

**Rule 160. Inspecting, Copying, and Disseminating the Official Court Record.**

**[(A)] (a) Inspecting.** The official court record is only open to inspection by:

- (1) the **[judges, juvenile court hearing officers] court**, juvenile probation officers, and staff of the court;
- (2) the attorney for the Commonwealth, the juvenile's attorney, and the juvenile, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information, except at the discretion of the court;
- (3) a public or private agency or institution providing supervision or having custody of the juvenile under order of the court;
- (4) **[a court, its]** probation officers, other officials or professional staff, and the attorney for the defendant for use in preparing a pre-sentence report in a criminal case in which the defendant is convicted and the defendant previously was adjudicated delinquent;
- (5) a judge or issuing authority for use in determining bail, provided that such inspection is limited to orders of delinquency adjudications and dispositions, orders resulting from dispositional review hearings, and histories of bench warrants and escapes;
- (6) the Administrative Office of Pennsylvania Courts;
- (7) the judges, juvenile probation officers, and staff of courts of other jurisdictions when necessary for the discharge of their official duties;
- (8) officials of the Department of Corrections, a state correctional institution or other penal institution to which an individual who was previously adjudicated delinquent in a proceeding under the Juvenile Act has been committed, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information contained in social reports, except at the discretion of the court;
- (9) a parole board**[, court,]** or county probation official in considering an individual's **parole or in exercising supervision over any individual** who was previously adjudicated delinquent in a proceeding under the Juvenile Act, but the persons in this category shall not be permitted to see reports revealing the names of

confidential sources of information contained in social reports, except at the discretion of the court;

(10) the State Sexual Offenders Assessment Board for use in completing assessments; **[and]**

**(11) other persons presiding as a judicial officer when determining child custody;**

**(12) the Department of Human Services when determining whether the juvenile's name and related information as provided in 23 Pa.C.S. § 6336 should be expunged from the Statewide database; and**

**[(11)] (13)** with leave of court, any other person, agency, or institution having a legitimate interest in the proceedings or in the work of the unified judicial system.

**[(B)] (b) Copying.** Any person, agency, or department permitted to inspect the record pursuant to **[paragraph (A)] subdivision (a)** may copy or be provided with a copy of the record.

**[(C)] (c) Disseminating.** Unauthorized dissemination of any information contained in the official court record to a person, agency, or department not permitted to inspect or copy the record pursuant to this rule may result in a finding of contempt of court.

**[(D)] (d) Public [availability] Availability.** Upon request, a public document shall be created by the clerk of courts if the case is designated eligible for public inspection pursuant to Rule 330 or 515.

(1) For cases deemed eligible pursuant to Rule 330, the public document shall contain only the following information:

**[a] (i)** the juvenile's name;

**[b] (ii)** the juvenile's age;

**[c] (iii)** the juvenile's address; and

**[d] (iv)** the offenses alleged in the juvenile's petition.

(2) For cases deemed eligible pursuant to Rule 515, the public document shall contain only the following information:

- [a)] (i) the juvenile's name;
- [b)] (ii) the juvenile's age;
- [c)] (iii) the juvenile's address;
- [d)] (iv) the offenses alleged in the juvenile's petition;
- [e)] (v) the adjudication on each allegation; and
- [f)] (vi) the disposition of the case.

**Comment: Pursuant to subdivision (a)(11), other persons authorized by the court to assist in custody cases have access to the official court record when determining custody, as provided in 23 Pa.C.S. §§ 5328 and 5329.1.**

Pursuant to **[paragraph (A)(11)] subdivision (a)(13)**, the court may order that any person, agency, or department receive a copy of all or portions of the record. The court order is to state: 1) the specific information the person, agency, or department may receive; 2) that the information received shall not be disseminated to any person, agency, or department not listed in the court order; and 3) that any dissemination of the information received is a violation of the court order.

See the Juvenile Act, 42 Pa.C.S. § 6307, for the statutory provisions on inspection of the juvenile's file and 42 Pa.C.S. § 6352.1 for disclosure of treatment records.

