



# **A FAMILY GUIDE** to Pennsylvania's Juvenile Justice System

*Developed by the Family Involvement Committee of the  
Pennsylvania Council of Chief Juvenile Probation Officers*

## **PENNSYLVANIA JUVENILE JUSTICE SYSTEM ENHANCEMENT STRATEGY STATEMENT OF PURPOSE**

We dedicate ourselves to working in partnership to enhance the capacity of Pennsylvania's juvenile justice system to achieve its balanced and restorative justice mission by:

Employing evidence-based practices, with fidelity, at every stage of the juvenile justice process;

Collecting and analyzing the data necessary to measure the results of these efforts; and, with this knowledge,

Striving to continuously improve the quality of our decisions, services and programs.



### Juvenile Justice Mission:

- Community Protection
- Victim Restoration
- Youth Redemption

**Community Protection** refers to the right of all Pennsylvania citizens to be and feel safe from crime.

**Victim Restoration** emphasizes that, in Pennsylvania, a juvenile who commits a crime harms the victim of the crime and the community, and thereby incurs an obligation to repair that harm to the greatest extent possible.

**Youth Redemption** embodies the belief that juvenile offenders in Pennsylvania have strengths, are capable of change, can earn redemption and can become responsible and productive members of their communities.

**All of the services designed and implemented to achieve this mission and all hearings and decisions under the Juvenile Act of Pennsylvania, and indeed all aspects of the Pennsylvania Juvenile Justice System, must be provided in a fair and unbiased manner.**

Initially Printed October, 2012, with updates as needed and noted to ensure material remains accurate to the Pennsylvania Juvenile Justice System and the purpose of this guide.

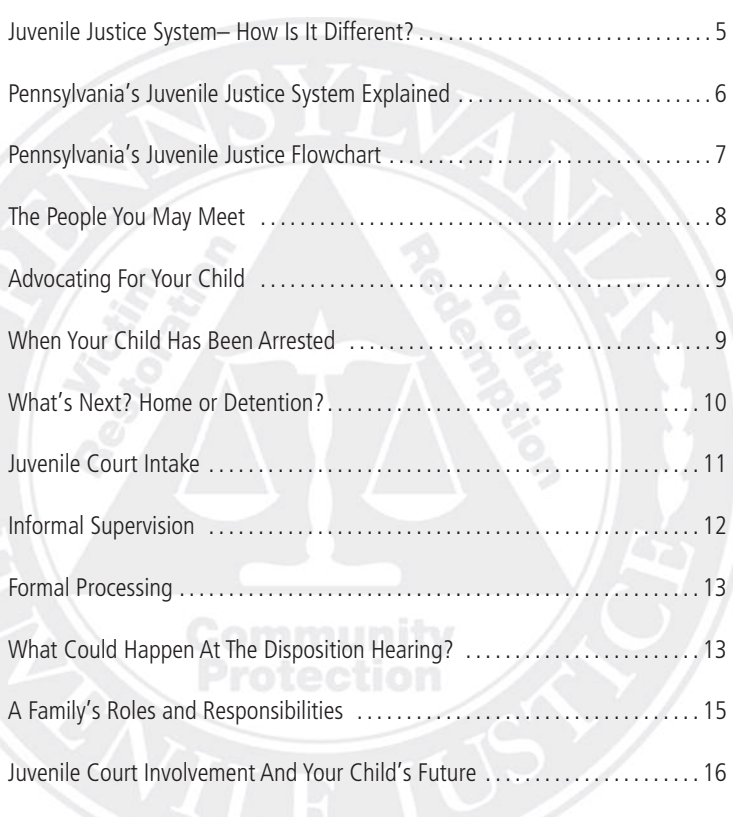
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**DISCLAIMER:**

This Family Guide contains general information regarding Pennsylvania's Juvenile Justice System and is not necessarily representative of the practices in every County. Please use it as a resource and should you need more county specific information please contact your local Juvenile Probation Department.

# A FAMILY GUIDE to Pennsylvania’s Juvenile Justice System

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## INTRODUCTION

A family's first introduction to the juvenile justice system could be a knock on the door or a phone call from the police that your child has been arrested.

You may have a mixture of questions and emotions when your child is arrested. First, you may have concern about your child's welfare. Is your child all right? Where is your child now? Can you bring your child home?

Second, you may be concerned with the circumstances of your child's arrest. What did your child do? Was anyone else involved? Was anyone injured? Was your child unjustly accused?

A natural reaction is fear, fear that your child is not going to be OK or that she or he may not have the future you dreamed about. Fear that anything you say may further harm your child. Fear that you may somehow be charged, too.

Another natural reaction is anger. Anger with the police, the person who filed the complaint, the juvenile justice officer, other youth that may have been involved and . . . even anger at your child for doing such a thing!

You may also feel embarrassed or humiliated by your child's arrest. You may not want to tell relatives or employers, especially if you have to take time from work. Many family members say they could have predicted that their child would get in trouble with the law because of earlier signs and behaviors. Families may have tried to find help that would change the path their child was following. In the midst of all of this confusion and emotion, it is difficult to understand what has happened and what lies ahead for your child.

**If your child is in the juvenile justice system, this guide is for you. This guide was written by a team of family advocates and juvenile justice practitioners. They created this guide to help you understand Pennsylvania's juvenile justice system and be better prepared to work closely with juvenile justice staff to promote positive outcomes for your child.**

## HOW TO USE THIS GUIDE

You can use this guide during the time your child is involved with juvenile Court, from time of arrest until he or she is released from the Court's supervision. This guide provides information about:

- What is going to happen to your child as he or she goes through the system
- Ways that you, juvenile probation and the juvenile Court can work together to help your child
- People who you and your child will meet in the juvenile justice system
- The rights and responsibilities of everyone involved, including you, your child, juvenile probation and the Court.

