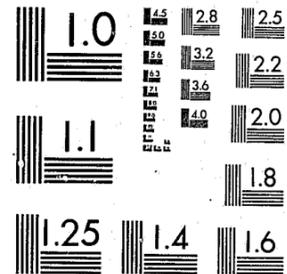


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JUVENILE COURT STANDARDS

1981

81282



COMMONWEALTH OF PENNSYLVANIA

Juvenile Court Judges' Commission

FOREWORD  
1981 Edition

The Juvenile Court Judges' Commission is pleased to provide you with the 1981 Edition of the Juvenile Court's standards.

We are gratified with the response from those involved in the Juvenile Justice System. The growing implementation signifies the merit of this project.

We are indebted to the Commission judges and our dedicated staff for their industriousness and wisdom in the compilation of this work.

Maxwell E. Davison, Chairman  
Juvenile Court Judges' Commission

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ADMINISTRATION

ADMINISTRATION

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# JUVENILE COURT JUDGES' COMMISSION



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Hon. Robert L. Wolfe  
Forest-Warren Counties

September 16, 1981

NCJRS  
Ms. Christine Lundy  
Acquisition Coordinator  
Box 6000  
Rockville, Maryland 20850

Dear Ms. Lundy:

Enclosed is a copy of the 1981 edition of our Juvenile Court Standards. The last prior edition was in 1977 and we have no copies of that to send you as it is obsolete.

Sincerely,

JoAnn Teyral  
Consultant

JT/fl  
Enclosures

STANDARDS FOR THE ADMINISTRATION  
OF  
JUVENILE COURT

The Juvenile Court functions as both a judicial and an administrative agency. As a judicial agency, the Judge determines questions of fact and law. As an administrative agency, the Judge is responsible for the supervision of the Court's services.

The effective operation of the Juvenile Court is the responsibility of the Juvenile Court Judge. It is the Judge who will provide leadership in carrying out the spirit of the juvenile law and ensuring that the Court is a place of child rehabilitation.

The Judge will ensure that his staff, plant, policies, procedures, organization, and overall administrative controls are all adequate to ensure a rehabilitative child service. The following standards are designed to help ensure that this occurs.

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

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

This standard is essential even in those judicial districts where the judges feel they get along well since it is designed to meet the need of probation for one source of administrative authority.

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

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 that the Administrative Judge of the Juvenile Court himself develop policies, but only that he provide for the development and oversee the development of these policies and review and approve the final product.

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

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 as he insists that the community develop appropriate services according to its means for the use of the Court and its rehabilitative work.

- IV. IF THE SERVICES PROVIDED TO THE COURT BY OUTSIDE AGENCIES ARE NOT ADEQUATE, THE JUDGE SHALL INFORM THE PUBLIC. (Essential)

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 JUVENILE COURT JUDGE SHALL APPOINT A JUVENILE COURT ADVISORY COMMITTEE OF PROMINENT AND INTERESTED CITIZENS FROM WITHIN THE JUDICIAL DISTRICT TO HELP THE JUDGE ENSURE THE AVAILABILITY OF ADEQUATE SERVICES. (Desirable)

It is not intended that such an Advisory Committee be involved in the day-to-day operations of the Court, but rather that they 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 JUVENILE COURT JUDGE SHALL APPOINT A CHIEF JUVENILE PROBATION OFFICER TO SEE THAT STAFF CARRY OUT THE POLICIES AND PROCEDURES OF THE LOCAL JUVENILE COURT. (Essential)

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 JUVENILE COURT JUDGE 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. (Essential)

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.

