

COMMONWEALTH of PENNSYLVANIA

Standards For Administration
Of Juvenile Court Intake

THE TASK FORCE REPORT

JUVENILE COURT JUDGES' COMMISSION

43792



**STANDARDS FOR ADMINISTRATION
OF
JUVENILE COURT INTAKE**

**ADOPTED BY THE
JUVENILE COURT JUDGES' COMMISSION**

**ON
JULY, 1976**

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ACQUISITIONS**

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PREFACE

The Juvenile Court Judges' Commission, which is responsible for developing standards to be used by the Juvenile Courts throughout the Commonwealth of Pennsylvania, is pleased to have completed the Standards for Administration of Juvenile Court Intake. These standards are to be considered as statements of basic minimum and essential practices that should govern the operations of juvenile court intake.

Although the standards are directed towards juvenile court intake, it is essential that they be distributed to other components of the juvenile justice system. This recommendation is based on the conviction that objective standards of operation can facilitate mutual understanding and trust among professionals within the juvenile justice system and community agencies. Mutual understanding and trust are necessary elements in providing just and effective services.

The Juvenile Court Judges' Commission is aware that the promulgation of standards does not guarantee that they will be implemented. However, past experiences with juvenile courts have illustrated that courts accept useful and relevant standards in order to improve existing services. A careful study of the Standards For Administration of Juvenile Court Intake will convince the reader that these standards can improve the intake function of the juvenile court.

PROCEDURES

In 1974 the Juvenile Court Judges' Commission submitted a grant request to the Governor's Justice Commission for funds to establish comprehensive standards for operating juvenile court intake. The Governor's Justice Commission approved this grant request in 1975.

Upon approval of the grant request, the Juvenile Court Judges' Commission selected a Project Director and Task Force consisting of professionals from the fields of: law; juvenile probation; police work; social work; education; administration; and psychology. The Project Director was responsible for developing the initial draft of the material. The Task Force, which met for two days a month from September, 1975 through June, 1976, reviewed and revised the Standards for Administration of Juvenile Court Intake in a thorough and detailed manner.

Before the first task force meeting, a state wide survey of intake practices was completed. A second questionnaire was then mailed to selected counties. The Task Force reviewed the results of the questionnaires and then selected four sample counties for further study. Data concerning the results of the questionnaires and the intake process of the sample counties may be obtained from the Juvenile Court Judges' Commission.

Upon completion of an acceptable first draft, intake workers provided comments and evaluation of the Standards. The Standards were then presented at regional meetings throughout the state to judges, probation officers, police officers, social agency representatives and other interested parties. The Standards received overwhelming acceptance at these meetings.

After the regional meetings, the Task Force reviewed the comments that were made and prepared a final copy of the Standards. The Standards were then presented to the Juvenile Court Judges' Commission for further evaluation, modification, adoption, and promulgation.

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ABSTRACT OF STANDARDS FOR ADMINISTRATION OF JUVENILE COURT INTAKE

In order to facilitate the use of this manual, a Key to the Standards and Text and an Abstract of the Standards have been provided. The Key to the Standards and Text provides easy access from a particular Standard to the page of the text which presents the Standard and an explanation of the Standard. For example, Standard V can be found on page 28 of the Manual.

The Abstract provides a sequential presentation of the Standards without the narrative. Thus it is possible to read through Standards I through XIII without having to seek the Standards on a particular page of the text.

It is recommended that the entire manual be reviewed until it becomes familiar to the reader. When this has been accomplished, a review of the Abstract of the Standards can be used to identify a particular Standard. An examination of the Key to the Standards and Text will provide the page number for the Standard being investigated.

KEY TO THE STANDARDS AND TEXT

| Standard | Text | Standard | Text |
|-----------------|------|------------------|------|
| I | 4 | VII-2 | 5 |
| I-1 | 4 | VIII | 5 |
| I-2 | 4 | VIII-1 | 5 |
| I-3 | 4 | IX | 5 |
| II | 4 | IX-1 | 5 |
| II-1 | 4 | IX-1A | 5 |
| III | 4 | IX-2 | 6 |
| III-1 | 4 | IX-2A | 6 |
| III-2 | 4 | IX-3 | 6 |
| III-3 | 4 | IX-3A | 6 |
| IV | 4 | X | 6 |
| IV-1 | 5 | X-1 | 6 |
| V | 5 | XI | 6 |
| V-1 | 5 | XI-1 | 6 |
| VI | 5 | XII | 6 |
| VI-1 | 5 | XII-1 | 6 |
| VII | 5 | XIII | 6 |
| VII-1 | 5 | XIII-1 | 6 |

- STANDARD I. EACH JUVENILE COURT SHALL ESTABLISH WRITTEN COMPREHENSIVE GUIDELINES FOR JUVENILE COURT INTAKE AND ITS ADMINISTRATION.
- I. 1. The juvenile court judge* and the chief probation officer* shall establish written policies concerning the operation of juvenile court intake.
 - I. 2. The juvenile court judge and the chief probation officer shall establish written procedures concerning the operation of juvenile court intake.
 - I. 3. The juvenile court judge and the chief probation officer shall establish and distribute written guidelines to 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.
- STANDARD II. EACH JUVENILE COURT SHALL DEVELOP AN ALLEGATION FORM TO BE COMPLETED BY THE COMPLAINANT.
- II. 1. The juvenile court judge and the chief probation officer shall have the allegation form distributed to and advise complainants of the proper completion of the form.
- STANDARD III. JUVENILE COURT INTAKE, UPON RECEIPT OF AN ALLEGATION FORM, SHALL FIRST DETERMINE IF THE JURISDICTION OF THE JUVENILE COURT PERTAINS.
- III. 1. The juvenile court judge and the chief probation officer shall develop written guidelines concerning the filing of delinquency allegations, consistent with the Juvenile Act.
 - III. 2. The juvenile court judge, the chief probation officer and the director of child welfare* shall use the Juvenile Act in developing written guidelines concerning the filing of deprivation allegations.
 - III. 3. The juvenile court judge, the chief probation officer and the county administrator* of the mental health and mental retardation program shall use the Juvenile Act and the Mental Health and Mental Retardation Act of 1966 in developing written guidelines concerning the adjudication and/or disposition of mentally ill or mentally retarded juveniles.
- STANDARD 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.

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

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

- IV. 1. The juvenile court judge and the chief probation officer shall develop a standardized form for the notification of allegations of delinquency.
- STANDARD V. JUVENILE COURT INTAKE SHALL INFORM THE JUVENILE AND THE PARENTS OF THEIR CONSTITUTIONAL RIGHTS BEFORE INITIATING THE INTAKE INTERVIEW.
 - V. 1. The juvenile court judge 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.
- STANDARD VI. JUVENILE COURT INTAKE SHALL MAKE A THOROUGH EVALUATION AFTER CONSULTATION WITH THE JUVENILE, THE PARENTS, AND THE COMPLAINANT BEFORE MAKING RECOMMENDATIONS CONCERNING INTAKE DECISIONS.
 - VI. 1. The juvenile court judge and the chief probation officer shall establish written criteria to be used by juvenile court intake in developing recommendations for intake decisions.
- STANDARD 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.
 - VII. 1. The juvenile court judge and the chief probation officer shall develop a standardized petition to be used by juvenile court intake.
 - VII. 2. The juvenile court judge 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.
- STANDARD VIII. JUVENILE COURT INTAKE SHALL MAXIMIZE THE USE OF REFERRAL TO OTHER AGENCIES IN APPROPRIATE CASES.
 - VIII. 1. The juvenile court judge 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.
- STANDARD 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.
 - IX. 1. The juvenile court judge and the chief probation officer shall develop written guidelines for use by juvenile court intake concerning final intake recommendations.
 - IX. 1A. 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 in writing, and the basis thereof.

- IX. 2. Juvenile court intake, having determined that informal adjustment is in the best interest of the juvenile and public safety, shall record such a recommendation in writing, and the basis thereof.
- IX. 2A. The juvenile court judge and the chief probation officer shall develop a standardized informal adjustment agreement form, consistent with the Juvenile Act.
- IX. 3. 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 such a recommendation in writing, and the basis thereof.
- IX. 3A. Juvenile court intake, according to local policy, may recommend the use of a consent decree in all cases where a petition is filed in the office of the Clerk of Courts, 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.

STANDARD X. JUVENILE COURT INTAKE SHALL SUBMIT RECOMMENDATIONS CONCERNING INTAKE DISPOSITION TO THE JUVENILE COURT JUDGE OR AN APPOINTED DELEGATE FOR APPROVAL.

- X. 1. The juvenile court judge and the chief probation officer shall develop an organizational chart illustrating the subdivision responsible for reviewing and approving the decisions made by intake.

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

- XI. 1. The juvenile court judge and the chief probation officer shall establish written criteria to be used in selecting workers for juvenile court intake.

STANDARD XII. JUVENILE COURT INTAKE SHALL HAVE WRITTEN, COMPREHENSIVE GUIDELINES CONCERNING THE DETENTION OF JUVENILES.

- XII. 1. The juvenile court judge 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.

STANDARD XIII. EACH JUVENILE COURT JUDGE 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.

- XIII. 1. The juvenile court judge 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.

CHAPTER I THE JUVENILE COURT AND INTAKE SERVICES

The United States Supreme Court has expressed its view that juvenile offenders should be given the same basic rights as adults. However, the Court has also stated that the juvenile court should continue to function as a civil proceeding directed towards the rehabilitation and treatment of children in conjunction with an awareness of the need to insure public safety.

