
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1452 Session of
2002

INTRODUCED BY GREENLEAF, CONTI, TOMLINSON, COSTA, KUKOVICH,
KITCHEN, LEMMOND, ROBBINS AND D. WHITE, JUNE 4, 2002

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, NOVEMBER 20, 2002

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for the
3 number of judges of the courts of common pleas; PROVIDING FOR <—
4 NOTE TAKING BY JURORS; FURTHER PROVIDING FOR A SIX-MONTH
5 LIMITATION OF ACTIONS, FOR THE POWERS AND DUTIES OF PROBATION
6 OFFICERS CONCERNING JUVENILES, FOR INSPECTION OF COURT FILES
7 AND RECORDS, FOR LAW ENFORCEMENT RECORDS, FOR TAKING CHILD
8 INTO CUSTODY, FOR INFORMAL HEARINGS, FOR NOTICE AND HEARING,
9 FOR ADJUDICATION, FOR DISPOSITION OF DEPENDENT CHILD AND FOR
10 DEFICIENCY JUDGMENTS; PROVIDING FOR IMMUNITY OF STATE PAROLE
11 OFFICERS AND COUNTY PROBATION OFFICERS; CONFERRING POWERS AND
12 DUTIES ON THE JUVENILE COURT JUDGES' COMMISSION; AND
13 PROVIDING A TECHNICAL CORRECTION TO, CONFIRMATION OF THE
14 SCOPE OF AND CLARIFICATION OF EXISTING LAW REGARDING THE
15 RENTAL-PURCHASE AGREEMENT ACT.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 Section 1. Section 911(a) of Title 42 of the Pennsylvania
19 Consolidated Statutes is amended to read:

20 § 911. Courts of common pleas.

21 (a) General rule.--There shall be one court of common pleas
22 for each judicial district of this Commonwealth consisting of

1 the following number of judges:

2		Number of
3	Judicial District	Judges
4	First	93
5	Second	13
6	Third	[7] <u>8</u>
7	Fourth	1
8	Fifth	41
9	Sixth	9
10	Seventh	[11] <u>13</u>
11	Eighth	3
12	Ninth	5
13	Tenth	11
14	Eleventh	9
15	Twelfth	8
16	Thirteenth	2
17	Fourteenth	5
18	Fifteenth	13
19	Sixteenth	3
20	Seventeenth	2
21	Eighteenth	1
22	Nineteenth	12
23	Twentieth	1
24	Twenty-first	6
25	Twenty-second	1
26	Twenty-third	12
27	Twenty-fourth	4
28	Twenty-fifth	2
29	Twenty-sixth	2
30	Twenty-seventh	5

1	Twenty-eighth	2	
2	Twenty-ninth	5	
3	Thirtieth	3	
4	Thirty-first	10	
5	Thirty-second	[18] <u>19</u>	
6	Thirty-third	2	
7	Thirty-fourth	1	
8	Thirty-fifth	[3] <u>4</u>	
9	Thirty-sixth	6	
10	Thirty-seventh	2	
11	Thirty-eighth	[20] <u>21</u>	<—
12	Thirty-ninth	4	
13	Fortieth	[2] <u>3</u>	
14	Forty-first	2	
15	Forty-second	2	
16	Forty-third	[5] <u>6</u>	
17	Forty-fourth	1	
18	Forty-fifth	7	
19	Forty-sixth	2	
20	Forty-seventh	5	
21	Forty-eighth	[1] <u>2</u>	<—
22	Forty-ninth	[3] <u>4</u>	<—
23	Fiftieth	5	
24	Fifty-first	3	
25	Fifty-second	4	
26	Fifty-third	4	
27	Fifty-fourth	1	
28	Fifty-fifth	1	
29	Fifty-sixth	2	
30	Fifty-seventh	2	

1	Fifty-eighth	1
2	Fifty-ninth	1
3	Sixtieth	1

4 * * *

5 SECTION 2. TITLE 42 IS AMENDED BY ADDING A SECTION TO READ: <—
6 § 4566. LIMITED RIGHT OF JURORS TO TAKE NOTES.

7 (A) GENERAL RULE.--WHEN PERMITTED AT THE DISCRETION OF THE
8 COURT OR BY AGREEMENT OF THE PARTIES, JURORS IN A CIVIL OR
9 CRIMINAL ACTION OR PROCEEDING MAY TAKE NOTES DURING THE TRIAL
10 AND USE THEM DURING THEIR DELIBERATIONS. A SPECIFIED NUMBER OF
11 SHEETS OF PAPER, TO BE DETERMINED BY THE JUDGE BASED ON THE
12 COMPLEXITY OF THE TRIAL, SHALL BE PROVIDED BY THE COURT TO THE
13 JURORS AT THE BEGINNING OF THE TRIAL, AND A RECORD OF ANY
14 ADDITIONAL PAPER DISTRIBUTED SHALL BE MAINTAINED BY THE COURT.

15 (B) INSTRUCTIONS.--THE TRIAL JUDGE SHALL GIVE INSTRUCTIONS
16 TO A JURY ON TAKING NOTES AT THE BEGINNING OF TRIAL AND SHALL
17 INSTRUCT THE JURY ON THE USE OF NOTES DURING DELIBERATIONS AT
18 THE END OF TRIAL.

19 (C) COLLECTION AND DESTRUCTION OF MATERIALS.--WHEN A JURY IS
20 PERMITTED TO TAKE NOTES, THE CONTENTS OF THE NOTES SHALL NOT BE
21 DISCLOSED TO ANY PERSON BUT THE MEMBERS OF THE JURY. AT THE
22 CONCLUSION OF THE TRIAL, THE COURT SHALL COLLECT ALL SUCH NOTES
23 AND DESTROY THEM.

24 (D) PHOTOGRAPHS PROHIBITED.--NO PHOTOGRAPHS, COPIES OR OTHER
25 REPRODUCTIONS MAY BE MADE OF ANY NOTES TAKEN BY A JUROR DURING
26 TRIAL.

27 SECTION 3. SECTION 5522(B)(2) OF TITLE 42 IS AMENDED AND THE
28 SUBSECTION IS AMENDED BY ADDING A PARAGRAPH TO READ:
29 § 5522. SIX MONTHS LIMITATION.

30 * * *

(B) COMMENCEMENT OF ACTION REQUIRED.--THE FOLLOWING ACTIONS
AND PROCEEDINGS MUST BE COMMENCED WITHIN SIX MONTHS:

* * *

(2) A PETITION FOR THE ESTABLISHMENT OF A DEFICIENCY
JUDGMENT FOLLOWING EXECUTION AND DELIVERY OF THE SHERIFF'S
DEED FOR THE PROPERTY SOLD IN CONNECTION WITH THE EXECUTION
PROCEEDINGS REFERENCED IN THE PROVISIONS OF SECTION 8103(A)
(RELATING TO DEFICIENCY JUDGMENTS).

* * *

(6) A PETITION FOR REDETERMINATION OF FAIR MARKET VALUE
PURSUANT TO SECTION 8103(F.1)(4) FOLLOWING EXECUTION AND
DELIVERY OF THE SHERIFF'S DEED FOR THE PROPERTY SOLD IN
CONNECTION WITH THE EXECUTION PROCEEDINGS REFERENCED UNDER
SECTION 8103.

SECTION 4. SECTIONS 6304, 6307, 6308(B)(1), 6324, 6332,
6336.1, 6341(B) AND 6351 OF TITLE 42 ARE AMENDED TO READ:
§ 6304. POWERS AND DUTIES OF PROBATION OFFICERS.

(A) GENERAL RULE.--FOR THE PURPOSE OF CARRYING OUT THE
OBJECTIVES AND PURPOSES OF THIS CHAPTER, AND SUBJECT TO THE
LIMITATIONS OF THIS CHAPTER OR IMPOSED BY THE COURT, A PROBATION
OFFICER SHALL:

(1) MAKE INVESTIGATIONS, REPORTS, AND RECOMMENDATIONS TO
THE COURT.

(2) RECEIVE AND EXAMINE COMPLAINTS AND CHARGES OF
DELINQUENCY OR DEPENDENCY OF A CHILD FOR THE PURPOSE OF
CONSIDERING THE COMMENCEMENT OF PROCEEDINGS UNDER THIS
CHAPTER.

(3) SUPERVISE AND ASSIST A CHILD PLACED ON PROBATION OR
IN HIS PROTECTIVE SUPERVISION OR CARE BY ORDER OF THE COURT
OR OTHER AUTHORITY OF LAW.

1 (4) MAKE APPROPRIATE REFERRALS TO OTHER PRIVATE OR
2 PUBLIC AGENCIES OF THE COMMUNITY IF THEIR ASSISTANCE APPEARS
3 TO BE NEEDED OR DESIRABLE.

4 (5) TAKE INTO CUSTODY AND DETAIN A CHILD WHO IS UNDER
5 HIS SUPERVISION OR CARE AS A DELINQUENT OR DEPENDENT CHILD IF
6 THE PROBATION OFFICER HAS REASONABLE CAUSE TO BELIEVE THAT
7 THE HEALTH OR SAFETY OF THE CHILD IS IN IMMINENT DANGER, OR
8 THAT HE MAY ABSCOND OR BE REMOVED FROM THE JURISDICTION OF
9 THE COURT, OR WHEN ORDERED BY THE COURT PURSUANT TO THIS
10 CHAPTER OR THAT HE VIOLATED THE CONDITIONS OF HIS PROBATION.

11 (6) PERFORM ALL OTHER FUNCTIONS DESIGNATED BY THIS
12 CHAPTER OR BY ORDER OF THE COURT PURSUANT THERETO.

13 (A.1) AUTHORITY TO SEARCH.--

14 (1) PROBATION OFFICERS MAY SEARCH THE PERSON AND
15 PROPERTY OF CHILDREN:

16 (I) UNDER THEIR SUPERVISION AS DELINQUENT CHILDREN
17 OR PURSUANT TO A CONSENT DECREE IN ACCORDANCE WITH THIS
18 SECTION;

19 (II) TAKEN INTO CUSTODY PURSUANT TO SUBSECTION (A)
20 AND SECTION 6324 (RELATING TO TAKING INTO CUSTODY); AND

21 (III) DETAINED PURSUANT TO SUBSECTION (A) AND
22 SECTION 6325 (RELATING TO DETENTION OF CHILD) OR DURING
23 THE INTAKE PROCESS PURSUANT TO SUBSECTION (A) AND SECTION
24 6331 (RELATING TO RELEASE FROM DETENTION OR COMMENCEMENT
25 OF PROCEEDINGS), AND IN ACCORDANCE WITH THIS SECTION.