See Rule 120 for definition of the "official court record."

This rule is **[meant] intended** to include the contents of the official court record as described in Rule 166.

When delinquency proceedings are commenced pursuant to Rule 200(4), the entire criminal court file is to be transferred with the case to juvenile court. This criminal case file is now the juvenile court file, which is the official court record, and the disclosure requirements of this rule apply.

**[Paragraph (C)] Subdivision (c)** protects the juvenile from dissemination of information contained in the official court record to unauthorized sources. Nothing in this rule is intended to preclude the juvenile or the juvenile's attorney from discussing the case

with others, such as, local newspaper reporters. However, specific information concerning the victim should not be disseminated by the juvenile or the juvenile's attorney.

Under **[paragraph (D)] subdivision (d)**, there is one document for each eligible case that is open for public inspection. The public document should be clearly marked for employees of the clerks of courts' office as the only document available for inspection by the general public. All other information contained in the official court record is not open for public inspection but only open to inspection to the persons enumerated in **[paragraph (A)] subdivision (a)**.

See Rule 330 for designation of public availability status in the juvenile petition. See Rule 515 for designation of public availability status in the dispositional order.

**[Official Note: Rule 160 adopted April 1, 2005, effective October 1, 2005. Amended December 30, 2005, effective immediately. Amended August 20, 2007, effective December 1, 2007. Amended May 12, 2008, effective immediately. Amended December 24, 2009, effective immediately. Amended May 21, 2012, effective August 1, 2012. Amended April 6, 2017, effective September 1, 2017.]**

***Committee Explanatory Reports:***

**Final Report explaining the provisions of Rule 160 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005). Final Report explaining the revisions of Rule 160 published with the Court's Order at 36 Pa.B. 186 (January 14, 2006). Final Report explaining the amendments to Rule 160 published with the Court's Order at 37 Pa.B. 4866 (September 8, 2007). Final Report explaining the amendments to Rule 160 published with the Court's Order at 38 Pa.B. 2360 (May 24, 2008). Final Report explaining the amendments to Rule 160 published with the Court's Order at 40 Pa.B. 222 (January 9, 2010). Final Report explaining the amendments to Rule 160 published with the Court's Order at 42 Pa.B. 3203 (June 9, 2012). Final Report explaining the amendments to Rule 160 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).]**

**Rule 1160. [Inspection of the Official Court Record] Inspecting, Copying, and Disseminating the Official Court Record.**

**(a) Inspecting.** The official court record is only open to inspection by:

- (1) The **[judges, officers,] court** and **[professional]** staff of the court;
- (2) The parties to the proceeding and their counsel and representatives, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information contained in social reports, except at the discretion of the court;
- (3) A public or private agency or institution providing supervision or having custody of the child under order of the court;
- (4) **[A court, its p]**ro probation officers, other officials or professional staff, and the attorney for the defendant for use in preparing a presentence report in a criminal case in which the defendant is convicted and who prior thereto had been a party to a proceeding under the Juvenile Act, 42 Pa.C.S. §§ 6301 *et seq.*;
- (5) The Administrative Office of Pennsylvania Courts;
- (6) The judges, officers and professional staff of courts of other jurisdictions when necessary for the discharge of their official duties;
- (7) Officials of the Department of Corrections, a State Correctional Institution or other penal institution to which an individual who was previously adjudicated delinquent in a proceeding under the Juvenile Act, 42 Pa.C.S. §§ 6301 *et seq.*, has been committed, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information contained in social reports, except at the discretion of the court;
- (8) A parole board**[, court,]** or county probation official in considering an individual's parole or in exercising supervision over any individual who was previously adjudicated delinquent in a proceeding under the Juvenile Act, 42 Pa.C.S. §§ 6301 *et seq.*, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information contained in social reports, except at the discretion of the court**[.];**

(9) The State Sexual Offenders Assessment Board for use in completing assessments; **[and]**

**(10) other persons presiding as a judicial officer when determining child custody;**

**(11) the Department of Human Services when determining whether the party's name and related information as provided in 23 Pa.C.S. § 6336 should be expunged from the Statewide database; and**

**[(10)] (12)** With leave of court, any other person or agency or institution having a legitimate interest in the proceedings or in the work of the unified judicial system.

