

INTRODUCTION

The Supreme Court of Pennsylvania has adopted new Rules 182 and 1182. The Rules are effective October 1, 2016.

EXPLANATORY REPORT SEPTEMBER 2014

These new rules were prompted by the Recommendation of the Interbranch Commission on Juvenile Justice (ICJJ). 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 believes educational requirements are 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.

Rules 182 and 1182 - Qualifications of Master

These new 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 consecutive years, and have completed the initial basic training course(s). This basic knowledge of juvenile law and experience as an attorney is essential before an attorney may be appointed as a master.

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 with 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 requirement has been met, attorneys are required to continue their legal education by attending a mandatory course(s) offered by the Juvenile Court Judges' Commission or the Office of Children and Families in the Courts. Because masters are judicial officers, 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 twelve hours of continuing legal education mandated each year by Pa.R.C.L.E. 105.

Pursuant to paragraph (C), attorneys must attest that they have met the requirements of this rule prior to appointment as master to preside over juvenile matters. Every two years after the initial appointment as master, masters must submit a new affidavit attesting that they have met the continuing education requirements of paragraph (B).

IN THE SUPREME COURT OF PENNSYLVANIA

IN RE:	:	NO.
	:	
ORDER ADOPTING NEW RULES 182	:	SUPREME COURT RULES
AND 1182 OF THE RULES OF JUVENILE:	:	
COURT PROCEDURE	:	DOCKET
	:	
	:	

ORDER

PER CURIAM

AND NOW, this 11th day of September, 2014, upon the recommendation of the Juvenile Court Procedural Rules Committee; the proposal having been published for public comment before adoption at 43 Pa.B. 2306 (April 27, 2013), in the Atlantic Reporter (Third Series Advance Sheets, Vol. 62, No. 3, May 3, 2013, and on the Supreme Court's web-page, and an *Explanatory Report* to be published with this **ORDER**:

IT IS ORDERED pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the adoption of new Rules 182 and 1182 of the Rules of Juvenile Court Procedure are approved in the attached form.

This **ORDER** shall be processed in accordance with Pa.R.J.A. No. 103(b), and the rules herein shall be effective October 1, 2016.

Additions to the rule are shown in bold and are underlined.
Deletions from the rule are shown in bold and brackets.

RULES OF JUVENILE COURT PROCEDURE

DELINQUENCY MATTERS

Table of Rules

CHAPTER 1

* * *

PART D MASTERS

182. Qualifications of Master

- 185. Appointment to Cases
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- 191. Master's Findings and Recommendation to the Judge
- 192. Challenge to Master's Recommendation

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RULE 182. QUALIFICATIONS OF MASTER

A. Education, Experience, and Training. To be eligible to be appointed as a master to preside over cases governed by the Juvenile Act, 42 Pa.C.S. § 6301 et seq., an individual shall:

- 1) be a member, in good standing, of the bar of this Commonwealth;**
- 2) have been licensed to practice law for at least five consecutive years; and**
- 3) have completed six hours of instruction, approved by the Pennsylvania Continuing Legal Education Board prior to hearing cases, which specifically addresses all of the following topics:**
 - a) the Juvenile Act;**
 - b) the Pennsylvania Rules of Juvenile Court Procedure;**
 - c) the penal laws of Pennsylvania;**
 - d) the Child Protective Services Law;**
 - e) evidence rules and methodology;**
 - f) child and adolescent development; and**
 - g) the collateral consequences of an adjudication of delinquency.**

B. Continuing Education. A master shall complete six hours of instruction from a course(s) designed by the Juvenile Court Judges' Commission, in juvenile delinquency law, policy, or related social science research every two years from the initial appointment as master.

C. Compliance.

- 1) A master shall sign an affidavit attesting that he or she has met the requirements of this rule.**
- 2) Prior to appointment as a master, the affidavit shall be sent to the President Judge or his or her designee of each judicial district where the attorney is seeking appointment as a master.**
- 3) After submission of the initial affidavit pursuant to paragraph (C)(2), masters shall submit a new affidavit every two years attesting that the continuing education requirements of paragraph (B) have been met.**

COMMENT

Pursuant to paragraphs (A)(1) & (2), masters are to be in good standing and have at least five consecutive years of experience as an attorney. It is best practice to have at least two years of experience in juvenile law.

