

“Bill of Rights” For Victims of Juvenile Crime

Governor Tom Ridge signed SB 1224 (2222) into law as Act 86 of 2000 on October 30, 2000, creating a “Bill of Rights” for victims of juvenile crime. Act 86 became effective on December 29, 2000 and provides victims of crimes with the following rights:

1. To receive basic information concerning the services available for victims of crime.
2. To be notified of certain significant actions and proceedings within the juvenile justice system pertaining to their case, including:
 - a. access to information regarding whether the juvenile was detained or released following arrest, and whether a petition alleging delinquency has been filed; and
 - b. immediate notification of a juvenile’s pre-adjudication escape from a detention center or shelter facility and of the juvenile’s subsequent apprehension;

The Rules of Juvenile Court Procedure further outline notification of actions and proceedings pertaining to a victim’s case such as the date, time, place, purpose and outcome of the proceeding including:

Rule 241 - Notice of a detention hearing.

Rule 311 - Notice of a court hearing for an intake case referred by the commonwealth’s attorney.

Rule 360 - Notice of the adjudicatory hearing.

Rule 500 - Notice of the disposition hearing.

Rule 600 - Notice of commitment review, disposition review and probation revocation hearings.

Rule 631 - Notice of a hearing scheduled if the commonwealth’s attorney objects to the termination of court supervision.

Rule 632 - Notice of a motion for early termination of court supervision or of a hearing scheduled for early termination.

Rules 408 & 409 & 512 - Notice of the final outcome of a proceeding if the victim is not present.

3. To be accompanied at all juvenile proceedings in accordance with 42 Pa. C.S. §6336 (relating to conduct of hearings) by a family member, a victim advocate or other person providing assistance or support;

Rule 132 – VICTIM’S PRESENCE

The victim, counsel for the victim, and other persons accompanying a victim for his or her assistance shall be permitted to attend the proceedings, except as provided in Rule 311.

Explanatory Report: RULE 132 – VICTIM’S PRESENCE

Section 6336(d) of the Juvenile Act provides for “parties, their counsel, witnesses, the victim and counsel for the victim, other persons accompanying a party or a victim for his or her assistance, and any other person as the court finds have a proper interest in the proceeding.” 42 Pa.C.S. § 6336(d). The Victim’s Bill of Rights, 18 P.S.

§ 11.201, provides that victims of crime have the right to be accompanied to all juvenile proceedings by a family member, a victim advocate or other person providing assistance or support. Reading these statutes together, the Committee concluded that the court is to determine who is present for the victim's assistance and who has a proper interest. The court should limit the number of persons attending to those that are there specifically for support.

Rule 311 – INTAKE CONFERENCE

Explanatory Report: Rule 311 – Intake Conference

During the surveys and Committee discussions, it was noted that the Victim's Bill of Rights does not give victims the right to participate in an intake proceeding; however, it gives the victims the right to comment on “disposition.”

Comment: ... “Nothing in these rules is intended to confer a right upon any person not already afforded by law, to attend an intake conference.” However, if the attorney for the Commonwealth objects to a decision resulting from the intake conference the attorney for the Commonwealth may file a motion requesting review by the court. The court is then to conduct a hearing on the motion. The victim is to be notified of the hearing, may be present, and be afforded the opportunity to submit an oral and/or written victim-impact statement.

- 4 In cases involving a “personal injury crime” or burglary, to submit prior comment to the prosecutor’s office or juvenile probation office, as appropriate to the circumstances of the case, on the potential reduction or dropping of any charge or changing of a plea in a delinquency proceeding, or, diversion of any case, including an informal adjustment or consent decree;

The Supreme Court expanded this right to include all offenses

Explanatory Report: RULE 311 – INTAKE CONFERENCE

.....If cases are being dismissed, informally adjusted or diverted, the victims should have the opportunity to give their opinion on the "disposition" of the case. To ensure compliance with this provision of the Victim’s Bill of Rights, this Rule affords the victim the opportunity to offer prior comment to the disposition of the case if informal adjustment or an alternative resolution of the case is being considered. In addition, this rule provides the attorney for the Commonwealth with notice of the outcome of an intake conference, *i.e.* informal adjustment. If the attorney for the Commonwealth feels the victim is aggrieved by the decision of the juvenile probation officer, the attorney for the Commonwealth may file a motion for review by the court.

Comment to Rule 312 – Informal Adjustment

Prior to informally adjusting the written allegation, the juvenile probation officer is to give the victim an opportunity to submit an oral and/or written victim-impact statement if the victim so chooses. The juvenile probation officer is to include the payment of restitution agreed to be owed to the victim as a condition of successful completion of an informal adjustment by a juvenile. If the victim is not present, the victim is to be notified of the final outcome of the hearing. See Victim's Bill of Rights, 18 P.S. §11.201 *et seq.*

Comment to Rule 370 – Consent Decree

Before placing the juvenile on consent decree, the victim(s) of the offense should be consulted. See Victim's Bill of Rights, 18 P.S. §11.201 *et seq.*

- 5 To have the opportunity to offer prior comment on the disposition of a delinquent child, to include the submission of a written and oral victim impact statement detailing the physical, psychological and economic effects of the crime on the victim and the victim's family. The written statement shall be included in any predisposition report submitted to the court. Victim impact statements shall be considered by a court in determining the disposition of a juvenile;

Rule 512 - Dispositional Hearing

A(2) – Opportunity to be heard. Before deciding disposition, the court shall give the juvenile and the victim an opportunity to make a statement.