The Pennsylvania Juvenile Act of 1972 emphasizes the importance of both the constitutional rights of juveniles and of treatment. The purposes of the Act as defined by the legislature include:

1. To preserve the unity of the family whenever possible and to provide for the care, protection, and wholesome mental and physical development of children;
2. Consistent with the protection of the public interest to remove from children committing delinquent acts the consequences of criminal behavior, and to substitute, therefore, a program of supervision, care and rehabilitation;
3. To achieve the foregoing purposes in a family environment whenever possible, separating the child from parents only when necessary for his welfare or in the interests of public safety;
4. To provide means through which the provisions of this act are executed and enforced and in which the parties are assured a fair hearing and their constitutional and other legal rights recognized and enforced.

The purposes of this Act express the genuine concern of many practitioners and observers who believe in the philosophy of the juvenile court but whose experience or observations illustrate the considerable difference that sometimes exists between idealistic philosophy and actual practice. This discrepancy between juvenile court philosophy and actual practice is not the result of any one factor. Several of the Presidential Commissions which have studied juvenile justice have listed the various problems which hinder the juvenile courts.

Although the juvenile court may never receive sufficient financial support, increased funding may soon be related to effective functioning. Even if such a relationship does not emerge, the court must continue to develop its own skills and competencies, because the local juvenile court is obligated to provide effective services to individual juveniles. Despite the problems encountered by the court, each juvenile is entitled to the best services the court can provide.

The increasing amount of literature concerning the juvenile court suggests several facts which should be considered. The juvenile court is going to continue to be the object of research and criticism. This interest in the court is more than the work of a few overly enthusiastic people, but rather resembles the social movement of the mid and latter part of the 19th century which led to the establishment of the first juvenile court. Perhaps the most important fact that emerges from the present controversy is the understanding that change is inevitable.

The amount and direction of change that occurs within the juvenile court in the next decade is dependent upon many factors. Funding, continued research, the amount of public involvement, federal state priorities, and the increase or decrease in the amount of crime are all factors which will shape the future of the juvenile court. Since many of these factors are beyond the control of local court personnel, the logical question is what strategies can people in the system pursue which have potential for influencing the future growth of the juvenile justice system. Among the various alternatives available, two possibilities seem most evident. The first alternative is to adopt a passive approach in which personnel will simply comply with new directives and legislation. The second alternative is to become involved in the current discussions and to work in shaping the future of the court. This latter approach requires planning and a continued effort to improve existing services. It

is impossible to direct the movement of anything, including the juvenile court, unless a thorough understanding of current operations and future goals is developed. Thus, it is necessary to explore the current operations of the juvenile court.

OPERATIONS OF THE JUVENILE COURT SYSTEM IN PENNSYLVANIA

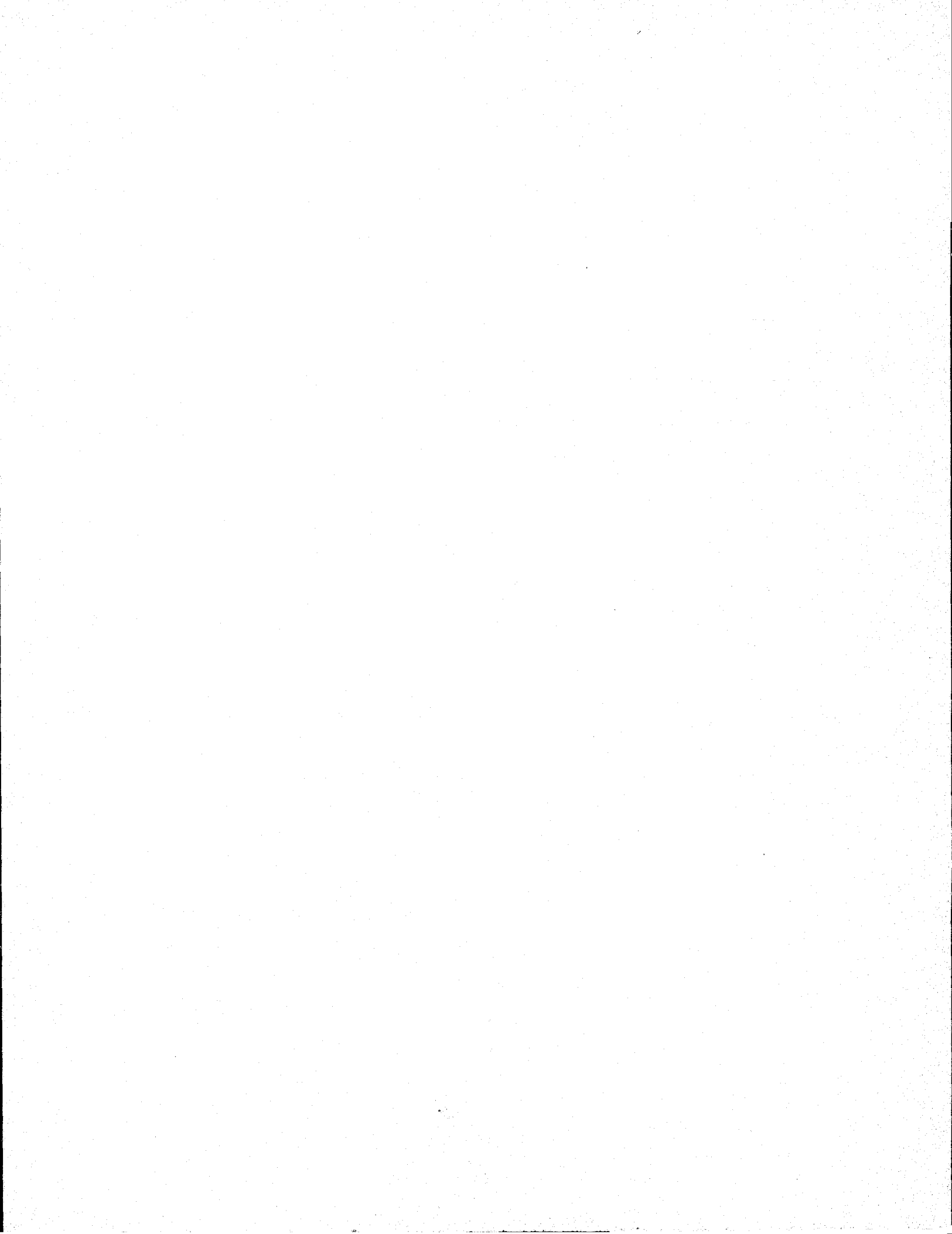
Table I characterizes the critical decision points and decision options of the juvenile court system in Pennsylvania. This annotated flow chart illustrates the operation of the system from referral through the closing of the case. In observing the flow chart, several factors relating to the intake function of the court become obvious. The single most important factor, from a systems point of view, is the fact that the functioning of the entire system is based on the intake process.

From a humane point of view, intake has an even more important function. The intake operation determines first if the juvenile will enter into the system or whether he will avoid entrance into the juvenile court. After this decision is made, intake then influences how far the individual juvenile will penetrate the system. It would be difficult to overemphasize the importance of this decision. There is increasing evidence that the further the penetration into the system, the more likely delinquent behavior will reoccur. Obviously, it will be necessary to deal with some juveniles in a manner that requires extensive penetration into the formal juvenile justice system. However, to allow penetration to occur when such action is not necessary is inappropriate and dysfunctional in that it may result in the development of a delinquent self image and the juvenile may eventually act on this perception. It is this type of exposure which must be eliminated. Such diversion is actually delinquency prevention, which is a major responsibility of the juvenile court.

Waalkes (1964) has summarized the importance of intake in his statement:

Intake is a permissive tool of potentially great value to the juvenile court. It is unique because it permits the court to screen its own intake not just on jurisdiction grounds, but within some limits, upon social grounds as well. It can cull out cases which should not be dignified with further court process. It can save the court from subsequent time-consuming procedures to dismiss a case. It provides an immediate test of jurisdiction at the first presentation of a case. It ferrets out the contested matters in the beginning and gives the opportunity for laying down guidelines for appointment of counsel and stopping all social investigation and reporting until the contested issues of fact have been adjudicated. It provides machinery for referral of cases to other agencies when appropriate and beneficial to the child. It gives the court an early opportunity to discover the attitudes of the child, the parents, the police, and any other referral sources. It is a real help in controlling the court's caseload, because it operates in the sensitive area of direct confrontation with the police, the school and other community agencies. Intake can make or break the community's good communication with and understanding of the juvenile court's role.

