.J.C.P. 409. The Committee proposes this amendment to provide more flexibility on when to transfer. The Committee understands, at least anecdotally, that some courts are already transferring after adjudication. Further, this amendment would eliminate any potential inconsistency between the rule and the Juvenile Act.

Borrowing from Pa.R.J.C.P. 1302, the Committee proposes intercounty transfer procedures that require notice to the parties and the juvenile probation office of the transferring county. The district attorney in the proposed receiving county would also receive notice and have standing to participate in the transfer hearing. For convenience, the district attorney in the proposed receiving county is able to participate via ACT. The Committee discussed whether the juvenile probation office in the proposed receiving county should also receive notice. Believing that notice may be construed as granting standing, formal notice of the transfer hearing to the juvenile probation office in the proposed receiving county has not been proposed as a procedural requirement. Notwithstanding notice, a juvenile probation officer in the proposed receiving county could be called as a witness at the hearing.

Next, the Committee considered the standard for granting or denying an intercounty transfer motion. Pa.R.J.C.P. 1302(C) incorporates a “best interest” standard for dependency transfers. Instead, the Committee proposes the standard found in 42 Pa.C.S. § 6352 governing delinquency dispositions: The transfer must be consistent with the protection of the public interest and best suited to the juvenile’s treatment, supervision, rehabilitation, and welfare.

The remaining procedures are consistent with those found in Pa.R.J.C.P. 1302 with the exception of subdivision (a)(8), which is based on proposed Pa.R.J.C.P. 300(d). Subdivision (a)(8) would “reset” the procedural deadlines to commence from the effective

date of transfer. Readers should note subdivision (a)(3) proposes that the transfer hearing occur no more than 20 days from the date of the hearing notice. This 20-day timeframe was borrowed from Pa.R.J.C.P. 1302(C). Given that an intercounty transfer would not occur until after the adjudicatory hearing, this timeframe was not believed to be inconsistent with Pa.R.J.C.P. 404(A) (adjudicatory hearing must be held within 10 days of filing of petition if juvenile is detained). *Cf.* Pa.R.J.C.P. 409 (requiring finding of delinquency to be made within 20 days of the adjudicatory hearing if juvenile is detained). The Committee specifically welcomes comments on this subject.

Lastly, the Committee proposes amendment of Pa.R.J.C.P. 630 to add subdivision (b). This subdivision would require the transferring county to order a transferred case closed within 30 days of the transfer.

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