## JUVENILE JUSTICE SYSTEM– HOW IS IT DIFFERENT?

The juvenile justice system for youth is different from the criminal system for adults.

- The juvenile justice system deals with children whose offenses occur between the ages of 10-18. Supervision of your child can continue until age 21.
- Offenses are considered delinquent acts rather than crimes.
- Most hearings are not open to the public and are presided over by a Judge or Hearing Officer
- The juvenile justice system is intended to focus on treatment, rehabilitation and supervision.
- There is no jury trial in Juvenile Court.
- Children are “adjudicated delinquent”, rather than “found guilty”.
- Language used in the juvenile justice system and the adult criminal justice system is different.

## PENNSYLVANIA'S JUVENILE JUSTICE SYSTEM EXPLAINED

In 1995, Pennsylvania lawmakers re-defined the purpose of the juvenile justice system based on the principles of **Balanced and Restorative Justice**, sometimes referred to as "BARJ". Balanced and Restorative Justice is a philosophy, not a program. Pennsylvania's approach to juvenile justice strives to be balanced and restorative, and all activities your child will encounter focus on the following goals:

**Community Protection** – The public has the right to safe and secure homes and communities. The juvenile justice system must help the child while keeping the community, including the child and family, safe.

**Accountability** – When a crime is committed, the child is responsible for the harm caused and should take action to repair the harm and restore the victim and community.

**Competency Development** – Children should leave the juvenile justice system more capable of living responsibly and productively in the community. Since children are not as developmentally mature as adults, they are given the opportunity to learn to be responsible and competent.

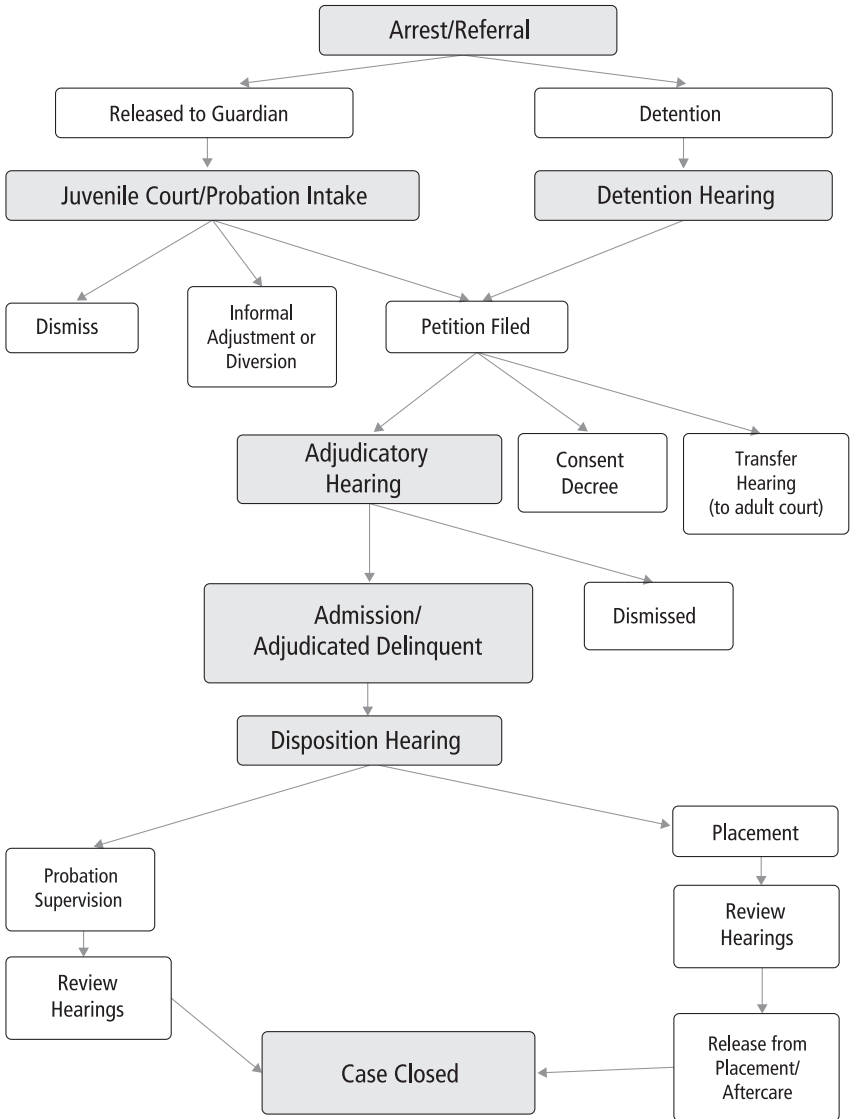
As you can see, Pennsylvania's juvenile justice system strives to help children learn from their mistakes, and make positive changes that will help them become responsible and productive citizens and to support the victims of crime.

The juvenile justice system may seem confusing and each child's experience is different. What happens to your child depends upon many factors:

- The needs of your child
- The nature of the offense and whether injury or damage was done
- Whether this is your child's first arrest
- Whether there is risk to other people or property.



# PENNSYLVANIA'S JUVENILE JUSTICE FLOWCHART



## THE PEOPLE YOU MAY MEET

Decisions are made by different people at different points in the process; you need to be constantly aware of what decisions are being made and who has the authority to make the decision. As the family member or guardian most concerned about your child's future, you need to be informed and involved in the decisions.

**Juvenile Probation Staff** – The Court employs people to work in many different settings. These individuals have different titles and responsibilities within the department, such as intake officer, school based officer, community based officer and/or probation officer. Be sure to write down the name, title and phone number of the individuals who are working with your child.

**Judge** – Judges are attorneys who have been elected to the Commonwealth Court and are assigned by the President Judge to conduct juvenile hearings.

