

COMMONWEALTH of PENNSYLVANIA JUVENILE COURT JUDGES' COMMISSION



JUVENILE COURT STANDARDS

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JUVENILE COURT STANDARDS

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ACQUISITIONS

**ADMINISTRATION
OF
JUVENILE COURT**

**STANDARDS GOVERNING THE
ADMINISTRATION OF JUVENILE COURT**

- I. IN EACH JUDICIAL DISTRICT, THE PRESIDENT JUDGE SHALL DESIGNATE ONE JUDGE AS THE ADMINISTRATIVE JUDGE OF THE JUVENILE COURT.

This does not mean that other judges should not or may not participate in the Juvenile Court. This is designed to establish one person through whom all administrative direction will be channeled.

This standard is designed to meet the probation department's need for one source of administrative authority and should therefore be implemented in all judicial districts, regardless of size or other factors.

- II. THE ADMINISTRATIVE JUDGE OF THE JUVENILE COURT SHALL DEVELOP AND/OR REVIEW ALL POLICY MATTERS REGARDING THE JUVENILE COURT.

It is recommended that, where practical, the Administrative Judge of the Juvenile Court involve other judges in the judicial district in the review of these policy matters.

It is not necessary for the Administrative Judge of the Juvenile Court to personally develop policies, but the Judge must provide for the development of such policies, oversee the development, and review and approve the final product.

- III. THE ADMINISTRATIVE JUDGE OF THE JUVENILE COURT SHALL BE CONCERNED WITH THE ADEQUACY OF SERVICES PROVIDED TO THE COURT BY OUTSIDE AGENCIES.

In any community, the Juvenile Court is the only agency which has the power to order juveniles to accept services. Along with this power is the duty to ensure that the community provide adequate services for use by the Court.

This standard calls for the Judge to become an advocate for children and to insist that the community develop appropriate services according to its means for the use of the Court in its rehabilitative work.

- IV. IF THE SERVICES PROVIDED TO THE COURT BY OUTSIDE AGENCIES ARE NOT ADEQUATE, THE ADMINISTRATIVE JUDGE OF THE JUVENILE COURT SHALL INFORM THE PUBLIC.

This shall be accomplished by press conferences, news releases, announcements at public meetings, or in other ways directed by local custom.

The public shall be kept informed and not just notified once, but repeatedly as long as services remain inadequate.

- V. THE ADMINISTRATIVE JUDGE OF THE JUVENILE COURT SHALL APPOINT A JUVENILE COURT ADVISORY COMMITTEE OF INTERESTED CITIZENS FROM WITHIN THE JUDICIAL DISTRICT TO HELP THE JUDGE ENSURE THE AVAILABILITY OF ADEQUATE SERVICES.

It is not intended that such an Advisory Committee be involved in the day-to-day operations of the Court, but rather that it be available to the Judge and to the Chief Probation Officer to help them understand the way the community sees the Court, as well as to help them rally citizen support for the needs of the Juvenile Court.

- VI. THE ADMINISTRATIVE JUDGE OF THE JUVENILE COURT SHALL APPOINT A CHIEF JUVENILE PROBATION OFFICER TO SEE THAT STAFF CARRY OUT THE POLICIES AND PROCEDURES OF THE LOCAL JUVENILE COURT.

Just as it is necessary for the probation office to have one judge as the administrative head, so also is it essential that one person be designated as the Chief Juvenile Probation Officer.

- VII. THE ADMINISTRATIVE JUDGE SHALL ENSURE THAT THE CHIEF JUVENILE PROBATION OFFICER COMPLETES AT LEAST TWENTY HOURS OF APPROVED TRAINING EACH YEAR.

This training may be related graduate training, training programs offered by the Center for Juvenile Justice Training and Research, or training programs approved by the Center for Juvenile Justice Training and Research.

- VIII. THE ADMINISTRATIVE JUDGE OF THE JUVENILE COURT AND THE CHIEF JUVENILE PROBATION OFFICER SHALL PROVIDE FOR THE DEVELOPMENT OF A MANUAL WHICH DESCRIBES THE DUTIES OF EACH COURT EMPLOYEE, SHOWS THE FLOW OF WORK AND RESPONSIBILITY, CONTAINS PERSONNEL PRACTICES OF THE COURT, CONTAINS RULES OF COURT GOVERNING LEGAL PROCESSES, CONTAINS POLICIES OF THE COURT REGARDING THE MAINTENANCE AND CONTROL OF RECORDS, AND CONTAINS PROCEDURES FOR THE CONDUCT OF HEARINGS.

Even in small probation offices, it is essential to the operation of such offices, as well as to the rights of the individuals who work there, that such a manual be developed.

- IX. THE ADMINISTRATIVE JUDGE OF THE JUVENILE COURT AND THE CHIEF JUVENILE PROBATION OFFICER SHALL ENSURE THAT EACH JUVENILE PROBATION OFFICER COMPLETES AT LEAST TWENTY HOURS OF APPROVED TRAINING EACH YEAR.

The twenty hours of approved training may be accomplished through related graduate education, training programs offered by the Center for Juvenile Justice Training and Research, or training programs approved by the Center for Juvenile Justice Training and Research.

- X. THE ADMINISTRATIVE JUDGE OF THE JUVENILE COURT AND THE CHIEF JUVENILE PROBATION OFFICER SHALL ENSURE THAT THERE IS SUFFICIENT PROBATION OFFICE STAFF TO CARRY OUT A REHABILITATIVE PROGRAM AND FULFILL THE DUTIES ASSIGNED TO THE JUVENILE COURT BY THE JUVENILE ACT.
- XI. THE ADMINISTRATIVE JUDGE OF THE JUVENILE COURT AND THE CHIEF JUVENILE PROBATION OFFICER SHALL ENSURE THAT THERE IS SUFFICIENT CLERICAL STAFF TO MEET THE NEEDS OF THE PROBATION OFFICE AND TO GUARANTEE THE MAINTENANCE OF ADEQUATE RECORDS.
- XII. THE ADMINISTRATIVE JUDGE OF THE JUVENILE COURT AND THE CHIEF JUVENILE PROBATION OFFICER SHALL ENSURE THAT THE COUNTY PROVIDES ADEQUATE WAITING SPACE AT THE JUVENILE PROBATION OFFICE AND IN THE AREA WHERE THE JUVENILE COURT HEARINGS ARE HELD.
- XIII. JUVENILE PROBATION OFFICERS SHALL HAVE INDIVIDUAL OFFICES WHENEVER POSSIBLE. IF INDIVIDUAL OFFICES ARE NOT POSSIBLE, THEN THERE SHALL BE PROVIDED ADEQUATE SPACE FOR PRIVATE INTERVIEWS.
- XIV. THERE SHALL BE ADEQUATE SPACE NOT ACCESSIBLE TO THE GENERAL PUBLIC FOR STENOGRAPHIC WORK AND FILING OF RECORDS.
- XV. PROBATION OFFICERS SHALL BE REQUIRED TO ATTEND COURT HEARINGS INVOLVING CHILDREN ASSIGNED TO THEM.
- XVI. IF A CHILD IS COMMITTED TO A RESIDENTIAL PROGRAM, THE PROBATION OFFICER SHALL KEEP THE PARENTS OF THE CHILD APPRISED AS TO THE CHILD'S PROGRESS, AND HE SHALL PREPARE THEM FOR THE CHILD'S RETURN TO THE COMMUNITY.
- XVII. THE PROBATION OFFICE SHALL HAVE A WRITTEN POLICY REGARDING AFTERCARE PLANNING FOR CHILDREN IN PLACEMENT.
- XVIII. WHERE A LANGUAGE OR LITERACY PROBLEM EXISTS WHICH MAY LEAD TO A CLIENT'S NON-UNDERSTANDING OR MISUNDERSTANDING OF COURT RULES, REGULATIONS, PROCEDURES, OR DISPOSITIONS, SPECIAL ASSISTANCE SHALL BE PROVIDED BY THE PROBATION OFFICE TO ASSURE THE CLIENT EVERY OPPORTUNITY TO BENEFIT FROM JUVENILE COURT SERVICES.

XIX. IN THE SELECTION OF PROBATION OFFICERS AND OTHER EMPLOYEES, THE ADMINISTRATIVE JUDGE OF THE JUVENILE COURT SHALL PROVIDE FOR THE DEVELOPMENT OF AND ADHERENCE TO A POLICY WHICH ASSURES THAT MINORITIES HAVE A FULL OPPORTUNITY TO PARTICIPATE.

It is an important rehabilitative technique for children to see members of minority groups performing in responsible authoritative roles and it is, therefore, incumbent on the Juvenile Court in the provision of its services to make every effort that fair opportunity exists for this to occur.

JUVENILE PROBATION MERIT SYSTEM

STANDARDS GOVERNING THE OPERATION

OF A

JUVENILE PROBATION MERIT SYSTEM

I. JUVENILE PROBATION OFFICERS SHALL BE HIRED ON THE BASIS OF MERIT ONLY. NO POLITICAL SPONSORSHIP IN ANY FORM SHALL BE ALLOWED TO AFFECT THE SELECTION OF CANDIDATES FOR THESE POSITIONS.

II. THE MINIMUM REQUIREMENT FOR EMPLOYMENT AS A JUVENILE PROBATION OFFICER SHALL BE A BACHELOR'S DEGREE, WITH A BACKGROUND OF AT LEAST 18 CREDITS IN THE BEHAVIORAL OR SOCIAL SCIENCES FROM AN ACCREDITED COLLEGE OR UNIVERSITY.

Provisions for exception to this standard shall be provided for by the Juvenile Court Judges' Commission.

In order to be eligible for the Exceptional Person process, an individual must show four years of related experience, pass a written test, and pass an oral exam arranged for by the Commission.

III. OTHER TESTS OF APTITUDE, ATTITUDE, ABILITIES, SKILLS OR KNOWLEDGE, MAY BE REQUIRED AS FOUND APPROPRIATE AT THE COUNTY LEVEL, PROVIDED THAT SUCH ADDITIONAL TESTS ARE ANNOUNCED IN ADVANCE AND ARE THE SAME FOR ALL CANDIDATES.

The Juvenile Court Judges' Commission will provide a testing program which courts may use for screening applicants.

IV. THE MINIMUM REQUIREMENT FOR CONTINUING EMPLOYMENT AS A JUVENILE PROBATION OFFICER SHALL BE THE SUCCESSFUL COMPLETION OF TWENTY HOURS OF APPROVED TRAINING PER CALENDAR YEAR.

To meet the requirements of this section, such training must be approved by the Center for Juvenile Justice Training and Research. Any training session or graduate course conducted by the Center for Juvenile Justice Training and Research is automatically approved.

Other types of programs that can be approved are:

- A. university sponsored continuing education;
- B. related graduate courses;
- C. government sponsored training; and
- D. contracted training which has been approved in advance by the Center for Juvenile Justice Training and Research.

Unless a program is completed in its entirety, none of the time spent in it can be counted in meeting this requirement.

- V. THE CHIEF JUVENILE PROBATION OFFICER IN EACH JUVENILE COURT SHALL ANNUALLY CERTIFY TO THE CENTER FOR JUVENILE JUSTICE TRAINING AND RESEARCH HOW EACH PROBATION OFFICER IN THAT COURT MET THE TWENTY HOUR REQUIRED TRAINING PROVISIONS.

This report shall be made annually on forms designed by the Juvenile Court Judges' Commission.

- VI. A JOB DESCRIPTION FOR EACH POSITION IN THE JUVENILE PROBATION OFFICE SHALL BE MAINTAINED AND ADHERED TO.

A job description clearly stated and positively agreed to by supervisor and employee forms the basis not only for an evaluation of the employee's work, but for an understanding of the expectations.

- VII. ALL QUALIFICATIONS FOR ANY VACANT JUVENILE PROBATION OFFICER POSITION SHALL BE ANNOUNCED IN ADVANCE AND NO OTHER QUALIFICATIONS MAY BE CONSIDERED IN THE FINAL SELECTION.

The qualifications for any position should be logically related to the expectations for that position as outlined in the job description.

- VII. ALL POSITIONS SHALL BE FILLED IN COMPLIANCE WITH AFFIRMATIVE ACTION PRINCIPLES.

- IX. A PERSONNEL TRANSACTION FORM SHALL BE COMPLETED ON ALL POSITIONS FILLED WHETHER THROUGH VACANCY OR PROMOTION. THESE FORMS, TOGETHER WITH A COLLEGE TRANSCRIPT, SHALL BE FILED WITH THE JUVENILE COURT JUDGES' COMMISSION WITHIN TEN WORKING DAYS OF THE FILLING OF ANY POSITION.

Exception to the college transcript requirement applies where the person qualifies under the Exceptional Person Standard.

- X. ALL NEW EMPLOYEES SHALL BE REQUIRED TO COMPLETE A TWELVE MONTH PROBATIONARY PERIOD. DURING THIS PROBATIONARY PERIOD, THEY SHALL RECEIVE MORE INTENSIVE SUPERVISION AND TRAINING THAN PERMANENT JUVENILE PROBATION OFFICERS. THEIR PERFORMANCE SHALL BE EVALUATED SEMI-ANNUALLY AND EMPLOYEES RECEIVING UNSATISFACTORY EVALUATIONS SHALL BE TERMINATED AT OR BEFORE THE END OF THE PROBATIONARY PERIOD.

An exception to this standard applies only when a probationary period of a different length is part of a collective bargaining agreement which covers juvenile probation officers.

- XI. ALL JUVENILE PROBATION OFFICERS SHALL HAVE AT LEAST AN ANNUAL WRITTEN EVALUATION COMPLETED BY THEIR SUPERVISOR ON A FORM APPROVED BY THE JUVENILE COURT JUDGES' COMMISSION. THIS FORM SHALL BECOME PART OF THEIR PERSONNEL FILE AND SHALL BE AVAILABLE FOR INSPECTION BY REPRESENTATIVES OF THE JUVENILE COURT JUDGES' COMMISSION.

This evaluation is for use by both the supervisor in his direction of the employee, and by the employee for his own self-development; therefore, this evaluation must be reviewed by the supervisor and employee together.

- XII. EACH JUVENILE PROBATION OFFICE SHALL ESTABLISH A WRITTEN GRIEVANCE PROCEDURE AND MAKE SUCH A PROCEDURE KNOWN TO ALL EMPLOYEES.
- XIII. EACH JUVENILE PROBATION OFFICE SHALL ESTABLISH A WRITTEN APPEAL AND HEARING PROCEDURE FOR EMPLOYEES. THIS WRITTEN APPEAL AND HEARING PROCEDURE SHALL BE MADE AVAILABLE TO ALL EMPLOYEES.
- XIV. EACH JUVENILE PROBATION OFFICE SHALL DEVELOP AN ORGANIZATIONAL CHART WHICH SHOWS THE FLOW OF RESPONSIBILITIES.
- XV. EACH JUVENILE PROBATION OFFICE SHALL ESTABLISH A PERSONNEL MANUAL WHICH DESCRIBES THE RIGHTS AND BENEFITS OF ALL JUVENILE PROBATION OFFICERS EMPLOYED IN THE OFFICE.