26 (2) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PERMIT
27 SEARCHES OR SEIZURES IN VIOLATION OF THE CONSTITUTION OF THE
28 UNITED STATES OR SECTION 8 OF ARTICLE I OF THE CONSTITUTION
29 OF PENNSYLVANIA.

30 (3) NO VIOLATION OF THIS SECTION SHALL CONSTITUTE AN

1 INDEPENDENT GROUND FOR SUPPRESSION OF EVIDENCE IN ANY
2 PROCEEDING.

3 (4) (I) A PERSONAL SEARCH OF A CHILD MAY BE CONDUCTED
4 BY ANY PROBATION OFFICER:

5 (A) IF THERE IS A REASONABLE SUSPICION TO
6 BELIEVE THAT THE CHILD POSSESSES CONTRABAND OR OTHER
7 EVIDENCE OF VIOLATIONS OF THE CONDITIONS OF
8 SUPERVISION.

9 (B) WHEN A CHILD IS TRANSPORTED OR TAKEN INTO
10 CUSTODY.

11 (C) WHEN A CHILD ENTERS OR LEAVES A DETENTION
12 CENTER, INSTITUTION OR OTHER FACILITY FOR ALLEGED OR
13 ADJUDICATED DELINQUENT CHILDREN.

14 (II) A PROPERTY SEARCH MAY BE CONDUCTED BY ANY
15 PROBATION OFFICER IF THERE IS REASONABLE SUSPICION TO
16 BELIEVE THAT THE REAL OR OTHER PROPERTY IN THE POSSESSION
17 OF OR UNDER THE CONTROL OF THE CHILD CONTAINS CONTRABAND
18 OR OTHER EVIDENCE OF VIOLATIONS OF THE CONDITIONS OF
19 SUPERVISION.

20 (III) PRIOR APPROVAL OF A SUPERVISOR SHALL BE
21 OBTAINED FOR A PROPERTY SEARCH ABSENT EXIGENT
22 CIRCUMSTANCES, OR UNLESS THE SEARCH IS BEING CONDUCTED BY
23 A SUPERVISOR. NO PRIOR APPROVAL SHALL BE REQUIRED FOR A
24 PERSONAL SEARCH.

25 (IV) A WRITTEN REPORT OF EVERY PROPERTY SEARCH
26 CONDUCTED WITHOUT PRIOR APPROVAL SHALL BE PREPARED BY THE
27 PROBATION OFFICER WHO CONDUCTED THE SEARCH AND FILED IN
28 THE CHILD'S CASE RECORD. THE EXIGENT CIRCUMSTANCES SHALL
29 BE STATED IN THE REPORT.

30 (V) THE CHILD MAY BE DETAINED IF HE IS PRESENT

1 DURING A PROPERTY SEARCH. IF THE CHILD IS NOT PRESENT
2 DURING A PROPERTY SEARCH, THE PROBATION OFFICER IN CHARGE
3 OF THE SEARCH SHALL MAKE A REASONABLE EFFORT TO PROVIDE
4 THE CHILD WITH NOTICE OF THE SEARCH, INCLUDING A LIST OF
5 THE ITEMS SEIZED, AFTER THE SEARCH IS COMPLETED.

6 (VI) THE EXISTENCE OF REASONABLE SUSPICION TO SEARCH
7 SHALL BE DETERMINED IN ACCORDANCE WITH CONSTITUTIONAL
8 SEARCH AND SEIZURE PROVISIONS AS APPLIED BY JUDICIAL
9 DECISION. IN ACCORDANCE WITH THAT CASE LAW, THE FOLLOWING
10 FACTORS, WHERE APPLICABLE, MAY BE TAKEN INTO ACCOUNT:

11 (A) THE OBSERVATIONS OF OFFICERS.

12 (B) INFORMATION PROVIDED BY OTHERS.

13 (C) THE ACTIVITIES OF THE CHILD.

14 (D) INFORMATION PROVIDED BY THE CHILD.

15 (E) THE EXPERIENCE OF THE PROBATION OFFICER WITH
16 THE CHILD.

17 (F) THE EXPERIENCE OF PROBATION OFFICERS IN
18 SIMILAR CIRCUMSTANCES.

19 (G) THE PRIOR DELINQUENT AND SUPERVISORY HISTORY
20 OF THE OFFENDER.

21 (H) THE NEED TO VERIFY COMPLIANCE WITH THE
22 CONDITIONS OF SUPERVISION.

23 (B) FOREIGN JURISDICTIONS.--ANY OF THE FUNCTIONS SPECIFIED
24 IN SUBSECTION (A) MAY BE PERFORMED IN ANOTHER JURISDICTION IF
25 AUTHORIZED BY THE COURT OF THIS COMMONWEALTH AND PERMITTED BY
26 THE LAWS OF THE OTHER JURISDICTION.

27 (C) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
28 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
29 SUBSECTION:

30 "CONDITIONS OF SUPERVISION." A TERM OR CONDITION OF A

1 CHILD'S SUPERVISION, WHETHER IMPOSED BY THE COURT OR A PROBATION
2 OFFICER, INCLUDING COMPLIANCE WITH ALL REQUIREMENTS OF FEDERAL,
3 STATE AND LOCAL LAW.

4 "CONTRABAND." AN ITEM THAT A CHILD IS NOT PERMITTED TO
5 POSSESS UNDER THE CONDITIONS OF SUPERVISION, INCLUDING AN ITEM
6 WHOSE POSSESSION IS FORBIDDEN BY ANY FEDERAL, STATE OR LOCAL
7 LAW.

8 "COURT." THE COURT OF COMMON PLEAS OR A JUDGE THEREOF.

9 "EXIGENT CIRCUMSTANCES." THE TERM INCLUDES, BUT IS NOT
10 LIMITED TO, REASONABLE SUSPICION THAT CONTRABAND OR OTHER
11 EVIDENCE OF VIOLATIONS OF THE CONDITIONS OF SUPERVISION MIGHT BE
12 DESTROYED OR SUSPICION THAT A WEAPON MIGHT BE USED.

13 "PERSONAL SEARCH." A WARRANTLESS SEARCH OF A CHILD'S PERSON,
14 INCLUDING, BUT NOT LIMITED TO, THE CHILD'S CLOTHING AND ANY
15 PERSONAL PROPERTY WHICH IS IN THE POSSESSION, WITHIN THE REACH
16 OR UNDER THE CONTROL OF THE CHILD.

17 "PROBATION OFFICER." A PROBATION OFFICER APPOINTED OR
18 EMPLOYED BY A COURT OR BY A COUNTY PROBATION DEPARTMENT.

19 "PROPERTY SEARCH." A WARRANTLESS SEARCH OF REAL PROPERTY,
20 VEHICLE OR PERSONAL PROPERTY WHICH IS IN THE POSSESSION OR UNDER
21 THE CONTROL OF A CHILD.

22 "SUPERVISOR." AN INDIVIDUAL ACTING IN A SUPERVISORY OR
23 ADMINISTRATIVE CAPACITY.

24 § 6307. INSPECTION OF COURT FILES AND RECORDS.

25 ALL FILES AND RECORDS OF THE COURT IN A PROCEEDING UNDER THIS
26 CHAPTER ARE OPEN TO INSPECTION ONLY BY:

27 (1) THE JUDGES, OFFICERS AND PROFESSIONAL STAFF OF THE
28 COURT.

29 (2) THE PARTIES TO THE PROCEEDING AND THEIR COUNSEL AND
30 REPRESENTATIVES, BUT THE PERSONS IN THIS CATEGORY SHALL NOT

1 BE PERMITTED TO SEE REPORTS REVEALING THE NAMES OF
2 CONFIDENTIAL SOURCES OF INFORMATION CONTAINED IN SOCIAL
3 REPORTS, EXCEPT AT THE DISCRETION OF THE COURT.

4 (3) A PUBLIC OR PRIVATE AGENCY OR INSTITUTION PROVIDING
5 SUPERVISION OR HAVING CUSTODY OF THE CHILD UNDER ORDER OF THE
6 COURT.

7 (4) A COURT AND ITS PROBATION AND OTHER OFFICIALS OR
8 PROFESSIONAL STAFF AND THE ATTORNEY FOR THE DEFENDANT FOR USE
9 IN PREPARING A PRESENTENCE REPORT IN A CRIMINAL CASE IN WHICH
10 THE DEFENDANT IS CONVICTED AND WHO PRIOR THERETO HAD BEEN A
11 PARTY TO A PROCEEDING UNDER THIS CHAPTER.

12 (5) A JUDGE OR ISSUING AUTHORITY FOR USE IN DETERMINING
13 BAIL, PROVIDED THAT SUCH INSPECTION IS LIMITED TO ORDERS OF
14 DELINQUENCY ADJUDICATIONS AND DISPOSITIONS AND PETITIONS
15 RELATING THERETO, ORDERS RESULTING FROM DISPOSITION REVIEW
16 HEARINGS AND HISTORIES OF BENCH WARRANTS AND ESCAPES.

17 (6) THE ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS.

18 (6.1) THE JUDGES, OFFICERS AND PROFESSIONAL STAFF OF
19 COURTS OF OTHER JURISDICTIONS WHEN NECESSARY FOR THE
20 DISCHARGE OF THEIR OFFICIAL DUTIES.

21 (6.2) OFFICIALS OF THE DEPARTMENT OF CORRECTIONS OR A
22 STATE CORRECTIONAL INSTITUTION OR OTHER PENAL INSTITUTION TO
23 WHICH AN INDIVIDUAL WHO WAS PREVIOUSLY ADJUDICATED DELINQUENT
24 IN A PROCEEDING UNDER THIS CHAPTER HAS BEEN COMMITTED, BUT
25 THE PERSONS IN THIS CATEGORY SHALL NOT BE PERMITTED TO SEE
26 REPORTS REVEALING THE NAMES OF CONFIDENTIAL SOURCES OF
27 INFORMATION CONTAINED IN SOCIAL REPORTS, EXCEPT AT THE
28 DISCRETION OF THE COURT.

