

## INTRODUCTION

The Supreme Court of Pennsylvania has adopted the proposed changes to Rules 120, 345, 348, 515, and 520. The changes are effective July 28, 2009.

## EXPLANATORY REPORT JULY 2009

### **Rule 120 - Definitions**

There is a new definition for “disposition.” It was brought to the Committee’s attention that there are several instances in which a case is terminated in juvenile court and the guidelines for the timing of appeals in those cases are unclear. The new definition clearly sets forth which cases could be included in a post-dispositional motion pursuant to Rule 520, which affects the timing of appeals.

A disposition includes all final determinations made by the court. The common interpretation of a disposition is when the court adjudicates the juvenile delinquent and finds the juvenile in need of treatment, supervision, or rehabilitation, and makes a decision to place the juvenile in a placement facility, on alternative care, or on probation. However, disposition also includes: 1) a finding that the juvenile did not commit a delinquent act; 2) a finding that the juvenile is not in need of treatment, supervision, or rehabilitation; 3) dismissal of the case “with prejudice” prior to the commencement of an adjudicatory hearing; or 4) any other action that terminates or closes the juvenile case.

The new definition and *Comment* alleviate confusion regarding this term and address the different types of dispositions.

### **Rule 345 - Filing & Service**

Because of the new definition for “disposition,” resolution has replaced disposition in the *Comment*.

### **Rule 348 - Disposition of Omnibus Motion**

Because of the new definition for “disposition,” determination has replaced disposition in the title to this Rule.

### **Rule 515 - Dispositional Order**

The addition of “after an adjudication of delinquency pursuant to paragraph (A)(2)” indicates when a dispositional order will be entered under this rule. This rule is designed to address cases when the court has found the juvenile to have committed a delinquent act and that the juvenile is in need of treatment, supervision, and rehabilitation. With the new definition, it is important to clarify which type of disposition is governed by this rule.

Other types of cases will be disposed of differently and are not addressed in this rule. If the court finds that the juvenile did not commit the alleged delinquent acts pursuant to Rule 408(B), it will enter an order releasing the juvenile under Rule 408. If the court finds that the juvenile is not in need of treatment, supervision, or rehabilitation pursuant to Rule 409(A)(1), it will enter an order releasing the juvenile pursuant to Rule 409. If the court dismisses the case “with prejudice” prior to the commencement of an adjudicatory hearing or terminates the case for any other reason, the court will enter an order to that effect.

### **Rule 520 - Post- Dispositional Motions**

Because of the new definition for “disposition,” resolution has replaced disposition in the *Comment*.

This proposed addition to the *Comment* of this Rule is a reference to the new definition of “disposition.” All scenarios included under this definition trigger when a post-dispositional motion may be filed.