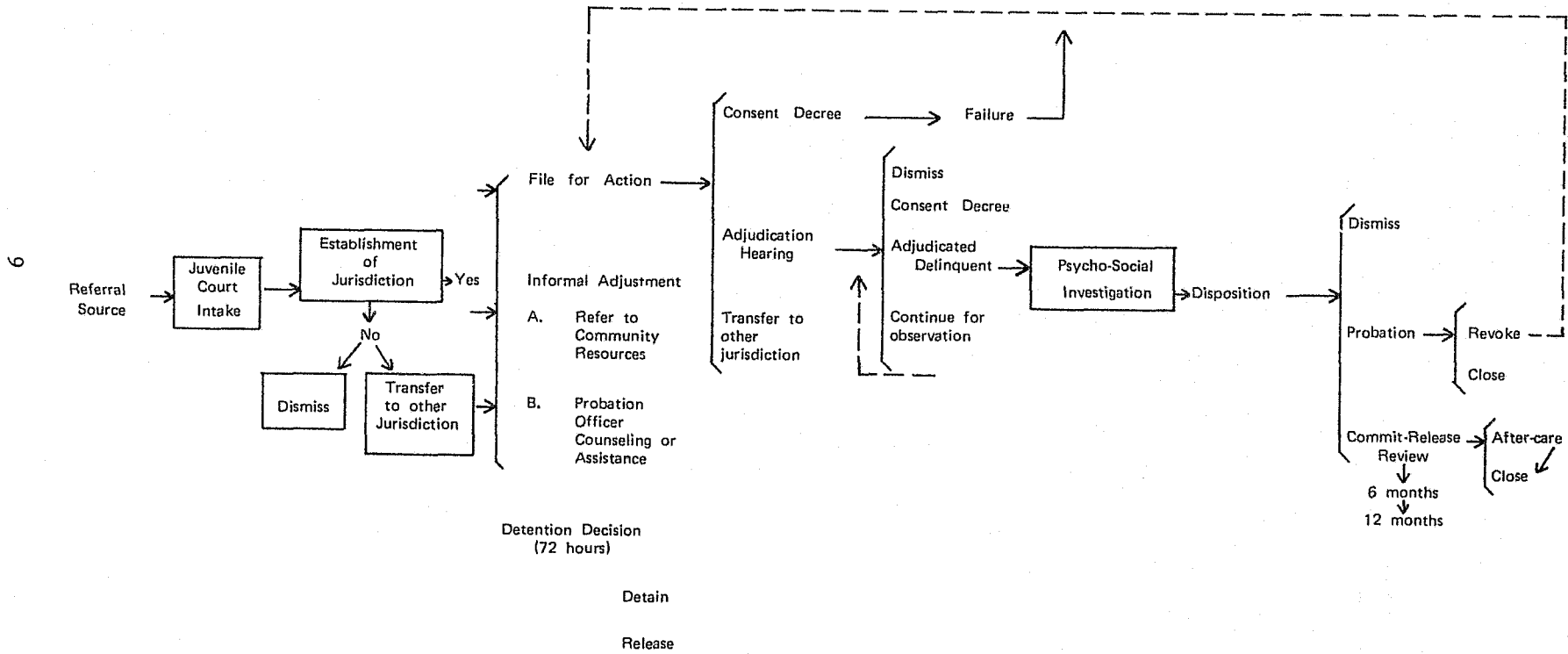
Because the intake function of the juvenile court is important in terms of the operation of the system, and more important for the well-being of the juveniles being referred to the court, it is necessary that juvenile court intake be studied and recommendations in the form of standards, principles, procedures, forms and policies be developed.

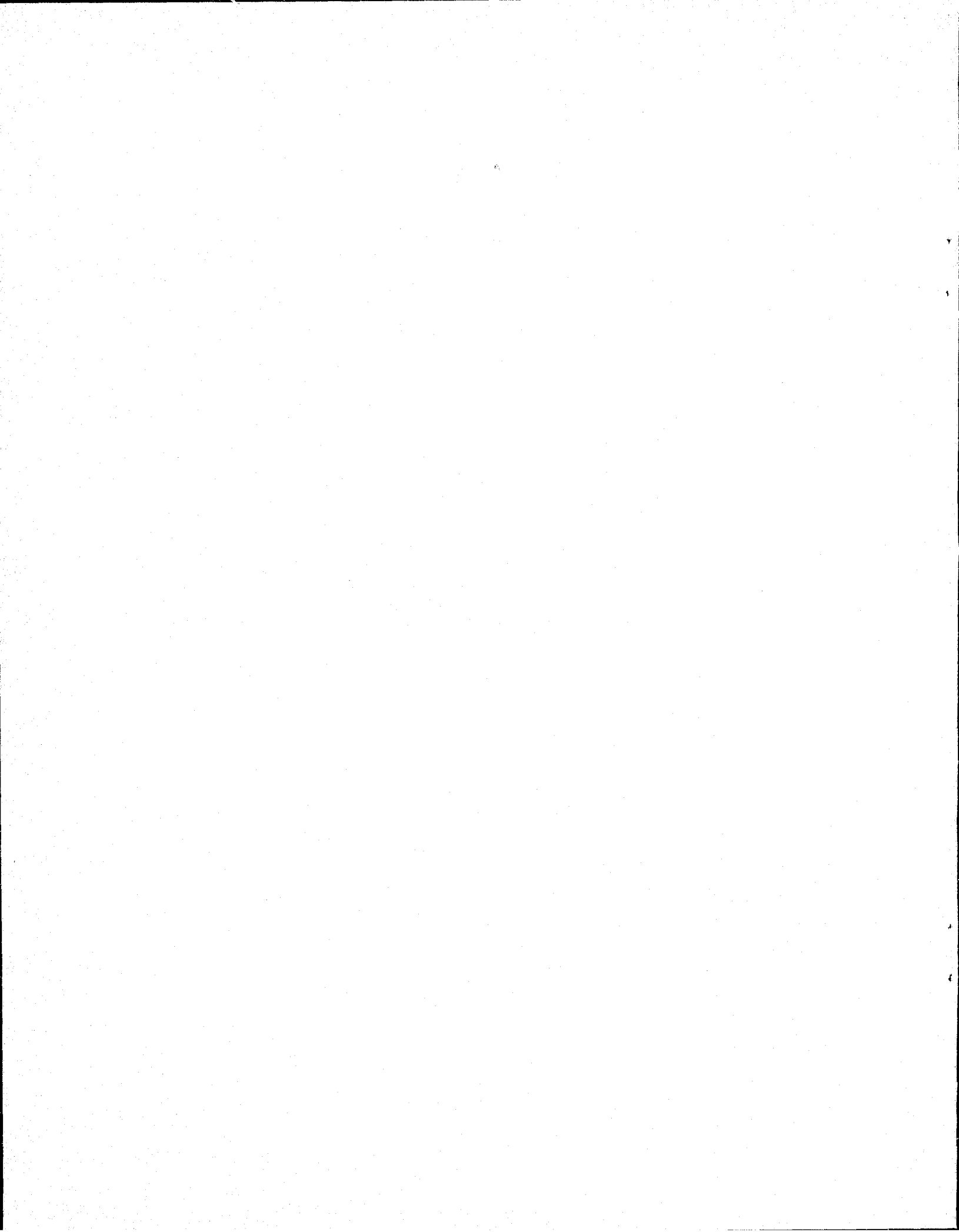


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TABLE 1

The Juvenile Justice System in Pennsylvania





CHAPTER II STANDARDS FOR ADMINISTRATION OF JUVENILE COURT INTAKE

In order to prepare the Standards for Administration of Juvenile Court Intake, it was necessary to establish basic, agreed upon principles to be used in developing realistic and useful standards.

TASK FORCE PRINCIPLES

1. The Pennsylvania Juvenile Act (No. 333) is the basis for the development of intake standards.
Discussion: The guarantees of due process which are applicable to juveniles, form a basis for fair and impartial treatment and such treatment is the beginning point in providing services in the best interest of the juvenile within the context of public safety.

Failure to provide juveniles with the legal rights contained in the Juvenile Act opens intake to just criticism and can create in the juvenile, and indeed the public, an understandable attitude that the juvenile court is neither fair nor impartial.

2. The development of intake standards with recognition of both justice and treatment objectives provides for greater uniformity in decision making. Increased efficiency and effectiveness in operating intake is also accomplished.

Discussion: The wide disparity in decision making at the intake level, is in part the result of a subjective rather than an objectified approach. Part of the disparity in decision making is a reflection of local norms and customs and these considerations are viewed as necessary and acceptable factors in the decision making process. However, those factors which indicate that disparity is a result of insufficient data, personal biases and intra-county inconsistencies are unacceptable factors in decision making. Written standards for intake create a more systematic process in collecting and evaluating the necessary data. Such an approach leads to increased efficiency in operating intake and increases the effectiveness of the decision making process.

3. Juvenile court intake is critical in determining who is diverted, who penetrates into the system, and how far.

Discussion: The juvenile court system functions in direct relationship to intake. The best interest of the juvenile and public safety are clearly evident as primary concerns, but intake also has a profound impact on judges, probation staff, attorneys, court time and caseload size.

4. Juvenile court intake is employed to divert as many juveniles as possible, consistent with the best interest of the juvenile and public safety.

Discussion: The current emphasis on diverting juveniles is a laudable and necessary endeavor, and the power of the juvenile court is not to be used to provide a service which is the responsibility of another agency. Such a practice allows irresponsibility on the part of other agencies and extends the services of the juvenile court beyond legislated regulations.

Diversion which is based on a lack of understanding of the responsibility and power of the juvenile court, is detrimental to good court philosophy which attempts to provide a service for an established need, both for the juvenile and the community.

5. Juvenile court intake maximizes whenever appropriate, referrals to other agencies with the recognition that such a referral is in the best interest of the juvenile and public safety.

Discussion: Referring a juvenile to another agency is based on an understanding of the needs of the juvenile and the ability of the agency to which the referral is made, to provide appropriate treatment.

Juvenile court intake is responsible for identifying appropriate community resources and for making a referral which maximizes the cooperation and readiness of the juvenile and other family members. Intake is also responsible for monitoring the treatment provided by other agencies in order to minimize gaps in services. Thereupon intake should report to the juvenile court and other agencies concerning gaps in services.

All referrals must be made with a consideration of confidentiality. Information should be forwarded only after the consent of the interested parties has been obtained. Discretion must

be used in determining what information should be forwarded to or requested from another agency.

6. The establishment of definitive intake standards and procedures contributes to a more objective and consistent frame of reference for probation officer decision making and makes such decisions more compatible with the best interest of the juvenile and public safety.