**(b) Copying. Any person, agency, or department permitted to inspect the record pursuant to subdivision (a) may copy or be provided with a copy of the record.**

**(c) Disseminating. Unauthorized dissemination of any information contained in the official court record to a person, agency, or department not permitted to inspect or copy the record pursuant to this rule may result in a finding of contempt of court.**

#### COMMENT

See the Juvenile Act, 42 Pa.C.S. § 6307, for the statutory provisions on inspection of all files and records of the court in a proceeding.

Persons specified in 23 Pa.C.S. § 6340 as having access to reports may qualify as persons having a legitimate interest in the proceedings under **[paragraph (10)] subdivision (a)(12)**. See 23 Pa.C.S. § 6340. **Additionally, pursuant to subdivision (a)(10), other persons authorized by the court to assist in custody cases have access to the official court record when determining custody, as provided in 23 Pa.C.S. §§ 5328 and 5329.1.**

This rule is **[meant] intended** to include the contents of the official court record as described in Rule 1166, which does not include **county** agency records.

**[Official Note: Rule 1160 adopted August 21, 2006, effective February 1, 2007. Amended December 24, 2009, effective immediately.]**

***Committee Explanatory Reports:***

**Final Report explaining the provisions of Rule 1160 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006). Final Report explaining the amendments to Rule 1160 published with the Court's Order at 40 Pa.B. 222 (January 9, 2010).]**

**Rule 1409. Adjudication of Dependency and Court Order.**

**[(A)] (a) Adjudicating [the child dependent] Child Dependent.** Once the court has made its findings under Rule 1408, the court shall enter an order whether the child is dependent.

(1) **Dependency.** If the court finds from clear and convincing evidence that the child is dependent, the court shall proceed to a dispositional hearing under Rule 1512.

(2) **No [dependency] Dependency. The court shall dismiss a petition:**

**(i) [If] if the court finds the child not to be dependent [or the court finds a parent ready, willing, and able to provide proper parental care or control, the court shall:**

**a) dismiss the petition;**

**b)] because of a lack of clear and convincing evidence, and order the child to be discharged from custody and vacate any restrictions ordered in the proceedings[; and.]; or**

**(ii) if the court finds a parent ready, willing, and able to provide proper parental care or control, the court shall:**

**(A) prepare a separate order awarding custody, together with any conditions and limitations as is necessary for the protection of the child, using the terminology set forth in 23 Pa.C.S. § 5322;**

**(B) include within the custody order the dependency court docket number and set forth separate findings of fact necessary to determine the best interest of the child or state that such findings may be located on the dependency docket; and**

**(C) file the custody order on the custody docket in accordance with local rule.**



**[(c) enter an order identifying individual(s) who will have the legal and physical custody until such order is modified by further order of the court.]**

**[(B)] (b) Timing.**

- (1) **Child in [custody] Custody.** If a child is removed from the home, the court shall enter an adjudication of dependency within seven days of the adjudicatory hearing and enter its findings pursuant to Rule 1408.
- (2) **Child [not in custody] Not in Custody.** If a child is not removed from the home and if the court fails to enter an order of dependency, the court shall hold a status hearing every **[thirty] 30** days.

**[(C)] (c) Court [order] Order.** The court shall include the following in its court order:

- (1) A statement pursuant to **[paragraph (A)] subdivision (a)**:
  - [a)] (i)** as to whether the court finds the child to be dependent from clear and convincing evidence;
  - [b)] (ii)** including the specific factual findings that form the bases of the court's decision;
  - [c)] (iii)** including any legal determinations made; and
- (2) Any orders directing the removal of a child from the home or change in the current residential status, including:
  - [a)] (i)** orders as to placement; or
  - [b)] (ii)** visitation; or
  - [c)] (iii)** change in custody; and
- (3) Any orders as to any aids in disposition that may assist in the preparation of the dispositional hearing, including orders regarding family finding.

