

SUPREME COURT OF PENNSYLVANIA

In Re: Order Amending Rules 380 and 1380 of the Pennsylvania Rules of Juvenile Court Procedure

In re Order Amending Rules 380 and 1380 · Decided November 16, 2016

SUMMARY

This document amends Pennsylvania Rules of Juvenile Court Procedure 380 and 1380 concerning the preservation of witness testimony after commencement of proceedings. It addresses preservation by court order or written party agreement, requirements for recording and custody, participation in the testimony-taking process, and later admissibility determinations. The amendments were effective January 1, 2017.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
JURISDICTION	Pennsylvania
DECIDED	November 16, 2016
DISPOSITION	other
PROCEDURAL POSTURE	The Supreme Court of Pennsylvania amended Rules 380 and 1380 of the Pennsylvania Rules of Juvenile Court Procedure by order.
PRECEDENTIAL VALUE	Rulemaking order; promulgates procedural rules rather than resolving an adversarial dispute.

TOPICS

[evidence](#)[criminal procedure](#)[discovery criminal](#)

PRACTICE AREAS

[juvenile law](#)[evidence](#)[criminal procedure](#)[court rules](#)

QUESTIONS PRESENTED

1. What procedures should govern preservation of testimony after commencement of juvenile proceedings under Rules 380 and 1380?
2. Under what circumstances may testimony be preserved by court order or by agreement of the parties, and what procedural safeguards apply?

HOLDINGS

1. Rule 380 permits testimony to be taken and preserved after commencement of proceedings either by court order, upon motion, notice, and hearing, when the witness may be unavailable or exceptional circumstances make preservation appropriate, or by express written agreement of the Commonwealth, the juvenile, and the juvenile's attorney. The rule requires specified procedures for taking, recording, preserving, and maintaining custody of the testimony, and leaves admissibility to the court.
2. Rule 1380 permits testimony to be taken and preserved after commencement of proceedings either by court order, upon motion, notice, and hearing, or by express written agreement of all parties. The rule specifies participation, recording, custody, filing, and admissibility procedures for preserved testimony.

KEY QUOTATIONS

“The court shall rule on the admissibility of the preserved testimony if it is offered into evidence at the adjudicatory hearing or other judicial proceeding.” (at 1)

“When testimony is taken under this rule, the proceeding should afford the parties full opportunity to examine and cross-examine the witness.” (at 3)

FACTUAL BACKGROUND

The opinion concerns the court's revision of procedural rules governing the preservation of witness testimony in juvenile proceedings. The amendments address preservation by court order or written agreement, the presence of the court and parties, recording and custody procedures, filing requirements, and later admissibility determinations.

PROCEDURAL HISTORY

This was a rulemaking proceeding rather than an adversarial appeal. The court promulgated amendments to Rules 380 and 1380, effective January 1, 2017, governing preservation of testimony after commencement of juvenile proceedings.

DISPOSITION

other

CASES CITED

- Commonwealth v. Scarborough, 421 A.2d 147 (Pa. 1980)
- Commonwealth v. Stasko, 370 A.2d 350 (Pa. 1977)