Act 111 of 2011 PA’s Federal AWA/SORNA-implementation law

SB 1183 (1857), was signed into law by Governor Corbett as Act 111 of 2011 on December 20, 2011.

The primary intent of Act 111 of 2011 is to bring Pennsylvania into compliance with the Sex Offender Registration and Notification Act (SORNA) provisions of the federal Adam Walsh Act Child Protection and Safety Act of 2006 (AWA). In addition, the legislation closes several loopholes in the current Megan’s Law and modifies Act 21 of 2003 to require all “sexually violent delinquent children” committed for involuntary treatment under this statute to successfully complete, prior to discharge, a one-year period of “involuntary outpatient treatment” following inpatient treatment.

The Megan’s Law loophole fixes became effective immediately; other provisions become effective in 60 days; and all of the SORNA and Act 21-related amendments will become effective on December 21, 2012.

The provisions affecting adjudicated delinquent youth in Act 111 of 2011 hinge primarily on the following portions of the definition of “juvenile offender” on pages 191 and 192.

“Juvenile offender” is defined below: (Note: the “effective date” referenced below is December 21, 2012)

(1) An individual who was 14 years of age or older at the time the individual committed an offense which, if committed by an adult, would be classified as an offense under 18 Pa.C.S. § 3121 (relating to rape), 3123 (relating to involuntary deviate sexual intercourse) or 3125 (relating to aggravated indecent assault) or an attempt, solicitation, or conspiracy to commit an offense under 18 Pa.C.S § 3121, 3123 or 3125 and either:

(i) is adjudicated delinquent for such offense on or after the effective date of this section; or

(ii) has been adjudicated delinquent for such offense and, on the effective date of this section, is subject to the jurisdiction of the court, including commitment to an institution or facility set forth in section 6352(a)(3) (relating to a disposition of delinquent child).
Adjudicated delinquent youth who fall within this definition will be subject to lifetime sex offender registration, but will be eligible to petition to terminate the registration requirement after 25 “conviction-free” years. They will be required to appear personally at an approved registration site on a quarterly basis and will be subject to criminal penalties for failing to do so. The initial registration process will occur at the time of disposition for affected youth who are adjudicated delinquent on or after December 21, 2012, and that the Chief Juvenile Probation Officer will have responsibility to collect and forward to the Pennsylvania State Police (PSP) the information that is to be included in the sex offender registry.

There is no retroactivity for juvenile adjudications (except for delinquent youth under court supervision on December 21, 2012 who were adjudicated delinquent on the basis of one of the offenses described in the definition of “juvenile offender”). In addition, there will be no public website access to information regarding individuals required to register solely on the basis of an adjudication of delinquency.

Act 111 of 2011 modifies Act 21 of 2003 to require all “sexually violent delinquent children” following their inpatient treatment prior to being discharged from treatment. This is an important improvement to Act 21. With respect to the SORNA-related impact on these individuals, all “sexually violent delinquent children” will be subject to lifetime registration; to the same “community notification” requirements as sexually violent predators (SVPs); and to the same “lifetime monthly counseling” requirements as SVPs. These requirements will apply to all “sexually violent delinquent children” who are receiving treatment in the Act 21 facility on December 21, 2012, or who are committed for involuntary treatment under Act 21 on or after December 21, 2012.

As noted above with respect to delinquency cases, the Chief Juvenile Probation Officer will have responsibility to collect and forward to the PSP the information that is to be included in the sex offender registry for individuals committed for involuntary treatment under Act 21 on or after December 21, 2012.

