

Post-Disposition Review

10

Summary of Contents

This chapter treats disposition follow-up and review procedures, including probation revocations, routine placement reviews, modifications and transfers, home pass authorizations, and case terminations.

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Key Statutes

- 42 Pa.C.S. §6324 (taking into custody for probation violation)
- 42 Pa.C.S. §6351 (permanency hearings)
- 42 Pa.C.S. §6353 (extensions or modifications of commitments, routine commitment reviews, transfers from facilities)
- 42 Pa.C.S. §6401-6409 (court-ordered involuntary treatment of certain sexually violent persons)
- 18 P.S. §11.201 (personal injury victim's right to submit comment or testify at disposition review, right to notice of and opportunity to object to transfers)

Rules

- Rule 600, Pa.R.J.C.P. (summons and notice of the commitment review, dispositional review, and probation revocation hearing)
- Rule 605, Pa.R.J.C.P. (detaining juvenile for modification of the dispositional order or violation of probation)
- Rule 610, Pa.R.J.C.P. (dispositional and commitment review)
- Rule 612, Pa.R.J.C.P. (modification or revocation of probation)
- Rule 613, Pa.R.J.C.P. (termination of court supervision)

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- Home Passes to Delinquent Children in Placement
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§ 10-1 Disposition Review in General

The issuance of a consent decree or disposition order does not terminate a juvenile court judge's responsibility in a delinquency case. If the court has imposed conditions or restrictions on the juvenile, it must stand ready to enforce them. If it has ordered services or treatment to be provided, it must ensure that providers actually deliver them. And if it has caused the juvenile to be removed from his home and placed in a residential facility, it must actively oversee the monitoring of his rehabilitative progress and the planning for his successful return. Juvenile court judges cannot neglect to follow up on their own disposition orders without neglecting their basic mission—to protect the community, to impose accountability for wrongdoing, and to do what is necessary to turn juvenile offenders' lives around.

Juvenile court judges cannot neglect to follow up on their own disposition orders.

This may mean giving priority—in scheduling and otherwise—to addressing probation violations. It may mean taking a keener and more skeptical interest in the assessments and reports of service providers regarding individual juveniles—raising more questions, recalling more individual circumstances, probing deeper when provider representatives seem to fall back on the same boilerplate language for youth after youth. It may mean taking the time and trouble to visit placement facilities used by the court, to see first-hand how they are run and what they are like. But in the long run, it must mean being willing to participate in program planning and budgeting and to lead ongoing efforts to evaluate, expand and improve the disposition options available to the court at the local and state level.

Review Procedures

The Pennsylvania Rules of Juvenile Court Procedure for Delinquency Matters prescribe the following uniform procedures for post-disposition proceedings in delinquency cases:

- *Summons and notice.* The content, form and service requirements applicable to summonses and notices generally (see § 7-5) also apply to a summons and notice of a commitment review, dispositional review, or probation revocation hearing.¹ A summons must be issued to the juvenile and the juvenile's guardian before any such hearing, and the court must provide notice to the attorney for the Commonwealth, the juvenile's attorney, the juvenile probation office, and (if applicable) the placement facility. The attorney for the Commonwealth or the juvenile probation office should also notify the victim of the hearing.²

- *Detention pending review.* The Rules authorize the detention of the juvenile in connection with the filing (or anticipated filing within 24 hours) of a motion for modification of a dispositional order or the filing of a motion alleging a probation violation, subject to the general notice, time, and manner of hearing requirements applicable to detention generally (see § 5-3).³ In such a case, a detention hearing—in which the court would be called upon to determine (1) whether there is probable cause for the modification or for the violations of probation alleged and (2) if detention is warranted—must be held within 72 hours.⁴ The disposition review or probation revocation hearing on a juvenile who is detained must be held within ten days, unless a further delay is caused by the juvenile or the juvenile’s attorney or is necessary to secure additional evidence.⁵
- *Review hearings.* The court may schedule a hearing reviewing a disposition “at any time,” but must do so “at least every six months” when the juvenile has been removed from the home.⁶ Following the filing of a motion for modification of the dispositional order, or a discharge from a placement facility (which may include an emergency transfer to a detention facility pending reconsideration of the disposition), the juvenile must be given a statement of reasons for the request or discharge, and a review hearing must be held within twenty days.⁷ If the parties agree, a review hearing for a juvenile in a remote facility may be conducted “by teleconferencing, two-way simultaneous audio-visual communication, or another similar method,” as long as the juvenile and the juvenile’s attorney are able to communicate confidentially prior to and during the hearing.⁸

§ 10-2 Probation Enforcement

If probation is to be an effective disposition—if it is to teach accountability to juveniles under supervision, positively influence the course of their lives, and ensure both the short- and the long-term safety of the community while doing so—it must have “teeth.” There are a number of steps a court can take to help ensure that its probation orders have teeth:

If probation is to be effective and beneficial, it must have “teeth.”