- VIII. THE JUVENILE COURT JUDGE AND THE CHIEF JUVENILE PROBATION OFFICER SHALL ENSURE THAT THERE ARE SUFFICIENT PROBATION OFFICER STAFF TO CARRY OUT A REHABILITATIVE PROGRAM AND FULFILL THE DUTIES ASSIGNED TO THE JUVENILE COURT BY CHAPTER 63, TITLE 42, PENNSYLVANIA CONSOLIDATED STATUTES. (Essential)
- IX. THE JUVENILE COURT JUDGE 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. (Essential)
- X. THE JUVENILE COURT JUDGE 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 JUVENILE COURT HEARINGS ARE HELD. (Desirable)
- XI. 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. (Important)
- XII. THERE SHALL BE ADEQUATE SPACE NOT ACCESSIBLE TO THE GENERAL PUBLIC FOR STENOGRAPHIC WORK AND FILING OF RECORDS. (Important)
- XIII. PROBATION OFFICERS SHALL BE REQUIRED TO ATTEND COURT HEARINGS INVOLVING CHILDREN ASSIGNED TO THEM. (Desirable)
- XIV. IF A JUVENILE IS CONFINED TO AN INSTITUTION, THE PROBATION OFFICER SHALL INTERPRET TO THE PARENTS OF THE DELINQUENT THE DELINQUENT'S PROGRESS IN THE INSTITUTION WHERE HE WAS CONFINED AND HE SHALL PREPARE THEM FOR THE DELINQUENT'S RETURN TO THE COMMUNITY. (Important)
- XV. THE PROBATION OFFICE SHALL HAVE A WRITTEN POLICY REGARDING PLANNING FOR THE AFTERCARE OF CHILDREN IN PLACEMENT. (Essential)
- XVI. WHERE A LANGUAGE OR LITERACY PROBLEM EXISTS WHICH MAY LEAD TO CLIENT'S NON-UNDERSTANDING OR MISUNDERSTANDING OF COURT RULES, REGULATIONS, PROCEDURES, OR DISPOSITIONS, SPECIAL ASSISTANCE SHALL BE PROVIDED TO THE CLIENT BY THE PROBATION OFFICE. (Essential)

In order that the client be able to use Juvenile Court services as rehabilitative tools, the client must have every opportunity to understand and interact with the Court and its agents.

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

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.

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. (essential)

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 (IN 1-4).

- 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. (essential)

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

- I. 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. (desirable)

SUMMARY OFFENSES:  
THE NON-PAYMENT OF FINES AND COSTS

- I. 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 DISPOSI-

JURISDICTION

JURISDICTION

TION THAT IS BEST SUITED TO THE CHILD'S TREATMENT, SUPERVISION, REHABILITATION, AND WELFARE, (essential)

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

#### TERMINATION OF JURISDICTION

- I. 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 FULLEST EXTENT POSSIBLE FROM JUVENILE COURT SERVICES. (essential)

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

- I. 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. (essential)

DETENTION

DETENTION

## DETENTION STANDARDS

Detention is defined as the provision for the temporary care of children pending court hearing or transfer to another jurisdiction. Detention can occur in several different settings, e.g., detention home or shelter care facility.

Police custody is not detention. Police custody is defined as the interval of control exercised by police over a child between the child's apprehension and his release and referral to his parents, to a community agency, or to the juvenile court.

I. THE JUDGE IS RESPONSIBLE FOR THE DEVELOPMENT OF WRITTEN PROCEDURES FOR THE USE OF DETENTION. (essential)

Since detention involves the limitation of the rights of the child and his parents, it can only be sanctioned by the juvenile court as a protection of both the child and the community.

II. THE JUDGE SHALL MEET PERIODICALLY WITH THE CHIEF JUVENILE PROBATION OFFICER, DETENTION ADMINISTRATORS, AND REPRESENTATIVES OF THE POLICE. (desirable)

Since the judge is the authority responsible for the detention admission decision, these meetings will be essential to ensure that the judge's policies are understood and are working smoothly.

III. DETENTION CARE IS LIMITED TO: (essential)

- A. RUNAWAY RISKS,
- B. CHILDREN WHO ARE LIKELY TO BECOME INVOLVED IN FURTHER OFFENSES,
- C. CHILDREN IN NEED OF CUSTODY FOR THEIR OWN PROTECTION AND WELFARE.

IV. THE FOLLOWING ARE MINIMUM PROCEDURES WHICH THE JUDGE SHALL INCLUDE IN HIS POLICIES FOR DETENTION: (essential)

- A. THE POLICE, UPON TAKING A CHILD INTO CUSTODY, SHALL PROMPTLY NOTIFY THE CHILD'S PARENTS.
- B. POLICE SHALL HOLD A CHILD IN CUSTODY NO LONGER THAN NECESSARY TO DECIDE WHETHER HIS REFERRAL TO THE JUVENILE COURT IS APPROPRIATE AND HIS PLACEMENT IN DETENTION IS PROVIDED FOR IN THE LAW.
- C. POLICE SHALL RELEASE A CHILD TO HIS PARENTS UNLESS THE CHILD SHOULD BE DETAINED BECAUSE OF THE REASONS ENUMERATED IN STANDARD #3 ABOVE.

D. DURING COURT BUSINESS HOURS, POLICE SHALL TAKE THE CHILD WHO HAS BEEN TAKEN INTO CUSTODY AND NOT RELEASED TO HIS PARENTS DIRECTLY TO THE INTAKE DIVISION OF THE JUVENILE COURT. AT OTHER TIMES, POLICE SHALL OBTAIN THE APPROVAL OF AN ON-CALL OR ON-DUTY JUVENILE INTAKE OFFICER BEFORE PLACING THE CHILD IN A DETENTION FACILITY.

