

a newsletter of the

Pennsylvania
Juvenile Court
Judges'
Commission

P E N N S Y L V A N I A J U V E N I L E J U S T I C E

Volume 9, Number 1

www.jcjc.state.pa.us

January 2001

Act 129 Amends the Juvenile Act

**Governor Ridge signed
HB 877(4236) into law on
December 20, 2000, as
Act 129 of 2000.**

Governor Ridge signed HB 877(4236) into law on December 20, 2000, as Act 129 of 2000. Act 129 contains amendments to The Juvenile Act relating to juvenile court files and records, juvenile history record information maintained in the Pennsylvania State Police Central Repository, and shelter care programs located in buildings approved to provide secure detention services.

The key provisions of Act 129 are as follows:

- 42 Pa.C.S. §6307 is amended to provide that the files and records of the court in a proceeding under The Juvenile Act are open to inspection by *"the judges, officers and professional staff of courts of other jurisdictions when necessary for the discharge of their official duties."* This language is intended to provide specific authorization for the exchange of juvenile court records with courts and probation departments of other jurisdictions.
- 42 Pa.C.S. §6309(b) is amended to clarify that the Pennsylvania State Police Central Repository is to include fingerprints, photographs, and juvenile history information of both alleged and adjudicated delinquents. This section presently refers only to information regarding alleged delinquents.
- 42 Pa.C.S. §6309(c) is amended to clarify that the arresting authority shall ensure that the fingerprints and photographs of alleged and adjudicated delinquents whose fingerprints and photographs have been taken by the arresting authority are forwarded to the Central Repository, as required by the Pennsylvania State Police. Presently, this section refers, as well, only to the fingerprints and photographs of alleged delinquents. Amendments contained in Act 3 of 1998 require that if a child is found to be a delinquent child, or a child's case is transferred for criminal prosecution, the law enforcement agency that alleged the child to be delinquent shall take or cause to be taken the fingerprints and photographs of the child, if not previously taken, and ensure that these records are forwarded to the Central Repository.
- 42 Pa.C.S. §6309(d) is amended to clarify that courts shall collect and submit to the Juvenile Court Judges' Commission the disposition of cases where a child has been alleged to be delin-

continued on page 4

Balanced and Restorative Juvenile Justice Conference will be held March 14-16

The Pennsylvania Council of Chief Juvenile Probation Officers, the Montgomery County Juvenile Probation Department, and the Juvenile Court Judges' Commission are co-sponsoring Pennsylvania's first balanced and restorative juvenile justice conference for juvenile justice practitioners and related disciplines. The 22-day conference, titled: "Balanced and Restorative Juvenile Justice: Making It Work For Everyone" will be held March 14-16, 2001, at the Adams Mark Hotel and Convention Center in Philadelphia. Conference brochures and registration packets will be mailed to prospective participants in the coming month.

Professionals involved with Pennsylvania's juvenile justice system have worked diligently over the past several years to provide for the change to a more balanced and restorative juvenile justice system. Drawing on their experiences, practitioners and policy makers will share their knowledge and exchange information with conference participants. More than 20 scheduled workshops will provide something for everyone who is interested in putting the principles into practice.

Keynote speakers will provide participants with an overview of balanced and restorative justice, intervention and prevention strategies, and the motivation to persevere. Dennis Maloney, Director of the Deschutes County Community Justice Department in Bend, Oregon, will kick off the conference with a powerful overview of the evolu-

continued on page 5

This publication is produced monthly at the Center for Juvenile Justice Training and Research at Shippensburg University.

Guest articles are always welcome; please submit them by email or on a disk. We particularly enjoy your photographs, but we ask that these be mailed - we will be happy to return them to you.

P.J. Verrecchia is the editor. The address is CJJT&R, Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257-2299 or email pjverr@wharf.ship.edu

Please send additions or changes to the mailing list to Nina Weaver at the same address or email nsweav@wharf.ship.edu

CTC Technical Assistants Begin Work in Three Regions

In order to be more proactive in assisting CTC communities, three new CTC technical assistants have been hired and are working in different regions of the state. Karen Minnich will be stationed in the southeast region; Michelle Ambruch will be providing assistance in the northeast region; and Tracy Shultz will be working in the southwest region.

Minnich lives in Schuylkill County, and has worked in prevention activities for eight years. She is a certified addictions counselor, and is currently pursuing her masters degree in behavioral sciences. She was a CTC community mobilizer in Reading and helped expand CTC into the Wilson and Boyertown school districts in Berks County.

Michelle Ambruch received her masters in criminal justice administration from Shippensburg University. She has worked as a police officer as well as a juvenile probation officer in Bradford County, where she lives. Ambruch played an important role in bringing CTC to Bradford County, and served as a key leader for that project.

