

the newsletter of the

Pennsylvania  
Juvenile Court  
Judges'  
Commission

# P E N N S Y L V A N I A J U V E N I L E J U S T I C E

Commonwealth of Pennsylvania, Edward G. Rendell, Governor

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## 2006 Legislative Update

### Act 143 of 2006

House Bill 2447 (3982) was signed into law by Governor Rendell, as Act 143 of 2006, on November 9, 2006, and became effective immediately. Act 143 amended 42 Pa.C.S. § 9728 (relating to collection of restitution, reparation, fees, costs, fines and penalties) to provide that transportation costs and other costs associated with the prosecution of an individual can be added to other administrative costs associated with the collection of restitution and be included in the amount of a judgment entered under this section.

Act 143 also amended 42 Pa.C.S. § 9798.1 (relating to information made available on the internet) to provide that the information posted on the internet website maintained by the Pennsylvania State Police be the same for all offenders subject to registration. (Note: The provisions of this section were subsequently amended by Act 179 of 2006.) Click here for Act 143.

### Act 146 of 2006

House Bill 2670 (4849) was signed into law by Governor Rendell, as Act 146 of 2006, on November 9, 2006. Act 146 brings Pennsylvania into compliance with the Child Abuse Prevention and Treatment Act (CAPTA), thereby allowing Pennsylvania to receive federal grant money from under CAPTA and the Children's Justice Act. Act 146 will become effective on May 8, 2007.

Act 146 of 2006 amends the Adoption Act at 23 Pa.C.S. § 2511 (relating to grounds for involuntary termination) to provide that parental rights may be terminated if the parent has been convicted of criminal homicide, aggravated assault, an offense in another jurisdiction equivalent to these offenses, or an attempt, solicitation or conspiracy to commit any of these offenses, in which the victim was a child of the parent.

In the Child Protective Services Law (CPSL), Act 146 adds a new 23 Pa.C.S. § 6343.1 (relating to citizen review panels) which requires the Department of Public Welfare (DPW) to establish a minimum of three citizen review panels to examine the policies, procedures and practices of state and local agencies, and where appropriate, specific cases, to evaluate the extent to which child

*Legislative Update, continued on page 5*

To sign up for the Governor's newsletter, click here [www.governor.state.pa.us](http://www.governor.state.pa.us)

## CTC Southwest Region Kick-off Event

The Southwest Region Communities That Care (CTC) Youth Commission held a Kick-Off event on Nov. 18 at the Schooner Youth Center in Monessen. The event included activities aimed at increasing knowledge of the CTC process and enhancing the ability to share key aspects of the CTC model with others.

Twenty-five youth, ages 14-17, from McGuffey CTC (Washington County), McKeesport CTC (Allegheny County), Monessen CTC (Westmoreland County), and Tri-Boro CTC (Braddock, North Braddock and Rankin, Allegheny County) attended the event. It is expected that these youth will become ambassadors of the Communities That Care model and will help establish youth councils at other CTC sites across the region and state. Community mobilizers and project staff from Tri-Boro CTC, McKeesport CTC, Greene County CTC, Washington City CTC, McGuffey CTC and Monessen CTC also attended the event.

The Southwest Region CTC Youth Council will continue to hold quarterly events, bringing together youth from the region. The Southwest region coordinators are Jodie Giocondi, Community Mobilizer from Carmichaels Communities That Care, Jennifer Ely, Supervisor of Child and Adolescent Services from Mon Yough Community Services, Inc., in McKeesport and Greene County Human Services.

This event was sponsored by the CTC organizations of Southwestern Pennsylvania and the Center for Juvenile Justice Training and Research. During their free time, those in attendance also had the opportunity to enjoy basketball, crafts, music and dancing.

For more information, contact Giocondi at [jgiocondi@co.greene.pa.us](mailto:jgiocondi@co.greene.pa.us), or Ely at [elyja2@mycs.org](mailto:elyja2@mycs.org).

This publication is produced monthly at the Center for Juvenile Justice Training and Research at Shippensburg University.

Guest articles, especially those with photographs, are always welcome; please submit them by email.

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## Staff Development News

The Center for Juvenile Justice, Training & Research (CJJT&R) Spring 2007 Staff Development Schedule has been mailed and e-mailed to our entire distribution list of agencies and individuals who regularly participate in our training workshops. If you would like to receive an e-mail copy of the spring and fall schedules, please contact Nina Weaver at [nsweav@wharf.ship.edu](mailto:nsweav@wharf.ship.edu) or (717) 477-1448, and request that your address be added to our list.

The schedule may also be viewed by visiting the Juvenile Court Judges' Commission website at [www.jcjc.state.pa.us](http://www.jcjc.state.pa.us). Registrations, changes, confirmations, and cancellations may be made by contacting Nina Weaver via e-mail.

Registrations for the Juvenile Act training portion of the orientation program should be returned as soon as possible in order to facilitate the completion of the course prior to the start of the live training on February 6. The early return of registration materials for all the other workshops is encouraged as they are accepted on a first-come, first-served basis, and many programs are expected to reach capacity on or before January 31. However, as always, the Center will continue to accept registrations on a **space-available basis** until the day prior to each program. Payment of registration fees may follow later.