Discussion: The standards developed establish a fundamentally sound basis for intake decision making recognizing that the judgment of decision makers is essential. Even though current decision making may be conscientious, implementation of intake standards produces a substantial improvement in juvenile court intake. The standards are not to be used to avoid the time consuming process of evaluating all of the data that is necessary to make a decision which considers the best interest of the juvenile and public safety, but in fact may require more data and decision making.

7. Juvenile court intake is to be administered by experienced, thoroughly trained and competent probation officers who have the skills necessary for appropriate decision making.

Discussion: Intake workers are responsible for very critical decisions. The use of inexperienced or untrained officers is in opposition to the basic philosophy of the Juvenile Act.

INTAKE FUNCTION OF THE JUVENILE COURT

Since juvenile court intake is a system, it is capable of being diagrammed as a flow chart which illustrates critical decision points and various dispositional alternatives. Table II presents a flow chart which can be used to analyze the operations of intake and to develop standards which outline effective decision making.

It is recommended that Table II be used in planning and operating intake in order to insure that a full consideration of dispositional alternatives is examined. It is also valuable to utilize Table II in organizing intake to provide for a systematic and consistent processing of individual cases.

The Task Force Principles indicate a concern about the uniformity of decision making at the intake level. Each county has local norms and values which must be considered during intake because these values are important and vital elements of the local juvenile court. However, the President's Task Force on Corrections (1967) has expressed a concern about the wide disparity in decision making which is not based on local customs or philosophical differences. The President's Task Force stated:

Whether a child subjected to truly awesome powers of the juvenile court will be dealt with on the basis of knowledge and understanding . . . is determined by chance, the accident of his place of residence.

This concern is focused on knowledge and training and thus the Standards which follow are designed to increase knowledge, establish uniformity in decision making and provide a systematic approach in developing and operating juvenile court intake.

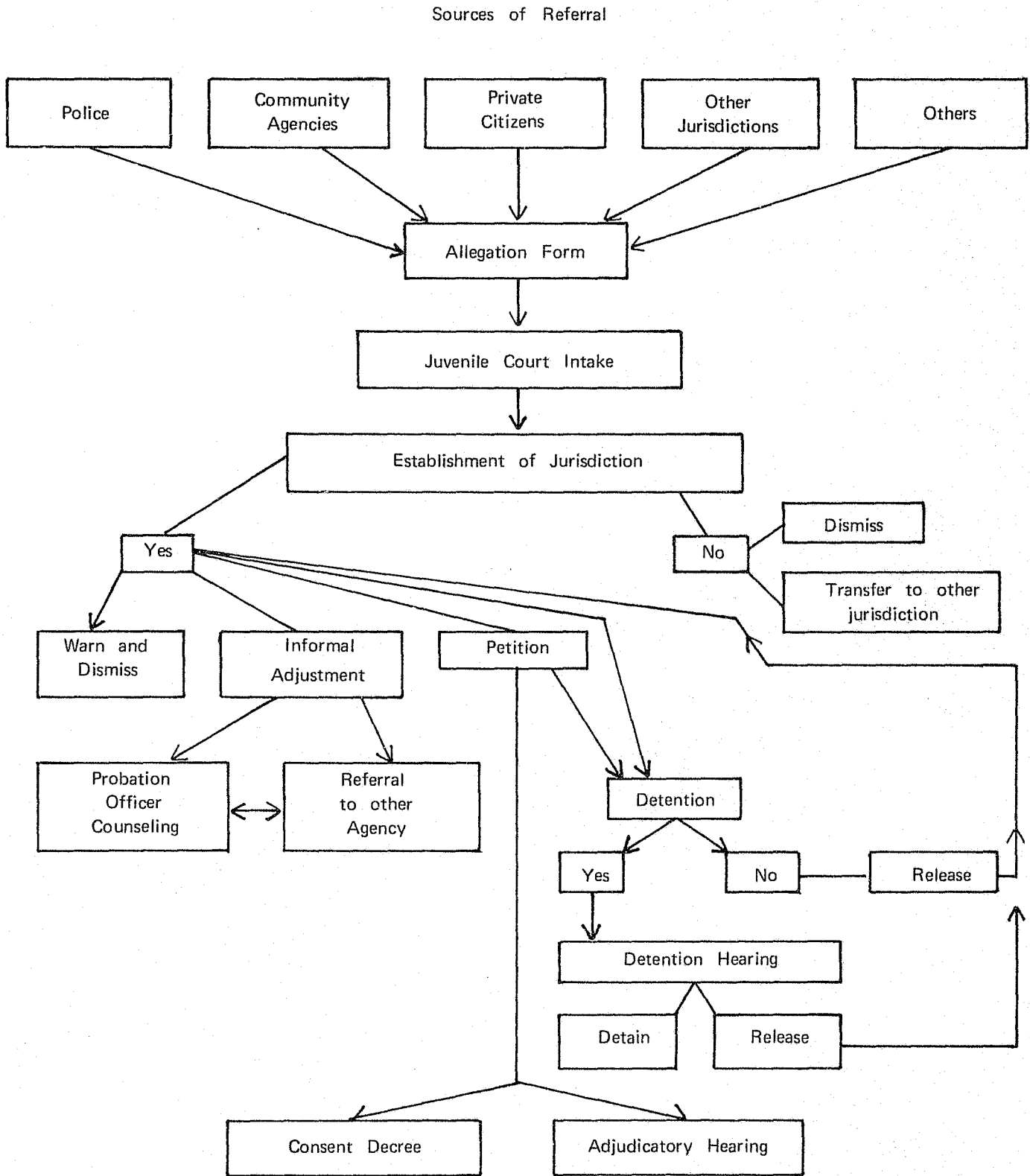
Juvenile Court Intake and the Police

Coffey (1974) states that the police have an important and often disregarded role in who is referred to juvenile court intake. Since the police refer many of the juveniles who appear before the intake worker (in some instances, up to 75 per cent of the cases), it is necessary to present the relationship that should exist between the police and intake unit.

Although the policeman is primarily involved in apprehension and investigation, he often has an important role in the processing of the case. All policemen exercise discretionary powers in their daily work, deciding who will be referred to juvenile court intake and who will be warned and released without referral. This decision is important to the juvenile as well as to juvenile court intake.

Since the police have such a significant role, it is important to outline the operations of the police department in relation to its work with juveniles. Table III presents a flow chart outlining police operations in this area.

TABLE II
 INTAKE FUNCTION OF THE JUVENILE COURT



In reviewing Table III, it is apparent that the police officer must make several decisions in determining whether a juvenile should be referred to the juvenile court. Therefore, it is essential for the police as well as other referral sources to have guidelines developed by the juvenile court that can be used in the decision making process.

Before the juvenile court can establish guidelines for referral to intake, the operations of the intake unit must be outlined by the juvenile court judge and his chief probation officer.

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

- I. 1. The juvenile court judge* and the chief probation officer* shall establish written policies concerning the operation of juvenile court intake.

It is recommended that the following statements be considered in developing written policies for intake:

1. Intake should be operational on a 24 hour a day basis.
2. Large counties should establish an intake unit with full-time probation staff.
3. The intake unit should be operated by the best trained and most experienced probation staff.
4. The intake workers should rotate as little as possible, and in such cases, this rotation should be limited to only a few staff members.
5. The organizational structure of the probation office should reflect the importance of intake.

There are many more factors that should be considered in establishing policies for the operation of juvenile court intake. These policies are presented in the Standards on the following pages.

- I. 2. The juvenile court judge and the chief probation officer shall establish written procedures concerning the operation of juvenile court intake.

The procedures that are necessary have been outlined in the Standards presented on the following pages.

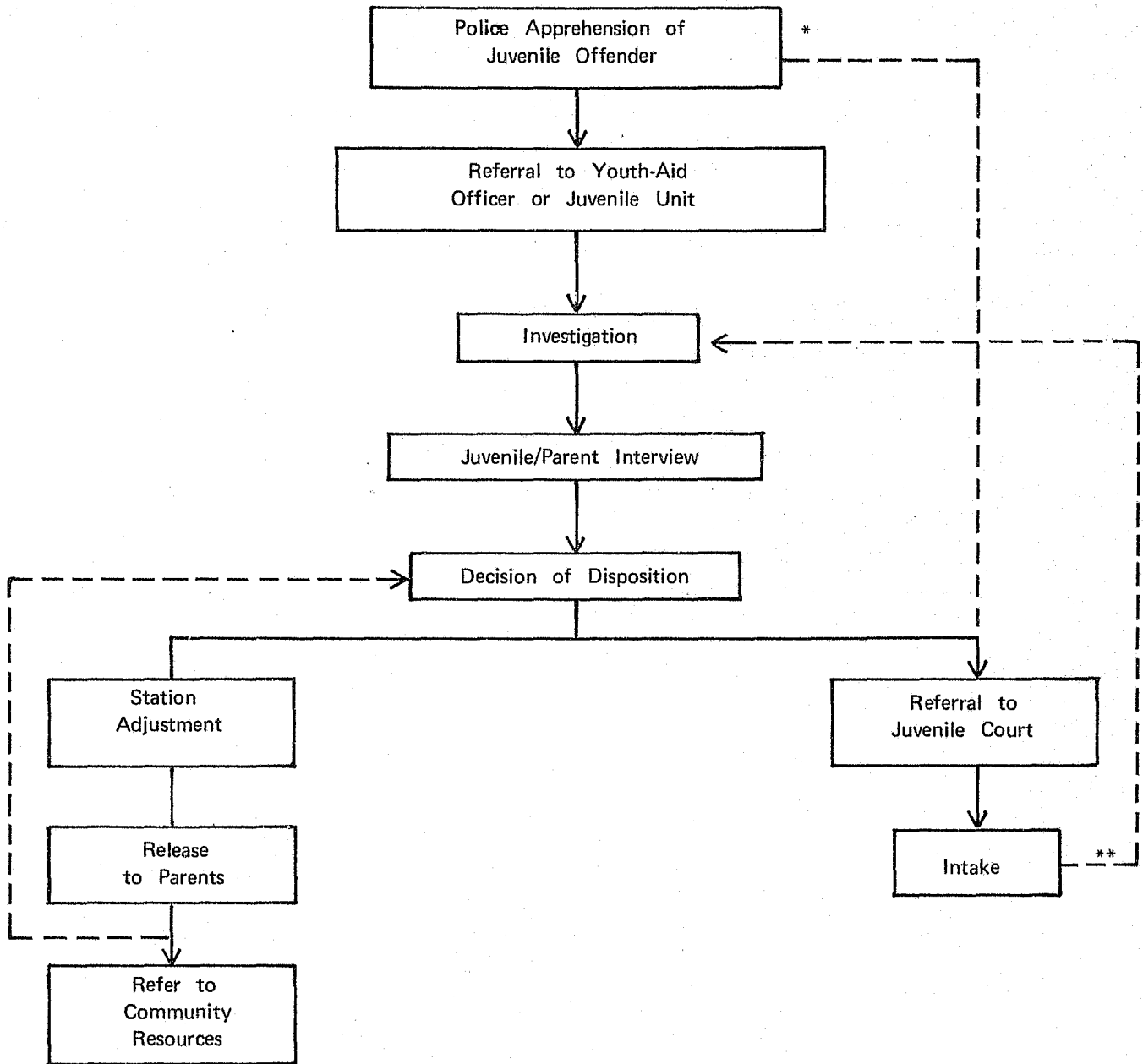
- I. 3. The juvenile court judge and the chief probation officer shall establish and distribute written guidelines to agencies and other officers of the court, concerning referrals to the juvenile court intake. These guidelines shall include procedures for referral sources and intake, for notification of the parents of the apprehension of the juvenile.

