

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

Commonwealth of Pennsylvania, Mark Schweiker, Governor

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## Recently enacted legislation includes Juvenile Act amendments

The 2001-2002 Session of the Pennsylvania General Assembly ended with a flurry of activity, including the passage of amendments to the Juvenile Act and other legislation affecting Pennsylvanians' juvenile justice and child welfare systems. The following legislation is of particular significance:

### **Act 215 of 2002**

SB 1452(2439) was signed into law by Governor Schweiker on December 9, 2002 and will become effective on February 7, 2003. Act 215 includes a number of amendments to Title 42, including amendments to Pennsylvania's Juvenile Act intended to ensure continued compliance with the federal Adoption and Safe Families Act and to create a statutory scheme governing warrantless searches by juvenile probation officers. In addition, Act 215 requires courts, in delinquency proceedings, to specify the particular offenses including the grading and counts thereof, which a child is found to have committed. An additional provision of Act 215 is intended to provide officials of the Department of Corrections, State Correctional Institutions, parole boards, and courts with access to juvenile court records of individuals who have been previously adjudicated delinquent and who are now in the criminal justice system and subject to the custody or jurisdiction of these entities.

Several of the more significant Juvenile Act amendments in Act 215 are as follows:

**Section 6304** "Powers and duties of probation officers" is amended to create a new subsection (A.1) "Authority to search," which sets forth a statutory scheme governing warrantless searches by juvenile probation officers. In a separate section of Act 215, the Juvenile Court Judges' Commission is charged with developing "best practice standards" regarding searches of the person and property of children in order to implement the addition of 42 Pa.C.S. §6304 (A.1).

**Section 6307** "Inspection of court files and records" is amended to add a new subsection (6.2), which provides that files and records of a court in a Juvenile Act proceeding are open to inspection by officials of the Department of Corrections or a State Correctional Institution or other penal institution to which an individual who

*continued on page 3*

# MPOETC opens Computer Learning Center in Allegheny County

The Municipal Police Officers' Education and Training Commission (MPOETC) has partnered with the Allegheny County District Attorney's Office to establish a Computer Learning Center in Homestead Borough, Allegheny County. The site will replicate the training that is available at the Commission's Hershey location. Training will be available at no cost to all law enforcement agencies in the western portion of the Commonwealth. All certified municipal police officers will receive three hours credit toward their mandatory 12-hour in-service training requirement, regardless of the actual length of the course, for all training that is completed at the Computer Learning Center.

Course descriptions may be found at [www.mpoetc.org](http://www.mpoetc.org). Please direct questions to Vance Rosebush, 800-342-0858, ext. 206, or email him at [vrosebush@mpoetc.org](mailto:vrosebush@mpoetc.org). Enrollment forms are also available at the website. The form is a PDF file, and must be printed and mailed to the address listed on the form or faxed to 717-787-1650. Classes are 9 a.m. to 3:30 p.m.

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](mailto: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](mailto:nsweav@wharf.ship.edu)

## MPOETC Schedule

The following courses will be offered in the MPOETC Computer Learning Center, 75 East Derry Road in Hershey, as well as in the new Center in Homestead Borough. Course descriptions may be found at [www.mpoetc.org](http://www.mpoetc.org). Please direct questions to Vance Rosebush, 800-342-0858, ext. 206, or email him at [vrosebush@mpoetc.org](mailto:vrosebush@mpoetc.org). Enrollment forms are also available at the website. The form is a PDF file, and must be printed and mailed to the address listed on the form or faxed to 717-787-1650. Classes are 9 a.m. to 3:30 p.m.

Introduction to Personal Computers .....	Jan 7
Introduction of Operating Systems .....	Jan 8
Introduction to the Internet .....	Jan 9
Introduction to Word .....	Jan 14
Introduction to PowerPoint .....	Jan 15
Introduction to Excel .....	Jan 16
Introduction to Access .....	Jan 21
Introduction to Outlook .....	Jan 22
Web Page Design .....	Jan 23
Intermediate Word .....	Jan 28
Intermediate PowerPoint .....	Jan 29-30
Intermediate Excel .....	Feb 4
Intermediate Access .....	Feb 5
Advanced Word .....	Feb 6
PA-LEMIS .....	Feb 10, Feb 12
Advanced Access .....	Feb 13
Introduction to Personal Computers .....	Feb 18
Introduction to Operating Systems .....	Feb 19
Introduction to Word .....	Feb 20
Introduction to PowerPoint .....	Feb 25
Introduction to Excel .....	Feb 26
Introduction to Access .....	Feb 27
Introduction to Outlook .....	Mar 4
Web Page Design .....	Mar 5
Intermediate Word .....	Mar 6
Intermediate PowerPoint .....	Mar 11-12
Intermediate Excel .....	Mar 13
Intermediate Access .....	Mar 18
Advanced Word .....	Mar 19
Excel Applications for Law Enforcement .....	Mar 20
PA-LEMIS .....	Mar 24, Mar 26
Advanced Access .....	Mar 27

