

A FAMILY GUIDE

to the Pennsylvania Juvenile Justice System



INTRODUCTION

This guide was created to help you understand the juvenile justice system and be better prepared to work toward positive outcomes for your child. This guide contains general information regarding Pennsylvania's Juvenile Justice System and is not necessarily representative of the practices in every County. Should you need more county specific information please contact your local Juvenile Probation Department.

A knock on the door or a phone call from the police that your child has been arrested is often a family's first introduction to the juvenile justice system. You may have a mixture of questions and emotions when your child is arrested.

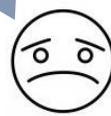
Is my child ok?



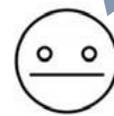
What did my child do?



Where is my child now?



What's next?



A natural reaction is fear — fear that your child is not going to be ok or that they 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 — you may feel anger toward the police, the victim, the juvenile probation officer, the district attorney, the judge, other youth that may have been involved, and . . . even anger at your child.

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. 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.



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 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.

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Feel free to skip around to sections that apply to you right now.

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Part 1: The Juvenile Justice System Explained

PENNSYLVANIA'S JUVENILE JUSTICE SYSTEM

In 1995, Pennsylvania lawmakers defined the purpose of the juvenile justice system based on **Balanced and Restorative Justice**, sometimes referred to as "BARJ." 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 takes 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.

PENNSYLVANIA JUVENILE JUSTICE SYSTEM ENHANCEMENT STRATEGY

In 2010, after nearly 20 years of advancing the goals of BARJ, Pennsylvania initiated the **Juvenile Justice System Enhancement Strategy (JJSES)**, supported by research regarding "what works" to reduce risk of re-arrest among youth.

JJSES 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.



All aspects of the Pennsylvania Juvenile Justice System must be conducted in a fair and unbiased manner.

HOW JUVENILE JUSTICE DIFFERS FROM ADULT CRIMINAL JUSTICE

The juvenile justice system for youth is different than the criminal system for adults:

- The juvenile justice system deals with children whose delinquent acts occur between the ages of 10 - 17. Supervision of your child can continue until age 21.
- Hearings are held in separate juvenile courts that are presided over by a judge or hearing officer.
- The juvenile justice system is intended to focus on community protection, accountability, and competency development.
- There is no jury trial in juvenile court.
- The juvenile justice system is typically faster paced than the adult system.
- The juvenile probation officer will make recommendations to the Court, but the judge is the final decision maker.
- Most juvenile court record information is confidential.



Terminology used in the juvenile justice system is different than the language used in the adult criminal justice system.

- Juvenile offenses are considered delinquent acts rather than criminal acts.
- Juveniles are adjudicated delinquent rather than convicted.
- Juveniles are given a disposition rather than sentencing.



The **Pennsylvania Juvenile Act**, originally established in 1901, is the law that governs the Pennsylvania juvenile justice system. The **Pennsylvania Rules of Juvenile Court Procedure** govern how all juvenile court cases are processed.

Note: There are certain circumstances when a child can be prosecuted as an adult.

They will be “direct filed” to the adult system if:

- They are charged with the offense of murder; or
- The child is 15 years of age or older and is alleged to have committed certain offenses with a deadly weapon; or
- The child is 15 years of age or older, is alleged to have committed certain offenses, and has a prior adjudication of delinquency for specific felony offenses.

They can also be initially charged as a juvenile, but then transferred to the adult system under certain circumstances.

VICTIMS' RIGHTS

Victims of juvenile crime are entitled to certain rights as defined in Pennsylvania's Crime Victims Act and the Rules of Juvenile Court Procedure. These rights include:

Right to be notified

- About the arrest
- About basic services available to them
- About certain events during your child's supervision, including information on escape or release of your child
- About the details of the final disposition of the case

Right to be present

- At all juvenile justice proceedings
- Accompaniment to all juvenile justice proceedings

Right to be heard

- To receive help in preparing an oral and/or written victim impact statement for the court report
- To provide input into the disposition through an oral and/or written victim impact statement at the court proceeding
- To provide a statement of financial losses (restitution) experienced due to the offense
- Assistance with filing a compensation claim

It is important to be familiar with these rights, so that you are aware the victim in your child's case has the right to be present at all proceedings.

If you, or a family member, are the identified victim of your child's alleged crime, you/they are still entitled to these rights and services.

