

Chapter 11

Juvenile Court Administration

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- 42 Pa.C.S. §6371 et seq. (Juvenile Court Judges' Commission)
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§ 11-1 Juvenile Court Administration in General

The degree to which the balanced and restorative justice mission of Pennsylvania’s juvenile justice system is achieved is directly related to the quality of local judicial leadership. In addition to ensuring juvenile court proceedings comport with the mandates of the Juvenile Act and Rules of Juvenile Court Procedure, juvenile court judges must work to ensure that their local juvenile systems are designed and operate in a manner that is consistent with this mission. This is especially true for judges who have been designated as administrative judges or who otherwise have responsibility for supervising the juvenile probation department and/or establishing juvenile court policy.

As outlined below, juvenile court administrative judges have responsibilities “off the bench” that are unlike those of all other judges. Their responsibilities require them to be knowledgeable about juvenile probation operations and evidence-based juvenile justice practices, to keep abreast of local and statewide juvenile justice outcome data, including recidivism rates, to familiarize themselves with the dispositional placement options available to the court, the funding of these services, and much more.

In addition, administrative judges have the obligation to become familiar with the services and supports available to court-involved children and families, and to advocate for new or expanded services when needed. This should be an ongoing process, and include reviewing the adequacy of the county’s annual “Needs-Based Plan and Budget” submission to the Department of Human Services.

§ 11-2 The Role of the Administrative Judge

The JCJC Standards Governing the Administration of Juvenile Court provide that in each judicial district in Pennsylvania, regardless of size, an administrative judge must be designated to serve as the “one person through whom all administrative direction will be channeled” and to “meet the probation department’s need for one source of administrative authority....” In some jurisdictions, the President Judge functions in this capacity.

The designation or appointment of a single juvenile court administrative judge is critical to the effective and efficient operation of both the court and juvenile probation department, and to ensuring that an appropriate range of essential services and supports is available to meet the needs of the juveniles who come within the jurisdiction of the court.

The administrative judge’s broad duties include the following:

- ***Developing and reviewing policy.*** The administrative judge, preferably with the involvement of other judges in the district, should oversee the development and review of local juvenile court policies on matters such as intake practice, diversion guidelines, detention, probation and aftercare supervision, victim notification and accommodation, and confidentiality of juvenile court proceedings, files and records.
- ***Ensuring the adequacy of services.*** The administrative judge should not accept situations in which local children are deprived of needed services, including services for at-risk children intended to prevent juvenile delinquency. Administrative judges should not only confer with their chief juvenile probation officers and children and youth directors regarding the “Needs-Based Plan and Budget,” but should take an active and ongoing leadership role in developing and shaping it. (See §3-2, “Basic Juvenile Justice Structure and Funding.”)
- ***Ensuring the adequacy of legal representation.*** Juveniles are entitled to effective assistance of counsel in delinquency proceedings. Administrative judges should be zealous advocates for high quality legal representation for juvenile offenders. Administrative judges should work with local bar associations to recruit and educate competent counsel for juvenile cases, both to expand the pool of available lawyers and to reduce defender caseloads. Judges should meet with county commissioners and executives to ensure that lawyers are adequately compensated for their representation.
- ***Calling attention to unfilled needs.*** If the services provided to the court by outside agencies are not adequate, the administrative judge should inform the public. Press

conferences, news releases, and announcements at public meetings are possible ways of keeping the public informed on a regular basis regarding gaps in the continuum of local services for juveniles, from prevention to aftercare.

- ***Working with community members.*** The administrative judge of the juvenile court should consider enlist the help of interested citizens within the judicial district to ensure the availability of adequate services. Engaging the community and local school districts helps the court understand the community's problems and priorities, while enabling the community to understand, appreciate, and support the work of the court.
- ***Leading the probation department.*** The administrative judge should work closely with the chief juvenile probation officer to see that staff carry out the policies and procedures of the court, and should ensure that written probation department policy and procedures are developed to cover such matters as personnel practices, training requirements, work duties, supervisory responsibilities, and rules for the conduct of hearings and the maintenance and control of records.¹
- ***Creating opportunities for education and training.*** The administrative judge should actively identify opportunities for the continuing education of probation officers, judges and hearing officers, attorneys and other stakeholders on juvenile justice and related subjects.
 - ***Juvenile Court Hearing Officers.*** It is the responsibility of the administrative or president judge to ensure that all juvenile court hearing officers comply with the Rules of Procedure, which require hearing officers to complete six hours of instruction from the Juvenile Court Judges' Commission every two years.²
 - ***Juvenile Probation Officers.*** The administrative judge should ensure that probation officers are familiar with evidence-based practices and current trends in juvenile justice. The administrative judge should create opportunities for ongoing education within the department and ensure that probation officers have the opportunity to attend conferences and meetings such as the Pennsylvania Conference on Juvenile Justice and other conferences related to juvenile justice. Additionally, the administrative judge should support probation officers in obtaining advanced degrees, and should be aware of opportunities such as the Juvenile Court Judges' Commission's Master's Degree Program at Shippensburg University, which enables a juvenile probation office to obtain a master's degree at no cost. A well-educated probation department is crucial to

the implementation of evidence-based practices, and ultimately to better outcomes for youth. Moreover, access to advanced education will enable probation officers to receive higher salaries or move into supervisory positions, which increases retention.

