

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

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Act 21 creates new involun- tary treatment option for juvenile sex offenders

On August 14, 2003, Governor Rendell signed SB 521(1108) into law as Act 21 of 2003. This legislation, sponsored by Senate Majority Leader David Brightbill, amends Title 42 to create a new Chapter 64, "Court-ordered Involuntary Treatment of Certain Sexually Violent Persons." In addition, Act 21 amended The Juvenile Act to create a new 42 Pa.C.S. §6358 "Assessment of Delinquent Children by the State Sexual Offenders Assessment Board." Act 21 of 2003 will become effective on February 10, 2004.

The new provisions of The Juvenile Act at §6358 will subject certain juvenile sex offenders to an assessment by the State Sexual Offenders Assessment Board (SSOAB). Affected will be juveniles adjudicated delinquent for rape, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault, indecent assault, or incest who have been committed to an institution or other facility following an adjudication of delinquency and who remain in placement upon attaining 20 years of age. Juvenile probation officers will have the duty to notify the SSOAB 90 days prior to the 20th birthday of any such child. This notification will include the status of the delinquent child and the institution or other facility where the child is committed. The probation officer is also required to assist the Board in obtaining access to the child and any information required by the Board to perform the assessment. Special implementation provisions are added to require probation officers to notify the Board within five days of the effective date of the statute of any juvenile in placement who has been adjudicated delinquent for one of the designated sex offenses and who is older than 19 years and nine months of age, but who has not yet attained age 21.

The SSOAB will conduct an assessment for any such juvenile, which is to include the Board's determination of whether or not the juvenile is need of commitment for involuntary treatment under the new Chapter 64 of Title 42. This assessment is to be filed with the court no later than 90 days after the child's 20th birthday unless notification of the Board was delayed pursuant to the initial implementation provisions of the statute, in which case the assessment is to be filed with the court no later than 180 days after the child's 20th birthday.

Act 21, continued on pages 2 and 3

Act 21, continued from page 1

Where the Board's assessment concludes that any such child is in need of involuntary treatment pursuant to the provisions of the new chapter, the court is required to conduct a dispositional review hearing under The Juvenile Act, which shall be held no later than 180 days before the 21st birthday of the child. Where the submission of the report to the court was delayed pursuant to the initial implementation provisions of the statute, this dispositional review hearing must be held no later than 90 days before the 21st birthday of the child. If, at the conclusion of the dispositional review hearing, the court finds there is a prima facie case that the child is in need of involuntary treatment under the provisions of the new Chapter 64, the court is to direct that the county solicitor or a designee file a petition to initiate proceedings under that Chapter.

The new Chapter 64 of Title 42, "Court Ordered Involuntary Treatment of Certain Sexually Violent Persons", provides that a person may be subject to court-ordered commitment for involuntary treatment under this chapter if the person has been adjudicated delinquent for one of the designated acts of sexual violence previously described; has been committed to an institution or other facility pursuant to The Juvenile Act and remains in that facility upon attaining 20 years of age; and is found to be 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.

Where a petition is filed to initiate proceedings under this new chapter, the court is required to set a date for a hearing, which shall be held within 30 days of

the filing of the petition. The person who is the subject of the petition has the right to counsel and the right to court-appointed counsel, if he cannot afford private counsel. The individual also has the right to be assisted in the proceedings by an independent expert in the field of sexually violent behavior. If the person cannot afford to engage such an expert, the court is required to allow a reasonable fee for such purpose. The individual who is the subject of the proceeding cannot be called as a witness without his consent and will have the right to confront and cross-examine all witnesses and to present evidence on his behalf.

Upon the conclusion of the hearing, the court is required to render a decision within five days. If the court finds by clear and convincing evidence that the person 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, the court is required to enter an order directing the immediate commitment of the person for inpatient involuntary treatment to a facility designated by the Department of Public Welfare.