**Hearing Officer** – Hearing Officers are attorneys who are appointed to serve in Juvenile Court to conduct certain types of hearings. Officers may hear detention hearings, detention review hearings, shelter-care hearings, uncontested dispositional review hearings or uncontested probation revocation hearings in both misdemeanor and felony cases. However, an Officer may not conduct adjudication hearings in felony cases. A judge must review and approve the Officer's decisions and recommendations.

**District Attorney or Prosecutor** – Each county in Pennsylvania has a District Attorney who is elected by voters. Depending upon the size of the county, additional attorneys may be hired to work in the District Attorney's office. It is the District Attorney's responsibility to prosecute, or prove, the charges against the youth.

**Public Defender** – The Public Defender is an attorney who is responsible for providing legal representation to youth coming before the Court, at no cost.

**Private Attorney** – Like attorneys in the Public Defender's Office, private attorneys are licensed by the State to practice law in Pennsylvania. These attorneys are hired for a fee.

### THE LEGAL OBLIGATIONS OF YOUR CHILD'S ATTORNEY

It is important to remember that a Public Defender or private attorney only represents the interests of the child, not the parent. The lawyer has a duty to advocate for what your child decides. You may have very good reason to disagree with your child's decision; however, the lawyer is bound to exclusively represent your child's expressed wishes. It is the lawyer's responsibility to fully explain to your child the consequences of her or his decision.

## ADVOCATING FOR YOUR CHILD

“Being there” for your child is important when your child is suspected of breaking or has broken the law. It may seem like your child’s behavior is beyond your control, but this can be a time when you and your child can rebuild your relationship, and find a better direction for your child’s life. Be there by:

### **Attending and arriving on time for meetings and Court hearings**

Remember that your presence at Court hearings is very important and in some counties required. Your presence at scheduled meetings is also very important. You want to be actively involved with your child’s case.

### **Participating in all decisions about your child**

While it may feel awkward or intimidating, you should speak up at meetings to provide additional information or to give input on your child’s needs. In court, be prepared to participate by providing important information. You may also write letters to the judge before the hearing to express your concerns or recommendations. Tell the probation officer (PO) you want to be included in all planning meetings and decisions about your child, even if it has to be by phone or email.

### **Building Respectful Relationships with People Involved with Your Child**

Regardless of how you may personally feel about your child’s situation, or the individual juvenile justice staff person, lawyer or judge, you should always communicate respectfully with them. It may be very difficult at times, but it will help your child. In turn, you can expect to be treated with respect. It is important to stay calm, and ask questions. You can help build mutual respect by letting court and juvenile probation personnel know that you are concerned for the welfare of your child, and that you look forward to working with them to ensure your child’s success. Make sure they know about your child’s problems and circumstances that may have contributed to their juvenile justice involvement. Be sure to share positive information as well. The strengths of your child and family are important in helping your child build a good future.

### **Staying Organized**

Keep all paperwork in a folder (reports, letters, and notices). Ask for copies of anything in writing about your child. Also, keep good notes regarding people you speak with, any meetings or hearings scheduled, and other important dates and appointments.

## WHEN YOUR CHILD HAS BEEN ARRESTED

You have just received a phone call from a police officer or juvenile probation intake officer that your child “has been arrested.” Hearing those words, you are in shock and disbelief. You should know that a child can be arrested for:

- A suspected offense
- An outstanding warrant for arrest

While the process may vary from jurisdiction to jurisdiction, when a child is arrested, the police decide whether to release the child or to take the child to the police station or a juvenile processing center. If taken to the police station or a processing center, the child may be photographed, fingerprinted, and information may be entered into the police computer system. Parents or guardians must be notified when a youth is arrested. Determining when the family is allowed to see their child during this period is up to the police. Youth must be separated from adults while locked-up.

**How Serious Is It?** If your child is charged, she or he may be charged with a Misdemeanor: a less serious offense such as simple assault or a minor theft, or a Felony: a more serious offense such as aggravated assault, rape or theft of a vehicle.

## **THINGS YOU CAN DO IF YOUR CHILD IS ARRESTED/REFERRED**

**Try to see your child immediately.**

**Keep a notebook.** Write names, dates, and phone numbers of people who you and your child meet. Take notes of conversations and meetings, and write down questions or concerns. This will be important throughout your child's Court involvement.

**Understand and support your child's right to be represented by an attorney.** All children are presumed to be without financial resources to hire an attorney. If your child appears at any hearing without an attorney, the Court must appoint an attorney before beginning the hearing. The attorney should be familiar with the juvenile justice process, which is unique and can be complex.

**Police will question your child shortly after arrest, and you and/or your child's attorney should be present.**

**Tell your child to be honest with his or her attorney.**

**Have a working telephone number at all times.** If you do not have a working phone number, give the phone number of a trusted friend or family member. Return all calls from the Court as soon as you can. This will be important throughout your child's Court involvement.

## **WHAT'S NEXT? HOME OR DETENTION?**

One of two things could happen following your child's arrest. Depending upon the charges, the risk to the safety of your child or others, or property, and whether this is your child's first arrest:

1. Your child may be released to your custody to return home until a meeting with a Juvenile Probation intake officer is scheduled.
2. The police may contact the Juvenile Probation Department and request that your child be detained in a secure detention center, shelter care program or other placement facility until the next Court date.

### **If your child is released to your custody:**

Some counties have "First Offender" or "Diversion Programs" to screen out youth who may have committed minor offenses. Youth entering these programs are not referred to the juvenile Court. The case is closed when the child completes the program.

The police may forward a report to the Juvenile Probation Department. A juvenile probation intake officer will send a letter to you with the date, time and place for a meeting to discuss your child's case.

### **If your child is detained:**

Your child will be held in a juvenile detention facility, shelter care or other placement facility. If child is charged with certain crimes, they may be charged as an adult and detained in a county jail. In this situation, you can ask your child's attorney about transferring the case to the juvenile justice system.