- **Judges, Lawyers, and Others.** The administrative judge should also encourage judges and attorneys practicing in juvenile court to attend continuing education programs on delinquency law, policy, and related social science research. Ongoing education provides judges, attorneys and others with the information and tools they need to make better decisions on behalf of children and families, to guide systemic change in their communities, and to understand the issues faced by the families whose cases they must hear on a daily basis. Administrative judges should partner with local and state bar associations and universities to create low-cost educational opportunities.

- **Leading the court.** Many of the children and families who enter our courthouses have been exposed to repeated traumatic events such as poverty, violence, drug addiction, and incarceration. Accordingly, it is important for the administrative judge to collaborate with systems stakeholders to ensure that the local court process is trauma-informed. A trauma-informed court should encompass the following elements:

Administrative judges should ensure that their courts are trauma-informed.

- **Respect in the courthouse.** Everyone entering the courthouse has the right to be treated with dignity and respect. Administrative judges should work with building security and the sheriff's department to ensure that persons entering the building are not subjected to unnecessary invasive procedures and trauma during screening. Administrative judges should assist in developing and creating training opportunities for judges and hearing officers, lawyers, probation officers, court employees, building guards, sheriff's departments, and others on implicit bias, cultural competence, and engagement to improve interactions with others.
- **Safety in the courthouse.** Everyone has a right to feel safe in courthouses and court-operated facilities. Administrative judges should work with building security and the sheriff's department to identify and correct safety issues within court facilities. Administrative judges should assist in developing and creating training opportunities for building security and the

sheriff's department on maintaining safety, including proper de-escalation techniques, alternatives to physical restraint, and the use of appropriate force.

- **Timely hearings.** Long periods of waiting in the courthouse can increase or cause trauma and anxiety. Administrative judges should work with judges, hearing officers, the probation department and court staff to build consensus and to create an expectation that hearings will start on time. (See § 11-3, "Making Good Use of Judicial Resources—Judicial Workload and Scheduling Practices.")
- **Trauma-informed practices.** Administrative judges, with the assistance of other judges and hearing officers, should work to ensure that court proceedings and practices are designed so as to avoid exacerbating trauma, and that they respect the right to be heard, acknowledge strengths, and result in decisions that are timely and clearly understood.

§ 11-3 Making Good Use of Judicial Resources

Among the most important duties of an administrative judge is to advocate for resources for the juvenile court—including a sufficient number of competent and committed judicial officers to handle the court's workload. When too few experienced judges are assigned to hear delinquency matters, the results are often crowded dockets, long delays, hasty and superficial hearings, excessive reliance on hearing officer—and ultimately a kind of second-class justice. It is primarily up to the administrative judge in each district to speak out against these inadequacies, and to argue in favor of assignment, rotation, and calendaring policies that give juvenile delinquency and dependency cases the time and attention they deserve.

Judging in juvenile court takes commitment, maturity, expertise, and time.

Judicial Assignment and Rotation

"This is no job for most rookies."

This statement from former Judge Isaac Garb³ was based on a career's worth of experience in the Court of Common Pleas, Bucks County. Now deceased, Judge Garb was a long-term

member and former Chairman of the Juvenile Court Judges' Commission. Unfortunately, as Judge Garb points out, in too many jurisdictions the juvenile court bench is considered a place "for the judge to learn his or her trade." This despite the fact that "the juvenile court is arguably the most important of all the courts within the trial court constellation." Certainly, judges presiding over juvenile courts are entrusted with unusually broad discretion. Their most important decisions are seldom guided by cut-and-dried rules, and often call for considerable wisdom, insight, and knowledge of the world.

For these reasons, it is essential that judges appointed to the juvenile court have maturity and experience—and that they stay long enough to bring these qualities to bear. Traditional judicial rotation practices—in which judges may sit in juvenile court for only a few months at a time, before moving on to something else—work against the long-term development of expertise, commitment, and leadership on the bench. As Judge Garb put it, "juvenile court requires a certain continuum of attention from the judge not only because some youngsters are in the system for extended periods of time, but also because the court is an extremely dynamic one as we continue to learn more and more about the human behavior of children." Administrative judges should do all they can to limit the practice of frequent rotation, and should make efforts over time to attract and retain judges who are willing to devote their careers to the juvenile court.

