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Lycoming County juvenile drug court celebrates first graduate

by: Katie Prince, *Sun-Gazette*

Click [HERE](#) for the first in a three-part series summarizing the new Rules of Juvenile Court Procedure adopted by the Pennsylvania Supreme Court on April 1, 2005

Perry Hart told the crowd of about 30 that, at first, he did not think he would make it through the county's juvenile drug court. But he did, and county officials gathered this week to celebrate both juvenile drug court and Hart's success as the first graduate of the program.

"When I first came on, I doubted myself," Hart said. "But I learned if I wanted to do it, I could do it ... if I put forth the effort." Hart seemed shy in front of the large crowd that included two county judges and two county commissioners, but he beamed with pride as people praised him for his hard work.

In recognition of his success, Judge Nancy L. Butts, who presides over the juvenile and adult drug courts, presented Hart, 19, with a coin, a book, and a picture frame. Local businessman Jim Chamberlin presented the teen with a computer so he can put together a resume and further his education.

Butts congratulated Hart, and thanked several members of the community who have helped make juvenile drug court a success—counselors from West Branch Drug and Alcohol Assessment, Crossroads Counseling, and the county's Mental Health/Mental Retardation agency.

A one-year program, juvenile drug court was established April 28, 2004, to treat problems rather than punish them, Butts said, offering rewards and incentives for good behavior.

"I know it was a struggle in the beginning," Butts said to Hart, noting that he was the first person in his family to graduate from high school. "You've had some tough things to deal with but you haven't fallen back into bad habits ... You've done more than I imagined you could."

Hart thanked Butts, and said that his juvenile probation officer, Larry Smith, "has been like a best friend to me." Smith smiled, and told Hart that he "proved himself to all those who didn't believe." All other participants in drug court were asked to be present to witness Hart's success, and after the brief graduation, court proceeded as usual, with Hart seated in Butts' chair, and Butts seated alongside him.



Kelly Franklin



Richard Steele

Kelly Franklin and Rick Steele are new Aftercare Specialists

The Pennsylvania Council of Chief Juvenile Probation Officers and the Juvenile Court Judges' Commission recently appointed staff to promote effective aftercare practices and procedures in Pennsylvania, and to provide for technical assistance and training to county juvenile court and probation practitioners. Kelly Franklin has been hired as the Aftercare Coordinator by the Pennsylvania Council of Chief Juvenile Probation Officers, and Rick Steele has been hired by the Juvenile Court Judges' Commission.

Kelly Franklin is a graduate of Mansfield University with a degree in Criminal Justice Administration. She also completed the JCJC's MSAJ Program in

1999. Franklin began her career as a probation officer in Bradford County. After six years, she joined Cornell Abraxas in the capacity of Court Liaison. She was the Chief of Probation for Sullivan County for three years prior to her current assignment. Because Sullivan is a small county, Franklin had the unique experience of providing all direct case management, in addition to the administration of programs and services for the department.

Richard Steele is a graduate of Gettysburg College with a degree in Psychology, and a 1985 graduate of the JCJC's Masters Degree in Administration of Justice program. He has served in various positions with Northumberland County Juvenile Court Services, the last two years of which were as the Chief Juvenile Probation Officer. Prior to his appointment with JCJC, he was the Deputy Executive Director of Northwestern Academy in Coal Township.

Both Kelly Franklin and Rick Steele are uniquely qualified for their new responsibilities—providing technical assistance and training to support and enhance county aftercare services. The Juvenile Court Judges' Commission and the Chief's Council have jointly developed respective responsibilities for Franklin and Steele which include the assignment of technical assistance responsibilities by county jurisdiction. Chief Juvenile Probation Officers will be contacted by one of them to discuss the aftercare initiative project in more detail, along with specific opportunities for the provision of technical assistance.

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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PSST - Parent Survival Skills Training in Allegheny County

by: Valerie Ketter

Have you ever had a parent say to you, “My son is out of control! I don’t know what to do! He won’t listen to me. He does whatever he wants to do no matter what I say. I’ve tried every way to stop him from using and nothing has worked. What do you expect me to do?” Allegheny County now has an answer. Most of the parents who come to Parent Survival Skills Training (PSST) have felt this way, starving for guidance and support.