E. INTAKE COVERAGE WILL BE PROVIDED BY THE JUVENILE PROBATION OFFICE ON A 24 HOUR A DAY, SEVEN DAY A WEEK BASIS.

F. THE POLICE WILL FILE A PETITION WITH THE JUVENILE PROBATION OFFICE OR AT THE DETENTION HOME AT THE TIME THEY PRESENT THE CHILD FOR DETENTION.

V. IF A CHILD IS DETAINED, THE INTAKE OFFICER OR OTHER AUTHORIZED OFFICER OF THE COURT SHALL IMMEDIATELY MAKE AN INVESTIGATION AND RELEASE THE CHILD UNLESS IT APPEARS THAT HIS DETENTION IS WARRANTED OR REQUIRED UNDER THE JUVENILE ACT. (essential)

VI. THE JUVENILE COURT SHALL CONDUCT AN INFORMAL HEARING TO DETERMINE WHETHER THE CHILD'S DETENTION IS REQUIRED. THIS HEARING SHALL BE HELD AS PROMPTLY AS POSSIBLE AND NOT LATER THAN 72 HOURS AFTER THE CHILD IS PLACED IN DETENTION. (essential)

VII. REASONABLE NOTICE OF THE DETENTION HEARING SHALL BE GIVEN TO THE CHILD AND HIS PARENTS. (essential)

VIII. PRIOR TO THE COMMENCEMENT OF THE DETENTION 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. (essential)

IX. IT SHALL BE THE POLICY OF THE COURT TO REDUCE THE TIME WHICH A CHILD SPENDS IN DETENTION COMPATIBLE WITH THE PROTECTION OF THE CHILD AND THE COMMUNITY. (essential)

To ensure this, it shall be the policy of the court to give hearing priority to juveniles who are being detained.

X. DETENTION WILL BE USED ONLY FOR THE CUSTODY OF CHILDREN PENDING A HEARING AND SHALL NOT BE USED AS A REHABILITATIVE TECHNIQUE. (essential)

XI. IT IS THE RESPONSIBILITY OF THE JUVENILE JUDGE TO ENSURE THAT ADEQUATE DETENTION FACILITIES ARE AVAILABLE FOR THE COURT'S USE. (Important)

XII. THE JUDGE SHALL BE FAMILIAR WITH THE DAY-TO-DAY CARE ACCORDED CHILDREN IN DETENTION AND SHALL MAKE SURE THAT CHILDREN RECEIVE MORE THAN JUST CUSTODIAL CARE. (desirable)

XIII. CHILDREN CHARGED WITH DELINQUENCY WHOSE WELFARE DEMANDS THAT THEY BE PROTECTED FROM THE PHYSICAL, MORAL, OR EMOTIONAL CLIMATE OF THEIR HOME ENVIRONMENT SHALL BE PLACED IN SHELTER CARE UNLESS THEY ARE IN NEED OF SECURE CUSTODY. (essential)

XIV. SHELTER CARE AND DETENTION CARE SHALL NOT BE COMBINED IN THE SAME FACILITY. (essential)

INTAKE

INTAKE

INTAKE STANDARDS-  
FOR  
JUVENILE COURTS

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

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

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

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.

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

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.

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

The juvenile court judge and the chief probation officer shall use the Juvenile Act in developing written guidelines concerning the filing of delinquency allegations.

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 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 juvenile court judge, the chief probation officer, and the county administrator\* of the mental health and mental retardation program shall use the Juvenile Act, the Mental Health and Mental Retardation Act of 1966, and the Mental Health Procedures Act of 1976, 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 juvenile court judge 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 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.

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.

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.

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

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.

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

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.

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

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.

Juvenile Court intake, having determined that formal 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 court judge and the chief probation officer shall develop a standardized informal adjustment agreement form, consistent with the Juvenile Act.

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.

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.

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

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.

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

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

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

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.

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.

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.