Remember – If restitution is ordered in your child's case, it is required to be paid in full or a judgment may be filed.

For additional information on Crime Victims' Rights, please refer to the [Pennsylvania Crime Victims' Rights and Rules Handbook](#).

THE PEOPLE YOU MAY MEET

Decisions are made by different people at different points in the process; it is helpful if you are aware of what decisions are being made and who has the authority to make the decision.



Be sure to write down the name, title, and phone number of the individuals who are working with your child's case.

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, community-based officer, and/or probation officer.

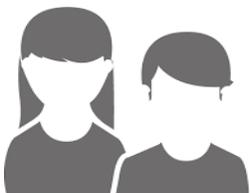
Judge - Judges are attorneys who have been appointed or elected to conduct hearings.

Hearing Officer - Juvenile Court Hearing Officers are attorneys who are appointed to serve in juvenile court to conduct certain hearings. A judge must review and approve the hearing 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 or Court Appointed Attorney - The Public Defender or Court Appointed Attorney is an attorney who is responsible for providing legal representation to youth coming before the Court, at no cost to the family.

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 paid by the youth/family, etcetera.

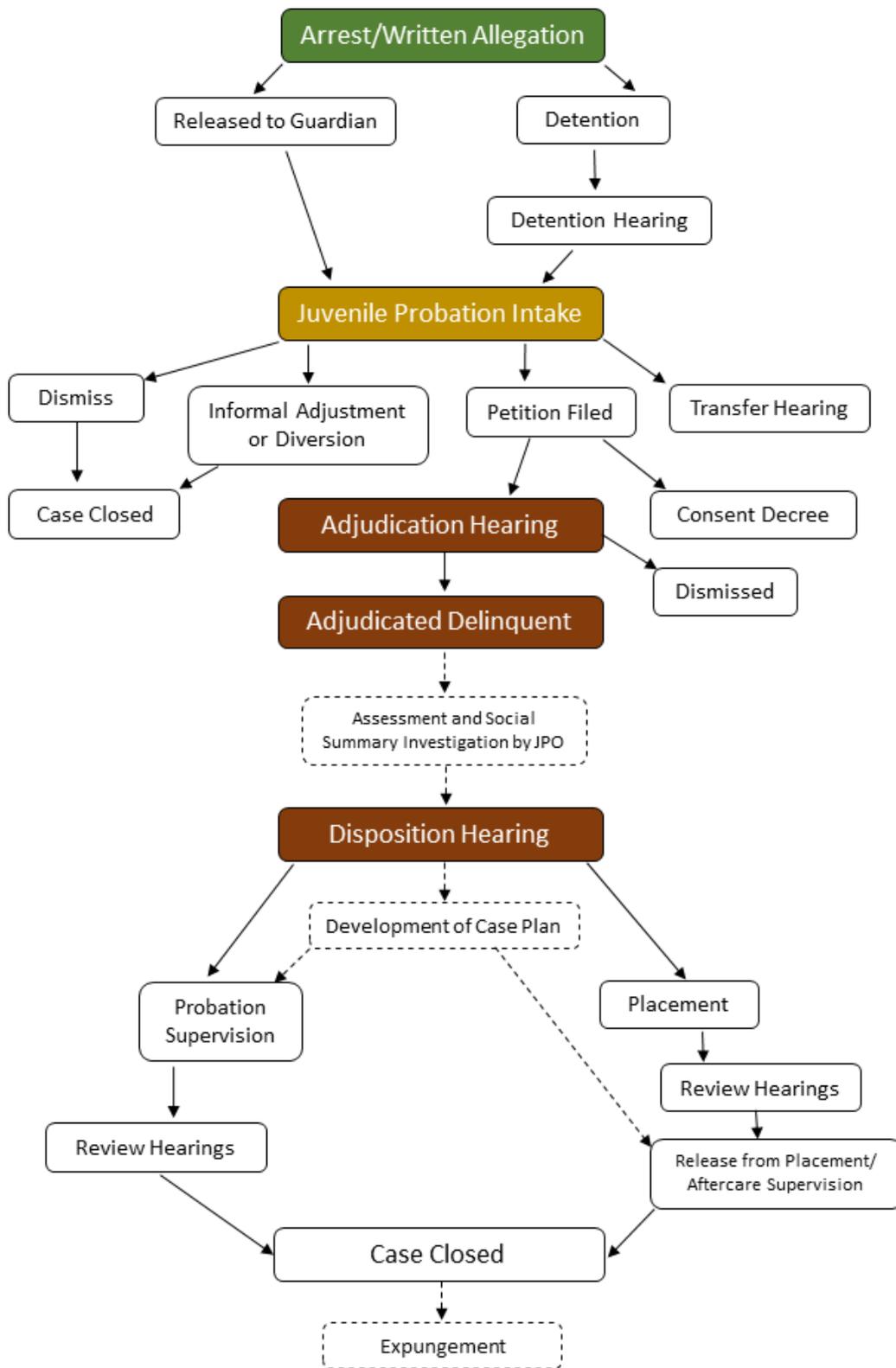


All youth coming before a Judge or Hearing Officer must be represented by an attorney. It is important to remember that a public defender or private attorney only represents the interests of the child, not the parent. The lawyer has a duty to advocate for what your child decides.

You may have good reason to disagree with your child's decision; however, the lawyer is bound to only represent your child's wishes. It is the lawyer's responsibility to fully explain to your child the legal consequences of his/her decision.

PENNSYLVANIA'S JUVENILE JUSTICE SYSTEM FLOWCHART

Note: the color boxes match corresponding sections of this guide.



* Please note: County practices may differ slightly, but generally follow this chart and must comply with the Rules of Juvenile Court Procedure and the Juvenile Act.



Part 2: Arrest / Written Allegation

YOUR CHILD HAS BEEN ARRESTED – NOW WHAT?

You have just received a phone call from a police officer or a juvenile probation officer that your child has been arrested. Hearing this news, you are probably in shock and disbelief.

You should know that a child can be arrested for:

- ✓ An alleged offense
- ✓ An outstanding warrant for arrest



While it may vary from jurisdiction to jurisdiction, generally when a child is arrested the police decide whether to release the child to a parent/guardian or to take the child to the police station or a juvenile processing center. Youth must be separated from adult offenders while in a police holding facility.

If taken to the police station or a processing center, the child may:



Be photographed*



Be fingerprinted*



Have their information 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.