Some of the more significant provisions of Act 111 of 2011 include the following:

- See pages 142-151 for the most important Act 21-related modifications.
- See pages 191-192 for the definition of “Juvenile Offender.”
- See page 193 for the definition of “sexually violent delinquent child” (Act 21 designation).
- See page 202-203 for the “lifetime registration” provisions for both “juvenile offenders” and “sexually violent delinquent children”.
- See pages 209-214 for the information that must be contained in the PSP statewide registry of sexual offenders.
- See pages 214-218 for the procedures that allow a “juvenile offender” to petition to terminate registration after 25 conviction-free years.
- See pages 228-233 for the “initial registration” procedures for both “juvenile offenders” and “sexually violent delinquent children.”
- See pages 237-238 for court notification and classification requirements for “juvenile offenders” and “sexually violent delinquent children.”
- See pages 248-252 for the “community notification” provisions that apply to “sexually violent delinquent children” and SVPs.
- See pages 252-257 for the provisions relating to the PSP public internet website.

If you have questions, please contact:

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The United States Supreme Court has agreed to again hear arguments regarding “juvenile life without parole. The primary issue to be brought before the Court is whether juveniles convicted of killing someone (murder, homicide or unintentional murder) may receive a life sentence without the possibility of parole. The court will examine two cases (Miller v. Alabama and Jackson v. Arkansas), brought by the Equal Justice Initiative, which involve juvenile offenders who are serving life sentences for crimes they committed when they were 14.

This will be the third case since 2005 in which the Supreme Court has examined whether juvenile offenders should be held to the same standards of culpability as adults.

- In the 2005 case of Roper v. Simmons, the Court ruled that it is unconstitutional to sentence juvenile offenders to the death penalty. This opinion was significantly based on empirical evidence regarding child/adolescent development and diminished capacity of juveniles, as well as international consensus against this practice.
- In the 2010 case of Graham vs. Florida, the Court ruled that it is unconstitutional to sentence juvenile offenders to life in prison without the possibility of parole for non-homicide offenses, and that the imposition of such sentences violates the United States Constitution’s 8th Amendment which prohibits “cruel and unusual punishment”. In the majority opinion, Justice Kennedy (who also wrote the majority opinion in Roper v. Simmons) noted that nothing has been presented that causes the Court to reconsider the standards applied in the ruling in Roper v. Simmons, which prohibits the imposition of the death penalty to juvenile offenders, largely based on the presumption of diminished culpability of juveniles.

The Equal Justice Initiative, and the attorneys for Miller and Jackson, believes that a closer review of homicide cases involving juvenile offenders will bring the U.S. Supreme Court to the same conclusions that were reached in the two previous cases. The cases of Miller v. Alabama and Jackson v. Arkansas are expected to be heard in February or March of 2012.

According to the Human Rights Watch, the United States is one of only a handful of countries that permit the practice of sentencing juvenile offenders to life without parole; the United States is the only nation that currently has anyone imprisoned under this practice – over 2,500 such offenders. It has been frequently reported that Pennsylvania leads the nation with 444 juvenile offenders sentenced to life without parole; all of these sentences are for homicide.
The Pennsylvania Conference on Juvenile Justice

November 7-9, 2012
at the Harrisburg Hilton & Towers

Registration open in August:
www.jcjc.state.pa.us

Youth Awards Program & Dinner
Wednesday, November 7

Annual Training & Awards Program
Thursday, November 8

Resource Day 2012
Friday, November 9

Sponsored by
The Juvenile Court Judges’ Commission
The Pennsylvania Council of Chief Juvenile Probation Officers
Pennsylvania Commission on Crime and Delinquency
The Juvenile Court Section of the Pennsylvania Conference of State Trial Judges

The 2012 Pennsylvania Conference on Juvenile Justice will conclude by presenting Resource Day – 2012, during which representatives from residential programs, electronic monitoring companies, drug testing companies, and other service providers will be available to discuss their programs with the Pennsylvania juvenile justice community. This informal marketplace will offer an important opportunity for consumers to learn about new and innovative services.
Robert Listenbee, Chief of the Juvenile Unit at the Defender Association of Philadelphia, was recently honored by the MacArthur Foundation-supported Models for Change initiative as a Champion for Change in juvenile justice reform.