The schedule includes 25 programs and 11 new trainers or topics for veteran staff, blended together with core curriculum workshops for staff new to the system. There are also a few programs that were held during the last two training seasons that filled quickly which we were asked to repeat.

Because of several program's non-traditional schedules, and the continued use of four separate training sites, we are urging administrators and/or agency training coordinators to provide each registrant with a photocopy of the one-page program description for each program they will be attending to serve as a reminder of the program's learning objectives, dates, times and location. **Please note the change in the hotel training site for the two programs held in the Pittsburgh vicinity.**

If you have not yet received a copy of the Center's training schedule and would like to review it in printed form, or if you have any further questions, please contact Stephen Bishop at (717) 477-1294 or John Herb at (717) 477-1185 and press 3.

# SAVE THE DATE APRIL 26, 2007

THE PENNSYLVANIA CHILD WELFARE  
TRAINING PROGRAM'S DIVERSITY  
TASKFORCE INVITES YOU TO SAVE THE  
DATE FOR ITS ANNUAL TRAINING EVENT

## Engaging Fathers to Promote Permanency

### ***"THE OTHER PART OF ME"***

#### *Purpose:*

#### *Our focus for the training event is to:*

- ❖ Address the importance of fathers while planning for children;
- ❖ Increase the public's knowledge of the expectations and challenges placed on fathers in diverse settings when children come into placement;
- ❖ Increase learning with hands on techniques for engaging and working with specific fathering populations; and
- ❖ Define various legal terms that can be used to describe a father and his rights.

**THE PENNSYLVANIA  
CHILD WELFARE  
TRAINING PROGRAM**  
UNIVERSITY OF PITTSBURG,  
SCHOOL OF SOCIAL WORK

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## Mental Health/Juvenile Justice Policy Statement endorsed



Wendy Luckenbill endorses Policy Statement on behalf of Mental Health Association in Pennsylvania

**A** Mental Health/Juvenile Justice (MH/JJ) policy statement that sets forth a vision of a model system that prevents the unnecessary involvement of youth with mental health problems in the juvenile justice system and allows for the early identification of youth with mental health needs, was recently endorsed by leaders of state agencies and statewide organizations. In addition, the policy statement provides for timely access to appropriate treatment within the least restrictive setting that is consistent with public safety needs.

The purpose of the policy statement is to serve as a blueprint for counties, and the state, in developing a comprehensive system that features the key components of screening, assessment, diversion, short-term interventions and crisis management, evidence-based treatment, continuity of care and aftercare, family involvement, funding, and legal protections.

The policy statement was developed by the MH/JJ workgroup, which is tasked with developing and achieving the goals of the Mental Health/Juvenile Justice component of Pennsylvania's *Models for Change* initiative. The MH/JJ workgroup is comprised of representatives from the juvenile justice, mental health, child welfare, drug and alcohol, and education systems as well as families. [Click here for the complete policy statement.](#)

## Philadelphia Juvenile Treatment Court Initiative Expanded Through SAMHSA Grant Awarded to the Philadelphia Health Management Corporation

**T**he Philadelphia Health Management Corporation (PHMC) is pleased to announce receipt of a three-year grant from the Substance Abuse and Mental Health Services Administration (SAMHSA) to partner with Philadelphia Family Court to expand the existing *Philadelphia Juvenile Treatment Court Program* and develop additional treatment and support services to meet the needs of adolescents living in the Kensington section of Northeast Philadelphia. Kensington was selected as the location because it is currently the site of more juvenile drug arrests than any other area in the city and it has also been identified as one of three regions in Philadelphia that has no outpatient programs for adolescents with substance use problems. PHMC is one of only nine *new* grantees nationally to receive approximately \$400,000 a year for three years through the *SAMHSA Juvenile and Family Drug Treatment Court Initiative*.

This exciting project—which will be called the Philadelphia *Juvenile Treatment Court Expansion Project (JTCEP)*—will enable approximately 75 additional youth per year to be served by Philadelphia Juvenile Treatment Court. The existing Philadelphia Juvenile Treatment Court pilot project currently serves only adolescents living in West Philadelphia. More specifically, funding from SAMHSA will be used to develop a new, family-focused, multi-component adolescent Intensive Outpatient Program (IOP) in Kensington that will be operated by PHMC.

The *Juvenile Treatment Court Expansion Project* will be unique in several ways. First, it will address a gap in the availability of outpatient treatment services for adolescents in an area with the highest number of juvenile drug arrests in Philadelphia.

*Court Initiative con't, page 6, column 2*

## Juvenile Act Training Available Through On-Line Course

The Center for Juvenile Justice Training and Research has contracted with The Education Coalition (TEC) and Community Corrections e-Learning Collaborative (CCELC) to develop a "Pennsylvania Juvenile Act" online course to be piloted in February, 2007. Please note that although the Juvenile Act will no longer be taught during the center's New Juvenile Probation Officer (JPO) Orientation Program, the new Juvenile Act segment, designed as an on-line course, remains an integral and necessary element of the complete new JPO Orientation package.