Lloyd Woodward, Drug and Alcohol Aftercare Specialist, has wanted to start this group ever since he became a probation officer and even more so since working in the Drug and Alcohol Unit for the past ten years. PSST started in October, 2003, meeting one Saturday each month. With the increase in interest, PSST has expanded to every other Saturday.

Any probation officer in Allegheny County can make a referral to the PSST group. There are only two qualifications for participation in this group: the family must have an open case with juvenile probation; and the teenager should have some level of drug and/or alcohol problem.

We currently have more than 100 families who have been referred for training. Approximately 25 parents or guardians attend the group regularly. The largest group consisted of 15 parents representing ten different families. A few parents continue to come to group even though their teenager’s case is closed. These parents are the backbone of the group; they offer strength and support to new parents as soon as they walk through the door. The training has become successful in an extremely short amount of time. Our statistics indicate that 82 percent of the parents/guardians who attend the group training return for at least a second time.

Parent Survival Skills Training is designed to empower parents. Some of these teenagers have held their parents hostage. The parents are desperate to find a way to survive, and find a way to help their teenagers survive the deadly game of drug abuse. By the time they come to group, many of the parents have already learned that “bailing their child out of trouble” only adds to the problem. We refuse to place any blame on the parents

for having a troubled child. We want them to identify how they are being manipulated, then rise up and take back control.

Parents are not inundated with workbooks and reading materials, although the book, *Back In Control*, by Jeffery Bodenhamer, is available at the PSST meetings to borrow or purchase. Experience shows that many parents are turned off by the heavy educational approach, since it tends to bring out feelings of inadequacy. Role-playing, however, builds on people’s strengths rather than highlighting weaknesses. Everyone who plays a role is doing something right from the start and can receive positive reinforcement immediately.

The group leaders begin each PSST meeting with introductions and brief summaries of each family situation. Through suggestions by the parents or situations described during introductions, the role-plays are formulated. Most of the training consists of role-plays and problem-solving techniques. The role-plays are designed to be fun and educational. Most parents like participating in role-plays, or they enjoy talking about them afterwards.

For example, helping parents realize that if yelling is a problem at home, the role they play is usually reinforcing the problem. Parents are helped through group facilitation to appreciate that, too often, yelling becomes accountability. In other words, when young people need discipline of some sort, they get yelling, not discipline. Once the parent takes a disciplinary action, yelling is not necessary. Conversely, it is because there is no discipline that parents are driven to yell. In group, parents are challenged to “walk softly and carry a bigger stick.” In role plays, the parents are challenged to lower their voices to a whisper so as to de-escalate the drama. The young person must lower his voice to hear the parent. Yelling is always counter-productive.

Although the group focuses primarily on the behavior of youth, parents are encouraged to take care of themselves. In a destructive co-dependent relationship, parents sacrifice having rewarding lives of their own; it is important that parents know how to meet their own needs, independent of their child’s lives. Helping parents to control and supervise their own youth is the most cost effective method of intervention.

JCJC hosts Screening and Assessment Training

The Juvenile Court Judges' Commission sponsored a training program on May 19, 2005, at the Days Inn Penn State to provide the latest information on research-based screening and assessment instruments for youth in the juvenile justice system who display mental health or substance abuse problems. The training program, attended by approximately 120 people, was conducted by Dr. Thomas Grisso, Professor of Psychiatry at the University of Massachusetts Medical School and author of the Massachusetts Youth Screening Inventory (MAYSI).

Keith Snyder, Deputy Director of the Juvenile Court Judges' Commission, began the training program with a summary of the Commonwealth's MacArthur Model Systems Project and the goals of the Mental Health/Juvenile Justice component of the initiative. Following a review of the potential interface of screening and assessment instruments with the Department of Public Welfare's (DPW) "MA Realignment" initiative, Dr. Grisso presented information on the differences between screening and assessment instruments and provided an overview of the MAYSI-2 screening instrument, in particular.