The Guidelines for Police Dispositions developed by Eldefonso (1973) were reviewed and revised. These guidelines are presented in Table IV. A review of the guidelines indicates that they are also applicable to other referral sources. It should be noted that these guidelines provide considerable leeway for individual judgement. The police and other referral sources must be

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

TABLE III

POLICE OPERATIONS AND JUVENILE COURT INTAKE



* Serious offenses are immediately referred to the juvenile court.

** In certain instances further police investigation may be necessary.

TABLE IV
Guidelines for Police Disposition

- I. Considerations for dismissing a juvenile who has committed a delinquent act.
 - A. Minor offense with no apparent need for court referral
 - B. No habitual delinquency pattern
 - C. Family is stable
 - D. Relationship between juvenile and parents is good. Parents seem aware of child's problems and are able to cope with them.
 - E. Adequate help is being given by public or voluntary agencies in the community.

- II. Considerations for referring a juvenile who has committed a delinquent act.
 - A. The offense is of a serious nature
 - B. Juvenile has a record of repeated delinquency extending over a period of time, is on probation, or has been known to the court in the past
 - C. Juvenile and/or parents have shown themselves unable or unwilling to cooperate
 - D. Casework with juvenile by non-authoritative agency has failed in the past, or the treatment services needed can only be obtained through the court
 - E. Juvenile denies offense and officer believes judicial determination is called for, and there is sufficient evidence to warrant referral or the officer believes the child needs aid

encouraged to utilize their judgement in decision making just as intake officers are encouraged to use their judgment.

It is understood that the police officer is not usually willing or trained to take the part of a social worker. Thus the individual officer may only be interested in referring a juvenile to intake. In such instances, the juvenile court should focus on the legal aspects of referring to juvenile court intake. However, in jurisdictions where the police exercise considerable discretionary powers, the juvenile court should attempt to establish with the police a consistent procedure for referring or dismissing. This consistency is important if the juvenile is to perceive the referral or dismissal as a fair and impartial act. If the juvenile perceives the referral as unfair or arbitrary, the services offered by the court may encounter significant resistance from the juvenile and the parents.

The Juvenile Act states:

A person taking a child into custody, with all reasonable speed and without first taking the child elsewhere shall:

- (1) Notify the parent, guardian or other custodian of the child's apprehension and his whereabouts . . .

Although in most instances the police or other referral sources will notify the parents, it is necessary for juvenile court intake to ascertain whether the parents have been notified. Methods for ensuring that the parents are notified include training referral sources and including such information on the allegation form.

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

- II. 1. The juvenile court judge and the chief probation officer shall have the allegation form distributed to and advise complainants of the proper completion of the form.

Several existing allegation forms were reviewed and revised to provide an acceptable sample form. The Sample Allegation Form is presented in Appendix A.

The Standards requiring the juvenile court to develop written guidelines for referral to juvenile court intake and developing a comprehensive juvenile allegation form are designed to improve the interfunctioning that exists between referral sources and intake. Compliance with the above Standards will significantly reduce the number of inappropriate referrals and should have a direct impact on the current problem of receiving inaccurate/incomplete complaints against juveniles. These two problems were considered the most significant difficulties in operating intake by the counties who responded to the questionnaires concerning intake procedures.

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

The intake worker must investigate each allegation to determine if there is a prima facie case. In those instances where the information is incomplete or does not constitute a prima facie case, the intake worker should return the allegation form to the complainant and request further investigation.

The Juvenile Act states:

- (1) "Child" means an individual who is (i) under the age of eighteen years; or (ii) under the age of twenty-one years who committed an act of delinquency before reaching the age of eighteen years.
- (2) "Delinquent act" means: (i) an act designated a crime under the law of this State, or of another state if the act occurred in that state, or under Federal law, or under local ordinances; or (ii) a specific act or acts of habitual disobedience of the reasonable and

lawful commands of his parent, guardian, or other custodian committed by a child who is ungovernable. "Delinquent Act" shall not include the crime of murder nor shall it include summary offenses unless the child fails to pay a fine levied thereunder, in which event notice of such fact shall be certified to the court.

III. 1. The Juvenile Court Judge and the chief probation officer shall develop written guidelines concerning the filing of delinquency allegations, consistent with the Juvenile Act.

The Juvenile Act extends jurisdiction under the following circumstances:

- (1.) Proceedings in which a child is alleged to be a delinquent.
- (2.) Proceedings in which a juvenile court of another state which has adopted the uniform Juvenile Court Act, requests a court of this State to accept jurisdiction of a child found by the requesting court to have committed a delinquent act, and the court of this State finds, after investigation that the child is, or is about to become, a resident of the county in which the court presides, it shall promptly and not later than fourteen days after receiving the request issue its acceptance in writing to the requesting court and direct its probation officer or other person designated by it to take physical custody of the child from the requesting court and bring him before the court of this State or make other appropriate provisions for his appearance before the court.
- (3.) Proceedings arising from a request of a juvenile court of another state which has adopted the Uniform Juvenile Court Act, a court of this State may issue its written acceptance to the requesting court and designate its probation or other appropriate officer who is to provide supervision.
- (4.) Proceedings if it appears to the court in a criminal proceeding other than murder, that the defendant is a child.
- (5.) Proceedings under the "Interstate Compact on Juveniles."

III. 2. The juvenile court judge, the chief probation officer, and the director of child welfare* shall use the Juvenile Act in developing written guidelines concerning the filing of deprivation allegations.

The Juvenile Act states that jurisdiction pertains in cases where:

1. A child is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his physical, mental or emotional health, or morals or;
2. has been placed for care or adoption in violation of the law or;
3. has been abandoned by his parents, guardian or other custodian or;
4. is without a parent, guardian, or legal custodian or;
5. while subject to compulsory school attendance is habitually and without justification truant from school.

III. 3. The juvenile court judge, the chief probation officer and the county

* If titles are inapplicable, the appropriate counterpart or other authorized person.

administrator* of the mental health and mental retardation program shall use the Juvenile Act and the Mental Health and Mental Retardation Act of 1966 in developing written guidelines concerning the adjudication and/or disposition of mentally ill or mentally retarded juveniles.

The Juvenile Act states that jurisdiction pertains:

If, at a dispositional hearing of a child found to be delinquent or at any hearing, the evidence indicates that the child may be subject to commitment or detention under the provisions of the act of October 20, 1966 (P.L. 96), known as the "Mental Health and Retardation Act of 1966," the court shall proceed under the provisions of said act.

Although the Juvenile Act focuses concern about mentally ill and retarded juveniles as such conditions effect disposition, the present concern is related to mentally ill juveniles and juvenile court intake. The major section of the "Mental Health and Retardation Act of 1966" which effects intake is:

SECTION 406. Civil Court Commitment.--(a) Whenever a person is believed to be mentally disabled, and in need of care or treatment by reason of such mental disability, and examination of such person has been made by a physician or physicians, or for any reason the examination of such person cannot be made, a petition may be presented to the court of common pleas of the county in which a person resides or is, for his immediate examination or commitment to an appropriate facility for examination, observation and diagnosis.

(1) The petition may be made by a relative, guardian, friend, individual standing in loco parentis or by the executive officer or an authorized agent of a governmental or recognized non-profit health and welfare organization or agency or any responsible person.

(2) The petition shall set forth the facts upon which the petitioner bases his belief of mental disability and the efforts made to secure examination of the person by a physician.

(3) Said court upon consideration of such petition shall: (i) issue a warrant requiring that such person be brought before said court; (ii) fix a date for a hearing which shall be as soon as the warrant is executed, and (iii) notify the parties in interest.