Any person so committed would be subject to a period of commitment for inpatient treatment for one year. Sixty days prior to the expiration of the one-year commitment period, the director of the facility to which the person was committed, or a designee, is required to submit an evaluation of the person to the court, and the SSOAB is to submit an assessment. The court is then required to schedule a review hearing which shall be held no later than 30 days after receipt of both the evaluation and the assessment. If, at the review hearing, the court determines by clear and convincing evidence that the person continues to have serious difficulty controlling sexually violent behavior due to a mental abnormality or personality disorder that makes the person likely to engage in an act of sexual violence, the court would be required to order an additional period of involuntary commitment for one year. Otherwise, the court is required to order the discharge of the person.

The new statute also includes similar provisions that enable the director of a facility or designee to petition the court for a hearing upon concluding that the person no longer has serious difficulty in controlling sexually violent behavior. In such cases, the new statute provides for an expedited hearing process.

Act 21 requires the Department of Public Welfare to

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.

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provide a separate, secure state-owned facility or unit utilized solely for the control, care and treatment of persons committed under the new statute. Act 21 provides, as well, that the Department may, until July 1, 2006, designate a state-owned facility or unit which currently receives children who are adjudicated delinquent and committed under The Juvenile Act to receive individuals committed under Chapter 64, as long as these individuals are segregated at all times from children committed under The Juvenile Act.

The Department of Public Welfare, in consultation with the Juvenile Court Judges' Commission and the State Sexual Offenders Assessment Board, is to develop policies and procedures for providing individualized treatment and discharge plans based on clinical guidelines and professional standards in the fields of sexual offender treatment and mental health, as well as such regulations as are necessary to effectuate Chapter 64.

The Juvenile Court Judges' Commission will be working closely with the Department of Public Welfare and the State Sexual Offenders Assessment Board to ensure the successful implementation of Act 21 of 2003. Additional information will be provided to juvenile courts and chief juvenile probation officers as it becomes available.

Please contact the Commission's Executive Director, Jim Anderson, or Deputy Director, Keith Snyder, if you have questions regarding this new statute.

JCJC Officers for 2003-2004

Judge Carol K. McGinley (Lehigh County) will continue as Chair of the Juvenile Court Judges' Commission for 2003-2004. Judge Arthur E. Grim (Berks County) was also re-elected as Vice-Chairman, and Judge John B. Leete (Potter County) as Secretary. The Commission elected officers for 2003-2004 at its July 23, 2003, meeting.

Franklin County receives Human Services Innovations Award

Franklin County has received an *Innovations Award* from the Pennsylvania Association of County Human Services Administrators (PACHSA) for the county's joint management of child welfare and juvenile justice services. The award was presented at the association's annual meeting held June 26, 2003, in Grantville, Pennsylvania.

In most Pennsylvania counties, child welfare services (performed by Children and Youth agencies) are under the supervision of the county commissioners, while juvenile justice services (performed by juvenile probation departments) are under the supervision of the juvenile court. Recognizing the similarities in the mission and operation of both agencies, Franklin County Commissioners and the Franklin County Juvenile Court agreed in October, 2000, to manage the two agencies in Franklin County by hiring a single administrator to oversee both operations.

This joint management has resulted in better coordination of services for youth and families who are involved with both agencies, or whose needs or circumstances require them to move from one system to the other. Improved coordination of services also has prompted more holistic services for families, which can emphasize prevention and early intervention so as to provide more cost-effective services. There has also been greater consistency in working with community-based service agencies that provide services to youth and families involved in the child welfare and juvenile justice systems.

In addition to receiving the *Innovations Award* at the PACHSA annual meeting, Franklin County presented a workshop to describe the organization and the benefits of Franklin County's operation to the PACHSA members. Workshop presenters included Juvenile Court Judge Richard J. Walsh, Assistant County Solicitor Cassandra Rahausser, Human Services Administrator Doug Price, and Children, Youth, and Family Services Director Doug Amsley.