29 (6.3) A PAROLE BOARD, COURT OR COUNTY PROBATION OFFICIAL
30 IN CONSIDERING AN INDIVIDUAL'S PAROLE OR IN EXERCISING

1 SUPERVISION OVER ANY INDIVIDUAL WHO WAS PREVIOUSLY
2 ADJUDICATED DELINQUENT IN A PROCEEDING UNDER THIS CHAPTER,
3 BUT THE PERSONS IN THIS CATEGORY SHALL NOT BE PERMITTED TO
4 SEE REPORTS REVEALING THE NAMES OF CONFIDENTIAL SOURCES OF
5 INFORMATION CONTAINED IN SOCIAL REPORTS, EXCEPT AT THE
6 DISCRETION OF THE COURT.

7 (7) WITH LEAVE OF COURT, ANY OTHER PERSON OR AGENCY OR
8 INSTITUTION HAVING A LEGITIMATE INTEREST IN THE PROCEEDINGS
9 OR IN THE WORK OF THE UNIFIED JUDICIAL SYSTEM.

10 § 6308. LAW ENFORCEMENT RECORDS.

11 * * *

12 (B) PUBLIC AVAILABILITY.--

13 (1) THE CONTENTS OF LAW ENFORCEMENT RECORDS AND FILES
14 CONCERNING A CHILD SHALL NOT BE DISCLOSED TO THE PUBLIC
15 [EXCEPT IF THE CHILD IS 14 OR MORE YEARS OF AGE AT THE TIME
16 OF THE ALLEGED CONDUCT AND IF ANY OF] UNLESS ANY OF THE
17 FOLLOWING APPLY:

18 (I) THE CHILD HAS BEEN ADJUDICATED DELINQUENT BY A
19 COURT AS A RESULT OF AN ACT OR ACTS [WHICH INCLUDE THE
20 ELEMENTS OF RAPE, KIDNAPPING, MURDER, ROBBERY, ARSON,
21 BURGLARY, VIOLATION OF SECTION 13(A)(30) OF THE ACT OF
22 APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS THE CONTROLLED
23 SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT, OR OTHER ACT
24 INVOLVING THE USE OF OR THREAT OF SERIOUS BODILY HARM.]
25 COMMITTED:

26 (A) WHEN THE CHILD WAS 14 YEARS OF AGE OR OLDER AND
27 THE CONDUCT WOULD BE CONSIDERED A FELONY IF COMMITTED BY
28 AN ADULT; OR

29 (B) WHEN THE CHILD WAS 12 OR 13 YEARS OF AGE AND THE
30 CONDUCT WOULD HAVE CONSTITUTED ONE OR MORE OF THE

FOLLOWING OFFENSES IF COMMITTED BY AN ADULT:

(I) MURDER.

(II) VOLUNTARY MANSLAUGHTER.

(III) AGGRAVATED ASSAULT AS DEFINED IN 18

PA.C.S. § 2702(A)(1) OR (2) (RELATING TO AGGRAVATED ASSAULT).

(IV) ARSON AS DEFINED IN 18 PA.C.S. § 3301(A)(1) (RELATING TO ARSON AND RELATED OFFENSES).

(V) INVOLUNTARY DEVIATE SEXUAL INTERCOURSE.

(VI) KIDNAPPING.

(VII) RAPE.

(VIII) ROBBERY AS DEFINED IN 18 PA.C.S. § 3701(A)(1)(I), (II) OR (III) (RELATING TO ROBBERY).

(IX) ROBBERY OF MOTOR VEHICLE.

(X) ATTEMPT OR CONSPIRACY TO COMMIT ANY OF THE OFFENSES IN THIS SUBPARAGRAPH.

(II) A PETITION ALLEGING DELINQUENCY HAS BEEN FILED BY A LAW ENFORCEMENT AGENCY ALLEGING THAT THE CHILD HAS COMMITTED AN ACT OR ACTS [WHICH INCLUDE THE ELEMENTS OF RAPE, KIDNAPPING, MURDER, ROBBERY, ARSON, BURGLARY, VIOLATION OF SECTION 13(A)(30) OF THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT, OR OTHER ACT INVOLVING THE USE OF OR THREAT OF SERIOUS BODILY HARM] SUBJECT TO A HEARING PURSUANT TO SECTION 6336(E) AND THE CHILD PREVIOUSLY HAS BEEN ADJUDICATED DELINQUENT BY A COURT AS A RESULT OF AN ACT OR ACTS [WHICH INCLUDED THE ELEMENTS OF ONE OF SUCH CRIMES.] COMMITTED:

(A) WHEN THE CHILD WAS 14 YEARS OF AGE OR OLDER AND THE CONDUCT WOULD BE CONSIDERED A FELONY IF COMMITTED BY AN ADULT; OR

1 (B) WHEN THE CHILD WAS 12 OR 13 YEARS OF AGE AND THE
2 CONDUCT WOULD HAVE CONSTITUTED ONE OR MORE OF THE
3 FOLLOWING OFFENSES IF COMMITTED BY AN ADULT:

4 (I) MURDER.

5 (II) VOLUNTARY MANSLAUGHTER.

6 (III) AGGRAVATED ASSAULT AS DEFINED IN 18
7 PA.C.S. § 2702(A)(1) OR (2) (RELATING TO AGGRAVATED
8 ASSAULT).

9 (IV) ARSON AS DEFINED IN 18 PA.C.S. § 3301(A)(1)
10 (RELATING TO ARSON AND RELATED OFFENSES).

11 (V) INVOLUNTARY DEVIATE SEXUAL INTERCOURSE.

12 (VI) KIDNAPPING.

13 (VII) RAPE.

14 (VIII) ROBBERY AS DEFINED IN 18 PA.C.S. §
15 3701(A)(1)(I), (II) OR (III) (RELATING TO ROBBERY).

16 (IX) ROBBERY OF MOTOR VEHICLE.

17 (X) ATTEMPT OR CONSPIRACY TO COMMIT ANY OF THE
18 OFFENSES IN THIS SUBPARAGRAPH.

19 * * *

20 § 6324. TAKING INTO CUSTODY.

21 A CHILD MAY BE TAKEN INTO CUSTODY:

22 (1) PURSUANT TO AN ORDER OF THE COURT UNDER THIS
23 CHAPTER. PRIOR TO ENTERING A PROTECTIVE CUSTODY ORDER
24 REMOVING A CHILD FROM THE HOME OF THE PARENT, GUARDIAN OR
25 CUSTODIAN, THE COURT MUST DETERMINE THAT TO ALLOW THE CHILD
26 TO REMAIN IN THE HOME IS CONTRARY TO THE WELFARE OF THE
27 CHILD.

28 (2) PURSUANT TO THE LAWS OF ARREST.

29 (3) BY A LAW ENFORCEMENT OFFICER OR DULY AUTHORIZED
30 OFFICER OF THE COURT IF THERE ARE REASONABLE GROUNDS TO

1 BELIEVE THAT THE CHILD IS SUFFERING FROM ILLNESS OR INJURY OR
2 IS IN IMMINENT DANGER FROM HIS SURROUNDINGS, AND THAT HIS
3 REMOVAL IS NECESSARY.

4 (4) BY A LAW ENFORCEMENT OFFICER OR DULY AUTHORIZED
5 OFFICER OF THE COURT IF THERE ARE REASONABLE GROUNDS TO
6 BELIEVE THAT THE CHILD HAS RUN AWAY FROM HIS PARENTS,
7 GUARDIAN, OR OTHER CUSTODIAN.

8 (5) BY A LAW ENFORCEMENT OFFICER OR DULY AUTHORIZED
9 OFFICER OF THE COURT IF THERE ARE REASONABLE GROUNDS TO
10 BELIEVE THAT THE CHILD HAS VIOLATED CONDITIONS OF HIS
11 PROBATION.

12 § 6332. INFORMAL HEARING.

13 (A) GENERAL RULE.--AN INFORMAL HEARING SHALL BE HELD
14 PROMPTLY BY THE COURT OR MASTER AND NOT LATER THAN 72 HOURS
15 AFTER THE CHILD IS PLACED IN DETENTION OR SHELTER CARE TO
16 DETERMINE WHETHER HIS DETENTION OR SHELTER CARE IS REQUIRED
17 UNDER SECTION 6325 (RELATING TO DETENTION OF CHILD), WHETHER TO
18 ALLOW THE CHILD TO REMAIN IN THE HOME WOULD BE CONTRARY TO THE
19 WELFARE OF THE CHILD, AND IF THE CHILD IS ALLEGED TO BE
20 DELINQUENT, [THAT] WHETHER PROBABLE CAUSE EXISTS THAT THE CHILD
21 HAS COMMITTED A DELINQUENT ACT. REASONABLE NOTICE THEREOF,
22 EITHER ORAL OR WRITTEN, STATING THE TIME, PLACE, AND PURPOSE OF
23 THE HEARING SHALL BE GIVEN TO THE CHILD AND IF THEY CAN BE
24 FOUND, TO HIS PARENTS, GUARDIAN, OR OTHER CUSTODIAN. PRIOR TO
25 THE COMMENCEMENT OF THE HEARING THE COURT OR MASTER SHALL INFORM
26 THE PARTIES OF THEIR RIGHT TO COUNSEL AND TO APPOINTED COUNSEL
27 IF THEY ARE NEEDY PERSONS, AND OF THE RIGHT OF THE CHILD TO
28 REMAIN SILENT WITH RESPECT TO ANY ALLEGATIONS OF DELINQUENCY. IF
29 THE CHILD IS ALLEGED TO BE A DEPENDENT CHILD, THE COURT OR
30 MASTER SHALL ALSO DETERMINE WHETHER REASONABLE EFFORTS WERE MADE

1 TO PREVENT SUCH PLACEMENT OR, IN THE CASE OF AN EMERGENCY
2 PLACEMENT WHERE SERVICES WERE NOT OFFERED AND COULD NOT HAVE
3 PREVENTED THE NECESSITY OF PLACEMENT, WHETHER [SUCH LACK OF
4 EFFORTS WAS REASONABLE.] THIS LEVEL OF EFFORT WAS REASONABLE DUE
5 TO THE EMERGENCY NATURE OF THE SITUATION, SAFETY CONSIDERATIONS
6 AND CIRCUMSTANCES OF THE FAMILY.