(4) After hearing, said court may: (i) order an immediate examination by two physicians appointed by said court or (ii) order the commitment of the person believed to be mentally disabled, to a facility for a period not exceeding ten days for the purpose of examination. If the examination can be accomplished by partial hospitalization said court may so direct.

(b) If, upon examination, it is determined that such person is in need of care at a facility, the examining physicians or director, as the case may be, shall immediately report to said court which may order the commitment of such person for care and treatment.

In its order of commitment, said court may permit partial hospitalization or outpatient care, or if at any time thereafter the director shall determine such partial hospitalization or outpatient care to be beneficial to the person so committed, the same may be permitted by said court upon application by the director.

STANDARD 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.

As stated previously, the intake worker must make every effort to determine if the parents and the juvenile have been informed that a delinquency allegation has been made. This is particularly important because in certain instances the parents and the juvenile may misunderstand the police concerning what action is being taken. Families usually do not understand how the juvenile court operates. Prompt notification can assist in reducing this confusion.

IV. 1. The juvenile court judge and the chief probation officer shall

* If titles are inapplicable, the appropriate counterpart or other authorized person.

develop a standardized form for the notification of allegations of delinquency.

In many instances, the initial contact with the juvenile and the parents is made in person or by telephone. However, in view of the Gault Decision, it is recommended that all contacts with parents be documented in writing.

The intake worker should inform the parents that an allegation of delinquency has been made and that an intake interview has been scheduled. It is also recommended that the parents and the juvenile be advised that they have a right to be represented by counsel during the intake interview. A sample Notification of Delinquency Allegation Form is presented in Appendix A.

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

The constitutional rights must be presented in such a manner that the juvenile and the parents perceive this explanation as an expression of genuine concern that they receive fair and impartial understanding by the intake worker. The importance of such an approach was discussed by Judge DeCiantis of the Family Court of Providence, Rhode Island, in a case entitled "In the Matter of McCloud." He stated:

The child who feels that he has been dealt with fairly and not merely expediently or as speedily as possible will be a better prospect for rehabilitation. Many of the children who come before the court come from broken homes, from the ghettos; they often suffer from low self-esteem; and their behavior is frequently a symptom of their own feelings of inadequacy. Traumatic experiences of denial of basic rights only accentuate the past deprivation and contribute to the problem. Thus, a general societal attitude of acceptance of the juvenile as a person entitled to the same protection as an adult may be the true beginning of the rehabilitative process.

- V. 1. The juvenile court judge 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.

A sample Notification of Constitutional Rights Form is presented in Appendix A. The intake worker must also make a determination as to whether the juvenile and the parents are capable of understanding their Constitutional rights. If there is a serious question as to the ability of the juvenile and the parents to understand their rights, the intake worker should make every effort to assist the juvenile and the parents in making an informed decision. This may require more than a factual presentation of the Constitutional rights.

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

Recommendations by the intake workers have obvious significance for the juvenile and the parents. It is also important to realize the impact that such recommendations have on probation staff caseloads, the juvenile court judge's schedule and other components of the juvenile justice system. Recommendations that are based on inadequate information are a disservice to the juvenile court and more important to the juvenile who must be subject to such unacceptable practices.

- VI. 1. The juvenile court judge and the chief probation officer shall establish written criteria to be used by juvenile court intake in developing recommendations for intake decisions.

Decisions concerning various dispositional alternatives must be based on explicitly stated goals for juvenile court intervention.

Attention to seven goals is essential in deciding what dispositional alternatives should be considered:

- (1.) Exposure of the juvenile to the system--the growing evidence that the further a juvenile penetrates into the system, the more likely he will become or remain delinquent strongly supports the principle that exposure should be limited to the absolute minimum required for the best interest of the child and public safety.
- (2.) Mobilization of individual and family resources--the intervention must be directed at effecting permanent change with the realization that working with the family is often essential if the juvenile is to benefit fully from the intervention.
- (3.) Intervention in school adjustment--school achievement and adjustment must be considered in light of the individual's potential with the realization that school performance is a critical indicator in the tendency towards or away from delinquent behavior.
- (4.) Distributive Justice--the intervention must be appropriate in terms of the behavior of the juvenile, both past and present.
- (5.) Protection of the community and/or self--the intervention must be determined in light of both the rights of the community and the needs of the juvenile. Neither consideration can be sacrificed for the other.
- (6.) Intervention in emotional adjustment and control--intervention must be directed at establishing more stability in emotional control so the juvenile can make an acceptable social adjustment.
- (7.) Intervention in peer relationships--the intervention must be directed towards encouraging the development of socially acceptable relationships with peers and discouraging negative or harmful associations.

The goals outlined above are presented in Table V with the various alternatives that are available to the intake worker.

STANDARD 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 juvenile and/or the parents have a right to a court hearing. Any request for a juvenile court hearing must be honored, whether the request is made by the juvenile and/or the parents.

- VII. 1. The juvenile court judge and the chief probation officer shall develop a standardized petition to be used by juvenile court intake.

The Juvenile Act states that the petition shall set forth plainly:

- (1) The facts which bring the child within the jurisdiction of the court and this act, with a statement that it is in the best interest of the child and the public that the proceeding be brought and, if delinquency is alleged, that the child is in need of treatment, supervision and rehabilitation.
- (2) The name, age and residence address, if any, of the child on whose behalf the petition is brought.
- (3) The names and residence addresses, if known to the petitioner, of the parents, guardian, or custodian of the child and of the child's spouse, if any. If none of his parents, guardian, or custodian resides or can be found within the State, or if their respective places of residence address are unknown, the name of any known adult relative residing within the county, or if there be none, the known adult relative residing nearest to the location of the court.

- (4) If the child is in custody and, if so, the place of his detention and the time he was taken into custody.

A sample Juvenile Court Petition Form is presented in Appendix A. This form, in conjunction with the sample juvenile allegation form completed by the complainant, provides the information required by the Juvenile Act.

- VII. 2. The juvenile court judge 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.

The Juvenile Act states:

After the petition has been filed, the court shall fix a time for hearing thereon . . . The court shall direct the issuance of a summons to the parents, guardian or other custodian, a guardian ad litem, and any other persons as appear to the court to be proper or necessary parties to the proceedings, requiring them to appear before the court at the time fixed to answer the allegations of the petition. The summons shall also be directed to the child if he is fourteen or more years of age or is alleged to be delinquent. A copy of the petition shall accompany the summons.

A sample Summons Form is presented in Appendix A.

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

- VIII. 1. The juvenile court judge and the chief probation officer shall develop a standardized form to facilitate the referral of 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.

A sample Referral to Other Agency Form is presented in Appendix A, which is consistent with the requirements of the Juvenile Act.

STANDARD 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.

- IX. 1. The juvenile court judge and the chief probation officer shall develop written guidelines for use by juvenile court intake concerning final intake recommendations.

- IX. 1A. Juvenile court intake, having determined that warning and are in the best interest of the juvenile and public safety, shall record such a recommendation in writing, and the basis thereof.

The goals for decision making presented in Table V, are representative of the major areas of concern that should be explored by the intake worker. Within these various areas is a continuum which must also be investigated. Thus the intake worker must obtain facts that will aid in making a determination as to where a particular juvenile fits along the continuum. To aid in this determination, nine criteria for each dispositional alternative have been developed. These criteria

**TABLE V
GOALS IN DECISIONS**

| | 1. Dismiss | 2. Informal Adjustment | 3. Petition |
|--|--|--|--|
| Exposure of Youngster to System | Terminate contact as soon as possible. | Need for brief contact by community agency or probation office. | Need for authoritative control. |
| Mobilization of Individual & Family Resources | Not indicated. | Need for brief external assistance to family. | Need for authoritative control with family. |
| Intervention in School | Not indicated. | Can be accomplished by minimum intervention. | Need for extensive intervention & control. |
| Distributive Justice | Prior behavior demands dismissal. | Prior behavior demands informal adjustment. | Prior behavior demands petition. |
| Protection of community and/or | No perceived threat. | Possible threat requiring minimum intervention. | Considerable potential threat requiring maximum intervention. |
| Intervention in Emotional Adjustment & Control | Not indicated. | Need to provide brief intervention to assist child & family in stabilizing emotional adjustment & control. | Need to provide intensive intervention with authoritative power. |
| Intervention in Peer Relationships | Not indicated. | Can be accomplished by minimum intervention. | Need for extensive intervention & authoritative control. |

allow for attention to the goals presented in Table V and for the placement of the juvenile along the continuum.

The criteria to be considered in evaluating the possibility of using warning and dismissal include:

1. First substantiated complaint
2. Minor offense
3. Juvenile is not a threat to himself or the community.
4. Juvenile accepts responsibility for the offense and is regretful
5. Juvenile is cooperative
6. Juvenile does not evidence any serious emotional or personal problems
7. Parents are concerned and cooperative and evidence family strength
8. Peer relationships are reported good
9. School performance is adequate in view of the ability of juvenile

It is obvious that individual juveniles will not completely meet the criteria presented above. However, if the results of the intake interview and subsequent investigation indicates that the juvenile best fits in this category, he should be warned and dismissed.

It should also be noted that in particular instances one of the nine factors may outweigh any other considerations. For instance, a juvenile may have very good reports on all the criteria except for the nature of the offense. If the juvenile is charged with a serious crime, warning and dismissal would not be considered as an appropriate disposition.

- IX. 2. Juvenile Court Intake, having determined that informal adjustment is in the best interest of the juvenile and public safety, shall record such a recommendation in writing, and the basis thereof.