JUVENILE COURT MASTERS

**STANDARDS GOVERNING THE USE OF
JUVENILE COURT MASTERS**

- I. IN MAKING THE DETERMINATION OF WHETHER TO APPOINT A MASTER FOR JUVENILE COURT, THE JUDGE SHALL BE GUIDED BY THE FOLLOWING PRINCIPLES:
- A. THE JUVENILE COURT JUDGE SHALL ASSUME THE PRIMARY RESPONSIBILITY FOR HANDLING AND DECIDING MATTERS RELATING TO DELINQUENT AND DEPENDENT CHILDREN.
- Masters should only supplement the essential work of the Juvenile Court Judges; they are not a substitute for Juvenile Court Judges.
- B. MASTERS SHOULD NOT BE USED TO REDUCE SUBSTANTIALLY THE TIME WHICH THE JUVENILE COURT JUDGES DEVOTE TO JUVENILE MATTERS.
- C. IF THE JUVENILE COURT JUDGES WITHIN A COUNTY ARE UNABLE TO GIVE SUFFICIENT TIME AND ATTENTION TO ALL JUVENILE MATTERS COMING BEFORE THE COURT, MASTERS SHOULD BE APPOINTED TO ASSIST THE JUDGES.
- II. IT IS AN ACCEPTABLE USE OF JUVENILE COURT MASTERS TO ASSIGN THEM TO HOLD DETENTION HEARINGS FOR JUVENILES WHO ARE NOT ACTIVE WITH ANY JUVENILE COURT JUDGE.
- III. THE USE OF MASTERS IS ACCEPTABLE WITH RESERVATION IN THE FOLLOWING SITUATIONS:
- A. DETENTION HEARINGS FOR JUVENILES WHOSE CASES ARE ACTIVE WITH A JUVENILE COURT JUDGE;
- B. SHELTER HEARINGS;
- C. ADJUDICATION AND DISPOSITION HEARINGS FOR DELINQUENT CHILDREN IN WHICH NO COMMITMENT OR PLACEMENT IS ANTICIPATED;
- D. ADJUDICATION AND DISPOSITION HEARINGS FOR DEPENDENT CHILDREN IN WHICH NO REMOVAL OR PLACEMENT IS ANTICIPATED; AND
- E. DISPOSITION REVIEW HEARINGS FOR CHILDREN IN PLACEMENT.
- IV. THE USE OF MASTERS IN JUVENILE COURT IS NOT ACCEPTABLE IN THE FOLLOWING SITUATIONS:
- A. ADJUDICATION HEARINGS FOR DELINQUENT AND DEPENDENT CHILDREN IN WHICH COMMITMENT, PLACEMENT OR REMOVAL IS ANTICIPATED;

- B. DISPOSITION HEARINGS FOR DELINQUENT AND DEPENDENT CHILDREN IN WHICH COMMITMENT, PLACEMENT OR REMOVAL IS ANTICIPATED;
- C. HEARINGS TO CONSIDER RELEASE FROM PLACEMENT; AND
- D. HEARINGS ON A REQUEST TO TRANSFER AN OFFENSE TO THE CRIMINAL COURT.

JURISDICTIONAL PROCEDURES

STANDARDS GOVERNING JUVENILE COURT

JURISDICTIONAL PROCEDURES

Jurisdiction can be defined as the power of the Court over the person and subject matter before it, and the consequent authority to hold a hearing and render an adjudication.

ESTABLISHING JURISDICTION

- I. JUVENILE COURT INTAKE, UPON RECEIPT OF AN ALLEGATION OF DELINQUENCY OR DEPENDENCY SHALL, BEFORE TAKING ANY ACTION ON THE REFERRAL, DETERMINE IF THE JUVENILE COURT HAS JURISDICTION OVER THE MATTER.

This determination shall be based on strict adherence to the Juvenile Act through each court's adoption of the Juvenile Court Judges' Commission Standards for the Administration of Juvenile Court Intake.

- II. ONCE JUVENILE COURT JURISDICTION OVER A MATTER HAS BEEN ESTABLISHED, JUVENILE COURT INTAKE SHALL MAKE A THOROUGH EVALUATION OF THE CASE PRIOR TO MAKING ANY RECOMMENDATIONS OR DECISIONS CONCERNING THE VARIOUS PROCEDURAL AND DISPOSITIONAL ALTERNATIVES AVAILABLE TO THE JUVENILE COURT.

These decisions must be based on explicitly stated goals which have been reduced to writing as guidelines which set forth the criteria to be considered by the probation officer during case evaluation.

VENUE

- III. WHEN DELINQUENCY IS ALLEGED AGAINST A JUVENILE IN A COUNTY WITHIN THIS COMMONWEALTH OTHER THAN IN THE CHILD'S COUNTY OF RESIDENCE, THE CASE SHOULD BE PROCESSED IN THAT COUNTY THROUGH THE ADJUDICATORY PHASE OF THE DELINQUENCY PROCESS. UPON ADJUDICATION, THE CASE SHOULD BE TRANSFERRED FOR FINAL DISPOSITION TO THE CHILD'S COUNTY OF RESIDENCE.

THE NON-PAYMENT OF SUMMARY OFFENSE FINES AND COSTS

- IV. UPON CERTIFICATION OF A MAGISTRATE TO THE JUVENILE COURT THAT A CHILD HAS FAILED TO PAY FINES AND COSTS LEVIED AS A RESULT OF THAT MAGISTRATE'S FINDING THAT THE CHILD ENGAGED IN BEHAVIOR CONSTITUTING A SUMMARY OFFENSE, THE JUVENILE COURT SHALL PROCESS THAT REFERRAL AS IT WOULD ANY OTHER DELINQUENCY ALLEGATION. IF AFTER AN ADJUDICATION HEARING, THE JUVENILE COURT DETERMINES THAT THERE IS PROOF BEYOND A REASONABLE DOUBT THAT THE CHILD HAS FAILED TO PAY A FINE, THE COURT MAY MAKE ANY DISPOSITION THAT IS BEST SUITED TO THE CHILD'S TREATMENT, SUPERVISION, REHABILITATION, AND WELFARE.

The collection of the fines and costs levied by the magistrate is but one possible disposition available to the Court.

TERMINATION OF JURISDICTION

- V. THE JUVENILE COURT, THROUGH PROBATION SERVICES, MUST EVALUATE THE PROGRESS OF THOSE JUVENILES UNDER ITS SUPERVISION ON A CONTINUING BASIS. THE TERMINATION OF COURT SUPERVISION AND JURISDICTION SHALL BE EFFECTED UPON A DETERMINATION THAT A PARTICULAR JUVENILE HAS BENEFITED TO THE FULLEST EXTENT POSSIBLE FROM JUVENILE COURT SERVICES.

An accurate determination of a juvenile's progress while under court jurisdiction can be made only if case goals and an accompanying treatment plan are established at the outset of supervision.

EFFECT OF JURISDICTION

- VI. THE COURT SHALL ENSURE THAT AN ADJUDICATION OF DELINQUENCY AND ANY RESULTING DISPOSITION IMPOSE NO CIVIL DISABILITY UPON THE CHILD SUBJECT TO THOSE PROCEEDINGS. THE COURT SHALL NOTIFY THE CHILD AND PARENTS THAT A JUVENILE COURT DISPOSITION WILL NOT DISQUALIFY HIM FROM ANY CIVIL SERVICE EMPLOYMENT OPPORTUNITY, AND THAT THE DISPOSITION MAY NOT BE USED AGAINST HIM IN ANY PROCEEDING IN ANY COURT OTHER THAN AT A SUBSEQUENT JUVENILE HEARING, AT A DISPOSITIONAL PROCEEDING FOR THE PURPOSES OF A PRE-SENTENCE INVESTIGATION AND REPORT AFTER A FELONY CONVICTION, OR WHERE THE CHILD HAS PUT HIS REPUTATION OR CHARACTER IN ISSUE IN A CIVIL MATTER.

JUVENILE COURT – POLICE PROCEDURES

STANDARDS GOVERNING

JUVENILE COURT-POLICE PROCEDURES

- I. A POLICE OFFICER SHALL TAKE A CHILD INTO CUSTODY UNDER CIRCUMSTANCES SET FORTH AT 42 PA C.S. §6324:
 - A. PURSUANT TO AN ORDER OF THE COURT;
 - B. PURSUANT TO THE LAWS OF ARREST;
 - C. IF THERE ARE REASONABLE GROUNDS TO BELIEVE THAT THE JUVENILE IS SUFFERING FROM ILLNESS OR INJURY, OR IS IN IMMINENT DANGER FROM HIS SURROUNDINGS;
 - D. IF THERE ARE REASONABLE GROUNDS TO BELIEVE THAT THE JUVENILE HAS RUN AWAY FROM HIS PARENTS, GUARDIAN, OR OTHER CUSTODIAN OR THAT HE/SHE IS A FUGITIVE FROM JUSTICE; OR
 - E. IF THERE ARE REASONABLE GROUNDS TO BELIEVE THAT THE JUVENILE HAS VIOLATED CONDITIONS OF HIS/HER PROBATION.

- II. POLICE SHALL EXERCISE THEIR FULL POWERS OF CUSTODY, INVESTIGATION, AND CASE DISPOSITION REGARDING JUVENILES, RESPONDING TO THE WELFARE OF BOTH THE JUVENILE AND THE COMMUNITY WHEN IT APPEARS THERE IS A BASIS FOR COURT JURISDICTION AND THE WELFARE OF THE JUVENILE AND THE COMMUNITY DEMAND THE JUVENILE'S IMMEDIATE CUSTODY.

Police officers and probation officers should be acutely aware of the obligation to approach the child on an objective basis. Both juvenile court and police authorities agree that the offending juvenile should not be approached with force or threat unless absolutely necessary in the protective interest of the community and the juvenile.

- III. UPON TAKING THE JUVENILE INTO CUSTODY, THE POLICE MUST IMMEDIATELY NOTIFY THE JUVENILE'S PARENTS. NO CHILD SHALL BE HELD IN POLICE CUSTODY LONGER THAN THE PERIOD OF TIME REQUIRED TO CONTACT PARENTS OR PROBATION OFFICER, OR TO ADMIT THE JUVENILE TO SHELTER CARE OR DETENTION.

- IV. CIRCUMSTANCES UNDER WHICH THE POLICE INTERVIEW TAKES PLACE SHOULD CONTAIN NO ELEMENT OF DURESS. ALL PHYSICAL NEEDS OF THE JUVENILE SHOULD BE ADEQUATELY MET AND THE JUVENILE MUST BE ALLOWED TO SEEK COUNSEL OF HIS PARENTS AND LAWYER.

Because a juvenile's delinquency is a family problem, police interviews should take place in the juvenile's own home whenever possible.

- V. UPON TAKING A JUVENILE INTO CUSTODY, THE POLICE OFFICER SHALL RELEASE THE JUVENILE TO HIS/HER PARENTS, IF IT IS APPARENT THAT THE FAMILY IS STRONG ENOUGH TO PROVIDE NECESSARY CONTROLS PENDING JUVENILE COURT ACTION.

During court hours, police shall refer all cases directly to juvenile court intake.

Any requests by police for placement in detention after court hours must be made directly to the 24 hour probation intake service.

- VI. THE JUVENILE COURT SHALL DEVELOP WRITTEN POLICIES AND PROCEDURES FOR DETENTION ADMISSION.

In the development of these policies and procedures, it is important that consideration be given to the viewpoints of the Court, juvenile, parents, and police department.

- VII. GUIDELINES FOR POLICE DISPOSITION OF JUVENILES WHO HAVE ALLEGEDLY COMMITTED A DELINQUENT ACT ARE AS FOLLOWS:

CONSIDERATION FOR DISMISSAL

- A. MINOR OFFENSE WITH NO APPARENT NEED FOR COURT REFERRAL;
- B. NO HABITUAL DELINQUENCY PATTERN;
- C. FAMILY IS STABLE; AND
- D. ADEQUATE ASSISTANCE IS BEING PROVIDED BY PUBLIC OR PRIVATE COMMUNITY AGENCIES.

CONSIDERATION FOR REFERRAL TO JUVENILE COURT INTAKE

- A. THE OFFENSE IS OF A SERIOUS NATURE;
- B. THE JUVENILE HAS EVIDENCED A PATTERN OF DELINQUENT BEHAVIOR, IS ON PROBATION, OR HAS BEEN KNOWN TO THE COURT IN THE PAST;
- C. THE FAMILY APPEARS UNSTABLE OR EXHIBITS AN UNWILLINGNESS TO COOPERATE;
- D. INVOLVEMENT BY OTHER COMMUNITY AGENCIES IN THE PAST HAS BEEN UNSUCCESSFUL OR THE TREATMENT SERVICES NEEDED CAN ONLY BE OBTAINED THROUGH THE COURT; AND

- E. THE JUVENILE DENIES THE OFFENSE AND THE POLICE OFFICER BELIEVES JUDICIAL DETERMINATION IS CALLED FOR, AND THERE IS SUFFICIENT EVIDENCE TO ESTABLISH A PRIMA FACIE CASE.

When in doubt regarding the disposition of a case, the police officer should consult with the juvenile court intake service.

- VIII. INFORMATION PRESENTED BY THE POLICE REGARDING A JUVENILE BEING REFERRED TO THE JUVENILE COURT SHOULD BE SUFFICIENT TO SUPPORT THE FACTS OF A DELINQUENCY ALLEGATION. JUVENILE COURT INTAKE SHOULD NOT PARTICIPATE IN PROVIDING EVIDENCE NECESSARY TO THE DELINQUENCY ADJUDICATION, OR ASSIST POLICE IN INVESTIGATING DELINQUENCY ALLEGATIONS.

- IX. THE ADMINISTRATIVE JUDGE OF THE JUVENILE COURT AND LOCAL POLICE REPRESENTATIVES SHOULD DEVELOP AN ALLEGATION FORM TO BE USED BY POLICE FOR EVERY DELINQUENCY REFERRAL. THE ALLEGATION FORM SHOULD PROVIDE THE FOLLOWING INFORMATION:

- A. THE NAME, AGE, ADDRESS, SCHOOL AND GRADE/EMPLOYER OF THE JUVENILE;
- B. THE NAMES, ADDRESSES, AND PHONE NUMBERS OF PARENT(S), GUARDIAN(S), OR CUSTODIAN(S) OF THE JUVENILE;
- C. IF THE JUVENILE WAS PLACED IN DETENTION, THE PLACE OF DETENTION AND TIME DETAINED; AND
- D. THE FACTS WHICH BRING THE JUVENILE WITHIN THE JURISDICTION OF THE COURT, CITING THE SECTION OF THE CRIMINAL CODE BEING VIOLATED, DATE, PLACE, AND TIME OF OFFENSE, PRIOR CONTACTS, ATTITUDE OF JUVENILE AND PARENT(S), AND OFFICER'S RECOMMENDATION.

- X. UPON RECEIPT OF THE ALLEGATION OF DELINQUENCY, THE JUVENILE COURT INTAKE UNIT SHALL DETERMINE JURISDICTION, CONDUCT THE SCREENING INVESTIGATION, AND DETERMINE AN INTAKE DISPOSITION, ACCORDING TO ADOPTED COUNTY INTAKE STANDARDS.

The intake unit shall notify the complainant of the intake disposition.

- XI. UPON THE INTAKE DECISION TO FILE A PETITION, ITS PREPARATION SHOULD BE ARRANGED PURSUANT TO LOCAL POLICY. THE PETITION SHALL BE SIGNED BY THE COMPLAINANT, POLICE OFFICER, REPRESENTATIVE OF THE DISTRICT ATTORNEY'S OFFICE, OR OTHER DESIGNATED OFFICIAL.

- XII. IN ADHERING TO THE PROVISIONS OF THE JUVENILE ACT, POLICE DEPARTMENTS SHALL MAINTAIN JUVENILE RECORDS SEPARATE FROM OTHER POLICE RECORDS, AND JUVENILE RECORDS SHALL BE ACCESSIBLE ONLY TO THE COURT OR AUTHORIZED MEMBERS OF THE POLICE DEPARTMENT FOR APPROVED PURPOSES.

Identifying information may be exchanged with other police departments.

Information concerning a juvenile's record shall not be released to the public except where such release is permitted by the Juvenile Act.

The Administrative Judge of the Juvenile Court should set forth guidelines to all police jurisdictions regarding the procedures for the publication of names of juveniles involved in delinquent offenses as provided in the Juvenile Act.

- XIII. THE JUVENILE COURT SHALL ESTABLISH WRITTEN POLICIES AND PROCEDURES FOR THE FINGERPRINTING AND PHOTOGRAPHING OF JUVENILES IN ACCORDANCE WITH THE PROVISIONS AS SET FORTH IN THE JUVENILE ACT.

- XIV. THE JUVENILE COURT JUDGE SHOULD SUPPORT THE CREATION OF A SPECIAL JUVENILE DIVISION IN THE VARIOUS POLICE JURISDICTIONS OR THE DESIGNATION OF A PARTICULAR OFFICER TO HANDLE JUVENILE CASES.

The police officer designated to handle juvenile cases should be well experienced in general law enforcement and should have the opportunity to receive specialized training.

The police officer designated to handle juvenile cases should have a specialized knowledge of the behavior, growth, and development of children, the community resources, the Juvenile Act, and established court-police procedures.

