

**YORK COUNTY LOCAL RULES OF JUVENILE COURT PROCEDURE
– DEPENDENCY
[Effective November 29, 2010]**

CONSTRUCTION AND APPLICATION OF RULES.....

 YCDep. 1100: Effective Date. Application to Pending Actions:

 YCDep. 1101: Liberal Construction and Application of Rules:

 YCDep. 1102: Title and Citation of Rules:

BUSINESS OF COURTS.....

 YCDep. 1120: Definitions:

 YCDep. 1124: Service of Summons:

 YCDep. 1135: Captions, Form and Filing of Applications, Papers and
 Affidavits:

 YCDep. 1167B: Filings and Service of Notices:.....

COMMENCEMENT OF PROCEEDINGS.....

 YCDep. 1200: Commencing Proceedings:

 YCDep. 1331: Service of Petition:

POST-DISPOSITIONAL PROCEDURES.....

 YCDep. 1604: Service of Foster Parent Reports:.....

**YORK COUNTY LOCAL RULES OF JUVENILE COURT PROCEDURE
– DEPENDENCY**

CONSTRUCTION AND APPLICATION OF RULES

YCDep. 1100: Effective Date. Application to Pending Actions:

A. These Rules, and any amendments to these Rules, shall become effective thirty (30) days after publication in the Pennsylvania Bulletin as provided in Pennsylvania Rule of Juvenile Court Procedure 1121.

B. These Rules, and any amendments to these Rules, shall apply to all juvenile dependency actions of any kind pending on the effective date, and to those filed thereafter.

YCDep. 1101: Liberal Construction and Application of Rules:

A. These rules shall be liberally construed to secure the just, speedy and inexpensive determination of every action.

B. The court at every stage of any action may disregard any error or defect of procedure which does not affect the substantial rights of the parties.

C. The court may suspend the application of these Rules in individual cases by written order. When the court issues any order in a specific case which is not consistent with these rules, such order shall constitute a suspension of these rules for such case only and only to the extent that the order is inconsistent.

YCDep. 1102: Title and Citation of Rules:

These Rules shall be known as the York County Rules of Juvenile Court Procedure - Dependency, and may be cited as "YCDep. ____".

BUSINESS OF COURTS

YCDep. 1120: Definitions:

Unless otherwise expressly stated, as used in these Rules,

"Action" means any juvenile dependency action or proceeding of any

nature pending before the Court of Common Pleas of York County;

“Agency” means York County Children and Youth Services;

“Application” means, unless otherwise noted, any motion, petition, request, or other document requesting or requiring the signature of a judge or action by the court, including applications for emergency custody as provided for in Pa.R.J.C.P. 1200.

“Clerk of Courts” means the Clerk of the Court of Common Pleas of York County, the Office of the Clerk of Courts, and deputies and employees thereof.

“Counsel” means an attorney at law, in good standing, admitted to practice to the bar of this Commonwealth, and shall include a solicitor for York County Children and Youth Services, and may further refer to any party to an action pending before the Court who is unrepresented. Unless otherwise stated, the term shall not refer to a guardian *ad litem* appointed by the Court for a child pursuant to Pa.R.J.C.P. 1151.

"County" means York County;

"Court" means the Court of Common Pleas of York County or a judge thereof;

“Court Administrator” means the District Court Administrator for the Court of Common Pleas of York County, the Office of the District Court Administrator, and deputies and employees thereof.

“Motion” means any application to the court for an order filed pursuant to Pa.R.J.C.P. 1344 et seq., other than a “petition” as that term is defined in Pa.R.J.C.P. 1120.

“Party”, whether used in the singular or plural, and whether used in these Rules or in any court order, means the party or parties appearing in the action pro se, or the attorney or attorneys of record for such party or parties,

where appropriate, unless otherwise indicated;

"Prothonotary" means the Prothonotary of the Court of Common Pleas of York County and the Office of the Prothonotary and deputies and employees thereof.

YCDep. 1124: Service of Summons:

A summons and any application, including an application for emergency custody, filed on behalf of the Agency may be served by counsel for the Agency, in any manner provided in Pa.R.J.C.P. 1124B and in Pa.R.J.C.P. 1331B. An affidavit of service shall be filed with the Clerk prior to the proceeding.