Judicial Workload and Scheduling Practices

Administrative judges should also work for the reform of case assignment and scheduling practices that overwhelm judges, discourage deliberation, and create courthouse conditions that are at best chaotic and at worst degrading and unconscionable. So-called "cattle call" scheduling—in which numerous juvenile court hearings are set for the same time in the same courtroom, and parties and their attorneys, victims, witnesses, families and supporters restlessly crowd the lobbies and hallways, waiting for their cases to be heard—is still the rule in too many jurisdictions. Administrative judges should use their authority to move their courts in the direction of manageable judicial caseloads and time-certain scheduling, in which specific time slots are assigned to individual hearings.⁴ If it is not possible to move all at once to a time-certain system, block scheduling—in which limited numbers of hearings are stacked in one-hour blocks—will capture many of the same benefits.

Use of Juvenile Court Hearing Officers

The administrative judge should ensure that the appointment and use of juvenile court hearing officers is in accordance with the Rules. In order to preside in delinquency

proceedings as a juvenile court hearing officer, an individual must have been licensed to practice law for at least five consecutive years and have completed six hours of instruction approved by the Pennsylvania Continuing Legal Education Board.⁵

The Juvenile Act authorizes courts to “direct that hearings in any case or class of cases be conducted in the first instance” by attorneys appointed as masters, rather than by judges.⁶ Prior to the adoption of the Rules of Juvenile Court Procedure for Delinquency Matters, there were no real limits on the use of masters in delinquency cases. Problems associated with scarce resources, overburdened judges and overbooked juvenile courtrooms eventually led to widespread and arguably excessive reliance on masters to do the work of juvenile court judges. As the Juvenile Court Procedural Rules Committee’s Explanatory Report noted, “Masters were introduced to ease the court docket due to a rapidly increasing number of juvenile cases. Masters were not intended to take over the juvenile system or the judges’ primary responsibilities and duties. In a minority of counties, the judges rarely hear juvenile cases and the master sets forth the ‘judgments’ with the judges’ rubber-stamped order...The Committee wanted to prohibit the master-run systems and ensure the judges performed the important duties they were elected to do. The Committee wanted to stress the importance of juvenile cases and the very serious consequences of a juvenile adjudication.”

In 2017, the Rules of Juvenile Court Procedure were amended to replace the term “master” with the term “juvenile court hearing officer” throughout the Rules. The definition of the term “juvenile court hearing officer” specifically provides that the term has the same meaning as the term “master” as used in the Juvenile Act.⁷

Rule 187, Pa.R.J.C.P., provides that juvenile court hearing officers may preside over only the following:

- detention hearings, detention review hearings, or shelter-care hearings;
- discovery, pre-adjudicatory, or preliminary proceedings for misdemeanors;
- any hearing in which the petition alleges only misdemeanors; and
- uncontested dispositional review hearings and uncontested probation revocation hearings.⁸

Juvenile Court Hearing Officers are specifically prohibited from doing any of the following:

- presiding over any hearing in which the petition alleges a felony;
- conducting hearings to consider transfer to criminal proceedings;
- issuing warrants; or
- hearing requests for writs of habeas corpus.⁹

Prior to the commencement of any proceeding, the juvenile court hearing officer must inform the parties that they have a right to have the matter heard by a judge. If the juvenile or the attorney for the Commonwealth objects to having the matter heard by the juvenile court hearing officer, the case must be heard before a judge.¹⁰ If the parties do not object, the juvenile court hearing officer must announce findings and recommendations on the record at the conclusion of the hearing, and submit a summary within one business day to the juvenile court judge. Any party may challenge the recommendation by filing an oral or written motion requesting a rehearing within three days.¹¹ The judge may accept or reject the juvenile court hearing officer's recommendation, send it back for clarification, or schedule a rehearing within seven days.¹²

The administrative judge should develop a plan for the supervision, regular observation and continuing education of all juvenile court hearing officers.

§ 11-4 Safeguarding Juvenile Records

Confidentiality has always been one of the core values of the juvenile court system. In order to safeguard a young person's chances of a decent future, it is often necessary to deny or restrict access to records relating to his past—and sometimes even to bury that past altogether. Accordingly, Pennsylvania law strictly limits access to court and juvenile probation files and records in delinquency proceedings¹³ as well as to law enforcement records relating to juveniles,¹⁴ and provides procedures for the expungement of juvenile records in appropriate cases.¹⁵

Juvenile courts must be guardians and protectors of the privacy of the young people with whom they work.

