

Checklists

Detention Hearing

Note: See Chapter Five, 42 Pa.C.S. §6332, and Rule 242, Pa.R.J.C.P., for more complete information on Detention Hearings.

Present:

In all cases:

- Juvenile
- Juvenile's parent, guardian or caretaker
- Attorney for the juvenile
- Attorney for the Commonwealth
- Juvenile probation officer

As necessary:

- Police Officer
- Victim, victim's parent/guardian, victim advocate
- Interpreter

Before Starting the Hearing:

- Appoint counsel, if necessary
- Provide juvenile/guardian/attorney with copy of the written allegation
- Inform juvenile/guardian of the right to remain silent as to delinquency allegations

Issues to be Resolved:

- Is detention required to protect the person or property of others?
 - Does juvenile meet minimum offense threshold for public safety detention? (See § 5-6)
- Is detention required to ensure attendance at hearing?
 - Does juvenile have a recent demonstrable record of willful failure to appear? (See § 5-7)
- Is detention required to protect the juvenile?
 - Has juvenile submitted written request to be detained?
- Do extraordinary and exceptional circumstances justify detention?
- Have alternatives to detention been considered and found unsuitable?

Required Findings:

- Probable cause to believe that the juvenile...
 - has committed the acts alleged
 - is within the court's jurisdiction
- Necessity of detention for public safety reasons, to protect the juvenile, to ensure attendance at hearing, or due to extraordinary circumstances
- IV-E eligibility findings:
 - Contrary to the juvenile's welfare to leave him at home
 - Removal without services was "reasonable due to the emergency nature of the situation, safety considerations, and circumstances of the family."

Things to Remember:

- "When the admission of a child to a secure detention facility is being considered... preference should be given to non-secure alternatives which could reduce the risk of flight or danger to the child or community." (See § 5-5)
- If juvenile is detained after the hearing in a case involving new allegations of delinquency, a petition must be filed within 24 hours or on the next court business day.

Hearing on Transfer to Criminal Proceedings

Note: See Chapter Six, 42 Pa.C.S. §6322, and Rule 394, Pa.R.J.C.P., for more complete information on Transfer Hearings.

Present:

In all cases:

- Juvenile
- Juvenile's parent, guardian or caretaker
- Attorney for the juvenile
- Attorney for the Commonwealth
- Juvenile probation officer
- Victim, victim's parent/guardian, victim advocate

As necessary:

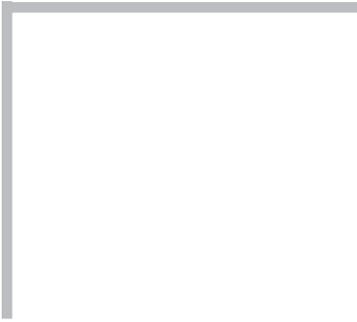
- Police Officer
- Interpreter

Required Findings:

- *Prima facie* showing that the juvenile committed a felony-grade offense
- Juvenile at least 14 at the time
- Required notices given (see § 6-2)
- Reasonable grounds to believe...
 - juvenile is not committable to a mental institution
 - the public interest would be served by transfer

Factors to be Considered in Weighing Public Interest in Transfer:

- Impact on the victim
- Impact on the community
- Threat posed by the juvenile to the safety of the community or any individual
- Nature and circumstances of the offense
- Degree of culpability
- Adequacy and duration of juvenile dispositional alternatives
- Whether juvenile is "amenable to treatment, supervision or rehabilitation as a juvenile," taking into account...
 - age
 - mental capacity
 - maturity
 - degree of criminal sophistication
 - previous record as a delinquent
 - prior court history and success/failure of previous rehabilitation attempts
 - prospect of rehabilitation before juvenile court jurisdiction expires
 - probation or institutional reports



Things to Remember:

- Burden of proof on the “public interest” issue is on the Commonwealth unless a *prima facie* showing is made that the juvenile committed an enumerated felony (see list below) AND (1) was at least fourteen and used a deadly weapon or (2) was at least fifteen and had a previous felony adjudication. Enumerated felonies include...
 - Attempted murder
 - Voluntary manslaughter
 - Rape
 - Involuntary deviate sexual intercourse
 - First degree felony aggravated assault
 - Aggravated indecent assault
 - First degree felony robbery
 - Robbery of a motor vehicle
 - Kidnapping
 - Any attempt, conspiracy, or solicitation to commit any of these offenses.

- An order of transfer to criminal proceedings must be immediately followed by a determination of bail, which is governed by the Pennsylvania Rules of Criminal Procedure (see Rules 520-536, Pa.R.Crim.P.). If the juvenile cannot post bail, the court may order continued detention in a juvenile detention center or issue a commitment order directing that the juvenile be jailed pending trial.

Adjudication Hearing

Note: See Chapter Eight, 42 Pa.C.S. §6336, and Rule 406, Pa.R.J.C.P., for more complete information on Adjudication Hearings.

Present:

In all cases:

- Juvenile
- Juvenile's parent, guardian or caretaker
- Attorney for the juvenile
- Attorney for the Commonwealth
- Juvenile probation officer
- Victim, victim's parent/guardian, victim advocate

As necessary:

- Police Officer
- Interpreter

Preliminary Issues:

- Does the juvenile court have jurisdiction over the matter petitioned?
- Is the juvenile fully aware of constitutional rights/represented by counsel?
 - For recommended attorney waiver colloquy, see § 7-2
- If admissions have been tendered, are they knowing and voluntary?
 - For admissions colloquy, see § 8-5

Required Findings:

- Does the evidence presented prove beyond a reasonable doubt that the juvenile committed any offense alleged in the petition?
 - Avoid prematurely considering evidence that bears only on appropriate dispositions (see § 8-4)
 - Make required factual findings, if possible, at the conclusion of the hearing
 - Ruling on offenses, specifying statutory citation, grading, and counts, due within 7 days
- If offenses substantiated, consider...
 - whether detention/continued detention is necessary pending disposition
- If offenses not substantiated, order ...
 - dismissal
 - release, if detained
 - destruction of fingerprints and photographs

Things to Remember:

- “Juvenile court judges must be alert for opportunities to acknowledge the victim’s presence in the courtroom, to explain the court’s methods and procedures, and to articulate the principles they are intended to serve.” (See § 8-7.)