Pursuant to paragraph (A)(3), the initial training program(s) is to be approved by the Pennsylvania Continuing Legal Education Board (Board). The program may be one course or multiple courses with at least six hours of instruction, equivalent to at least six CLE credits. When the Board is approving courses designed to address the requirements of this rule, it should consult with the Juvenile Court Judges' Commission to ensure proper course requirements are being met. Additionally, for this initial training course(s), training already provided by the Juvenile Court Judges' Commission or the Office of Children and Families in the Courts may meet the requirements of this Rule.

For continuing education under paragraph (B), masters are to attend six hours of instruction from a course or multiple courses designed by the Juvenile Court Judges' Commission. This is to ensure uniform training among masters.

These requirements are additional requirements to the Pa.R.C.L.E. because they mandate specific training in juvenile delinquency law. However, the credit hours received do count towards the total maximum required under Pa.R.C.L.E. 105.

Pursuant to paragraph (C), a master is to certify to the court that the requirements of this rule have been met prior to the appointment as master, and submit new affidavits every two years thereafter.

Official Note: Rule 182 adopted September 11, 2014, effective October 1, 2016.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 182 published with the Court's Order at 44 Pa.B. - (-)

DEPENDENCY MATTERS

CHAPTER 11

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PART D [PROCEEDINGS IN CASES BEFORE] MASTERS

1182. Qualifications of Master

1185. Appointment to Cases

1187. Authority of Master

1190. Stipulations Before Master

1191. Master's Findings and Recommendation to the Judge

RULE 1182. QUALIFICATIONS OF MASTER

A. Education, Experience, and Training. To be eligible to be appointed as a master to preside over cases governed by the Juvenile Act, 42 Pa.C.S. § 6301 et seq., an individual shall:

- 1) be a member, in good standing, of the bar of this Commonwealth;**
- 2) have been licensed to practice law for at least five consecutive years; and**
- 3) have completed six hours of instruction, approved by the Pennsylvania Continuing Legal Education Board prior to hearing cases, which specifically addresses all of the following topics:**
 - a the Juvenile Act;**
 - b) the Pennsylvania Rules of Juvenile Court Procedure;**
 - c) the Child Protective Services Law;**
 - d) evidence rules and methodology; and**
 - e) child and adolescent development.**

B. Continuing Education. A master shall complete six hours of instruction from a course(s) designed by the Office of Children and Families in the Courts, in juvenile dependency law, policy, or related social science research every two years from the initial appointment as master.

C. Compliance.

- 1) A master shall sign an affidavit attesting that he or she has met the requirements of this rule.**
- 2) Prior to appointment as a master, the affidavit shall be sent to the President Judge or his or her designee of each judicial district where the attorney is seeking appointment as a master.**
- 3) After submission of the initial affidavit pursuant to paragraph (C)(2), masters shall submit a new affidavit every two years attesting that the continuing education requirements of paragraph (B) have been met.**

Comment

Pursuant to paragraphs (A)(1) & (2), masters are to be in good standing and have at least five consecutive years of experience as an attorney. It is best practice to have at least two years of experience in juvenile law.

Pursuant to paragraph (A)(3), the initial training program(s) is to be approved by the Pennsylvania Continuing Legal Education Board (Board). The program may be one course or multiple courses with at least six hours of instruction, equivalent to at least six CLE credits. When the Board is approving courses designed to address the requirements of this rule, it should consult with the Office of Children and Families in the Courts to ensure proper course requirements are being met. Additionally, for this initial training course(s), training already provided by the Office of Children and Families in the Courts or the Juvenile Court Judges' Commission may meet the requirements of this Rule.

For continuing education under paragraph (B), masters are to attend six hours of instruction from a course or multiple courses designed by the Office of Children and Families in the Courts. This is to ensure uniform training among masters.

These requirements are additional requirements to the Pa.R.C.L.E. because they mandate specific training in juvenile dependency law. However, the credit hours received do count towards the total maximum required under Pa.R.C.L.E. 105.

Pursuant to paragraph (C), a master is to certify to the court that the requirements of this rule have been met prior to the appointment as master, and submit new affidavits every two years thereafter.

Official Note: Rule 1182 adopted September 11, 2014, effective October 1, 2016.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 182 published with the Court's Order at 44 Pa.B. - (-)