Prior to attending the first week of the new JPO Orientation on February 6, first-time on-line students will need to take an "On-line Learners Orientation" course. After attending the first week of live training, participants will complete the Juvenile Act course. The course will include a review of the Juvenile Act, rules of procedure, courtroom testimony, and other issues that have been covered in the past. Please note that **no content will be lost**. Participants will need to complete 1-1½ hours of course work per day on-line and **the course will be taught by JCJC/CJJT&R staff**. Participants will then complete the New JPO Orientation program the second week of live training from February 26 to March 2.

The cost for the on-line "Pennsylvania Juvenile Act" course for new staff, including the "On-line Learners Orientation," has been folded into the total registration fee for the Center's New JPO Orientation, bringing the new total cost to \$250 per registrant. Please be sure to complete all required information in the orientation registration section of the spring 2007 training booklet in order to register for all segments of the complete package. This includes an email address and selection of a date to take the "On-line Learners Orientation" course. **Departments are strongly encouraged to register staff that will be attending orientation as early as possible to allow ample time and opportunity to complete all of the required segments.**

**This course also provides an excellent opportunity for veteran staff to get a refresher on the Juvenile Act.** Veteran staff interested in taking the course can register as well. The cost for them is \$75, which needs to be paid directly to TEC/CCELC. The protocol for registration, course schedules, etc., is included in the spring 2007 training booklet which was sent electronically to the entire training distribution list on December 15. If you have any questions, please contact Stephen Bishop at 717-477-1294.

### *Legislative Update from page 1*

protective system agencies are effectively discharging their responsibilities under Section 106(B) of CAPTA. DPW is required to issue an annual report summarizing the activities and recommendations of the panels and summarizing the department response to the recommendations. The Act requires DPW to provide an annual report to the Governor and General Assembly, and quarterly summaries of the findings with non-identifying information about each case of child abuse or neglect which has resulted in a child fatality or near fatality. County agencies are required to include the same information in their quarterly report to DPW. "Near fatality" is defined by Act 146 as an act that, as certified by a physician, places a child in serious or critical condition.

Act 146 also amends the CPSL to add a new 23 Pa.C.S. § 6386 (relating to mandatory reporting of infants born and identified as being affected by illegal substance abuse). Health care providers who are involved in the delivery or care of an infant who is born and identified as being affected by illegal

substance abuse or as having withdrawal symptoms resulting from prenatal drug exposure are required to immediately cause a report to be made to the appropriate county agency. The county agency is then required to provide or arrange for appropriate services for the infant. Click here for Act 146.

### *Act 172 of 2006*

Senate Bill 669 (2250) was signed into law by Governor Rendell as Act 172 of 2006 on November 29, 2006, and will become effective on January 29, 2007. This Act mandates the provision of interpreters for certain persons with limited English proficiency, or who are deaf, and who are involved in proceedings before the courts or administrative agencies.

Among the provisions of Act 172 are amendments to Title 42 creating a new Chapter 44 "Court interpreters" that requires interpreters to be provided for persons involved in judicial proceedings who have limited English proficiency or who are deaf. The term "Judicial proceeding" is defined in the new 42 Pa.C.S. § 4402 (relating to definitions) as "an action,

appeal or proceeding in any court of this Commonwealth.”

42 Pa.C.S. § 4412 (relating to appointment of interpreter) provides that upon request or sua sponte, if the presiding judicial officer determines that a principal party or witness has a limited to ability to speak or understand English, a certified interpreter shall be appointed, unless a certified interpreter is unavailable. In limited circumstances provisions are made for the appointment of “an otherwise qualified interpreter.” Similar provisions are provided in § 4432 (relating to appointment of interpreter) for principal parties or witnesses who are deaf.

Under 42 Pa.C.S. § 4411 (relating to duties of Court Administrator), the Court Administrator may establish a program to appoint and use certified interpreters in judicial proceedings. § 4411 (b) provides that the Court Administrator shall compile, maintain and disseminate a current list of interpreters certified by the Court Administrator for the courts through any means deemed appropriate by the Court Administrator, including, but not limited to, a written directory which shall be maintained on file with the office of the clerk of courts in each judicial district and through publication on the web site of AOPC. § 4411 (d) provides that the Court Administrator shall prescribe a schedule of reasonable fees for services rendered by certified interpreters.

*Legislation continued on page 7*

### *Philadelphia Court Initiative from page 3*

Second, the proposed IOP will incorporate evidence-based assessment and treatment models developed in the CSAT funded *Cannabis Youth Treatment Study* (Dennis et. al, 2002), which will help project staff to engage families in treatment, increase retention, and target mental health and trauma related symptoms as well as substance abuse and delinquency. Third, the project will include a home-based, family-focused case management component that focuses on linking adolescents to a range of pro-social activities in the community and is based on a nationally-recognized model. Fourth, JTCEP will promote increased collaboration between the probation office and the clinical treatment team through regular meetings, information sharing, and communication.