*Legislation, from page one*

was previously adjudicated delinquent has been committed, provided that such persons shall not be permitted to see reports revealing the names of confidential sources of information contained in social reports, except at the discretion of the court.

**Section 6307** “Inspection of court files and records” is amended by adding a new subsection (6.3) which provides that the files and records of a court in a Juvenile Act proceeding are open to inspection by a parole board, court or county probation official in considering an individual’s parole or in exercising supervision over any individual who was previously adjudicated delinquent in a Juvenile Act proceeding, provided that these persons shall not be permitted to see reports revealing the names of confidential sources of information contained in social reports, except at the discretion of the court.

**Section 6324** “Taking into custody” is amended to provide that, prior to entering a protective custody order removing a child from the home of the parent, guardian or custodian, the court must determine that . . . “to allow the child to remain in the home is contrary to the welfare of the child.”

**Section 6332** “Informal hearing” is amended to include a requirement for a “contrary to the welfare of the child” determination, and, in the case of an emergency placement where services were not offered and could not have prevented the necessity of placement, a determination as to whether “this level of effort was reasonable due to the emergency nature of the situation, safety considerations, and circumstances of the family.”

**Section 6336.1** “Notice and hearing” is amended to clarify that unless a foster parent, pre-adoptive parent or relative providing care for a child has been awarded legal custody pursuant to §6357, nothing in §6336.1 shall give the foster parent, pre-adoptive parent or relative providing care for the child legal standing in the matter being heard by the court.

**Section 6341** “Adjudication” is amended to require courts, upon finding that a child committed the acts by reason of which he is alleged to be delinquent, to enter such finding on the record and to “specify the particular offenses including the grading and counts thereof which the child is found to have committed.”

**Section 6351** “Disposition of dependent child” is amended to include “safety of the child” among the issues to be considered by the court in making an

order of disposition.

**Section 6351(e)(3)** is amended to provide that the court shall conduct a permanency hearing within six months of . . . “the date of the child’s removal from the child’s parent, guardian or custodian for placement under §6324 (relating to taking into custody) or §6332 or pursuant to a transfer of temporary legal custody or other disposition under (a)(2), whichever is the earliest.”

**Section 6351(f)** “Matters to be determined at permanency hearing” is amended to require a determination by the court regarding . . . “whether reasonable efforts were made to finalize the permanency plan in effect.”

A new **§6351(f.1)** is added to require the court to determine . . . “if and when the child will be placed with a fit and willing relative” and to establish the hierarchy of permanency options available to the court when conducting permanency hearings.

**Section 6351(h)** “Certain hearings discretionary” is deleted.

**Act 187 of 2002**

HB 2644(4690) was signed into law by Governor Schweiker as Act 187 of 2002 on December 9, 2002 and became effective immediately. Among the amendments to the Public School Code contained in Act 187 is an amendment to §2134 “Placement of certain adjudicated students” that was added by Act 88 of 2002. This section of the Public School Code, which applies only to students in Philadelphia, previously prohibited students returned from placement or who were on probation as a result of being adjudicated delinquent, or who have been adjudged to have committed a crime in an adult criminal proceeding, from returning to the regular classroom. Act 187 deleted the language referring to a student . . . “who is on probation.”

As amended by Act 187 of 2002, §2134 will require that no student returning from placement as a result of being adjudicated delinquent or who has been adjudged to have committed a crime under an adult criminal proceeding shall be returned directly to the regular classroom. Prior to returning any such student to the regular classroom, the Philadelphia School District shall place the student in a transition center operated by the school district for a period not to exceed four weeks; and develop a transition plan for the student that includes aca

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### *Legislation, from page 3*

demographic goals, identify school and community services appropriate to the needs of the student, and establish terms and conditions the student must meet prior to returning to the regular classroom.

