

## OVERVIEW OF JUVENILE SYSTEM IN LEHIGH COUNTY

- The juvenile system for youth is different from the criminal system for adults.
  - The juvenile justice system deals with children whose offenses occur between the ages of 10-18. Supervision of your child can continue until age 21.
  - Offenses are considered delinquent acts rather than crimes.
  - Most hearings are not open to the public and are presided over by a Judge or Master.
  - The juvenile justice system is intended to focus on treatment, rehabilitation, and supervision.
  - There is no jury trial in Juvenile Court.
  - Children are "adjudicated delinquent", rather than "found guilty".
  - Language used in the juvenile justice system and the adult criminal justice system is different.
- The juvenile justice system is based on BARJ (Balance and Restorative Justice), which includes:
  - Community protection
    - The public has the right to safe and secure home and communities. The juvenile justice system must help the child while keeping the community, including the child and family, safe.
  - Accountability
    - When a crime is committed, the child is responsible for the harm caused and should take action to repair the harm and to restore the victim and community.
  - Competency development
    - Children should leave the juvenile justice system more capable of living responsibly and productively in the community. Since children are not as developmentally mature as adults, they are given the opportunity to learn to be responsible and competent.
- The people you may meet
  - Juvenile probation staff
    - The court employs people to work in many different settings. These individuals have different titles and responsibilities within the department, such as intake officer, school based officer, community based officer and/or probation officer. Be sure to write down the name, title, and phone number of the individuals who are working with your child.
  - Judge

- Judges are attorneys who have been elected to the Lehigh County Court of Common Pleas (trial court) and are assigned by the president judge to conduct juvenile hearings. Judges hear all felony cases.
- o Master
  - Masters are attorneys who are appointed to serve in juvenile court to conduct certain types of hearings. Masters may hear detention hearings, detention review hearings, shelter-care hearings, uncontested dispositional review hearings or uncontested probation revocation hearings in both misdemeanor and felony cases. A Master, however, may NOT conduct adjudication hearings in *felony* cases. A judge must review and approve the master's decisions and recommendations.
- o District Attorney or Prosecutor
  - Each county in Pennsylvania has a district attorney who is elected by voters. There are numerous assistant district attorneys who work in the District Attorney's Office. The District Attorney's Office is responsible for prosecuting or proving the charges against the juvenile.
- o **Public Defender**
  - The public defender is an attorney who is responsible for providing legal representation to youth coming before the Court, at no cost.
    - **It is your responsibility to contact your attorney and to make an appointment prior to your court date.** Also, keep him/her advised of any changes in your address and/or phone number.
    - Remember, Court rules provide that certain defenses are waived unless brought to the attention of the Court before the adjudication hearing. If you fail to contact your Public Defender or do not see him/her until shortly before your hearing, you may waive your right to raise certain defenses.
    - Please contact the Public Defender's office to schedule an appointment for your son/daughter at **(610) 782-3157** as soon as your son/daughter has been officially charged and/or after you have met with probation, so that the attorney assigned will have adequate time to review the juvenile's case and to properly advise him/her. For his/her protection, neither you nor he/she should discuss anything about his/her case with anyone except his/her Public Defender.
- o Private attorney

- Like attorneys in the Public Defender's Office, private attorneys are licensed by the State to practice law in Pennsylvania. These attorneys are hired for a fee.
- **THE LEGAL OBLIGATIONS OF YOUR CHILD'S ATTORNEY**
  - **IT IS IMPORTANT TO REMEMBER THAT A PUBLIC DEFENDER OR PRIVATE ATTORNEY ONLY REPRESENTS THE INTERESTS OF THE CHILD, NOT THE PARENT. THE LAWYER HAS A DUTY TO ADVOCATE FOR WHAT YOUR CHILD DECIDES. YOU MAY HAVE A VERY GOOD REASON TO DISAGREE WITH YOUR CHILD'S DECISION; HOWEVER, THE LAWYER IS BOUND TO EXCLUSIVELY REPRESENT YOUR CHILD'S EXPRESSED WISHES AND NOT THAT OF THE PARENT/GUARDIAN. IT IS THE LAWYER'S RESPONSIBILITY TO FULLY EXPLAIN TO YOUR CHILD THE CONSEQUENCES OF HIS/HER DECISION.**
- When your child has been arrested
  - A child may be arrested for a suspected offense and/or
  - An outstanding warrant for arrest
  - When a juvenile is arrested, the police decide whether to release the juvenile or to take the juvenile to the police station or to a juvenile processing center. If taken to the police station or a processing center, the juvenile may be photographed, fingerprinted, and information may be entered into the police computer system. Parents or guardians MUST be notified when a youth is arrested. Determining when the family is allowed to see its child during this period is up to the police. Juveniles, however, MUST be separated from adults while locked-up.
- What's next? Home or detention?
  - One of two things could happen following the juvenile's arrest. Depending upon the charges, the risk to the safety of the juvenile or others, or property, and whether this is the juvenile's first arrest:
    - The juvenile may be released into his/her parent's/guardian's custody to return home until a meeting with a Juvenile Probation intake officer is scheduled.
    - The police may contact the Juvenile Probation Department and request that the juvenile be detained in a secure detention center, shelter care program, or other placement facility until the next court date.
  - If your child is released home:
    - Lehigh County has first offender or diversion programs to screen out youths who may have committed minor offenses. Youth entering these programs are not referred to the juvenile court. The case is closed when the child completes the program.
    - The police may forward a report to the Juvenile Probation Department. A juvenile probation intake officer will send a letter to you with the date, time, and place for a meeting to discuss the juvenile's case.
  - If your child is detained:

- Your child will be held in a juvenile detention facility, shelter care or other placement facility. If the juvenile is charged with certain crimes, the juvenile may be charged as an adult and detained in Lehigh County Prison. In this situation, you can ask your child's attorney about transferring the case to the juvenile justice system.
  - If the juvenile is held in a juvenile detention placement, shelter care, or other placement facility, he/she will go before a Judge or Master for a Detention hearing within 72 hours.
    - Detention hearings
      - Detention hearings are held on Mondays and Wednesdays at 1:30 pm and on Fridays at 11:00am.
      - Detention hearings are NOT a determination of guilt/innocence of the juvenile. Rather, they are probable cause hearings whereby the Master/Judge must determine, assuming ALL FACTS IN THE WRITTEN ALLEGATION AGAINST THE JUVENILE ARE TRUE, whether he/she can return home, go to detention, or go to shelter care until his/her adjudication hearing.
- Juvenile Court Intake
  - After the juvenile is arrested, he/she can be referred to juvenile court. At this time, a process known as "intake" will begin. Throughout this process, a juvenile probation officer will conduct interviews with you, your child, and the victim, and will decide to proceed.
  - Assessment:
    - Part of the intake process may involve an "assessment". It is a series of questions that you and the juvenile will be asked. The information will be used to develop a Case Plan, and will be provided to the Court. The questions asked are intend to help the probation officer decide how to best handle the juvenile's case. The probation officer is interested in trying to understand important things about the juvenile so a plan can be developed, with you and the juvenile, to help the juvenile avoid getting into trouble in the future. The assessment will also be used to determine whether your child may need services such as counseling or drug treatment. It is your child's advantage to answer the questions truthfully.
  - After the intake meeting, the juvenile probation intake officer will make a determination to either:
    - Refer your child for informal supervision; or
    - File a petition with the court and to schedule the juvenile's case for a court hearing in front of a judge or hearing master (formal processing).

- o There are four (4) ways the case can proceed. This will depend on the juvenile's need for supervision, risk to public safety, and the seriousness of the charges. For each of these outcomes, there may still be a record of the juvenile's arrest:
  - Dismissal
    - The juvenile's case will be dismissed, and he/she will have no more involvement with juvenile court for that case.
  - Informal adjustment
    - The juvenile can live at home and must follow the rules given by the juvenile probation officer for up to six months, at which time the charges will be dismissed.
  - Consent Decree
    - Probation recommends that the juvenile's case proceed, and a delinquency petition be filed but also recommends that the juvenile's proceedings be suspended if he/she agrees to a probation plan. The district attorney and the court must agree to this plan. While under a Consent Decree, the juvenile is avoiding formal adjudication, there still may be a record of arrest with the Pennsylvania State Police reporting system.
  - Adjudication
    - A formal delinquency petition will be filed, and the juvenile's case will be heard by a judge at an Adjudication Hearing.
- Informal Supervision
  - o Informal supervision is used when the intake officer believes the case does not need to go to court, but the juvenile would benefit from services in the community. A requirement of informal supervision is that the juvenile admits "involvement" (agrees to the charges). Informal supervision could include several possibilities:
    - Diversion programs
      - The juvenile probation department may also operate Diversion Programs that divert youth from going to court. Some of these programs are Teen Courts, Community Conferencing, Neighborhood Youth Panels, School Justice Panels, and more.
    - Informal Adjustment
      - *Before* a Petition (formal listing of charges), is filed, the juvenile probation department may decide to offer counsel and advice to the juvenile. This will not extend beyond six months from the day it starts, unless extended by an order of court for an additional period not to be more than three months. The terms and conditions of an informal adjustment may include probation supervision, payment by the

juvenile of costs, fines/fees, or restitution, including a supervision fee. You and the juvenile may be referred to an agency to help with a problem, such as a drug and alcohol or mental health program.

- Consent Decree

- After a petition (formal list of charges) is filed with the court; the court may postpone the actions and continue the juvenile's probation supervision in his/her home, under the terms and conditions of probation supervision. If the juvenile or the District Attorney does NOT agree to a consent decree, the Court must proceed to findings, adjudication, and disposition (if charges are sustained against the juvenile or if he/she admits to the alleged offenses). A consent decree will last up to six months unless the juvenile is discharged sooner by the probation department. A consent decree can be extended for another six months as well. If, before the juvenile is released from supervision, he or she does not complete the terms and conditions of the decree and/or is rearrested, the petition may be filed with the Court as if the consent decree had never existed.