Rule 513 – Aids in Disposition

C – Victim-Impact Statement. The victim may submit a victim-impact statement to the court. If the victim has submitted a victim-impact statement, the court shall accept and consider the victim-impact statement in determining disposition.

- 6 Upon request of the victim of a personal injury crime, to have the opportunity to submit written comment or present oral testimony at a disposition review hearing, which comment or testimony shall be considered by the court when reviewing the disposition of the juvenile;

[The Supreme Court expanded this right to include all offenses](#)

Comment to Rule 600 – Summons and Notice of the Commitment Review, Dispositional Review, and Probation Revocation Hearing

The attorney for the Commonwealth or the juvenile probation officer should notify the victim of the hearing. See Victim's Bill of Rights, 18 P.S. §11.201 *et seq.*

Rule 610 – Dispositional and Commitment Review

B. Change in the Dispositional Order. When there is a request for a change in the dispositional order, other than a motion to revoke probation, notice and an opportunity to be heard shall be given to the parties and the victim.

Comment to Rule 610 Dispositional and Commitment Review

The victim is to be notified of the date, time place and purpose of the review hearing. Prior to ordering the change in the dispositional order, the court is to give the victim an opportunity to submit an oral and/or written victim-impact statement if the victim so chooses.

- 7 To be restored, to the extent possible, to the pre-crime economic status through the provision of restitution, compensation, and the expeditions return of property that is seized, as evidence in the case, when in the judgment of the prosecutor the evidence is no longer needed for prosecution of the case;

- 8 If, upon the request of the victim of a person injury crime committed by a juvenile, the juvenile is ordered to residential placement, a shelter facility, or detention center, to:
 - a. receive prior notice of the date of the release of the juvenile, including temporary leave or home pass;

 - b. be provided with immediate notice of an escape of the juvenile, including failure to return from temporary leave or home pass; and immediate notice of re-apprehension of the juvenile; and

 - c. be provided with notice of the transfer of a juvenile, who has been adjudicated delinquent, from a placement facility that is contrary to a previous court order or placement plan approved at a disposition review hearing, and to have the opportunity to express a written objection, prior to the release or transfer of the juvenile;

8. To have assistance in the preparation of, submission of and follow-up on financial assistance claims to the Crime Victims Compensation Program;

9. To be notified of the details of the final disposition of the case, consistent with 42 Pa. C.S. §6336(f) (relating to conduct of hearings); and Rule 408 and 409.

Comment to Rule 408 Ruling on Offenses – If the court finds that the juvenile did not commit all of the alleged delinquent acts and dismisses the petition, the victim, if not present shall be notified of the final outcome of the proceeding.

Comment to Rule 409 Adjudication of Delinquency – If the court determines that the juvenile is not in need of treatment, supervision, or rehabilitation and the court enters an order terminating jurisdiction, the victim, if not present, shall be notified of the final outcome of the proceeding.

10. Upon the request of the victim of a personal injury crime, to be notified of the termination of the courts' jurisdiction.

Rule 632 – Early Termination of Court Supervision by Motion
B (2) - Notice. The victim shall be provided notice of the motion for early termination of Court Supervision.

E. – Hearing. If a party or the juvenile probation officers object and/or the court has determined a hearing is necessary, the court shall hold a hearing and give the party, the victim and the juvenile probation officer an opportunity to be heard before the court enters its final order.

Comment to rule 632 – Early Termination of Court Supervision by Motion The victim may be present at the hearing and is to be afforded the opportunity to submit an oral and/or written victim-impact statement.

Comment to Rule 631 – Termination of Court Supervision
If the attorney for the Commonwealth objects to the early termination the court is to conduct a hearing on the motion. The victim is to be notified of the date, time, place and purpose of the hearing and is to be afforded the opportunity to submit and oral and/or written impact statement.

Note: Act 86 defines “personal injury crimes” as follows:

Personal injury crimes are defined as an act, attempt or threat to commit an act which would constitute a misdemeanor or felony under the following: 18 Pa. C.S. Ch. 25 (relating to criminal homicide); 18 Pa. C.S. Ch. 27 (relating to assault); 18 Pa. C.S. Ch. 29 (relating to kidnapping); 18 Pa. C.S. Ch. 31 (relating to sexual offenses); 18 Pa. C.S. §3301 (relating to arson and related offenses); 18 Pa. C.S. Ch. 37 (relating to robbery); 18 Pa. C.S. Ch. 49, Subchapter B (relating to victim and witness intimidation); 30 Pa. C.S. §5502.1 (relating to homicide by watercraft while operating under influence); 75 Pa. C.S. §3731 (relating to driving under influence of alcohol or controlled substance) in cases involving bodily injury; 75 Pa. C.S. §3732 (relating to homicide by vehicle); 75 Pa. C.S. §3735 (relating to homicide by vehicle while driving under influence); 75 Pa. C.S. §3735.1 (relating to aggravated assault by vehicle while driving under the influence); and 75 Pa. C.S. §3742 (relating to accidents involving death or personal injury).

Also included in Act 86 of 2000, is a provision that requires all juvenile offenders adjudicated delinquent, or receiving consent decree dispositions, to pay costs of at least \$25 that will be paid into the Crime Victim’s Compensation Fund.