- *Stick to a limited number of firm, enforceable, pertinent conditions.* As has already been noted (see § 9-7), one basic error many courts make is to impose a long list of “standard” conditions and restrictions as part of every probation disposition—inevitably including some that are meaningless, some that are unsuitable, and some that will get no enforcement priority at all. The better practice is to specify concrete, individualized goals related to community protection, accountability, and competency development, and to concentrate on monitoring progress toward those goals.
- *Clearly signal the court’s determination to enforce compliance.* This may mean taking extra time at the conclusion of the disposition hearing to explain the consequences of noncompliance to the juvenile and his family, rather than leaving it to the probation department.

- *Determine sanctions for noncompliance in advance.* Consider specifying suitable sanctions in the probation order itself, both to clarify consequences and to save an enforcement step.
- *Treat noncompliance as a learning/teaching opportunity.* Juveniles who violate probation conditions—missing restitution payments, skipping appointments—may be sending signals; where possible, judges should make some effort to find out what the signals might mean. Likewise, any sanction the court imposes as a consequence will be more effective if its purposes are communicated to the juvenile.
- *Use a graduated approach to sanctioning.* It is not practical or even desirable to respond to every infraction with probation revocation or institutionalization. Every jurisdiction should have a continuum of intermediate sanctions for probation violations—additional community work service, earlier curfews, stricter levels of supervision—that can be gradually increased in intensity as infractions continue.⁹
- *Find creative/flexible ways to respond swiftly to infractions.* One county in Pennsylvania operates an “enforcement court” that effectively diverts probation violators from full-scale revocation proceedings. Enforcement court can deal with alleged probation violations within a few days of their occurrence, and the sanctions it hands out—usually extra community service—can be served immediately. Another county uses probation administration hearings, presided over by the assigned probation officer and a probation supervisor, to send “wake-up calls” to uncooperative probationers. Specific sanctions to be imposed for violating probation conditions—usually attendance at a structured evening program—have been pre-authorized by the court, as part of its disposition order.

§ 10-3 Probation Modification and Revocation

A motion to modify or revoke probation must be filed in accordance with the filing and service requirements applicable to motions in delinquency cases generally (see § 7-4).¹⁰ If the juvenile is detained pending the hearing, it must be held within ten days of the detention hearing (which in turn must have been held within 72 hours of the initial detention).¹¹ Otherwise, the hearing on the proposed modification or revocation must be held “promptly.”¹²

Probation should not be revoked except for serious violations, and then only after a fair hearing.

If the court grants the motion to modify/revoke, it must state the grounds for the modification and issue another dispositional order setting forth the new terms and conditions.¹³

While neither the Juvenile Act nor the Rules contain any further guidance regarding the conduct of modification/revocation hearings, the

U.S. Supreme Court has held that due process requires that the defendant in a probation or parole revocation proceeding be given an opportunity to present evidence, to confront and cross-examine witnesses, and to show that, even if a violation occurred, the circumstances do not warrant revocation.¹⁴

As noted above, a juvenile court should not have to choose between punishing every instance of noncompliance with revocation or ignoring it entirely. An array of swift and certain sanctions, proportional to various offense levels and progressively increasing in seriousness, should be available to choose from—with revocation and institutional commitment at the end of the line.¹⁵

§ 10-4 Monitoring and Planning for the Return of Juveniles in Placement

The Juvenile Act requires that courts keep track of juveniles they have placed in residential facilities primarily by means of routine disposition review hearings of various kinds:

- *Commitment reviews.* As was noted above, although the court has the power to hold hearings to review its dispositions at any time, it must hold disposition review hearings “at least every six months” for a juvenile who has been removed from the home.¹⁶
- *Permanency hearings.* Likewise, permanency hearings are required every six months for *dependent* children in court-ordered placement, and also for delinquent youth in placement to ensure federal funding under title IV-E of the Social Security Act (see discussion below, under “Disposition Review/Permanency Findings Required”).¹⁷
- *Extension/modification hearings.* The court must hold a hearing before extending or modifying a commitment order in order to “effectuate the original purpose for which the order was entered.”¹⁸
- *Facility transfer hearings.* Whenever any institution holding a committed juvenile seeks to transfer him to a *more* secure facility, the committing court must hold a hearing on the proposed transfer.¹⁹ Likewise, when a secure institution gives notice that a juvenile’s progress warrants a transfer to a *less* secure facility, and either the committing court or the attorney for the Commonwealth objects, the court must hold a hearing on the propriety of the transfer. Finally, when any facility seeks over the committing court’s objection to transfer a juvenile to a group home, foster home, or other less secure placement, the court must hold a hearing.

