

# **STANDARDS GOVERNING AN ALLEGATION OF DELINQUENCY INVOLVING A CHARGE OF “DRIVING UNDER THE INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE”**

*These standards apply to the intake process and dispositional decisions concerning an allegation of delinquency involving a violation of §3731 of Title 75, Pennsylvania’s Vehicle Code (Driving Under the Influence of Alcohol or Controlled Substance).*

*These standards should be interpreted and implemented in a manner consistent with the Standards Governing Juvenile Court Intake promulgated by the Juvenile Court Judges’ Commission and the written guidelines established by the local Court.*

- I. Before making a final intake decision a review of all pertinent information relevant to the allegation shall be completed. This review shall include but not be limited to:**
  - A. the results of any assessment tool provided by the Pennsylvania Department of Transportation or other appropriate agency;**
  - B. prior allegations including relevant traffic safety information;**
  - C. treatment records for alcohol and/or drug misuse, abuse, or addiction;**
  - D. specific circumstances surrounding the incident for which the allegation has been made (accident, arrest, serious bodily injuries, property damage, whether or not a licensed operator, etc.); and**
  - E. if available, the child’s blood alcohol concentration at the time of the incident.**
  
- II. The final intake decision shall be consistent with the protection of the public interest and best suited to the child’s treatment, supervision, rehabilitation and welfare.**

**Informal adjustment proceedings are an inappropriate disposition.**

**A consent decree can be considered as an appropriate dispositional alternative if:**

- A. it is the first allegation involving a violation of §3731 of the Motor Vehicle Code; and**
- B. an accident did not occur, in connection with the offense, which resulted in serious bodily injury or death.**

**An adjudicatory proceeding should be commenced if:**

- A. it is the second or subsequent allegation involving a violation of §3731 of the Motor Vehicle Code; or**
- B. an accident did occur, in connection with the offense, which resulted in serious bodily injury or death.**

- III. If a consent decree is deemed to be an appropriate disposition, specific provisions should be included.**

**Provisions of a consent decree should include, but not be limited to:**

- A. the suspension of operator's privileges for a period of six months by the Pennsylvania Department of Transportation;**
- B. participation in a state-approved alcohol highway safety program with the cost to be incurred by the child;**
- C. payment of appropriate financial penalties to include restitution where applicable;**
- D. supervision by the probation department for an appropriate period of time; and**
- E. appropriate counseling or treatment if deemed to be in the child's best interest.**

- IV. If an adjudication of delinquency is ordered by the Court, specific provisions should be included in the dispositional recommendation made by the probation officer.**

**A dispositional recommendation should include, but not be limited to:**

- A. the suspension of operator's privileges for a period of one year under the auspices of the Pennsylvania Department of Transportation;**
- B. participation in a state-approved alcohol highway safety program with the cost to be incurred by the child;**
- C. payment of appropriate financial penalties to include restitution where applicable;**
- D. probation supervision of not less than six months duration; and**
- E. appropriate counseling or treatment if deemed to be in the child's best interest.**