HEARING PROCEDURES

HEARING PROCEDURES

STANDARD HEARING PROCEDURES FOR JUVENILE COURTS

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 proceedings is not to punish but to help 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. (ESSENTIAL)

II. THE PETITION MAY BE BROUGHT BY ANY PERSON, SHALL BE VERIFIED, AND SHALL SET FORTH PLAINLY:

(1) 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;

(2) THE NAME, AGE, AND ADDRESS OF THE CHILD ON WHOSE BEHALF THE PETITION IS BROUGHT;

(3) THE NAMES AND ADDRESSES, IF KNOWN, OF THE PARENTS, GUARDIAN OR CUSTODIAN AND OF THE SPOUSE, IF ANY, OF THE CHILD;

(4) 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. (ESSENTIAL)

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. (ESSENTIAL)

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. (ESSENTIAL)

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. (ESSENTIAL)

V. IN SCHEDULING HEARINGS UNDER THE JUVENILE ACT, PRIORITY SHALL BE GIVEN TO CHILDREN IN DETENTION OR SHELTER CARE. (ESSENTIAL)

#### CONDUCT OF HEARINGS

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

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. (ESSENTIAL)

The Court should avoid placing a probation officer in the role of a prosecutor. A probation officer may present certain non-contested cases of 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. (ESSENTIAL)

IX. THE GENERAL PUBLIC SHALL BE EXCLUDED FROM THE JUVENILE COURT HEARING PROCESS. (ESSENTIAL)

Only the juveniles who are party to a proceeding, their counsel, witnesses and other persons, whom 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. (ESSENTIAL)

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. (ESSENTIAL)

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. (ESSENTIAL)

#### PHASES OF ADJUDICATION HEARING

XIII. THE ADJUDICATORY HEARING SHALL BE DIVIDED INTO THREE PHASES: THE DETERMINATION OF JURISDICTION, THE ADJUDICATION OF THE ISSUE, AND DISPOSITION. (ESSENTIAL)

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. (ESSENTIAL)

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 OF HIS CONSTITUTIONAL RIGHTS, THE COURT SHALL ENTERTAIN EVIDENCE ON THE PETITION. (ESSENTIAL)

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. (ESSENTIAL)

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. AN ADJUDICATION OF DELINQUENCY SHALL BE MADE ONLY IF THE COURT FINDS ON PROOF BEYOND A REASONABLE DOUBT THAT THE CHILD COMMITTED THE ACTS BY REASON OF WHICH HE WAS ALLEGED TO BE DELINQUENT WHILE AN ADJUDICATION OF DEPENDENCY SHALL BE MADE ONLY AFTER THE COURT FINDS FROM CLEAR AND CONVINCING EVIDENCE THAT THE CHILD IS DEPENDENT. (ESSENTIAL)

- XVIII. IN ALL CASES RESULTING IN AN ADJUDICATION OF DELINQUENCY THE COURT SHALL PROCEED IMMEDIATELY WITH THE DISPOSITIONAL PHASE OF THE HEARING OR AT A POSTPONED HEARING TO HEAR EVIDENCE AS TO WHETHER THE CHILD IS IN NEED OF TREATMENT, SUPERVISION OR REHABILITATION AND TO MAKE AND FILE ITS FINDINGS THEREON. (ESSENTIAL)

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.

- XIX. 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. (ESSENTIAL)

- 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. (ESSENTIAL)

DISPOSITION

DISPOSITION

## DISPOSITION STANDARDS FOR JUVENILE COURT

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, PROCEDURE, 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 DISMISSAL 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 counselling. 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 non-substitute home 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 PRESENTS A DANGER TO HIMSELF 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 PARENTS OR STEP-PARENTS.

It may be found in some cases that the home of the juvenile is of such nature and his relationship to his parents or step-parents 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 AS 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 a 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 insure that placement occurs within 48 hours of the commitment order.

- XVI. WHEN THE JUVENILE IS COMMITTED TO AN INSTITUTION, THE JUVENILE PROBATION OFFICE SHALL HAVE MONTHLY PERSONAL CONTACTS WITH THE JUVENILE.

One of the most difficult problems for a juvenile in an institution is the isolation from normal support systems and the fear

of losing contact with or being unable to return to the community. It is important that the juvenile's program at the institution be supplemented by regular contact with the probation officer to help the juvenile deal with the separation and to help him maintain meaningful contact with the community.

- XVII. IF THE INSTITUTION TO WHICH THE JUVENILE IS COMMITTED DOES NOT PROVIDE MONTHLY REPORTS ON THE JUVENILE PROGRESS, THE JUVENILE PROBATION OFFICER SHALL INQUIRE MONTHLY REGARDING THE JUVENILE'S PROGRESS.

- XVIII. THE COURT SHALL REQUIRE THAT INSTITUTIONS WHO ACCEPT JUVENILES FROM THEM PROVIDE A RELEASE SUMMARY INCLUDING AN AFTERCARE PROGRAM TO THE COURT PRIOR TO A HEARING ON A RELEASE.