Disposition Hearing

Note: See Chapter Nine, 42 Pa.C.S. §§6341 and 6352, and Rule 512, Pa.R.J.C.P., for more complete information on Disposition Hearings.

Present:

In all cases:

- Juvenile
- Juvenile's parent, guardian or caretaker
- Attorney for the juvenile
- Attorney for the Commonwealth
- Juvenile probation officer
- Victim, victim's parent/guardian, victim advocate

As necessary:

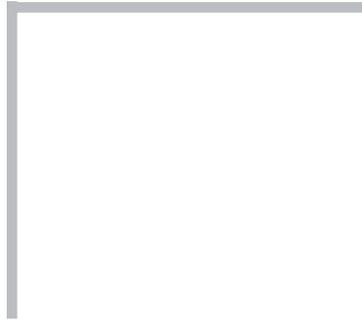
- Police Officer
- Interpreter

Questions to be Answered:

- Is the juvenile currently "in need of treatment, supervision or rehabilitation"?
- If so, what disposition would...
 - be "best suited to the child's treatment, supervision, rehabilitation, and welfare"?
 - "impose the minimum amount of confinement that is consistent with the protection of the public and the rehabilitation needs of the child"?
 - "provide balanced attention to the protection of the community, the imposition of accountability for offenses committed and the development of competencies to enable the child to become a responsible and productive member of the community"?
- Is the juvenile's case eligible for limited public information?

Disposition Types:

- Probation conditions should be...
 - individualized, active, specific, enforceable, and clearly understood (see § 9-7)
- Restitution orders should specify...
 - exact amount to be paid, the payee, and any payment schedule (see § 9-8)
- Commitment should be considered (see § 9-10) only in cases involving juveniles who...
 - have committed very serious offenses
 - present a clear danger to themselves or others
 - have histories of failure under community supervision
 - have home lives that render removal imperative, or
 - have treatment needs requiring specialized institutional care



Things to Remember:

- Victim input in every case should include a written statement detailing the physical, psychological, social and economic effects of the crime as part of the predisposition report. In addition, if the victim is willing, conduct an in-court colloquy (see § 9-4).
- Enter court orders that are sufficiently detailed to provide clear direction to the juvenile probation department, treatment providers, the juvenile, and the juvenile's parent(s)/guardian(s)
- Each disposition order must include a designation whether the case is eligible for limited public information.
- On the record, the court must determine that the juvenile was advised of post-dispositional rights
- At the time of a disposition involving commitment to residential placement, ensure that all parties understand the court's expectations:
 - *The juvenile and his attorney* must understand the court's expectations with respect to connecting placement and post-placement supervision, including...
 - participation in treatment and counseling
 - education
 - restitution and/or community service
 - the achievement of specific community protection, accountability and competency development goals
 - *Juvenile probation staff* must be aware of their responsibilities with respect to developing a single plan that integrates treatment and aftercare services, including...
 - visiting the juvenile in placement
 - maintaining contact with the juvenile's parent(s)/guardian(s)
 - connecting residential treatment with post-placement planning, supervision and services
 - *Residential treatment staff* must be aware of their responsibilities regarding...
 - collaboration with juvenile probation in the development of a single plan that integrates treatment and aftercare services
 - reports to the court and participation in disposition review/permanency hearings
 - any specific conditions or goals established by the court.

Disposition Review Hearing

Note: See Chapter Ten, 42 Pa.C.S. §§6351 and 6353, and Rule 610, Pa.R.J.C.P., for more complete information on Disposition Review Hearings

Present:

In all cases:

- Juvenile
- Juvenile's parent, guardian or caretaker
- Attorney for the juvenile
- Attorney for the Commonwealth
- Juvenile probation officer
- Juvenile's primary counselor or therapist

As necessary:

- Victim, victim's parent/guardian, victim advocate
- Interpreter

Questions to be Answered:

- Is the juvenile making adequate progress in meeting the original goals of the disposition?
- Have the juvenile, the juvenile's family, the probation department, the staff of the placement facility, and/or any other service providers identified in the original disposition order done what the court expected of them?
- Is placement outside the home still necessary?
- Is a modification of the original disposition order needed?
- What steps have been taken to prepare for the juvenile's return to the community?

Permanency Findings:

If review involves a Title IV-E-eligible juvenile for whom federal foster care reimbursement funds support private sector placement services, formal findings must be made regarding...

- 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 community safety, accountability, and competency development goals of the disposition
- the permanency plan's current appropriateness and feasibility
- the extent to which the plan has been complied with
- the likely date by which the permanency goal will be achieved.

Things to Remember:

- In scheduling these hearings, allow sufficient time to make the detailed inquiries and determinations that are required.
- Invite and consider input from crime victims at these proceedings.
- At each hearing, have basic questions for probation staff, residential treatment staff, and the juvenile in order to assess progress on achieving established goals and the quality of the aftercare plan.
- At each hearing, the court must either consult with the child regarding the permanency plan or ensure that the child's views on the plan have been otherwise ascertained.
- Enter court orders that are sufficiently detailed to provide clear direction to the juvenile probation department, residential treatment staff, and the juvenile regarding the aftercare plan and its implementation.

