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Press Releases

Rules Changes Proposed to Speed Cases for Children

HARRISBURG — A series of rules changes designed to speed cases for children living in unstable or impermanent homes have been proposed by the Appellate Court Procedural Rules Committee of the Supreme Court.

Some of the children the proposals are intended to help are victims of abuse or neglect. These children have been removed from their parents under court order and are living in foster care or in other temporary homes. Other children are awaiting adoption while legal disputes play out over parental rights. Still others are at the center of custody battles between warring parents.

The proposed appellate rules changes would expedite the process by which these and other types of children’s cases would advance on appeal from the trial courts to be heard in the Superior Court and the Supreme Court.

“We’re talking about children’s lives,” said Superior Court Judge Maureen E. Lally-Green who chairs the Appellate Court Procedural Rules Committee and co-chairs a subcommittee that developed the rules-change proposals. “Each day in the life of a child is a very valuable time. That is why the focus here is on time in the appeals process. We tried to see if some of that time could be shaved down. The answer is, ‘Yes.’”

Lally-Green said the effort to accelerate children’s cases does not mean that legal issues involved in those appeals would be shortchanged on appellate review. She said every case will receive full and thorough review. The goal of the rules changes, she said, is to reduce the time normally consumed as an appeal moves toward that review and a court decision.

The rules change proposals are designed to strengthen and expand the existing “Family Fast Track” program that has operated in Superior Court since 2000. Under this program, appeals have been accelerated internally at the court in cases involving adoption, child custody, dependency (child abuse and neglect), paternity and involuntary termination of parental rights.

Under the proposed rules changes, these types of cases now would be accelerated externally as well. The cases would be given compressed filing deadlines from the first notice that a trial judge’s ruling is to be appealed and at each step of the appeals process thereafter.

All fast track cases would be stamped by court clerks with the words “Family Fast Track” in red ink to ensure that these cases are not overlooked in docketing or in the filing process. The Superior Court would be given special notice of fast track appeals.

The proposed rules changes include a dozen compressed filing deadlines for fast track cases. While 30 days is the allowable period for filing an appeal from Common Pleas Court in a criminal case, for example, the appeal time in a Family Fast Track case would be just 21 days. While the record of a lower court case normally must be transmitted to an appellate court in 60 days, that deadline would cut in half for fast track cases and reduced to 30 days.

A separate but related effort is under way to accelerate the process of transcribing the records of lower court proceedings. Transcript delays also can slow the appellate process.

The proposed rule changes were developed by a Dependency Subcommittee of the Appellate Court Procedural Rules Committee. The subcommittee is co-chaired by Judge Lally-Green and Fredrick N. Frank, a Pittsburgh domestic relations lawyer.

“Many states are expediting appeals for children so they are not caught up in the appellate process any longer than they need be,” said Frank. “Time lost in a child’s life is not something we can put back.”

The effort to expedite the appellate process is supported by the Office of Children and Families in the Courts which was formed within the Administrative Office of Pennsylvania Courts in 2006. The mission of the Office of Children and Families in the Courts is to achieve more rapid placement of abused and neglected children in permanent homes. There are about 20,000 such children in the commonwealth.

“The overall goal here is to safeguard the rights of all parties while minimizing delays for children,” said Sandra Moore, administrator of the Office of Children and Families in the Courts. “The committee’s work is a huge step toward expediting permanency for Pennsylvania’s abused and neglected children.”

The proposed rules changes are posted for public comment on the Web site of Pennsylvania’s Unified Judicial System at www.courts.state.pa.us and will be published in the Pennsylvania Bulletin later this month.

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