

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

NOTICE OF PROPOSED RULEMAKING

Proposed Amendment of Pa.R.A.P. 102

The Appellate Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.A.P. 102 to make appeals from juvenile delinquency adjudications subject to Children's Fast Track procedures 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.

Additions to the text of the proposal are bolded and underlined; deletions to the text are bolded and bracketed.

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 **January 31, 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 Appellate Court Procedural Rules Committee,

Peter J. Gardner
Chair

Rule 102. Definitions.

Subject to additional definitions contained in subsequent provisions of these rules which are applicable to specific provisions of these rules, the following words and phrases when used in these rules shall have, unless the context clearly indicates otherwise, the meanings given to them in this rule:

* * *

Children's [fast track appeal.--] Fast Track Appeal. Any appeal from an order involving dependency, termination of parental rights, adoptions, custody, **[or] paternity, or delinquency except out-of-home placements under Pa.R.A.P. 1612.** See 42 Pa.C.S. §§ 6301 *et seq.*; 23 Pa.C.S. §§ 2511 *et seq.*; 23 Pa.C.S. §§ 2101 *et seq.*; 23 Pa.C.S. §§ 5321 *et seq.*; 23 Pa.C.S. §§ 5102 *et seq.*

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[Note:] Comment: Based on 42 Pa.C.S. § 102 (definitions). The definition of “determination” is not intended to affect the scope of review provided by 42 Pa.C.S. § 5105(d) (scope of appeal) or other provision of law.

The addition of “delinquency” within the definition of “Children’s Fast Track Appeal” extends expedited review to orders involving those adjudications.

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

PUBLICATION REPORT

Proposed Amendment of Pa.R.A.P. 102

The Appellate Court Procedural Rules Committee is considering proposing to the Supreme Court the amendment of Pennsylvania Rule of Appellate Procedure 102 to expand the definition of “Children’s Fast Track” (CFT) to include appeals from juvenile delinquency orders.

Currently, CFT procedures apply to all cases involving dependency, termination of parental rights, adoption, custody, or paternity. See Pa.R.A.P. 102; 210 Pa. Code § 65.14A(1). In addition, Central Legal Staff of the Superior Court has the discretion to expedite other appeals involving the parent-child relationship as “Other Family Fast Track.” 210 Pa. Code § 65.14A(2).

Under CFT, an appellant is required to file a Pa.R.A.P. 1925 statement with the notice of appeal and the judge is required to file an opinion in 30 days of receipt if the reasons for the order do not appear on the record. The clerk must transmit the record within 30 days and the briefing schedules are compressed, as well as the time requirements for other actions and filings, e.g., designation of reproduced record, dispositive motions, applications for reconsideration/reargument, and petitions for allowance of appeal. Thus, both the courts and parties must act in an expedited manner.

Currently, juvenile delinquency appeals are not granted expedited treatment with the exception of out-of-home placement determinations, which are subject to specialized petition for review practice under Pa.R.A.P. 1612. A requester urged that juvenile delinquency appeals be subject to CFT procedures to afford those parties the same swift handling of their cases with a timely resolution as the other cases subject to CFT.

In evaluating the request, the Committee considered the impact adding juvenile delinquency appeals to CFT procedures could have on the Superior Court. It solicited caseload statistics from the AOPC regarding the volume of appeals for the most recent five-year period (2018-2022). The data revealed that there have been between 23 and 48 juvenile-delinquency appeals per year with an average of 35 appeals per year. In total, there were 175 appeals over the entire five-year period. The Committee concluded that the inclusion of delinquency appeals within CFT would not overly burden the Superior Court.

Accordingly, the Committee proposes an amendment to the definition to “Children’s Fast Track” to include delinquency appeals within the scope of those procedures. In addition, the amended definition would recognize the exception for out-of-home placements.

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Accordingly, the Committee invites all comments, objections, concerns, and suggestions regarding this proposed rulemaking.