Dr. Grisso presented an overview of various researched-based assessment instruments during the afternoon session. Jim Sharp, Chief Juvenile Probation Officer of Philadelphia, then led a discussion of the Family Court's use of the Child and Adolescent Needs and Strengths (CANS) assessment tool for youth in the juvenile justice system, and its interface with DPW's "MA Realignment" initiative.

The Mental Health/Juvenile Justice Workgroup component of the MacArthur Model Systems Project, along with the Mental Health and Research Committees of the Pennsylvania Council of Chief Juvenile Probation Officers, will continue work on facilitating the implementation of a screening and assessment process for youth in the Pennsylvania juvenile justice system. Please contact Keith Snyder at ksnyder@state.pa.us if you have any questions or need more information.

Weekend Master's Degree program accepting applications for the Shippensburg University Class of 2008

Applications are now being accepted for the Juvenile Court Judges' Commission-sponsored Weekend Master's Degree program at Shippensburg University. Members of the class of 2008 will begin classes in the fall of 2006.

The Shippensburg University program offers students a Master of Science degree in the Administration of Justice. This is a 36-credit-hour program that includes courses in research methods, theory, administration, and policy analysis. Also featured is a summer internship in which students will have an opportunity to develop, implement, and evaluate a program in their home counties, or evaluate an existing program that serves juvenile offenders.

Classes in this two-year program are scheduled every third weekend in the fall, spring, and summer, with no classes scheduled in July and August. This program is open to county juvenile probation officers who will have at least two years of post-baccalaureate experience in the juvenile justice field prior to the start of classes. Applicants who have an undergraduate grade point average of less than 2.75 must take and pass the Miller Analogies Test (MAT) or the GRE.

The deadline for applying to the class of 2008 at Shippensburg University is September 1, 2005. Tuition costs, educational fees, and room and board are paid for by the Juvenile Court Judges' Commission for all eligible students. If you would like more details or are interested in applying for the program, please call Greg Young at 717-447-1797, go to the JCJC website - www.jcjc.state.pa.us, or send an e-mail to gyoung@state.pa.us.



Supreme Court of Pennsylvania Adopts Rules of Juvenile Court Procedure

(First of a three-part series)

The Pennsylvania Supreme Court adopted Rules of Juvenile Court Procedure governing delinquency cases on April 1, 2005. The majority of the rules become effective on October 1, 2005. The five rules dealing exclusively with proceedings involving juvenile court masters become effective April 1, 2006. The following are among the more significant provisions of the Rules of Juvenile Court Procedure:

Chapter One General Provisions

Part A Business of Courts

- **Rule 120 (Definitions)** contains the following selected definitions:

CLERK OF COURTS is that official in each judicial district who has the responsibility and function under state law and local practice to maintain the official juvenile court file and docket, without regard to that person's official title.

JUVENILE is a person who has attained ten years of age and is not yet twenty-one years of age who is alleged to have committed a delinquent act before reaching eighteen years of age.

PARTIES are the juvenile and the Commonwealth.

PETITION is a formal document by which an attorney for the Commonwealth or the juvenile probation officer alleges a juvenile to be delinquent.

PROCEEDING is any stage in the juvenile delinquency process occurring once a written allegation has been submitted.

RECORDING is the means to provide a verbatim account of a proceeding through the use of a court stenographer, audio recording, audio-visual recording, or other appropriate means.

WRITTEN ALLEGATION is the document that is completed by a law enforcement officer or other person that is necessary to allege a juvenile has committed an act of delinquency.

- **Rule 121 (Local Rules)** requires that all local rules pertaining to juvenile delinquency cases be vacated on October 1, 2005. Thereafter, local courts must comply with filing requirements established in Rule 121. Local rules must be given numbers that are keyed to the number of the Rules of Juvenile Court Procedure to which the local rules correspond.
- **Rule 124 (Summons and Notice)** requires that the summons must:

1. be in writing;
2. set forth the date, time, and place of the hearing;
3. instruct the juvenile about the juvenile's right to counsel, and if the juvenile cannot afford counsel, the right to assigned counsel; and
4. give a warning stating that the failure to appear for the hearing may result in arrest.