Courts must actively monitor the rehabilitative progress of juveniles in placement.

Well-run courts use opportunities presented by these hearings to measure the rehabilitative progress of the juvenile in placement, review the necessity of continued placement, address any obstacles that may still stand in the way of a return to the community, and ensure that there is a workable reintegration plan in place.

Disposition Review Issues

At disposition review/permanency hearings, juvenile court judges should have basic questions for all of the principal parties:

- *The Juvenile Probation Department.* How closely has the probation officer kept in touch with the juvenile since the last hearing? What contact has been maintained with the juvenile's family? What steps have been taken to prepare them for the juvenile's return? To what extent has the groundwork been laid for the transition? For instance, have there been home passes? Will the juvenile return to school, and if so where? The effect of this sort of questioning over time should be to encourage the probation department to step up monitoring and transition/reentry planning across the board.
- *The Residential Program.* What assessments have been performed on the juvenile, what services has he received, and how has he responded? What has been done to help him acquire skills and correct problem areas? How has he been encouraged to grow, to develop himself, to accept responsibility for his life? Here again, the closer and more searching the questioning, the more incentive providers will have to take active steps in these areas.
- *The Juvenile.* What is the juvenile's own plan? What has he learned in placement? What would he do differently? Why should he be trusted? What would he say to his victim now? A hearing in which the juvenile is present is a golden opportunity for the court to make its own independent (albeit rough) assessment of his progress, as well as to give him a sense of the court's interest in him and concern for his future.

Note that exploring these issues thoroughly takes time. Unfortunately, many courts schedule so little time for disposition review, especially when release is not imminent, that the hearings cannot help but be perfunctory and superficial. Judges should see to it that the scheduling practice is otherwise in their own courts.

Disposition Review/Permanency Findings Required

The Juvenile Act mandates "permanency hearings" every six months for *dependent* juveniles in court-ordered placement, in order to meet statutory requirements for federal reimbursement of foster care expenditures.²⁰ In practice, however, because federal foster care reimbursement funds under Title IV-E also pay for most of the costs of private sector placement services for *delinquent* juveniles in Pennsylvania who are committed to non-Medicaid-reimbursable placement facilities, juvenile courts must meet Title IV-E placement review requirements for all IV-E-eligible juveniles, whether dependent or delinquent. The Juvenile Court Judges' Commission has disseminated model orders for the use of juvenile courts in reviewing delinquency commitments of IV-E-eligible youths. The *Model Disposition Review/Permanency Hearing Determinations and Order (Delinquent Child)*²¹ contemplate that each disposition review hearing involving such a youth will have a permanency component—that is, that it will explore such issues as the continued necessity of out-of-home placement, the appropriateness of the current placement, and the appropriateness and feasibility of the "permanency plan" for the youth.

Formal findings on the following issues must be made at the disposition review/permanency hearing:²²

- *The continued necessity of out-of-home placement.*
- *The appropriateness of the current placement.*
- *The safety of the juvenile.*
- *The juvenile's progress* toward meeting the original goals of the disposition, including:
 - *Community safety.* The extent to which the juvenile has made progress towards meeting goals that were originally set for the protection of the community, and whether such goals need to be revised.
 - *Accountability.* The extent to which the juvenile has made progress towards meeting the original goals related to accepting responsibility for the offense and acting to repair the harm caused by it, and whether such goals need to be revised.
 - *Competency development.* The extent to which the juvenile has made progress towards meeting goals related to the development of skills needed to become a law-abiding, productive adult, and whether such goals need to be revised.
- *Permanency plan findings.* Briefly, the permanency plan is the long-term plan for how/where the juvenile is going to live (independently, with biological parents, with foster or adoptive parents, etc.) when the current court-ordered arrangements come to an end. The juvenile probation department and/or the county Children and Youth agency must devise such a permanency plan for delinquent juveniles whose placement costs are to be reimbursed by the federal government, and the court must make findings that include (1) the plan's current appropriateness and feasibility, (2) the extent to which the plan has been complied with, and (3) the likely date by which the permanency goal will be achieved. In addition, the court is required to consult with the child regarding the permanency plan in a manner appropriate to the child's age and maturity. If the court does not consult personally with the child, the court shall ensure that the views of the child regarding the permanency plan have been ascertained to the fullest extent possible and communicated to the court by the guardian ad litem, the child's counsel, the court-appointed special advocate, or other person as designated by the court.²³ (For further details, see the discussion in Chapter 3.)