- XV. THE ADMINISTRATIVE JUDGE OF THE JUVENILE COURT AND THE CHIEF JUVENILE PROBATION OFFICER SHOULD, WITH THE COOPERATION OF THE POLICE, DEVELOP WRITTEN PROCEDURES INCORPORATING EFFECTIVE JOINT PRACTICES FOR THE PREVENTION AND CONTROL OF JUVENILE DELINQUENCY. THE DEVELOPMENT OF THESE WRITTEN PROCEDURES AFFORDS AN OPPORTUNITY FOR THE JUVENILE COURT STAFF TO WORK CLOSELY WITH POLICE OFFICERS, THUS ENGENDERING INCREASED MUTUAL UNDERSTANDING AND RESPECT.

**VICTIM/WITNESS
SERVICES**

STANDARDS GOVERNING VICTIM/WITNESS SERVICES

I. THE ADMINISTRATIVE JUDGE OF THE JUVENILE COURT AND THE CHIEF JUVENILE PROBATION OFFICER SHALL:

- A. PREPARE A VICTIM/WITNESS ASSISTANCE BROCHURE TO BE DISTRIBUTED TO ALL VICTIMS AND WITNESSES PRIOR TO THE JUVENILE COURT HEARING;

This brochure should provide an orientation to the juvenile justice system, as well as such information as the location of the courthouse and juvenile probation office, available parking, transportation and child care services, and the telephone numbers of other relevant service agencies.

- B. DEVELOP A SCHEDULING POLICY WHICH MINIMIZES VICTIM/WITNESS WAITING TIME AND ELIMINATES UNNECESSARY APPEARANCES;
- C. PROVIDE SEPARATE WAITING FACILITIES FOR VICTIM(S) AND WITNESSES;
- D. ENDEAVOR TO PROVIDE WITNESS FEES TO VICTIMS AND WITNESSES AND TO PROVIDE REIMBURSEMENT FOR MILEAGE TO AND FROM THE HEARING LOCATION AND THEIR RESIDENCE;
- E. DEVELOP PROCEDURES WHICH PROVIDE FOR CONTACT BETWEEN THE PROBATION OFFICER AND VICTIM TO EXTEND AN OPPORTUNITY FOR INPUT REGARDING CASE DISPOSITION;
- F. DEVELOP BROCHURES WHICH AFFORD EACH VICTIM THE OPPORTUNITY TO SUBMIT A VICTIM IMPACT STATEMENT AS PART OF ANY PRE-DISPOSITION REPORT SUBMITTED TO THE COURT;

The victim impact statement should contain information concerning the effect that the crime has had upon the victim, including any physical or psychological harm or financial loss suffered by the victim to the extent that such information is available from the victim or other sources.

- G. DESIGNATE A CONTACT PERSON WITHIN THE JUVENILE PROBATION DEPARTMENT CAPABLE OF PROVIDING CASE STATUS INFORMATION TO VICTIMS AND WITNESSES WHO INQUIRE;
- H. PROVIDE NOTICE OF THE FINAL DISPOSITION OF A CASE TO THE VICTIM AND THE RELEVANT POLICE DEPARTMENT; AND
- I. UPON THE REQUEST OF A VICTIM OF A FELONIOUSLY ASSAULTIVE CRIME*, WHICH RESULTED IN THE COMMITMENT OF A CHILD TO A YOUTH DEVELOPMENT CENTER SECURE UNIT OR A SIMILARLY OPERATED SECURE PROGRAM, PROVIDE NOTICE TO THE DISTRICT ATTORNEY OR DIRECTLY TO THE VICTIM, WHENEVER SUCH CHILD IS RELEASED FROM SAID PLACEMENT, TRANSFERRED TO A NON-SECURE PROGRAM, OR GRANTED A HOME VISIT.

- II. THE ADMINISTRATIVE JUDGE OF THE JUVENILE COURT AND THE CHIEF JUVENILE PROBATION OFFICER SHALL DEVELOP A RESTITUTION PROGRAM THAT INCLUDES:
 - A. THE SUBMISSION OF THE VICTIM'S RESTITUTION CLAIMS TO THE COURT;
 - B. THE PROVISION OF ADVICE TO EACH VICTIM REGARDING THE FEASIBILITY OF ENTERING A RESTITUTION ORDER;
 - C. THE DEVELOPMENT OF A PLAN FOR PAYMENT OF RESTITUTION IN EACH CASE WHERE RESTITUTION IS ORDERED; AND
 - D. THE NOTIFICATION OF THE VICTIM OF THE AMOUNT OF RESTITUTION ORDERED, THE PAYMENT PLAN AND ANY REQUIRED ADJUSTMENTS.

- III. THE ADMINISTRATIVE JUDGE OF THE JUVENILE COURT AND THE CHIEF JUVENILE PROBATION OFFICER SHALL MONITOR THE EFFECTIVENESS OF THE JUVENILE COURT IN MEETING THE NEEDS OF THE VICTIM.

* For the purpose of these Standards a "Feliciously Assaultive Crime", as defined in Act 96 of 1984, means any act committed in this Commonwealth which, if it had been committed by a mentally competent, criminally responsible adult, who had no legal exemption or defense, would constitute a felony as defined in and prescribed by Chapter 25, 27, 29, 31, or 37 of Title 18 of the Pennsylvania Consolidated Statutes (relating to crimes and offenses.) No act involving the operation of a motor vehicle which results in injury shall constitute a feloniously assaultive crime unless the injury was intentionally inflicted through the use of a motor vehicle.

**JUVENILE COURT
INTAKE**

STANDARDS GOVERNING

JUVENILE COURT INTAKE

- I. EACH JUVENILE COURT SHALL ESTABLISH WRITTEN COMPREHENSIVE GUIDELINES FOR JUVENILE COURT INTAKE AND ITS ADMINISTRATION.

The Administrative Judge of the Juvenile Court* and the Chief Probation Officer* shall establish written policies concerning the operation of juvenile court intake.

The Administrative Judge of the Juvenile Court and the Chief Probation Officer shall establish written procedures concerning the operation of juvenile court intake.

The Administrative Judge of the Juvenile Court and the Chief Probation Officer shall establish and distribute written guidelines to other agencies and other officers of the Court concerning referrals to juvenile court intake. These guidelines shall include procedures for referral sources and intake, for notification of the parents** of the apprehension of the juvenile.

- II. EACH JUVENILE COURT SHALL DEVELOP AN ALLEGATION FORM TO BE COMPLETED BY THE COMPLAINANT.

The Administrative Judge of the Juvenile Court and the Chief Probation Officer shall have the allegation form distributed to complainants and advise them regarding the proper completion of the form.

- III. JUVENILE COURT INTAKE, UPON RECEIPT OF AN ALLEGATION FORM, SHALL FIRST DETERMINE IF THE JURISDICTION OF THE JUVENILE COURT PERTAINS.

The Administrative Judge of the Juvenile Court and the Chief Probation Officer shall use the Juvenile Act in developing written guidelines concerning the filing of delinquency allegations.

The Administrative Judge of the Juvenile Court, the Chief Probation Officer, and the Director of the Children and Youth Agency* shall use the Juvenile Act in developing written guidelines concerning the filing of dependency allegations.

* Here and hereafter, if titles are inapplicable, the appropriate or other authorized person.

** Here and hereafter, parents shall be understood to mean parents, guardian or other custodian.

The Administrative Judge of the Juvenile Court, the Chief Probation Officer, and the Administrator* of the Mental Health and Retardation program shall use the Juvenile Act and the Mental Health Act in developing written guidelines concerning the adjudication and/or disposition of mentally ill or mentally retarded juveniles.

- IV. JUVENILE COURT INTAKE SHALL PROVIDE WRITTEN NOTICE OF THE ALLEGATION OF DELINQUENCY TO THE JUVENILE AND THE PARENTS, WITH ALL REASONABLE SPEED UPON THE RECEIPT OF AN ALLEGATION FORM.

The Administrative Judge of the Juvenile Court and the Chief Probation Officer shall develop a standardized form for the notification of allegations of delinquency.

- V. JUVENILE COURT INTAKE SHALL INFORM THE JUVENILE AND THE PARENTS OF THEIR CONSTITUTIONAL RIGHTS BEFORE INITIATING THE INTAKE INTERVIEW.

The Administrative Judge of the Juvenile Court and the Chief Probation Officer shall develop a standardized form and procedures for the explanation of the constitutional rights of the juvenile and the parents.

- VI. JUVENILE COURT INTAKE SHALL MAKE A THOROUGH EVALUATION AFTER THE CONSULTATION WITH THE JUVENILE, THE PARENTS, AND THE COMPLAINANT BEFORE MAKING RECOMMENDATIONS CONCERNING INTAKE DECISIONS.

The Administrative Judge of the Juvenile Court and the Chief Probation Officer shall establish written criteria to be used by juvenile court intake in developing recommendations for intake decisions.

- VII. A DENIAL BY THE JUVENILE OF THE ALLEGATIONS OF DELINQUENCY AND/OR A REQUEST BY THE JUVENILE FOR A HEARING SHALL BE COMPELLING REASONS FOR FILING A PETITION AND SCHEDULING A COURT HEARING.

The Administrative Judge of the Juvenile Court and the Chief Probation Officer shall develop a standardized petition to be used by juvenile court intake.

The Administrative Judge of the Juvenile Court and the Chief Probation Officer shall develop a standardized form to be used as a summons, informing the juvenile and the parents as well as other pertinent parties, as to the time and place of the hearing.

* Here and hereafter, if titles are inapplicable, the appropriate or other authorized person.

VIII. JUVENILE COURT INTAKE SHALL MAXIMIZE THE USE OF REFERRALS TO OTHER AGENCIES IN APPROPRIATE CASES.

The Administrative Judge of the Juvenile Court and the Chief Probation Officer shall develop a standardized form to be used in referring juveniles to private or public agencies. Referrals shall be based on the understanding of the needs of the juvenile, the services available in the receiving agency, and the mutual agreement of all parties.

IX. JUVENILE COURT INTAKE, HAVING CONDUCTED A THOROUGH EVALUATION AND HAVING CONSULTED WITH PERTINENT PARTIES, INCLUDING THE COMPLAINANT, SHALL MAKE A FINAL INTAKE RECOMMENDATION WHICH IS IN THE BEST INTEREST OF THE JUVENILE AND PUBLIC SAFETY.

The Administrative Judge of the Juvenile Court and the Chief Probation Officer shall develop written guidelines for use by juvenile court intake concerning final intake recommendations.

X. JUVENILE COURT INTAKE, HAVING DETERMINED THAT WARNING AND DISMISSAL ARE IN THE BEST INTEREST OF THE JUVENILE AND PUBLIC SAFETY, SHALL RECORD SUCH A RECOMMENDATION AND THE BASIS THEREOF IN WRITING.

XI. JUVENILE COURT INTAKE, HAVING DETERMINED THAT INFORMAL ADJUSTMENT IS IN THE BEST INTEREST OF THE JUVENILE AND PUBLIC SAFETY, SHALL RECORD SUCH A RECOMMENDATION AND THE BASIS THEREOF IN WRITING.

The Administrative Judge of the Juvenile Court and the Chief Probation Officer shall develop a standardized informal adjustment agreement form, consistent with the Juvenile Act.

XII. JUVENILE COURT INTAKE, HAVING DETERMINED THAT FURTHER ACTION IN THE CASE IS NECESSARY IN THE BEST INTEREST OF THE JUVENILE AND/OR PUBLIC SAFETY, SHALL RECOMMEND THAT A PETITION BE FILED AND SHALL RECORD A RECOMMENDATION AND THE BASIS THEREOF IN WRITING.

XIII. JUVENILE COURT INTAKE, ACCORDING TO LOCAL POLICY, MAY RECOMMEND THE USE OF A CONSENT DECREE IN ALL CASES WHERE A PETITION IS FILED AND AN ADJUDICATORY HEARING IS NOT IN THE BEST INTEREST OF THE JUVENILE AND/OR PUBLIC SAFETY. THIS RECOMMENDATION AND THE BASIS THEREOF, SHALL BE RECORDED IN WRITING.

XIV. JUVENILE COURT INTAKE SHALL SUBMIT RECOMMENDATIONS CONCERNING INTAKE DISPOSITION TO THE ADMINISTRATIVE JUDGE OF THE JUVENILE COURT OR AN APPOINTED DELEGATE FOR APPROVAL.

The Administrative Judge of the Juvenile Court and the Chief Probation Officer shall develop an organizational chart illustrating the subdivision responsible for reviewing and approving the decisions made by intake.

- XV. JUVENILE COURT INTAKE SHALL BE STAFFED BY THOROUGHLY TRAINED, EXPERIENCED, AND COMPETENT JUVENILE PROBATION OFFICERS.

The Administrative Judge of the Juvenile Court and the Chief Probation Officer shall establish written criteria to be used in selecting workers for juvenile court intake.

- XVI. JUVENILE COURT INTAKE SHALL HAVE WRITTEN COMPREHENSIVE GUIDELINES CONCERNING THE DETENTION OF JUVENILES.

The Administrative Judge of the Juvenile Court and the Chief Probation Officer shall establish and distribute to referral sources written policies, procedures, and criteria governing the placement of juveniles in a detention facility.

- XVII. THE ADMINISTRATIVE JUDGE OF THE JUVENILE COURT AND THE CHIEF PROBATION OFFICER SHALL REVIEW THE OPERATIONS OF JUVENILE COURT INTAKE TO MAINTAIN CONSISTENCY AND TO ENSURE COMPLIANCE WITH THE LAW, POLICIES, AND PROCEDURES.

The Administrative Judge of the Juvenile Court and the Chief Probation Officer shall meet regularly to review the operations of juvenile court intake and to devise methods for correcting inconsistencies and practices which conflict with established policies.

**SECURE DETENTION UNDER
THE JUVENILE ACT
PURSUANT TO
COLEMAN CONSENT DECREE**

STANDARDS GOVERNING SECURE DETENTION
UNDER THE JUVENILE ACT
(PURSUANT TO COLEMAN CONSENT DECREE)

NOTE: These Standards have been codified
at 237 Pa. Code Ch. 101

SCOPE OF STANDARDS

THESE STANDARDS ARE TO BE APPLIED IN DETERMINING WHETHER A CHILD WHO IS ALLEGED TO BE OR HAS BEEN FOUND TO BE A DELINQUENT CHILD MAY BE DETAINED.

EVEN THOUGH ELIGIBILITY CRITERIA MAY INDICATE THAT A PARTICULAR CHILD MAY BE DETAINED, SUCH DETENTION IS NOT MANDATORY. IN EVERY SITUATION IN WHICH SECURE DETENTION IS TO BE CONSIDERED, FORMS OF CONTROL SHORT OF SECURE DETENTION WHICH COULD SUBSTANTIALLY REDUCE THE RISK OF FLIGHT OR DANGER TO THE CHILD OR TO THE COMMUNITY MUST BE GIVEN PREFERENCE.

PRE-ADJUDICATION DETENTION MAY NEVER BE IMPOSED AS A MEANS OF PUNISHMENT OR TO APPLY SANCTIONS.

STATEMENT OF REASONS REQUIREMENT

- (a) At any time secure detention is ordered or authorized, except as provided in subsections (b) and (c) at intake or at a detention or other hearing before a Juvenile Court Judge or Juvenile Court Master, a contemporaneous written statement of reasons and facts must accompany the detention decision specifying:
- i. there is a reasonable basis to believe that the child has committed the act for which he is being detained (in the case of judicial authorities, that probable cause exists) and that he is not excluded from the jurisdiction of juvenile court by age or any other reason;
 - ii. that the child's detention is permitted under these standards;
 - iii. the alternatives to secure detention which were considered and rejected; and
 - iv. the reason or reasons why secure detention is required and alternatives are not appropriate. (Separate reasons need not be given for each alternative considered.)
- (b) If secure detention is ordered after the child is found to have committed a delinquent act but prior to the Court's determination that residential placement will be ordered at disposition, the Court shall indicate on the record or in a court order why secure detention is required and alternatives are not appropriate. (Separate reasons need not be given for each alternative considered.)

(c) Once the court has determined that residential placement will be ordered or continued, if previously ordered, no statement of reasons is required regarding the use of secure detention pending such placement.