The transition plan may provide for a student's direct return to the regular classroom, except where the underlying offense is included on a list of offenses set forth in Act 187. These offenses include possession of a weapon; possession, use or sale of a controlled substance; possession, use or sale of alcohol or tobacco on school property; or an "Act of violence" as defined in Section 1310-A(H) of the School Code.

In the case of a student whose transition plan does not include immediate return to the regular classroom, Act 187 requires that the student be placed in an alternative education program; a private alternative education institution; a general education development program; or a program operating after the traditional school day.

Act 187 also provides that, prior to the release of a student subject to this section from a residential or day treatment placement as a result of being adjudicated delinquent, or returning from incarceration as a result of having been adjudged to have committed a crime under an adult criminal proceeding, the court shall provide to the person in charge of the Philadelphia School District's transition center, the information required in the school notification provisions under §6341(b.1) of the Juvenile Act. This information is to be updated by the court with information pertaining to treatment reports and supervision plans or any other information deemed necessary by the transition plan and assure the appropriate placement of the student.

#### **Act 198 of 2002**

SB 413(2385) was signed into law as Act 198 of 2002 on December 9, 2002 and will become effective on February 7, 2003.

Act 198 amended Title 18 to create a new §7508.1 "Substance Abuse Education and Demand Reduction Fund." This fund is to be administered by the Pennsylvania Commission on Crime and Delinquency and be comprised of costs imposed and collected resulting from disposition of cases involving a violation of 75 Pa.C.S. §3731 (relating to driving under the influence of alcohol or controlled substance) and violation of the Controlled Substance, Drug, Device and Cosmetic Act.

Act 198 requires that, unless the court finds that undo hardship will result, a mandatory cost of \$100 which shall be in addition to any other cost imposed pursuant to statutory authority, shall automatically be assessed on any individual convicted, adjudicated delinquent or granted ARD, or any individual who pleads guilty or nolo contendere for a violation of the Controlled Substance, Drug, Device and Cosmetic Act, or a violation of 75 Pa.C.S. §3731.

In addition to the aforementioned assessment, a person convicted or adjudicated delinquent for a violation of 75 Pa.C.S. §3731 shall be assessed an additional \$200 if the B.A.C. is greater than 15 percent.

The costs imposed under the section are to be collected in accordance with local court rules by the clerk of courts. Of the amount collected, 50 percent shall remain in that county to be used for substance abuse treatment or prevention programs, and the remaining 50 percent shall be deposited into the Substance Abuse Education and Demand Reduction Fund established by Act 198.

#### **Act 146 of 2002**

HB 2772(4630) was signed into law by Governor Schweiker on December 6, 2002 as Act 146 of 2002 and became effective immediately. This act established the "Targeted Community Revitalization and Crime Prevention Advisory Committee" within the Pennsylvania Commission on Crime and Delinquency.

Among the duties of this new PCCD committee are to advise the PCCD on the development of programs and projects and the establishment of priorities for supporting law enforcement and community partnerships developing comprehensive, targeted crime prevention efforts and a planning process for the revitalization of high-crime in distressed communities.

The intent of Act 146 is to institutionalize the Commonwealth's "Weed and Seed" initiative, which has been a high priority of the Ridge/Schweiker Administration. Governor Schweiker has been actively involved in the Weed and Seed initiative since its inception.

Copies and detailed analyses of the aforementioned legislation will be sent to chief juvenile probation officers and juvenile court judges within several weeks.

# The Third Annual Restorative Justice Academy

Mark your Calendar!

April 21 - May 2, 2003  
Fort Lauderdale, Florida

for more information:  
954-762-5668  
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[www.barjproject.org](http://www.barjproject.org)

Sponsored by the United States Department of Justice,  
Office of Juvenile Justice and Delinquency Prevention

## Review of Research: *Both Victims and Offenders Satisfied with Mediation Programs*

by Barton Poulson and Kathy Elton

Note: This research article was published in 53 (1) *Juvenile and Family Court Journal* 37, 2002.