Well-run courts take advantage of disposition review hearings to assess rehabilitative progress and step up reentry planning.

Home Passes

The JCJC Standards Governing Home Passes to Delinquent Children in Placement lay out detailed procedures that should be adopted for authorizing and arranging short-term home visits for committed juveniles. Such visits are essential to an orderly transition from institutionalization to freedom and responsibility. However, home passes should be granted

only with due consideration and appropriate safeguards for the public and advance notification to any victim who has requested it.

Victim Input at Disposition Review, Transfer, and Release Hearings

The Crime Victims Act gives victims of personal injury crimes the right to be notified of disposition review hearings at their request, to submit written comment or present oral testimony at such hearings, and to have their views considered by the court.²⁴ The law also guarantees any personal injury crime victim who requests it the right to receive prior notice and submit a written objection whenever the premature step-down or release of the juvenile offender is proposed.²⁵ Here again, as at disposition, the judge is ultimately responsible for ensuring that victims' notice and comment rights have substance and effect. At every disposition review in which a victim does not appear or submit written comments, it is up to the judge to inquire whether the victim requested advance notice of disposition review hearings, and if so whether the required notice was provided, whether efforts were made to solicit written input, whether assistance was offered, etc.²⁶ In passing on proposed releases or step-down transfers, the judge should make the same inquiries regarding the victims' wishes.

At hearings in which victims are present, the judge should welcome them and solicit their full participation using the basic techniques that have already been described in connection with disposition hearings (see "Victim Input at Disposition," § 9-4). And in disposition review decision-making, whether or not the victim has provided special input, the judge must carefully consider the nature of the offense and its impact on the victim in determining what is needed to render the juvenile accountable and what measures may be necessary to protect the safety of the public.

Special Disposition Review Procedures for Sexually Violent Delinquents

Juveniles committed to placement following adjudication for certain sex offenses may be subject to special disposition review procedures, pursuant to a law providing a civil commitment alternative to discharge at age 21 for "sexually violent delinquent children" in need of continued involuntary treatment.²⁷

The procedure applies to any juvenile who (1) has been adjudicated delinquent for an act of sexual violence that, if committed by an adult, would constitute rape, involuntary deviate sexual intercourse, sexual assault, indecent assault, aggravated indecent assault, or incest, (2) was committed to a placement facility as a consequence and remains there upon reaching 20 years of age, and (3) is currently "in need of involuntary treatment due to a mental abnormality or personality disorder which results in serious difficulty in controlling sexually violent behavior that makes the person likely to engage in an act of sexual violence."²⁸ A juvenile who meets the first two criteria is subject to an assessment by the State Sexual Offenders Assessment Board.²⁹ For purposes of the assessment, the Board is entitled to inspect the juvenile court files and records pertaining to the juvenile³⁰ and to have the assistance of the juvenile probation officer in obtaining access to the juvenile.³¹ However, if copies of files are provided to the Board, the substance of any confidential communication from the juvenile to a psychiatrist or licensed psychologist made in the course of treatment should first be redacted.³²

The Board must provide the committing court with the results of its assessment no later than 90 days after the juvenile's 20th birthday.³³ Following receipt of an assessment concluding that the juvenile is need of involuntary treatment, but no later than 180 days before the juvenile's 21st birthday, the court must hold a disposition review hearing to determine whether—considering “the assessment, treatment information and any other relevant information”—a prima facie case has been made that the juvenile is need of involuntary treatment.³⁴ The juvenile's attorney, the juvenile probation officer, the district attorney and the county solicitor or designee are all entitled to copies of the assessment and all must be present at the hearing. If at the conclusion of the hearing the committing court finds that a prima facie case has been made for continued involuntary treatment, it must direct the county solicitor or designee to file a petition for court-ordered involuntary treatment.³⁵