In order for the Court to make a determination that a juvenile has progressed to the point at which he is now able to function outside of an institutional placement, requires that a Court have before it the full thinking of those persons into whose care the juvenile has been committed. Furthermore, the thinking of these individuals must be made a matter of record and these two factors are best accomplished when the Court insists upon a written summary of the juvenile's experiences in his placement highlighting his development and why he no longer needs continued placement.

#### SECURE PLACEMENT STANDARDS

- XIX. 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.

- XX. 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.

- XXI. 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  
FORCED RAPE  
INVOLUNTARY DEVIATE SEXUAL INTERCOURSE  
KIDNAPPING  
AND ANY OTHER OFFENSE(S) THAT MEET THE CRITERIA LISTED UNDER STANDARD XX ABOVE

JUVENILE COURT-POLICE

JUVENILE COURT-POLICE

JUVENILE COURT - POLICE STANDARDS

- I. A POLICE OFFICER SHALL TAKE A CHILD INTO CUSTODY AFTER CIRCUMSTANCES PROVIDED BY CHAPTER 6324 OF THE JUVENILE ACT: (Essential)
  - 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, AND THAT HIS/HER REMOVAL IS NECESSARY.
  - 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.
  - 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 ON BEHALF OF JUVENILES, RESPONDING TO THE WELFARE OF BOTH THE JUVENILE AND THE COMMUNITY. WHERE IT APPEARS THERE IS A BASIS FOR COURT JURISDICTION AND THAT THE WELFARE OF THE JUVENILE AND THE COMMUNITY DEMANDS THE JUVENILE'S IMMEDIATE CUSTODY, THE POLICE OFFICER SHOULD TAKE THE NECESSARY STEPS, BUT SHOULD FORTHWITH NOTIFY THE PROBATION OFFICE. (Essential)

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

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

V. JUVENILES ARE ENTITLED TO THE SAME CONSTITUTIONAL SAFEGUARDS AS AN ADULT: THEREFORE, GREAT CARE AND ATTENTION SHALL BE EXERCISED BY THE POLICE IN ASCERTAINING THAT THE JUVENILE AND HIS/HER PARENTS FULLY COMPREHEND THE JUVENILE'S CONSTITUTIONAL RIGHTS. BEFORE ENGAGING IN ANY ORAL INTERROGATION OF A JUVENILE WHICH INTENDS TO ELICIT AN INCRIMINATING STATEMENT, THE JUVENILE AND HIS/HER PARENTS MUST BE INFORMED IN WRITING: (Essential)

- a. Of his/her right to remain silent.
- b. That anything he/she says can be used against him/her in court.
- c. That he/she has a right to talk with a lawyer of his/her own choice before any questions are asked, and to have a lawyer present during the questioning.
- d. That if he/she and the parents cannot afford to employ an attorney, one will be provided for him/her prior to any interrogation, without cost.
- e. That if he/she is willing to answer questions, he/she has a right to stop at any time.

Unless such constitutional warnings are given and intelligently waived by the juvenile and his/her parents, no statement or admission can be used against him/her in an adversary proceeding.

VI. 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. (Essential)

- a. During court hours, police shall refer all cases directly to juvenile court intake.
- b. Any requests by police for a detention placement after court hours must be made directly to the 24 hour probation intake service.

VII. THE JUVENILE COURT SHALL DEVELOP WRITTEN POLICIES AND PROCEDURES FOR DETENTION ADMISSION. (Important)

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

VIII. GUIDELINES FOR POLICE DISPOSITION OF JUVENILES WHO HAVE ALLEGEDLY COMMITTED A DELINQUENT ACT ARE AS FOLLOWS: (Desirable)

Considerations for dismissal:

- a. Minor offense with no apparent need for court referral
- b. No habitual delinquency pattern.
- c. Family is stable.
- d. Adequate assistance is being provided by the public or private community agencies where indicated.

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. Family instability, exhibiting 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.
- e. Juvenile denies offense and 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.

IX. INFORMATION PRESENTED BY THE POLICE ON 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, NOR ASSIST POLICE IN INVESTIGATING DELINQUENCY ALLEGATIONS. (Essential)

X. THE JUVENILE COURT JUDGE, CHIEF PROBATION OFFICER, 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: (Essential)

- a. The name, age, and residence address of the juvenile, school and grade/or employer.
- b. The names and residence addresses and phone number of parents, guardian, or custodian of the juvenile.
- c. If the juvenile was placed in detention, the place of detention and time detained.
- d. The facts which bring the juvenile within the jurisdiction of the court, citing the section of Criminal Code being violated, date, place, and time of offense, prior contacts, juvenile's and parents' attitude, officer's recommendation.