7 (B) REHEARING.--IF THE CHILD IS NOT SO RELEASED AND A
8 PARENT, GUARDIAN OR OTHER CUSTODIAN HAS NOT BEEN NOTIFIED OF THE
9 HEARING, DID NOT APPEAR OR WAIVE APPEARANCE AT THE HEARING, AND
10 FILES HIS AFFIDAVIT SHOWING THESE FACTS, THE COURT OR MASTER
11 SHALL REHEAR THE MATTER WITHOUT UNNECESSARY DELAY AND ORDER
12 RELEASE OF THE CHILD, UNLESS IT APPEARS FROM THE HEARING THAT
13 HIS DETENTION OR SHELTER CARE IS REQUIRED UNDER SECTION 6325.

14 § 6336.1. NOTICE AND HEARING.

15 THE COURT SHALL DIRECT THE COUNTY AGENCY OR JUVENILE
16 PROBATION DEPARTMENT TO PROVIDE THE CHILD'S FOSTER PARENT,
17 PREADOPTIVE PARENT OR RELATIVE PROVIDING CARE FOR THE CHILD WITH
18 TIMELY NOTICE OF THE HEARING. THE COURT SHALL PROVIDE THE
19 CHILD'S FOSTER PARENT, PREADOPTIVE PARENT OR RELATIVE PROVIDING
20 CARE FOR THE CHILD THE OPPORTUNITY TO BE HEARD AT ANY HEARING
21 UNDER THIS CHAPTER. [NOTHING] UNLESS A FOSTER PARENT,
22 PREADOPTIVE PARENT OR RELATIVE PROVIDING CARE FOR A CHILD HAS
23 BEEN AWARDED LEGAL CUSTODY PURSUANT TO SECTION 6357 (RELATING TO
24 RIGHTS AND DUTIES OF LEGAL CUSTODIAN), NOTHING IN THIS SECTION
25 SHALL GIVE THE FOSTER PARENT, PREADOPTIVE PARENT OR RELATIVE
26 PROVIDING CARE FOR THE CHILD LEGAL STANDING IN THE MATTER BEING
27 HEARD BY THE COURT.

28 § 6341. ADJUDICATION.

29 * * *

30 (B) FINDING OF DELINQUENCY.--IF THE COURT FINDS ON PROOF

1 BEYOND A REASONABLE DOUBT THAT THE CHILD COMMITTED THE ACTS BY
2 REASON OF WHICH HE IS ALLEGED TO BE DELINQUENT IT SHALL ENTER
3 SUCH FINDING ON THE RECORD AND [IT] SHALL SPECIFY THE PARTICULAR
4 OFFENSES INCLUDING THE GRADING AND COUNTS THEREOF WHICH THE
5 CHILD IS FOUND TO HAVE COMMITTED. THE COURT SHALL THEN PROCEED
6 IMMEDIATELY OR AT A POSTPONED HEARING, WHICH SHALL OCCUR NOT
7 LATER THAN 20 DAYS AFTER [ADJUDICATION] SUCH FINDING IF THE
8 CHILD IS IN DETENTION OR NOT MORE THAN 60 DAYS AFTER
9 [ADJUDICATION] SUCH FINDING IF THE CHILD IS NOT IN DETENTION, TO
10 HEAR EVIDENCE AS TO WHETHER THE CHILD IS IN NEED OF TREATMENT,
11 SUPERVISION OR REHABILITATION AND TO MAKE AND FILE ITS FINDINGS
12 THEREON. THIS TIME LIMITATION MAY ONLY BE EXTENDED PURSUANT TO
13 THE AGREEMENT OF THE CHILD AND THE ATTORNEY FOR THE
14 COMMONWEALTH. THE COURT'S FAILURE TO COMPLY WITH THE TIME
15 LIMITATIONS STATED IN THIS SECTION SHALL NOT BE GROUNDS FOR
16 DISCHARGING THE CHILD OR DISMISSING THE PROCEEDING. IN THE
17 ABSENCE OF EVIDENCE TO THE CONTRARY, EVIDENCE OF THE COMMISSION
18 OF ACTS WHICH CONSTITUTE A FELONY SHALL BE SUFFICIENT TO SUSTAIN
19 A FINDING THAT THE CHILD IS IN NEED OF TREATMENT, SUPERVISION OR
20 REHABILITATION. IF THE COURT FINDS THAT THE CHILD IS NOT IN NEED
21 OF TREATMENT, SUPERVISION OR REHABILITATION IT SHALL DISMISS THE
22 PROCEEDING AND DISCHARGE THE CHILD FROM ANY DETENTION OR OTHER
23 RESTRICTION THERETOFORE ORDERED.

24 * * *

25 § 6351. DISPOSITION OF DEPENDENT CHILD.

26 (A) GENERAL RULE.--IF THE CHILD IS FOUND TO BE A DEPENDENT
27 CHILD THE COURT MAY MAKE ANY OF THE FOLLOWING ORDERS OF
28 DISPOSITION BEST SUITED TO THE SAFETY, PROTECTION AND PHYSICAL,
29 MENTAL, AND MORAL WELFARE OF THE CHILD:

30 (1) PERMIT THE CHILD TO REMAIN WITH HIS PARENTS,

1 GUARDIAN, OR OTHER CUSTODIAN, SUBJECT TO CONDITIONS AND
2 LIMITATIONS AS THE COURT PRESCRIBES, INCLUDING SUPERVISION AS
3 DIRECTED BY THE COURT FOR THE PROTECTION OF THE CHILD.

4 (2) SUBJECT TO CONDITIONS AND LIMITATIONS AS THE COURT
5 PRESCRIBES TRANSFER TEMPORARY LEGAL CUSTODY TO ANY OF THE
6 FOLLOWING:

7 (I) ANY INDIVIDUAL RESIDENT WITHIN OR WITHOUT THIS
8 COMMONWEALTH, INCLUDING ANY RELATIVE, WHO, AFTER STUDY BY
9 THE PROBATION OFFICER OR OTHER PERSON OR AGENCY
10 DESIGNATED BY THE COURT, IS FOUND BY THE COURT TO BE
11 QUALIFIED TO RECEIVE AND CARE FOR THE CHILD.

12 (II) AN AGENCY OR OTHER PRIVATE ORGANIZATION
13 LICENSED OR OTHERWISE AUTHORIZED BY LAW TO RECEIVE AND
14 PROVIDE CARE FOR THE CHILD.

15 (III) A PUBLIC AGENCY AUTHORIZED BY LAW TO RECEIVE
16 AND PROVIDE CARE FOR THE CHILD.

17 (2.1) SUBJECT TO CONDITIONS AND LIMITATIONS AS THE COURT
18 PRESCRIBES, TRANSFER PERMANENT LEGAL CUSTODY TO AN INDIVIDUAL
19 RESIDENT IN OR OUTSIDE THIS COMMONWEALTH, INCLUDING ANY
20 RELATIVE, WHO, AFTER STUDY BY THE PROBATION OFFICER OR OTHER
21 PERSON OR AGENCY DESIGNATED BY THE COURT, IS FOUND BY THE
22 COURT TO BE QUALIFIED TO RECEIVE AND CARE FOR THE CHILD. A
23 COURT ORDER UNDER THIS PARAGRAPH MAY SET FORTH THE TEMPORARY
24 VISITATION RIGHTS OF THE PARENTS. THE COURT SHALL REFER
25 ISSUES RELATED TO SUPPORT AND CONTINUING VISITATION BY THE
26 PARENT TO THE SECTION OF THE COURT OF COMMON PLEAS THAT
27 REGULARLY DETERMINES SUPPORT AND VISITATION.

28 (3) WITHOUT MAKING ANY OF THE FOREGOING ORDERS TRANSFER
29 CUSTODY OF THE CHILD TO THE JUVENILE COURT OF ANOTHER STATE
30 IF AUTHORIZED BY AND IN ACCORDANCE WITH SECTION 6363

(RELATING TO ORDERING FOREIGN SUPERVISION).

(B) REQUIRED PREPLACEMENT FINDINGS.--PRIOR TO ENTERING ANY ORDER OF DISPOSITION UNDER SUBSECTION (A) THAT WOULD REMOVE A DEPENDENT CHILD FROM HIS HOME, THE COURT SHALL ENTER FINDINGS ON THE RECORD OR IN THE ORDER OF COURT AS FOLLOWS:

(1) THAT CONTINUATION OF THE CHILD IN HIS HOME WOULD BE CONTRARY TO THE WELFARE, SAFETY OR HEALTH OF THE CHILD; AND

(2) WHETHER REASONABLE EFFORTS WERE MADE PRIOR TO THE PLACEMENT OF THE CHILD TO PREVENT OR ELIMINATE THE NEED FOR REMOVAL OF THE CHILD FROM HIS HOME, IF THE CHILD HAS REMAINED IN HIS HOME PENDING SUCH DISPOSITION; OR

(3) IF PREVENTIVE SERVICES WERE NOT OFFERED DUE TO THE NECESSITY FOR AN EMERGENCY PLACEMENT, WHETHER SUCH LACK OF SERVICES WAS REASONABLE UNDER THE CIRCUMSTANCES; OR

(4) IF THE COURT HAS PREVIOUSLY DETERMINED PURSUANT TO SECTION 6332 (RELATING TO INFORMAL HEARING) THAT REASONABLE EFFORTS WERE NOT MADE TO PREVENT THE INITIAL REMOVAL OF THE CHILD FROM HIS HOME, WHETHER REASONABLE EFFORTS ARE UNDER WAY TO MAKE IT POSSIBLE FOR THE CHILD TO RETURN HOME.

THE COURT SHALL NOT ENTER FINDINGS UNDER PARAGRAPH (2), (3) OR

(4) IF THE COURT PREVIOUSLY DETERMINED THAT AGGRAVATED

CIRCUMSTANCES EXIST AND NO NEW OR ADDITIONAL REASONABLE EFFORTS TO PREVENT OR ELIMINATE THE NEED FOR REMOVING THE CHILD FROM THE HOME OR TO PRESERVE AND REUNIFY THE FAMILY ARE REQUIRED.

(C) LIMITATION ON CONFINEMENT.--UNLESS A CHILD FOUND TO BE DEPENDENT IS FOUND ALSO TO BE DELINQUENT HE SHALL NOT BE COMMITTED TO OR CONFINED IN AN INSTITUTION OR OTHER FACILITY DESIGNED OR OPERATED FOR THE BENEFIT OF DELINQUENT CHILDREN.