The summons must be served in-person, or by first class mail. If any summoned person fails to appear for the hearing and the court finds that sufficient notice was given, the court may issue a bench warrant.

(The *Comment* notes that, prior to issuing a bench warrant, the Court must find that a summoned person failed to appear and that sufficient notice was given. The fact that the juvenile may abscond or may not attend or be brought to a hearing is not sufficient evidence for a bench warrant. This rule, however, does not prohibit probation from recommending detention.) Under Rule 800, 42 Pa. C.S. §6335(c) was suspended only to the extent that it is inconsistent with this rule.

- **Rule 127 (Recording and Transcribing Juvenile Court Proceedings)** requires that there shall be a recording of all juvenile delinquency proceedings, including proceedings before masters, with the exception of detention hearings. (The *Comment* to Rule 127 notes that full minutes are not recordings and that this change was to effectuate effective appellate review.) Under Rule 800, 42 Pa. C.S. §6336(c) was suspended only to the extent that proceedings are to be recorded, except as provided in Rule 242(B) (2).
- **Rule 128 (Proceedings in Absentia)** provides that the Court may proceed with a hearing in the absence of the juvenile if the court finds that the juvenile was properly subpoenaed or summoned to appear and has willfully failed to attend, and the juvenile's attorney is present.

Part B Counsel

- **Rule 150 (Attorney – Appearances and Withdrawals)** requires counsel for the juvenile to file an entry of appearance with the Clerk of Courts. Once an appearance is entered, counsel will be required to represent the juvenile until final judgment, including any proceeding upon direct appeal and dispositional review, unless permitted to withdraw pursuant procedures contained within this Rule. (The *Explanatory Report* notes that the Procedural Rules Committee concluded that the interests of the juvenile are served if the same attorney stays with the case throughout the duration of the case because counsel would be familiar with the juvenile and the history of the case.)
- **Rule 151 (Assignment of Counsel)** provides that if counsel does not enter an appearance for the juvenile, the court must inform the juvenile of the right to counsel prior to any proceeding. In any case, the Court must assign counsel for the juvenile if the juvenile is without financial resources or otherwise unable to employ counsel. If the juvenile is detained and is without counsel, the Court must assign counsel prior to the detention hearing. If the juvenile is not detained and is without counsel, the Court must assign counsel prior to the adjudicatory hearing.

- **Rule 152 (Waiver of Counsel)** provides that a juvenile may waive counsel if the waiver is knowingly, intelligently, and voluntarily made and the court conducts a colloquy with the juvenile on the record. The Court may assign stand-by counsel if the juvenile waives counsel at any proceeding or stage of a proceeding.

(The *Comment* to Rule 152 recommends specific questions for the Court to ask in eliciting information to determine a knowing, intelligent, and voluntary waiver of counsel, and also clarifies that a parent may not waive the juveniles right to counsel as is provided for in §6337 of the Juvenile Act.) Rule 800 suspends 42 Pa. C.S. §6337 to the extent that it is inconsistent with Rule 152.

Part C Records

- **Rule 160 (Inspection of Juvenile File / Records)** identifies the individuals and agencies that may inspect the files and records of the Court, and is consistent with 42 Pa. C.S. §6307, except that the State Sexual Offenders Assessment Board is not included.

(The *Comment* to Rule 160 explains that that this Rule is meant to include the contents of the juvenile court file and the contents of juvenile probation records or reports. Juvenile Probation Records and Reports are defined as including, but not limited to, social summaries, psychological and psychiatric evaluations, personal histories, school records and reports, mental health histories and reports, drug and alcohol evaluations, and placement facility records and reports.)

- **Rule 165 (Design of Forms)** provides that the Court Administrator of Pennsylvania, in consultation with the Juvenile Court Procedural Rules Committee, shall design and publish forms necessary to implement these rules.
- **Rule 166 (Maintaining Records in the Clerks of Courts)** defines the “juvenile court file” as including all original records, papers, and orders filed, copies of all court notices and docket entries. Rule 166 further provides that these records shall be maintained by the Clerk of Courts, and shall not be taken from the custody of the Clerk of Courts without order of the Court. (The *Comment* to Rule 166 clarifies that the Rule is not meant to include items contained in juvenile probation records or reports.)
- **Rule 170 (Expunging or Destroying Juvenile Court Records)** provides that juvenile records may be expunged upon a motion, which shall take the form of a proposed court order. The contents of such motion are also specified in this rule.