Victim-Offender Mediation Programs (VOMPs), a modern alternative to traditional criminal and juvenile court procedures, are being utilized increasingly in the United States. VOMPs provide a forum for victims and offenders to meet and, with the assistance of a neutral third-party mediator, discuss the offense and appropriate reparations. A focus on "healing" distinguishes VOMPs from more traditional punitive sanctions. VOMPs have been used most often with juvenile offenders, typically those with less serious and less violent offending histories.

Poulson and Elton's study examined the attitudes of victims and offenders who participated in the Victim Offender Mediation Program in Utah. This program is a collaborative effort between the University of Utah Communications Department, the Third District Juvenile Court, and the Utah Commission on Crime and Juvenile Justice. Programs are currently running in six of eight judicial districts. A total of 634 questionnaires was collected from the Utah Victim-Offender Mediation

Program participants between February 1997 and March 2001, of which 38 percent were completed by victims and 52 percent were completed by offenders. Questions concerned the respondents' overall experience with the mediation, specific attitudes about the mediator, and satisfaction with the case outcome.

The results of their survey indicated an overall high level of satisfaction among both victims and offenders. Based on data collected from the questionnaire, more than 90 percent of both victims and offenders rated the mediation experience positively, rated the mediator favorably, and reported being highly satisfied with the case outcome and the overall mediation experience. Virtually all respondents reported a preference for mediation over court in the future.

While Poulson and Elton concluded that VOMPs can be an effective alternative to traditional juvenile court processing, they state that their findings should be considered with some caution. One area of concern is in regard to methodological limitations. This study, like others in this area, did not utilize a comparison of non-program offenders, and a relatively small sample of available subjects was employed. Larger scale, randomized studies are needed before solid conclusions can be made about program effectiveness. Also, an examination of recidivism (not just program satisfaction) should be a key component.

Poulson and Elton also point out that the type of offense should be considered when implementing a VOMP. While VOMPs have proven to be effective, the authors do not recommend utilizing a VOMP with more serious and violent offenses. They believe that these types of offenses could make reparation more difficult to achieve.

## Staff Development News

The CJJT&R Spring 2003 Staff Development Schedule should be received no later than December 31. Registrations should be returned by January 27. As usual, the Center will continue to accept registrations on a space-available basis until the day prior to each program. Registrations are accepted on a first-come, first-served basis, and many programs are expected to reach capacity on or before the January 27 due date or shortly thereafter. The early return of registration materials is strongly encouraged as each season programs seem to fill as soon as a week or more before the registration deadline. Payment of registration fees may follow later.

A total of twenty-four programs are scheduled for the coming spring season. The Juvenile Justice Academy for New Juvenile Officers will be held on February 4-7, and will conclude on March 5-7 at the Holiday Inn Harrisburg East, the site of all Harrisburg area workshops.

Several new topics, never before offered by the Center are included in this season's staff development schedule. Among them, on March 11-12, the Center will sponsor "Developing and Achieving Successful Outcomes for Probation Through Assessment and Case Planning." This program will be held in the Holiday Inn Harrisburg East and will be presented by Doug Thomas, a research associate for the National Center for Juvenile Justice. This program will assist participants in formal, individualized assessment, supervision planning techniques, and outcome measurement skills.

Barbara Ulmer, a former probation officer and family therapist for the Lancaster County Juvenile Probation Department, currently a private trainer, consultant and counselor, will present "Solution-Oriented Counseling Techniques" on March 27-28 also in the Harrisburg area. This workshop provides the tools necessary to help clients choose feasible goals and move from focusing on problems to focusing on solutions.

The program "Balanced and Restorative Justice in Pennsylvania: Principles, Practices and Implementation" will provide participants the opportunity to explore in-depth, how to strengthen and enhance their ongoing efforts to implement balanced and restorative justice services. The program is a two-part, five-day total workshop, ideally involving local teams of juvenile justice system and related profes-

sionals. It will be held in Harrisburg on April 2-4 and continue on April 15-17.

On April 9-11 Stan Walters will return to the Days Inn Penn State to present the Level 2-Advanced Kinesic Interviewing program for those individuals who have attended his Level 1 program and wish to take their interview skills further.

May 1-2 the Center will sponsor the workshop "Gangs, Drugs, and Violence Prevention: Education and Practical Application" which will be led by Keith Rhodes, CEO of the Methodist Home for Children in New Orleans, Louisiana. Mr. Rhodes is a gang counselor certified through the Federal Bureau of Prisons and the National Institute of Corrections. He has worked with counter-drug task force and gang suppression teams in 87 cities over the past 10 years. He has been featured on national and international television, and lectures worldwide.