Tracy Shultz has extensive experience working with both family service system reform and CTC. She has a BA in journalism, and was employed as Human Services Coordinator in Somerset County. Shultz was the project coordinator for the Bedford County Collaborative Board, Unified Family Services System. In this role she was Bedford County's CTC Coordinator.

Amy Zarefoss and Mike Kovacevic will continue to be involved with the CTC training and technical assistance effort, coordinating activities of the regional technical assistants as well as providing direct service to central region CTC sites.

At this time there is still a need for a technical assistant in the northwest region of the state. Interested parties should call Mike Kovacevic, 717-477-1237.

Earl Stoudt retires from Lancaster County after 35 years



Chief Juvenile Probation Officer Earl Stoudt retired on December 29, 2000, after 35 years of service to Lancaster County. Stoudt graduated from the University of Richmond in 1962, with a BA in sociology. While at Richmond, he excelled in football. He was selected to the All-Southern Conference team and played for the South in the 1961 North-South Football Classic. He was elected into the University's Hall of Fame in 1988, and was selected as one of the top 50 University of Richmond players of all-time in 1990.

Stoudt also participated in the Army ROTC program, and served as a lieutenant in the Army after his graduation. He received an honorable discharge in 1965, and began his career with the Lancaster County Juvenile Probation Department shortly thereafter. At that time, the office was comprised of six or seven juvenile probation officers. Stoudt was promoted to supervisor in 1969, and appointed as Chief in 1977. The department now employs 57 juvenile probation officers and 10 support staff.

In looking back on his career, Stoudt believes that the closing of the State Correctional Institution at Camp Hill was one of the best things that ever happened to Pennsylvania's juvenile justice system. He also believes that the recent funding for school-based probation officers has allowed his department to work more closely with schools, and represents some of the best programs for juvenile offenders.

Stoudt supports the new balanced and restorative

justice philosophy which guides Pennsylvania's juvenile justice system. It encourages counties to re-think their service delivery system; juvenile courts must now consider the protection of the community, competency issues, and holding juveniles accountable for the crimes they commit in every disposition. He also believes the recently enacted Juvenile Crime Victims' "Bill of Rights" is extremely important, and that services for crime victims have been neglected for too long, due to a lack of funding and other priorities. Stoudt would like to see more services for incorrigible children and their families developed, as a delinquency-prevention strategy.

Earl Stoudt is proud of Pennsylvania's juvenile justice system, and believes that Pennsylvania has always been on the cutting edge in providing services and implementing change among the states. He complemented the Pennsylvania Council of Chief Juvenile Probation Officers for its leadership and involvement in juvenile justice issues.

FYI...

effective immediately

Somerset County Probation Department has a new address.

Vicki L. Rascona-Saylor is the Chief Probation Officer, the new address is:

Somerset County Probation Department
Suite 100, 300 North Center Avenue
Somerset, PA 15501

School Law # 6

We're partway through our School Law series—so, in the spirit of high school, here's a quiz. Which of the following statements of the law are correct? For answers, see page 6; depending on how you do, you may want to look back over our previous columns, which may be found on the JCJC website.

Our series will resume next month. Upcoming topics: special education and discipline; also, alternative schools. Meanwhile, for help with specific problems, feel free to contact the Education Law Center at 215-238-6970 or 412-391-5225. You can also get useful information from ELC's website (www.elc-pa.org).

1. Under Pennsylvania law, once a student reaches age 17, education is considered a privilege rather than a right.
2. When a student moves into a new school district, the district must obtain proof of immunizations, copies of prior school records, and a statement concerning the student's school disciplinary record before allowing the student to enroll.
3. Prior to any expulsion (defined as an exclusion from school for 30 days or more), a hearing must be held before the superintendent.
4. Under the state's Schartz-Metterklume Law, also known as Act 26, the superintendent must impose at least a year's expulsion in any case involving a weapon.
5. A student who has been adjudicated delinquent will, ordinarily, meet the criteria for expulsion from school.
6. Because a conduct disorder is not deemed to be a disability, a student who has such a disorder is ineligible for special education.
7. To be eligible for special education, a student must display below-average intelligence and must need to spend at least some time each day in a special class.
8. While a parent of a student with a disability may *request* that the student's IEP (individualized education program) be changed in some respect, the final decision rests with the school.
9. When parents disagree with school officials over some aspect of the student's special education program or placement, the parents must request a "due process hearing" to resolve the matter.
10. While parents must ordinarily "sign off" on special education forms, the court may do so, or authorize a caseworker or probation officer to do so, in exceptional cases.

Act 129.....continued from page 1

quent, including the disposition of cases resulting in adjudication of delinquency, which shall be submitted for inclusion in the Central Repository as required by the Juvenile Court Judges' Commission.