Part D
Masters
(Effective 4/1/06)

- **Rule 185 (Appointment to Cases)** provides that, if necessary to assist the juvenile court judge, the President Judge or his or her designee may appoint masters to hear designated juvenile delinquency matters. Masters may not engage in practice before the juvenile court in the same judicial district where they preside over juvenile matters.
- **Rule 187 (Authority of Master)** provides that a master shall have the authority to preside over only the following:
 1. detention hearings, detention review hearings, or shelter-care hearings;
 2. discovery, pre-adjudicatory, or preliminary proceedings for misdemeanors;
 3. any hearing in which the petition alleges only misdemeanors; and
 4. uncontested dispositional review hearings and uncontested probation revocation hearings.

The Rule specifically provides that a master shall not have authority to:

1. conduct transfer hearings;
2. issue warrants; and
3. hear requests for writs of *habeas corpus*.

To implement Rule 187, Rule 800 suspends 42 Pa. C.S. §6305(b) only to the extent that masters may not hear all classes of cases.

- **Rule 190 (Admissions before Master)** provides that a master may accept an admission to any misdemeanor.
- **Rule 191 (Master's Findings and Recommendation to the Judge)** provides that at the conclusion of the hearing, the master must announce in open court on the record, the master's findings and recommendation to the judge. Within one business day, the master must submit a summary of the recommendation to the juvenile court judge. If requested, a copy of the summary must be given to the juvenile's attorney, the juvenile, if unrepresented, the attorney for the commonwealth, and the juvenile probation officer. The summary must specifically state a recommendation to the judge. The judge must, by order:
 1. accept the recommendation;
 2. reject the recommendation and issue an order with a different disposition;
 3. send the recommendation back to the master for more specific findings; or
 4. schedule a rehearing under Rule 192 within seven days.
- **Rule 192 (Challenge to Master's Recommendation)** provides that a party may challenge the master's recommendation by filing a motion with the Clerk of Courts within three days of receipt of the recommendation. The motion must request a rehearing by the judge and aver reasons for the challenge. The judge must act on the challenge within seven days of the day of the motion. The detention status of the juvenile will remain the same pending the rehearing unless otherwise ordered by the judge.

Chapter Two

Commencement of Proceedings, Arrest Procedures, Written Allegation and Pre-adjudicatory Detention

Part A Commencing Proceedings

- **Rule 200 (Commencing Proceedings)** provides that juvenile delinquency proceedings shall be commenced by:
 1. submitting a written allegation;
 2. an arrest without a warrant
 - a. when the offense is a felony or misdemeanor committed in the presence of the police officer making the arrest; or
 - b. upon probable cause when the offense is a felony; or
 - c. upon probable cause when the offense is a misdemeanor not committed in the presence of the police officer making the arrest, when such arrest without a warrant is specifically authorized by statute;
 3. transfer of a case from a criminal proceeding pursuant to 42 Pa. C.S. §6322;
 4. the court accepting jurisdiction of a resident juvenile from another state; or
 5. the court accepting supervision of juvenile pursuant to another state's order.

(The *Comment* to Rule 200 notes that the filing of a petition precludes the juvenile probation office from diverting a case through informal adjustment, as provided in 42 Pa. C.S. §6323.) Rule 800 suspends 42 Pa. C.S. §6321 only to the extent that it is inconsistent with the procedures of Rule 200.

Part B Arrest Procedures in Delinquency Cases

- **Rule 210 (Arrest Warrants)** provides that an application for an arrest warrant shall be made by filing a written allegation supported by a probable cause affidavit with the president judge or any issuing authority designated by the president judge of each judicial district.