Listenbee, a Philadelphia resident, received the award at the annual Models for Change national conference in Washington, D.C., where he was recognized for his efforts to improve the quality of defender representation in Pennsylvania.

Models for Change is the John D. and Catherine T. MacArthur Foundation’s 16-state juvenile justice system reform initiative. Now in its 6th year, Models for Change is accelerating movement toward a more effective, fair and developmentally sound juvenile justice system by creating successful and replicable models that improve outcomes for youth, use resources wisely, and protect community safety.

“Throughout all of his work as part of the Models for Change team, Bob has brought tremendous energy, enthusiasm, humor and a willingness to collaborate,” said Robert Schwartz, Executive Director, Juvenile Law Center. “These aspects of his leadership style are a major reason that he has been able to secure cooperation from so many different stakeholders. His commitments to youth, personal integrity and seemingly limitless energy have been invaluable in inspiring others to contribute to our reform initiatives.”

Listenbee has been a major contributor to Models for Change initiatives in Pennsylvania, participating in both the Juvenile Indigent Defense and Disproportionate Minority Contact Networks. In addition to his work with defenders in his unit, Listenbee is dedicated to improving the system and works closely with non-traditional partners to accomplish these goals including the Deputy District Attorney for Family Court in Philadelphia and top police officials in five branches of Philadelphia law enforcement.

“As Chief of the Juvenile Unit, Bob has never wavered from his commitment to improving the quality of defender representation in Philadelphia,” said Rhonda McKitten, Defender Association of Philadelphia. “He has incorporated team leaders and mentoring into attorney assignments, created a specialized unit to deal with juvenile sexual assault cases and been instrumental in developing three specialty court programs that divert youth out of the juvenile justice system and reduce their risk of residential placement.”

Listenbee worked with juvenile defenders across Pennsylvania to create the Juvenile Defender Association of Pennsylvania, the first organization in the Commonwealth to create a community of juvenile defenders to focus on the interests of juvenile practitioners. He was also the only juvenile defense attorney selected to serve on the Interbranch Commission on Juvenile Justice, to respond to the Luzerne County scandal by recommending changes to ensure that a similar injustice did not occur again. Listenbee advocates for the rights of juveniles and improvements to juvenile indigent defense as a member of the Pennsylvania Juvenile Justice and Delinquency Prevention Committee and as a new member of the Federal Advisory Committee on Juvenile Justice.
SAVE THE DATE

The Center for Juvenile Justice Reform at the Georgetown Public Policy Institute is pleased to announce the dates of its 2012 Juvenile Justice and Child Welfare: Multi-System Integration Certificate Programs.

Certificate Program for Public Sector Leaders
July 6-13, 2012
October 10-17, 2012
(CJJR will be offering two public sector classes in 2012)

Certificate Program for Private Sector Leaders
November 7-14, 2012

The Certificate Programs are week-long periods of intensive study designed for organization and system leaders working with youth known to the juvenile justice and child welfare systems—youth commonly referred to as “crossover youth.” The programs utilize a multi-systems and multi-disciplinary approach in focusing on policies, programs and practices that improve outcomes for this population. Upon completion of the week-long program, participants apply the knowledge they gain via a Capstone Project—a reform agenda they implement in their organization/community to make a positive impact on the lives of crossover youth.

The application for the Certificate Program for Public Sector Leaders will be posted on our website in January 2012. The application for the Certificate Program for Private Sector Leaders will be posted in the spring of 2012.

For more information on the programs, please visit: http://cjjr.georgetown.edu/certprogs/certificates.html

If you have any questions regarding the Certificate Programs CJJR offers, please contact Kristina Rosinsky, Program Manager, at klr45@georgetown.edu.
2011 Professional Caucuses Highlighted

During the 2011 Conference on Juvenile Justice participants had an opportunity to join with colleagues from their area of specialty/interest within Pennsylvania’s juvenile justice system to discuss issues of mutual concern and interest on the afternoon of November 2, 2011. Of particular interest to most of these groups were issues related to the Juvenile Justice System Enhancement Strategy (JJSES) over the past year. A summary of the professional caucus discussions is provided for review.