**Please note, even if your child is not fingerprinted and/or photographed at this time, they may be required to do so later.*

HOW SERIOUS IS IT?

Just like offenses in adult or criminal court, juvenile offenses have different grading levels, or levels of seriousness.

Summary: The lowest level of offense, usually processed by the Magisterial District Judge.

Misdemeanor: A mid-level offense such as simple assault or a minor theft processed by the juvenile court.

Felony: The highest level of offense such as aggravated assault, rape, or theft of a vehicle processed by the juvenile court.

The offense of murder is automatically processed in the adult system.

WHAT'S NEXT? HOME OR DETENTION?

One of two things could happen following your child's arrest:

- ✓ Release
- ✓ Detention

If your child is released to your custody...

- Some counties have "First Offender" or "Diversion Programs" to identify youth who may have committed minor offenses. Youth entering these programs are not referred to the juvenile court and the case is closed when the child completes the program.
- The police will forward a written allegation to the juvenile probation department. A juvenile probation officer will contact 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 temporarily held in a juvenile detention facility, shelter care, or other alternative placement while pending further court proceedings.
- Any of your child's current medical and/or mental health treatment needs will continue to be addressed.
- A judge or hearing officer makes the decision for a juvenile to remain detained or be released to a parent/guardian; there is no bail to release juveniles from detention.
- The county assistance office will be notified of your child's detention. Any financial benefits you receive on behalf of your child will be suspended while your child is in detention or out-of-home placement. Only the benefits you receive for the child in detention will be affected. If you have other children that receive benefits, those benefits will not be suspended.
- **When your child is released it is your responsibility to notify the County Assistance Office, and if applicable the Social Security Administration, to ensure the benefits are reinstated.**

If your child is detained there are specific timeframes that must be followed:

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If your child is held in a juvenile detention facility, shelter care, or other placement, he/she will appear before a judge or hearing officer for a detention hearing within **72 hours**.

10

If the juvenile remains in detention, an adjudicatory hearing must be held within **10 days** of a petition being filed.

20

If the juvenile remains in detention following the adjudication hearing, a disposition hearing must be held within **20 days**.



The juvenile probation department will provide you with the name, address, and phone number for the detention facility, shelter care, or alternative placement.

Please contact the detention facility for information about visitation hours and policies.