(D) COUNTY PROGRAMS.--EVERY COUNTY OF THIS COMMONWEALTH SHALL DEVELOP PROGRAMS FOR CHILDREN UNDER PARAGRAPH (5) OR (6)

1 OF THE DEFINITION OF "DEPENDENT CHILD" IN SECTION 6302 (RELATING
2 TO DEFINITIONS).

3 (E) PERMANENCY HEARINGS.--

4 (1) THE COURT SHALL CONDUCT A PERMANENCY HEARING FOR THE
5 PURPOSE OF DETERMINING OR REVIEWING THE PERMANENCY PLAN OF
6 THE CHILD, THE DATE BY WHICH THE GOAL OF PERMANENCY FOR THE
7 CHILD MIGHT BE ACHIEVED AND WHETHER PLACEMENT CONTINUES TO BE
8 BEST SUITED TO THE SAFETY, PROTECTION AND PHYSICAL, MENTAL
9 AND MORAL WELFARE OF THE CHILD.

10 (2) IF THE COUNTY AGENCY OR THE CHILD'S ATTORNEY ALLEGES
11 THE EXISTENCE OF AGGRAVATED CIRCUMSTANCES AND THE COURT
12 DETERMINES THAT THE CHILD HAS BEEN ADJUDICATED DEPENDENT, THE
13 COURT SHALL THEN DETERMINE IF AGGRAVATED CIRCUMSTANCES EXIST.
14 IF THE COURT FINDS FROM CLEAR AND CONVINCING EVIDENCE THAT
15 AGGRAVATED CIRCUMSTANCES EXIST, THE COURT SHALL DETERMINE
16 WHETHER OR NOT REASONABLE EFFORTS TO PREVENT OR ELIMINATE THE
17 NEED FOR REMOVING THE CHILD FROM THE [HOME] CHILD'S PARENT,
18 GUARDIAN OR CUSTODIAN OR TO PRESERVE AND REUNIFY THE FAMILY
19 SHALL BE MADE OR CONTINUE TO BE MADE AND SCHEDULE A HEARING
20 AS PROVIDED IN PARAGRAPH (3).

21 (3) THE COURT SHALL CONDUCT PERMANENCY HEARINGS AS
22 FOLLOWS:

23 (I) WITHIN SIX MONTHS OF:

24 (A) THE [REMOVAL OF A CHILD] DATE OF THE CHILD'S
25 REMOVAL FROM [THE HOME OF] THE CHILD'S PARENT,
26 GUARDIAN OR CUSTODIAN FOR PLACEMENT UNDER SECTIONS
27 6324 (RELATING TO TAKING INTO CUSTODY) OR 6332 OR
28 PURSUANT TO A TRANSFER OF TEMPORARY LEGAL CUSTODY OR
29 OTHER DISPOSITION UNDER SUBSECTION (A)(2), WHICHEVER
30 IS THE EARLIEST; OR

1 (B) EACH PREVIOUS PERMANENCY HEARING UNTIL THE
2 CHILD IS RETURNED [HOME] TO THE CHILD'S PARENT,
3 GUARDIAN OR CUSTODIAN OR REMOVED FROM THE
4 JURISDICTION OF THE COURT.

5 (II) WITHIN 30 DAYS OF:

6 (A) AN ADJUDICATION OF DEPENDENCY AT WHICH THE
7 COURT DETERMINED THAT AGGRAVATED CIRCUMSTANCES EXIST
8 AND THAT REASONABLE EFFORTS TO PREVENT OR ELIMINATE
9 THE NEED TO REMOVE THE CHILD FROM THE [HOME] CHILD'S
10 PARENT, GUARDIAN OR CUSTODIAN OR TO PRESERVE AND
11 REUNIFY THE FAMILY NEED NOT BE MADE OR CONTINUE TO BE
12 MADE;

13 (B) A PERMANENCY HEARING AT WHICH THE COURT
14 DETERMINED THAT AGGRAVATED CIRCUMSTANCES EXIST AND
15 THAT REASONABLE EFFORTS TO PREVENT OR ELIMINATE THE
16 NEED TO REMOVE THE CHILD FROM THE [HOME] CHILD'S
17 PARENT, GUARDIAN OR CUSTODIAN OR TO PRESERVE AND
18 REUNIFY THE FAMILY NEED NOT BE MADE OR CONTINUE TO BE
19 MADE AND THE PERMANENCY PLAN FOR THE CHILD IS
20 INCOMPLETE OR INCONSISTENT WITH THE COURT'S
21 DETERMINATION;

22 (C) AN ALLEGATION THAT AGGRAVATED CIRCUMSTANCES
23 EXIST REGARDING A CHILD WHO HAS BEEN ADJUDICATED
24 DEPENDENT, FILED UNDER SECTION 6334(B) (RELATING TO
25 PETITION); OR

26 (D) A PETITION ALLEGING THAT THE HEARING IS
27 NECESSARY TO PROTECT THE SAFETY OR PHYSICAL, MENTAL
28 OR MORAL WELFARE OF A DEPENDENT CHILD.

29 (F) MATTERS TO BE DETERMINED AT PERMANENCY HEARING.--[AT
30 EACH HEARING, THE COURT SHALL:] AT EACH PERMANENCY HEARING, A

1 COURT SHALL DETERMINE ALL OF THE FOLLOWING:

2 (1) [DETERMINE THE] THE CONTINUING NECESSITY FOR AND
3 APPROPRIATENESS OF THE PLACEMENT[;]_.

4 (2) [DETERMINE THE] THE APPROPRIATENESS, FEASIBILITY AND
5 EXTENT OF COMPLIANCE WITH THE PERMANENCY PLAN DEVELOPED FOR
6 THE CHILD[;]_.

7 (3) [DETERMINE THE] THE EXTENT OF PROGRESS MADE TOWARD
8 ALLEVIATING THE CIRCUMSTANCES WHICH NECESSITATED THE ORIGINAL
9 PLACEMENT[;]_.

10 (4) [DETERMINE THE] THE APPROPRIATENESS AND FEASIBILITY
11 OF THE CURRENT PLACEMENT GOAL FOR THE CHILD[;]_.

12 (5) [PROJECT A] THE LIKELY DATE BY WHICH THE PLACEMENT
13 GOAL FOR THE CHILD MIGHT BE ACHIEVED[;]_.

14 (5.1) WHETHER REASONABLE EFFORTS WERE MADE TO FINALIZE
15 THE PERMANENCY PLAN IN EFFECT.

16 (6) [DETERMINE WHETHER] WHETHER THE CHILD IS SAFE[;]_.

17 (7) [DETERMINE, IF] IF THE CHILD HAS BEEN PLACED OUTSIDE
18 THE COMMONWEALTH, WHETHER THE PLACEMENT CONTINUES TO BE BEST
19 SUITED TO THE SAFETY, PROTECTION AND PHYSICAL, MENTAL AND
20 MORAL WELFARE OF THE CHILD[;]_.

21 (8) [DETERMINE THE] THE SERVICES NEEDED TO ASSIST A
22 CHILD WHO IS 16 YEARS OF AGE OR OLDER TO MAKE THE TRANSITION
23 TO INDEPENDENT LIVING[; AND]_.

24 (9) [IF] IF THE CHILD HAS BEEN IN PLACEMENT FOR AT LEAST
25 15 OF THE LAST 22 MONTHS OR THE COURT HAS DETERMINED THAT
26 AGGRAVATED CIRCUMSTANCES EXIST AND THAT REASONABLE EFFORTS TO
27 PREVENT OR ELIMINATE THE NEED TO REMOVE THE CHILD FROM THE
28 [HOME] CHILD'S PARENT, GUARDIAN OR CUSTODIAN OR TO PRESERVE
29 AND REUNIFY THE FAMILY NEED NOT BE MADE OR CONTINUE TO BE
30 MADE, [DETERMINE] WHETHER THE COUNTY AGENCY HAS FILED OR

1 SOUGHT TO JOIN A PETITION TO TERMINATE PARENTAL RIGHTS AND TO
2 IDENTIFY, RECRUIT, PROCESS AND APPROVE A QUALIFIED FAMILY TO
3 ADOPT THE CHILD UNLESS:

4 (I) THE CHILD IS BEING CARED FOR BY A RELATIVE BEST
5 SUITED TO THE PHYSICAL, MENTAL AND MORAL WELFARE OF THE
6 CHILD;

7 (II) THE COUNTY AGENCY HAS DOCUMENTED A COMPELLING
8 REASON FOR DETERMINING THAT FILING A PETITION TO
9 TERMINATE PARENTAL RIGHTS WOULD NOT SERVE THE NEEDS AND
10 WELFARE OF THE CHILD; OR

11 (III) THE CHILD'S FAMILY HAS NOT BEEN PROVIDED WITH
12 NECESSARY SERVICES TO ACHIEVE THE SAFE RETURN TO THE
13 CHILD'S [HOME] PARENT, GUARDIAN OR CUSTODIAN WITHIN THE
14 TIME FRAMES SET FORTH IN THE PERMANENCY PLAN.

15 FOR CHILDREN PLACED IN FOSTER CARE ON OR BEFORE NOVEMBER 19,
16 1997, THE COUNTY AGENCY SHALL FILE OR JOIN A PETITION FOR
17 TERMINATION OF PARENTAL RIGHTS UNDER THIS SUBSECTION IN
18 ACCORDANCE WITH SECTION 103(C)(2) OF THE ADOPTION AND SAFE
19 FAMILIES ACT OF 1997 (PUBLIC LAW 105-89, 111 STAT. 2119).

20 (F.1) ADDITIONAL DETERMINATION.--BASED UPON THE
21 DETERMINATIONS MADE UNDER SUBSECTION (F) AND ALL RELEVANT
22 EVIDENCE PRESENTED AT THE HEARING, THE COURT SHALL DETERMINE ONE
23 OF THE FOLLOWING:

24 (1) IF AND WHEN THE CHILD WILL BE RETURNED TO THE
25 CHILD'S PARENT, GUARDIAN OR CUSTODIAN IN CASES WHERE THE
26 RETURN OF THE CHILD IS BEST SUITED TO THE SAFETY, PROTECTION
27 AND PHYSICAL, MENTAL AND MORAL WELFARE OF THE CHILD.