The *Juvenile Treatment Court Expansion Project* will also include a three-year process and outcome evaluation, which will be conducted by PHMC’s Research and Evaluation Department. PHMC is a non-profit 501(C)(3) public health organization that is committed to improving the health of the community through outreach, education and health promotion, research, planning, technical assistance, and direct services. PHMC currently operates eight behavioral health treatment programs, as well as the Clinical Evaluation Unit of the Forensic Intensive Recovery (FIR) program, which offers eligible offenders substance abuse treatment in lieu of incarceration.

## **John Cookus appointed director of CJJT&R**

**T**he Juvenile Court Judges’ Commission is pleased to announce that John M. Cookus was appointed Director of the Center for Juvenile Justice Training and Research (CJJT&R) at Shippensburg University on November 25, 2006. With this appointment, John will oversee the operations of all CJJT&R programs including the Information and Technology Division, training, graduate education, detention monitoring, Communities That Care, training and technical assistance, and state-wide initiatives regarding the principles of balanced and restorative justice.

Mr. Cookus began his career in 1995 with the Wyoming Valley Children’s Service Center, where he held a variety of positions including intensive case manager, mobile therapist, and program director. He was hired as a juvenile probation officer by the Luzerne County Juvenile Court in 1997, and transferred to a Community Liaison Probation Officer position in 1999 where he served as the Court’s lead staff person in implementing the principles of balanced and restorative justice.

In 2003, John was hired by the Juvenile Court Judges’ Commission as a Juvenile Court Consultant where he provided technical assistance to juvenile court judges and chief juvenile probation officers regarding juvenile court policies, programs, and procedures. He has served as the lead instructor and developed curricula for JCJC-sponsored training programs on the Juvenile Act, community and media relations, and organizational skills and time management. He also served as the agency’s lead staff person and coordinator for the Pennsylvania Conference on Juvenile Justice.

John holds a Bachelor of Arts degree in Psychology from Wilkes University, and a Masters degree in Administration of Justice from Shippensburg University. He lives in Mechanicsburg, Pa. with his wife Melody and newborn son, Caden. John may be contacted at [jcookus@state.pa.us](mailto:jcookus@state.pa.us), or at (717) 477-1188.

ers and otherwise qualified interpreters used in judicial proceedings.

With respect to principal parties or witnesses having limited ability to speak or understand English, the new § 4416 (relating to cost of providing interpreter) provides that an interpreter appointed in accordance with the new statute is entitled to a reasonable fee for interpreter services and shall be reimbursed for actual and reasonable expenses. § 4416 also provides that if the person with limited English proficiency is a defendant, party or a direct victim in a judicial proceeding in a criminal matter or juvenile proceeding under Chapter 63, the payment of the cost of providing the interpreter shall be the responsibility of the county of the court that has jurisdiction over the judicial proceeding.

§ 4417 (relating to funding) provides that, except as provided in § 4416, the General Assembly shall appropriate to the Court Administrator such sums as may be necessary to establish a program to facilitate the use of interpreters and otherwise fulfill the provisions of the new statute. § 4417 also provides that implementation of this section is contingent upon the availability of appropriated funds to carry out the purposes of this section. [Click here for Act 172.](#)

### **Act 178 of 2006**

Senate Bill 944 (2009) was signed into law by Governor Rendell as Act 178 of 2006, on November 29, 2006, and will become effective on January 1, 2007. Act 178 doubles, from five years to ten years, the mandatory minimum sentence for persons convicted of rape, involuntary deviate sexual intercourse or aggravated indecent assault of a child. It also provides a mandatory minimum 25-year sentence for anyone twice convicted of a “Megan’s Law” crime, and a mandatory life sentence upon a third conviction. Act 178 also increases the penalty for convicted sex offenders who fail to comply with “Megan’s Law.”

Among the provisions of Act 178 is the creation of a new 18 Pa.C.S. § 3130 (relating to conduct relating to sex offenders) which provides that a person commits a felony of the third degree if the person has reason to believe that a sex offender is not complying with or has not complied with the requirements of the sex offender’s probation or parole, or with the registration requirements of 42 Pa.C.S. § 9795.2, and the person, with the intent to assist the sex offender in eluding a law enforcement agent or agency that is seeking to find the sex offender:

- (1) withholds information from or does not notify the law enforcement agent or agency about, the sex offender’s noncompliance with the requirements of

- parole, the requirements of 42 Pa.C.S. § 9795.2 or, if known, the sex offender’s whereabouts;
- (2) harbors or attempts to harbor, or assists another person in harboring or attempting to harbor the sex offender;
- (3) conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the sex offender; or
- (4) provides information to the law enforcement agent or agency regarding the sex offender which the person knows to be false.

The term sex offender is defined as a person who is required to register with the Pennsylvania State Police pursuant to the provisions of 42 Pa.C.S. §9795.1 (relating to registration).