A. DETENTION REQUIRED TO PROTECT THE PERSON OR PROPERTY OF OTHERS OR OF THE CHILD.

1. A child may not be detained in secure detention pursuant to 42 PA. C.S. §6325, 6326 and 6331 for the purpose of protecting the person or property of others or of the child unless:

(a) The child is alleged to be a delinquent child on the basis of acts which would constitute the commission if, conspiracy, solicitation, or an attempt to commit any of the following crimes:

(i) criminal homicide (18 Pa. C.S. §2502, 2503, or 2504);

(ii) rape (18 pa. C.S. §3121);

(iii) robbery (18 Pa. C.S. §3701);

(iv) aggravated assault (18 pa. C.S.A. §2702);

(v) involuntary deviate sexual intercourse (18 Pa. C.S. §3123);

(vi) kidnapping (18 pa. C.S. §2901);

(vii) arson (18 Pa. C.S. §3301);

(viii) burglary (18 Pa. C.S. §3502) involving a structure adapted for overnight accommodation;

(ix) terroristic threats (18 Pa. C.S. §2706);

(x) causing or risking catastrophe (18 Pa. C.S. §3302);

(xi) riot (18 Pa. C.S. §5501);

(xii) felonious intimidation of witnesses or victims (18 Pa. C.S. §4952);

(xiii) felonious retaliation against witness or victim (18 Pa. C.S. §4953); or

(b) The child is alleged to be a delinquent child on the basis of an offense which involved the use or possession of a firearm or explosives, or an offense (other than mere possession) which involved the use or possession of a deadly weapon (other than a firearm or explosives) as defined at 18 Pa. C.S. §2301; or

- (c) The child is alleged to be a delinquent child on the basis of an offense which is classified as a felony and:
 - (i) the child is currently on probation, being supervised under a consent decree, or otherwise under the supervision of the Court following an adjudication of delinquency, or
 - (ii) the child has been found to be a delinquent child within the preceding 18 (eighteen) months; or
- (d) the child or child's attorney has voluntarily and in writing requested placement in secure detention for the protection of said child, in which case immediate release shall occur upon the request of the child or attorney; or
- (e) The child is on probation or is otherwise under the supervision of a court following an adjudication of delinquency, based on a felony, and is alleged to have committed a delinquent act or to have twice violated technical conditions of probation or other post-adjudication supervision.

B. DETENTION REQUIRED BECAUSE THE CHILD MAY ABSCOND OR BE REMOVED FROM THE JURISDICTION OF THE COURT.

1. A child may not be detained in secure detention pursuant to 42 Pa. C.S §6325, 6326, and 6331 because the child may abscond or be removed from the jurisdiction of the Court unless:
 - (a) the child is an absconder from an institution or other placement to which he/she was committed as a result of a previous adjudication of delinquency; or
 - (b) the child has willfully failed to appear at the hearing on the petition or other hearing after having been served with a court order or summons to appear; or
 - (c) the child has a recent demonstrable record of willful failure to appear at previous juvenile proceedings; or
 - (d) the child has been verified to be a fugitive from another jurisdiction, an official from which has requested that said child be detained; or
 - (e) the child absconded from shelter care or other non-secure placement ordered or authorized pending a court hearing or placement; or

(f) the child presents extraordinary circumstances requiring secure detention to prevent him from absconding. Such circumstances may include, but are not limited to, the child's age, character, mental condition, drug or alcohol addiction, or substance abuse.

C. DETENTION REQUIRED BECAUSE THE CHILD HAS NO PARENT, GUARDIAN OR CUSTODIAN.

1. No child shall be detained in secure detention under 42 Pa. C.S. §6325, 6326 and 6331 solely because the child has no parent, guardian, custodian or other person able to provide supervision and care and capable of returning him or her to the Court when required.

D. POST-ADJUDICATION DETENTION PENDING DISPOSITION

1. A child whom the Court has found to have committed the act(s) by reason of which he or she was alleged to be delinquent or whom the Court has found to be a delinquent child may not be held in secure detention pending disposition unless:

(a) such adjudication or finding was based on an offense for which detention was or could have been authorized or ordered under Section A; or

(b) the child was initially detained, was eligible for detention, or, based on more recent information, would now be eligible for detention under Section B and the Court determines detention to be required; or

(c) the Court has determined that placement of the child at disposition is probable and continued detention is required because the child may abscond or be removed from the jurisdiction of the Court prior to disposition based upon consideration of the following factors:

(i) the nature of the substantiated offense;

(ii) the child's employment and student status;

(iii) the nature of the child's family relationships;

(iv) the child's past and present residences;

(v) the child's age, character, mental condition, previous juvenile record, and drug or alcohol addiction or substance abuse;

(vi) if the child has previously been released pending a court proceeding, whether the child appeared as required;

(vii) any other facts relevant to whether the child has strong ties with the community or is likely to flee the jurisdiction.

2. A child whom the Court has found to have committed a delinquent act or to be a delinquent child may not be held in secure detention pending disposition for longer than 20 days from such adjudication or finding absent an additional court appearance at which such period of detention is extended for good cause shown. Any such detention shall be subject to review by the Court at a hearing every 10 days.

E. POST-DISPOSITION DETENTION AWAITING PLACEMENT

1. A delinquent child whom the Court has committed to an institution or who was otherwise ordered removed from his or her home at disposition may not be held in secure detention pending transfer to such placement unless:
 - (a) the child was found to be a delinquent child on the basis of an offense for which detention would be permitted under Section A;
 - (b) the child was initially detained, was eligible for detention, or based on more recent information, would not be eligible for detention under Section B;
 - (c) the child is awaiting placement in a Youth Development Center Secure Unit or other secure residential treatment program; or
 - (d) the child is awaiting placement and the Court has determined that secure detention is required pending transfer to such placement based upon consideration of the factors, delineated in Section D(1)(c).
2. A delinquent child may not be held in secure detention under this section beyond 20 days from the date of the order of commitment or placement in the absence of an additional court appearance extending such period of detention for good cause shown. Any further detention shall be subject to review by the Court every 10 days.

F. DETENTION PENDING OR SUBSEQUENT TO A DISPOSITIONAL REVIEW

1. A child may not be detained in secure detention pending or subsequent to a dispositional review proceeding unless:
 - (a) the child is in placement or is awaiting transfer to a Youth Development Center Secure Unit or other secure residential treatment program; or
 - (b) the child was returned from placement for failure to adjust; or
 - (c) secure detention is otherwise required based upon consideration of the factors delineated in Section D(1)(c).

G. AUTHORIZATION FOR DETENTION IN CASES OF EXTRAORDINARY AND EXCEPTIONAL CIRCUMSTANCES

1. A child may be detained in secure detention even if these standards do not otherwise authorize such detention provided:
 - (a) the facts present extraordinary and exceptional circumstances which require the use of secure detention; and
 - (b) a statement of reasons accompanying such detention includes an explanation of why an exception was warranted and why non-secure options were rejected; and
 - (c) a report regarding such detention is provided to the Juvenile Court Judges' Commission consistent with procedures developed by the Commission for the purpose of monitoring the incidence of detention under this section.
2. Detention under this section may not be authorized routinely or because non-secure alternatives do not exist in adequate numbers, but only in the exceptional and extraordinary case.

H. HEARINGS AND REVIEWS

1. All children placed in secure detention except those placed in secure detention directly at a court hearing, must have the appropriateness of their detention determined within 72 hours at a court hearing. After the initial court hearing, the cases of all children placed in secure detention must be reviewed by the Court at least every 10 days; provided that in cases where the 10th day falls on a non-court business day any such reviews, if not previously conducted, must be conducted on the next court business day. These reviews need not involve a court appearance. At all such hearings and reviews, the Court shall determine whether secure detention continues to be required and must comply with the statement of reasons requirement as necessary.
2. The Chief Juvenile Probation Officer of each county shall provide to the Court such information as necessary to ensure that all children placed in secure detention have the continued appropriateness of their detention determined by the Court in accordance with these Standards.

ALTERNATIVES TO SECURE DETENTION

STANDARDS GOVERNING THE USE OF
ALTERNATIVES TO SECURE DETENTION

- I. THE ADMINISTRATIVE JUDGE OF THE JUVENILE COURT SHALL DETERMINE WHETHER ALTERNATIVES TO SECURE DETENTION ARE AVAILABLE TO THE COUNTY TO MEET THE NEEDS OF CHILDREN REFERRED TO THE COURT.

Alternatives to secure detention include, but are not limited to: release to parent(s), guardian(s), or other custodian(s), in-home detention status, placement with relatives, foster care, shelter care, other licensed facility, or a medical facility if a child is believed to suffer from a serious physical condition or illness which requires prompt treatment.

Upon request, the Juvenile Court Judges' Commission will provide technical assistance to counties regarding the development of alternatives to secure detention.

- II. IN EVERY SITUATION IN WHICH THE USE OF SECURE DETENTION IS TO BE CONSIDERED, JUDGES, MASTERS, AND PROBATION OFFICERS MUST FIRST CONSIDER AND GIVE PREFERENCE TO ALTERNATIVES TO SECURE DETENTION WHICH COULD SUBSTANTIALLY REDUCE THE RISK OF FLIGHT BY THE CHILD AND/OR REDUCE THE RISK OF DANGER TO THE CHILD OR THE COMMUNITY.

Even though eligibility criteria may indicate that a particular child may be detained in secure detention, such detention is not mandatory. The least restrictive alternative available to meet the needs of the child should be used, with first consideration being given to an unconditional release to the parent(s) or guardian(s).

- III. ALTERNATIVES TO SECURE DETENTION MUST BE USED WHEN A CHILD ALLEGED TO BE DELINQUENT CANNOT BE RELEASED SOLELY BECAUSE THERE IS NO PARENT, GUARDIAN, OR CUSTODIAN ABLE TO ASSUME RESPONSIBILITY OR ADEQUATELY SUPERVISE THE CHILD.

- IV. A JUVENILE PETITION MUST BE FILED WITHIN 24 HOURS OR THE NEXT COURT BUSINESS DAY OF THE PLACEMENT OF A CHILD ALLEGED TO BE DELINQUENT IN SHELTER CARE, FOSTER CARE, OR WHERE THE CHILD IS OTHERWISE COMMITTED TO A LICENSED FACILITY.

- V. AN INFORMAL HEARING SHALL BE HELD PURSUANT TO THE JUVENILE ACT AT 42 PA. C.S. §6332, NOT LATER THAN 72 HOURS AFTER A CHILD ALLEGED TO BE DELINQUENT IS PLACED IN SHELTER CARE, FOSTER CARE, OR OTHER LICENSED FACILITY.

VI. IN EVERY SITUATION IN WHICH A CHILD IS PLACED ON IN-HOME DETENTION STATUS AS AN ALTERNATIVE TO SECURE DETENTION, THE FOLLOWING CRITERIA SHALL APPLY:

- A. The placement of a child on in-home detention status shall be authorized only by a Probation Officer, Master or Judge;
- B. Written conditions governing a child's in-home detention status shall be provided to the child and the child's parent(s), guardian(s), or other custodian(s) within 24 hours of the child's placement on such status, during which time the child shall be notified of his/her right to counsel;
- C. Cases where a child has been placed on in-home detention status shall have priority over cases involving an unconditional release to the parent(s), guardian(s), or other custodian(s) in scheduling adjudication hearings;
- D. In cases where a child is placed on in-home detention status, the Probation Officer shall have daily contact with the child or a custodian, with a minimum of one personal contact with the child every 48 hours until the adjudication hearing;
- E. Pre-adjudication in-home detention status shall not exceed 30 days.

HEARING PROCEDURES

STANDARDS GOVERNING HEARING PROCEDURES

The juvenile court hearing is the central incident in the execution of the Juvenile Act. The attitudes and decisions of Judges, as conveyed through the hearing, greatly influence the attitudes and practices of probation officers, police and social agencies, as well as those of the general community.

The function of the juvenile court hearing is to determine jurisdiction, the facts of the case, and the most appropriate disposition of the matter.

However, the juvenile court hearing is modified by the fact that the subjects of such hearings are children and by the philosophy of juvenile Court law which embodies the special concern of society for children, the belief that children should be separate from the process of criminal law, and the conviction that society's welfare can be best served by their rehabilitation rather than punishment.

Whenever possible, the probation officer should prepare a child and his parents for the juvenile court hearing and aid them in understanding that the purpose of the proceeding is not to punish, but to help them on the basis of an individual analysis of the child's behavior and needs. However, the child and his parents must always be aware that the final determination of the case rests with the Judge.

INITIATION OF HEARING

- I. THE HEARING PROCESS SHALL BE FORMALLY INITIATED BY THE FILING OF A PETITION, AS PROVIDED IN THE JUVENILE ACT, WHICH SHALL BE ENTITLED "IN THE INTEREST OF. . . , A MINOR," AND SHALL BE CAPTIONED AND DOCKETED AS PROVIDED BY GENERAL RULE.
- II. THE PETITION MAY BE BROUGHT BY ANY PERSON, SHALL BE VERIFIED, AND SHALL SET FORTH PLAINLY:
 - A. THE FACTS WHICH BRING THE CHILD WITHIN THE JURISDICTION OF THE COURT AND THE JUVENILE ACT, A STATEMENT THAT IT IS IN THE INTEREST OF THE CHILD AND THE PUBLIC THAT THE PROCEEDINGS BE BROUGHT AND, IF DELINQUENCY IS ALLEGED, THAT THE CHILD IS IN NEED OF TREATMENT, SUPERVISION OR REHABILITATION;
 - B. THE NAME, AGE, AND ADDRESS OF THE CHILD ON WHOSE BEHALF THE PETITION IS BROUGHT;
 - C. THE NAMES AND ADDRESSES, IF KNOWN, OF THE PARENTS, GUARDIAN OR CUSTODIAN AND OF THE SPOUSE, IF ANY, OF THE CHILD; AND
 - D. WHETHER THE CHILD IS PRESENTLY IN DETENTION OR SHELTER CARE, AND, IF SO, THE LOCATION OF THE FACILITY WHERE THE CHILD IS IN PLACEMENT, AND THE TIME HE WAS TAKEN INTO CUSTODY.

- III. THE COURT SHALL DIRECT THE ISSUANCE OF A SUMMONS TO THE PARENTS, GUARDIAN, OR OTHER CUSTODIAN, OR GUARDIAN AD LITEM AND ANY OTHER PERSONS WHOM THE COURT IDENTIFIES AS NECESSARY PARTIES TO THE PROCEEDING, REQUIRING THEM TO APPEAR AT THE HEARING.

The summons shall also be directed to the child if he is 14 or more years of age or is alleged to be delinquent and a copy of the petition shall accompany the summons.

- IV. UPON APPLICATION OF A CHILD, PARENT, GUARDIAN, CUSTODIAN, PROBATION OFFICER, DISTRICT ATTORNEY, OR OTHER PARTY TO THE PROCEEDINGS, THE COURT SHALL ISSUE, OR MAY ON ITS OWN MOTION ISSUE, SUBPOENAS REQUIRING ATTENDANCE OF WITNESSES AND PRODUCTION OF PAPERS AT ANY HEARING UNDER THE JUVENILE ACT.
- V. IN SCHEDULING HEARINGS UNDER THE JUVENILE ACT, PRIORITY SHALL BE GIVEN TO CHILDREN IN DETENTION OR SHELTER CARE.

CONDUCT OF HEARINGS

- VI. THE COURT SHALL HEAR ALL CASES WITHOUT A JURY IN AN INFORMAL BUT ORDERLY MANNER WHICH GUARANTEES DUE PROCESS.

The atmosphere of the hearing should encourage the maximum participation of all concerned. It should be evident that it is the intent of the Judge to determine the facts of the case and provide for the best interests of the child and the community.

- VII. UPON REQUEST OF THE COURT, THE DISTRICT ATTORNEY SHALL PRESENT THE EVIDENCE IN SUPPORT OF THE PETITION ON BEHALF OF THE COMMONWEALTH.

The Court should avoid placing a probation officer in the role of the prosecutor. A probation officer may present certain non-contested cases to the Court; but the Court should continually evaluate the appropriateness of this practice.

- VIII. JUVENILE COURT PROCEEDINGS SHALL BE RECORDED BY AN OFFICIAL COURT REPORTER.

- IX. THE GENERAL PUBLIC SHALL BE EXCLUDED FROM THE JUVENILE COURT HEARING PROCESS.

Only the parties, their counsel, witnesses, the victim, counsel for the victim, other persons accompanying a party or a victim and any other person as the Court finds have a proper interest in the proceeding or in the work of the Court may be admitted.