XI. 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. (Essential)

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

XII. UPON THE INTAKE DECISION TO FILE A PETITION, ITS PREPARATION SHOULD BE ARRANGED BY THE DESIGNATED OFFICIAL. THE PETITION SHALL BE SIGNED BY THE COMPLAINANT OR POLICE OFFICER REFERRING THE CASE; THE POLICE OFFICER MAY SIGN THE PETITION ON THE BASIS OF INFORMATION RECEIVED AND BELIEF. (Essential)

In the case of a probation revocation, it is appropriate for the supervising probation officer to sign the petition.

XIII. IN HONORING THE PROVISIONS OF THE JUVENILE ACT, POLICE DEPARTMENTS SHALL MAINTAIN JUVENILE RECORDS SEPARATE FROM OTHER POLICE RECORDS; JUVENILE RECORDS SHALL BE ACCESSIBLE ONLY TO THE COURT OR AUTHORIZED MEMBERS OF THE POLICE DEPARTMENT FOR APPROVED PURPOSES. (Essential)

- a. Identifying information may be exchanged with other police departments.
- b. Any public inquiries concerning a juvenile's records should be referred to the juvenile court.
- c. The juvenile court judge should set forth to all police jurisdictions the guidelines for the publication of names of juveniles involved in delinquent offenses as provided by the Juvenile Act.

XIV. THE JUVENILE COURT SHALL ESTABLISH WRITTEN POLICIES AND PROCEDURES FOR THE FINGERPRINTING AND PHOTOGRAPHING OF JUVENILES. (Essential)

XV. 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. (Desirable)

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 designed 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.

XVI. THE JUVENILE COURT JUDGE 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. (Desirable)

JUVENILE PROBATION MERIT STANDARDS

JUVENILE PROBATION MERIT STANDARDS

STANDARDS  
FOR THE  
OPERATION OF A JUVENILE COURT MERIT SYSTEM

- I. JUVENILE PROBATION OFFICERS WILL BE HIRED ON THE BASIS OF MERIT ONLY. NO POLITICAL SPONSORSHIP IN ANY FORM SHALL BE ALLOWED TO EFFECT THE SELECTION OF CANDIDATES FOR THESE POSITIONS. (Essential)
- II. THE MINIMUM REQUIREMENT FOR EMPLOYMENT AS A JUVENILE PROBATION OFFICER SHALL BE A BACHELOR'S DEGREE, WITH A BACKGROUND IN THE BEHAVIORAL OR SOCIAL SCIENCES OR SOCIAL WORK FROM AN ACCREDITED COLLEGE OR UNIVERSITY. (Essential)

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

No exception to this standard may be granted except by the provisions developed under the above paragraph.

- 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. (Important)
- IV. A JOB DESCRIPTION FOR EACH POSITION IN THE JUVENILE PROBATION OFFICE SHALL BE MAINTAINED AND ADHERED TO. (Essential)  

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.
- V. 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.. (Essential)

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

- VI. ALL JUVENILE PROBATION OFFICERS SHALL RECEIVE AT LEAST THE MINIMUM SALARY DETERMINED BY THE JUVENILE COURT JUDGES' COMMISSION. (Essential)

The Juvenile Court Judges' Commission will re-evaluate the minimum salaries from time to time and when changes are made shall assure that the counties are made fully aware of such changes.

The salaries established by the Juvenile Court Judges' Commission shall be considered minimum salaries and should in no way limit the county from paying higher salaries.

In those counties in which probation officers are represented by a Union, this standard shall not apply.

- VII. ALL POSITIONS SHALL BE FILLED IN COMPLIANCE WITH AFFIRMATIVE ACTION PRINCIPLES. (Essential)
- VIII. A PERSONNEL TRANSACTION FORM SHALL BE COMPLETED ON ALL POSITIONS FILLED WHETHER THROUGH VACANCY OR PROMOTION. THESE FORMS SHALL BE FILED WITH THE JUVENILE COURT JUDGES' COMMISSION WITHIN TEN DAYS OF THE FILLING OF ANY POSITION. (Essential)
- IX. 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 THEN PERMANENT JUVENILE PROBATION OFFICERS. THEIR PERFORMANCE SHALL BE EVALUATED QUARTERLY AND EMPLOYEES RECEIVING UNSATISFACTORY EVALUATIONS SHALL BE TERMINATED AT OR BEFORE THE END OF THE PROBATIONARY PERIOD. (Essential)
- X. ALL JUVENILE PROBATION OFFICERS SHALL HAVE AN ANNUAL WRITTEN EVALUATION COMPLETED BY THEIR SUPERVISOR ON A FORM APPROVED BY THE JUVENILE COURT JUDGES' COMMISSION. THIS FORM SHALL BECOME A PART OF THEIR PERSONNEL FILE AND SHALL BE AVAILABLE FOR INSPECTION BY REPRESENTATIVES OF THE JUVENILE COURT JUDGES' commission. (Essential)