Limits on Access to Juvenile Court Records

The "Official Court Record" in a delinquency case is the juvenile court file maintained by the clerk of courts.¹⁶ This file includes petitions, motions, evidence admitted into the record, hearing transcripts, findings and orders as well as social reports and other documents prepared at the court's request; it is not open to inspection by the public.¹⁷ In the absence of special court authorization, such records may be examined and copied only under the following conditions:¹⁸

- **Courts.** The court’s own judges, officers, and professional staff may inspect juvenile records, as can the Administrative Office of Pennsylvania Courts and the courts of any other jurisdiction needing access to such records in the discharge of their official duties.
- **Parties.** Case files and records may be inspected by parties and their attorneys and representatives, although the court may restrict access to social reports containing the names of confidential sources.
- **Custodial agencies.** Public and private agencies entrusted with supervision or custody of the juvenile may inspect court records.
- **Access for sentencing purposes.** In connection with the preparation of a pre-sentence report in a criminal case, both the officers and staff of the court and the attorney for the defendant may inspect records related to the defendant’s juvenile court career.
- **Limited access for bail-setting purposes.** Likewise, a judge or other official making a bail determination in a criminal case may inspect juvenile court petitions, adjudication and disposition orders, orders resulting from disposition review hearings, and bench warrant and escape histories relating to the accused.
- **Limited adult correctional, parole board and probation access.** Officials of the Department of Corrections or of a state correctional or penal institution housing a former delinquent may inspect records related to the former delinquent, as can an adult parole board, court or county probation official making parole or supervision decisions about a former delinquent, but none of these officials may see social reports containing the names of confidential sources except with court permission.
- **Access for sex offender assessment purposes.** As noted above (see § 10-8), for purposes of an assessment of a committed sex offender by the State Sexual Offenders Assessment Board, the Board is entitled to inspect the juvenile court files and records pertaining to the offender.
- **Department of Human Services.** The DHS is granted access for use in determining whether a minor named as the perpetrator of an indicated report of child abuse should be expunged from the state-wide database.
- **Special access with leave of court.** Those who can show “a legitimate interest in the proceedings or in the work of the unified judicial system” may inspect juvenile court records with the court’s leave.

Note that similar access restrictions—with similar exceptions—apply to law enforcement agencies' records and files relating to juveniles.¹⁹

Limits on Access to Juvenile Probation Files

The Rules of Juvenile Court procedure distinguish between the “Official Court Record” and “Juvenile Probation Files,” which are records maintained by the juvenile probation department. The latter—including but not limited to such information as copies of information contained in the official juvenile court record; social studies; school records and reports; screenings and assessments, psychological and psychiatric evaluations and reports, drug and alcohol testing, evaluations, and reports; placement reports; employment records; and probation reports—are likewise not open to public inspection. These records are open to inspection and/or copying only by the following individuals and agencies:

- the juvenile’s attorney;
- the attorney for the Commonwealth;
- the State Sexual Offenders Assessment Board;
- the Juvenile Court Judges’ Commission; or
- any other person, agency, or department by order of court.²⁰

Under the JCJC Standards Governing the Release of Information Contained in Juvenile Court Files and Juvenile Probation Records and Reports, the president judge of each court should adopt written policies governing dissemination of juvenile probation records and reports. These policies should require:

- that juvenile probation staff be present at inspection and responsible for any copying,
- that a case-specific record of the names and addresses of those to whom copies are provided be maintained, and
- that all records provided to individuals be accompanied by a statement prohibiting secondary dissemination.²¹

Although the above-listed individuals and agencies are the only ones entitled to inspect juvenile records without special authorization from the court, there are three additional situations in which the law authorizes limited disclosures of juvenile record information:

- ***Publicly available information about certain serious offenders.*** The public (including the news media) is entitled to know certain items of information—the juvenile’s name, address, age, charged offenses, substantiated offenses, and case disposition—regarding the following categories of juveniles:²²

- A juvenile adjudicated delinquent for an act committed at age 14 or above which would have been a felony if committed by an adult;
- A juvenile adjudicated delinquent for an act committed at age 12 or 13 which constituted one of the enumerated felonies that requires open proceedings (see § 8-3).
- A juvenile against whom a petition has been filed alleging an act subject to open proceedings, who has previously been adjudicated delinquent for...
 - an act committed at age 14 or above which would have been a felony if committed by an adult; or
 - an act committed at age 12 or 13 which constituted one of the enumerated felonies that requires open proceedings.

In order to ensure that this information is released only in appropriate cases, the juvenile petition is required by the Rules of Juvenile Court Procedure to contain an averment as to whether the case is eligible for limited public inspection,²³ and the dispositional order entered following an adjudication of delinquency is required to include a designation as to whether the case is eligible for limited public information.²⁴ Upon request, the clerk of courts is mandated to create a document that contains the information that is required to be released.²⁵