- The definition of "Juvenile History Record Information" as 42 Pa.C.S. §6309(e) has been amended to clarify that this information pertains to both alleged and adjudicated delinquents and to require this information to now include the last known location and juvenile court jurisdiction status of each adjudicated delinquent. This information will eventually be provided to the PSP for inclusion in the Central Repository through the Juvenile Tracking System being implemented under the auspices of the Commonwealth's JNET initiative.

- 42 Pa.C.S. §6302 has been amended to add a definition of "Facility designed or operated for the benefit of delinquent children." This term is referenced at 42 Pa.C.S. §6351 (c) but, prior to Act 129, was not defined in The Juvenile Act.

- The definition of "Shelter care" at 42 Pa.C.S. §6302 has been amended to provide that "*A facility approved by the Department of Public Welfare to provide shelter care may be located in the same building as a facility approved to provide secure detention services provided that children receiving shelter care services are segregated from the children receiving secure detention services as required by the department.*"

Act 129 becomes effective on February 19, 2001. Please contact Keith Snyder, Deputy Director, at 717-787-5634 if you have questions or require additional information regarding this legislation.

Guidelines for Victim Impact Panels Available

A new publication titled “Best Practice Guidelines for Victim Impact Panels within Pennsylvania’s Juvenile Justice System,” is available for those interested in establishing victim impact panels as part of their overall development of a balanced and restorative juvenile justice system. This document is intended to assist juvenile justice practitioners in the implementation of victim impact panels by outlining best practice guidelines for preparing both victims and juvenile offenders for the experience. In addition, it defines the importance of adequate follow up for all participants. The guidelines emphasize the need for collaboration between the juvenile probation department and the local victim service agency when developing and implementing this procedure. Attention to these best-practice guidelines will help assure a safe and satisfying experience for all those involved.

A victim impact panel is a powerful process which can benefit victims, juvenile offenders, and communities. However, the success of any restorative justice intervention is dependent upon the thoughtful implementation of the process; it is recommended that a victim impact panel be in support of a larger program dedicated to teaching youth the impact of crime.

The publication was developed by Valerie Bender, Restorative Justice Consultant for the Pennsylvania Council of Chief Juvenile Probation Officers, under the direction of the Joint Review Subcommittee of the Juvenile Advisory Committee and the Victims’ Services Advisory Committee of the Pennsylvania Commission on Crime and Delinquency. Mothers Against Drunk Driving, the Governor’s Office of the Victim Advocate, the Juvenile Court Judges’ Commission, and the Pennsylvania Council of Chief Juvenile Probation Officers, as well as other victim advocates from counties across the state, collaborated on the project. For a copy of this publication, please call Susan Blackburn, 717-705-2290 or email her at sblackburn@state.pa.us.

Conference....continued from page 2

tion of balanced and restorative justice, its growth throughout the country, as well as Pennsylvania’s leadership role in its expansion. Howard Zehr, author of the groundbreaking book, *Changing Lenses: A New Focus for Crime and Justice*, will share his views on the underlying values and principles of restorative justice.

Several national experts on balanced and restorative justice will present a broad range of topics in more than 20 scheduled workshops. Kay Pranis, the Restorative Justice Planner for the Minnesota Department of Corrections and a renowned trainer and author on restorative justice, will share her expertise on engaging the community. In interactive sessions, Pranis will discuss and demonstrate both community conferencing and peacemaking circles. Other confirmed workshop presenters are Nancy Riestenberg, Prevention Specialist with the Minnesota Department of Children, Families & Learning, who will introduce successful restorative processes in the schools; Caroline Nicholl from the Metropolitan Police Department in Washington, D.C., and author of “Restorative Justice and the Advancement of Community Policing;” Lorraine Stutzman Amstutz, the Director of the Mennonite Central Committee Office on Crime and Justice and the co-author of “Victim Offender Conferencing in Pennsylvania’s Juvenile Justice System.”

Additionally, practitioners from various disciplines throughout Pennsylvania will share their expertise and successes in developing new roles, new partnerships and enhanced programmatic responses as they implement the values and principles of balanced and restorative justice. Their workshops will appeal to everyone who is striving to keep our communities safe, to restore to the degree possible the losses of victims, and to help our youth earn redemption and gain a productive place in society.

“Balanced and Restorative Justice: Making It Work For Everyone,” through its general sessions, workshops, and resource room (containing books, videos, articles and monographs) promises to embody the mission of the juvenile justice system in Pennsylvania: community safety, victim restoration; youth redemption.

For more information on this conference please contact Robin Mayberry, conference planner, at 717-697-7010.

Answers to Education Law Quiz

Every one of the statements is wrong, at least in part.