The Juvenile Court Judges' Commission
 The Pennsylvania Council of Chief Juvenile Probation Officers
 The Juvenile Court Section of the Pennsylvania Conference of State Trial Judges
 & The Center for Juvenile Justice Training and Research

present



THE PENNSYLVANIA CONFERENCE ON JUVENILE JUSTICE

November 5-7, 2003

Harrisburg Hilton and Towers
 One North Second Street • Harrisburg, PA 17101

Wednesday, November 5th

REGISTRATION Desk OPENS 10 AM

PROFESSIONAL CAUCUSES 2 - 3:30 PM

CHECK CONFERENCE PROGRAM FOR ROOM LOCATIONS

Join with colleagues from within your juvenile justice system specialty to discuss issues of concern and interest. Individual caucuses will be held for juvenile court judges and masters, chief juvenile probation officers, line probation officers, residential service providers, victim service providers and others. These facilitated caucuses will be highly interactive and offer participants the opportunity to discuss critical issues and needs for the future.

CHIEF PROBATION OFFICER/
 SERVICE PROVIDER FORUM 3:45 - 5:00 PM

YOUTH AWARDS PROGRAM & DINNER 5:30 PM
 MAIN BALLROOM OF THE HARRISBURG HILTON AND TOWERS



Featuring **Alex Correa** as Keynote Speaker. Alex Correa is a nationally recognized speaker and the owner of a Chicago fitness training business. With his story featured in William Ayers' book, *A KIND AND JUST PARENT*, Correa has just finished writing the manuscript to his own book based on his life story... one of a childhood punctuated by abuse, homelessness, the streets, drugs, crime

and prison. His own determination and the transformative power that kind and caring individuals had on a troubled youth turned depression into hope and success in overcoming the odds. This is the story of the triumph of the human spirit over adversity.

OPENING NIGHT RECEPTION 9 - 11 PM

MAIN BALLROOM OF THE HARRISBURG HILTON AND TOWERS
 HOSTED BY THE PENNSYLVANIA COUNCIL OF CHIEF JUVENILE PROBATION OFFICERS

Join friends and colleagues from Pennsylvania and throughout the nation in this informal opening night activity. Food and entertainment will be provided courtesy of the sponsor.

Thursday, November 6th

REGISTRATION Desk OPENS 7 AM

CONTINENTAL BREAKFAST 8 AM

MAIN BALLROOM OF THE HARRISBURG HILTON AND TOWERS

CONFERENCE WELCOME & KEYNOTE
 PRESENTATION: "WHAT WORKS,
 WHAT DOESN'T... AND WHY" 8:45 AM
 MAIN BALLROOM OF THE HARRISBURG HILTON AND TOWERS



Featuring **Dr. Delbert S. Elliott**, Director of the Center for the Study and Prevention of Violence, and of the Program on Problem Behavior, at the University of Colorado's Institute of Behavioral Science. Dr. Elliott, also the Editor of *Blueprints for Violence Prevention*, a series of monographs describing model violence prevention programs, will share his findings with respect to programs that work,

and those that do not, in juvenile justice and delinquency prevention.

TRAINING WORKSHOPS

10:15 - 11:45 • 1:30 - 3:00 PM • 3:15 - 4:45 PM

The 2003 Pennsylvania Conference on Juvenile Justice will offer workshops throughout the course of the day. The sponsors of the Conference hope participants take the opportunity to gain new insights into their work.

Workshops will be presented only once and are, with one exception, 90 minutes in length.

Full conference attendance constitutes 9 PA Certification-Board approved education credits.

Please return a completed registration form (see p. 6) by the required date if you plan to attend the 2003 Conference on Juvenile Justice. CONFERENCE NAME BADGES WILL BE REQUIRED FOR ATTENDANCE AT ALL FUNCTIONS.