- ***Information that must be released to schools.*** Whenever a juvenile who is enrolled in school is found delinquent, the juvenile probation department must provide the building principal or designee with the juvenile's name and address, a listing of the delinquent acts the juvenile was found to have committed together with a brief description of them, and the disposition of the case.²⁶ In the case of a juvenile adjudicated of a felony offense, the probation department must also provide relevant information from the juvenile's probation or treatment reports, supervision plan and prior delinquency history. In addition, the court or juvenile probation department may share any additional information deemed necessary to protect public safety or facilitate the juvenile's appropriate treatment, supervision or rehabilitation. All delinquency information provided to schools must be maintained separately from official school records, and transferred when the juvenile transfers.
- ***Information released pursuant to court order.*** Finally, the court may authorize release of other information contained in juvenile court files or probation records or

reports in response to a request for access in the form of a motion.²⁷ The JCJC Standards Governing the Release of Information Contained in Juvenile Court Files and Juvenile Probation Records and Reports provide that the motion must specify the information being sought and the purpose for which it will be used. In disposing of the motion, “the court should consider the purpose for which the information will be used, the nature of the information requested, administrative or legislative authority governing the release of the information, the nature of the offense, and the impact that the release of the information would have on the child and the community.”²⁸ The JCJC Standards further provide that any order granting such a motion should prohibit further dissemination of any information disclosed.

Expungement

Pennsylvania law sets out procedures for the expungement of juvenile court records in a variety of situations.²⁹ Although it can be regarded as a “remedy”—a form of relief to be requested by juveniles and their families—expungement is also possible on the court’s own motion, and should really be a matter of routine in all cases in which juveniles have done what the court expected of them.

Accordingly, in all cases in which an expungement would be granted if a juvenile were to request it (see below), courts should set in place procedures under which the probation department initiates the expungement process automatically after the appropriate length of time has elapsed. It is recognized that in cases where the juvenile has been adjudicated delinquent, determining whether the expungement would normally be granted is far more complicated than in cases involving an informal adjustment or consent decree.

Juvenile records may be expunged upon motion. The motion must take the form of a proposed expungement order specifying the juvenile’s name, date of birth, and case docket number, the allegations and the law enforcement agency that made the allegations, the date of the arrest, any reference or tracking number that would assist the law enforcement agency in locating the pertinent police report or written allegation, the disposition of the case, the statutory authority for expungement (see below), and the agencies upon which the order is to be served.³⁰ The motion must be served on the chief juvenile probation officer as well as the attorney for the Commonwealth and any other party upon whom service is ordinarily required in a delinquency case. Unless the attorney for the Commonwealth answers in opposition to the motion within **30 days of the motion**, it may be disposed of without a hearing.

Administrative Judges should consider creating procedures to facilitate the filing of motions to expunge, including creating form motions and proposed orders, assigning court staff to assist persons in completing the forms, waiving or eliminating filing fees, and appointing counsel or providing *pro bono* representation for persons seeking to expunge juvenile records.

Except upon cause shown, expungement is **required** in cases in which the court finds any one of the following:³¹

- A written allegation is filed which was not approved for prosecution.
- The complaint was not substantiated or the petition was dismissed.
- The juvenile received an informal adjustment and six additional months have elapsed without his becoming the subject of a pending action seeking adjudication or criminal conviction.
- The juvenile was successfully discharged from consent decree supervision and six additional months have elapsed without his becoming the subject of a pending action seeking adjudication or criminal conviction.
- The juvenile completed a period of commitment, probation or other disposition, was discharged, has gone five years without being adjudicated delinquent or convicted of a crime, and is not now the subject of a pending action seeking conviction or adjudication of delinquency.

In addition, with the consent of the attorney for the Commonwealth, the court is authorized to order expungement of the juvenile records of any individual who has reached the age of 18, if it appears advisable in view of the following factors: the type of offense; the individual's age, job history, criminal activity and drug or alcohol problems; any "adverse consequences that the individual may suffer if the records are not expunged;" and whether the public's safety requires retention of the records.³²

Destruction of Fingerprints and Photographs

The Juvenile Act authorizes arresting agencies to take fingerprints and photographs of juveniles, and requires that they be taken of juveniles who have been found delinquent.³³ The fingerprints and photographs of alleged as well as adjudicated delinquents must be forwarded to a central repository maintained by the Pennsylvania State Police,³⁴ and may be disseminated to federal, state, and local law enforcement agencies for investigative purposes as well,³⁵ although in all instances they must be stored separately from those of

adults.³⁶ In any case in which the court finds that the juvenile did not commit the delinquent acts ascribed to him, however, the court must at the time of dismissal direct that the State Police and any other law enforcement agencies with fingerprints and photographs of the juvenile in their possession destroy them immediately.³⁷

§ 11-5 Promoting Accountability for Performance and Outcomes

Accountability is not just for juveniles. The juvenile court must hold itself accountable as well, setting clear goals and measurable objectives, monitoring its ongoing performance, and assessing and publicly reporting its record of success. It is up to the administrative judge to lead this effort, and more broadly to establish firm standards and performance expectations for court and probation programs and personnel.