The Juvenile Act states:

..... social agencies and the probation officer or other officer of the court may give counsel and advice to the parties with a view to an informal adjustment if it appears:

- (1) Counsel and advice without an adjudication would be in the best interest of the public and the child; and
- (2) The child and his parents, guardian or other custodian consent thereto with knowledge that consent is not obligatory; and
- (3) In the case of the probation officer or other officer of the court, the admitted facts bring the case within the jurisdiction of the court.

Using the goals for decision making presented in Table V, nine criteria were developed which should be used in considering informal adjustment. These factors include:

1. Prior substantiated complaints
2. Major offense
3. Juvenile is potential threat to self or the community
4. Juvenile does not accept responsibility for the offense and is not regretful
5. Juvenile is not cooperative
6. Juvenile evidences mild to serious emotional or personal problems
7. Parents are unconcerned, uncooperative and evidence no family strength
8. Peer relationships are reported as harmful
9. School performance is marginal in view of the ability of the juvenile

When the intake worker, using the criteria presented above, determines that informal adjustment is necessary in the best interest of the juvenile and public safety, he must seek the cooperation of the juvenile and the parents.

- IX. 2A. The juvenile court judge and the chief probation officer shall develop a standardized informal adjustment agreement form, consistent with the Juvenile Act.

A sample Informal Adjustment Consent Form is presented in Appendix A, which provides for

the requirements of the Juvenile Act.

- IX. 3. 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 such a recommendation in writing, and the basis thereof.

Using the goals for decision making presented in Table V, nine criteria were developed which should be used in considering the filing of a petition. These factors include:

1. Several prior substantiated complaints
2. Major offense
3. Juvenile is obvious threat to self or the community
4. Juvenile denies responsibility for the offense and is unconcerned
5. Juvenile is hostile and aggressive
6. Juvenile evidences serious emotional or personal problems
7. Parents are disinterested and hostile
8. Peer relationships are negative and increase the possibility of delinquent behavior
9. School performance is unacceptable and creates potential for further delinquent behavior

- IX. 3A. Juvenile Court Intake, according to local policy, may recommend the use of a consent decree in all cases where a petition is filed in the office of the clerk of courts, and an adjudicatory hearing is not in the best interest of the juvenile and/or public safety. This recommendation shall be recorded in writing, and the basis thereof.

The Juvenile Act states:

Consent Decree--(a) At any time after the filing of a petition and before the entry of an adjudication order, the court may, on motion of the district attorney or that of counsel for the child, suspend the proceedings, and continue the child under supervision in his own home, under terms and conditions negotiated with probation services and agreed to by all parties affected.

STANDARD X. JUVENILE COURT INTAKE SHALL SUBMIT RECOMMENDATIONS CONCERNING INTAKE DISPOSITION TO THE JUVENILE COURT JUDGE OR AN APPOINTED DELEGATE FOR APPROVAL.

Because juvenile court intake makes decisions which effect the entire juvenile justice system, it is important that these decisions be reviewed in terms of the functioning of the system. This review is particularly important in counties where several probation officers are making intake decisions. Divergent decisions in similar cases, where no reasonable justification has been presented is unacceptable. Specific methods for monitoring juvenile court intake decision making are presented in Standard XIII.

- X. 1. The juvenile court judge and the chief probation officer shall develop an organizational chart illustrating the subdivision responsible for reviewing and approving the decisions made by intake.

An organizational chart is considered essential because the decision making process must be clear to all of the professionals involved in the system. Outlining the decision making process provides for consistency in decision making, clarity in terms of worker responsibilities, orientation for new probation officers and a systematic flow of paper work. Without an organizational chart, decision making can become arbitrary, inconsistent and unfair.

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

The importance of the intake function of the juvenile court has been emphasized throughout this manual. Staffing intake with qualified, competent and experienced probation officers will insure that the decisions made at intake reflect the best interest of the juvenile and public safety. Since juvenile court intake must make continuous decisions that are critical, it would be difficult to overemphasize the importance of selecting competent personnel.

- XI. 1. The juvenile court judge and the chief probation officer shall establish written criteria to be used in selecting workers for juvenile court intake.

It is recommended that the following criteria be used in selecting staff for juvenile court intake:

1. At least two (2) years of experience as a juvenile probation officer
2. A comprehensive knowledge of community resources, the quality of services provided, and the level of cooperation that exists between the juvenile court and various agencies.
3. A detailed understanding of the Juvenile Act
4. A good working relationship with various referral sources and an understanding of the problems experienced by the referral sources
5. A good ability to analyze data
6. Good decision making abilities
7. An ability to establish relationships with juveniles and the parents and to work in a cooperative manner
8. An expressed interest in further training through in-service seminars or traditional academic programs
9. Possesses an understanding of human behavior, especially adolescent behavior

It should be apparent from the criteria presented above that the intake staff positions should be filled only after careful screening and consideration.

STANDARD XII. JUVENILE COURT INTAKE SHALL HAVE WRITTEN, COMPREHENSIVE GUIDELINES CONCERNING THE DETENTION OF JUVENILES.

- XII. 1. The juvenile court judge 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.

Many of the standards presented above are applicable to the decision making process of juvenile court intake concerning the decision to detain a juvenile. For example, the establishment of jurisdiction is necessary in the decision to detain a juvenile.

The Juvenile Act provides the following legislation concerning detention:

Section 12. Detention of Child.—A child taken into custody shall not be detained or placed in shelter care prior to the hearing on the petition unless his detention or care is required to protect the person or property of others or of the child or because the child may abscond or be removed from the jurisdiction of the court or because he has no parent, guardian, or custodian or other person able to provide supervision and care for him and return him to the court when required, or an order for his detention or shelter care has been made by the court pursuant to this act.

Section 13. Release or Delivery to Court.—(a) A person taking a child into custody, with all reasonable speed and without first taking the child elsewhere, shall:

(1) Notify the parent, guardian or other custodian of the child's apprehension and his whereabouts;

(2) Release the child to his parents, guardian, or other custodian upon their promise to bring the child before the court when requested by the court, unless his detention or shelter care is warranted or required under section 12; or

(3) Bring the child before the court or deliver him to a detention or shelter care facility designated by the court or to a medical facility if the child is believed to suffer from a serious physical condition or illness which requires prompt treatment. He shall promptly given written notice together with a statement of the reason for taking the child into custody, to a parent, guardian, or other custodian and to the court. Any temporary detention or questioning of the child necessary to comply with this subsection shall conform to the procedures and conditions prescribed by this act and rules of court.

(b) If a parent, guardian, or other custodian, when requested, fails to bring the child before the court as provided in subsection (a), the court may issue its warrant directing that the child be taken into custody and brought before the court.

Section 14. Place of Detention.—(a) A child alleged to be delinquent may be detained only in:

(1) A licensed foster home or a home approved by the court;

(2) A facility operated by a licensed child welfare agency or one approved by the court;

(3) A detention home, camp, center or other facility for delinquent children which is under the direction or supervision of the court or other public authority or private agency, and is approved by the Department of Public Welfare; or

(4) Any other suitable place or facility, designated or operated by the court and approved by the Department of Public Welfare. Under no circumstances shall a child be detained, placed, or committed in any facility with adults, or where he or she is apt to be abused by other children unless there is no appropriate facility available, in which case the child shall be kept separate and apart from such adults at all times and shall be detained, placed, or committed under such circumstances for not more than five days.

(b) The official in charge of a jail or other facility for the detention of adult offenders or persons charged with crime shall inform the court immediately if a person who is or appears to be under the age of eighteen years is received at the facility and shall bring him before the court upon request or deliver him to a detention or shelter care facility designated by the court.

(c) If a case is transferred for criminal prosecution the child may be transferred to the appropriate officer or detention facility in accordance with the law governing the detention of persons charged with crime. The court in making the transfer may order continued detention as a juvenile pending trial if the child is unable to provide bail.

(d) A child alleged to be deprived may be detained or placed in shelter care only in the facilities stated in clauses (1), (2) and (4) of subsection (a), and shall not be detained in a jail or other facility intended or used for the detention of adults charged with criminal offenses or of children alleged to be delinquent.

Section 15. Release from Detention or Shelter Care; Hearing; Conditions of Release.—(a) If a child is brought before the court or delivered to a detention or shelter care facility designated by the court, the intake or other authorized officer of the court shall immediately make an investigation and release the child unless it appears that his detention or shelter care is warranted or required under section 12. The release of the child shall not prevent the subsequent filing of a petition as provided in this act. If he is not so released, a petition shall be promptly made and presented to the court.

(b) An informal detention hearing shall be held promptly by the court or the master and not later than seventy-two hours after he is placed in detention to determine whether his detention or shelter care is required under section 12. Reasonable notice thereof, either oral or written, stating the time, place, and purpose of the detention hearing shall be given to the child and if they can be found, to his parents, guardian, or other custodian. Prior to the commencement of the hearing the court or master shall inform the parties of their right to counsel and to appointed counsel if they are needy persons, and of the child's right to remain silent with respect to any allegations of delinquency.

(c) If the child is not so released and a parent, guardian or other custodian has not been notified of the hearing, did not appear or waive appearance at the hearing, and files his affidavit

showing these facts, the court or master shall rehear the matter without unnecessary delay and order his release, unless it appears from the hearing that the child's detention or shelter care is required under section 12.

STANDARD XIII EACH JUVENILE COURT JUDGE AND THE CHIEF PROBATION OFFICER SHALL REVIEW THE OPERATIONS OF JUVENILE COURT INTAKE TO MAINTAIN CONSISTENCY AND TO INSURE COMPLIANCE WITH THE LAW, POLICIES, AND PROCEDURES.