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

- XI. EACH JUVENILE PROBATION OFFICE SHALL ESTABLISH A WRITTEN GRIEVANCE PROCEDURE AND MAKE SUCH A PROCEDURE KNOWN TO ALL EMPLOYEES. (Important)
- XII. 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. (Important)

- XIII. EACH JUVENILE PROBATION OFFICE SHALL DEVELOP AN ORGANIZATIONAL CHART WHICH SHOWS THE FLOW OF RESPONSIBILITIES. (Essential)
- XIV. EACH JUVENILE PROBATION OFFICE SHALL ESTABLISH A PERSONNEL MANUAL WHICH DESCRIBES THE RIGHTS AND BENEFITS OF ALL JUVENILE PROBATION OFFICERS EMPLOYED IN THE OFFICE. (Desirable)

SOCIAL STUDY

STANDARDS  
FOR 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 DISPOSITION ALTERNATIVE. (Essential)

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. (Essential)

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

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. (Essential)

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 affect the delivery of other probation services. The preparation of a social study report should not exceed three weeks in general, involving in-state cases, a five-week deadline 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. (Essential)

The use of non-professional staff (i.e., paraprofessionals, volunteers, students, clerical) to collect needed data allows for 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 CONDUCT OF THE SOCIAL

STUDY INVESTIGATIONS, THE PREPARATION OF REPORTS AND THE PROVISION OF DISPOSITION ALTERNATIVES FOR THE COURT. (Essential)

- VII. A POTENTIAL SUPERVISION PLAN WITH ANY SPECIAL CONDITIONS SHALL BE DEVELOPED DURING THE SOCIAL STUDY INVESTIGATION AND INCLUDED AS A PART OF THE SOCIAL STUDY REPORT. (Essential)

If probation is granted, a plan would be available immediately upon disposition. The plan shall 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, the 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 effect the child's chances for re-adjustment; 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 plan.

- VIII. THE SOCIAL STUDY SHALL HAVE A DEFINITE FORMAT FOR THE ORGANIZATION OF MATERIAL. (Very Important)

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.

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

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

- XI. THE SOCIAL STUDY ITSELF 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. (Essential)

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 PROCEDURE TO PROTECT THE CONFIDENTIALITY OF THE SOCIAL STUDY AND OTHER REPORTS. (Essential)

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 INSTITUTIONAL PERSONNEL WHERE CONFINEMENT OF AN ADJUDICATED YOUTH IS ORDERED. (Essential)

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

STANDARDS FOR JUVENILE 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. (Essential)

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 and all information court employees may have 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. (Essential)
- 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. (Essential)
- 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 (Important):

initial intake information forms;  
complaint form;  
case information from referral source, if available;  
social history;  
medical record, when available;  
individual plan or program;  
signed release of information form;  
chronological or evaluation progress report;  
current employment data;  
probation rules and policies, signed by the participants;  
referrals to other agencies;  
signed Miranda warning form;  
completed statistical card;  
detention orders and record of detention activity;  
petition, if applicable;  
all court orders regarding this case; and  
a final discharge report.

JUVENILE RECORDS

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- 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. (Essential)
- VI. The custodian of juvenile court files and records shall establish a written policy concerning the procedures for record security and release of information. (Essential)
- 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. (Important)
- VIII. All case records shall be marked confidential and kept in locked files which are also marked confidential. (Desirable)
- 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. (Essential)
- 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. (Essential)
- XI. The custodian of juvenile court files and records shall ensure that a report is prepared at the termination of program participation which reviews the individual's performance in the program. (Essential)

LAW ENFORCEMENT RECORDS

- XII. The court shall establish a written policy ensuring that law enforcement agencies within its jurisdiction maintain records and files concerning a child separate from the records and files of adults.
- XIII. The court shall have a written policy ensuring that law enforcement records are not open to public inspection or their contents disclosed to the public except as provided in Section 6308, Chapter 63, Title 42 Pa.CS.

EXPUNCTION

- XIV. 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.