- X. IF A JUVENILE APPEARS FOR HEARING WITHOUT COUNSEL, THE COURT SHALL ASCERTAIN WHETHER THAT JUVENILE KNOWS OF HIS RIGHT TO BE PROVIDED COUNSEL BY THE COURT IF HE IS UNABLE TO OBTAIN COUNSEL.

The Court may continue the proceeding to enable a party to obtain counsel.

- XI. A JUVENILE MAY NOT WAIVE HIS RIGHT TO COUNSEL UNLESS HE HAS HAD THE OPPORTUNITY TO CONSULT WITH AN INTERESTED AND INFORMED ADULT. THE ADULT MUST BE ONE WHO IS PRIMARILY INTERESTED IN THE WELFARE OF THE ACCUSED JUVENILE AND AWARE OF THOSE FIFTH AND SIXTH AMENDMENT RIGHTS GUARANTEED TO THE JUVENILE.
- XII. WHEN THE INTERESTS OF THE PARENT, GUARDIAN, OR CUSTODIAN MAY BE IN CONFLICT WITH THE INTERESTS OF THE CHILD, OR WHEN THE INTERESTS OF TWO OR MORE PARTIES TO A PROCEEDING MAY CONFLICT, SEPARATE COUNSEL SHALL BE PROVIDED.

PHASES OF THE HEARING ON THE PETITION

- XIII. THE HEARING ON THE PETITION SHALL BE DIVIDED INTO THREE PHASES: THE DETERMINATION OF JURISDICTION, THE ADJUDICATION OF THE ISSUE, AND DISPOSITION.
- XIV. THE COURT SHALL IN ALL CASES INITIALLY DETERMINE WHETHER THE JUVENILE COURT HAS JURISDICTION TO HEAR THE MATTER WHICH HAS BEEN PETITIONED FOR HEARING.
- XV. ONCE IT HAS BEEN DETERMINED THAT THE COURT HAS PROPER JURISDICTION OVER THE MATTER BEFORE IT AND ASSURED THAT THE JUVENILE IS FULLY AWARE OF ALL CONSTITUTIONAL RIGHTS, THE COURT SHALL ENTERTAIN EVIDENCE ON THE PETITION.

At any time after the filing of a petition and before the entry of an adjudication order, the Court, on proper motion, may suspend the proceedings and enter a consent decree continuing the child under supervision in his own home under terms and conditions negotiated with the probation department and agreed to by all parties affected.

- XVI. AFTER HEARING THE EVIDENCE ON THE PETITION, THE COURT SHALL MAKE AND FILE ITS FINDINGS AS TO WHETHER THE ACTS ASCRIBED TO THE CHILD WERE COMMITTED BY HIM IF THE PETITION ALLEGED DELINQUENCY; OR IF DEPENDENCY WAS ALLEGED WHETHER THE CHILD IS A DEPENDENT CHILD.

If the Court finds that the child is not a dependent child or that the allegations of delinquency have not been established, it shall dismiss the petition and order the child discharged from any detention or restriction which has been previously ordered.

XVII. A FINDING THAT THE CHILD COMMITTED THE ACTS BY REASON OF WHICH HE WAS ALLEGED TO BE DELINQUENT SHALL BE MADE ONLY ON PROOF BEYOND A REASONABLE DOUBT, WHILE A FINDING THAT A CHILD IS DEPENDENT SHALL BE BASED ON CLEAR AND CONVINCING EVIDENCE.

XVIII. IN CASES WHERE THERE IS A FINDING THAT THE CHILD COMMITTED A DELINQUENT ACT, THE COURT SHALL PROCEED IMMEDIATELY, OR AT A POSTPONED HEARING, TO HEAR EVIDENCE AS TO WHETHER THE CHILD IS IN NEED OF TREATMENT, SUPERVISION OR REHABILITATION AND THEREFORE DELINQUENT AND TO MAKE AND FILE ITS FINDINGS THEREON.

In the absence of evidence to the contrary, evidence of the commission of acts which constitute a felony shall be sufficient to sustain a finding that a child is in need of treatment, supervision or rehabilitation.

X. IF THE COURT FINDS THAT THE CHILD IS NOT IN NEED OF TREATMENT, SUPERVISION OR REHABILITATION, IT SHALL DISMISS THE PROCEEDING AND DISCHARGE THE CHILD FROM ANY DETENTION OR OTHER PREVIOUSLY ORDERED CARE.

XX. IF THE COURT FINDS THAT A CHILD IS DEPENDENT, THE COURT SHALL PROCEED IMMEDIATELY OR AT A POSTPONED HEARING TO MAKE PROPER DISPOSITION OF THE CASE.

**THE
DEVELOPMENT OF THE
SOCIAL STUDY**

STANDARDS GOVERNING THE DEVELOPMENT OF THE SOCIAL STUDY

- I. THE PRIMARY PURPOSE OF THE SOCIAL STUDY IS TO PROVIDE THE COURT WITH TIMELY, RELEVANT, AND ACCURATE DATA SO THAT IT MAY SELECT THE MOST APPROPRIATE DISPOSITIONAL ALTERNATIVE.

The social study will be made available to the Judge in ample time for him to become familiar with its contents before the dispositional hearing.

- II. THE SOCIAL STUDY REPORT SHALL NEVER BE USED TO SUBSTANTIATE THE FACTS ALLEGED IN A PETITION.

- III. A SOCIAL STUDY REPORT SHALL BE REQUIRED IN EVERY CASE WHERE A JUVENILE HAS BEEN ADJUDICATED DELINQUENT. ADEQUATE PRECAUTIONS MUST BE TAKEN TO ASSURE THAT INFORMATION FROM THE SOCIAL STUDY REPORT WILL NOT BE DISCLOSED TO THE COURT PRIOR TO ADJUDICATION.

The social study report may contain information that is relevant to the Judge's disposition decision, but irrelevant to the adjudicatory decision. Such information may prove prejudicial to the child.

- IV. THE PROBATION DEPARTMENT SHALL ASSIGN THE RESOURCES REQUIRED TO ENSURE THE TIMELY COMPLETION OF SOCIAL STUDY REPORTS.

Sufficient staff, time, space, and equipment should be assigned to all social study functions. The resources assigned to the social study functions should not adversely effect the delivery of other probation services. Generally, the preparation of a social study report should not exceed three weeks involving in-state cases, five weeks for cases requiring out-of-state investigation, and ten judicial days for children in detention.

- V. STAFF OTHER THAN PROBATION OFFICERS MAY BE USED TO COLLECT INFORMATION IN PREPARATION OF THE SOCIAL STUDY REPORT.

The use of non-professional staff (i.e., paraprofessionals, volunteers, students, clerical staff) to collect needed data allows probation officers to use their skills in interpreting data and developing plans.

- VI. THE CHIEF PROBATION OFFICER OR AGENCY DIRECTOR SHALL SUPERVISE AND REVIEW, ON A CONTINUING BASIS, THE PROCEDURES FOR CONDUCTING SOCIAL STUDY INVESTIGATIONS, THE PREPARATION OF REPORTS, AND THE PROVISION OF DISPOSITION ALTERNATIVES FOR THE COURT.

VII. THE SOCIAL STUDY SHALL HAVE A DEFINITE FORMAT FOR THE ORGANIZATION OF MATERIAL.

A good format will provide for the assembling of information under certain headings. The use of standard headings and heading sequences will help the Judge to quickly locate particular details of the case which become pertinent as disposition progresses. For example, there might be separate headings to summarize information on "Offense", "Behavior Pattern", "Family Background", etc.

The social study should include such information as the significance of the offense or offenses which brought the child to the attention of the Juvenile Court; the child's behavior pattern at home, school, and in the community; the development of the child physically, intellectually, emotionally, and socially with emphasis upon increasing understanding of the child's present behavior and possible future difficulties; the attitudes of the family, school and community as they may affect the child's chances for readjustment; psychological, psychiatric and medical evaluation where this kind of help is indicated; employers and opportunity for employment; an evaluation by the probation officer based on information developed in the factual portion of the social study report; and a recommendation for a disposition.

VIII. A POTENTIAL SUPERVISION PLAN WITH ANY SPECIAL CONDITIONS SHALL BE DEVELOPED DURING THE SOCIAL STUDY INVESTIGATION AND INCLUDED AS PART OF THE SOCIAL STUDY REPORT.

IX. THE LANGUAGE OF THE SOCIAL STUDY SHALL BE NON-TECHNICAL AND CONCISE.

X. WHERE THE ADJUDICATION AND DISPOSITION HEARING OCCUR ON DIFFERENT DATES, THE SOCIAL STUDY REPORT SHALL BE SUBMITTED TO THE COURT AND THE DEFENDANT'S COUNSEL FOR REVIEW AND EVALUATION A MINIMUM OF TWO WORKING DAYS IN ADVANCE OF THE DATE SET FOR DISPOSITION.

A minimum of two full days is seen as essential for the Court's review, but this generalized timeframe must be adjusted to judicial schedules and workloads.

XI. THE SOCIAL STUDY SHALL NOT BE MADE PUBLIC AT THE DISPOSITIONAL HEARING LEST THE CHILD AND PARENTS INTERPRET CRITICAL MATERIAL AS AN INDICATION THAT THE PROBATION OFFICER IS AGAINST THEM AND THEY LOSE FAITH IN HIM AS A HELPING PERSON.

All facts which directly influence the disposition decision will be disclosed upon request of the child, his parents or counsel, and they shall have the opportunity to produce evidence at all hearings including the dispositional hearing.

- XII. THE JUVENILE COURT JUDGE AND THE CHIEF PROBATION OFFICER SHALL DEVELOP WRITTEN POLICY AND PROCEDURES TO PROTECT THE CONFIDENTIALITY OF THE SOCIAL STUDY AND OTHER REPORTS.

Information about cases should not be discussed openly, and files and records should not be left unattended. Sharing of private information with other agencies and individuals should only occur with the consent of the youth, his counsel, and/or parents, and when it would be clearly in the best interest of the youth to do so.

- XIII. THE SOCIAL STUDY REPORT SHALL BE FORWARDED IN A TIMELY FASHION BY THE PROBATION DEPARTMENT TO PERSONS, AGENCIES AND/OR INSTITUTIONS WHERE SUPERVISION, TREATMENT OR REHABILITATION OF AN ADJUDICATED YOUTH IS ORDERED.

Social study materials should be sent at or before the time of the youth's initial visit or institutional arrival. In those instances where a youth is ordered confined, social study materials should be provided to the receiving institution to assist in its classification process. Written guidelines developed in collaboration with persons, agencies and/or institutions receiving adjudicated youth should be available, and cover such matters as method and transmittal of documents.

**JUVENILE COURT
DISPOSITIONS**

STANDARDS GOVERNING

JUVENILE COURT DISPOSITIONS

These standards apply to decisions made by the Juvenile Court under Section 6352 of Chapter 63, Title 42 of the Pennsylvania Consolidated Statutes which provides for the disposition of children adjudicated delinquent.

Paragraph (a) provides that the disposition made be the disposition best suited to the "treatment, supervision, rehabilitation, and welfare. . ." of the juvenile who has been adjudicated delinquent. However, no guidance is given the Court for arriving at the determination of the disposition best suited for this purpose. Therefore, the intent of these standards is to provide the Court with a means for arriving at this determination.

GENERAL STANDARDS

- I. THE PURPOSES OF THE JUVENILE COURT DISPOSITION ARE THE TREATMENT, SUPERVISION, REHABILITATION, AND WELFARE OF THE CHILD AND THE SAFETY AND PEACE OF THE COMMUNITY. ALL DISPOSITIONS SHALL BE DIRECTED TO THESE ENDS AND IN THE KNOWLEDGE THAT THE TRUE SAFETY AND PEACE OF THE COMMUNITY LIE IN THE SUCCESSFUL REHABILITATION OF THE CHILD.
- II. DISPOSITIONS SHALL TAKE INTO CONSIDERATION CHILD DIAGNOSTIC TREATMENT TECHNIQUES AND RESOURCES.
- III. ALL THE COURT'S STAFF, PROCEDURES, AND RESOURCES SHALL BE ORGANIZED TO SUPPORT THE DISPOSITION.
- IV. IF IT IS DETERMINED AT INTAKE THAT THE CHILD HAS NOT BEEN INVOLVED IN THE ALLEGED ACT OF DELINQUENCY OR THAT HIS/HER FURTHER CONTACT WITH THE JUVENILE COURT IS NOT IN HIS/HER BEST INTEREST OR THAT OF THE STATE, THE DISPOSITION SHALL BE DISMISSED AT INTAKE.
- V. IF THE CHILD ADMITS THE OFFENSE AND IT IS HIS/HER FIRST OFFENSE AND/OR THE OFFENSE IS NOT CONSIDERED A SERIOUS OFFENSE, AND IT HAS BEEN DETERMINED THAT FURTHER CONTACT WITH THE JUVENILE COURT OR WITH ANOTHER SOCIAL AGENCY IS IN THE BEST INTEREST OF THE CHILD, AND IF HE/SHE AND HIS/HER PARENTS AGREE, THE DISPOSITION SHALL BE INFORMAL ADJUSTMENT.
- VI. WHEN THE JUDGE BELIEVES THE DELINQUENT CHILD CAN BE HELPED BY A PERIOD OF SUPERVISION IN THE COMMUNITY, THE JUDGE SHALL ORDER PROBATION.

Usually the child will continue to live with his/her family and a Juvenile Court Probation Officer will carry the responsibility for supervision and counseling. Broadly speaking, however, probation as supervision in the community may be implemented while the child is in foster home placement or living in the home of a relative. The child's principle treatment agency may be a child guidance clinic, mental health clinic, or other family and child agency, but responsibility for supervision will remain with the probation office.

VII. THE COURT SHALL PLACE ONLY AS MANY CHILDREN ON PROBATION AS CAN BE EFFECTIVELY SUPERVISED BY THE PROBATION STAFF.

VIII. COMMITMENTS SHALL BE MADE ONLY IN ACCORDANCE WITH THE STANDARDS ON INSTITUTIONAL PLACEMENT.

INSTITUTIONAL PLACEMENT STANDARDS

IX. THE COURT SHALL FOLLOW THE PRINCIPLE OF THE LEAST RESTRICTIVE ALTERNATIVE.

It is normally advisable that the Court consider its dispositional alternatives as existing on a continuum, ranging from no service at all to service to the child in his/her own home, to service to the child in a community-based facility, to non-secure institutional placement, to secure institutional placement. Given this continuum, the Court must decide where on the continuum to place an adjudicated delinquent; it is always preferred to place the juvenile on the continuum at the point nearest no service at all which is consistent with the needs of the child as reflected in adherence to the other standards presented here.

X. THE COURT SHALL CONSIDER THE NATURE OF THE OFFENSE.

The nature of the offense itself will not normally be enough to warrant institutional placement without other factors indicating the need for it. However, it is possible that the offense itself will be so calculated and/or so heinous that this consideration alone may warrant placement in an institutional setting.

XI. THE COURT SHALL CONSIDER THE EXTENT TO WHICH THE CHILD RESENTS A DANGER TO HIMSELF/HERSELF OR OTHERS.

The presence of a clear and present danger to do physical harm to self or others may, in and of itself, warrant the institutional placement of an adjudicated delinquent; however, the presence or absence of a dangerous threat is normally not clear cut and requires careful consideration by the Court.

- XII. THE COURT SHALL CONSIDER THE PRIOR HISTORY OF THE CHILD, IF ANY, DURING WHICH TIME HE/SHE HAS BEEN SUPERVISED WHILE IN HIS/HER HOME.

If the child has been previously adjudicated and has been supervised while in his/her home with community services made available, and that has been without success in terms of the child's continuing behavior and accommodation to the community, that factor should be considered by the Court regardless of the nature of the new offense underlying the latest adjudication of delinquency.

- XIII. THE COURT SHALL CONSIDER THE NATURE OF THE JUVENILE'S HOME WITH HIS PARENT(S) OR STEP-PARENT(S).

It may be found in some cases that the home of the juvenile is of such nature, and the juvenile's relationship with his parent(s) or step-parent(s) is such that continued residency there can only be anticipated to lead to additional delinquent behavior.

- XIV. THE COURT SHALL CONSIDER WHETHER THE CHILD'S NEEDS ARE SUCH THAT THEY CAN ONLY BE MET BY INSTITUTIONAL CARE.