Wherever the juvenile may be in custody, the court having personal jurisdiction for purpose of proceedings under the court-ordered involuntary treatment law is the county Court of Common Pleas that entered the original delinquency commitment order.³⁶ The petition commencing these proceedings must set forth facts constituting reasonable grounds to believe the juvenile comes within the involuntary commitment law's criteria, must include the State Sexual Offenders Assessment Board's assessment, and must be served on the juvenile, the juvenile's attorney in the disposition review hearing, and the county solicitor or designee, along with notice of the hearing on the petition.³⁷ The juvenile and the juvenile's attorney at disposition review must receive written notice of the right to counsel (including appointed counsel if necessary). The juvenile must also be informed that he has a right to be assisted by an independent expert on sexually violent behavior, and that a reasonable fee will be allowed for this purpose if the juvenile cannot afford to engage one.³⁸

A public hearing on the petition must be held within 30 days of the filing of the petition. At the hearing, the juvenile has the right to confront and cross-examine witnesses and to present evidence, but may not be called as a witness without his consent.³⁹ Following the hearing, if the court finds by clear and convincing evidence that the juvenile has “a mental abnormality or personality disorder which results in serious difficulty in controlling sexually violent behavior that makes the person likely to engage in an act of sexual violence,” it must enter an order directing immediate commitment for inpatient treatment in a facility designated by the Department of Public Welfare, the Sexual Responsibility and Treatment Program (SRTP) on the grounds of Torrance State Hospital in Westmoreland County.⁴⁰ Commitment in such a case is for a period of one year, after which the law provides for an annual review hearing procedure, based on a facility evaluation and a new assessment by the State Sexual Offenders Assessment Board.⁴¹

Whenever it appears that the juvenile no longer has serious difficulty controlling sexually violent behavior, the director of the facility or a designee may petition for discharge, with notice to the juvenile, the juvenile's attorney, the Board, the district attorney and the county solicitor.⁴² The Board must conduct a new assessment in such a case, and a hearing must be held within 15 days of the court's receipt of the new assessment. The juvenile may also petition for discharge at any time, and the court “may schedule a hearing” after reviewing the petition.⁴³ Following a hearing on a discharge petition, if the court finds by clear and convincing evidence that the juvenile continues to have serious difficulty controlling sexually violent behavior due to a mental abnormality or personality disorder, it must deny the petition, and the juvenile “shall be subject to the remainder of the period of commitment.”⁴⁴ Otherwise, the court must grant the petition and order a discharge.

Aftercare/Reentry Planning

Aftercare or reentry services for committed juveniles represent an attempt to build a bridge between the institutional and community environments, so as to help assure the successful transition from residential placement to life in the community. While aftercare approaches vary, any well-designed strategy will feature some combination of (1) *preparatory planning* during placement; (2) *transitioning* from the residential facility to the community, perhaps including some testing of the juvenile's readiness through home visits and other brief excursions outside the walls; and (3) *post-release supervision and services* designed to help the juvenile safely adjust and reintegrate into the community.⁴⁵

Pennsylvania is among the very small handful of states that grant local juvenile court judges authority over every phase of the juvenile commitment process, including the initial placement decision, ongoing commitment review, timing and terms of release, and post-release supervision.⁴⁶ Which means the juvenile court judge is the key figure in the aftercare planning process here—setting it in motion at the time of disposition, ensuring that it is on track at subsequent reviews, and verifying at the time of release that the necessary groundwork for a successful reentry has been done.

Specifically, the judge is responsible for all of the following:

- *Being familiar with residential programs and services.* Ideally judges should visit the residential facilities to which the court commits juveniles, and meet the people who operate them. This is, by far, the best practice. However, if it is not possible for judges to visit these programs, judges should insist that probation staff do so, and that they regularly report to the court regarding what they see. Judges must learn from dispositional successes and failures, and keep track of who has thrived in particular placements and who hasn't, and what has made the difference. As necessary, judges should take a leadership role when it appears necessary to change or expand the existing continuum of dispositional options.
- *Setting clear expectations at disposition for the juvenile, the probation department, and the placement facility.* Placement should be seen as a period of intensive preparation for post-placement life in the community. In other words, there is work to be done, and everyone involved must understand this. The juvenile and the juvenile's attorney need to know what the court expects in the way of participation in treatment and counseling, education, restitution, community service, and so on—both the scope of the work and the way it relates to a successful return home. Placement facility staff must be informed of specific conditions and goals the court is setting for the juvenile's placement, as well as ongoing information and reporting responsibilities. Juvenile probation staff must also understand their responsibilities with respect to collaborating with placement staff in planning (see below), maintaining frequent contact with the juvenile during the placement phase, staying in touch with the juvenile's family, and making sure that post-placement services and supports are lined up and ready when the juvenile needs them.