**Comment:** Before the court can find a child to be dependent, there must be clear and convincing evidence in support of the petition. The burden of proof is on the petitioner. The court's inquiry is to be comprehensive and its findings are to be supported by specific

findings of fact and a full discussion of the evidence. *In re LaRue*, [244 Pa. Super. 218,] 366 A.2d 1271 (Pa. Super. 1976). See also *In re Frank W.D., Jr.*, [315 Pa. Super. 510,] 462 A.2d 708 (Pa. Super. 1983); *In re Clouse*, [244 Pa. Super. 396,] 368 A.2d 780 (Pa. Super. 1976). The evidence must support that the child is dependent. *In the Matter of DeSavage*, [241 Pa. Super. 174,] 360 A.2d 237 (Pa. Super. 1976). The court is not free to apply the best interest of the child standard as the requirements of the Juvenile Act, 42 Pa.C.S. § 6341(c), require clear and convincing evidence that the child is dependent is the proper standard. *In re Haynes*, [326 Pa. Super. 311,] 473 A.2d 1365 (Pa. Super. 1983). **[A child, whose non-custodial parent is ready, willing, and able to provide adequate care for the child, cannot be found dependent on the basis of lacking proper parental care and control. *In re M.L.*, 562 Pa. 646, 757 A.2d 849 (2000). A trial court has the authority to transfer custody or modify custody to the child's non-custodial parent without a finding of dependency if sufficient evidence of dependency would have existed but for the availability of the non-custodial parent. *In re Justin S.*, 375 Pa. Super. 88, 543 A.2d 1192 (1988).]**

The court is to specify which allegations in the petition are the bases for the finding of dependency pursuant to Rule 1408. The court is to make an adjudication of dependency based upon the allegations in the petition, not on alternative grounds. Due process and fundamental fairness require adequate notice of the allegations to afford a reasonable opportunity to prepare a defense. *In re R.M.*, [567 Pa. 646,] 790 A.2d 300 (Pa. 2002).

**A child, whose non-custodial parent is ready, willing, and able to provide adequate care for the child, cannot be found dependent on the basis of lacking proper parental care and control. *In re M.L.*, 757 A.2d 849 (Pa. 2000). A trial court has the authority to award custody to the child's non-custodial parent without a finding of dependency if sufficient evidence of dependency would have existed but for the availability of the non-custodial parent. *In re Justin S.*, 543 A.2d 1192 (Pa. Super. 1988).**

**An order entered pursuant to subdivision (a)(2)(ii) may award custody to the non-custodial parent with the filing of a new custody order or through modification of an existing custody order. Requirements for the initiation of a custody action and the waiver of any filing fees are matters reserved for local rule or order.**

**[Under paragraph (B), if a child is removed from the home, a finding of dependency is to be made within seven days.]**

Under [paragraph (C)(3)] **subdivision (c)(3)**, aids in disposition may include, but are not limited to, any services, investigations, evaluations, studies, treatment plans, and any other appropriate reports that may aid the court in making its determination at the

dispositional hearing. See 42 Pa.C.S. § 6339 for orders of a social study or physical and mental examinations and treatment.

See *also* 42 Pa.C.S. §§ 6341 **[&]** **and** 6302.

Pursuant to **[paragraph (C)(3)] subdivision (c)(3)**, when making its determination for reasonable efforts made by the county agency, the court is to consider the extent to which the county agency has fulfilled its obligation pursuant to Rule 1149 regarding family finding. See *also* **[Rules] Pa.R.J.C.P. 1242(C)(2) **[& (3)(b) & (c)]**, **(C)(3)(b)-(C)(3)(c)**, and 1330(B)(6), and Comments to **[Rules] Pa.R.J.C.P. 1242, 1330, 1515, 1608, 1609, 1610, and 1611** for reasonable efforts determinations.**

If the requirements of Rule 1149 regarding family finding have not been met, the court is to make necessary orders to ensure compliance by enforcing this legislative mandate. See 67 Pa.C.S. §§ 7501 *et seq.* See *also* Pa.R.J.C.P. 1242(E)(3) and 1609(D), and Comments to Pa.R.J.C.P. 1242, 1408, 1512, 1514, 1515, and 1608-1611.