Over thirty chief and deputy chief juvenile probation officers were provided updates and participated in discussion about issues that included: The Juvenile Justice System Enhancement Strategy (JJSES); Pa.R.J.C.P 610 pertaining to six month disposition review hearings; appointment of an Educational Decision Maker as per Pa.R.J.C.P. 147; shared case responsibility activities; and several issues related to providers of delinquency services. Discussion also referenced the use of the Youth Level of Service (YLS) risk assessment instrument results in the development of case plans that target criminogenic need factors. Additional attention was given to issues relating to the YLS assessment as perceived by defense counsel.

The juvenile probation supervisors, of which there were over thirty participants representing 10 counties, initially spent a considerable amount of their time discussing the Juvenile Justice System Enhancement Strategy (JJSES) activities. Topics included the Youth Level of Service (YLS) risk assessment instrument, standardized case planning, the Juvenile Detention Alternatives Initiative (JDAI) and Motivational Interviewing training and implementation. Related discussions included Balanced and Restorative Justice (BARJ) and JJSES crosswalks, the potential impact of the new emphasis on data collection and data-driven decisions, and the Standardized Program Evaluation Protocol (SPEP) process to be utilized as a program evaluation/improvement tool. Other issues of importance to this group included the use of synthetic drugs, the loss of staff complement in some jurisdictions due to decreasing referral numbers and caseload sizes, the trend of decreasing detention placements, and the difficulties in incorporating recent changes to the Pennsylvania Rules of Juvenile Court Procedure. Near the end of the session, participants completed a visioning activity where they predict the juvenile justice system one year from now to include standardized case plans built on risk assessment results that target identified criminogenic needs, emerging effective evidence-based programs and activities based on targeting of specifically identified needs, and less residential and detention services.

Over fifty-five juvenile probation officers discussed a number of items of interest, most of which centered on the use of the Youth Level of Service (YLS) and the Juvenile Justice System Enhancement Strategy (JJSES) activities in their county juvenile probation departments. Much of the discussion focused on growing concerns about the sheer amount of time probation officers are spending on the completion of paperwork and assorted data entry, an issue that many feel is keeping them away from spending more time with the youth on their caseload. Also, concerns were expressed about the lack of services available to target identified criminogenic needs identified through the YLS. Ultimately, many agreed about their need to have a more clear sense of the larger scheme of the JJSES, evidence-based probation practices and how the YLS fits into the greater scheme of activities. A final discussion focused on the importance of probation officer knowledge about current trends in social networking and how this can be an effective tool in caseload supervision practice.

The victim service providers caucus was attended by seventeen professionals from the victim services field as well as representatives from juvenile probation, PCCD and District Attorneys’ offices. A lengthy discussion occurred regarding the funding of Victims of Juvenile Offenders (VOJO) positions and activities statewide to ascertain the impact, and strategies to deal with the loss of funding. Copies of the Pennsylvania Rules of Juvenile Court Procedure recently adopted relating to victims rights were distributed and discussed. Additionally, an example of the adoption of local rules that allow for the collection of administrative fees for victim services was discussed. Finally, the victim section of the Pennsylvania Juvenile Delinquency Benchbook was referenced, and attendees were encouraged to review and download it from the JCJC web site.

Participants in the caucus for service providers focused on a number of issues related to their operations, including discussion of SB 929, an amendment to Act 30 that includes a number of pertinent issues including cost factors for special education and PACTT related activities, timely payment to providers, payments of
“actual costs” as part of per diem rates, and various language updates. A lengthy discussion of the problems encountered by residential facilities with “bed bug” infestations was discussed, along with practice and procedural reactions that have been effective to date. The need to track outcomes of youth leaving services is an item of interest, and those in attendance want to discuss the matter in more details in the various forums with juvenile probation leadership that are available. Evidence-based practices were mentioned, with a particular emphasis on the use of Motivational Interviewing as a legitimate and effective tool for provider staff. Provider attention to Youth Level of Service (YLS) results was also emphasized, particularly as a key piece of information for individualized service plan development.

