

INTRODUCTION

The Juvenile Court Procedural Rules Committee is planning to recommend to the Supreme Court of Pennsylvania that new Rules 182 and 1182 be adopted. These proposed additions address qualifications of masters.

It is also important to note that the Committee is recommending a two-year effective date from the date of adoption to give the Pennsylvania Continuing Legal Education Board ample time to approve courses and for masters to gain additional experience and training.

The following *Explanatory Report* highlights the intent of these Rules. Please note that the Committee's *Reports* should not be confused with the official Committee *Comments* to the Rules. Also note that the Supreme Court does not adopt the Committee's *Comments* or the contents of the *Explanatory Reports*.

The Committee requests that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel, Christine Riscili at juvenilerules@pacourts.us. Email is the preferred method for receiving comments in an effort to conserve paper and expedite the distribution of Comments to the Committee. Emailed comments need not be reproduced and sent via hard copy. The Committee will acknowledge receipt of your comment.

For those who do not have access to email, comments may be faxed to the Committee at 717-231-9541 or written comments may be mailed to:

Christine Riscili, Esq.
Supreme Court of Pennsylvania
Juvenile Court Procedural Rules Committee
Pennsylvania Judicial Center
601 Commonwealth Ave, Suite 6200
P.O. Box 62635
Harrisburg, PA 17106-2635.

All comments shall be received no later than June 21, 2013.

04/15/2013

BY THE JUVENILE COURT PROCEDURAL RULES
COMMITTEE:

Hon. Todd A. Hoover, Chair

Christine Riscili, Esq.

EXPLANATORY REPORT

Background

This recommendation was prompted by the Recommendation of the Interbranch Commission on Juvenile Justice (ICJJ) and will only address master qualifications. On page 46 of the ICJJ Report, the ICJJ recommended the need for “masters to be properly educated about the Juvenile Act, child development, and problems unique to the relationship between children and their families.” Further, the ICJJ recommended that the Supreme Court develop mandatory continuing education standards for juvenile masters. See ICJJ Report at pg. 46.

In addition to the recommended educational requirements by the ICJJ for “delinquency” matters of juvenile court, the Committee believed educational requirements were just as important and necessary for “dependency” matters.

The purpose of these rule additions is to provide a minimum standard for education, experience, and training of masters. Judicial districts are encouraged to provide additional educational and training courses for its masters.

Rule Discussion

Rules 182 and 1182 - Qualifications of Master

These new proposed rules govern the qualifications of masters. Prior to presiding over juvenile cases, these attorneys must be a member, in good standing, of the Bar of this Commonwealth, have been licensed to practice law for five years, and either: 1) have consistently practiced in juvenile law for at least two years; or 2) have completed the initial training program.

In addition, these attorneys should have experience in diverse cases. It would be beneficial if the attorney handled juvenile cases prior to becoming a master with experience in several different types of allegations and at different stages of the process, including detention or shelter-care hearings, adjudicatory hearings, transfer or permanency hearings, dispositional hearings, and dispositional review hearings.

After the initial training or experience requirement has been met, attorneys are required to continue their legal education with updates in delinquency or dependency law and child and adolescent development. This requirement is an additional requirement to the Pa.R.C.L.E. because it mandates education specifically in juvenile delinquency or dependency law; whereas the Pa.R.C.L.E. do not mandate specific training areas. See paragraph (B). Six hours of this specific education must be completed every two years. However, these hours will count towards the mandatory twelve hours of continuing legal education each year mandated by Pa.R.C.L.E. 105.

Pursuant to paragraph (C), masters must attest that they have met the requirements of this rule prior to presiding over juvenile matters, and every two years after the initial affidavit, they must submit a new affidavit.