According to the Pennsylvania Juvenile Act, a child should only be detained if:

- detention or care is required to protect the person or property of others or the child,
- the child may abscond or be removed from the jurisdiction of the court, or
- no parent, guardian, custodian or other person is able to provide supervision and care.

While the police department may take your child into custody and request detention, the decision whether or not to authorize detention is made by the juvenile probation department. A detention risk assessment may be completed by the juvenile probation department to help make an informed decision regarding:

- releasing the child to a parent or guardian’s custody;
- whether or not alternatives to detention, and/or additional services, such as electronic monitoring, house arrest without electronic monitoring, or other community-based supervision, are needed if the youth is released; and/or
- whether or not the child should be detained.

HELPFUL HINTS:

Keep a notebook.



- ✓ Names
- ✓ Dates
- ✓ Phone numbers
- ✓ Questions
- ✓ Concerns
- ✓ Notes of conversations & meetings



Police may question your child shortly after arrest.

You and/or your child’s attorney should be present.



Understand and support your child’s right to an attorney when arrested.

The court will provide a lawyer at no cost to you or your child. You have the option to hire an attorney. They should be familiar with the juvenile justice process, which is unique and can be complex.

Tell your child to be honest with his/her attorney.



Try to see your child immediately

Establish a working relationship with juvenile probation and others working with your child.



Remember that posting on social media may negatively impact your child’s case.



Notify the juvenile probation office of any changes in your address or contact information.



Have a working telephone 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 as soon as you can. This will be important throughout your child’s court involvement.



Part 3: Beginning Steps in the Juvenile Justice System

JUVENILE COURT INTAKE

After your child is arrested and referred to the juvenile probation department, a process known as “Intake” will begin. Throughout this process, a juvenile probation officer will conduct interviews with you, your child, and/or the victim and decide how to proceed. During the intake interview process, the alleged charges will be reviewed, your child’s rights will be explained, and your child will have the opportunity to either admit or deny involvement in the alleged charges. In the event your child does not admit to his/her involvement in the alleged charges, the intake interview will stop, and the probation officer will schedule the case for court. The intake process may involve the following:

Assessments

Part of the intake process may involve the completion of assessments to help the probation officer and court decide how to best handle your child’s case. There are different types of assessments used in the Pennsylvania juvenile justice system. All Pennsylvania counties use the Youth Level of Service (YLS), but the use of additional assessments varies from county to county. Below is information on three widely used assessments in Pennsylvania:

Child Trauma Screen (CTS) - The CTS helps the juvenile probation officer identify potential trauma exposure of adolescents who may need a more comprehensive assessment or treatment.

Massachusetts Youth Screening Instrument (MAYSI-2) - The MAYSI-2 is a brief behavioral health screening instrument that helps the probation officer identify potential mental health needs of adolescents who may need a more comprehensive assessment or treatment.

Youth Level of Service Inventory (YLS) - A research-based assessment tool that helps the juvenile probation officer determine a child’s risk of reoffending, or getting into trouble again, and the level or type of needed intervention based upon the child’s history, strengths, and social supports. Use of the YLS drives appropriate case planning and decisions.

What is an assessment?

Assessments contain a series of questions that you and your child will be asked by the juvenile probation officer. Assessments are statistically validated tools that help identify a youth and family’s strengths and challenges. These tools describe the **who** (which juveniles will most likely require interventions), the **what** (which specific needs must be addressed to reduce risk of reoffending), and the **how** (how to match interventions with an individual’s traits) of supervision.



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. Assessment results help put the pieces together - the information will be used to develop a **case plan** and will be provided to the Court.

Note: By law, information or statements gathered for the purpose of screening and/or assessment cannot be used against your child in an adjudication hearing.



Together with other information about your child and his/her case, the assessments used within your local juvenile probation department will be used to determine whether your child may need services such as counseling or substance abuse treatment. It is to your child's advantage to answer the questions truthfully.

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. Be prepared to talk about your child's problems and circumstances that may have contributed to their juvenile justice involvement.

Social History / Summary Report

During the intake process the juvenile probation officer will ask for records and information from your child's school and other agencies or services your child has been involved with to develop a social history / summary report. This report is confidential. Some examples of the information collected include, but are not limited to:



- Family
- Peer relationships
- Substance abuse
- Prior juvenile court involvement

When gathering this information, you will be asked to sign a release of information to help the juvenile probation department gather school and other official records.

What's next?

