

TABLE OF CONTENTS

MISCELLANEOUS LOCAL RULES

Title 252 - Northumberland County Juvenile Court Dependency Rules

RULE 1NOTICE OF PROCEEDINGS
RULE 2SERVICE
RULE 3 CONDUCT OF SHELTER HEARING
RULE 4MOTIONS/PETITIONS
RULE 5 DEPENDENCY HEARING
RULE 6EXPERT REPORTS/REPORTS TO THE COURT
RULE 7CHANGE IN PLACEMENT
FORM AMOTION FOR CONTINUANCE AND ORDER OF COURT
FORM B IMPORTANT NOTICE

Northumberland County Local Rules of Court Governing
Custody and Visitation

RULE L1915.1SCOPE/DEFINITIONS

Fees

.PROTHONOTARY FEES
. REGISTER OF WILLS/CLERK OF ORPHANS' COURT FEES

MISCELLANEOUS LOCAL RULES

TITLE 252 - NORTHEMBERLAND COUNTY JUVENILE COURT DEPENDENCY RULES

RULE 1 - NOTICE OF PROCEEDINGS

A. Notice of the time, date and place of any hearings shall be given to all parties and attorneys of record by Children and Youth Services unless a court order places this responsibility on another party.

B. Whenever feasible, the Court also shall give notice to all parties and attorneys of record of the next court hearing during the hearing in which the parties and their counsel are present.

C. If a party is not present at a court hearing, Children and Youth Services shall file a certificate of notice which sets forth the manner in which notice of the time, date and place of a hearing was provided.

Alternatively, this information may be presented through testimony placed on the court record.

RULE 2 - SERVICE

A. Except as provided in paragraph B of this rule, dependency petitions shall be served upon the parties in conformity with the service requirements of Rule 412 of the Pennsylvania Rules of Civil Procedure.

B. Service of the dependency petition upon the children for whom a dependency finding is sought shall be made by personal service upon or by first class mail addressed to both the attorney and the party.

C. The petition shall begin with a notice to defend in substantially the form set forth in FORM B of these rules.

D. A certificate of service shall be filed with the Prothonotary of the Juvenile Section prior to or on the hearing date.

E. Service is complete upon a party when:

- (1) a party or his or her counsel is present at any hearing involving the dependency proceedings and does not object to jurisdiction of the Court; or
- (2) the certificate of service filed with the Court shows that the party was personally served by a competent adult, includes a return of the registered mail receipt personally signed by the party, shows compliance with paragraphs A & B of this rule, or shows compliance with a special order obtained by petition;
- (3) upon written petition, this Court finds other evidence satisfactory to the Court.

F. If a parent of a child cannot be located or identified, Children and Youth Services shall file an affidavit setting forth the nature and extent of

RULE 2 Cont'd:

the investigation which has been conducted to ascertain the identity, whereabouts and residence of the parent.

G. Any petition, motion, or other legal paper, other than the dependency petition, shall be served pursuant to Rule 440 of the Pennsylvania Rules of Civil Procedure. Where a party is represented by a court-provided Special Counsel, the party shall also be served by leaving a copy of the legal paper for or by mailing a copy to that party at his or her last known address. Any party serving such legal paper shall file with the Prothonotary of the Juvenile Section a certificate of service prior to or on the hearing date.

RULE 3 - CONDUCT OF SHELTER HEARING

A. The shelter hearing is an informal hearing to determine whether shelter care is required. Testimony may be in narrative form. Ordinarily, the Court will consider only evidence which is relevant to the issue of whether the child should remain in shelter care pending a dependency hearing.

B. The parties or their counsel may at this time (1) advise the Court as to any stipulations that relate to future hearings or any agreements concerning future placement and (2) make requests for disposition alternatives which, if reasonable, should be reviewed by Children and Youth Services.

C. The parties or their counsel may waive the requirement that a hearing on the dependency petition occur within ten (10) days of the filing of the dependency petition. Also, the Court will consider the request of any party to schedule the hearing beyond this ten (10) day period.

D. Any parent to an action who is indigent and cannot afford counsel may request representation by a court-appointed counsel at the beginning of the shelter hearing for purpose of the shelter hearing and future hearings.

RULE 4 - MOTIONS/PETITIONS

A. All motions and petitions shall be presented to the Court Administrator for assignment of a hearing date.

B. After the petition is assigned a hearing date, the petition shall be filed in the Juvenile Section of the Prothonotary's Office.

C. All motions or petitions shall be mailed by first class mail or otherwise delivered to all parties no later than five (5) days prior to the date of hearing with the exception of the shelter care hearing.

D. Notice shall be given to counsel for each party. If a party is not represented by counsel, notice shall be given to that party at his/her last known mailing address.

E. All motions or petitions shall contain a proposed order of court.

F. The moving party shall serve upon all parties a copy of the order entered by the Court.

RULE 4 Cont'd:

G. Motions for continuance shall be governed by the following:

- (1) all motions shall be in conformity with FORM A;
- (2) oral notice of a motion for continuance is sufficient, except as provided in subparagraph 6;
- (3) counsel, or an unrepresented party, may orally consent to such a motion;
- (4) if the motion is contested, the moving party shall present the written motion of FORM A to the appropriate judge on a date agreed upon by the parties. Reasonable oral notice of the presentation is sufficient;
- (5) if the motion is uncontested, the moving party shall present the motion to the appropriate judge. A copy of the order of court shall be served upon all parties not present; and
- (6) if the hearing has been specially scheduled by a judge (or if more than one (1) hour has been set aside for the hearing), then the motion must be presented to the appropriate judge no later than five (5) days prior to the hearing date, with notice to be given in accordance with paragraphs 3, 4 and 5 of Rule 4(G). If the circumstances do not permit full compliance with this timetable, the attorney shall promptly give notice to the parties and present the motion as soon as practicable. Motions seeking a continuance of a specially scheduled hearing will be granted only upon a showing of exigent circumstances.