- XV. 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 other than as a result of an informal adjustment.
- XVI. 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, misdemeanor or adjudicated delinquent and has no proceeding pending seeking such conviction or adjudication.
- XVII. 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.
- XVIII. The custodian of juvenile court files and records shall establish a written policy concerning the expunction of records at institutions and other placements on juveniles committed from the court's jurisdiction to the institution or other placement.

MANAGEMENT INFORMATION SYSTEM

MANAGEMENT INFORMATION SYSTEM

STANDARDS  
FOR  
MANAGEMENT INFORMATION SYSTEMS

- I. 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: (Essential)
  - A. making lawful decisions pertaining to juveniles;
  - B. managing the agency effectively and efficiently;
  - C. evaluating the agency; and
  - D. approved research
  
- II. 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. (Important)

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.
  
- III. EACH JUVENILE COURT SHALL ENSURE THAT:
  - A. reasonable safeguards have been established to protect against the misuse, misinterpretation, and improper dissemination of the information; (Important)
  - B. the information is both relevant and necessary to a proper purpose for collecting the information; (Important)
  - C. the collection of the information does not involve an invasion of privacy; (Essential)
  - D. it is reasonable to expect that the information collected will be accurate; and (Important)
  - E. the collected information is used for the purposes for which it is collected. (Important)
  
- IV. DIRECT ACCESS TO A JUVENILE RECORD SHALL BE IN ACCORDANCE WITH THE CONDITIONS SET FORTH IN SECTION 6308(B) OF CHAPTER 63, TITLE 42, P.C.S.

INFORMATION 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. (Essential)

V. 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. (Essential)

VI. THE ADMINISTRATIVE JUDGE OF THE JUVENILE COURT SHOULD PERMIT THE COLLECTION OF INFORMATION FOR PURPOSES OF RESEARCH AND EVALUATION. THE ADMINISTRATIVE JUDGE SHALL INSURE THAT:

- A. the information must be collected in a manner so that it cannot be linked with an identifiable juvenile. (Essential)
- B. under no circumstances shall identifiable information be released absent a court order. (Essential)
- C. the information released is used for the purposes for which it is collected. (Important)

VII. 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. (Important)
- B. insure 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. (Important)

Management participation shall include:

1. Approval of personnel who have access to the juvenile record information. (Important)

2. Approval of all system security measures. (Important)
3. Participation in the decision making regarding scheduling and application processing to assure timeliness, completeness and accuracy of the information. (Important)

VIII. PENNSYLVANIA ACT 305, SECTION 102, "EXPUNGE" AND SECTION 303, JUVENILE RECORDS, SHALL APPLY TO EXPUNGEMENT OF JUVENILE RECORDS. FOR MORE DETAILED INFORMATION SEE THE SECTION ON "LAWS" IN THE COMMISSION'S LAW VOLUME. (Essential)

Note: Several of the above 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 Governor's Task Force on Information Systems.

JUVENILE COURT MASTERS

STANDARDS FOR THE USE OF JUVENILE COURT MASTERS

I. IN MAKING THE DETERMINATION OF WHETHER OR NOT 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 JUVENILE MATTERS.

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.

Masters should be used to permit the Juvenile Court Judges to give greater time and attention to more important 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 JUDGE.

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 FOLLOING SITUATIONS:

- A. DETENTION HEARINGS OF JUVENILES WHOSE CASES ARE ACTIVE WITH A JUVENILE COURT JUDGE;
- B. SHELTER HEARINGS;
- C. ADJUDICATION AND DISPOSITION HEARINGS IN DELINQUENCY PROCEEDINGS IN WHICH NO COMMITMENT OR PLACEMENT IS ANTICIPATED; AND
- D. ADJUDICATION AND DISPOSITION HEARINGS IN DEPENDENCY PROCEEDINGS IN WHICH NO REMOVAL OR PLACEMENT IS ANTICIPATED.

IV. THE USE OF MASTERS IN JUVENILE COURT IS NOT ACCEPTABLE IN THE FOLLOWING SITUATIONS:

- A. ADJUDICATION HEARINGS IN DELINQUENCY AND DEPENDENCY PROCEEDINGS IN WHICH COMMITMENT, PLACEMENT OR REMOVAL MAY BE CONSIDERED;
- B. DISPOSITION HEARINGS IN DELINQUENCY AND DEPENDENCY PROCEEDINGS IN WHICH COMMITMENT, PLACEMENT OR REMOVAL WILL BE CONSIDERED;
- C. REVIEW AND RELEASE HEARINGS; AND
- D. HEARINGS ON A REQUEST TO TRANSFER A JUVENILE TO THE CRIMINAL COURT.

JUVENILE COURT JUDGES' COMMISSION

Harrisburg, PA

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