During Administrative Professional's Week, on April 23-24, Roger Mellott will return to present an updated version of his "Coping with Chaos and Change." This content of this program is just as appropriate for managers, supervisors, line probation staff and administrative support staff. Roger is one of the highest rated trainers to ever teach at a Center sponsored workshop. This year we are asking that you consider this workshop to also "double" as our annual program for support staff. We are urging directors to encourage their support staff to also attend to enhance their skills and recognize their contribution to the agency's mission throughout the year.

Several other new offerings are also included in this spring's schedule, as well as repeats of several programs that filled during the last two year's training seasons where interested participants had to be turned away. Please review the full schedule carefully and register early!

Because of several program's non-traditional schedules and the continuing use of five separate training sites, we are urging administrators or agency training coordinators to provide each registrant with a photocopy of the one-page program description for each program they will be attending to serve as a reminder of the program's learning objectives, dates, times and location.

This year the Center's spring schedule includes programs held between February and the end of June. In late May we will be mailing the Summer/

Fall Staff Development Schedule that will include workshops held between July and December. A tentative listing of topics being considered for the summer/fall training season will be printed on the last page of the spring training booklet. We need your support through your attendance if we are to continue offering workshops in the summer months of June-August.

If, by January 2 you have not yet received a copy of the Center's training schedule and would like to review the offerings, or if you have any questions please contact Susan Blackburn, 717- 477-1411, or John Herb, 717- 477-1185 and press 3.

## PCACB selects Arlene Prentice as president

**A**rlene Prentice, a Juvenile Court Consultant with the Juvenile Court Judges' Commission, was recently selected as the President of the Pennsylvania Chemical Abuse Certification Board (PCACB). The PCACB is a private, non-profit corporation that establishes, safeguards, and monitors certification standards for professionals in the drug and alcohol field. The PCACB advocates for quality education, treatment, and comprehensive prevention services at the state and national levels.

Prentice has worked for the JCJC since 1992. She serves as liaison between JCJC and the Office of Mental Health and Substance Abuse Services in the Department of Public Welfare, monitors all county drug testing allocations and expenditures, provides cultural sensitivity training to juvenile probation staff, as requested, and coordinates various activities associated with the JCJC's Annual Conference on Juvenile Justice, including Resource Day and the Awards Program.

# Save the Date!

March 16-19, 2003

Mission-driven, Performance-based,  
Outcome-focused Practices

The 20th National Conference on Juvenile Justice

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National District Attorneys Association

Pennsylvania Convention Center  
Loews Philadelphia Hotel

Registration material available  
703-549-9222  
[www.ndaa-apri.org](http://www.ndaa-apri.org) (events)