It is essential for the administrative judge to become familiar with and knowledgeable about county-specific and statewide juvenile justice system statistical information. The annual “Pennsylvania Juvenile Court Dispositions Reports” prepared by the Juvenile Court Judges’ Commission (JCJC) are especially important in this regard. These reports

summarize juvenile court statistical data

provided by county juvenile probation

departments, and include detailed information

regarding alleged and substantiated offenses;

secure detention admissions; attorney

representation; juvenile delinquency

dispositions; juvenile delinquency placements;

median time lapse for case processing; and many other topics. Within the reports, some of

the data are organized and presented in graphs by class of county to help judges and others make comparisons across counties of similar size and demographic composition. In

addition to graphs and charts, narrative is included that is intended to help readers more

quickly recognize various statewide trends. While some county-specific data are presented

within the body of the reports, most of the county-specific data are presented in

appendices. These reports are available on the JCJC’s website at www.jcjc.pa.gov.

Juvenile courts have an obligation to document what they do and measure their results.

Balanced and Restorative Justice Outcomes

Historically, our nation’s juvenile courts and probation departments have not been good at quantifying what they do, measuring their success at it, or demonstrating that success to the public. Often, the only hard numbers available focused on their failures—recidivism

rates. Their many accomplishments—instances in which tangible progress is made, lessons learned, harm repaired, communities made safer—literally go uncounted.

Fortunately, Pennsylvania juvenile courts have since 2004 participated in a statewide juvenile justice system outcome measurement program that tracks benchmark indicators of system performance in achieving the primary goals of balanced and restorative justice. Courts submit quarterly outcome data to the Juvenile Court Judges' Commission (JCJC), which reports them annually in an aggregate “report card” format. The outcome measures report for 2016 accounted for 10,408 delinquency cases closed during the year, including the following:

- ***Community Protection.*** 83.8% of juveniles successfully completed supervision without a new offense.
- ***Accountability.*** 83.2% of juveniles required to pay restitution satisfied their obligations, while 96.7% of those with assigned community service successfully completed it.
- ***Competency Development.*** 84.4% of juveniles were employed or engaged in an educational or vocational activity at case closing.³⁸

Administrative judges have an obligation to familiarize themselves with these outcome measures in order to show the effectiveness of juvenile court and its ability to rehabilitate juveniles. This information can be used to assist the court to engage the community, develop programs, and obtain necessary funding.

Recidivism Research

More recently, comprehensive statewide and county-specific recidivism data have become available to aid judges in determining the impact of the Juvenile Justice System Enhancement Strategy in their respective jurisdictions. The JJSES Leadership Team had two overarching goals in commissioning these recidivism studies. First, since the core premise of the JJSES is that recidivism rates can be reduced through the implementation of evidence-based practices, the main goal was to establish a recidivism benchmark against which the JJSES could be measured. The second goal was to examine differences between recidivists and non-recidivists in terms of demographics and other key variables to identify factors associated with recidivism in the Pennsylvania juvenile justice system.

For the purpose of the research, the following definition for recidivism was adopted:

A subsequent delinquency adjudication in juvenile court or conviction in criminal court for either a misdemeanor or felony offense within two years of case closure.

The two-year tracking period was selected because there was a consensus that recidivism beyond two years from case closure would be less likely to be related to the services and interventions provided during the period of juvenile court supervision.

A benchmark was developed with cases closed in 2007, 2008, 2009, and 2010 to provide an accurate measure of pre-JJSES recidivism. To date, four subsequent reports have been released.³⁹

The focus of the study released in 2016 differed from the three previous JCJC studies. While the earlier reports focused on establishing a benchmark of recidivism and identifying differences between recidivists and non-recidivists, the 2016 report also highlighted how Pennsylvania juvenile recidivism trends changed over a six-year period 2007-2012.

In addition, the 2016 report included expected vs. observed statewide recidivism rates for each of the six cohort years. As previous recidivism analyses have demonstrated, it is important to take into account how juvenile offender population's change over time and the impact this change may have on expected recidivism rates. For example, if a juvenile probation department is consistently diverting low risk youth out of the juvenile justice system, the recidivism rate of that department would inevitably increase, as it is providing services to juveniles (i.e., moderate and high-risk youth) who are more likely to recidivate.

Measurement and reporting of this kind help to focus juvenile courts and probation departments on what matters, and serve in the long run to strengthen understanding and support for the juvenile justice system's mission among other branches of government and the public at large. They can also provide an invaluable management tool to judges and chief juvenile probation officers. Administrative judges should pay attention to what the data say about the current performance of their own courts and probation departments, and actively promote future efforts to improve performance through outcome measurement.⁴⁰

§ 11-6 Sources of Further Information

The Pennsylvania Juvenile Delinquency Benchbook is intended to be read in combination with current Pennsylvania statutes and case law, all applicable rules and standards, and other sources of information pertinent to Pennsylvania juvenile court and probation

practice. Some of the most important sources of further information and support for Pennsylvania juvenile court judges are described below.