In some cases the child's problems are directly related to emotional or psychiatric problems or result from drug or alcohol addiction, which, upon evaluation, are determined to be realistically treatable only in specialized institutions.

- XV. AN ORDER OF COMMITMENT SHALL BE EXECUTED PROMPTLY.

When the needs of the juvenile are so great that they warrant his institutional placement, these needs are likewise so great that delays in execution of the order can reduce the benefit derived from the placement. Therefore, the probation office shall make every effort to ensure that placement occurs within 48 hours of the commitment order.

SECURE PLACEMENT STANDARDS

- XVI. EXCEPT WHEN OTHER PLACEMENTS HAVE PROVEN TO BE UNSUCCESSFUL AND THE NATURE OF THE PERSON AND OF THE OFFENSE(S) NECESSITATES SECURITY, ONLY JUVENILES WHO ARE FOURTEEN (14) YEARS OF AGE OR OLDER SHALL BE COMMITTED TO SECURITY UNITS.
- XVII. EXCEPT FOR A JUVENILE COMMITTING A SERIOUS FELONY INVOLVING VIOLENCE, OR EXCEPT FOR A JUVENILE WHO IS A CHRONIC REPEATER OF CRIMES AND IS A CHRONIC RUNAWAY FROM NON-SECURE SETTINGS, ONLY JUVENILES WHO HAVE A HISTORY OF CHRONIC AND INCREASINGLY DANGEROUS BEHAVIOR SHALL BE COMMITTED TO SECURITY UNITS.

XVIII. THE FOLLOWING LIST IS NOT INTENDED TO BE A COMPLETE LIST, BUT SHALL BE CONSIDERED AN ILLUSTRATION OF THE TYPES OF OFFENSES THAT WILL BE CONSIDERED:

HOMICIDE

ARSON

ROBBERY

INVOLUNTARY DEVIATE SEXUAL INTERCOURSE

KIDNAPPING AND ANY OTHER OFFENSE(S) THAT MEET THE CRITERIA LISTED UNDER STANDARD XVII ABOVE.

**THE DISPOSITION OF AN
ALLEGATION OF DELINQUENCY
INVOLVING A CHARGE OF
DRIVING UNDER THE INFLUENCE OF
ALCOHOL OR CONTROLLED SUBSTANCE**

**STANDARDS GOVERNING AN ALLEGATION OF DELINQUENCY
INVOLVING A CHARGE OF "DRIVING UNDER THE INFLUENCE OF ALCOHOL
OR CONTROLLED SUBSTANCE"**

THESE STANDARDS APPLY TO THE INTAKE PROCESS AND DISPOSITIONAL DECISIONS CONCERNING AN ALLEGATION OF DELINQUENCY INVOLVING A VIOLATION OF SECTION 3731 OF TITLE 75, PENNSYLVANIA'S VEHICLE CODE (DRIVING UNDER THE INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE).

THESE STANDARDS SHOULD BE INTERPRETED AND IMPLEMENTED IN A MANNER CONSISTENT WITH THE STANDARDS GOVERNING JUVENILE COURT INTAKE PROMULGATED BY THE JUVENILE COURT JUDGES' COMMISSION AND THE WRITTEN GUIDELINES ESTABLISHED BY THE LOCAL COURT.

- I. BEFORE MAKING A FINAL INTAKE DECISION A REVIEW OF ALL PERTINENT INFORMATION RELEVANT TO THE ALLEGATION SHALL BE COMPLETED. THIS REVIEW SHALL INCLUDE BUT NOT BE LIMITED TO:
 - A. The results of any assessment tool provided by the Pennsylvania Department of Transportation or other appropriate agency;
 - B. Prior allegations including relevant traffic safety information;
 - C. Treatment records for alcohol and/or drug misuse, abuse, or addiction;
 - D. Specific circumstances surrounding the incident for which the allegation has been made (accident, arrest, serious bodily injuries, property damage, whether or not a licensed operator, etc.); and
 - E. If available, the subject's blood alcohol concentration at the time of the incident.

- II. IN MAKING A FINAL INTAKE DECISION, THE LEAST SEVERE ACCEPTABLE DISPOSITION SHOULD BE CHOSEN.

Informal adjustment proceedings are an inappropriate disposition.

A consent decree can be considered as an appropriate dispositional alternative if:

- A. it is the first allegation involving a violation of Section 3731 of the Motor Vehicle Code; and
- B. an accident did not occur in connection with the offense which resulted in serious bodily injury or death.

An adjudicatory proceeding should be commenced if:

- A. it is the second or subsequent allegation involving a violation of Section 3737 of the Motor Vehicle Code; or

- B. an accident did occur in connection with the offense which resulted in serious bodily injury or death.

III. IF A CONSENT DECREE IS DEEMED TO BE AN APPROPRIATE DISPOSITION, SPECIFIC PROVISIONS SHOULD BE INCLUDED.

Provisions of a Consent Decree should include, but not be limited to:

- A. the suspension of operator's privileges for a period not less than that which is applicable to an adult consistent with the requirements of A.R.D;
- B. participation in a State approved alcohol highway safety program with the cost to be incurred by the subject;
- C. payment of appropriate financial penalties to include restitution where applicable;
- D. supervision by the probation department for an appropriate period of time; and
- E. appropriate counseling or treatment if deemed to be in the subject's best interest.

IV. IF AN ADJUDICATION OF DELINQUENCY IS ORDERED BY THE COURT, SPECIFIC PROVISIONS SHOULD BE INCLUDED IN THE DISPOSITIONAL RECOMMENDATION MADE BY THE PROBATION OFFICER.

A dispositional recommendation should include, but not be limited to:

- A. the suspension of operator's privileges for a period of one year under the auspices of the Pennsylvania Department of Transportation;
- B. participation in a State approved alcohol highway safety program with the cost to be incurred by the subject;
- C. payment of appropriate financial penalties to include restitution where applicable;
- D. probation supervision of not less than six months duration; and
- E. appropriate counseling or treatment if deemed to be in the subject's best interest.

**DISPOSITION AND TREATMENT
OF
JUVENILE SEX OFFENDERS**

STANDARDS GOVERNING

THE DISPOSITION AND TREATMENT OF JUVENILE SEX OFFENDERS

THESE STANDARDS APPLY TO CASES INVOLVING ALLEGATIONS OF DELINQUENCY BASED UPON ONE OR MORE OF THE FOLLOWING OFFENSES: RAPE (18 PA. C.S. §3121); INVOLUNTARY DEVIATE SEXUAL INTERCOURSE (18 PA. C.S. §3123); INCEST (18 PA. C.S. §4302); INDECENT ASSAULT (18 PA. C.S. §3126); AND ANY OTHER OFFENSE OF A SEXUAL NATURE INVOLVING PHYSICAL CONTACT BETWEEN THE OFFENDER AND VICTIM.

THESE STANDARDS MAY, AT THE DISCRETION OF THE COURT, BE APPLIED IN ANY OTHER OFFENSE OF A SEXUAL NATURE.

PRE-DISPOSITION EVALUATION

- I. IN CASES WHERE THE JUVENILE HAS ADMITTED OR HAS BEEN FOUND BY THE COURT TO HAVE COMMITTED ONE OR MORE OF THE AFOREMENTIONED OFFENSES, THE COURT, PURSUANT TO THE JUVENILE ACT AT 42 PA. C.S. §6301 ET SEQ., SHALL DIRECT THAT A SOCIAL STUDY BE MADE CONTAINING, AT A MINIMUM, THE FOLLOWING INFORMATION:
 - A. A STATEMENT FROM THE JUVENILE REGARDING CURRENT OFFENSE(S);
 - B. PRIOR OFFENSE(S) AND DISPOSITION(S);
 - C. PRIOR/CURRENT COUNSELING OR TREATMENT;
 - D. OTHER AGENCY INVOLVEMENT (I.E. CHILDREN AND YOUTH, MENTAL RETARDATION, MENTAL HEALTH, ETC.);
 - E. RELEVANT MEDICAL HISTORY;
 - F. VICTIM STATEMENT REGARDING THE OFFENSE AND ITS INITIAL EFFECT;
 - G. EDUCATIONAL RECORDS;
 - H. TREATMENT RECORDS FOR ALCOHOL AND/OR DRUG MISUSE, ABUSE, OR ADDICTION;
 - I. SOCIAL/FAMILY HISTORY;
 - J. A SEX OFFENSE - SPECIFIC EVALUATION, COMPLETED THROUGH A PERSONAL INTERVIEW WITH THE JUVENILE BY DESIGNATED COURT PERSONNEL OR OTHER PERSONS KNOWLEDGEABLE IN THIS AREA, WHICH SHALL, AT A MINIMUM, PROVIDE INFORMATION REGARDING:
 1. THE OFFENDER'S SEXUAL HISTORY INCLUDING BUT NOT LIMITED TO SEXUAL PREFERENCE, NUMBER AND NATURE OF SEXUAL CONTACTS, EXPOSURE TO PORNOGRAPHY, EXTENT OF SEX EDUCATION, SEXUALLY TRANSMITTED DISEASES; AND THE HISTORY AND NATURE OF THE OFFENDER'S SEXUAL FANTASIES;

2. OTHER POTENTIALLY RELEVANT ACTIONS OR BEHAVIORS EXHIBITED BY THE OFFENDER INCLUDING BUT NOT LIMITED TO FIRESETTING, PROSTITUTION, OR RUNNING AWAY FROM HOME WHICH INDIVIDUALLY OR COLLECTIVELY MAY BE INDICATIVE OF MALADAPTIVE SEXUAL BEHAVIOR;
 3. FAMILY DYNAMICS INCLUDING BUT NOT LIMITED TO POWER AND CONTROL; DISCIPLINE; RELATIONSHIPS, INCLUDING SEXUAL INTERACTIONS, BETWEEN AND AMONG PARENT(S)/GUARDIAN(S), SIBLINGS, AND OTHER PERSONS WHETHER OR NOT RESIDING IN THE HOME; AND
 4. THE OFFENDER'S EMOTIONAL, PHYSICAL AND SEXUAL ABUSE HISTORY.
- K. A PSYCHOLOGICAL EVALUATION; AND
- L. ANY OTHER TESTING, EVALUATION, OR INFORMATION AS DIRECTED BY THE COURT.

JUVENILE COURT DISPOSITIONS

- II. IN DETERMINING THE LEAST RESTRICTIVE DISPOSITION WHICH IS BEST SUITED TO THE OFFENDER'S TREATMENT, SUPERVISION, AND REHABILITATION, THE COURT SHALL ENSURE THAT THE DISPOSITION SERVES TO PROTECT THE VICTIM AND THE COMMUNITY BY CONSIDERING:
- A. THE EXTENT OF INJURY OR HARM TO THE VICTIM;
 - B. WHETHER THE USE OF INTIMIDATION, FORCE, VIOLENCE, OR WEAPONS WAS INVOLVED;
 - C. WHETHER RITUALISTIC ACTS WERE INVOLVED;
 - D. THE OFFENDER'S HISTORY OF ASSAULTIVE BEHAVIOR;
 - E. THE DEGREE OF DENIAL AND MINIMIZATION OF THE OFFENSE BY THE JUVENILE AND FAMILY;
 - F. WHETHER SUBSTANCE ABUSE WAS INVOLVED;
 - G. THE DEGREE OF FAMILY DYSFUNCTION; AND
 - H. OTHER FACTORS CONSISTENT WITH THE JUVENILE ACT AT 42 PA. C.S. §6301 AND §6352.
- III. A WARN AND DISMISS DISPOSITION IS INAPPROPRIATE IN ALL CASES WHERE A JUVENILE HAS ADMITTED OR HAS BEEN FOUND BY THE COURT TO HAVE COMMITTED AN OFFENSE WHICH IS WITHIN THE SCOPE OF THESE STANDARDS.
- IV. COURT ORDERS SHALL BE SPECIFIC WITH REGARD TO THE TYPE OF TREATMENT, AND, IF DEEMED APPROPRIATE BY THE COURT, THE MINIMUM LENGTH AND SPECIAL CONDITIONS OF TREATMENT.

V. PROBATION OFFICERS WHO SUPERVISE JUVENILE SEX OFFENDERS SHALL RECEIVE SPECIALIZED TRAINING WHICH SHALL, AT A MINIMUM, INCLUDE:

- A. THE IMPACT OF VICTIMIZATION;
- B. KNOWLEDGE OF SEXUAL ASSAULT DYNAMICS;
- C. THE VARIOUS METHODS OF ADOLESCENT SEX OFFENDER INTERVENTION AND TREATMENT.

VI. WHENEVER POSSIBLE, PROBATION OFFICERS SHALL SUPERVISE SPECIALIZED CASELOADS CONSISTING EXCLUSIVELY OF JUVENILE SEX OFFENDERS.

NON-RESIDENTIAL TREATMENT

VII. WHEN NON-RESIDENTIAL TREATMENT IS DEEMED APPROPRIATE, THE COURT SHALL SELECT AN IDENTIFIABLE SEX OFFENSE-SPECIFIC PROGRAM WHICH SHALL, AT A MINIMUM, INCLUDE THE FOLLOWING ELEMENTS OF TREATMENT:

- A. ACKNOWLEDGEMENT AND ACCEPTANCE OF RESPONSIBILITY FOR SEX OFFENSE(S);
- B. EXPLORING THE POSSIBILITY OF THE JUVENILE AS A VICTIM;
- C. UNDERSTANDING AND DEVELOPING EMPATHY FOR THE VICTIM;
- D. UNDERSTANDING AND CONTROLLING ASSAULTIVE BEHAVIORS;
- E. ASSERTIVENESS TRAINING;
- F. ANGER AND STRESS MANAGEMENT;
- G. SEX EDUCATION;
- H. COMMUNICATION AND RELATIONSHIP SKILLS;
- I. DEVELOPMENT OF POSITIVE SELF-ESTEEM; AND
- J. EFFORTS TO INVOLVE THE JUVENILE'S FAMILY IN TREATMENT.

VIII. THE JUVENILE SHALL BE HELD ACCOUNTABLE WITH REGARD TO HIS PARTICIPATION IN TREATMENT, AND SHALL BE BROUGHT BEFORE THE COURT FOR REVIEW FOR FAILING TO PARTICIPATE IN TREATMENT.

RESIDENTIAL TREATMENT

IX. WHEN RESIDENTIAL TREATMENT IS DEEMED APPROPRIATE, THE COURT SHALL SELECT AN IDENTIFIABLE SEX OFFENSE-SPECIFIC PROGRAM WHICH SHALL, AT A MINIMUM, INCLUDE THE FOLLOWING ELEMENTS OF TREATMENT:

- A. ACKNOWLEDGMENT AND ACCEPTANCE OF RESPONSIBILITY FOR SEX OFFENSE(S);
 - B. EXPLORING THE POSSIBILITY OF THE JUVENILE AS A VICTIM;
 - C. UNDERSTANDING AND DEVELOPING EMPATHY FOR THE VICTIM;
 - D. UNDERSTANDING AND CONTROLLING ASSAULTIVE BEHAVIORS;
 - E. ASSERTIVENESS TRAINING;
 - F. ANGER AND STRESS MANAGEMENT;
 - G. SEX EDUCATION;
 - H. COMMUNICATION AND RELATIONSHIP SKILLS;
 - I. DEVELOPMENT OF POSITIVE SELF-ESTEEM;
 - J. EFFORTS TO INVOLVE THE JUVENILE'S FAMILY IN TREATMENT; AND
 - K. ESTABLISHED CRITERIA FOR SUPERVISED AND UNSUPERVISED ACCESS TO THE COMMUNITY AS WELL AS FINAL DISCHARGE FROM PLACEMENT.
- X. NO LATER THAN THIRTY DAYS AFTER THE DECISION IS MADE TO PLACE A JUVENILE IN A RESIDENTIAL TREATMENT FACILITY, THE PROBATION OFFICER SHALL DEVELOP AND COMPLETE A WRITTEN PLAN FOR TREATMENT INTERVENTION FOR PRESENTATION AT THE FACILITY'S INITIAL TREATMENT PLANNING SESSION.
- XI. THE PROBATION OFFICER SHALL VISIT THE JUVENILE AND FACILITY STAFF ONCE EVERY MONTH TO BUILD A WORKING RELATIONSHIP WITH THE JUVENILE, AND TO MONITOR THE JUVENILE'S PROGRESS.
- XII. WHILE THE JUVENILE IS IN THE RESIDENTIAL TREATMENT FACILITY, THE PROBATION OFFICER SHALL MAINTAIN MONTHLY CONTACT WITH THE PARENT(S)/GUARDIAN(S) TO COMMUNICATE PROGRESS AND INSURE CONCURRENT TREATMENT TO THE FAMILY.
- XIII. ANY SUPERVISED OR UNSUPERVISED LEAVE FROM THE RESIDENTIAL TREATMENT FACILITY TO THE HOME COMMUNITY SHALL OCCUR ONLY WITH PRIOR APPROVAL FROM THE COURT OR PROBATION OFFICER.
- XIV. AFTER THE JUVENILE IS DISCHARGED FROM THE RESIDENTIAL TREATMENT FACILITY, NON-RESIDENTIAL TREATMENT SHALL BE PROVIDED IN THE HOME COMMUNITY. WHENEVER POSSIBLE, THE PHILOSOPHY OF SUCH TREATMENT SHALL BE CONSISTENT WITH THAT OF THE RESIDENTIAL FACILITY.