1. Students have the right to attend school through the school year in which they reach age 21, or until high school graduation—whichever occurs first. Only a legal expulsion can terminate this right. The age of 17 is significant only in that it's the point at which compulsory attendance (that is, the student's *obligation* to attend school) ends.
2. Correct on immunizations and disciplinary record; wrong on other student records (a student who is otherwise eligible to enroll must be admitted even if his or her records are delayed).
3. An expulsion is any exclusion over *ten* days, and expulsion hearings must be held before the school board, not the superintendent.
4. Beware of fancy names; Scharz-Metterklume doesn't exist, except in a Saki story. Act 26 (which *is* real) calls for expulsion for at least a year in cases in which a student brings a weapon to school. However, Act 26 also says that the superintendent must have the discretion to recommend a less severe penalty. Thus, strict "zero tolerance" policies in weapon cases are forbidden.
5. Delinquent conduct that occurs off school premises (and not on the way to or from school) is not ordinarily grounds for expulsion, unless it has an impact on the school. Also, even on-grounds conduct can result in discipline only if it violates written school rules.
6. It's true that a conduct disorder, in itself, is not considered a disability. But if the student also has a learning disability, attention disorder, emotional disturbance, or other condition recognized by the education system, s/he may well be eligible for special education.
7. The key issue is simply whether the student has a disability and needs some amount of specialized instruction as a result. Even a student capable of achieving at high levels may be eligible if s/he needs special supports in order to succeed. (A student with high ability levels but severe emotional or behavioral problems, might be an example.) Also, for eligibility purposes, it doesn't matter whether the student needs to be in a

special class, or needs to be taught by a special education teacher. Some special education students receive all of their instruction in regular classrooms.

8. The parent has the right to request a due process hearing. If he or she wins the hearing (and, if necessary, any appeals), the school's decision is overruled.
9. Not necessarily, since the law also offers a speedy, informal "mediation" process—which, in most situations, is well worth a try.
10. If the parent is not available, and if there is no legal guardian or individual (such as a relative "acting as" a parent, the school district must appoint a surrogate parent to make educational decisions. Courts, caseworkers and JPO's can't perform this role—even in "exceptional cases."

For the quiz, see page 4; depending on how you do, you may want to look back over our previous columns. These may be found on the JCJC website, www.jcjc.state.pa.us

Positions Available

Bethesda Day Treatment Center

Bethesda is seeking applicants for the Mifflintown and Philadelphia Day Treatment Centers. Requirements vary according to position. All applicants must be 21 years of age or older. State Police and Childline clearances will be required.

OJJDP has awarded Bethesda Day Treatment Center national model-program status three times.

Please submit resume or call for more information:
Collette Benner, HR Executive Assistant
Bethesda Day Treatment Center
P. O. Box 270
West Milton, PA 17886
telephone 570-568-1131

Juvenile Court/Community Collaboration Issues Discussed

The Court and Community Collaboration Committee of the Pennsylvania Council of Chief Juvenile Probation Officers, chaired by Westmoreland County Chief Juvenile Probation Officer Adeline Beighley, convened a meeting on December 8, 2000 to discuss the benefits and issues associated with Juvenile Court and community collaboration. Several juvenile court judges and a juvenile court master, who participated in the meeting, supported the concept of obtaining input from the community, and including community members as active partners in a balanced and restorative juvenile justice process.

The following themes emerged from the discussion:

- Education of the community about the role and mission of the juvenile justice system is vital if community members are expected to have input and take an active role in the justice process;
- The Court must be aware of a broad range of resources within the community;
- Generally, juvenile court judges would be open to accepting input from victims and community members in crafting dispositions;
- The voice of the victim is crucial to crafting restorative and creative dispositions;
- Juvenile probation officers must play active roles in developing creative recommendations, for juvenile court judges, that engage community members; and
- Additional judicial training and dialog is necessary.

A follow-up roundtable discussion, involving juvenile court judges, will be scheduled to examine balanced and restorative dispositions in the juvenile court. For more information please contact Susan Blackburn at 717-705-2290.

Kovacevic Gets Promotion

Mike Kovacevic was recently promoted to Director of the Communities That Care (CTC) prevention project based at the Center for Juvenile Justice Training and Research at Shippensburg University. Kovacevic began his affiliation with the Center in 1989, as a research associate. In March, 1990, he became a member of the Child Welfare Division of the Center and worked with county agencies in the development of Family Preservation Programs.

In April 1997, Kovacevic became involved with the CTC initiative and quickly became a strong force in the expansion of the model on a statewide basis. Recently, the Center hired three regional coordinators to help communities develop, implement and maintain CTC efforts.

Kovacevic's strong leadership, dedication and hard work are significant factors in the rapid and successful spread of the CTC model throughout the Commonwealth.