Feedback from each of the caucuses showed that professionals appreciated the opportunity to meet with colleagues, and to share experiences about what they encounter on a daily basis. A detailed summary of the information collected will be reviewed by JCJC staff and the Executive Committee of the PA Council of Chief Juvenile Probation Officers. The effort of the various caucus facilitators was instrumental in the success of each forum, and gratitude is extended to, Robert Stanzione, Robert Tomassini, Thomas Hughes, Valerie Bender, Carol Lavery and Dave Mueller for their work, and to the activity recorders Diana Munson, Tom Green, John Herb, Dan Rhoads and Rick Steele. It is anticipated that the caucuses will again be part of the next Pennsylvania Conference on Juvenile Justice.
Upcoming Staff Development Opportunities:

The bulk of the Center's spring training offerings have been posted to the JCJC/JEMS website and are open to registration. Other workshops will be added and separately announced throughout the spring and later in the year. You can always access the website to check the latest training offerings by visiting the JCJC website at this link: www.jcjc.state.pa.us and then click on the Staff Development banner. The next cycle of Orientation for New Professionals has been posted for several months and has been open for registration. The live portion of Orientation, held as usual at the Park Inn in Mechanicsburg, is scheduled for February 6-10 and to conclude on February 27- March 2.

The new online learning course on the Juvenile Act, the Juvenile Court Procedural Rules and related laws is in the final stages of development and should be available as the accompaniment to the Orientation program and to all existing staff in January. A separate announcement is forthcoming once that course is opened.

Existing system users need only enter your e-mail address and the password that you established during the past year to schedule workshops. New users should click on the New User button and follow the simple directions that follow. You may also print a copy of the entire schedule by clicking on the training selections tab and using the “print full details” button.

Included among this spring’s offerings are two programs focused on the recently released Family Involvement Curriculum. On March 8-9 in Mechanicsburg Wendy Luckenbill and Susan Blackburn will co-facilitate a workshop designed for probation officers to teach them how to use the curriculum in their work with families on their caseload.

Later this spring the curriculum will be taught in greater depth, in a two and one-half day format, designed to teach participants to take the curriculum home and teach other members of their staff how to use the curriculum themselves. This program will be conducted in State College on May 30 - June 1. In addition, staff who wish to prepare to be trained as trainer should also plan to attend the March 28-30 “Ultimate Educator” workshop in Mechanicsburg that is intended to equip attendees with the skills to teach and conduct quality adult education. This program, led by nationally recognized Anne Seymour, would be useful for any staff who are preparing to present the Family Involvement Curriculum, the Victim-Offender curriculum, Motivational Interviewing skills or any other piece of curriculum. This train-the-trainer prep course is based on the curriculum Anne authored for the Office of Victims of Crime within the U.S. Department of Justice, which has now been published in its second edition.

We also invite you to check out some links to other trainings around the state.

The following trainings and their links are not sponsored by JCJC.

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<tr>
<th>Signs And Symptoms of Posttraumatic Stress Disorder In The Adolescent Population</th>
<th>March 2, 2012</th>
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<td>Services for Adolescent and Family Enrichment Outpatient Treatment for Juvenile Sex Offenders</td>
<td>January 30-31st 2012</td>
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<th>Stress In Adolescence</th>
<th>April 18-19, 2012</th>
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<td>Lighting the Way to a Brighter Future</td>
<td>April 18-19, 2012</td>
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SAVE THE DATE!
June 17-20, 2012

Middle Atlantic States Correctional Association & Pennsylvania Association of Probation Parole and Corrections present