WORKSHOP SCHEDULE

10:15 AM – 11:45:

- Psychotropic Medication
- An Introduction to Cognitive Practices for Juvenile Probation
- The Pennsylvania PTSD Project: Working with Youth in Detention, on Probation and in Alternative Education Programs
- Minors and Healthcare: A Review of the Laws Regarding Consent to Treatment and Confidentiality
- Juvenile Justice and Victims' Services: Forming Lasting Partnerships
- Pennsylvania's Protocol for Sharing Drug and Alcohol Information
- The Pennsylvania Youth Suicide Prevention Plan and The Yellow Ribbon Program
- Recognizing the Neurobiological Indicators that Contribute to Delinquency
- Etiology, Assessment and Treatment of Adolescent Sex Offenders
- Interstate Compact on Juveniles: Building on History for Better Futures

1:30 – 3:00 pm:

- Community-Based Partnerships & Outcome Based Intervention Strategies for Juvenile Offenders
- Treatment of the Teenage Firesetter
- Establishing A Juvenile Drug Court: The York County Experience
- Using Case Closing Data to Measure Success in Juvenile Justice
- The Counseling Institute: Direct Intervention with Youth Using an Integrated Model
- Conflict Resolution and Mediation: An Afrocentric Model
- Special Education and Mental Health Advocacy
- Connecting with Juvenile Offenders Through Intensive Mentoring
- Luzerne County Truancy Reduction Program
- IV- E and TANF: What in the World is it and Why Should I Care? The Role of Juvenile Probation in the Needs Based Plan and Budget

3:15 - 4:45 pm:

- IV- E and TANF: What in the World is it and Why Should I Care? The Role of Juvenile Probation in the Needs Based Plan and Budget (repeat)
- Sober High Schools: An Aid to Teen Recovery
- Chester County Juvenile Probation Mental Health Project
- Promoting Compensation for Victims of Juvenile Offenders
- Sexually Aggressive Youth: Challenges and Interventions
- It's About Kids – A Practical Approach to Gender Responsive Programming
- Together Families Change
- Mental Health Screening in Pennsylvania's Detention Centers
- Promoting Adoptions for Delinquent Children
- Gemstones: A Personality Assessment Tool for Youth and Families

All EVENING Activities will be held in the MAIN BALLROOM of the HARRISBURG HILTON AND TOWERS

ANNUAL AWARDS PROGRAM AND DINNER

RECEPTION 6 PM
DINNER AND PROGRAM 7 PM

Each year, the Juvenile Court Judges' Commission and the Pennsylvania Council of Chief Juvenile Probation Officers join with Pennsylvania's juvenile justice community to honor both individuals and programs for outstanding work in the juvenile justice system.

Friday, November 7th

RESOURCE DAY - 2003

MAIN BALLROOM OF THE HARRISBURG HILTON AND TOWERS

CONTINENTAL BREAKFAST 8 AM

RESOURCE DAY 2003 8 AM - NOON

The 2003 Pennsylvania Conference on Juvenile Justice will conclude with Resource Day. Conference attendees have a chance to learn of new, innovative and creative approaches to working with juveniles. Representatives from private and public residential programs, informational services, technology services and other vendors will be available to present and discuss products and services available in Pennsylvania.

**RESOURCE DAY
EXHIBITOR REGISTRATION
is BEING HANDLED SEPARATELY.**

*If you are interested in exhibiting,
but have not received registration
material, please contact:*

**Arlene L. Prentice
(717) 783-7836**

“The Jeannette Community Justice Project” Westmoreland County Juvenile Probation

The Balanced and Restorative Justice Team in Westmoreland County is comprised of three sub-committees. The Community & Media Relations Sub-Committee decided to choose a single community in the county and bring the philosophy and practices of Balanced and Restorative Justice to that community. The committee targeted the City of Jeannette.