VICTIMS

- XV. UPON REFERRAL, THE VICTIM SHALL BE PROVIDED INFORMATION REGARDING COMMUNITY RESOURCES, ADVOCACY SERVICES, AND THE JUVENILE JUSTICE SYSTEM.
- XVI. THE VICTIM SHALL BE PERMITTED TO HAVE AN ADVOCATE PRESENT IN COURT AND THROUGHOUT THE JUDICIAL PROCESS.
- XVII. VICTIMS SHALL BE PROVIDED WITH A SECURE WAITING AREA DURING COURT PROCEEDINGS THAT DOES NOT REQUIRE THEM TO BE IN CLOSE PROXIMITY TO OFFENDERS, OR FAMILY AND FRIENDS OF OFFENDERS.
- XVIII. THE VICTIM SHALL BE INFORMED THAT THE FOLLOWING INFORMATION WILL BE MADE AVAILABLE UPON A WRITTEN REQUEST. THE VICTIM SHALL PROVIDE THE COURT WITH ADDRESS CHANGES OR A CHANGE IN THE DESIRE FOR NOTIFICATION.
- A. NOTICE OF THE FINAL DISPOSITION OF THE CASE AND THE NATURE OF THE DISPOSITION (RESIDENTIAL OR NON-RESIDENTIAL TREATMENT, ANTICIPATED LENGTH OF TREATMENT, ETC.);
 - B. PRIOR NOTICE OF PLACEMENT REVIEW HEARINGS; AND
 - C. PRIOR NOTICE WHENEVER THE JUVENILE IS GRANTED SUPERVISED OR UNSUPERVISED ACCESS TO THE HOME COMMUNITY, OR IS DISCHARGED.

**INTENSIVE
PROBATION SERVICES**

STANDARDS GOVERNING

INTENSIVE PROBATION SERVICES

- I. The Intensive Probation Officer should have a caseload size of no more than fifteen (15) high risk adjudicated delinquent youth who would otherwise receive placement services.
- II. There must be a minimum of three (3) contacts per week with the youth. (A contact is defined as a face-to-face meeting.)
- III. There must be a minimum of one (1) contact per week with the parent(s) and/or guardian(s). (A contact is defined as a face-to-face meeting, a telephone contact, a written report, or a collateral contact.)
- IV. There must be a minimum of one (1) contact every two (2) weeks with the youth's school, employer, and significant others, if applicable. (A contact is defined as a face-to-face meeting, a telephone contact, a written report, or a collateral contact.)
- V. A minimum of 30% of the work hours of the Intensive Probation Officer must be scheduled outside normal office hours.
- VI. An Intensive Probation plan should be developed by the Intensive Probation Officer and approved by the Chief Juvenile Probation Officer or his/her designee within ten (10) days after the dispositional decision is made to utilize Intensive Probation.
- VII. The Intensive Probation plan shall be reviewed once a month by the Intensive Probation Officer and the Chief Juvenile Probation Officer or his/her designee. The review will be utilized to modify the plan if and when appropriate.
- VIII. The chronological record of all direct and indirect contacts shall include at a minimum: the name of the contacted person; the title/relationship of the contacted person; the date of the contact; the time of the contact; the location of the contact (school, home, etc.); the type of contact (face-to-face, telephone, etc.); and the nature of the contact.
- IX. Intensive Probation Services should normally be provided for a minimum of six (6) months to a maximum of twelve (12) months.

AFTERCARE SERVICES

STANDARDS GOVERNING

AFTERCARE SERVICES

- I. The recommended caseload size for the Aftercare Officer is 18 youth. The caseload size of the Aftercare Officer shall not exceed 25 youth.
- II. Aftercare begins when the placement decision is made. Aftercare services should be provided while the youth is in placement and for a six (6) month period following his/her release unless the youth is discharged sooner or supervision is extended by the Court.
- III. Within 30 days after the placement decision is made, the Aftercare Officer will develop and complete a written treatment plan for the youth based on information gathered from the parent(s)/guardian(s) and placement facility.
- IV. The Aftercare Officer should attend the initial treatment staffing and release staffing conducted by the placement facility regarding the youth in placement.
- V. The Aftercare Officer shall visit the placement site once every month to visit with the youth and appropriate program staff (i.e., supervisor, houseparent or counselor) to monitor the youth's progress and the service delivery system, to initiate and implement Aftercare planning and to build a working relationship with the youth.
- VI. The Court shall require that the placement facility provide a written treatment plan within 30 days after the youth enters placement; written monthly progress reports or, where appropriate, written quarterly progress reports; and written release summaries which include a post-release plan.
- VII. The Aftercare Officer shall maintain monthly contact with the parent(s)/guardian(s) while the youth is in placement to communicate progress and to initiate and implement Aftercare planning.
- VIII. The Aftercare Officer shall complete a written post-release plan prior to the youth's release from placement outlining post-release goals for the youth and how they may be attained.
- IX. During the six (6) month period following release, the Aftercare Officer shall contact the youth and significant others (i.e., school, parent(s)/guardian(s), employer, other agencies providing services) at least once a week until the youth is stabilized in the community. These contacts should increase or decrease depending upon the youth's adjustment.
- X. Aftercare cases shall be reviewed on a monthly basis by the Aftercare Officer and the Chief Juvenile Probation Officer or his/her designee.

**JUDICIAL REVIEW OF
DEPENDENT CHILDREN IN PLACEMENT**

STANDARDS GOVERNING THE JUDICIAL REVIEW

OF DEPENDENT CHILDREN IN PLACEMENT

- I. JUVENILE COURTS SHALL REVIEW THE PLACEMENT OF EVERY DEPENDENT CHILD WHO HAS BEEN PLACED OUTSIDE HIS OR HER HOME TO DETERMINE WHETHER THAT PLACEMENT CONTINUES TO BE BEST SUITED TO THE PROTECTION AND PHYSICAL, MENTAL, AND MORAL WELFARE OF THE CHILD.

This process shall be based on a system of disposition review hearings conducted by the Court. Children who have been placed permanently in foster care with a specified foster family or who are in placement in an approved home awaiting finalization of adoption need not be subject to this review process.

- II. JUVENILE COURTS SHALL CONDUCT THE INITIAL DISPOSITION REVIEW HEARING FOR EACH DEPENDENT CHILD IN PLACEMENT SIX MONTHS AFTER THE DISPOSITION HEARING, CONDUCT A SECOND DISPOSITION REVIEW HEARING NOT LATER THAN SIX MONTHS AFTER THE INITIAL HEARING, CONDUCT A THIRD DISPOSITION REVIEW HEARING NOT LATER THAN SIX MONTHS AFTER THE SECOND HEARING, AND SHALL CONDUCT SUBSEQUENT HEARINGS AT TWELVE MONTH INTERVALS UNTIL THE CHILD IS RETURNED TO HIS OR HER HOME OR REMOVED FROM THE JURISDICTION OF THE COURT.

Where placement of a child is authorized by a court, the court order shall schedule a disposition review hearing within six months and shall conduct all subsequent hearings pursuant to this section for as long as the child is in placement.

The Court may, either on its own motion or in response to a petition from any party with an interest in the welfare of the child, schedule a hearing at any time prior to the normally scheduled hearing.

Written notice of the disposition review hearing shall be provided at least 15 days in advance of the hearing to the following parties, each of whom shall be entitled to participate in the proceeding:

- A. County Children and Youth Agency;
- B. the child, if age appropriate;
- C. the child's parents or legal guardian;
- D. counsel to the child; and
- E. other persons or agencies which the Court determines have an interest in or information relating to the welfare of the child.

All children shall be entitled to representation by legal counsel at these hearings and, if the child is without financial resources or otherwise unable to employ counsel, to have the Court provide counsel.

III. THE GOALS AND OBJECTIVES FOR EACH DEPENDENCY CASE SHALL BE INCLUDED IN A FAMILY SERVICE PLAN WHICH SHALL BE PRESENTED TO THE COURT.

The goals and objectives shall include, at a minimum, the following:

- A. a statement of the goal for the return of the child to his/her home or the plan for other permanent placement of that child;
- B. a delineation of all social services to be provided to the child and his or her family while the child is in placement;
- C. a statement of the duties and responsibilities of the County Children and Youth Agency, the parents or legal guardian, and the individual or agency having physical custody of the child during placement;
- D. any other information as required by the Court and, if applicable, Department of Public Welfare regulation.

IV. AT EACH DISPOSITION REVIEW HEARING, THE COURT SHALL:

- A. DETERMINE THE CONTINUING NECESSITY FOR AND APPROPRIATENESS OF THE PLACEMENT;
- B. DETERMINE THE EXTENT OF COMPLIANCE WITH THE SERVICE PLAN DEVELOPED FOR THE CHILD INCLUDING WHETHER THE GOALS AND OBJECTIVES AS PRESENTED AT THE DISPOSITION HEARING ARE BEING MET AND CONTINUE TO BE APPROPRIATE, AND WHETHER THE VIEWS OF THE CHILD WERE SOUGHT CONCERNING THESE GOALS;
- C. DETERMINE THE EXTENT OF PROGRESS MADE TOWARD ALLEVIATING THE CIRCUMSTANCES WHICH NECESSITATED THE ORIGINAL PLACEMENT AND WHETHER THE SERVICES BEING PROVIDED TO THE CHILD, THE PARENTS OR LEGAL GUARDIAN ARE APPROPRIATE;
- D. DETERMINE WHETHER THERE ARE OBSTACLES WHICH MAY HINDER OR PREVENT THE ATTAINMENT OF THE ESTABLISHED GOALS FOR THE CHILD OR OTHER PLACEMENT OBJECTIVE, AND PROJECT A LIKELY DATE BY WHICH THE GOAL FOR THE CHILD MIGHT BE ACHIEVED; AND
- E. CONSIDER THE ADVISABILITY OF TERMINATING PARENTAL RIGHTS.

V. AT THE CONCLUSION OF THE HEARING AND ON THE BASIS OF THE PRECEDING DETERMINATIONS AND OTHER RELEVANT EVIDENCE, THE COURT SHALL;

- A. DETERMINE WHETHER THE CHILD SHOULD;
 - 1. Be returned to the parents, guardian or other custodian;
 - 2. Be continued in placement for a specified period; or
 - 3. because of the child's special needs or circumstances, remain in placement on a permanent or long-term basis; and
- B. ORDER CONTINUATION, MODIFICATION OR TERMINATION OF THE PLACEMENT, OR OTHER DISPOSITION BEST SUITED TO THE PROTECTION AND PHYSICAL, MENTAL AND MORAL WELFARE OF THE CHILD.

VI. PURSUANT TO THE PRECEDING STANDARDS, EACH JUVENILE COURT SHALL ESTABLISH WRITTEN POLICIES AND PROCEDURES GOVERNING THE JUDICIAL REVIEW OF DEPENDENT CHILDREN IN PLACEMENT.

Such policies and procedures may consist of the preceding standards which may be augmented by the Court.

**JUDICIAL REVIEW OF
DELINQUENT CHILDREN IN PLACEMENT**

STANDARDS GOVERNING THE JUDICIAL REVIEW
OF DELINQUENT CHILDREN IN PLACEMENT

- I. JUVENILE COURTS SHALL REVIEW THE PLACEMENT OF EVERY DELINQUENT CHILD WHO HAS BEEN PLACED OUTSIDE HIS OR HER HOME TO DETERMINE WHETHER, CONSISTENT WITH THE PROTECTION OF THE PUBLIC INTEREST, THE BEST INTERESTS OF THE CHILD ARE BEING SERVED BY THAT PLACEMENT.

This process shall be based on a system of informal and formal reviews conducted by the Court.

- II. JUVENILE COURTS SHALL CONDUCT THE INITIAL INFORMAL REVIEW OF EACH DELINQUENT CHILD IN PLACEMENT SIX MONTHS AFTER THE DISPOSITIONAL HEARING, AND AT SIX MONTH INTERVALS THEREAFTER UNTIL THE CHILD IS RETURNED TO HIS OR HER HOME OR REMOVED FROM THE JURISDICTION OF THE COURT.

An informal review shall consist of an examination by the Court of appropriate papers, affidavits, progress reports including the status of aftercare planning in each case, and other materials as submitted to the Court by the juvenile probation department, the placement agency, and others as the Court finds necessary.

- III. JUVENILE COURTS SHALL CONDUCT THE INITIAL FORMAL REVIEW OF EACH DELINQUENT CHILD IN PLACEMENT NINE MONTHS AFTER THE DISPOSITIONAL HEARING AND AT NINE MONTH INTERVALS THEREAFTER UNTIL THE CHILD IS RETURNED TO HIS OR HER HOME OR REMOVED FROM THE JURISDICTION OF THE COURT.

A formal review by the Court shall consist of a full hearing before the Court pursuant to the Juvenile Act.

The Court may, either on its own motion, or in response to a petition from any party with an interest in the welfare of the child, schedule a formal review at any time prior to the normally scheduled review.

Written notice of the formal review shall be provided at least 15 days in advance of the date set for the formal review to the following parties, each of whom shall be entitled to participate in the proceeding:

- A. The juvenile probation department;
- B. the child;
- C. the child's parents or legal guardian;
- D. counsel to the child; and

- E. other persons or agencies which the Court determines have an interest in or information relating to the welfare of the child.

All children shall be entitled to representation by legal counsel at these hearings, and, if the child is without financial resources or is otherwise unable to employ counsel, to have the Court provide counsel.

IV. GOALS AND OBJECTIVES SHALL BE ESTABLISHED BY THE JUVENILE PROBATION DEPARTMENT FOR EACH CASE AND SHALL BE PRESENTED TO THE COURT AT THE DISPOSITIONAL HEARING.

The initial statement of case goals and objectives shall include, at a minimum, the following:

- A. At the request of the Court, a specific recommendation as to placement of the child. Such recommendations shall be premised on the concept of using the least restrictive dispositional alternative which is available consistent with the public interest and the best interests of the child;
- B. A delineation of any special service to be provided;
- C. A specific statement setting forth the individual(s) responsible for aftercare planning for the child;
- D. Any other information as required by the Court.

V. THE INFORMAL AND FORMAL REVIEWS, AS PROVIDED FOR UNDER THESE STANDARDS, SHALL INCLUDE BUT NOT BE LIMITED TO A DETERMINATION BY THE COURT AS TO WHETHER:

- A. The goals and objectives as presented at the dispositional hearing are being met, and continue to be appropriate;
- B. An aftercare plan for the child is in place if the child is recommended for release from placement, or if the child is not recommended for release, whether aftercare planning is in process.
- C. There is an alternative to the present placement of the child that is consistent with the protection of the community and the needs of the child.

VI. AFTER EACH FORMAL AND INFORMAL REVIEW, THE COURT SHALL:

- A. Order the release of the child from placement pursuant to an aftercare plan; or

- B. Order continued placement in accordance with the case goals and objectives currently in effect; or
- C. Order continued placement in accordance with revised case goals and objectives.

VII. PURSUANT TO THE PRECEDING STANDARDS, EACH JUVENILE COURT SHALL ESTABLISH WRITTEN POLICIES AND PROCEDURES GOVERNING THE JUDICIAL REVIEW OF CHILDREN IN PLACEMENT.

Such policies and procedures may consist of the preceding standards which may be augmented by the Court.