- XIII. 1. The juvenile court judge 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.

As noted in Chapter I, the juvenile court must continue to evaluate its operations and policies. This concern for monitoring services is a result of the growing emphasis on accountability. It is the responsibility of each juvenile court to improve existing services and to create new resources to meet the changing needs of delinquents. Many juvenile courts already evaluate their functioning in order to improve the functioning of the organization. The following procedures are recommended in establishing or expanding the evaluation of juvenile court intake:

- (1) The juvenile court judge and the chief probation officer shall meet regularly to review juvenile court intake.
- (2) Statistics concerning inappropriate referrals and incomplete allegation forms should be examined to evaluate the effectiveness of the guidelines provided to referral sources.
- (3) Statistics concerning the percentages of juveniles being: (a) warned and dismissed; (b) placed on informal adjustment; (c) placed on consent decree; and (d) being scheduled for adjudicatory hearings should be reviewed in terms of court policies and statewide averages.
- (4) Statistics concerning the percentage of status offenses referrals should be reviewed in terms of court policies and statewide averages.
- (5) Statistics concerning the percentage of cases dismissed at the adjudicatory hearing because of a lack of evidence should be reviewed.
- (6) Statistics concerning the success and/or failure of referring cases to other agencies should be reviewed.
- (7) Procedures concerning: (a) notification of delinquency allegations; (b) notification of constitutional rights; (c) filing juvenile court petitions; and (d) summonses should be reviewed in terms of court policies.
- (8) Procedures and statistics concerning the detention of juveniles should be reviewed in terms of court policies and statewide averages.
- (9) The juvenile court judge and chief probation officer should review the organizational chart to ensure that intake decision making is being reviewed and evaluated on a regular basis.

Having considered the factors listed above, the juvenile court judge and the chief probation officer shall make any necessary modifications and/or revisions in the operations of intake. It is anticipated that each juvenile court will expand on the procedures listed above. A review of the Standards for Administration of Juvenile Court Intake should be considered as a basis for reviewing juvenile court intake.

CHAPTER III SUMMARY

The Standards for Administration of Juvenile Court Intake are intended to serve as a model and a guide in determining who enters the juvenile justice system and how far a particular juvenile shall penetrate into the system. The Tables can be used to study the system in action in order to determine critical decision points and what information is needed to make the necessary decisions.

It is the expectation of the Task Force that the implementation of the Standards for Administration of Juvenile Court Intake will provide a systematic process which will assist the Juvenile Court in making decisions concerning intake and disposition.

All of the material that has been presented in these Standards is based on the assumption that juvenile court intake can deal effectively in many cases with juveniles, if these services are provided in a fair, impartial and purposeful manner. Such an approach also provides for the most efficient use of court and intake service time and energy.

Aware that there is no simple answer to the problem of juvenile delinquency, it is hoped that the Standards for Administration of Juvenile Court Intake will have a significant impact on the continuing improvements being made in the Juvenile Justice System of Pennsylvania.

**APPENDIX A
SAMPLE FORMS**

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**SAMPLE FORM I
SAMPLE ALLEGATION FORM**

Allegation Form

_____ County Juvenile Court

Information on Juvenile

Name _____

Last, First, Middle

Date of Birth _____

School _____

Address _____

Age _____

Race _____

Sex _____

Grade _____

Phone _____

Parents Notified _____

Court Use Only

Complaint No. _____

Case No. _____

Court No. _____

Social Security No. _____

Information on Parents

Father's Name _____

Last, First, Middle

Place of Employment _____

Mother's Name _____

Last, First, Middle

Place of Employment _____

Address _____ Time - Date _____

Address _____

Address _____

Information on Offense

Act and Section Violated _____

Date, Place and Time of Offense _____

Nature of Offense (Circumstances, other defendants, victim's name and address, approximate damages, juvenile has been detained, where or released, etc.) _____

Other Relevant Information (Prior contacts, juvenile's attitude, parent's attitude, victim's attitude, officer's recommendations, etc.) _____

Complainant's Title

Complainant's Signature

Complainant's Address

Date

(Attach copy of police report or other relevant information.)

SAMPLE FORM II
SAMPLE NOTIFICATION OF DELINQUENCY ALLEGATION FORM

_____ County Juvenile Court
_____ Telephone Number

Date _____

Dear _____ :

The juvenile court has received an allegation form from _____, involving your child, _____ charging your child with the commission of a delinquent act, to wit: _____

An interview has been scheduled for you and your child on _____ at _____ at the juvenile probation office. I request that you and your child keep this appointment.

If you have any questions concerning this matter, please contact this office. You have a right to have an attorney present during this interview, if you desire.

Please contact this office if the scheduled appointment cannot be kept.

Sincerely,

**SAMPLE FORM III
NOTIFICATION OF CONSTITUTIONAL RIGHTS FORM**

_____ County Juvenile Court

Before any questions are asked the Miranda Warnings must be presented to the juvenile and the parents.

(Miranda Warnings)

- (1) DO YOU (PARENT(S) AND CHILD) UNDERSTAND EACH OF THESE RIGHTS WHICH I HAVE EXPLAINED TO YOU? YES _____ NO _____
- (2) HAVING THESE RIGHTS IN MIND, DO YOU WISH TO TALK TO ME NOW? YES YES _____ NO _____
- (3) HAVING THESE RIGHTS IN MIND, DO YOU AS PARENT(S), WISH TO HAVE YOUR CHILD TALK TO ME NOW, WITHOUT AN ATTORNEY? YES _____ NO _____

SIGNATURE(S) OF PARENTS(S)

SIGNATURE OF CHILD

I CERTIFY THAT THE ABOVE WARNING WAS READ TO _____
_____ BEFORE THE CHILD WAS ASKED ANY QUESTIONS PERTAINING TO THE CHARGES AGAINST HIM/HER AND THAT HIS/HER AND THE PARENT(S) REPLY WAS AS INDICATED BELOW:

_____ CHILD HAS STATED THAT HE/SHE UNDERSTANDS HIS/HER RIGHTS AND IS WILLING TO ANSWER QUESTIONS.

_____ CHILD HAS STATED THAT HE/SHE WISHES TO REMAIN SILENT OR THAT HE/SHE WISHES TO CONSULT WITH AN ATTORNEY BEFORE INTERROGATION.

_____ PARENT(S) HAVE STATED THAT THEY UNDERSTAND CHILD'S RIGHTS AND ARE WILLING TO HAVE CHILD ANSWER QUESTIONS.

_____ PARENT(S) HAVE STATED THAT THEY WISH THE CHILD TO REMAIN SILENT OR THAT THEY WISH THE CHILD TO CONSULT WITH AN ATTORNEY BEFORE INTERROGATION.

DATE - TIME

PROBATION OFFICER/POLICE OFFICER

**SAMPLE FORM IV
SAMPLE JUVENILE COURT PETITION FORM**

_____ County Juvenile Court
To the Honorable Juvenile Court Judge:

Your Petitioner, the undersigned person, respectfully represents:

1. That _____, a minor child, residing at _____,
is _____ years old, having been born on _____;
2. That the allegations reported herein are sufficient to bring this cause within the jurisdiction of this Court;
3. That said minor child is alleged to be delinquent, to wit: _____

and is alleged to be in need of treatment, supervision or rehabilitation.

4. (a) That the names and residence address of the parents, guardians or custodians of said child or of the spouse of said child, if any, are:

(b) That the whereabouts of the parents, guardians or custodians of said child, or their respective places of residence, are unknown to your Petitioner, and that the name and residence of a known adult relative residing in _____, Pennsylvania, or nearest to the location of this Court is:
5. (a) _____ That said child is not presently detained;
(b) _____ That said child was taken into custody on the _____ day of _____, 19____, and is presently in detention at _____
6. That your Petitioner believes that it is in the best interests of said child and the public that this proceeding be instituted.

WHEREFORE, your Petitioner prays this Honorable Court to inquire into the alleged delinquency of said minor child and of the truth of the matters herein contained, and to make such order or orders as may seem just and proper.

cc _____ Parent _____ Juvenile _____
District Attorney
Defense Counsel
Clerk of Courts
Probation Office

Petitioner

Address

**SAMPLE FORM V
SAMPLE SUMMONS FORM**

Notice of Summons

Date _____

To: _____
 Juvenile

 Parents

The _____ County Juvenile Court has received a petition alledging that _____ is a delinquent child in need of treatment. supervision or rehabilitation. A copy of the petition is enclosed.

A Juvenile Court hearing has been scheduled for _____ A.M. _____ P.M. on the _____ Day

_____ This hearing will be _____
Month Year

_____ and _____ are
 Juvenile Parents
required to appear before the court at the time stated above to answer the allegations of the petition.

Sincerely,

Encl.

**SAMPLE FORM VI
SAMPLE REFERRAL TO OTHER AGENCY FORM**

_____ County Juvenile Court

Date _____

In accordance with the Pennsylvania Juvenile Court Act, the Juvenile Court is referring to your agency for assistance. The information on the juvenile possessed by the court is enclosed for your consideration, including a statement indicating the consent of the juvenile and the parents to participate in this referral.

You are asked to review this material and contact the court within fourteen (14) days concerning your decision. Upon acceptance of this referral, you are to submit a report within three (3) months concerning the status of the juvenile. If it is your decision while working with the juvenile that the best interest of the child requires a referral back to the juvenile court, you are requested to inform the court of this decision.

The services provided by your agency can extend over a six (6) month period of time. This time can be increased for another three (3) months, if necessary, by an order of the court.

Sincerely,

Encl.

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