If your child is held in a juvenile detention placement, shelter care or other placement facility, he or she will go before a Judge or Officer for a Detention Hearing within 72 hours.

## JUVENILE COURT INTAKE

After your child is arrested, he or she can be referred to juvenile Court. At this time, a process known as “Intake” will begin. Throughout this process, a juvenile probation officer will conduct interviews with you, your child and the victim, and decide how to proceed.

### **Assessment:**

Part of the intake process may involve an “assessment”. It is a series of questions that you and your child will be asked. The information will be used to develop a Case Plan, and will be provided to the Court. The questions asked are intended to help the probation officer decide how to best handle your child’s case. The probation officer will ask for records and information from your child’s school and other agencies or services your child has been involved with. The probation officer is interested in trying to understand important things about your child so a plan can be developed, with you and your child, to help your child avoid getting into trouble in the future. The assessment will also be used to determine whether your child may need services such as counseling or drug treatment. It is to your child’s advantage to answer the questions truthfully.

Information from the assessment will be used to develop a Case Plan, and will be provided to the court and juvenile probation personnel for this purpose.

### **Next Steps:**

After the intake meeting, the juvenile probation intake officer will make a determination to either:

1. Refer your child for informal supervision
2. File a petition with the Court and schedule your child’s case for a Court hearing in front of a Judge or Hearing Officer. (Formal Processing)

There are four (4) ways the case can proceed. This will depend on your child’s need for supervision, risk to public safety, and the seriousness of the charges. For each of these outcomes there may still be a record of your child’s arrest:

- 1. Dismissal** – Your child’s case will be dismissed and he or she will have no more involvement with juvenile Court for that offense.
- 2. Informal Adjustment** – Your child can live at home and must follow the rules given by the juvenile probation officer for up to six months, at which time the charges will be dismissed.
- 3. Consent Decree** – Probation recommends that your child’s case proceed, and a delinquency petition be filed but also recommends that your child’s proceedings be suspended if he or she agrees to a probation plan. The district attorney and the Court must agree to this plan. While under a Consent Decree, you child is avoiding formal adjudication, there still may be a record of arrest with the Pennsylvania State Police reporting system.
- 4. Adjudication** – A formal delinquency petition will be filed and your child’s case will be heard by a judge at an Adjudication Hearing.

## THINGS YOU CAN DO WHILE WAITING FOR THE ADJUDICATION AND/OR DISPOSITION HEARING

Provide proper supervision if your child is home. This is important so that your child does not end up with more serious charges.

Visit as often as you can if your child is detained. Your child needs to know you care even when he or she has made mistakes and shown poor decision making.

Offer information about your child. Make sure your child's lawyer, probation officer and judge understand your child's special needs, such as medical, mental health, disability, or educational. Tell them about your child's strengths and needs.

Ask for written information. Ask for printed materials with important phone numbers, staff lists, agency lists, basic information about juvenile justice, and what you can expect as your child goes through your county's juvenile court system.

Offer to help. Let your child's probation officer, attorney and others know you want to be involved, will work with them throughout the process, and plan to attend decision-making meetings involving your child.

Continue to keep a notebook with names, dates, phone numbers, notes and questions.

Have a working telephone number at all times and return all calls from the Court/Probation promptly.

## INFORMAL SUPERVISION

Informal Supervision is used when the intake officer believes the case does not need to go to Court, but your child would benefit from services in the community. A requirement of informal supervision is that the youth admits "involvement" (agrees to the charges). Informal supervision could include several possibilities:

**Diversion Programs** – The juvenile probation department may also operate Diversion Programs that divert youth from going to Court. Some of these programs are Teen Courts, Community Conferencing, Neighborhood Youth Panels and more. Discuss with your child's juvenile probation intake officer what programs are available in your jurisdiction and would best serve your child's needs.

**Informal Adjustment** – Before a petition (formal list of charges) is filed with the Court, the juvenile probation department may decide to offer counsel and advice to your child. This will not extend beyond six months from the day it starts, unless extended by an order of court for an additional period not to be more than three months. The terms and conditions of an informal adjustment may include probation supervision, payment by the child of costs, fees or restitution, including a supervision fee. You and your child may be referred to an agency for help with a problem, such as a drug and alcohol or mental health program.

**Consent Decree** – After a petition (formal list of charges) is filed with the Court; the Court may postpone the actions and continue your child's probation supervision in his/her home, under the terms and conditions of probation supervision. If your child or the District Attorney does not agree to a consent decree, the Court must proceed to findings, adjudication and disposition. A consent decree will last for up to six months unless your child is discharged sooner by the probation department. A consent decree can be extended for another six months as well. If, before your child is released from supervision, he or she does not complete the terms and conditions of the decree and/or is rearrested, the petition may be filed with the Court as if the consent decree had never existed.

## FORMAL PROCESSING

Formal processing means that a petition (formal list of charges) is filed with the Court. If charges are filed, your child may be required to appear before the Judge or Officer, at each step of the process.

**Adjudicatory Hearing**– At this hearing, the District Attorney presents a case to prove that your child committed the alleged “delinquent act”. The District Attorney may present evidence and ask witnesses to testify. Your child’s attorney can cross-examine the witnesses and present evidence on your child’s behalf. After each side has presented their case, the Court’s Judge or Officer determines whether your child has committed a “delinquent act”. The Court will then decide if your child is in need of “treatment, supervision or rehabilitation”. If so, your child will be “adjudicated delinquent” by the Court, and a date for a Disposition Hearing will be set. There is no jury trial in juvenile Court.