During the first year of the project the committee spent most of its time on relationship-building and recruiting members, and focusing on media relations. In the second year of the project, the local district justice suggested we target a specific neighborhood and schedule a community meeting so residents could discuss the philosophy of balanced and restorative justice.

Specific goals were defined: educate the community about Balanced and Restorative Justice; make all community members aware that Jeannette has an active Youth Commission (youth aid panel); expand the resources that could be built through a larger Youth Commission; make citizens aware they can “take back” their communities by volunteering, mentoring, and getting to know the youth in their neighborhoods; at some point in the future be able to recruit citizens for a Juvenile Advisory Board; begin the process of data collection to see how the juvenile justice system is perceived by the community and what can be done to improve their services; and, be able to take this model and use it in other communities to promote these goals.

The meeting opened with remarks from the district justice and the committee chair. A video of the Commonwealth’s view on Balanced and Restorative Justice was shown and the Youth Commission Chairperson was introduced. There was a brief explanation about the chair’s responsibilities, and presentations by the asset developers and the Mental Health Association.

At this point, a firm partnership had been established among all the agencies. Focus groups were scheduled with the Jeannette Parent-Teacher Organization (PTO), the Jeannette churches, senior citizens, the police department, probation officers, the original targeted neighborhood, and probationers who reside in the city.

The focus group conducted with probationers proved to be extremely productive. The youngsters were asked if they knew what community service was, and were challenged to name a project they would like to see targeted for their community. They decided the South Sixth Street (Charles Graham) Playground needed “fixed up.” When asked, if they would be willing to help out on this project if arrangements could be made, all of them agreed to help.

On June 21, 2003, the subcommittee co-sponsored, with the churches, a “Community Volunteer Clean-up Day” at the Charles E. Graham South Sixth Street Playground. Donations of supplies included basketball backboards and hoops, paint for the storage building, equipment, and court lines, as well as plants to line the perimeter and sidewalk, and equipment to fix the chain link fence. The Salvation Army sent their canteen truck and volunteers to staff it. This gave the group a power source, as well as a place to serve warm food. Cross-of Christ Church opened their facility for water and restrooms. The community stepped up to the plate, and on the day of the event more than 50 volunteers, children, adults, and members of a group home, showed up in the pouring rain to revitalize the playground. Grass was mowed, trees trimmed, flowers planted, the building and equipment painted, and the fence and hoops were repaired.

With the success of the event, a Juvenile Advisory Board was established. The Recreation Director agreed to work with the Advisory Board to help formulate projects, and fund-raising goals are being discussed. A plan has been developed to use a percentage of the funds to create a “Victim Restoration Fund” to be used by the local Youth Commission. The Juvenile Advisory Board has a vested interest in maintaining the playground in their neighborhood so all children will benefit. Recently, the Board sponsored Movie Night at the playground; 35 neighborhood children attended, a great success!

The Westmoreland County BARJ Team is proud of these and other successful attempts made to apply the principles of the juvenile justice system within our community.

Commonwealth of Pennsylvania



Governor's Office

PROCLAMATION

PENNSYLVANIA JUVENILE JUSTICE WEEK

October 5-11, 2003

WHEREAS, Pennsylvania's juvenile justice system is charged with providing programs of supervision, care, and rehabilitation, and providing balanced attention to the protection of our communities, the imposition of accountability for offenses committed by juveniles, and the development of competencies to enable children within the jurisdiction of the juvenile justice system to become responsible and productive members of their communities; and

WHEREAS, the mission of Pennsylvania's juvenile justice system is based on the principles of restorative justice, which give priority to repairing the harm done to crime victims and communities, and which define offender accountability in terms of assuming responsibility and taking action to repair harm; and

WHEREAS, the mission is premised on the belief that crime victims, communities, and juvenile offenders must all be regarded as clients of the juvenile justice system; and