**Rule 1515. Dispositional Order.**

**[(A)] (a) Generally.** When the court enters a disposition, the court shall issue a written order, which provides that the disposition is best suited to the safety, protection, and physical, mental, and moral welfare of the child. The order shall include:

- (1) any findings pursuant to Rules 1512(D) and 1514;
- (2) the date of the order; and
- (3) the signature and printed name of the judge entering the order.

**[(B)] (b) Transfer of [custody] Custody.** If the court **[decides to transfer] transfers legal or physical** custody of the child to a person or agency found to be qualified to provide care, shelter, and supervision of the child, **then** the dispositional order shall include:

- (1) the name and address of such person or agency, unless the court determines disclosure is inappropriate;
- (2) the **conditions and** limitations **[of the order, including the type of custody granted] on custody**; and
- (3) any visitation rights.

**[(C)] (c) Guardian.** **[The] If the court permits the child to remain with the parents or guardian, then the** dispositional order shall include any **[conditions, limitations, restrictions, and obligations imposed upon the guardian] conditions and limitations on the child’s legal or physical custody as is necessary for the protection of the child**.

**Comment:** See 42 Pa.C.S. §§ 6310, 6351.

When issuing a dispositional order, the court should issue an order that is “best suited to the safety, protection, and physical, mental, and moral welfare of the child.” 42 Pa.C.S. § 6351(a). See *In re S.J.*, 906 A.2d 547, 551 (Pa. Super. **[Ct.]** 2006) (citing *In re Tameka M.*, **[525 Pa. 348,]** 580 A.2d 750 (**Pa.** 1990)), for issues addressing a child’s mental and moral welfare.

When making its determination for reasonable efforts made by the county agency, the court is to consider the extent to which the county agency has fulfilled its obligation pursuant to Rule 1149 regarding family finding. See *also* [Rules] Pa.R.J.C.P. 1240(B)(6), 1242(C)(2) [& (3)(b) & (c)], (C)(3)(b)-(C)(3)(c), and 1330(B)(6), and Comments to [Rules] Pa.R.J.C.P. 1242, 1330, 1409, 1608, 1609, 1610, and 1611 for reasonable efforts determinations.

If the requirements of Rule 1149 regarding family finding have not been met, the court is to make necessary orders to ensure compliance by enforcing this legislative mandate. See 67 Pa.C.S. §§ 7501 *et seq.* See *also* Pa.R.J.C.P. 1210(D)(8), 1242(E)(3), 1409(C), 1609(D), and 1611(C), and Comments to Pa.R.J.C.P. 1242, 1408, 1409, 1512, 1514, and 1608-1611. **[45 C.F.R. § 1356.21 provides a specific foster care provider may not be placed in a court order to be in compliance with and receive funding through the Federal Financial Participation.]**

**Funding through the Federal Financial Participation is not available when a court orders placement with a specific foster provider. See 45 C.F.R. § 1356.21(g)(3).**

Dispositional orders should comport in substantial form and content to the model orders to receive funding under the federal Adoption and Safe Families Act (ASFA) of 1997 (P. L. 105-89). The model forms are also in compliance with Title IV-B and Title IV-E of the Social Security Act. For model orders, see <http://www.pacourts.us/forms/dependency-forms>.

See *In re Tameka M.*, [525 Pa. 348,] 580 A.2d 750 (Pa. 1990).