Act 178 amended 42 Pa.C.S. § 9718 (relating to sentences for offenses against infant persons) by increasing the mandatory sentences that apply when the victim of the crime is under 16 years of age. The mandatory sentence increases from five to ten years for persons convicted of rape [18 Pa.C.S. § 3121 (a) (1) through (5)] or involuntary deviate sexual intercourse [18 Pa.C.S. § 3123]. A person convicted of aggravated indecent assault (where the victim is under 16 but not under 13) is now subject to a mandatory minimum sentence of 5 years.

Act 178 also amended 42 Pa.C.S. § 9718 (a)(2) to increase the mandatory sentence from five years to ten years for individuals convicted of rape of a child [18 Pa.C.S. 3121 (c)] or rape of a child with serious bodily injury [18 Pa.C.S. 3121 (d)]. For a conviction of Aggravated Indecent Assault where the complainant is less than 13 years of age [18 Pa.C.S. § 3125 (a)(7)], the mandatory sentence increases from two and one-half years to five years. Convictions for Aggravated Indecent Assault of a Child [18 Pa.C.S. § 3125 (b)] now requires mandatory imprisonment for ten years instead of five years. (As has been the case with § 9718, there is no minimum age difference required between the victim and offender for the mandatory sentences set forth in this section to apply.)

Act 178 also amended Title 42 to create a new § 9718.2 (relating to sentences for sex offenders) to require a mandatory minimum sentence of at least 25 years for persons who, at the time of the commission of the current offense, had previously been convicted of an offense set forth in 42 Pa.C.S. § 9795.1 (a) or (b), which require either ten year or lifetime registration. If a person had, at the time of the commission of the current offense, been convicted of two or more offenses arising from separate criminal transactions set forth in § 9795.1 (a) or (b), a mandatory life sentence is required.

Act 178 also amended Title 42 to create a new

§ 9718.3 (relating to sentence for failure to comply with registration of sexual offenders) which provides new penalties for offenders who fail to comply with registration, verification and misrepresentation of information provisions of 18 Pa.C.S. § 4915 (relating to failure to comply with registration of sexual offenders requirements). It should be noted that individuals who are subject to the sex offender registration requirements in Pennsylvania due to an out-of-state adjudication of delinquency requiring registration, would be subject to the new penalties under § 9718.3.

Act 178 amended 42 Pa.C.S. §9795.1 (relating to registration) by adding a section to require that individuals currently residing in the Commonwealth who have been convicted of offenses similar to the crimes listed in this section under the laws of the United States or other states or foreign nations also register with the State Police.

Act 178 re-titled § 9795.2 as “Registration procedures and applicability.” This section now requires that offenders and sexually violent predators must inform the Pennsylvania State Police (PSP) within 48 hours of any change in residence, employer or other information change included in this section, including registration with a new law enforcement agency not later than 48 hours after establishing residency in another state. Individuals convicted or sentenced by a court or adjudicated delinquent in jurisdictions outside the Commonwealth and who are required to register as a sex offender in the other jurisdiction, are required to register at an approved registration site within 48 hours of the individual’s arrival in Pennsylvania.

Act 178 creates a new 42 Pa.C.S. § 9798.3 (relating to global positioning system technology) which provides that the Pennsylvania Board of Probation and Parole and county probation authorities may impose supervision conditions that include offender tracking through global positioning system technology.

42 Pa.C.S. § 9799.2 (relating to duties of Pennsylvania Board of Probation and Parole) was amended to include a new section which provides that the board shall apply for federal funding as provided in the Adam Walsh Child Protection and Safety Act of 2006 (Public law 109-248, 120 Stat. 587) to support and enhance programming using satellite global positioning system technology.  
[Click here for Act 178.](#)

## **Act 179 of 2006**

Senate Bill 1054 (2247) was signed into law by Governor Rendell as Act 179 of 2006, on November 29, 2006. Act 179 amended 42 Pa.C.S. § 5552 (c)(3) to provide that prosecution may be commenced for any sexual offense committed against a minor who is less than 18 years of age up to the later of the period of limitation provided by law after the minor has reached 18 years of age, or the date the minor reaches 50 years of age. This provision of Act 179 will become effective on January 29, 2007.

Act 179 amended the Child Protective Services Law (CPSL) to require individuals who care for children to report suspected abuse, regardless of whether the child reports the abuse. It also deleted a requirement in current law that only child abuse committed by a parent, guardian or person living in the same home as the child or the child’s parent, must be reported. Act 179 makes an employer criminally liable for placing a child in the care of someone known to be dangerous to children, and also makes an employer criminally liable for preventing or interfering with the reporting of suspected child abuse. Act 179 also requires a criminal background check for professionals and volunteers who have significant contact with children and requires additional details about sex offenders to be placed on Pennsylvania’s Megan’s Law web site, including whether the victim was a minor.

Act 179 amended 18 Pa.C.S. § 4304 (relating to endangering the welfare of children) to provide that persons who employ or supervise a person who is responsible for supervising the welfare of a child, commits this offense if they knowingly endanger the welfare of the child by violating a duty of care, protection or support. Also added was language to include persons in an official capacity who prevent or interfere with the making of a report of suspected child abuse. A person supervising the welfare of a child is defined as a person, other than a parent or guardian, that provides care, education, training or control of a child.

