

INTRODUCTION

The Supreme Court of Pennsylvania has adopted the proposed changes to Rule 1613. The changes are effective July 29, 2009.

EXPLANATORY REPORT JULY 2009

Rule 1613 has been modified to specify the reasons for terminating a case.

This change eliminates confusion as to how a dependency case can be terminated and prohibits judicial districts from improperly terminating run-away cases. The court may not terminate jurisdiction solely because the dependent child is a runaway. *In re Deanna S.*, 422 Pa.Super. 439, 619 A.2d 758 (1993).

This will also enable the Administrative Office of Pennsylvania Courts to track dependency cases more effectively and the specific reason for termination.

The following paragraphs explain how the Committee compiled the list of reasons for termination.

Paragraphs (A)(1) & (2) are preferred permanency choices under the Juvenile Act. 42 Pa.C.S. §§ 6301(b) & 6351(f.1)(1).

Paragraph (A)(3) is addressed by *In re M.L.*, 562 Pa.646, 757 A.2d 849 (2000). A child whose non-custodial parent is ready, willing, and able to provide adequate care for the child may not be found dependent. If this parent comes forward after the commencement of dependency proceedings, the court may terminate the dependency supervision and enter an order awarding custody to the parent. See paragraph (B).

Paragraphs (A) (4) - (7) are other permanency options provided for in the Juvenile Act. 42 Pa.C.S. § 6351 (f.1)(2) - (5).

Pursuant to paragraph (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.*, 422 Pa.Super. 439, 619 A.2d 758 (1993). The court may also decide to retain dependency jurisdiction regardless of the delinquency adjudication so the child can obtain dependency services from the county agency.

The court may also decide to emancipate the child under paragraph (A)(9). See *Berks County Children and Youth Services v. Rowan*, 428 Pa.Super. 448, 631 A.2d 615 (1993). See also, 22 Pa.Code § 11.11, 55 Pa.Code § 145.62.

Pursuant to paragraph (A)(10), a child who was adjudicated dependent prior to reaching the age of eighteen 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 twenty-one. 42 Pa.C.S. § 6302. See *also*, 55 Pa.Code §§ 3130.5 & 3130.87; *In re S.J.*, 906 A.2d 547 (Pa. Super. Ct. 2006).

The court may also transfer the case to another court. See paragraphs (A)(12) & (13).