(The *Comment* to Rule 210 notes that the president judge of each judicial district may designate a juvenile court judge, another common pleas judge, or other issuing authorities to receive applications for arrest warrants. The president judge is also to designate an issuing authority to receive applications after normal business hours and on holidays.) Rule 800 suspends 42 Pa. C.S. §6303(b) only to the extent that a Magisterial District Judge may detain a juvenile for the limited purposes of this rule if the Magisterial District Judge is so designated by the president judge of the judicial district to receive arrest warrant applications.

Part C

Written Allegation Procedures

- **Rule 231 (Written Allegation)** provides that the law enforcement officer shall submit a written allegation to the juvenile probation office in every case. However, the District Attorney of any county may require initial receipt and approval of written allegations before a delinquency proceeding is commenced. (The *Comment* notes that this procedure creates a new option for the District Attorney to decide if written allegations need to be approved by an attorney for the Commonwealth.) Rule 800 suspends 42 Pa. C.S. §6304, only to the extent that probation officers may have to seek approval of an attorney for the Commonwealth.

If the District Attorney requires initial receipt and approval of written allegations, the District Attorney is required to file a certification with the court of common pleas, specifying the classes, grading, or types of cases that shall be submitted to the attorney for the Commonwealth. All written allegations must be approved or disapproved without unreasonable delay. An attorney for the Commonwealth must be available at all times for this purpose unless the District Attorney has specified otherwise in the certification.

In cases where the District Attorney requires initial receipt and approval of written allegations, the written allegation must be submitted to the attorney for the Commonwealth and approved prior to taking the juvenile to a detention facility.

- **Rule 232 (Contents of Written Allegation)** specifies the required elements of a written allegation.
- **Rule 233 (Submission of Written Allegation)** provides that when the person making the allegation is not a law enforcement officer, the written allegation must be submitted to the juvenile probation officer for approval, unless the district attorney has elected to require initial receipt and approval under Rule 231. The juvenile probation officer or the attorney for the Commonwealth must approve or disapprove the written allegation without unreasonable delay.

If the private written allegation is approved, the case must proceed as any other written allegation. If the written allegation is disapproved, the attorney for the Commonwealth or the juvenile probation officer must state the reasons on the written allegation form and return it to the person making the allegation. The person making the allegation may file a motion for review of the disapproval by the court.

Rule 800 suspends 42 Pa. C.S. §6334 only to the extent that a private citizen may not submit a petition.

Part D

Detention

- **Rule 242 (Detention Hearing)** provides that upon commencement of the hearing, the Court shall:
 1. provide a copy of the written allegation to the juvenile and the juvenile's guardian, if present;
 2. inform the juvenile of the right to counsel and to assigned counsel; and

3. inform the juvenile of the right to remain silent with respect to any allegation of delinquency.

The hearing shall be conducted in an informal but orderly manner. If requested by the juvenile or the Commonwealth, or if ordered by the Court, the hearing shall be recorded by appropriate means. If not so recorded, full minutes of the hearing shall be kept.

The juvenile must be present at the detention hearing and the juvenile's attorney or the juvenile, if unrepresented, may cross-examine witnesses offered against the juvenile and offer evidence or witnesses, if any, pertinent to the probable cause or detention determination.

The court must determine whether:

1. there is probable cause that a delinquent act was committed by the juvenile; and
2. detention is warranted.

If a juvenile remains detained after the detention hearing, a petition must be filed with the Clerk of Courts within twenty-four hours, or the next court business day. Rule 800 suspends 42 Pa. C.S. §6331, to the extent that it is inconsistent with this Rule.

- **Rule 243 (Detention Rehearings)** provides that if the guardian submits an affidavit to the juvenile probation officer alleging that the guardian was not notified of the detention hearing and that the guardian did not appear or waive appearance at the detention hearing, a rehearing must be held within seventy-two hours of the submission of the affidavit.

The Court may grant a rehearing upon request of the juvenile's attorney, the juvenile, if unrepresented, or the attorney for the Commonwealth, or on its own motion. The judge, who heard the original detention hearing or adopted the findings of the master, shall hold the rehearing, unless the judge assigns the case to a master.