- *Ensuring that the juvenile probation department collaborates with residential treatment staff in planning.* One of the primary targets of Pennsylvania’s efforts to improve aftercare statewide (see sidebar, “17 Principles of a Comprehensive Aftercare System”) is the frequent disconnect between residential treatment programming and aftercare planning. Whenever a youth is ordered into placement, facility staff are required to draw up a written treatment plan for the youth during the first 30 days. Because they often lack input from juvenile probation, however, these plans tend to focus primarily on institutional expectations. Even when they are appropriately individualized, these plans may have very little connection with real-life expectations for the youth upon his return to the community. In order to ensure that the placement phase is as productive a preparation for post-institutional life as possible, the court should use its authority to see that the juvenile probation department is participating in a coordinated planning process—contributing information on the juvenile’s background and needs, making clear what the post-release expectations are, and helping to develop a single joint plan that integrates both institutional treatment and aftercare services, which can be refined as the juvenile nears release.
- *Ensuring that the juvenile probation department visits juveniles in placement regularly.* Again, the court’s authority is needed to enforce the expectation that juvenile probation officers make regular trips to placement facilities, meeting privately with juveniles on their caseloads as well as treatment and program staff, and contributing their views at release staffings. This has always been good probation practice—JCJC Standards Governing Aftercare Services, which spell out what judges should generally expect of probation departments in the way of aftercare planning and services, call for monthly probation officer visits to facilities, both to monitor the juvenile’s progress and to confer with the facility’s staff.⁴⁷
- *Conducting meaningful disposition review hearings.* A detailed, substantive disposition review process is what ultimately drives good aftercare planning. The disposition review hearing is the one forum in which all the parties are assembled and answerable to the court regarding the progress that is being made toward the ultimate goal of successful reintegration. It is essential, in scheduling these cases, that judges allow sufficient time to make the detailed inquiries and determinations that are required. At each disposition review hearing, judges should have basic questions for probation staff, residential treatment staff, and the juvenile in order to assess progress in achieving established goals and the quality of the aftercare plan. Finally, judges must enter court orders that are sufficiently detailed to provide clear direction to probation, residential treatment staff, and the juvenile regarding the aftercare plan and its implementation. A judge who is passive at this stage— who fails to ask questions or press issues, who tolerates rushed and superficial hearings because there is no time for better ones—is neglecting an important duty, and essentially depriving the whole aftercare project of the leadership it needs to function properly.

17 PRINCIPLES OF A COMPREHENSIVE AFTERCARE SYSTEM

A broad-based effort to improve aftercare—featuring enhanced statewide monitoring and technical assistance, policy coordination, and a variety of pilot experiments at the county level—is currently under way in Pennsylvania. With long-term support from the John D. and Catherine T. MacArthur Foundation’s Models for Change initiative, the state aims to establish a comprehensive aftercare system in every Pennsylvania county by the year 2010. As part of this work, the Pennsylvania Commission on Crime and Delinquency, the Juvenile Court Judges’ Commission, the Pennsylvania Council of Chief Juvenile Probation Officers, and the Pennsylvania Departments of Public Welfare and Education have formally committed to the following joint statement of the principles of a comprehensive aftercare system:

- Aftercare begins at disposition and is tailored to the individual needs and capacities of each youth.
- Juvenile probation officers and residential treatment staff collaborate on a single plan, developed within 30 days of placement, that integrates treatment and aftercare services, including appropriate education placements and goals developed in consultation with the appropriate school district.
- Juvenile probation officers, in cooperation with residential treatment staff, host school district representatives and resident school district representatives, refine the plan as youths move closer to leaving the facility to include post-release provisions that establish the services to be provided and planned conditions of supervision.
- There is systematic oversight to ensure that placement facilities link their “supervision, care and rehabilitation” within the facility to the plan for treatment and supervision in the community.
- “Competency development” is a key, well-defined part of residential treatment and of post-placement expectations.
- Juvenile court judges, at disposition review hearings, routinely inquire about a youth’s aftercare plan, and enter court orders, in anticipation of discharge, that are sufficiently detailed to give direction to probation officers or treatment staff.
- Juvenile court judges and juvenile probation officers further the principles set forth in the Juvenile Court Judges’ Commission Standards Governing Aftercare Services.

