

APPELLATE COURT PROCEDURAL RULES COMMITTEE ADOPTION REPORT

Amendment of Pa.R.A.P. 102

On January 8, 2025, the Supreme Court of Pennsylvania adopted amendments to Pennsylvania Rule of Appellate Procedure 102. The Appellate Court Procedural Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, cmt. The statements contained herein are those of the Committee, not the Court.

The Committee received a rulemaking request to amend Pa.R.A.P. 102 to expand the definition of “Children’s Fast Track” (CFT) to include appeals from 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, Pa.R.A.P. 1931(a)(2), and the briefing schedules are compressed, Pa.R.A.P. 2185(a)(2), as well as the time requirements for other actions and filings, e.g., designation of reproduced record, Pa.R.A.P. 2154(c); dispositive motions, Pa.R.A.P. 1972(b); applications for reconsideration/reargument, Pa.R.A.P. 1123(b) and Pa.R.A.P. 2542(a)(2); and petitions for allowance of appeal, Pa.R.A.P. 1113(a)(3) and Pa.R.A.P. 1116(b). Thus, both the courts and the parties must act in an expedited manner.

Currently, 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. Adding these appeals to the definition of CFT in Pa.R.A.P. 102 would 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 delinquency appeals to CFT procedures might have on the Superior Court. Between 2018 to 2022, there were a total of 175 such appeals. Delinquency appeals per year ranged between 23 and 48 resulting in an average number of 35 appeals per year. The Committee concluded that the inclusion of delinquency appeals within CFT would not overly burden the Superior Court.

Accordingly, the Committee proposed a modest amendment to the definition to “Children’s Fast Track” to include delinquency appeals within the scope of those procedures, but excepting review of out-of-home placements because they proceed pursuant to Pa.R.A.P. 1612, which already provides for expedited review. In addition, the amended definition would recognize the exception for out-of-home placements.

The Committee published the proposal for comment, see 53 Pa.B. 7575 (December 9, 2023). The Committee received responses that fully endorsed the amended definition as proposed. A response was also received requesting modification of Pa.R.A.P. 102 to exclude from CFT ancillary or collateral orders related to child custody. However, the Committee declined to recommend this suggested modification because the underlying purpose of the current CFT procedures is the expedited consideration of matters involving children regardless of the type of order.

The amendment becomes effective on April 1, 2025.