Following the intake process, there are several ways the case can proceed:

If your child is **admitting** to the charges, the probation officer will make a determination to either:

- refer your child for **informal case processing/supervision**, or
- file a petition with the court and schedule your child's case for a court hearing in front of a judge or hearing officer for **formal case processing**.

If your child is **not admitting** to the charges:

- The probation officer will file a petition with the court and schedule his/her case for a court hearing (adjudication hearing) in front of a judge.

If your child's case is **warned, counseled, and closed**:

- He/she will have no more involvement with juvenile court for that offense, and those charges will not appear on your child's record.



What is a petition?

A petition is a formal list of charges filed with the juvenile court.



Part 4: Informal Case Processing / Supervision

After reviewing all of the information gathered during the intake process, the juvenile probation department may recommend proceeding with your child's case informally. The juvenile probation department can pursue informal processing if the case does not need to go to court, but your child would benefit from supervision and/or services in the community. Admitting involvement to the alleged charges is a requirement for informal case processing.

Informal case processing/supervision includes (but is not necessarily limited to):

Diversion Programs

- The juvenile probation office may operate diversion programs, or work with community-based programs, that divert youth from going to court.
- Some of these programs are Teen Courts, Community Conferencing, Neighborhood Youth Panels, and more.
- To best serve your child's needs, discuss what programs are available in your jurisdiction with your child's juvenile probation officer.

Informal Adjustment

- The youth must follow the rules given by the juvenile probation department for up to 6 months from the day it starts, unless extended by an order of court for an additional period of time not to be more than 3 months.
- The terms and conditions of an informal adjustment may include, but are not limited to, probation supervision, paying court fees or restitution, and/or referral to an agency for help with a problem (such as mental health or drug and alcohol services).

If a youth successfully completes informal supervision, the charges will be dismissed.

If a youth does **not** successfully complete informal supervision, the juvenile probation department may file a petition and pursue formal case processing.



Part 5: Formal Case Processing / Supervision

Formal processing means that the juvenile probation department files a petition with the juvenile court. If the petition is filed, your child may be required to appear before the judge or hearing officer depending upon what is decided at each step of the process. Two of the primary hearings are an adjudicatory hearing and a disposition hearing.

ADJUDICATORY HEARING



There are two parts to the adjudicatory hearing:

- ✓ Finding of fact
- ✓ Determination of need

Finding of fact: At the hearing, your child can admit to the charges filed against him/her or contest the charges and request a trial in front of the judge.

At the trial/hearing, the district attorney presents a case to prove that your child committed the alleged “delinquent act.” The district attorney will present evidence and may ask victims/witnesses to testify.

Your child’s attorney can cross-examine the witnesses and present evidence on your child’s behalf. Your child may also choose to testify on his/her own behalf. After each side has presented their case, the judge or hearing officer determines whether your child has committed a “delinquent act.”

Determination of need: 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 disposition hearing will be held.

If your child is determined **not to be in need** of treatment, supervision, or rehabilitation, your child’s case will be closed and the petition will be dismissed, leading to an automatic expungement of the case. It is important, however, to follow up with the child’s attorney or juvenile probation officer to make sure the child’s record is expunged.



Did you know?

The burden of proof in juvenile court is the same as in adult criminal court, “beyond a reasonable doubt,” but there are no jury trials in juvenile court.

DISPOSITION HEARING



If the judge or hearing officer finds that your child is in need of treatment, supervision, or rehabilitation, then a disposition hearing will be held to decide what will happen in your child's case.

Before the disposition hearing, the juvenile probation officer will compile the information from the intake process (e.g. the YLS assessment results, school records, etc.) to prepare a report (social history / summary) with recommendations for the court.

Families should also be given the opportunity to speak at the disposition hearing. You and your child can also write a letter to the judge or hearing officer to share your input and recommendations.

While the juvenile probation officer, district attorney, your child's attorney, the victim in the case, you, and your child all have the opportunity to share information and make recommendations, **it is ultimately up to the judge to make the final disposition decision.**

Below are the main disposition types:

Consent Decree

- Your child will be under supervision for up to 6 months. If the supervision conditions are successfully completed, the case will be closed.
- A consent decree can be extended for up to an additional 6 months as well.
- If your child fails to comply with the conditions of the consent decree or is rearrested, the original petition may be brought back to the court.

Formal Probation

- Your child must follow the conditions imposed by the court while under the supervision of his/her juvenile probation officer.
- Your child may be court ordered to participate in community-based programs or services while on probation.
- Your child's case will have a court review at least every 6 months while they are under supervision.