RULE 5 - DEPENDENCY HEARING

A. The order and manner of the presentation of evidence rests in the Court's discretion. Formal rules of evidence shall apply in the adjudication stage of the proceedings. All documents which a party wishes the Court to consider, including Northumberland County Children and Youth Services reports to the Court, must be presented and moved into evidence. A party shall not mail or present any contested dependency reports to the Court prior to the time of hearing.

B. At the adjudication stage of the proceeding, a party may seek to introduce an expert's written report as the testimony of the expert only if the expert is present for cross-examination or if all parties agree to the report's introduction.

C. If a child is found to be dependent, the Court will ordinarily proceed immediately on the same day to make a proper disposition of the case. Formal rules of evidence will not be applied in the disposition stage of the proceedings, in accordance with the Juvenile Act.

RULE 5 Cont'd:

D. A court order directing the Sheriff to transport a parent incarcerated in jail to a court hearing may be obtained only upon a petition presented pursuant to Rule 4.

RULE 6 - EXPERT REPORTS/REPORTS TO THE COURT

Whenever feasible, expert reports and reports to the Court relative to placement and disposition review shall be provided to all counsel of record, or the parties if unrepresented by counsel, at least two (2) days prior to a hearing at which the report is to be presented. Any report to be presented as to a contested dependency proceeding shall be sent to counsel or the parties only, and not to the Court. Any party who seeks to present the testimony of an expert whose report has not been provided to the other parties or their counsel in accordance with this rule shall, upon objection of any party, explain the failure to comply with this rule.

RULE 7 - CHANGES IN PLACEMENT

A. Except as provided herein, unless a court order specifically permits Children and Youth Services to change a child's placement without further court authorization, a child's placement may not be changed without court approval obtained through a court proceeding.

B. Children and Youth Services may change a child's placement without further court authorization if all parties, including counsel for the child, agree to the change in the placement of a child. Within five (5) days after the placement is changed pursuant to this subparagraph B, Children and Youth Services shall serve on all parties and file with the Court a writing which sets forth the placement change and the manner by which the parties consented to the placement change.

C. This rule shall not prevent Children and Youth Services from changing temporarily the placement of a child in an emergency situation provided that any party may request a court hearing relative to the placement change.

D. This rule shall not prevent Children and Youth Services from returning a child to a parent or guardian without a court hearing unless the attorney for the child, who shall receive notice of the proposed return, requests a court hearing prior to the child's return. If no hearing is necessary, Children and Youth shall file with the Court a writing which sets forth the basis for the return along with a proposed order of court.

You must keep the Court informed of your current address so that you receive actual notice of all hearings. You should immediately complete and return the attached notice of address to the Court indicating your correct address so that you will receive copies of all legal papers, court orders and hearing notices filed in this case. If your address changes while the case is still active with the Court, you must immediately send written notice of your new address. (Please be sure to include the docket number(s) in all correspondence.) Your failure to notify the Court of a change of address may result in court action being taken even though you had no actual notice of the court hearing.

RULE 7 Cont'd:

Notice of address in the following form shall be attached to the Important Notice:

* _____
(last name/first name)

* _____
(docket number)

I hereby verify that for the purpose of receiving legal notice, my address is:

Telephone Number _____

Signature

*To be completed prior to service.

FORM A Cont'd:

(Caption)

ORDER

On this ____ day of _____, 19 __, it
is hereby ORDERED that this Motion for Continuance is (granted) -
(denied) and the hearing will be held on the ____ day of
_____, 19 __ at ____ o'clock __.M. in
Courtroom No. ____.

BY THE COURT:

J.

IMPORTANT NOTICE

A court proceeding concerning your child(ren) has been brought for the purpose of having him/her/them declared dependent. A hearing has been scheduled before Judge _____ on _____, 19 ____, at _____ o'clock __.M.

Because your rights to raise your child(ren) are involved, you should attend this hearing. If you fail to attend the hearing, the Court may proceed in your absence.

You are advised that if the Court finds the child(ren) to be dependent, the Court may remove the child(ren) from your custody.

YOU ARE ENTITLED TO BE REPRESENTED BY A LAWYER AT THIS HEARING. YOU SHOULD TAKE THIS PAPER AT ONCE TO YOUR LAWYER. IF YOU DO NOT HAVE A LAWYER, OR IF YOU CANNOT AFFORD ONE, YOU MAY CONTACT ONE OF THE NORTHUMBERLAND COUNTY SPECIAL COUNSEL BELOW TO SEE IF YOU ARE ELIGIBLE FOR THEIR FREE SERVICE.

Special Counsel
2nd Floor
Courthouse Annex
2nd and Chestnut Streets
Sunbury, PA 17801
(717) 988-4170

Special Conflicts Counsel
2nd Floor
Courthouse Annex
2nd and Chestnut Streets
Sunbury, PA 17801
(717) 988-4170

SHOULD YOU BE FOUND TO BE INELIGIBLE FOR THEIR SERVICES, YOU MAY CONTACT:

COURT ADMINISTRATOR
COURTHOUSE
SUNBURY, PA 17801
(717) 988-4167

This action was initiated by Children and Youth Services of Northumberland County, and the caseworker assigned to this case is _____, whose telephone number is _____.

FORM B Cont'd:

The children will be represented by Special Counsel whose office telephone is 988-4170.