YCDep. 1135: Captions, Form and Filing of Applications, Papers and Affidavits:

A. All pleadings, applications, documents and affidavits which are not expressly regulated as to form by Act of Assembly or are forms or documents routinely used or prepared by the courts or court-related agencies, shall conform to the Pennsylvania Rules of Juvenile Court - Dependency, and to these Rules.

- (1) An application for emergency custody shall have attached to it a cover sheet containing such information and shall be in such form as the first page of the form Dependency Petition recommended by the Administrative Office of Pennsylvania Courts.
- (2) A petition for dependency shall contain at least as much information and shall be in such form as the form Dependency Petition recommended by the Administrative Office of Pennsylvania Courts. (Note: See www.aopc.org and select

“UJS Forms”, then “Dependency Forms”.)

- (3) The original of all pleadings, applications, documents and affidavits, and any responses thereto, except forms preprinted by the Court, to be presented to and filed with the Court, shall be backed by and securely fastened in a document cover using binder clips. No original document shall be fastened with staples.
- (4) The use of plastic strips is prohibited.
- (5) Exhibit tabs, if any, shall be placed at the bottom of a document.
- (6) Filings already of record may be referenced in any subsequent document to be filed, but shall not be attached to the original document to be filed.
- (7) Copies of any documents to be provided to the court and opposing parties shall have staples securely covered with no sharp or protruding edges of any kind.
- (8) The first page of any document, other than a petition for dependency and the cover page for an application for emergency custody, to be presented to and filed with the Court shall have a three inch margin at the top of the first page, and each subsequent page shall have at least a two inch margin at the top of the page.

B. Any document signed by a party for filing shall contain under the signature line the name, address, and telephone number of the party, and the facsimile number, e-mail address, and Pennsylvania or other state bar identification number, if applicable. When listing the bar identification number, the state’s

postal abbreviation shall be used as a prefix (e.g. PA 12345; NY 246810).

C. Any party filing an application or other document which requires the signature of a judge or action by the court shall first file the original document with the Clerk.

- (1) The moving party shall cause a copy of the document requiring action to be delivered to the Court Administrator for assignment to a judge.
- (2) An original proposed order, with a brief title describing the nature of the proposed order (as examples: "Summons", "Order Scheduling Hearing," etc.) shall accompany each document delivered to the Court Administrator for assignment, but shall not be fastened together. No proposed orders shall be filed with the Clerk with the original application.
- (3) Sufficient copies of the proposed order for conforming, for return to the applicant and for service on all other parties shall accompany each document delivered to the Court Administrator for assignment to a judge.
- (4) Once a document is considered by a judge, the original of any resulting summons, order or notice shall be filed by the judge with the Clerk and the judge shall make copies of the summons, order or notice available for return to the moving party for service on all other parties.

D. Documents shall not be sent by facsimile to a judge or to the Court Administrator without leave of court.

YCDep. 1167B: Filings and Service of Notices:

Notices of hearings or other proceedings may be served by counsel for the Agency, in any manner provided in Pa.R.J.C.P. 1167B(3). An affidavit of service shall be filed with the Clerk prior to the proceeding.

COMMENCEMENT OF PROCEEDINGS

YCDep. 1200: Commencing Proceedings:

A. Proceedings commenced by the filing of an emergency custody application or a dependency petition shall proceed as set forth in YCDep. 1135C above.

B. In the event that a child who is subject to delinquency proceedings should become subject to dependency proceedings, a new dependency case shall be commenced by the Agency who shall file a dependency petition in the form as set forth in YCDep. 1135A, above.

C. The Court Administrator shall designate a rotation list of judges to whom new cases shall be assigned.

D. In the event that an application is filed which requires the attention of a judge assigned to a case, and that judge is unavailable, the Court Administrator shall assign the matter to the PFA duty judge, or other duty judge who may be designated, from time to time, by the Court Administrator.

YCDep. 1331: Service of Petition:

A petition filed on behalf of the Agency may be served by counsel for the Agency in any manner provided in Pa.R.J.C.P. 1331B. An affidavit of service

shall be filed with the Clerk prior to the adjudicatory hearing.

POST-DISPOSITIONAL PROCEDURES

YCDep. 1604: Service of Foster Parent Reports:

A report required to be served on parties pursuant to Pa.R.J.C.P. 1604 shall be served upon the Clerk of Courts, or the Clerk's designee, or such other person that the President Judge may designate from time to time by administrative order.