**The custody order should set forth any conditions and limitations using the terminology set forth in 23 Pa.C.S. § 5322. The transfer of legal custody vests the custodian with the authority to determine the nature and treatment of the child for ordinary medical care. See 42 Pa.C.S. § 6357. For pre-dispositional examination and treatment of a child, see Rule 1145. For non-emergent, non-routine care not already included in an approved treatment plan, the custodian should seek parental consent or receive prior court authorization when consent cannot be obtained.**

**Rule 1631. Termination of Court Supervision.**

- (a) **Concluding Supervision.** Any party, or the court on its own motion, may move for the termination of supervision when court-ordered services from the county agency are no longer needed and:
- (1) the child has remained with the guardian and the circumstances which necessitated the dependency adjudication have been alleviated;
  - (2) the child has been reunified with the guardian and the circumstances which necessitated the dependency adjudication and placement have been alleviated;
  - (3) the child is under 18 years of age and has been placed with a ready, willing, and able parent who was not previously identified by the county agency;
  - (4) the child has been adopted and services from the county agency are no longer needed;
  - (5) the child has been placed in the custody of a permanent legal custodian and services from the county agency are no longer needed;
  - (6) the child has been placed in the physical and legal custody of a fit and willing relative and services from the county agency are no longer needed;
  - (7) the child has been placed in another living arrangement intended to be permanent and services from the county agency are no longer needed and a hearing has been held pursuant to subdivision (e) for a child who is age eighteen or older;
  - (8) the child has been adjudicated delinquent and services from the county agency are no longer needed because all dependency issues have been resolved;
  - (9) the child has been emancipated by the court;
  - (10) the child is 18 years of age or older and a hearing has been held pursuant to subdivision (e);

- (11) the child has died;
  - (12) a court in another county of this Commonwealth has accepted jurisdiction; or
  - (13) a court in another state has accepted jurisdiction.
- (b) **[Ready, Willing, and Able Parent. When services from the county agency are no longer necessary because the court has determined that the child is not dependent pursuant to subdivision (a)(3) because a non-custodial parent has been found by the court to be able and available, the court shall enter an order awarding custody to that parent and the court order shall have the effect and be docketed as a decision entered pursuant to the Pennsylvania Rules of Civil Procedure.]**

**Order Transferring or Affecting Custody.**

- (1) Mandatory. When the court terminates supervision pursuant to subdivision (a)(3), (a)(5), or (a)(6), the court shall:**
- (i) prepare a separate order awarding custody, together with any conditions and limitations as is necessary for the protection of the child, using the terminology set forth in 23 Pa.C.S. § 5322;**
  - (ii) include within the custody order the dependency court docket number and set forth separate findings of fact necessary to determine the best interest of the child or state that such findings may be located on the dependency docket;**
  - (iii) file the custody order on the custody docket in accordance with local rule; and**
  - (iv) order the termination of court supervision.**
- (2) Discretionary. When the court terminates supervision pursuant to subdivision (a)(2), the court may prepare and have filed an order in accordance with subdivision (b)(1) governing partial custody of the child.**

- (c) **Objection.** Any party may object to a motion under subdivision (a) and request a hearing.
- (d) **Hearing.** If objections have been made under subdivision (c), the court shall hold a hearing and give each party an opportunity to be heard before the court enters its final order.
- (e) **Children 18 Years of Age or Older.**
  - (1) Before the court can terminate its supervision of a child who is 18 years of age or older, a hearing shall be held at least 90 days prior to the child turning 18 years of age.
  - (2) Prior to the hearing, the child shall have the opportunity to make decisions about the transition plan and confer with the county agency about the details of the plan. The county agency shall provide the transition plan to the court and the plan shall, at a minimum, include:
    - (i) the specific plans for housing;
    - (ii) a description of the child's source of income;
    - (iii) the specific plans for pursuing educational or vocational training goals;
    - (iv) the child's employment goals and whether the child is employed;
    - (v) a description of the health insurance plan that the child is expected to obtain and any continued health or behavioral health needs of the child;
    - (vi) a description of any available programs that would provide mentors or assistance in establishing positive adult connections;
    - (vii) verification that all vital identification documents and records have been provided to the child;
    - (viii) a description of any other needed support services;
    - (ix) a list, with contact information, of supportive adults and family members; and



(x) notice to the child that the child can request resumption of juvenile court jurisdiction until the child turns 21 years of age if specific conditions are met.

(3) At the hearing, the court shall review the transition plan for the child. If the court is not satisfied that the requirements of subdivision (e)(2) have been met, a subsequent hearing shall be scheduled.