The definition of “Sexual Abuse or Exploitation” at 23 Pa.C.S. § 6303 (relating to definitions) was amended to include any of the following: the employment, use, persuasion, inducement, enticement or coercion of a child to engage in sexually explicit conduct, or to engage in or assist another individual to engage in simulation of sexually explicit conduct, for the purpose of producing visual depiction, including photographing, videotaping, computer depicting and filming, and any of the following offenses committed against a child: rape, sexual assault, involuntary deviate sexual intercourse, aggravated indecent assault,

molestation, incest, indecent exposure, prostitution, sexual abuse, or sexual exploitation.

23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse) was amended to include specific language that a person who in the course of employment, occupation or practice comes into contact with children, shall report or cause a report to be made in accordance with § 6313 (relating to reporting procedure) when the person has reasonable cause to suspect, on the basis of medical, professional or other training and experience, that a child under the care, supervision, guidance or training of that person or of an agency, institution, organization or other entity with which that person is affiliated is a victim of child abuse, including child abuse by an individual who does not meet the definition of perpetrator under the CPSL, shall report or cause a report to be made in accordance with § 6313. Except with respect to confidential communications to members of the clergy or to an attorney, the privileged communication between any professional person required to report and the patient or client of that person, shall not apply to situations involving child abuse and shall not constitute grounds for failure to report as required by the CPSL.

23 Pa.C.S. § 6319 was retitled “Penalties for failure to report or refer,” and was amended to increase the grading of this offense to a misdemeanor of the third degree for a first violation, and to a misdemeanor of the second degree for a second or subsequent violation. This offense now includes the willful failure to make a referral to the appropriate authorities, in addition to the willful failure to report a case of suspected child abuse.

Act 179 also amended 23 Pa.C.S. § 6344 (relating to information relating to prospective child care personnel) to provide that this section also applies to individuals 14 years of age or older who reside in the home of a prospective foster parent or a prospective adoptive parent for at least 30 days in a calendar year.

Act 179 also amended § 6344 (c) (relating to grounds for denying employment) to preclude school administrators from hiring an applicant who is named in the central register as the perpetrator of a founded report for a school employee committed within the five-year period immediately preceding the verification pursuant to this section.

In § 6344 (o) (relating to use of information) prospective foster parents may not be approved by a foster family care agency if an individual 14 years of age or older living in a prospective foster home, is named in the central register as the perpetrator of a founded report of child abuse or a founded report for

a school employee during the past 5 years, or has been convicted of an offense listed in subsection (c) (2). Similar provisions are added in § 6344 (p) (relating to use of information) that apply to individuals residing in prospective adoptive homes.

Also added in Title 23 is a new § 6344.1 (relating to information relating to family day-care home residents) and § 6344.2. (relating to information relating to other persons having contact with children). These new provisions in Title 23 require adherence to the requirements in § 6344 (b) (relating to information relating to prospective child-care personnel).

Act 179 amends § 6368 (d) (relating to referral for investigation) to provide that if a complaint of suspected abuse is determined to be one which cannot be investigated under the CPSL because the accused does not meet the definition of “perpetrator,” but does suggest the need for investigation, the county agency must immediately transmit the information appropriate authorities, including the district attorney, the district attorney’s designee or other law enforcement official, in accordance with the county protocols for investigative teams required by § 6365 (c) (relating to services for prevention, investigation and treatment of child abuse).

Act 179 also amended 42 Pa.C.S. § 9795.4 (relating to assessments) to require the Sexual Offender Assessment Board (SOAB) to prepare a summary of the offense(s) which trigger the requirement for an assessment by the SOAB, to include:

- A concise narrative of the offender’s conduct.
- Whether the victim was a minor.
- The manner of weapon or physical force used or threatened.
- If the offense involved unauthorized entry into a room or vehicle occupied by the victim.
- If the offense was part of a course or pattern of conduct involving multiple incidents or victims.
- Previous instances in which the offender was determined guilty of an offense subject to this subchapter, or of a crime of violence as defined in § 9714 (g) (relating to sentences for second and subsequent offenses).

Act 179 also amended 42 Pa.C.S. § 9798.1. (relating to information made available on the internet) to require the Commissioner of the Pennsylvania State Police (PSP) to strive to ensure that the information contained on the internet website is accurate, that the data therein is revised and updated as appropriate in a timely and efficient manner, and that instructions are included on how to seek correction of information which a person contends is

erroneous. It also requires the PSP Commissioner to identify when a sex offender, who is subject to “Megan’s Law” registration, has victimized a minor.

Act 179 also expands the information made available on the internet to include more specific information regarding the offense and regarding all individuals who are subject to registration, including juveniles who are required to register with the State Police as a result of an adjudication of delinquency in another state that required registration in that jurisdiction.