Placement

- Your child may be placed outside your home in a treatment facility and will have probation and aftercare services upon release from the facility.
- Your child will have a placement review hearing at least every 6 months to determine the need for continued placement.

Did you know?



The school district your child attends will be notified of the court's decision.

Did you know?



Research shows that kids who have a family member present at every court hearing are more successful while on probation and are less likely to become involved in the system again.

PROBATION SUPERVISION – WHAT TO EXPECT:

When your child is placed on probation supervision he or she will remain in your home. There will be supervision conditions or court ordered expectations of things your child can and cannot do. It may also include community-based services and activities like counseling, tutoring, mentoring, substance abuse or mental health treatment. The assigned juvenile probation officer will work closely with you and your child on conditions that are specific to your child.

What are some common conditions of probation supervision?



- ✓ School attendance
- ✓ Curfew
- ✓ Victim Awareness Classes
- ✓ Limitations on where he/she may go
- ✓ Limitations on whom he/she may spend time with
- ✓ Drug Testing
- ✓ Community Service
- ✓ Counseling
- ✓ Paying fines and costs
- ✓ Paying restitution

In addition to the conditions of probation, the YLS assessment results are used to identify needs and develop a **case plan** to connect the child and family to appropriate services. The areas assessed by the YLS include:

- Your child’s past behavior that led to legal involvement
- Family stressors
- Education and/or Employment stressors
- Peer relationships
- Substance abuse
- Free time
- Coping skills
- Your child’s attitudes/outlooks related to their behaviors

What is a case plan?



A case plan is a plan developed by the juvenile probation officer in partnership with the child and their family to develop goals and expectations for the child, and the necessary steps to achieve those goals.

The case plan identifies skill-building activities that can reduce a child’s risk to reoffend.

The case plan will be continuously reviewed and updated throughout supervision, and everyone working with your child (both formal and informal support systems) should work together to achieve the identified goals.

Be sure to share positive information - the strengths of your child and family are important in helping your child build a good future!

SOME OTHER PARTS OF SUPERVISION:

Graduated Responses: A graduated response system is a guide for probation officers to use **incentives**, or rewards, to promote positive behavior, and **sanctions** to deter negative behavior.

A graduated response system allows for the standard application of incentives and sanctions by juvenile probation officers to promote fairness and equity during probation supervision.



What are incentives?

Incentives = a response to positive behavior. Something positive can be given (e.g. verbal praise) or something considered by the youth to be negative can be taken away (e.g. easing curfew restrictions).



What are sanctions?

Sanctions = a response to negative behavior. Some examples can include a verbal reprimand or curfew restrictions.

THINGS YOU CAN DO IF YOUR CHILD IS BEING SUPERVISED 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 complete all court-ordered requirements. Help your child complete his/her court-ordered obligations and participate in the case planning process.
- ✓ **Help your child comply with all conditions so he/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/her school if he or she has not been suspended or expelled for the incident that led to arrest.



Examples of things you can work on with your child's probation officer:

- ✓ Parenting Workbooks
- ✓ Carey Guides
- ✓ Brief Intervention Tools (BITS)

THINGS YOU CAN DO IF YOUR CHILD IS PLACED OUTSIDE OF THE HOME:

- ✓ **Stay in touch with your child.** Visit, write letters, and take phone calls from your child. 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. Ask the facility staff before your visit what items they will allow you to bring your child.
- ✓ **Ask your child about his/her safety and well-being.**
- ✓ **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 service, treatment, and education planning.**
- ✓ **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).

An important note about financial child support:



Each time a child enters detention or residential placement, by court order, the agency is required to file for support through the Domestic Relations Office (DRO). Once it is filed, notices are sent to the parents ordering each of them to appear for a support conference. Under Pennsylvania guidelines, parents are responsible for the costs of raising their child(ren).

The amount that each parent must contribute is calculated based on each parent's income. The guidelines take into account the cost of raising a child and other support obligations.

Did you know?

Children adjudicated delinquent of felony offenses and some misdemeanor offenses are required to provide a DNA sample that will be submitted to the State Police.





Part 6: Your Role as a Parent/Caregiver

ADVOCATING FOR YOUR CHILD

Being there for your child is important. It may seem like your child's behavior is beyond your control, but this is a time when you and your child can strengthen your relationship. Be there by:

Participating in all decisions about your child.