Juvenile Court Judges' Commission Standards

Among the Juvenile Court Judges' Commission's most important functions is that of establishing uniform standards governing the administrative practices and judicial procedures used in Pennsylvania juvenile courts and personnel practices and employment standards used in juvenile probation offices. Some JCJC Standards are "mandatory" in the sense that a county must meet them in order to receive any JCJC-administered Grant-In-Aid funding. Others are mandatory only with respect to specialized probation positions (such as aftercare, intensive, school-based, and so on) that are supported by JCJC Grant-In-Aid funds. "Advisory" standards lay out the minimum requirements of good, professional juvenile court and probation practice.

As of 2018, the JCJC has issued the following standards:

- ***Standards Required for Participation in JCJC Grant-in-Aid Program***
 - Operation of a Juvenile Probation Merit System
 - Juvenile Court Intake
 - Secure Detention Under the Juvenile Act
 - Hearings and Administrative Reviews for Children Held in Secure Detention
- ***Standards Governing Specialized Probation Services***
 - Aftercare Services
 - Community-Based Probation Services
 - Intensive Probation Services
 - School-Based Probation Services
 - Specialized Intensive Probation Services for Drug and Alcohol Offenders
 - Specialized Intensive Aftercare Services for Drug and Alcohol Offenders
- ***Advisory Juvenile Court Standards***
 - Administration of Juvenile Court
 - Use of Juvenile Court Hearing Officers
 - Juvenile Court Jurisdictional Procedures
 - Inter-County Transfer of Delinquency Cases
 - Use of Alternatives to Secure Detention
 - Development of the Social Study
 - Allegation of Delinquency Involving a Charge of DUI or Under a Controlled Substance

- Home Passes to Delinquent Children in Placement
- Juvenile Court Policies Regarding the Human Immunodeficiency Virus
- Qualifications and Training of Court-Appointed Special Advocates
- Searches of the Person and Property of Children by Juvenile Probation Officers
- Administration of Restitution Funds
- Collection and Disbursement of Restitution
- Release of Information Contained in Juvenile Court Files and in Juvenile Probation Records and Reports
- Assignment of Community Service in Juvenile Delinquency Cases

All JCJC Standards can be downloaded free at the JCJC's website (www.jcjc.pa.gov).

Pennsylvania Commission on Crime and Delinquency (PCCD)

PCCD's Office of Juvenile Justice and Delinquency Prevention serves as a key point of contact for information relating to funding opportunities for communities and for the juvenile justice system. PCCD has a proven track record in leading the development and implementation of research-based approaches that succeed in preventing youth violence, delinquency, substance abuse, educational failure and many other adolescent problem behaviors. Most funding to communities is awarded on a competitive basis through initiatives that give priority to these evidence-based practices, especially the ***Communities That Care (CTC)***⁴¹ risk-focused prevention model and programs that meet the ***Blueprints for Healthy Youth Development***⁴² model program criteria. In particular, administrative judges are encouraged to become familiar with and advocate for the implementation of ***CTC*** in communities that could most benefit from this proven approach.

PCCD's Office of Victim Services provides funding to victim service agencies that work directly with crime victims, provides financial help to crime victims through Pennsylvania's Victims Compensation Assistance Program (VCAP), and engages agencies and organizations throughout the criminal and juvenile justice systems on behalf of crime victims. Of particular importance to administrative judges is the funding that is made available to counties through the state Victims of Juvenile Offenders (VOJO) appropriation. Eligibility for VOJO funding hinges upon ensuring that services provided to victims of crimes committed by juvenile offenders are in conformity with the Crime Victims Bill of Rights and the Rules of Juvenile Court Procedure.⁴³

Juvenile Justice Agencies and Organizations

- ***Pennsylvania Juvenile Court Judges' Commission***
601 Commonwealth Avenue, Suite 9100
P.O. Box 62425
Harrisburg, PA 17106-2425
(717) 787-6910
www.jcjc.pa.gov
- ***Pennsylvania Commission on Crime and Delinquency***
3101 North Front Street
P.O. Box 1167
Harrisburg, PA 17108-1167
(800) 692-7292
www.pccd.pa.gov
- ***Pennsylvania Department of Human Services***
Office of Children, Youth and Families (OCYF)
625 Forster Street, Health and Welfare Building
PO Box 2675, Harrisburg 17110-2675
(717) 787-4756
www.dhs.pa.gov
- ***OCYF Bureau of Juvenile Justice Services***
329 Forum Building, Harrisburg 17120-2675
(717) 705-2451
- ***National Center for Juvenile Justice***
3700 South Water Street, Ste. 200
Pittsburgh, PA 15203
(412) 227-6950
<http://www.ncjj.org/>

¹ For more detailed requirements relating to the running of juvenile probation departments, see the Juvenile Court Judges' Commission's Standards Governing the Operation of a Juvenile Probation Merit System. These and all other JCJC Standards are available online at www.jcjc.pa.gov

² Rule 182(B), Pa.R.J.C.P.