28 (2) IF AND WHEN THE CHILD WILL BE PLACED FOR ADOPTION
29 AND THE COUNTY AGENCY WILL FILE FOR TERMINATION OF PARENTAL
30 RIGHTS IN CASES WHERE RETURN TO THE CHILD'S PARENT, GUARDIAN

1 OR CUSTODIAN IS NOT BEST SUITED TO THE SAFETY, PROTECTION AND
2 PHYSICAL, MENTAL AND MORAL WELFARE OF THE CHILD.

3 (3) IF AND WHEN THE CHILD WILL BE PLACED WITH A LEGAL
4 CUSTODIAN IN CASES WHERE THE RETURN TO THE CHILD'S PARENT,
5 GUARDIAN OR CUSTODIAN, OR BEING PLACED FOR ADOPTION IS NOT
6 BEST SUITED TO THE SAFETY, PROTECTION AND PHYSICAL, MENTAL
7 AND MORAL WELFARE OF THE CHILD.

8 (4) IF AND WHEN THE CHILD WILL BE PLACED WITH A FIT AND
9 WILLING RELATIVE IN CASES WHERE RETURN TO THE CHILD'S PARENT,
10 GUARDIAN OR CUSTODIAN, BEING PLACED FOR ADOPTION OR BEING
11 PLACED WITH A LEGAL CUSTODIAN IS NOT BEST SUITED TO THE
12 SAFETY, PROTECTION AND PHYSICAL, MENTAL AND MORAL WELFARE OF
13 THE CHILD.

14 (5) IF AND WHEN THE CHILD WILL BE PLACED IN ANOTHER
15 LIVING ARRANGEMENT INTENDED TO BE PERMANENT IN NATURE WHICH
16 IS APPROVED BY THE COURT, IN CASES WHERE THE COUNTY AGENCY
17 HAS DOCUMENTED A COMPELLING REASON THAT IT WOULD NOT BE BEST
18 SUITED TO THE SAFETY, PROTECTION AND PHYSICAL, MENTAL AND
19 MORAL WELFARE OF THE CHILD TO BE RETURNED TO THE CHILD'S
20 PARENT, GUARDIAN OR CUSTODIAN, TO BE PLACED FOR ADOPTION, TO
21 BE PLACED WITH A LEGAL CUSTODIAN OR TO BE PLACED WITH A FIT
22 AND WILLING RELATIVE.

23 [(F.1)] (F.2) EVIDENCE.--EVIDENCE OF CONDUCT BY THE PARENT
24 THAT PLACES THE HEALTH, SAFETY OR WELFARE OF THE CHILD AT RISK,
25 INCLUDING EVIDENCE OF THE USE OF ALCOHOL OR A CONTROLLED
26 SUBSTANCE THAT PLACES THE HEALTH, SAFETY OR WELFARE OF THE CHILD
27 AT RISK, SHALL BE PRESENTED TO THE COURT BY THE COUNTY AGENCY OR
28 ANY OTHER PARTY AT ANY DISPOSITION OR PERMANENCY HEARING WHETHER
29 OR NOT THE CONDUCT WAS THE BASIS FOR THE DETERMINATION OF
30 DEPENDENCY.

(G) COURT ORDER.--ON THE BASIS OF THE [DETERMINATIONS]
DETERMINATION MADE UNDER SUBSECTION [(F) AND ALL RELEVANT
EVIDENCE, THE COURT, IN ADDITION, THE COURT SHALL:

(1) DETERMINE IF AND WHEN THE CHILD:

(I) SHOULD BE RETURNED TO THE PARENTS, GUARDIAN OR
OTHER CUSTODIAN;

(II) WILL BE PLACED FOR ADOPTION AND THE COUNTY
AGENCY WILL FILE FOR TERMINATION OF PARENTAL RIGHTS; OR

(III) WILL BE PLACED WITH A LEGAL CUSTODIAN OR IN
ANOTHER LIVING ARRANGEMENT INTENDED TO BE PERMANENT IN
NATURE APPROVED BY THE COURT IF THE COUNTY AGENCY HAS
DOCUMENTED A COMPELLING REASON THAT IT WOULD NOT SERVE
THE CHILD'S PHYSICAL, MENTAL OR EMOTIONAL HEALTH, SAFETY
OR MORALS TO RETURN HOME, TO BE REFERRED FOR TERMINATION
OF PARENTAL RIGHTS OR TO BE PLACED FOR ADOPTION; AND

(2) ORDER] (F.1), THE COURT SHALL ORDER THE
CONTINUATION, MODIFICATION OR TERMINATION OF PLACEMENT OR
OTHER DISPOSITION WHICH IS BEST SUITED TO THE SAFETY,
PROTECTION AND PHYSICAL, MENTAL AND MORAL WELFARE OF THE
CHILD.

[(H) CERTAIN HEARINGS DISCRETIONARY.--AT THE DISCRETION OF
THE COURT, PERMANENCY HEARINGS NEED NOT BE CONDUCTED:

(1) FOR A CHILD WHO HAS BEEN PLACED IN A LIVING
ARRANGEMENT THAT IS INTENDED TO BE PERMANENT IN NATURE AND
THAT IS APPROVED BY THE COURT;

(2) FOR A CHILD WHO HAS BEEN PLACED IN AN ADOPTIVE HOME
PENDING FINALIZATION OF ADOPTION PURSUANT TO 23 PA.C.S. PART
III (RELATING TO ADOPTION); OR

(3) FOR A CHILD WHO HAS BEEN PLACED WITH A PERMANENT
LEGAL CUSTODIAN APPOINTED BY THE COURT PURSUANT TO SUBSECTION

(A) AND SECTION 6357 (RELATING TO RIGHTS AND DUTIES OF LEGAL CUSTODIAN).]

(I) ASSIGNMENT TO ORPHANS' COURT.--A JUDGE WHO ADJUDICATED THE CHILD DEPENDENT OR WHO HAS CONDUCTED PERMANENCY HEARINGS OR OTHER DEPENDENCY PROCEEDINGS INVOLVING THE CHILD MAY BE ASSIGNED TO THE ORPHANS' COURT DIVISION FOR THE PURPOSE OF HEARING PROCEEDINGS RELATING TO ANY OF THE FOLLOWING:

(1) INVOLUNTARY TERMINATION OF PARENTAL RIGHTS OF A PARENT OF THE DEPENDENT CHILD UNDER 23 PA.C.S. CH. 25 SUBCH. B (RELATING TO INVOLUNTARY TERMINATION).

(2) A PETITION TO ADOPT THE DEPENDENT CHILD.

SECTION 5. THE DEFINITION OF "RENTAL-PURCHASE AGREEMENT" IN SECTION 6902 OF TITLE 42 IS AMENDED TO READ:

§ 6902. DEFINITIONS.

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

* * *

"RENTAL-PURCHASE AGREEMENT." AN AGREEMENT FOR THE USE OF PERSONAL PROPERTY BY AN INDIVIDUAL PRIMARILY FOR PERSONAL, FAMILY OR HOUSEHOLD PURPOSES FOR AN INITIAL PERIOD OF FOUR MONTHS OR LESS THAT IS AUTOMATICALLY RENEWABLE WITH EACH RENTAL PAYMENT AFTER THE INITIAL PERIOD AND THAT PERMITS THE LESSEE TO ACQUIRE OWNERSHIP OF THE PROPERTY. [IT DOES NOT INCLUDE] THE TERM SHALL NOT BE CONSTRUED TO BE, NOR IS IT SUBJECT TO LAWS GOVERNING, ANY OF THE FOLLOWING:

(1) A LEASE FOR AGRICULTURAL, BUSINESS OR COMMERCIAL PURPOSES.

(2) A LEASE MADE TO AN ORGANIZATION.

(3) A LEASE OF MONEY OR INTANGIBLE PERSONAL PROPERTY.

1 (4) A LEASE OF A MOTOR VEHICLE, MOTOR HOME, MOBILE HOME
2 OR MANUFACTURED HOUSING.

3 (5) A HOME SOLICITATION SALE UNDER SECTION 7 OF THE ACT
4 OF DECEMBER 17, 1968 (P.L.1224, NO.387), KNOWN AS THE UNFAIR
5 TRADE PRACTICES AND CONSUMER PROTECTION LAW.

6 (6) A RETAIL INSTALLMENT SALE, RETAIL INSTALLMENT
7 CONTRACT OR RETAIL INSTALLMENT ACCOUNT AS DEFINED IN THE ACT
8 OF OCTOBER 28, 1966 (1ST SP.SESS., P.L.55, NO.7), KNOWN AS
9 THE GOODS AND SERVICES INSTALLMENT SALES ACT.

10 (7) A SECURITY INTEREST AS DEFINED IN 13 PA.C.S. § 1201
11 (RELATING TO GENERAL DEFINITIONS).

12 SECTION 6. SECTION 8103(A), (B), (C)(3) AND (5), (E) AND (G)
13 OF TITLE 42 ARE AMENDED AND THE SECTION IS AMENDED BY ADDING
14 SUBSECTIONS TO READ:

15 § 8103. DEFICIENCY JUDGMENTS.

16 (A) GENERAL RULE.--WHENEVER ANY REAL PROPERTY IS SOLD,
17 DIRECTLY OR INDIRECTLY, TO THE JUDGMENT CREDITOR IN EXECUTION
18 PROCEEDINGS AND THE PRICE FOR WHICH SUCH PROPERTY HAS BEEN SOLD
19 IS NOT SUFFICIENT TO SATISFY THE AMOUNT OF THE JUDGMENT,
20 INTEREST AND COSTS AND THE JUDGMENT CREDITOR SEEKS TO COLLECT
21 THE BALANCE DUE ON SAID JUDGMENT, INTEREST AND COSTS, THE
22 JUDGMENT CREDITOR SHALL PETITION THE COURT TO FIX THE FAIR
23 MARKET VALUE OF THE REAL PROPERTY SOLD. THE PETITION SHALL BE
24 FILED AS A SUPPLEMENTARY PROCEEDING IN THE MATTER IN WHICH THE
25 JUDGMENT WAS ENTERED. IF THE JUDGMENT WAS TRANSFERRED FROM THE
26 COUNTY IN WHICH IT WAS ENTERED TO THE COUNTY WHERE THE EXECUTION
27 SALE WAS HELD, THE JUDGMENT SHALL BE DEEMED ENTERED IN THE
28 COUNTY IN WHICH THE SALE TOOK PLACE.