Working Together: THE KEYSTONE FOR SUCCESS

Contact Info:

MASCA
Mary Rose Worthington - mrworthington@minsec.us - 610.892.9167

PAPPC
Stephen Bishop - spbish@ship.edu - 717.477.1294

PAPPC
Pennsylvania Association of Probation, Parole and Corrections

HERSHEY Lodge
West Chocolate Avenue & University Drive
Hershey, PA
The following announcements are reprinted from JUVJUST, an OJJDP news service:

**Materials from the OJJDP National Conference Now Available**


Download the conference program, request conference session materials, and download grantee meeting materials and learning lab materials online.

Resources:
Find out more about OJJDP’s 2011 National Conference at www.ojjdp.gov/2011conference/
Download the conference program at www.nttac.org/index.cfm?event=conferenceOJJDP2011_confprog.

**Registration Open for Joint Meeting on Adolescent Treatment Effectiveness**

On April 10–12, 2012, the Office of Juvenile Justice and Delinquency Prevention will cosponsor the Joint Meeting on Adolescent Treatment Effectiveness. The conference provides a forum for the practice, research, and recovery communities to exchange ideas and data. It will take place at the Washington Hilton Hotel in Washington, DC.

The theme of this year’s conference is “Collaborating and Integrating To Support Youth and Families in an Era of Change.” This year’s conference will focus on collaboration between treatment and other systems and integration of services. Conference sessions will include presentations on evidence-based practices, juvenile justice, school-based services, recovery services, treatment and recovery systems collaboration and integration, youth and families, and special topics.

Registration is available online.

**Participants Sought for Survey on Mentoring Services for High-Risk Youth**

The National Mentoring Partnership, Global Youth Justice, and the National Partnership for Juvenile Services are conducting a survey to improve the design and delivery of mentoring services for youth at risk for delinquency, alcohol and drug abuse, truancy, and other problem behaviors. Results will be included in a research report and in training and technical assistance materials, which will be free and available online.

The survey is funded by the Office of Juvenile Justice and Delinquency Prevention. Mentoring and juvenile justice professionals working in detention, corrections, probation, dependency courts, delinquency courts, and teen court/youth court diversion programs are encouraged to participate.

The survey is available online, and takes 10 to 15 minutes to complete.

Resources:
Take the survey online at, www.surveymonkey.com/s/YouthMentoringSurvey.

**OJJDP Cosponsoring Substance Abuse Prevention Forum**

On February 6–9, 2012, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) will cosponsor the Community Anti-Drug Coalitions of America National Leadership Forum at the Gaylord National Hotel & Convention Center in National Harbor, MD. The conference brings together more than 2,500 representatives of community anti-drug coalitions, government leaders, youth, addiction treatment professionals, researchers, educators, law enforcement officials, and faith-based leaders to learn about the latest strategies for substance abuse prevention. Nationally recognized drug abuse prevention experts and policy makers will present at the forum.

Registration is available online.

Resources:
For more information about the conference, visit http://forum.cadca.org/
To register, go to http://forum.cadca.org/?q=node/51.
Bullying in Schools: An Overview

The Office of Juvenile Justice and Delinquency Prevention has released *Bullying in Schools: An Overview.*

This bulletin examines the connection between different types and frequencies of bullying, truancy, and student achievement, and whether students’ engagement in school mediates these factors. It discusses the results of three studies conducted in 2007 at the National Center for School Engagement, and compares these results with those from a Swedish study. The authors conclude that victimization in the form of bullying can distance students from learning. Schools can overcome this negative effect if they adopt strategies that engage students in their work, creating positive learning environments that produce academic achievement.

Resources:


Print copies can be ordered online from the National Criminal Justice Reference Service.

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The 2010 Pennsylvania Juvenile Court Dispositions report is now available to download from the JCJC website.

[www.jcjc.state.pa.us](http://www.jcjc.state.pa.us)