**Disposition Hearing** – If the Judge or Officer finds that your child committed an offense, a disposition hearing will be held to decide what should happen to your child, which could include probation or placement. Before the Disposition Hearing, the Juvenile Probation officer gathers information and may interview you, your child, teachers, and others to prepare a report with recommendations for the Court. The Judge or Officer considers the recommendations from the Juvenile Probation and the District Attorney. You should also provide information. Families are often given the opportunity to speak at the disposition hearing. You can also write a letter to the Judge or Officer.

**Transfer to criminal proceedings** – Under certain felony cases, a hearing may be held to determine whether your child’s case should be transferred to the adult criminal justice system.

**Placement in a Detention Facility** – Your child may be held in a secure detention center while awaiting court hearings. If your child is in a detention facility, an adjudication hearing must be held within 10 days of a petition (formal list of charges) being filed. Following his/her adjudication hearing, if your child remains detained, your child must appear for a disposition hearing within 20 days.

## WHAT COULD HAPPEN AT THE DISPOSITION HEARING?

The Disposition Hearing occurs after your child is found delinquent. During the Disposition Hearing, the probation officer will present the Disposition Report and make recommendations to the Judge about what should happen next. This is called the Case Plan.

Generally speaking, there are two dispositional options from which the Judge may choose:

- 1. Probation** – Your child remains in your home. He or she must follow the rules and conditions imposed by the Court while under the supervision of his or her probation officer. Probation may include curfews, where he/she may go, and whom he/she spends time with. It may also include services and activities like counseling, tutoring, mentoring, paying restitution, victim awareness classes, paying Court costs and fines, and substance abuse or mental health treatment.
- 2. Placement** – Your child may be placed outside your home in a residential facility and will have probation and aftercare services upon release.

## **THINGS YOU CAN DO IF YOUR CHILD IS ON INFORMAL SUPERVISION OR PROBATION IN THE COMMUNITY:**

**Ask questions about anything you do not understand.** You need clear information about what is happening with your child to be able to participate in the process.

**Understand all court-ordered requirements and conditions.** Know what your child needs to do to successfully complete all court-ordered requirements. Help your child complete his or her court-ordered obligations.

**Help your child comply with all conditions so he or she will not end up back in court.**

**Be positive.** Encourage your child to do well. Talk about problems and help find solutions.

**Help your child change behaviors.** If you and your child are struggling, ask for help.

**Participate in your child's education.** Your child has the right to return to his or her school if he or she has not been suspended or expelled for the incident that led to arrest. Take an active interest in your child's education and work closely with the school.

**Continue to keep a notebook, have a working telephone number.**

## **THINGS YOU CAN DO IF YOUR CHILD IS PLACED OUTSIDE THE HOME (IN ADDITION TO THOSE LISTED IN THE INFORMAL SUPERVISION BOX):**

**Stay in touch with your child.** Visit, write letters, and take phone calls (your child will call you). Contact the facility to find out when you can visit your child, and ask the juvenile probation department for assistance if you have transportation problems (need a ride, need bus fare). Your child needs to know you offer love and support and are not abandoning him or her. Ask the facility staff before your visit what items they will allow you to bring your child.

**Stay in touch with the people caring for your child.** Attend meetings, keep communication open, and help make decisions about your child to the extent you can.

**Be available to make medical decisions for your child.** You will most likely be the primary decision maker for your child in medical matters even when the Court has custody of your child. Make sure the treatment facility knows who will make medical decisions for your child, and how and when you want to be contacted.

**Participate in your child's education planning.** See A Family's Roles and Responsibilities – Education on page 15

**Work on an aftercare plan for when your child comes home.** Work with the treatment facility, home school and probation officer to plan a smooth transition home for your child (aftercare plan).



## A FAMILY'S ROLES AND RESPONSIBILITIES

### **Parent/Guardian Responsibility During Juvenile Justice Involvement**

You keep legal custody of your child during a juvenile justice involvement, unless there is a separate hearing to limit or terminate your custody. Sometimes families think that when their child is involved in juvenile justice that this system will take over the parenting of their child. This could not be further from the truth! Your attention and involvement with your child is more important than ever during this time! You are still responsible for your child's care and behavior, even if the Court is making specific decisions about what your child must do as part of their involvement. You are expected to attend Court hearings. The Court may order you to attend programs or services, or pay for some of the costs of your child's restitution and/or residential placement.

### **Presence During Police Questioning**

You are permitted to be present during police questioning, but you do not have an absolute right to be there. Police must inform your child of her/his right to an attorney and right to silence. If the police fail to do so, the evidence may not be allowed in Court.

### **Participation in Hearings**

Pennsylvania's juvenile justice system recognizes that family participation is important. Ask your child's attorney and the probation officer to talk with you about how you can contribute to the hearing process.

### **Participation in Defense**

Your child's defense attorney's responsibility is to represent your child's legal rights, not yours! However, you can and should share information relevant to your child's case with your child's attorney. This communication is not a two-way street. Your child's attorney is prohibited from sharing information with you that your child does not wish to share. This can include information about the alleged incident, potential witnesses, and/or information about your child's background.

### **Communication with Juvenile Probation Officers (JPOs)**

It is important for you to talk openly and honestly with your child's juvenile probation officer, throughout her/his entire period of supervision. This will ensure your child is receiving the services necessary for them to succeed.

### **Educational Needs**

Your child continues to be eligible for a free, appropriate, public education during their juvenile justice involvement, including during any placement. You continue to have the right to know how your child is doing, communicate with her/his school staff, and get regular reports. Any disabilities or chronic medical needs (e.g. asthma, ADHD) your child has must be accommodated to ensure that she/he benefits from her/his education. If your child only needs accommodations (e.g., more time, shorter days) they are eligible for a "504 Plan". If your child needs individualized instruction (e.g., changes to the way they are taught) she or he is eligible for an Individualized Education Program (I.E.P.) Both the 504 Plan and the I.E.P must be developed with your input and approval.