The expansion of information on the PSP Megan’s Law web site to include whether the victim is a minor, as required by the addition of 42 Pa.C.S. § 9798.1 (c) (xi) (relating to information permitted to be disclosed regarding individuals), applies to persons convicted after November 30, 2006 for an offense requiring registration under 42 Pa.C.S. § 9795.1 (relating to registration).

The following provisions of Act 179 will become effective on January 29, 2007:

- The expansion of the definition of “Endangering welfare of children” under 18 Pa.C.S. 4304 (relating to endangering welfare of children).
- The addition of 23 Pa.C.S. § 6344.2 (relating to Information relating to other persons having contact with children).
- The increase in the statute of limitations for prosecution of sex offenses committed against minors under 42 Pa.C.S. § 5552 (relating to other offenses).

The remainder of Act 179 will become effective on May 29, 2007. Click here for Act 179.

## **Pennsylvania Commission on Crime and Delinquency Announces Funding Opportunity**

**T**he Pennsylvania Commission on Crime and Delinquency recently announced a Request for Proposals (FRP) for the development of a “Latino Needs Assessment”. To locate the latest information and download the RFP, click on the *FUNDING* link on the PCCD homepage, at [www.pccd.state.pa.us](http://www.pccd.state.pa.us), then click on *CURRENT OPEN FUNDING*.

Research proposals must be submitted by February 6, 2007 to be considered for review during this funding cycle. If you do not have Internet access, please contact Melissa Shetrom at [mshetrom@state.pa.us](mailto:mshetrom@state.pa.us), or (717) 787-8559, ext. 31258.



## **Commonwealth of Pennsylvania Mental Health / Juvenile Justice Joint Policy Statement**

The Mental Health/Juvenile Justice (MH/JJ) Work Group of the Pennsylvania MacArthur Foundation Models for Change Initiative is comprised of representatives from the juvenile justice, mental health, child welfare, drug and alcohol, and education systems as well as families. Our vision is that by 2010 every county will have a comprehensive model system that: (1) prevents the unnecessary involvement of youth who are in need of mental health treatment, including those with co-occurring substance abuse disorders, in the juvenile justice system; (2) allows for the early identification of youth in the system with mental health needs and co-occurring disorders; and (3) provides for timely access by identified youth in the system to appropriate treatment within the least restrictive setting that is consistent with public safety needs. The MH/JJ Work Group's goal is to engender the systems change necessary to make this vision a reality, including minimizing barriers that impede county innovation.

This effort is prompted by the recognition that many youth in contact with the juvenile justice system have significant mental health and co-occurring substance abuse treatment needs. Youth with unidentified and untreated mental health and co-occurring substance abuse needs are unable to participate fully in their families, schools and communities, and are at high risk of becoming involved in offending behavior. Once in the juvenile justice system, untreated youth pose a safety risk to themselves and others. Moreover, they are hindered in their ability to participate in their own rehabilitation, be accountable for their actions, and develop competencies, in accordance with the principles of balanced and restorative justice (BARJ) as incorporated into Pennsylvania's Juvenile Act. In order to promote these purposes, the MH/JJ Work Group is committed to implementing policies that promote the early identification of youth with mental health and co-occurring substance abuse needs, appropriate diversion out of the juvenile justice system, and referral to effective, evidence-based treatment that involves the family in both the planning for and delivery of services. Concurrent with these efforts, the MH/JJ Work Group will work to ensure that safeguards are in place to avoid the misdiagnosis and/or overdiagnosis of youth in the juvenile justice system, as well as to protect youth's legal interests and rights.

The MH/JJ Work Group's commitment to cross-systems collaboration to achieve this vision is further premised on the understanding that no one system bears sole responsibility for these youth. Instead, these youth are the community's responsibility and all policy responses developed for them, on both the state and county level, should be collaborative in nature, reflecting the input and involvement of all child-serving systems as well as family members. This commitment is in line with the Pennsylvania Department of Public Welfare's requirement that counties annually submit Children's Integrated Services Plans.

### **The Fundamentals of a Comprehensive Model System**

Our goal is to support every Pennsylvania county in developing, through a collaborative effort among all child-serving systems and families, a comprehensive system that features the key components of identification, diversion, short term interventions and crisis management, evidence-based treatment and continuity of care/aftercare planning for youth with mental health needs and co-occurring substance abuse issues. Such a system will integrate families into the planning for and delivery of services, and ensure that youth's legal rights are protected at all stages.

## **Screening and Assessment**

1. Mental health and substance abuse screening is available as needed at key transition points in the juvenile justice system to identify conditions in need of immediate response.
2. Instruments used for screening and assessment are standardized, scientifically-sound, contain strong psychometric properties, and demonstrate reliability and validity for identifying the mental health and substance abuse treatment needs of youth in the juvenile justice system.
3. Safeguards ensure that screening and assessment is used to divert youth out of the juvenile justice system and into mental health and/or substance abuse treatment when appropriate, and information and/or statements obtained from youth are not used in a way that violates their rights against self-incrimination.
4. All youth identified as in need of immediate assistance receive emergency mental health services and substance abuse treatment.
5. All youth identified as in need of further evaluation receive a comprehensive assessment to determine their mental health and substance abuse treatment needs.
6. Youth are not subjected to unduly repetitive screening and assessment.
7. All personnel who administer screening and assessment instruments are appropriately trained and supervised.