WHEREAS, community protection refers to the fundamental right of all Pennsylvanians to be and feel safe from crime. Victim restoration emphasizes that crime can forever change its victims and that restoration programs should seek to restore crime victims, to the greatest extent possible, to their pre-crime status. Youth redemption embodies the belief that the vast majority of juvenile offenders are capable of change and have strength upon which treatment services can build; and

WHEREAS, all of the services designed and implemented to achieve this mission and all hearings and decisions under Pennsylvania's Juvenile Act must be provided in a fair and unbiased manner; and

WHEREAS, the Governor's Juvenile Justice and Delinquency Prevention Committee has adopted the following mission statement for Pennsylvania's juvenile justice system: "Juvenile Justice: Community Protection; Victim Restoration; Youth Redemption."

THEREFORE, In special recognition of Pennsylvania's juvenile justice system and their work with juvenile offenders, crime victims, and communities, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, do hereby proclaim October 5-11, 2003 as PENNSYLVANIA JUVENILE JUSTICE WEEK in the Commonwealth.



GIVEN under my hand and the Seal of the Governor, at the City of Harrisburg, on this twenty-fourth day of June in the year of our Lord two thousand and three, and of the Commonwealth the two hundred and twenty-seventh.

Edward G. Rendell

EDWARD G. RENDELL
Governor



Back: John Zubryd, Valerie Bender, Eva Frederick, Marcy Szumanski, Margery Miller and Debra Fencil. Center: Toya Jones, Melissa LaMarca, Carrie Avery, and Erin Taylor. Front: Cinda Watkins, Molly Rimbeck

Victim/Community Awareness: An Orientation for Juveniles

Pennsylvania now has ten people, pictured in the photo above, ready to train facilitators in the “Victim/Community Awareness: An Orientation for Juveniles” curriculum. They are Carrie Avery (Crime Victims Center of Chester County Inc.), Debra Fencil (Beaver County Juvenile Services Division), Eva Frederick (Lehigh County Juvenile Probation), Toya Jones and Melissa LaMarca (Center for Victims of Violent Crime), Margery Miller (Montgomery County Juvenile Probation), Molly Rimbeck (Blair County Juvenile Probation), Erin Taylor (Chester County Juvenile Probation), Cinda Watkins (Adelphoi Village, Inc.) and John Zubryd (Mars Home for Youth) all completed the intensive five-day course held from July 7-11, 2003 at the Holiday Inn Harrisburg East.

The rigorous curriculum took a year and a half to design and was developed in response to frequent requests to train facilitators in the use of the curriculum. The design team consisted of juvenile probation and victim services practitioners, private service providers, and balanced and restorative justice specialists.

A foundation was laid through sessions on balanced and restorative justice, impact of crime, adult learning, and diversity. Participants also learned the intricacies of delivering the curriculum to potential facilitators. Days four and five were spent with the new trainers actually presenting portions of the curriculum.

JCJC endorses Shippensburg University Class of 2005

The Juvenile Court Judges’ Commission has endorsed the following members of the class of 2005 at Shippensburg University’s Weekend Master’s Degree Program: Timothy Duff (Adams County), Mary Gaspari, Tricia Ushler, and Kristin Lincoln (Chester County), Dean Hiestand and Lonnie McMillan (Bucks County), Vanessa Johnson, Robert Smith, and Megan Van De Water (Montgomery County), Joe Markiewicz (CJJT&R), William Price, Kelly Waltman-Spreha, and Bonnie Savitski (Dauphin County), Denise Schechterly (Columbia County), Larry Smith (Lycoming County), Anita Stinson (Cambria County), Kelly Thompson and Michael Webb (York County), Joseph Viti (Montgomery Detention), Scot Walkowski (Venango County), Chad Weaver (Jefferson County), and Gregory Wilt (Union County).

Shippensburg University offers a Master of Science degree in the Administration of Justice involving 36 credit hours. Classes are scheduled over two years and course work includes research, theory, policy, administration, leadership, and juvenile justice.