### **Medical Needs**

If your child is in the juvenile justice system, you keep your rights to make medical decisions for your child up until your child's 18th birthday. Exceptions to this are (1) if the child can legally give his/her consent (see next heading), (2) when the Court is authorizing treatment, (3) when a physician determines that it is an emergency situation, or (4) if a family refuses to authorize treatment, or cannot be located, the Court may authorize medical treatment without family consent. Families have the right to consent

to mental health and drug and alcohol treatment for their child until age 18. In Pennsylvania, though, certain conditions apply. The Advocacy Resources at the end of this Guide will link you with full explanations.

### **Medical Treatment to which Minors can Consent**

In Pennsylvania, as the parent/legal guardian, you can consent to medical treatment until your child reaches age 18, including mental health treatment. In some circumstances, you can also consent to drug and/or alcohol treatment for your child. A minor can also consent to mental health treatment after age 14 and reproductive health treatment in some situations. A person may consent to drug and alcohol treatment at any age. See *Consent to Treatment and Confidentiality Provisions Affecting Minors in Pennsylvania*.

### **Rights When a Child is in a Residential Facility**

PA Department of Public Welfare (DPW) Regulations, 55 PA Code, Chapter 3800 governs safety and welfare for all DPW licensed child residential and treatment facilities. This includes physical conditions in the facility, how the child is cared for, communication with families, services provided, and discipline including seclusion and restraints. Families and the child have the right to file grievances if there are problems in the facilities. The State operated Youth Development Centers (YDC) and the Youth Forestry Camps (YFC) voluntarily comply with these regulations

## **JUVENILE COURT INVOLVEMENT AND YOUR CHILD'S FUTURE**

The following table was adapted from *The Pennsylvania Juvenile Collateral Consequences Checklist*, which was developed by the Juvenile Defenders Association of Pennsylvania and the Pennsylvania Juvenile Indigent Defense Action Network.

You and your child need to take juvenile justice involvement seriously. A juvenile justice record does not just disappear when a child turns 18. It is important that your child successfully completes his/her probation, and avoids any future arrests. It is also important that you make any special factors, like a child's mental health diagnosis or a learning disability known to the juvenile probation officer and Judge.

**Note on Expungement.** It may be possible to have your child's record expunged (erased). Speak with your child's Juvenile Probation Officer or attorney about this possibility. If your child is adjudicated delinquent, her/his juvenile records may be expunged five years after the child's discharge from Court supervision, or sooner under certain circumstances.

## A LIST OF THE EFFECTS OF JUVENILE JUSTICE INVOLVEMENT FOR A CHILD’S PRESENT LIFE AND THEIR FUTURE.

<b>1. Adjudication of Delinquency</b>	Delinquency adjudication is not an adult conviction but is often treated like one.
<b>2. Employment</b>	As an adult, your child may be unable to work in certain professions.
<b>3. Records Open To The Public</b>	Juvenile records are open to the public if a 12 or 13-year-old child is adjudicated delinquent of certain very serious offenses, or if a child who is 14 years old or older is adjudicated delinquent of ANY felony offense.
<b>4. Juvenile Court Open To The Public</b>	Juvenile Courts are open to the public if a child is 12 years old and charged with certain very serious offenses or the child is 14 years old or older and charged with ANY felony offense.
<b>5. Public Housing</b>	Families with a child who has been adjudicated delinquent may not be able to allow the child to live in their public housing unit with them.
<b>6. Military</b>	As an adult, your child may be unable to enlist in the military.
<b>7. Carrying A Firearm</b>	Adjudication for certain very serious offenses will prevent carrying a firearm.
<b>8. Driver’s License</b>	A child’s driving license may be suspended as a result of a delinquency adjudication for certain drug, alcohol and driving offenses
<b>9. Access To Schools</b>	Children may be expelled from school for delinquency adjudications for certain offenses that occur on school grounds or in transit to and from school, and information about adjudications will be sent to the next school if they choose to transfer.
<b>10. Access To Higher Education</b>	Delinquency adjudication does not need to be reported on many college applications, and does not bar access to federal financial aid for higher education.
<b>11. Fines, Court Costs And Restitution</b>	Children who are adjudicated delinquent are required to pay fines and Court costs and may be required to pay restitution. If the juvenile fails to pay fines, Court costs and restitution, a judgment can be filed against the juvenile after they turn 18 years of age.
<b>12. Sex Offense Registration</b>	Children who are adjudicated delinquent in Pennsylvania for certain sex offenses must register as sexual offenders.
<b>13. DNA Samples</b>	Children adjudicated delinquent of felony offenses and some misdemeanor offenses are required to submit a DNA sample to the State DNA Data Base.
<b>14. Voting</b>	A young person who turns 18 is able to register and vote, despite delinquency adjudication for any offense.
<b>15. Jury Service</b>	A young person who turns 18 is able to serve on a jury, despite delinquency adjudication for any offense.
<b>16. Immigration Status</b>	Delinquency adjudication can negatively affect a child’s immigration status.
<b>17. Adult Sentencing</b>	A juvenile’s record of delinquency adjudications for certain offenses can significantly affect sentencing for a criminal conviction as an adult.

## TERMS USED IN PENNSYLVANIA’S JUVENILE JUSTICE SYSTEM

Below is a list of common terms used in Pennsylvania’s juvenile justice system which may be used regarding your child.

**Accountability** – When a crime is committed, a child has a responsibility for the harm caused and takes action to repair the harm and restore the victim’s and community’s losses to their pre-crime state, if possible.

**Adjudication Hearing** – A hearing in juvenile Court where the District Attorney/Prosecutor, as a representative of the Commonwealth, presents their case to prove that a child committed the offense he/she has been charged with.

**Adjudication of Delinquency** – When a child is found by the Court to have broken the law and is in need of treatment, supervision or rehabilitation.

