

SUPREME COURT OF PENNSYLVANIA

In re Order Rescinding and Replacing Rule 121 and Rule 1121 of the Pennsylvania Rules of Juvenile Court Procedure

Supreme Court of Pennsylvania (June 28, 2016)

SUMMARY

This document rescinds and replaces Pennsylvania Rules of Juvenile Court Procedure 121 and 1121 concerning the promulgation and amendment of local procedural rules for delinquency and dependency proceedings. The replacement rules direct courts to Pennsylvania Rule of Judicial Administration 103(d) and took effect August 1, 2016, while preserving previously promulgated local rules subject to compilation and publication requirements.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Pennsylvania
DECIDED	June 28, 2016
DISPOSITION	other
PROCEDURAL POSTURE	The Supreme Court of Pennsylvania exercised its rulemaking authority to rescind and replace Pennsylvania Rules of Juvenile Court Procedure 121 and 1121.
PRECEDENTIAL VALUE	Binding Pennsylvania Supreme Court rulemaking order; not a conventional merits precedent.

TOPICS

family law procedure

civil procedure

PRACTICE AREAS

Pennsylvania juvenile court procedure

court rulemaking

delinquency proceedings

dependency proceedings

QUESTIONS PRESENTED

1. Whether Pennsylvania Rules of Juvenile Court Procedure 121 and 1121 should be rescinded and replaced in light of the amended local-rulemaking requirements in Pennsylvania Rule of Judicial Administration 103(d).

2. Whether local rules previously promulgated under Rules 121 and 1121 remain effective after those rules are rescinded and replaced.

HOLDINGS

1. Because Pennsylvania Rule of Judicial Administration 103 was amended to consolidate the requirements for local rulemaking, the separate rulemaking requirements in Pa.R.J.C.P. 121 were rescinded and replaced effective August 1, 2016.
2. Because Pennsylvania Rule of Judicial Administration 103 was amended to consolidate the requirements for local rulemaking, the separate rulemaking requirements in Pa.R.J.C.P. 1121 were rescinded and replaced effective August 1, 2016.
3. Local rules previously promulgated in accordance with Pa.R.J.C.P. 121 or 1121 before rescission remain effective upon compilation and publication pursuant to Pa.R.J.A. 103(d)(7).

KEY QUOTATIONS

“The requirements for the promulgation and amendment of local procedural rules for delinquency proceedings are set forth in Pennsylvania Rule of Judicial Administration 103(d).”

“All local rules previously promulgated in accordance with the requirements of Pa.R.J.C.P. 121 prior to rescission of this rule remain effective upon compilation and publication pursuant to Pa.R.J.A. No. 103(d)(7).”

“The requirements for the promulgation and amendment of local procedural rules for dependency proceedings are set forth in Pennsylvania Rule of Judicial Administration 103(d).”

“All local rules previously promulgated in accordance with the requirements of Pa.R.J.C.P. 1121 prior to rescission of this rule remain effective upon compilation and publication pursuant to Pa.R.J.A. No. 103(d)(7).”

FACTUAL BACKGROUND

Pennsylvania Rule of Judicial Administration 103 was amended to consolidate and include the requirements for promulgating and amending local procedural rules. Rules 121 and 1121 previously contained separate local-rulemaking requirements for delinquency and dependency proceedings. The court rescinded and replaced both juvenile court rules effective August 1, 2016, while preserving previously promulgated local rules subject to compilation and publication under Rule 103(d)(7).

PROCEDURAL HISTORY

The court amended Pennsylvania Rule of Judicial Administration 103 effective August 1, 2016, consolidating and incorporating local rulemaking requirements. It therefore rescinded and replaced Rule 121, governing local rules for delinquency proceedings, and Rule 1121, governing local rules for dependency proceedings.

DISPOSITION

OPINION

PER CURIAM.

[This is an entirely new rule.] Rule 121. Local Rules The requirements for the promulgation and amendment of local procedural rules for delinquency proceedings are set forth in Pennsylvania Rule of Judicial Administration 103(d). Comment Effective August 1, 2016, Pennsylvania Rule of Judicial Administration 103 was amended to consolidate and include all local rulemaking requirements.

Accordingly, the rulemaking requirements under Pa.R.J.C.P. 121 for the promulgation and amendment of local procedural rules for delinquency proceedings were rescinded and replaced. All local rules previously promulgated in accordance with the requirements of Pa.R.J.C.P. 121 prior to rescission of this rule remain effective upon compilation and publication pursuant to Pa.R.J.A.

No. 103(d)(7). Official Note: Rule 121 adopted April 1, 2005, effective October 1, 2005. Amended December 12, 2008, effective immediately. Amended January 11, 2010, effective March 1, 2010. Rescinded and replaced June 28, 2016, effective August 1, 2016. Committee Explanatory Reports: Final Report explaining the provisions of Rule 121 published with the Court's Order at 35 Pa.B.

2214 (April 16, 2005). Final Report explaining the amendments to Rule 121 published with the Court's Order at 38 Pa.B. 7080 (December 27, 2008). Final Report explaining the amendments to Rule 121 published with the Court's Order at 40 Pa.B. 518 (January 23, 2010). Final Report explaining the rescission and replacement of Rule 121 published with the Court's Order at ___ Pa.B. ___ (___ ___, 2016).

[This is an entirely new rule.] Rule 1121. Local Rules The requirements for the promulgation and amendment of local procedural rules for dependency proceedings are set forth in Pennsylvania Rule of Judicial Administration 103(d). Comment Effective August 1, 2016, Pennsylvania Rule of Judicial Administration 103 was amended to consolidate and include all local rulemaking requirements.

Accordingly, the rulemaking requirements under Pa.R.J.C.P. 1121 for the promulgation and amendment of local procedural rules for dependency proceedings were rescinded and replaced. All local rules previously promulgated in accordance with the requirements of Pa.R.J.C.P. 1121 prior to rescission of this rule remain effective upon compilation and publication pursuant to Pa.R.J.A.

No. 103(d)(7). Official Note: Rule 1121 adopted August, 21, 2006, effective February 1, 2007. Amended December 12, 2008, effective immediately. Amended January 11, 2010, effective March 1, 2010. Rescinded and replaced June 28, 2016, effective August 1, 2016. Committee Explanatory

Reports: Final Report explaining the provisions of Rule 1121 published with the Court's Order at 36 Pa.B.

5571 (September 2, 2006). Final Report explaining the amendments to Rule 1121 published with the Court's Order at 38 Pa.B. 7080 (December 27, 2008). Final Report explaining the amendments to Rule 1121 published with the Courts Order at 40 Pa.B. 518 (January 23, 2010). Final Report explaining the rescission and replacement of Rule 1121 published with the Court's Order at __ Pa.B. __ (__, 2016).

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/pennsylvania-supreme-court-of-pennsylvania/2016/in-re-order-rescinding-and-replacing-rule-121-and-rule-1121-hpon9zs0>