While it may feel awkward or intimidating, you should speak up at meetings to provide additional information, and give input on your child's strengths and/or any of your concerns. 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. Inform the juvenile probation officer you want to be included in all planning meetings and decisions about your child, even if it has to be by phone or email.



Staying organized.



Keep all paperwork in a folder (reports, court orders, case plan, letters, time stamped envelopes, 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.

Attending and arriving on time for meetings and court hearings.



Remember that your presence at court hearings is very important and in some counties is required. Your presence at scheduled meetings is also very important. It is helpful to be actively involved with your child's case. If for some reason you cannot attend, check to see who can attend to show support for your child. If you are running late, contact the probation office to let them know the reason and when you will arrive.

Building respectful relationships with people involved with your child.

Try to have a good working relationship with the juvenile probation officer, your child's attorney, the judge, and/or service providers. Having open communication with mutual respect is important.



A FAMILY'S RESPONSIBILITIES

You keep custody of your child during 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 juvenile justice system involvement. The court may order you to participate in a parenting class, pay for some of the costs from your child's restitution and/or residential placement, or attend hearings.

Below are some additional roles and responsibilities for family members while a child is involved with the juvenile justice system:

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 their right to an attorney and right to silence. If the police fail to do so, the evidence may not be allowed in court.

Communication with JPO

- It is important for you to talk openly and honestly with your child's probation officer, throughout their entire period of supervision.
- This will make sure your child is receiving the services necessary for them to succeed.

Participation in Hearings

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

Restitution & Court Expectations

- Legal guardians can be held responsible for up to \$1,000 of restitution per person injured or a total of \$2,500 per delinquent act.
- Judges also have the authority to order guardians to participate in programming and/or to assist with your child's probation conditions.

Participation in Defense

- The 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.

Educational Needs

- Your child continues to be eligible for a free, appropriate, public education during their juvenile justice involvement, including during any placement.
- An educational decision maker can be court ordered to advocate for your child's educational needs.
- You continue to have the right to know how your child is doing, communicate with school staff, and get regular reports. If they have any medical needs or disabilities, these needs must be accommodated.
- 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) they are 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

You keep your rights to make medical decisions for your child up until your child's 18th birthday except:

- if the child can legally give his/her consent (see next heading),
- when the court is authorizing treatment,
- when a physician determines that it is an emergency situation, or
- if a family refuses to authorize treatment, or cannot be located, the court may authorize medical treatment without family consent

Treatment to Which Minors Can Consent

- A minor can consent to drug and/or alcohol treatment at any age.
- A minor can also consent to mental health treatment after age 14 and reproductive health treatment in some situations.
- See Chapter 9 Publication Listing for Consent to Treatment and Confidentiality Provisions Affecting Minors in Pennsylvania.

Rights When a Child Is in a Residential Treatment Facility

- PA Code 55. Chapter 3800 governs safety and welfare for all child residential and treatment facilities.
- This includes conditions in the facility and how the child is cared for, communicating to families, services, 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 Secure Facilities, the Youth Development Centers (YDC) and the Youth Forestry Camps (YFC) voluntarily comply with the 3800's, but 3800's only legally control non-state run residential facilities.

A 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.
Informal Adjustment and Consent Decree records are eligible for expungement 6 months after discharge from supervision; adjudications of delinquency may be expunged 5 years after the child is discharged from court supervision, or sooner under certain circumstances.
This is important because there are collateral consequences to having a juvenile record (refer to the next page).

JUVENILE COURT INVOLVEMENT AND YOUR CHILD’S FUTURE



**You and your child need to take juvenile justice involvement seriously.
A juvenile justice record does not just disappear when a child becomes an adult!**

It is important that your child successfully completes his/her probation and avoids any future violations. It is also important that you make any special factors, like a child’s mental health diagnosis or a learning disability, known to the probation officer and judge.