(4) The court shall not terminate its supervision of the child without approving an appropriate transition plan, unless the child, after an appropriate transition plan has been offered, is unwilling to consent to the supervision and the court determines termination is warranted.

**[(F)] (f) Cessation of Services.** When all of the above listed requirements have been met, the court may discharge the child from its supervision and close the case.

**Comment:** For procedures on motions, see Rule 1344. For procedures on the dispositional order, see Rule 1515.

For guidelines under subdivision (a), see 42 Pa.C.S. §§ 6301(b) and 6351(f.1).

**A child under eighteen years of age whose non-custodial parent is ready, willing, and able to provide adequate care for the child may no longer be deemed dependent. In re M.L., 757 A.2d 849 (Pa. 2000). When services from the county agency are no longer necessary pursuant to subdivision (a)(3) because the court has determined that the child is not dependent because a non-custodial parent has been found by the court to be able and available, the court should enter an order awarding custody to that parent pursuant to subdivision (b)(1). For children 18 years of age and older, see subdivision (e).**

Pursuant to subdivision (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.*, 619 A.2d 758 (Pa. Super. 1993). The court may also decide to retain dependency jurisdiction regardless of the delinquency adjudication because the child still needs dependency services.

If dependency issues have not been resolved, the case should be kept open and services ordered. The court should ensure that services are not discontinued solely because the child was adjudicated delinquent. The county agency and the juvenile probation are to collaborate on the case and resolve all outstanding issues. If a child is in a delinquency placement, the court is to ensure that the county agency and the juvenile probation office have collaborated to ensure appropriate services are in place.

For procedures on emancipation pursuant to subdivision (a)(9), see *Berks County Children and Youth Services v. Rowan*, 631 A.2d 615 (Pa. Super. 1993). See also 22 Pa. Code § 11.11, 55 Pa. Code § 145.62.

Pursuant to subdivision (a)(10), a child who was adjudicated dependent prior to reaching the age of 18 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 21. 42 Pa.C.S. § 6302. See also 55 Pa. Code §§ 3103.5 and 3130.87; *In re S.J.*, 906 A.2d 547 (Pa. Super. 2006).

The court may not terminate jurisdiction solely because the dependent child is a runaway. *In re Deanna S.*, 619 A.2d 758 (Pa. Super. 1993).

**[Pursuant to subdivision (b), a child whose non-custodial parent is ready, willing, and able to provide adequate care for the child may not be found dependent. See *In re M.L.*, 757 A.2d 849 (Pa. 2000). Subdivision (b) does not apply to resumption of jurisdiction cases.]**

A court may transfer permanent legal custody to a person found by the court to be qualified to receive and care for the child. See 42 Pa.C.S. § 6351(a)(2.1). **[See also *Justin S.*, 543 A.2d 1192 (Pa. Super. 1988).]**

**An order entered pursuant to subdivision (b)(1) when terminating supervision pursuant to subdivision (a)(3), (a)(5), or (a)(7) shall award custody with the filing of a new custody order or through modification of an existing custody order. Requirements for the initiation of a custody action and the waiver of any filing fees are matters reserved for local rule or order.**

**Subdivision (b)(2) is intended to permit the court to establish any necessary conditions and limitations for the protection of the child on “visitation” by others.**

Pursuant to subdivision (e)(2), the county agency is to assist the child and provide all the support necessary in developing a transition plan. See 42 U.S.C. § 675(5)(A)-(H); 67 Pa.C.S. § 7505.

Pursuant to subdivision (e)(3), the court is to approve a transition plan that is suitable for the child and that has been personalized at the direction of the child.

If the court has resumed jurisdiction pursuant to Rule 1635, a new transition plan is to be developed for the child. Before the court can terminate supervision, the requirements of subdivision (e) are to be followed. In no case is a juvenile over 21 to remain under juvenile court supervision. See Pa.R.J.C.P. 1635(E). See also Rule

1635(E) for termination of juvenile court jurisdiction if the court denies the motion for resumption of jurisdiction.