- Formal Processing

- o Formal processing means that a petition (formal listing of charges) is filed with the Court. If charges are filed, the juvenile may be required to appear before a Judge or a Master, at each step of the process.

- Adjudication Hearing

- At this hearing, the District Attorney presents a case to prove that the juvenile committed the alleged "delinquent act(s)." The District Attorney may present evidence and ask witnesses to testify. The juvenile's attorney can cross-examine the witnesses and present evidence on the juvenile's behalf. After each side has presented its case (the juvenile and his attorney are not required to present anything nor is the juvenile required to testify by law; the burden of proof rests solely on the District Attorney/Commonwealth), the Court's Judge or Master determines whether the juvenile has committed a "delinquent act", by deciding whether the Commonwealth/District Attorney has proven its case beyond a reasonable doubt. If the court feels that the District Attorney/Commonwealth has proven its case beyond a reasonable doubt, it will sustain the charges against the juvenile. The court will then decide whether the juvenile is in need of "treatment, supervision, or rehabilitation." If

so, the juvenile will be "adjudicated delinquent" by the Court, and a date for a Disposition Hearing will be set or may even occur at that time. There is no jury trial in juvenile Court.

- Disposition Hearing
  - If the Judge or Master finds that the juvenile committed an offense, a disposition hearing will be held to decide what should happen to the juvenile, which could include probation or placement. Before a Disposition Hearing, the Juvenile Probation Officer gathers information and may interview you, the juvenile, teachers, and others to prepare a report with recommendations for the Court. The Judge or Master considers the recommendations from the Juvenile Probation and District Attorney as well as the juvenile, the family, his attorney, and any witnesses or evidence on the juvenile's behalf.
- Transfer to criminal court
  - Under certain felony cases, a hearing may be held to determine whether the juvenile's case should be transferred to the adult criminal justice system.
- Placement in a Detention Facility
  - The juvenile may be held in a secure detention center or shelter care facility while awaiting court hearings. If the juvenile is in either facility, an adjudication hearing must be held within ten (10) days of a petition's (formal list of charges) being filed. Following his/her adjudication hearing, if the juvenile remains detained or in shelter care, the juvenile must appear for a disposition hearing within twenty (20) days.
- What could happen at the disposition hearing?
  - The disposition hearing occurs after the juvenile is adjudicated delinquent. During the disposition hearing, the probation officer will present the Disposition Report and make recommendations to the Judge or Master about what should happen next. This is called the Case Plan.
    - There are three possible outcomes:
      - Fine and costs
        - The juvenile is ordered to pay fines and costs, and the case is closed.
      - Probation
        - The juvenile remains in the home. He/she must follow rules and conditions imposed by the Court while under the supervision of his/her probation officer. Probation may include curfews, where he/she may go, and whom he/she spends time with. It may also include services and activities like counseling,

tutoring, mentoring, paying restitution, victim awareness classes, paying Court costs and fines, and substance abuse or mental health treatment.

- Placement
  - The juvenile may be placed outside the home in a residential facility and will have probation and aftercare services upon release.
- Review Hearings
  - When a juvenile is either placed on probation or in a juvenile placement, his/her case MUST be reviewed at least every six (6) months; however, reviews may be sooner, and the juvenile may be terminated from supervision and/or discharged from placement administratively. At least once per year, a review must take place in person and not via teleconference.
- Juvenile Court Involvement and the Juvenile's Future
  - A juvenile justice record does not just disappear when a juvenile turns 18. It is important that the juvenile successfully completes his/her probation, and avoids any future arrests. It is also important that the juvenile make any special factors, like the juveniles' mental health diagnosis or learning disability known to the Juvenile Probation Officer, the Judge/Master, and to the juvenile's attorney.
  - A juveniles' record may be expunged (erased). Speak with the juvenile's probation officer about this possibility. If the juvenile is adjudicated delinquent, his/her juvenile records may be expunged five years after the juvenile's discharge from Court supervision, or sooner under certain circumstances.
- Collateral Consequences of Adjudication
  - The following table was adapted from the Pennsylvania Juvenile Collateral Consequences Checklist, which was developed by the Juvenile Defenders Association of Pennsylvania and the Pennsylvania Juvenile Indigent Defense Action Network. The link to the checklist is as follows:
    - [https://www.google.com/url?url=https://www.portal.state.pa.us/portal/server.pt/document/1034345/pennsylvania\\_juvenile\\_collateral\\_consequences\\_checklist\\_pdf&rct=j&frm=1&q=&esrc=s&sa=U&ei=GJZjVMzzHeulsQTwiIHABg&ved=0CBQQFjAA&usg=AFQjCNH2giQNBYM6dZ3\\_R1Hjconp7U6CWQ](https://www.google.com/url?url=https://www.portal.state.pa.us/portal/server.pt/document/1034345/pennsylvania_juvenile_collateral_consequences_checklist_pdf&rct=j&frm=1&q=&esrc=s&sa=U&ei=GJZjVMzzHeulsQTwiIHABg&ved=0CBQQFjAA&usg=AFQjCNH2giQNBYM6dZ3_R1Hjconp7U6CWQ)