

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

NOTICE OF PROPOSED RULEMAKING

Proposed New Pa.R.J.C.P. 160.1 & 1160.1

The Juvenile Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania new Pennsylvania Rules of Juvenile Court Procedure 160.1 and 1160.1 to provide for statewide judicial access to limited information contained in the Common Pleas Case Management System related to dependency and delinquency proceedings for the reasons set forth in the accompanying explanatory 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:

**Daniel A. Durst, Chief Counsel
Juvenile Court Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9541
juvenilerules@pacourts.us**

All communications in reference to the proposal should be received by **January 11, 2022**. 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 Alice Beck Dubow, Chair

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

REPORT

Proposed New Pa.R.J.C.P. 160.1 & 1160.1

The Juvenile Court Procedural Rules Committee is considering proposing to the Supreme Court new Pennsylvania Rules of Juvenile Court Procedure 160.1 and 1160.1 to provide for statewide judicial access to limited information contained in the Common Pleas Case Management System (CPCMS) related to dependency and delinquency proceedings.

CPCMS is a comprehensive statewide system that contains docketing information for dependency and delinquency court cases throughout Pennsylvania. Presently, only judges presiding over dependency or delinquency cases have access to information contained in CPCMS and that access is limited to cases in the county where the judges sit. Judges do not have access to case information in other counties. Further, judges presiding over custody cases, but not dependency or delinquency cases, do not have access to CPCMS information even for cases within their county. *Cf.*, 23 Pa.C.S. § 5328 (factors to consider when awarding custody).

The Committee received a request to provide statewide judicial access to CPCMS to ascertain whether the parties or child may have open or closed delinquency and dependency cases in other counties. Preliminarily, the Committee considered the need for such access. In custody proceedings, the parties are required to disclose whether they have been involved with county agencies and certain delinquency adjudications. See Pa.R.Civ.P. 1915.3-2; 23 Pa.C.S. § 5329. Further, in delinquency and dependency matters, ostensibly the juvenile probation office and the county agency would be able to access statewide information at least within their respective fields.

Notwithstanding these alternative sources of information, CPCMS may provide more accurate information than self-reporting by the parties in custody matters. Further, CPCMS may provide that information more expeditiously than relying upon the juvenile probation office and the county agency in delinquency and dependency matters, respectively, especially when emergent matters arise. Additionally, access to statewide information would provide judges the opportunity to coordinate open cases in multiple counties. However, any access would be limited to judges presiding over custody, delinquency, or dependency matters.

Believing there to be merit in statewide judicial access to CPCMS, the Committee next considered the extent of information that should be made available upon query. Initially, the Committee recognized that any proposed rule providing access to CPCMS

should not displace the operation of other rules governing access to juvenile court records. See, e.g., Pa.R.J.C.P. 160 & 1160. Instead, the operation of the proposed rules would permit judicial inquiry of CPCMS of participants in the current case and the return of limited information indicating any docket number, participants, presiding judge, and county in other open and closed cases. Based upon that information, the judge can decide whether to inquire further of the parties or to access those juvenile court records.

There are two additional aspects of these proposed rules. First, the rules would simply permit access to CPCMS to query for other cases involving the same participants. The rules do not require such a query. Second, the rules do not address the disclosure of the query results to the parties because the results in of themselves have no evidentiary value. The results merely indicate that a party was a participant in another case; they disclose nothing about the records or outcome of the other case. The access and disclosure of further case details are outside the scope of this proposal.

The Committee invites all comments, concerns, and suggestions.

Rule 160.1. Judicial Identification of Delinquency and Dependency Cases.

(a) Delinquency.

- (1) A judge presiding over a delinquency proceeding shall have statewide access to the Common Pleas Case Management System for the purpose of identifying other delinquency cases or dependency cases involving a participant in the proceeding.
- (2) The information available is limited to docket number, participants, presiding judge, and county.

(b) Custody.

- (1) A judge presiding over a custody proceeding shall have statewide access to the Common Pleas Case Management System for the purpose of identifying delinquency cases involving a participant in the proceeding.
- (2) The information available is limited to docket number, participants, presiding judge, and county.

Comment

Developed by the Administrative Office of Pennsylvania Courts, the Common Pleas Case Management System (CPCMS) is a comprehensive statewide system that contains docketing information for dependency and delinquency court cases throughout Pennsylvania. This rule is intended to provide judges in delinquency and custody proceedings with statewide access to CPCMS to identify current and closed cases involving the same participant in the proceeding before the court. After obtaining the CPCMS information, the judge may contact the clerk of records in the relevant judicial district to access the official court record if additional information is needed.

This rule is not intended to replace or impede judicial access to case records pursuant to Pa.R.J.C.P. 160. Nor is this rule intended as a substitute for disclosure by the participants or inquiry of the county agency.

Rule 1160.1. Judicial Identification of Delinquency and Dependency Cases.

(a) Dependency.

- (1) A judge presiding over a dependency proceeding shall have statewide access to the Common Pleas Case Management System for the purpose of identifying delinquency cases or other dependency cases involving a participant in the proceeding.
- (2) The information available is limited to docket number, participants, presiding judge, and county.

(b) Custody.

- (1) A judge presiding over a custody proceeding shall have statewide access to the Common Pleas Case Management System for the purpose of identifying dependency cases involving a participant in the proceeding.
- (2) The information available is limited to docket number, participants, presiding judge, and county.

Comment

Developed by the Administrative Office of Pennsylvania Courts, the Common Pleas Case Management System (CPCMS) is a comprehensive statewide system that contains docketing information for dependency and delinquency court cases throughout Pennsylvania. This rule is intended to provide judges in dependency and custody proceedings with statewide access to CPCMS to identify current and closed cases involving the same participant in the proceeding before the court. After obtaining the CPCMS information, the judge may contact the clerk of courts in the relevant judicial district to access the official court record if additional information is needed.

This rule is not intended to replace or impede judicial access to case records pursuant to Pa.R.J.C.P. 1160. Nor is this rule intended as a substitute for disclosure by the participants or inquiry of the county agency.