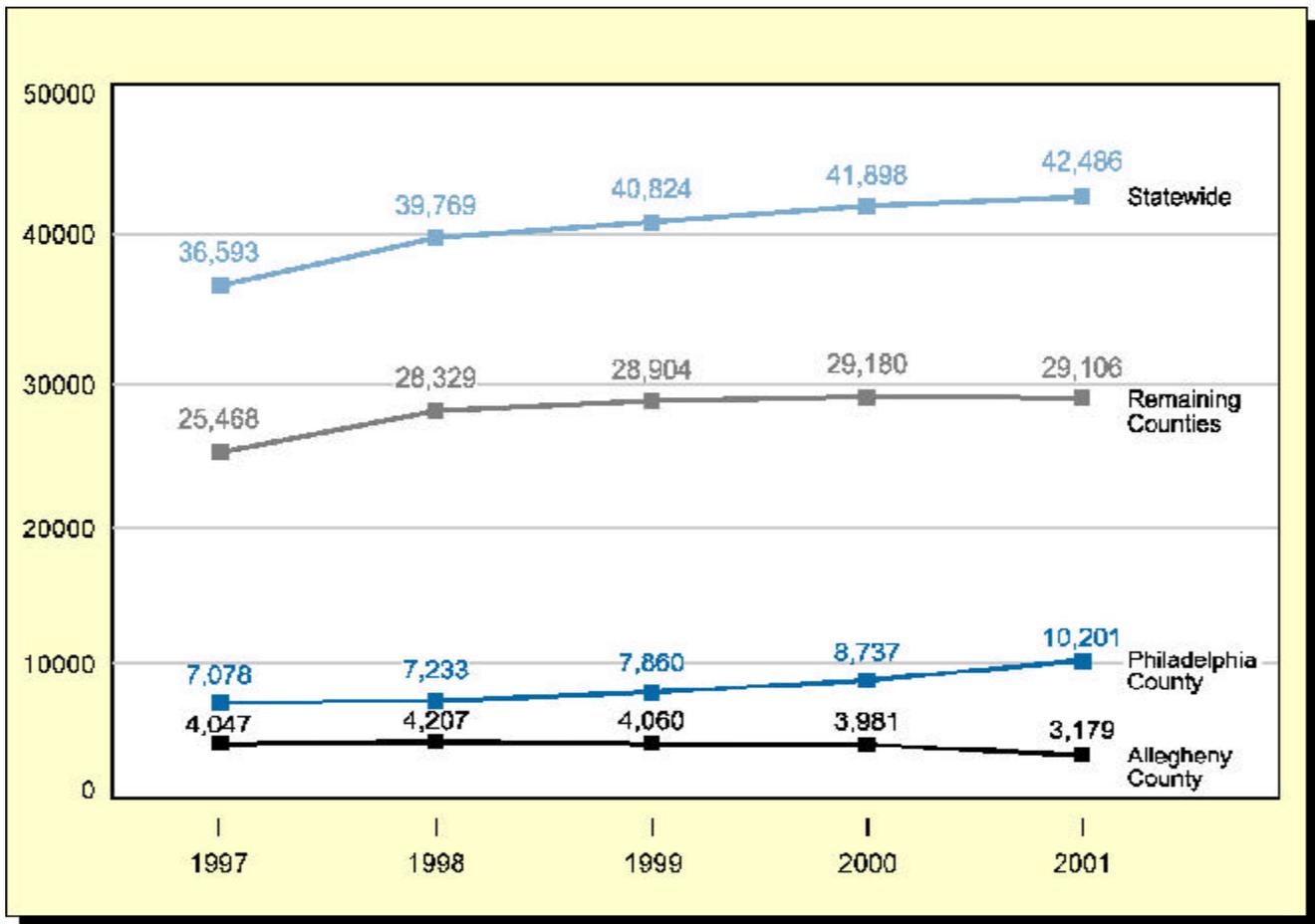
Pennsylvania registrants insert \$199 PA Special at "fee"

## Special Pennsylvania rate established for 20<sup>th</sup> National Conference on Juvenile Justice

**T**he National Council of Juvenile and Family Court Judges and the National District Attorneys Association have established a reduced registration fee, in the amount of \$199, for all registrants from Pennsylvania attending the 20<sup>th</sup> National Conference on Juvenile Justice in Philadelphia. This prominent national conference will be held at the Pennsylvania Convention Center / Loews Philadelphia Hotel from March 16 – 19, 2003.

Conference registration material can be obtained by contacting the National District Attorneys Association at (703) 549-9222 or on-line at [www.ndaa-apri.org](http://www.ndaa-apri.org) and click on "events." Pennsylvania registrants should strike the advertised fee on the registration form and insert "\$199.00, PA Special".

## DELINQUENCY DISPOSITIONS



### Delinquency dispositions, 1997-2001

The graph above represents the number of juvenile delinquency dispositions from 1997 to 2001, excluding disposition reviews, placement reviews, and dependency dispositions. The 42,486 delinquency dispositions in 2001 represent a 1.4 percent increase from 2000, and a 16.1 percent increase since 1997.

Dispositions of new charges in Philadelphia County increased 16.8 percent between 2000 and 2001, and by 44.1 percent between 1997 and 2001. Dispositions of new charges in Allegheny County decreased by 20.1 percent between 2000 and 2001. Although delinquency dispositions in Allegheny County increased by 3.9 percent between 1997 and 1998, delinquency dispositions have decreased by 24.4 percent since 1998.

The statewide increase in delinquency dispositions from 2000 to 2001 is primarily attributable to the increase in the number of dispositions in Philadelphia County. In counties other than Philadelphia and Allegheny, the number of new delinquency cases has remained relatively unchanged since 1998.