29 (B) EFFECT OF FAILURE TO GIVE NOTICE.--ANY DEBTOR[, OBLIGOR,
30 GUARANTOR, MORTGAGOR, AND ANY OTHER PERSON DIRECTLY OR

1 INDIRECTLY LIABLE TO THE JUDGMENT CREDITOR FOR THE PAYMENT OF
2 THE DEBT,] AND ANY OWNER OF THE PROPERTY AFFECTED THEREBY, WHO
3 IS NEITHER NAMED IN THE PETITION NOR SERVED WITH A COPY THEREOF
4 OR NOTICE OF THE FILING THEREOF AS PRESCRIBED BY GENERAL RULE,
5 SHALL BE DEEMED TO BE DISCHARGED FROM ALL PERSONAL LIABILITY TO
6 THE JUDGMENT CREDITOR ON THE DEBT, INTEREST AND COSTS, BUT ANY
7 SUCH FAILURE TO NAME SUCH PERSON IN THE PETITION OR TO SERVE THE
8 PETITION OR NOTICE OF THE FILING THEREOF SHALL NOT PREVENT
9 PROCEEDINGS AGAINST ANY RESPONDENT NAMED AND SERVED.

10 (C) ACTION ON PETITION.--

11 * * *

12 (3) IF AN ANSWER IS FILED ALLEGING AS THE FAIR MARKET
13 VALUE AN AMOUNT IN EXCESS OF THE FAIR MARKET VALUE OF THE
14 PROPERTY AS AVERRED IN THE PETITION, THE JUDGMENT CREDITOR
15 MAY AGREE TO ACCEPT AS THE FAIR MARKET VALUE OF THE PROPERTY
16 THE VALUE SET UP IN THE ANSWER AND IN SUCH CASE MAY FILE A
17 STIPULATION RELEASING THE DEBTORS[, OBLIGORS AND GUARANTORS,
18 AND ANY OTHER PERSONS LIABLE DIRECTLY OR INDIRECTLY FOR THE
19 DEBT,] AND THE OWNERS OF THE PROPERTY AFFECTED THEREBY, FROM
20 PERSONAL LIABILITY TO THE JUDGMENT CREDITOR TO THE EXTENT OF
21 THE FAIR MARKET VALUE AS AVERRED IN THE ANSWER, LESS THE
22 AMOUNT OF ANY PRIOR LIENS, COSTS, TAXES AND MUNICIPAL CLAIMS
23 NOT DISCHARGED BY THE SALE, AND ALSO LESS THE AMOUNT OF ANY
24 SUCH ITEMS PAID AT DISTRIBUTION ON THE SALE.

25 * * *

26 (5) AFTER THE HEARING, IF ANY, AND THE DETERMINATION BY
27 THE COURT UNDER PARAGRAPH (1), (2) OR (4) OF THE FAIR MARKET
28 VALUE OF THE PROPERTY SOLD, THEN, EXCEPT AS OTHERWISE
29 PROVIDED IN SUBSECTION (F), THE DEBTOR[, OBLIGOR, GUARANTOR
30 AND ANY OTHER PERSON LIABLE DIRECTLY OR INDIRECTLY TO THE

JUDGMENT CREDITOR FOR THE PAYMENT OF THE DEBT] SHALL BE
RELEASED AND DISCHARGED OF SUCH LIABILITY TO THE JUDGMENT
CREDITOR TO THE EXTENT OF THE FAIR MARKET VALUE OF SAID
PROPERTY DETERMINED BY THE COURT, LESS THE AMOUNT OF ALL
PRIOR LIENS, COSTS, TAXES AND MUNICIPAL CLAIMS NOT DISCHARGED
BY THE SALE, AND ALSO LESS THE AMOUNT OF ANY SUCH ITEMS PAID
AT THE DISTRIBUTION ON THE SALE, AND SHALL ALSO BE RELEASED
AND DISCHARGED OF SUCH LIABILITY TO THE EXTENT OF ANY AMOUNT
BY WHICH THE SALE PRICE, LESS SUCH PRIOR LIENS, COSTS, TAXES
AND MUNICIPAL CLAIMS, EXCEEDS THE FAIR MARKET VALUE AS AGREED
TO BY THE JUDGMENT CREDITOR OR FIXED AND DETERMINED BY THE
COURT AS PROVIDED IN THIS SUBSECTION, AND THEREUPON THE
JUDGMENT CREDITOR MAY PROCEED BY APPROPRIATE PROCEEDINGS TO
COLLECT THE BALANCE OF THE DEBT.

* * *

(E) WAIVER OF BENEFIT OF SECTION PROHIBITED.--ANY AGREEMENT
MADE BY ANY DEBTOR[, OBLIGOR, SURETY OR GUARANTOR] AT ANY TIME,
EITHER BEFORE OR AFTER OR AT THE TIME OF INCURRING ANY
OBLIGATION, TO WAIVE THE BENEFITS OF THIS SECTION OR TO RELEASE
ANY OBLIGEE FROM COMPLIANCE WITH THE PROVISIONS HEREOF SHALL BE
VOID.

* * *

(F.1) COLLATERAL LOCATED IN MORE THAN ONE COUNTY.--

(1) IF THE REAL PROPERTY COLLATERAL IS LOCATED IN MORE
THAN ONE COUNTY IN THIS COMMONWEALTH, A JUDGMENT CREDITOR MAY
ELECT NOT TO FILE A VALUATION PETITION IN THE COURT IN EACH
OF SUCH COUNTIES AS PROVIDED UNDER SUBSECTION (A) AND SHALL
NOT BE SUBJECT TO THE PENALTIES FOR FAILURE TO FILE THE
PETITION UNDER SUBSECTION (D), IF THE JUDGMENT CREDITOR IS A
NONCONSUMER JUDGMENT CREDITOR AND THE PROVISIONS OF

1 PARAGRAPHS (2) AND (3) ARE SATISFIED.

2 (2) THE JUDGMENT CREDITOR SHALL PETITION THE DEFICIENCY
3 COURT TO DETERMINE AND FIX THE FAIR MARKET VALUE OF ALL OF
4 THE REAL PROPERTY COLLATERAL AS PROVIDED UNDER SUBSECTION
5 (C)(1), (2), (3) AND (4). THE VALUE SHALL BE DETERMINED ON A
6 PARCEL-BY-PARCEL BASIS, AND THE AMOUNT SO FIXED FOR EACH
7 PARCEL COMPRISING THE REAL PROPERTY COLLATERAL SHALL BE THE
8 FAIR MARKET VALUE FOR THE PARCEL FOR ALL PURPOSES UNDER THIS
9 SUBSECTION UNLESS REDETERMINED AS PROVIDED IN PARAGRAPH (4).

10 (3) THE DETERMINATION OF THE FAIR MARKET VALUE OF THE
11 REAL PROPERTY COLLATERAL BY THE DEFICIENCY COURT, AS PROVIDED
12 IN PARAGRAPH (2), SHALL BE MADE BEFORE AN EXECUTION SALE IS
13 HELD WITH RESPECT TO ANY OF THE REAL PROPERTY COLLATERAL.

14 (4) (I) IF THE EXECUTION SALE OF A PARCEL OF REAL
15 PROPERTY IS CONCLUDED AND THE JUDGMENT CREDITOR IS THE
16 PURCHASER OF THE PARCEL AT THE SALE, THEN EITHER THE
17 JUDGMENT CREDITOR OR THE DEBTOR MAY FILE A PETITION WITH
18 THE DEFICIENCY COURT SEEKING A REDETERMINATION OF THE
19 FAIR MARKET VALUE OF THE PARCEL PROVIDED THE PETITION IS
20 FILED WITHIN THE SIX MONTH PERIOD ESTABLISHED UNDER
21 SECTION 5522(B)(6).

22 (II) IF THE PETITION IS FILED IN A TIMELY MANNER,
23 THE DEFICIENCY COURT SHALL REDETERMINE THE FAIR MARKET
24 VALUE OF THE PARCEL IN THE MANNER PROVIDED IN SUBSECTION
25 (C)(1), (2), (3) AND (4). THE REDETERMINED VALUE SHALL BE
26 THE FAIR MARKET VALUE OF THE PARCEL FOR ALL PURPOSES
27 UNDER THIS SUBSECTION.

28 (III) THE FILING OF THE PETITION FOR THE
29 REDETERMINATION SHALL NOT LIMIT OR AFFECT THE JUDGMENT
30 CREDITOR'S ABILITY TO EXECUTE ON THE REAL PROPERTY

1 COLLATERAL UNLESS AND UNTIL THE VALUE IS REDETERMINED BY
2 THE COURT. HOWEVER, WHERE THE DEBTOR ALLEGES IN ITS
3 PETITION THAT AN APPROPRIATE REDETERMINATION OF VALUE BY
4 THE COURT WITH RESPECT TO PROPERTY THAT HAS ALREADY BEEN
5 SOLD TO THE JUDGMENT CREDITOR AT AN EXECUTION SALE WOULD
6 BE SUFFICIENT TO SATISFY THE JUDGMENT IN FULL, THE
7 DEFICIENCY COURT MAY ISSUE A STAY OF FURTHER EXECUTION
8 PROCEEDINGS, PENDING THE COURT'S RULING ON THE PETITION
9 FOR REDETERMINATION OF VALUE.

10 (5) IN CASES SUBJECT TO THIS SUBSECTION, THE DEBTOR
11 SHALL BE RELEASED AND DISCHARGED FROM LIABILITY FOR THE
12 PAYMENT OF THE DEBT IN THE MANNER PROVIDED IN SUBSECTION
13 (C)(5) TO THE EXTENT OF:

14 (I) THE FAIR MARKET VALUE DETERMINED BY THE
15 DEFICIENCY COURT OF ALL REAL PROPERTY COLLATERAL
16 PURCHASED BY THE JUDGMENT CREDITOR IN EXECUTION
17 PROCEEDINGS ON THE JUDGMENT LESS THE DEDUCTIBLE ITEMS
18 DESCRIBED IN SUBSECTION (C)(5); AND

19 (II) THE AMOUNT DISTRIBUTED TO THE JUDGMENT CREDITOR
20 AS A RESULT OF THE SALE OF THE REAL PROPERTY COLLATERAL
21 PURCHASED IN THE PROCEEDINGS BY THIRD PARTIES.

22 (F.2) FOREIGN COLLATERAL.--

23 (1) NO DEFICIENCY COURT SHALL HAVE THE POWER TO FIX THE
24 FAIR MARKET VALUE OF REAL PROPERTY LOCATED OUTSIDE THIS
25 COMMONWEALTH AND MAY NOT TAKE INTO ACCOUNT THE VALUE OF THAT
26 PROPERTY IN CONSIDERING WHETHER OR NOT A DEFICIENCY EXISTS
27 UNDER THIS SECTION.