³ Quotations in this section are taken directly from unpublished correspondence of Senior Judge Isaac Garb, Court of Common Pleas, Bucks County, with Jim Anderson, former Executive Director, Juvenile Court Judges' Commission.

⁴ In a time-certain scheduling system, the amount of time that will be needed for each hearing must be estimated on the basis of past experience with similar hearings. Note that some case management information systems are capable of capturing the starting and ending times of hearings, so that data analysis will yield highly accurate scheduling predictions.

⁵ Rule 182(A) and (B), Pa.R.J.C.P. The required topics include the Juvenile Act, Rules of Juvenile Court Procedure, penal laws of the Commonwealth, the Child Protective Services Law, evidence rules and methodology, child and adolescent development, and the collateral consequences of an adjudication of delinquency. Upon meeting those requirements, the Rules provide that the juvenile court hearing officer must thereafter complete six hours of instruction designed by the Juvenile Court Judges' Commission (JCJC) in juvenile delinquency law, policy, or related social science research every two years.

⁶ 42 Pa.C.S. §6305. In any hearing before a master, the juvenile must be informed at the outset of the right to a hearing before a judge; either the juvenile or the Commonwealth may insist on a judicial hearing. The master's findings and recommendations become final only when confirmed in writing by the judge, who may order a rehearing "at any time upon cause shown."

⁷ Rule 120, Pa.R.J.C.P.

⁸ Rule 187(A), Pa.R.J.C.P.

⁹ Rule 187(B), Pa.R.J.C.P.

¹⁰ Rule 187(C), Pa.R.J.C.P.

¹¹ Rule 192, Pa.R.J.C.P.

¹² Rule 191, Pa.R.J.C.P.

¹³ 42 Pa.C.S. §6307 and Rules 160 and 161 Pa.R.J.C.P.

¹⁴ 42 Pa.C.S. §6308.

¹⁵ 18 Pa.C.S. §9123.

¹⁶ Rule 120 Pa.R.J.C.P.

¹⁷ 42 Pa.C.S. §6307 and Rule 160 Pa.R.J.C.P.

¹⁸ 42 Pa.C.S. §6307(a)(1)-(7). See also Rule 160, Pa.R.J.C.P., and 37 Pa. Code §200.802.

¹⁹ See 42 Pa.C.S. §6308, which requires law enforcement records relating to juveniles to be kept separate from those of adults, and permits disclosure of their contents only to courts, counsel for the parties, commitment agencies, law enforcement officials from other jurisdictions, etc.

²⁰ Rule 161 Pa.R.J.C.P.

²¹ 37 Pa. Code §200.802(c).

²² 42 Pa.C.S. §6307(b).

²³ Rule 330(C) Pa.R.J.C.P.

²⁴ Rule 515(A) Pa.R.J.C.P.

²⁵ Rule 160(D) Pa.R.J.C.P.

²⁶ 42 Pa.C.S. §6341 and Rule 163, Pa.R.J.C.P.

²⁷ 37 Pa. Code §200.802(b).

²⁸ 37 Pa. Code §200.802(b)(2).

²⁹ 18 Pa.C.S. §9123.

³⁰ Rule 170(B), Pa.R.J.C.P. Under Rule 172, Pa.R.J.C.P., an order to expunge must contain all of these items plus the judge's name and signature and the date of the order.

³¹ 18 Pa.C.S. §9123(a).

³² 18 Pa.C.S. §9123(a)(4).

³³ 42 Pa.C.S. §6308(c).

³⁴ 42 Pa.C.S. §6309(b).

³⁵ 42 Pa.C.S. §6308(c)(2).

³⁶ 42 Pa.C.S. §6308(c)(3).

³⁷ 42 Pa.C.S. §6341(a).

³⁸ Pennsylvania Juvenile Court Judges' Commission. (2006). Juvenile Justice System Outcomes: Statewide Outcome Measures 2005. Harrisburg, PA: Juvenile Court Judges' Commission. www.jcjc.pa.gov

³⁹ Pennsylvania Juvenile Court Judges' Commission. www.jcjc.pa.gov

⁴⁰ For more information, see Harp, C., Bell, D. Bazemore, G., and Thomas, D. (2006). Guide to Developing and Implementing Performance Measures for the Juvenile Justice System. Alexandria, VA: American Prosecutors Research Institute.

⁴¹ www.communitiesthatcare.net.

⁴² <http://www.blueprintsprograms.com/>

⁴³ [Pennsylvania's Crime Victims' Rights and Corresponding Rules of Juvenile Court Procedure - A Handbook for Juvenile Justice Professionals and Victim Service Providers.](#)