## **Continuum of Services**

### *Diversion*

8. Youth and their families have timely access to evidence-based treatment in their communities, such that youth do not have to enter the juvenile justice system solely in order to access services or as a result of mental illness and co-occurring substance abuse disorders.
9. Diversion mechanisms are in place at every key decision-making point within the juvenile justice continuum such that youth with mental health needs and co-occurring substance abuse disorders are diverted from the juvenile justice system whenever possible and when matters of public safety allow, including into the dependency system as appropriate.
10. Juvenile justice professionals, including judges, prosecutors, defense attorneys and probation officers, receive training on how youth with mental health and co-occurring substance abuse disorders can be diverted into treatment.
11. Youth who have been diverted out of the juvenile justice system are served through effective community-based services and programs.
12. Diversion programs are evaluated regularly to determine their ability to effectively and safely treat youth in the community.

### Short-Term Interventions and Crisis Management

13. Secure detention facilities and shelter care programs have services adequate to provide short-term interventions and crisis management to youth with mental health needs and co-occurring substance abuse disorders, in order to keep them safe and stable while awaiting a permanent placement.

### Evidence –Based Treatment

14. Assessment data is used to develop comprehensive treatment plans for adjudicated youth as part of their disposition.
15. Representatives from all relevant child serving systems (i.e., juvenile justice, child welfare, mental health, substance abuse, education, etc.) and families engage in the development and implementation of comprehensive treatment plans.
16. If diversion out of the juvenile justice system is not possible, youth are placed in the least restrictive setting possible with access to evidence-based, developmentally-appropriate treatment services. Such services are tailored to reflect the individual needs and variation of youth based on issues of gender, ethnicity, race, age, sexual orientation, socio-economic status, and faith.
17. Qualified mental health and substance abuse personnel are in place to provide treatment to youth in the juvenile justice system.
18. In-state capacity provides support for evidence-based treatment programs and their proliferation.
19. Mechanisms are in place to continually measure and evaluate the effectiveness of various treatment modalities, as well as the quality of service delivery.

### Continuity of care/aftercare

20. Representatives from all relevant child serving systems (i.e., juvenile justice, child welfare, mental health, substance abuse, education, etc.) and families are engaged in the development and implementation of comprehensive treatment plans to ensure continuity of care as youth move to new juvenile justice placements, appropriate aftercare when youth are released from placement to the community, and to aid in the youth's transition to adulthood.

### **Family Involvement**

21. Families engage with all relevant child-serving systems in the development and implementation of comprehensive treatment and aftercare plans for their children.
22. All services are child-centered, family focused, community-based, multi-system and collaborative, culturally competent and offered in the least restrictive/intrusive setting as possible, and these CASSP principles are followed in all treatment planning and implementation.

## Funding

23. Sustainable funding mechanisms are identified to support all services identified above as comprising the continuum of care, particularly for screening and assessment, evidence-based treatment practices, and cross-training of professionals from the various child-serving systems.

## Legal Protections

24. Policies control the use of pre-adjudicatory screening and/or assessment information, as well as information gathered during post-disposition treatment, to ensure that information is not shared or used inappropriately or in a way that jeopardizes the legal interests of the youth as defendants, including their constitutional right against self-incrimination.

September 2006



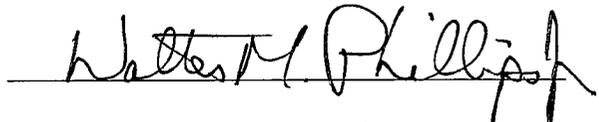
Hon. Estelle B. Richman, Secretary  
Pa. Department of Public Welfare



Dr. Gerald L. Zahorchak, Secretary  
Pa. Department of Education



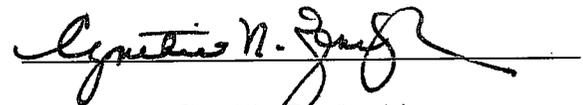
Hon. Arthur E. Grim, Chairman  
Pa. Juvenile Court Judges' Commission



Hon. Walter M. Phillips, Jr., Chairman  
Pa. Commission on Crime and Delinquency



Steven B. Custer, President  
Pa. Council of Chief Juvenile  
Probation Officers



Cynthia Zembryki  
Mental Health/Mental Retardation Program  
Administrators Association of Pa.



Wendy Luckenbill, Children's Policy Coordinator  
Mental Health Association in Pa.

Note: This policy statement is based, in part, on many of the principles and recommendations found in *Blueprint for Change: A Comprehensive Model for the Identification and Treatment of Youth with Mental Health Needs in Contact with the Juvenile Justice System* (Draft January 2006) developed by the National Center for Mental Health and Juvenile Justice at Policy Research Associates, Inc. with support from The Office of Juvenile Justice and Delinquency Prevention. *BLUEPRINT FOR CHANGE* can be found at [www.ncmhji.com](http://www.ncmhji.com).