**Appeal** – Taking a child’s case to a higher Court to review the trial Court’s decision.

**Assessment** – A professional evaluation of a child’s level of risk and needs.

**Balanced and Restorative Justice (BARJ)** – The approach that believes justice is best served when the community, the victim and the offender (child who commits an offense) receive balanced attention.

**Bench Warrant** – A Court order allowing the police or a juvenile probation officer to physically take a child into custody and bring the child before the judge.

**Community Service** – Volunteer work that a child does to benefit the community and to repair harm she/he has caused.

**Court Order** – A document signed by a judge, directing somebody to do something. Anything that is written in the order must be abided by.

**Detention Center** – A locked facility where children are temporarily housed.

**Disposition Hearing** – If the judge finds a child guilty of committing a crime, a disposition hearing is held to decide what services the child will be Court-ordered to complete (such as probation supervision, community service hours, counseling, and/or commitment to a residential treatment facility).

**Diversion Program** – A program that diverts children from going to Court. Check with your child’s juvenile probation officer to find out what programs are available in your community.

**Expungement** – When a juvenile Court record is legally erased as though it never existed.

**Felony** – The most serious criminal offense.

**Misdemeanor** – A less serious criminal offense.

**Probable Cause** – A strong reason to believe a child committed the offense of which he or she is accused.

**Restitution** – Children are held accountable for the financial losses they have caused to the victims of their crimes and the Court may order your child to pay the victims for their losses.

**Review Hearing** – A Court hearing that is held to review a child’s progress.

**Revocation of Probation** – When a child under probation supervision either commits an illegal act or violates other conditions or rules laid out by the Court in the probation agreement, and the Court can respond with sanctions.

**Sanctions** – Consequences that are imposed on children when they break the rules of their probation. This may include community service, electronic monitoring, increased probation supervision and/or curfew restrictions.

**Status Offense** – A legal term used to describe an offense committed by a child that would not be considered a crime if an adult had committed the same act, such as running away or truancy, which are not delinquent acts.

**Subpoena** – A Court order requiring a person to appear in Court at a certain date and time.

**Victim Impact Statement** – A written form that a victim has a right to complete and have presented to the Court explaining the emotional and financial impact a child's crime has had on them.

**Youth Level of Service Inventory (YLS)** – A research-based assessment tool designed to determine a child's risk to reoffend and needed services through juvenile probation. The YLS helps the probation officer objectively determine a child's risk of re-offending and the level of needed intervention, based upon the child's history, strengths, and social supports. Use of the YLS increases appropriate planning and placement decisions.

## SERVICES AND SUPPORTS FOR FAMILIES

### LOCAL SERVICES AND SUPPORTS

Each of Pennsylvania's 67 counties has different resources and supports for families. Ask your child's juvenile probation officer for a list of resources and supports in your county.

### STATEWIDE FAMILY ADVOCACY RESOURCES

The following agencies can also assist you to find help for your child.

**Disability Rights Network of Pennsylvania.** Provides information and advocacy for children and adults with disabilities. Assists with problems accessing needed disability services in all systems, including juvenile justice and education. <http://drnpa.org> or call 800-692-7443

**Juvenile Law Center.** Pennsylvania-based public law firm focused on issues related to juvenile justice. The Center provides technical assistance to attorneys and families on juvenile justice issues. The website has juvenile justice publications for youth and families. <http://www.jlc.org/publications> or call 800-875-8887

**Pennsylvania Families, Inc.** PA's federally funded Statewide Family Network, which empowers PA families of children with special needs by linking them to support and information, including a directory of local family groups [www.pafamiliesinc.com/about.php](http://www.pafamiliesinc.com/about.php) or call 1-800-947-4941

**Education Law Center-PA** Provides information and advocacy to ensure all of Pennsylvania's children have access to a quality public education. <http://www.elc-pa.org>

### PUBLICATIONS

A wealth of information is available on the internet for families. If you do not have a computer, you can access these resources at your local public library's public computers. The Family Advocacy Resources listed above can also help families access needed information.

*Blamed And Ashamed: The Treatment Experiences of Youth with Co-occurring Substance Abuse and Mental Health Disorders and Their Families.* National Federation of Families for Children's Mental Health. <http://ffcmh.org/wp-content/uploads/2009/pdffiles/blamedashamed.pdf>

*Choosing the Right Treatment: What Families Need to Know About Evidence-Based Practices.* (2007). National Alliance on Mental Illness. This guide assists families in understanding, selecting and evaluating evidence-based practices (EBPs) in children's mental health. [www.nami.org/Content/NavigationMenu/NAMILand/CAACebguide.pdf](http://www.nami.org/Content/NavigationMenu/NAMILand/CAACebguide.pdf)

*Consent to Treatment and Confidentiality Provisions Affecting Minors in Pennsylvania.* Lourdes Rosado. (2006). Philadelphia, PA: Juvenile Law Center. The child's and family's right to consent to child's medical treatment, including Mental Health— see page 8 [www.jlc.org/publications/consent\\_and\\_confidentiality/](http://www.jlc.org/publications/consent_and_confidentiality/)

*Family Involvement in Pennsylvania's Juvenile Justice System.* Luckenbill, W. and Yeager, C. (2010). Pennsylvania Council of Chief Juvenile Probation Officers. Written by families and system stakeholders. Includes recommendations for improving the involvement at the individual and system levels. <http://www.pachiefprobationofficers.org/docs/Family%20Involvement%20Monograph.pdf> or [www.modelsforchange.net/publications/238](http://www.modelsforchange.net/publications/238)

*How to Get Services by Being ASSERTIVE.* Family Resource Center on Disabilities. Des Jardins, C. (1993). The classic family self-advocacy book is the best advice available for families who need help for their child. [http://www.frcd.org/book\\_order.pdf](http://www.frcd.org/book_order.pdf) (also available on Amazon.com)