JUVENILE COURT RECORDS

STANDARDS GOVERNING JUVENILE COURT RECORDS

COURT FILES AND RECORDS

- I. THE COURT SHALL HAVE A WRITTEN POLICY OFFICIALLY DESIGNATING THE CHIEF JUVENILE PROBATION OFFICER OR HIS/HER FUNCTIONAL EQUIVALENT AS CUSTODIAN OF JUVENILE COURT FILES AND RECORDS.

The term "juvenile court files and records" shall include the case record maintained by the probation office, all forms and documents used in the processing of a case in juvenile court, all other files, records, and documents generated as a result of juvenile court/juvenile probation action regarding a juvenile.

- II. THE CUSTODIAN OF THE JUVENILE COURT FILES AND RECORDS SHALL ENSURE THAT THE JUVENILE PROBATION OFFICE MAINTAINS A CASE RECORD FOR ALL JUVENILES FORMALLY UNDER THE JURISDICTION OF THE OFFICE.
- III. THE CUSTODIAN OF JUVENILE COURT FILES AND RECORDS SHALL ENSURE THAT ALL SIGNIFICANT DECISIONS AND EVENTS REGARDING ANY JUVENILE ARE RECORDED IN THE JUVENILE'S CASE RECORD.
- IV. THE CUSTODIAN OF THE JUVENILE COURT FILES AND RECORDS SHALL ENSURE THAT THE JUVENILE PROBATION OFFICE CASE RECORDS INCLUDE, AT A MINIMUM, THE FOLLOWING INFORMATION:
 - A. INITIAL INTAKE INFORMATION FORMS;
 - B. COMPLAINT FORM;
 - C. CASE INFORMATION FROM REFERRAL SOURCE, IF AVAILABLE;
 - D. SOCIAL HISTORY;
 - E. MEDICAL RECORD, WHEN AVAILABLE;
 - F. INDIVIDUAL PLAN OR PROGRAM;
 - G. SIGNED RELEASE OF INFORMATION FORM;
 - H. CHRONOLOGICAL OR EVALUATION PROGRESS REPORT;
 - I. PROBATION RULES AND POLICIES SIGNED BY THE PARTICIPANTS;
 - J. REFERRALS TO OTHER AGENCIES;
 - K. SIGNED MIRANDA WARNING FORM;

- L. COMPLETED STATISTICAL CARD;
 - M. DETENTION ORDERS AND RECORD OF DETENTION ACTIVITY;
 - N. PETITION, IF APPLICABLE;
 - O. ALL COURT ORDERS REGARDING THIS CASE; AND
 - P. A FINAL DISCHARGE REPORT.
- V. THE CUSTODIAN OF JUVENILE COURT FILES AND RECORDS SHALL ENSURE THAT THE RESPONSIBLE PROBATION OFFICER MAKES ALL ENTRIES IN THE CASE RECORDS ASSIGNED TO HIM/HER AND DATES AND SIGNS EACH ENTRY.
 - VI. THE CUSTODIAN OF JUVENILE COURT FILES AND RECORDS SHALL ESTABLISH A WRITTEN POLICY CONCERNING THE PROCEDURES FOR RECORD SECURITY AND RELEASE OF INFORMATION.
 - VII. THE CUSTODIAN OF JUVENILE COURT FILES AND RECORDS SHALL ESTABLISH A WRITTEN POLICY WHICH PROVIDES FOR CASE RECORD AUDITING TO ENSURE THAT CASE RECORDS ARE CURRENT AND ACCURATE.
 - VIII. ALL CASE RECORDS SHALL BE MARKED CONFIDENTIAL AND KEPT IN LOCKED FILES WHICH ARE ALSO MARKED CONFIDENTIAL.
 - IX. THE CUSTODIAN OF JUVENILE COURT FILES AND RECORDS SHALL ESTABLISH A WRITTEN POLICY REGARDING THE CONFIDENTIALITY OF INDIVIDUAL CASE INFORMATION WHICH SPECIFICALLY DISCUSSES PARTICIPANT ACCESS, AGENCY PERSONNEL ACCESS, AND OUTSIDE AGENCY ACCESS.
 - X. THE CUSTODIAN OF JUVENILE COURT FILES AND RECORDS SHALL DESIGNATE PERSONNEL RESPONSIBILITY FOR THE RELEASE OF THE INFORMATION REGARDING JUVENILE COURT FILES AND RECORDS.
 - XI. THE CUSTODIAN OF JUVENILE COURT FILES AND RECORDS SHALL ENSURE THAT A REPORT IS PREPARED AT THE TERMINATION OF PROBATION WHICH REVIEWS THE INDIVIDUAL'S PERFORMANCE WHILE UNDER SUPERVISION.

LAW ENFORCEMENT RECORDS

- XII. INFORMATION FROM A JUVENILE'S RECORD MAY NOT BE RELEASED TO A MILITARY RECRUITER OR DEFENSE INVESTIGATIVE SERVICE (DIS) AGENT CONDUCTING AN INVESTIGATION FOR SECURITY CLEARANCE ABSENT A COURT ORDER DIRECTING SUCH RELEASE. SINCE RELEASE MUST BE BASED ON NATIONAL SECURITY OR THE INTEREST OF THE CHILD; COURT ORDERS PERMITTING RELEASE MUST BE ISSUED ON A CASE-BY-CASE BASIS.

XIII. IF A PERSON WHO IS NOT AUTHORIZED TO RECEIVE INFORMATION PERTAINING TO A JUVENILE SEEKS SUCH INFORMATION, THE PERSON TO WHOM THE REQUEST FOR INFORMATION IS MADE SHALL INFORM THE PERSON WHO SEEKS THE INFORMATION THAT THEY WILL NOT BE INFORMED WHETHER OR NOT A RECORD EXISTS SINCE THEY HAVE NO STATUS TO MAKE THE INQUIRY. IF THE INFORMATION IS SOUGHT ON BEHALF OF AN EMPLOYER, CREDIT COMPANY, INSURANCE COMPANY, BANK, LICENSING AUTHORITY, EDUCATIONAL INSTITUTION, OR NEWS MEDIA, THE PERSON TO WHOM THE REQUEST FOR INFORMATION WAS MADE SHALL REPORT THE MATTER TO THE JUVENILE COURT ADMINISTRATIVE JUDGE.

XIV. THE COURT SHALL ESTABLISH A WRITTEN POLICY ENSURING THAT THE LAW ENFORCEMENT AGENCIES WITHIN ITS JURISDICTION MAINTAIN RECORDS AND FILES CONCERNING A CHILD SEPARATE FROM THE RECORDS AND FILES OF ADULTS.

EXPUNCTION OF RECORDS

XV. THE CUSTODIAN OF JUVENILE COURT FILES AND RECORDS SHALL PROVIDE FOR THE DEVELOPMENT OF A FORM AND A PROCEDURE FOR NOTIFYING THE DISTRICT ATTORNEY WHEN A RECORD IS TO BE EXPUNGED PURSUANT TO THE CRIMINAL HISTORY RECORD INFORMATION ACT AT 18 PA. C.S. §9123.

XVI. THE CUSTODIAN OF JUVENILE COURT FILES AND RECORDS SHALL ESTABLISH A WRITTEN POLICY REGARDING THE EXPUNCTION OF RECORDS WHEN A COMPLAINT IS FILED WHICH IS NOT SUBSTANTIATED OR WHEN THE PETITION WHICH IS FILED AS A RESULT OF A COMPLAINT IS DISMISSED BY THE COURT.

XVII. THE CUSTODIAN OF JUVENILE COURT FILES AND RECORDS SHALL ESTABLISH A WRITTEN POLICY REGARDING THE EXPUNCTION OF RECORDS INVOLVING INDIVIDUALS WHO HAVE BEEN RELEASED FROM SUPERVISION UNDER A CONSENT DECREE FOR A PERIOD OF SIX MONTHS AND NO PROCEEDING SEEKING ADJUDICATION OR CONVICTION IS PENDING.

XVIII. THE CUSTODIAN OF JUVENILE COURT FILES AND RECORDS SHALL ESTABLISH A WRITTEN POLICY REGARDING THE EXPUNCTION OF RECORDS FOR INDIVIDUALS WHO HAVE BEEN DISCHARGED FOR MORE THAN FIVE (5) YEARS FROM COMMITMENT, PLACEMENT, PROBATION, OR ANY OTHER DISPOSITION AND REFERRAL AND SINCE THAT TIME HAVE NOT BEEN CONVICTED OF A FELONY OR MISDEMEANOR, OR ADJUDICATED DELINQUENT, AND HAVE NO PROCEEDING PENDING SEEKING SUCH CONVICTION OR ADJUDICATION.

XIX. THE CUSTODIAN OF JUVENILE COURT FILES AND RECORDS SHALL ESTABLISH A WRITTEN POLICY CONCERNING THE EXPUNCTION OF RECORDS OF INDIVIDUALS 21 YEARS OF AGE OR OLDER.

XX. THE CUSTODIAN OF JUVENILE COURT FILES AND RECORDS SHALL ESTABLISH A WRITTEN POLICY CONCERNING THE EXPUNCTION OF RECORDS AT INSTITUTIONS AND OTHER PLACEMENTS FOR JUVENILES COMMITTED FROM THE COURT'S JURISDICTION TO THE INSTITUTION OR OTHER PLACEMENT.

MANAGEMENT INFORMATION SYSTEMS

**STANDARDS GOVERNING
MANAGEMENT INFORMATION SYSTEMS**

The following Standards apply to manual as well as to electronic management information systems.

- I. DIRECT ACCESS TO A JUVENILE RECORD SHALL BE IN ACCORDANCE WITH THE CONDITIONS SET FORTH IN THE JUVENILE ACT, 42 PA. C.S. §6308(b).

- II. A JUVENILE COURT SHALL ONLY COLLECT INFORMATION WITH RESPECT TO JUVENILES IF THE INFORMATION IS BEING COLLECTED FOR PROPER PURPOSES. THOSE PURPOSES ARE LIMITED TO:
 - A. MAKING LAWFUL DECISIONS PERTAINING TO JUVENILES;
 - B. MANAGING THE AGENCY EFFECTIVELY AND EFFICIENTLY;
 - C. EVALUATING THE AGENCY; AND
 - D. APPROVED RESEARCH.

- III. IT IS THE RESPONSIBILITY OF THE JUVENILE COURT ADMINISTRATIVE JUDGE TO ESTABLISH POLICIES AND PROCEDURES FOR COLLECTING, RECORDING, ORGANIZING, PROCESSING, AND REPORTING DATA DEVELOPED FOR MANAGEMENT INFORMATION PURPOSES.

Although other agency personnel may be assigned these tasks, the Administrative Judge is ultimately responsible for their accomplishment. The Administrative Judge should review, at least annually, all aspects of the management information system for relevance, completeness, effectiveness, and efficiency.

- IV. EACH JUVENILE COURT SHALL INSURE THAT:
 - A. REASONABLE SAFEGUARDS HAVE BEEN ESTABLISHED TO PROTECT AGAINST THE MISUSE, MISINTERPRETATION, AND IMPROPER DISSEMINATION OF THE INFORMATION;
 - B. THE INFORMATION IS BOTH RELEVANT AND NECESSARY TO A PROPER PURPOSE FOR COLLECTING THE INFORMATION;
 - C. THE COLLECTION OF THE INFORMATION DOES NOT INVOLVE AN INVASION OF PRIVACY;
 - D. IT IS REASONABLE TO EXPECT THAT THE INFORMATION COLLECTED WILL BE ACCURATE; AND
 - E. THE COLLECTED INFORMATION IS USED FOR THE PURPOSES FOR WHICH IT IS COLLECTED.

- V. IF A PERSON NOT AUTHORIZED TO RECEIVE INFORMATION PERTAINING TO A JUVENILE SEEKS SUCH INFORMATION THE PERSON TO WHOM THE REQUEST FOR INFORMATION IS MADE SHALL INFORM THE PERSON WHO SEEKS THE INFORMATION THAT THEY WILL NOT BE INFORMED WHETHER OR NOT A RECORD EXISTS SINCE THEY HAVE NO STATUS TO MAKE THE INQUIRY. IF THE INFORMATION IS SOUGHT ON BEHALF OF THE EMPLOYER, CREDIT COMPANY, INSURANCE COMPANY, BANK, LICENSING AUTHORITY, EDUCATIONAL INSTITUTION, OR NEWS MEDIA, THE PERSON TO WHOM THE REQUEST FOR INFORMATION WAS MADE SHALL REPORT THE MATTER TO THE JUVENILE COURT ADMINISTRATIVE JUDGE.
- VI. WHENEVER COMPUTERIZED DATA PROCESSING IS EMPLOYED, THE JUVENILE COURT ADMINISTRATIVE JUDGE SHALL SEE THAT:
- A. ALL PERSONNEL AUTHORIZED TO HAVE ACCESS TO THE SYSTEM ARE PROPERLY SUPERVISED AND TRAINED;
 - B. ENSURE THAT THE EQUIPMENT UTILIZED FOR MAINTAINING JUVENILE INFORMATION IS SOLELY DEDICATED TO PURPOSES RELATED TO THE ADMINISTRATION OF JUVENILE JUSTICE OR, IF THE EQUIPMENT IS NOT USED SOLELY FOR THE ADMINISTRATION OF JUVENILE JUSTICE, THE JUVENILE COURT SHALL BE ACCORDED EQUAL MANAGEMENT PARTICIPATION IN COMPUTER OPERATIONS. MANAGEMENT PARTICIPATION SHALL INCLUDE:
 - 1. APPROVAL OF PERSONNEL WHO HAVE ACCESS TO THE JUVENILE RECORD INFORMATION;
 - 2. APPROVAL OF ALL SYSTEM SECURITY MEASURES;
 - 3. PARTICIPATION IN THE DECISION MAKING REGARDING SCHEDULING AND APPLICATION PROCESSING TO ASSURE TIMELINESS, COMPLETENESS AND ACCURACY OF THE INFORMATION.
- VII. PENNSYLVANIA'S CRIMINAL HISTORY INFORMATION ACT (THE ACT OF JULY 16, 1979, P.L 116, NO. 47, §2) SHALL GOVERN THE EXPUNCTION OF JUVENILE RECORDS. SEE 18 PA. C.S. §9123, "JUVENILE RECORDS".

Note: Several of the aforementioned Standards are adapted from:

- 1. American Bar Association, Juvenile Justice Standards Project (Standards Relating to Juvenile Records and Information Systems).
- 2. American Correctional Association, Manual of Standards for Juvenile Probation and Aftercare Services.
- 3. Pennsylvania's Governor's Task Force on Information Systems.

**RESTITUTION
AND
COMMUNITY SERVICE PROGRAMS**

**STANDARDS GOVERNING THE ADMINISTRATION
OF RESTITUTION AND COMMUNITY SERVICE PROGRAMS**

- I. THE ADMINISTRATIVE JUDGE OF THE JUVENILE COURT, OR DESIGNEE, SHALL ESTABLISH WRITTEN POLICIES AND PROCEDURES GOVERNING THE ADMINISTRATION OF RESTITUTION AND COMMUNITY SERVICE PROGRAMS.

- II. THE ADMINISTRATIVE JUDGE OF THE JUVENILE COURT, OR DESIGNEE, SHALL ESTABLISH A FINANCIAL RESTITUTION PROGRAM WHICH INCLUDES THE FOLLOWING ELEMENTS:
 - A. A policy that a child be required to make a reasonable amount of restitution whenever feasible;
 - B. A policy that the amount of restitution to be paid by a juvenile must be established or approved by the Administrative Judge of the Juvenile Court;
 - C. The development of private sector and/or subsidized employment to enable indigent juveniles to pay restitution; and
 - D. The development of an annual reporting system to collect individual and aggregate data on restitution ordered and restitution collected.

- III. THE ADMINISTRATIVE JUDGE OF THE JUVENILE COURT, OR DESIGNEE, SHALL ESTABLISH A COMMUNITY SERVICE PROGRAM WHICH INCLUDES THE FOLLOWING ELEMENTS:
 - A. A policy that the amount of community service to be performed by a juvenile must be established or approved by the Administrative Judge of the Juvenile Court;
 - B. Guidelines to determine the amount of community service to be performed by the juvenile; and
 - C. The development of an annual reporting system to collect individual and aggregate data on community service required and community service performed.