**17 PRINCIPLES OF A COMPREHENSIVE
AFTERCARE SYSTEM**

- Juvenile defenders and prosecutors attend all disposition review hearings
- Juvenile defenders visit their clients in placement.
- Upon their request, the views of crime victims are invited and considered in aftercare planning and at dispositional review hearings.
- The aftercare plan addresses the youth's activities related to accountability to the victim and community.
- All probation officers have the skills to fulfill their obligations as monitors as well as planners for re-entry and supporters of youth who have left residential care.
- Intensity of supervision is proportionate to the risks and needs of delinquent youth.
- County children and youth agencies keep their doors, and cases open to youths who entered the delinquency system from the child welfare system and who should be receiving foster care and other services as "dependent children" upon release from a residential facility.
- In appropriate cases, county children and youth agencies support the petitions of delinquent youth to be adjudicated dependent children prior to their 18th birthdays.
- Resident school districts promptly enroll all youth who wish to return to public school, working with the host school district and juvenile probation to ensure a seamless transition to an appropriate setting.
- Evidence-based prevention programs, such as the Blueprints for Violence Prevention, are considered for use as post-discharge services.

Source: *Joint Position on Aftercare for Delinquent Youth*, January 1, 2005.

§ 10-5 Termination of Court Supervision

A delinquency case may be closed upon a motion to terminate court supervision, filed by the juvenile probation officer and setting forth that the juvenile has (1) completed the terms of the disposition, (2) paid restitution, fines and costs in full, and (3) not committed any new offenses for which delinquency or criminal proceedings could be commenced.⁴⁸ If these conditions are met and the court is satisfied that the juvenile has carried out the terms of the dispositional order, it may discharge the juvenile from supervision.⁴⁹

The court must retain jurisdiction, until age 21, over a youth who has failed to pay restitution in full.

Any party may object to a motion to terminate court supervision.⁵⁰ The objection must be made within 30 days of receipt of the motion, or it is deemed waived. The court must hold a hearing if an objection is made, but the Rules impose no time limit for the hearing.⁵¹

A case in which a juvenile has outstanding restitution, fines or costs must at least be “administratively” left open until the juvenile attains age 21, although the court may choose to supervise such a case on a different basis than more active cases. As noted above (see §9-8), if restitution remains unpaid when the court’s jurisdiction over a juvenile terminates at age 21, a judgment for unpaid restitution should be filed as a matter of routine.⁵²

ENDNOTES

¹ Rule 600, Pa.R.J.C.P.

² *Comment*, Rule 600, Pa.R.J.C.P.

³ Rule 605, Pa.R.J.C.P.

⁴ Rule 610(B), Pa.R.J.C.P.

⁵ Rules 605(B) and 612(B), Pa.R.J.C.P.

⁶ Rule 610, Pa.R.J.C.P.

⁷ Rule 610(B)(4), Pa.R.J.C.P. Although the Rules are not entirely clear on this point, presumably the general twenty-day time limit for holding disposition modification hearings gives way to the shorter ten-day limit if the juvenile is being detained pending the hearing. According to the *Explanatory Report* of the Juvenile Court Procedural Rules Committee, Rule 605: “The Committee’s intent is that a hearing [for modification of the dispositional order in the case of a youth detained pending the hearing] should be held within ten days unless the requirements of Rule 240(D) [relating to delays caused by the juvenile or necessary for the procurement of additional evidence] are met.”

⁸ Rule 610(C), Pa.R.J.C.P.

⁹ Taxman, F., Soule, D., and Gelb, A. (1999) “Graduated Sanctions: Stepping Into Accountable Systems and Offenders.” *Prison Journal* 79(2). Office of Juvenile Justice and Delinquency Prevention. (1995) *Guide for Implementing the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders*. Washington, DC: OJJDP.

¹⁰ Rule 612, Pa.R.J.C.P.

¹¹ Rule 612(B)(1), Pa.R.J.C.P.

¹² Rule 612(B)(2), Pa.R.J.C.P.

¹³ Rule 612(C), Pa.R.J.C.P. For form and content requirements applicable to dispositional orders, see Rule 515, Pa.R.J.C.P.

¹⁴ McCarthy, Pa. Juvenile Delinquency Prac. & Proc. (4th Ed.), § 14-2, citing *Morrissey v. Brewer*, 408 U.S. 471, 92 S. Ct. 2593 (1972) and *Gagnon v. Scarpelli*, 411 U.S. 778, 93 S. Ct. 1756 (1973).