*How to Work Effectively With Police When Youth Are In Mental Health Crisis: Tip Sheets for Families of Children and Youth with Mental, Emotional, or Behavioral Health Problems.* National Federation of Families for Children's Mental Health. <http://ffcmh.org/wp-content/uploads/2010/02/publications/HowtoWorkEffectivelyWithPoliceTipSheetSeries5of5.pdf>

*Juvenile Records: A Know Your Rights Guide for Youth in Pennsylvania.* Shah, R. and Darcus, J. (2008). Philadelphia, Pa: Juvenile Law Center. A resource on juvenile justice records, including expunging juvenile records. [www.jlc.org/publications/juvenile\\_records/](http://www.jlc.org/publications/juvenile_records/)

*Know Your Rights – A Guide for Dependent Youth in Pennsylvania.* Pokempner, J. (2010). Philadelphia, PA: Juvenile Law Center. Brief juvenile justice-specific information for youth who are in substitute care. [www.jlc.org/publications/know\\_your\\_rights](http://www.jlc.org/publications/know_your_rights)

National Registry of Evidence-based Programs (EBPs) Information about EBPs for children and their families. Search by age or name of intervention for the most recent additions to the field. [www.nrepp.samsha.gov](http://www.nrepp.samsha.gov)

School Discipline Publications and Factsheets. Education Law Center – Pennsylvania. Information on discipline rights for students, including expulsions, suspensions, and alternative education placements. [www.elc-pa.org/pubs/pubs\\_discipline.html](http://www.elc-pa.org/pubs/pubs_discipline.html)

## REFERENCES AND RESOURCES

A number of publications were used in the creation of this guide.

*Building Bridges Between your Community and your Court: A Handbook for Community Members.* Shippensburg, PA: Center for Juvenile Justice Training & Research, Shippensburg University. [http://www.jcjc.state.pa.us/portal/server.pt/community/about\\_jcjc/5984/center\\_for\\_juvenile\\_justice\\_training\\_and\\_research/504494](http://www.jcjc.state.pa.us/portal/server.pt/community/about_jcjc/5984/center_for_juvenile_justice_training_and_research/504494)

*Family Involvement in Pennsylvania's Juvenile Justice System.* Luckenbill, W. and Yeager, C. (2009). Models for Change/Pennsylvania Council of Chief Juvenile Probation Officers [www.modelsforchange.net/publications/238](http://www.modelsforchange.net/publications/238)

Balanced and Restorative Justice – multiple publications, The Juvenile Court Judges Commission website: [www.jcjc.pa.state.us](http://www.jcjc.pa.state.us)

*Making Your Voice Heard: Family Advocacy Handbook for Parents and Other Concerned People with Children in Custody in the Juvenile Justice System.* Celeste, G. Juvenile Justice Project of Louisiana, Second Edition. [http://clarola.org/index.php?option=com\\_mtree&task=att\\_download&link\\_id=118&cf\\_id=24](http://clarola.org/index.php?option=com_mtree&task=att_download&link_id=118&cf_id=24)

*Navigating the Juvenile Justice System.* (2006). Maryland Coalition of Families for Mental Health. [www.mdcoalition.org/documents/jjhandbook06.pdf](http://www.mdcoalition.org/documents/jjhandbook06.pdf)

*Navigating the Juvenile Justice System: A Guide for Parents and Guardians.* Philadelphia, PA: Juvenile Law Center. Feierman, J., Keller, E., Glickman, M., and Stanton, R. (2011). [http://www.jlc.org/publications/navigating\\_the\\_juvenile\\_justice\\_system\\_in\\_pennsylvania/](http://www.jlc.org/publications/navigating_the_juvenile_justice_system_in_pennsylvania/)

*Juvenile Delinquency Records Handbook and Expungement Guide.* (2010). Pennsylvania Juvenile Court Judges' Commission. [www.jcjc.pa.state.us](http://www.jcjc.pa.state.us)

Juvenile Defense information, Juvenile Indigent Defense Action Network: [http://www.njdc.info/jidan\\_main.php](http://www.njdc.info/jidan_main.php) (click on "Pennsylvania")

*Juvenile Justice in Pennsylvania: Mission-Driven, Performance-Based, Outcome-Focused.* (2009). Juvenile Court Judges' Commission. [www.jcjc.pa.state.us](http://www.jcjc.pa.state.us)

*Pennsylvania Juvenile Collateral Consequences Checklist.* (2011) Juvenile Defenders Association of Pennsylvania (JDAP) [www.pajuvdefenders.org/publications/pennsylvania-juvenile-collateral-consequenceschecklist](http://www.pajuvdefenders.org/publications/pennsylvania-juvenile-collateral-consequenceschecklist)

*Reclaiming Futures Every Day... Families are Key to Juvenile Justice Reform.* Shanahan, R. (March 22, 2010). Family Justice Program of the Vera Institute of Justice. <http://www.reclaimingfutures.org/blog/juvenile-justice-reform-family-involvement-Vera-tool>



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**Pennsylvania Council of Chief Juvenile Probation Officers**

**Pennsylvania Commission on Crime and Delinquency**

**The Pennsylvania Juvenile Court Judges Commission**

**Mental Health Association of Pennsylvania**

**National Center for Mental Health and Juvenile Justice**

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## MORE INFORMATION

*A Family Guide to Pennsylvania’s Juvenile Justice System* is available online at the PA Council of Chief Juvenile Probation Officer’s website, <http://www.pachiefprobationofficers.org/library.php>

For more information on this Guide and the PA Council of Chief Juvenile Probation Officers, and its Family Involvement Committee: [http://www.pachiefprobationofficers.org/committees\\_chair\\_persons.php](http://www.pachiefprobationofficers.org/committees_chair_persons.php)