28 (2) THIS SECTION SHALL NOT APPLY TO THE SALE OF ANY REAL
29 PROPERTY LOCATED OUTSIDE THIS COMMONWEALTH.

30 (G) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING

WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
SUBSECTION:

"ADJUSTED VALUE." THE ASSESSED VALUE OF A PARCEL OF REAL
PROPERTY COLLATERAL DETERMINED FOR REAL ESTATE TAX PURPOSES
TIMES THE APPLICABLE COMMON LEVEL RATIO FACTOR PUBLISHED BY THE
STATE TAX EQUALIZATION BOARD.

"CONSUMER CREDIT TRANSACTION." A CREDIT TRANSACTION IN WHICH
THE PARTY TO WHOM CREDIT IS OFFERED OR EXTENDED IS A NATURAL
PERSON AND THE MONEY, PROPERTY OR SERVICES WHICH ARE THE SUBJECT
OF THE TRANSACTION ARE PRIMARILY FOR PERSONAL, FAMILY OR
HOUSEHOLD PURPOSES.

"DEBTOR." A DEBTOR, OBLIGOR, GUARANTOR, SURETY AND ANY OTHER
PERSON LIABLE DIRECTLY OR INDIRECTLY TO A JUDGMENT CREDITOR FOR
THE PAYMENT OF A DEBT.

"DEFICIENCY COURT." WITH RESPECT TO CASES COVERED BY
SUBSECTION (F.1), THE COURT OF COMMON PLEAS LOCATED IN THE
COUNTY WHERE THE HIGHEST ADJUSTED VALUE LAND IS LOCATED.

"HIGHEST ADJUSTED VALUE LAND." THE REAL PROPERTY COLLATERAL
LOCATED IN A COUNTY THAT HAS A HIGHER AGGREGATE ADJUSTED VALUE
THAN REAL PROPERTY COLLATERAL LOCATED IN ANY OTHER COUNTY.

"JUDGMENT." THE JUDGMENT WHICH WAS ENFORCED BY THE EXECUTION
PROCEEDINGS REFERRED TO IN SUBSECTION (A), WHETHER THAT JUDGMENT
IS A JUDGMENT IN PERSONAM SUCH AS A JUDGMENT REQUIRING THE
PAYMENT OF MONEY OR A JUDGMENT DE TERRIS OR IN REM SUCH AS A
JUDGMENT ENTERED IN AN ACTION OF MORTGAGE FORECLOSURE OR A
JUDGMENT ENTERED IN AN ACTION OR PROCEEDING UPON A MECHANIC'S
LIEN, A MUNICIPAL CLAIM, A TAX LIEN OR A CHARGE ON LAND.

"JUDGMENT CREDITOR." THE HOLDER OF THE JUDGMENT WHICH WAS
ENFORCED BY THE EXECUTION PROCEEDINGS.

"NONCONSUMER JUDGMENT CREDITOR." ANY JUDGMENT CREDITOR

EXCEPT A JUDGMENT CREDITOR WHOSE JUDGMENT WAS ENTERED WITH
RESPECT TO A CONSUMER CREDIT TRANSACTION.

"NONRECOURSE PORTION OF THE OBLIGATION." THE PORTION AS TO
WHICH THE JUDGMENT CREDITOR'S RECOURSE IS LIMITED TO THE
MORTGAGED PROPERTY OR OTHER SPECIFIED ASSETS OF THE DEBTOR WHICH
ARE LESS THAN ALL OF SUCH ASSETS.

"PARTIAL RECOURSE OBLIGATION." AN OBLIGATION WHICH INCLUDES
BOTH A NONRECOURSE PORTION AND A RECOURSE PORTION.

"REAL PROPERTY COLLATERAL." ALL OF THE REAL PROPERTY SUBJECT
TO A LIEN SECURING THE OBLIGATION EVIDENCED BY THE JUDGMENT AND
LOCATED WITHIN THIS COMMONWEALTH.

"RECOURSE PORTION OF THE OBLIGATION." ALL OF THE OBLIGATION
EXCEPT THE NONRECOURSE PORTION THEREOF.

"VALUATION PETITION." A PETITION TO FIX THE FAIR MARKET
VALUE OF REAL PROPERTY SOLD AS REQUIRED BY SUBSECTION (A).

SECTION 7. TITLE 42 IS AMENDED BY ADDING SECTIONS TO READ:
§ 8332.7. IMMUNITY OF STATE PAROLE OFFICERS.

(A) ASSISTANCE OF LAW ENFORCEMENT PERSONNEL.--IN ADDITION TO
THE PROVISIONS OF SECTION 27 OF THE ACT OF AUGUST 6, 1941
(P.L.861, NO.323), REFERRED TO AS THE PENNSYLVANIA BOARD OF
PROBATION AND PAROLE LAW, OR ANY OTHER LAW, ANY PAROLE OFFICER
APPOINTED BY THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE WHO,
AFTER OBTAINING PERMISSION IN ADVANCE FROM A PERSON AUTHORIZED
BY THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE, ASSISTS STATE
OR LOCAL POLICE OR COUNTY PROBATION OFFICERS IN THE LAWFUL
PERFORMANCE OF THEIR DUTIES SHALL BE CONSIDERED TO BE ACTING
WITHIN THE SCOPE OF HIS OFFICIAL DUTY FOR ALL PURPOSES OF LAW
AND SHALL ENJOY ANY BENEFIT OR IMMUNITY CONFERRED UPON AN
EMPLOYEE OF THE COMMONWEALTH.

(B) ASSISTANCE OF CRIMINAL VICTIMS.--IN ADDITION TO ANY

OTHER IMMUNITY PROVIDED BY LAW, ANY PAROLE OFFICER APPOINTED BY
THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE WHO IS ENTITLED
TO IMMUNITY UNDER SECTION 8331.3 (RELATING TO CRIMINAL VICTIM
AID GOOD SAMARITAN CIVIL IMMUNITY) AS A RESULT OF PROVIDING
ASSISTANCE TO A VICTIM OF A CRIME SHALL BE CONSIDERED TO BE
ACTING WITHIN THE SCOPE OF HIS OFFICIAL DUTY WHILE PROVIDING
ASSISTANCE TO THE VICTIM FOR ALL PURPOSES OF LAW AND SHALL ENJOY
ANY BENEFIT OR IMMUNITY CONFERRED UPON AN EMPLOYEE OF THE
COMMONWEALTH.

§ 8332.8. IMMUNITY OF COUNTY PROBATION OFFICERS.

(A) ASSISTANCE OF LAW ENFORCEMENT PERSONNEL.--IN ADDITION TO
THE PROVISIONS OF SECTION 1 OF THE ACT OF AUGUST 6, 1963
(P.L.521, NO.277), ENTITLED, "AN ACT PROVIDING THAT PROBATION
OFFICERS SHALL HAVE THE POWER OF PEACE OFFICERS IN THE
PERFORMANCE OF THEIR DUTIES," OR ANY OTHER LAW, ANY PROBATION
OFFICER APPOINTED BY ANY COURT OF RECORD OF THIS COMMONWEALTH
WHO, AFTER OBTAINING PERMISSION IN ADVANCE FROM A PERSON
AUTHORIZED BY THE APPOINTING COURT, ASSISTS STATE OR LOCAL
POLICE OR COUNTY PROBATION OFFICERS IN THE LAWFUL PERFORMANCE OF
THEIR DUTIES SHALL BE CONSIDERED TO BE ACTING WITHIN THE SCOPE
OF HIS OFFICIAL DUTY FOR ALL PURPOSES OF LAW AND SHALL ENJOY ANY
BENEFIT OR IMMUNITY CONFERRED UPON AN EMPLOYEE OF THAT COUNTY.

(B) ASSISTANCE OF CRIMINAL VICTIMS.--IN ADDITION TO ANY
OTHER IMMUNITY PROVIDED BY LAW, ANY PROBATION OFFICER APPOINTED
BY ANY COURT OF RECORD OF THIS COMMONWEALTH WHO IS ENTITLED TO
IMMUNITY UNDER SECTION 8331.3 (RELATING TO CRIMINAL VICTIM AID
GOOD SAMARITAN CIVIL IMMUNITY) AS A RESULT OF PROVIDING
ASSISTANCE TO A VICTIM OF A CRIME SHALL BE CONSIDERED TO BE
ACTING WITHIN THE SCOPE OF HIS OFFICIAL DUTY WHILE PROVIDING
ASSISTANCE TO THE VICTIM FOR ALL PURPOSES OF LAW AND SHALL ENJOY

1 ANY BENEFIT OR IMMUNITY CONFERRED UPON AN EMPLOYEE OF THAT
2 COUNTY.

3 Section ~~2~~ 8. The provisions of 42 Pa.C.S. § 3135 shall not <—
4 be applicable to the selection of judges for the judgeships
5 created in the amendment of 42 Pa.C.S. § 911(a). The new
6 ~~judgeship~~ JUDGESHIPS for the 3rd ~~district~~ AND 49TH DISTRICTS <—
7 added by the amendment of 42 Pa.C.S. § 911(a) shall be created
8 on January 2, 2006, and shall be initially filled at the 2005
9 election. The new judgeships for the 7th, 32nd, 35th, ~~40th and~~ <—
10 ~~43rd~~ 38TH, 40TH, 43RD AND 48TH districts added by the amendment <—
11 of 42 Pa.C.S. § 911(a) shall be created on January 5, 2004, and
12 shall be initially filled at the 2003 municipal election.

13 ~~Section 3. This act shall take effect immediately.~~ <—

14 SECTION 9. THE JUVENILE COURT JUDGES' COMMISSION SHALL <—
15 DEVELOP BEST PRACTICE STANDARDS REGARDING SEARCHES OF THE PERSON
16 AND PROPERTY OF CHILDREN IN ORDER TO IMPLEMENT THE ADDITION OF
17 42 PA.C.S. § 6304(A.1).

18 SECTION 10. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

19 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
20 IMMEDIATELY:

21 (I) THE AMENDMENT OF 42 PA.C.S. § 911(A).

22 (II) SECTION 8 OF THIS ACT.

23 (III) THIS SECTION.

24 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
25 DAYS.