¹⁵ Taxman, F., Soule, D., and Gelb, A. (1999) “Graduated Sanctions: Stepping Into Accountable Systems and Offenders.” *Prison Journal* 79(2). Office of Juvenile Justice and Delinquency Prevention. (1995) *Guide for Implementing the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders*. Washington, DC: OJJDP.

¹⁶ Rule 610(A), Pa.R.J.C.P

¹⁷ 42 Pa.C.S. §6351.

¹⁸ 42 Pa.C.S. §6353(a).

¹⁹ 42 Pa.C.S. §6353(b).

²⁰ 42 Pa.C.S. §6351.

²¹ JCJC/ASFA-Del-8(8/01), available online at http://sites.state.pa.us/PA_Exec/JCJC/.

²² See Juvenile Court Judges’ Commission, *Model Disposition Review/Permanency Hearing Determinations and Order (Delinquent Child)*, JCJC/ASFA-Del-8(8/01), available online at http://sites.state.pa.us/PA_Exec/JCJC/.

²³ 42 Pa.C.S. §6351(e) and (f).

²⁴ 18 P.S. §11.201(5.1). See also *Comment*, Rule 600, Pa.R.J.C.P., which states that the attorney for the Commonwealth or the juvenile probation officer should provide the victim with notice of a pending disposition review, without mentioning any restrictions as to type of offense involved.

²⁵ 18 P.S. §11.201(8.1)(iii).

²⁶ In counties that receive funding from Pennsylvania’s Victims of Juvenile Offenders (VOJO) Program, all of these duties should be entrusted to the Victim/Witness Coordinator. See Pennsylvania Commission on Crime and Delinquency. (2001). *VOJO Program Standards and Procedures Manual*. Harrisburg, PA: Pennsylvania Commission on Crime and Delinquency.

²⁷ 42 Pa.C.S. §§6358, 6401-6409. Throughout this discussion, the term “juvenile” refers to the person committed, although obviously at this stage the person is no longer a minor.

²⁸ 42 Pa.C.S. §6403.

²⁹ Under 42 Pa.C.S. §6358(b), the juvenile probation officer must notify the Board regarding the placement status of a qualifying juvenile ninety days prior to the juvenile’s 20th birthday.

³⁰ 42 Pa.C.S. §6307.

³¹ 42 Pa.C.S. §6358(b).

³² See 42 Pa.C.S. §5944 and *Commonwealth v. Carter*, 821 A.2d 601 (Pa. Superior, 2003).

³³ 42 Pa.C.S. §6358(c). The law contains an exception to the general deadline for assessments, but it is applicable only to committed juveniles who were already 20 years old at the time of the law’s 2004 effective date.

³⁴ 42 Pa.C.S. §6358(e). Again, an exception to the time limit for disposition review hearings applies only to committed juveniles who were already 20 years old at the time the law took effect in 2004.

³⁵ 42 Pa.C.S. §§6358(f), 6403(b)(1).

³⁶ 42 Pa.C.S. § 6408.

³⁷ 42 Pa.C.S. § 6403(b).

³⁸ 42 Pa.C.S. § 6403(b)(3) and (4).

³⁹ 42 Pa.C.S. § 6403(c).

⁴⁰ 42 Pa.C.S. § 6403(d).

⁴¹ 42 Pa.C.S. § 6404.

⁴² 42 Pa.C.S. § 6404(c).

⁴³ 42 Pa.C.S. § 6404(c)(4).

⁴⁴ 42 Pa.C.S. § 6404(c)(3).

⁴⁵ The Center for Delinquency and Crime Policy Studies. (On-line) *Intensive Aftercare Programs*. <http://www.csus.edu/ssis/cdcp/>

⁴⁶ Griffin, P. (2004). *Juvenile Court-Controlled Reentry: Three Practice Models*. Pittsburgh, PA: National Center for Juvenile Justice.

⁴⁷ While the standards are advisory, counties that receive JCJC grant-in-aid funding to support “aftercare officer” positions in their juvenile probation departments must comply with them.

⁴⁸ Rule 613, Pa.R.J.C.P

⁴⁹ Rule 613(D), Pa.R.J.C.P

⁵⁰ Rule 613(B), Pa.R.J.C.P

⁵¹ Rule 613(C), Pa.R.J.C.P

⁵² See 42 Pa.C.S. §9728 and JCJC Standards Governing the Collection and Disbursement of Restitution, 37 Pa. Code Chapter 200.601.