A list of collateral consequences of juvenile justice involvement	
Adjudication of Delinquency	Delinquency adjudication is not an adult conviction but is often treated like one.
Employment	As an adult, your child may be unable to work in certain professions.
Records Open to the Public	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.
Juvenile Court Open to the Public	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.
Public Housing	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.
Military	As an adult, your child may be unable to enlist in the military.
Carrying a Firearm	Adjudication for certain very serious offenses will prevent carrying a firearm.
Driver’s License	A child’s driver’s license may be suspended as a result of a delinquency adjudication for certain drug, alcohol, and driving offenses.
Access to Schools	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.
Access to Higher Education	Delinquency adjudication does not need to be reported on many college applications and does not bar access to federal financial aid for higher education.
Fines, Court Costs, and Restitution	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.
DNA Samples	Children adjudicated delinquent of felony offenses and some misdemeanor offenses are required to submit a DNA sample to the State DNA Database.
Voting	A young person who turns 18 is able to register and vote, despite delinquency adjudication for any offense.
Jury Service	A young person who turns 18 is able to serve on a jury, despite delinquency adjudication for any offense.
Immigration Status	Delinquency adjudication can negatively affect a child’s immigration status.
Adult Sentencing	A juvenile’s record of delinquency adjudications for certain offenses can significantly affect sentencing for a criminal conviction as an adult.

Adapted from Consequences of Juvenile Justice Involvement table developed by the Juvenile Defenders Association of Pennsylvania and the Pennsylvania Juvenile Indigent Defense Action Network.



Part 7: Resources

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 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 1-800-692-7443
- **Juvenile Law Center:** Pennsylvania-based public law project focused on issues related to juvenile justice. The center provides technical assistance to attorneys and families on juvenile justice questions. The website has juvenile justice publications for youth and families. <http://www.jlc.org/publications> or call 1-800-875-8887
- **Mental Health Association in Pennsylvania:** Direct assistance, newsletter, and Family Advocate Project listing (30 Counties). <http://pachildrensnews.org/help-resources/advocacy-resources> or call 1-866-578-3659
- **Pennsylvania Families, Inc.:** (Statewide directory of local family groups) www.pafamiliesinc.org or call 1-800-947-4941
- **Pennsylvania Parent and Family Alliance:** <https://www.paparentandfamilyalliance.org/>
- **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>

ADDITIONAL RESOURCES

Parenting Workbooks

The Family Involvement Committee of the Pennsylvania Council of Chief Juvenile Probation Officers has developed a series of Parenting Workbooks. These free workbooks are designed to help parents work through some of the challenges of parenting an adolescent. The workbooks are available online:

- **Parenting Workbook: Setting Boundaries and Applying Rewards & Consequences**
<https://www.icjc.pa.gov/Publications/Documents/Parenting%20Workbook%20-%20Setting%20Boundaries.pdf>
- **Parenting Workbook: Dealing with Frustrations**
<https://www.icjc.pa.gov/Publications/Documents/Parenting%20Workbook%20-%20Dealing%20with%20Frustrations.pdf>
- **Parenting Workbook: Respect in the Home**
<https://www.icjc.pa.gov/Publications/Documents/Parenting%20Workbook%20-%20Respect%20in%20the%20Home.pdf>
- **Parenting Workbook: Understanding Motivation**
<https://www.icjc.pa.gov/Publications/Documents/Parenting%20Workbook%20-%20Understanding%20Motivation.pdf>

Additional Information

A lot of additional information is available online for families. Please visit the websites below for relevant and helpful information:

- United Way 211: <https://www.uwp.org/programs/2-1-1/>
- Juvenile Law Center: www.JLC.org
- Department of Drug and Alcohol Programs (DDAP): www.ddap.pa.gov
- Pennsylvania Department of Human Services (DHS): <http://www.dhs.pa.gov/>
- Office of the Victim Advocate (OVA): www.ova.pa.gov/Pages/default.aspx
- Juvenile Court Judges' Commission (JCJC): www.icjc.pa.gov
- Pennsylvania Council of Chief Juvenile Probation Officers (PCCJPO):
<https://www.pachiefprobationofficers.org>
- Pennsylvania Commission on Crime and Delinquency (PCCD): www.pccd.pa.gov
- Evidence-based Prevention and Intervention Support Center (EPISCenter):
www.episcenter.psu.edu

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Questions regarding this publication may be directed to:
RA-JCJChelpdesk@pa.gov or info@pachiefprobationofficers.org

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Important Contacts and Information

Juvenile Probation Officer: _____

Case worker(s): _____

Case worker(s): _____

Counselor(s): _____

Lawyer: _____

Other Important Names and Numbers:

Name and Phone Number: _____

Important Dates and Notes

Court Hearings

Detention Hearing: _____

Adjudication Hearing: _____

Disposition Hearing: _____

Review Hearing: _____

Questions to ask: _____

Other Important Information and Notes:
