

STATEMENTS OF POLICY

Title 37—LAW

JUVENILE COURT JUDGES' COMMISSION

[37 PA. CODE CH. 200]

Standards Governing the Assignment of Community Service in Juvenile Delinquency Cases

The Juvenile Court Judges' Commission (Commission) rescinds Chapter 200, Subchapter D and adopts Chapter 200, Subchapter J (relating to standards governing the assignment of community service in juvenile delinquency cases) to read as set forth in Annex A.

Authority

This statement of policy is promulgated under the authority of section 4 of the act of December 21, 1959 (11 P. S. § 270-4).

Purpose and Requirements

Chapter 200, Subchapter D is rescinded because the recommended practices in this subchapter are now addressed by Rules of Juvenile Court Procedure that have been adopted by the Pennsylvania Supreme Court. See 237 Pa. Code (relating to juvenile rules).

This statement of policy is intended to provide guidance to president judges of courts of common pleas regarding the assignment of community service in juvenile delinquency cases under 42 Pa.C.S. § 6352(a)(6) (relating to disposition of delinquent child), which gives juvenile courts the authority to order participation in a constructive program of service by a child.

Affected Parties

This statement of policy affects president judges of courts of common pleas in this Commonwealth.

Cost and Paperwork Estimates

Although advisory in nature, this statement of policy recommends the development of written guidelines that may not currently exist in all jurisdictions.

Effective Date

This statement of policy will become effective upon publication in the *Pennsylvania Bulletin*.

Contact Person

For further information regarding this statement of policy, contact Lisa J. Freese, Director of Policy and Program Development, Juvenile Court Judges' Commission, 401 Finance Building, Harrisburg, PA 17120-0018, (717) 705-9003.

Findings

The Commission finds that this statement of policy is necessary for the effective assignment of community service in juvenile delinquency cases.

The Commission further finds that Chapter 200, Subchapter D is no longer necessary to ensure effective procedure in juvenile delinquency hearings.

Order

The Commission, acting under the authorizing statute, orders that:

(a) The regulations of the Commission, 37 Pa. Code Chapter 200, are amended by deleting §§ 200.301—

200.308, 200.321—200.327 and 200.341—200.348 and by adding §§ 200.901—200.903 to read as set forth in Annex A.

(b) The Executive Director of the Commission will certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) The order shall take effect upon publication in the *Pennsylvania Bulletin*.

JAMES E. ANDERSON,
Executive Director

Fiscal Note: 23-8. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 37. LAW

PART III. AGENCIES AND OFFICES

Subpart N. JUVENILE COURT JUDGES' COMMISSION

CHAPTER 200. JUVENILE COURT JUDGES' COMMISSION

Subchapter D. (Reserved)

§§ 200.301—200.308. (Reserved).

§§ 200.321—200.327. (Reserved).

§§ 200.341—200.348. (Reserved).

Subchapter J. STANDARDS GOVERNING THE ASSIGNMENT OF COMMUNITY SERVICE IN JUVENILE DELINQUENCY CASES

Sec.

200.901. Definitions.

200.902. Written guidelines.

200.903. Elements of written guidelines.

§ 200.901. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise.

Community service—A specific number of work or service hours, or a task that a juvenile is ordered by the court to perform, or agrees to perform, as a condition of an informal adjustment, consent decree or probation disposition following an adjudication of delinquency.

(i) Community service is intended to be symbolic reparation for the harm that a juvenile's actions have caused a specific crime victim or the community, or both, that is integral to a juvenile delinquency case disposition which provides balanced attention to the protection of the community, the imposition of accountability for offenses committed, and the development of competencies to enable the juvenile to become a responsible and productive member of the community.

(ii) Community service enables juveniles to develop valuable skills and positive work habits, and is normally performed in association with a civic or nonprofit organization.

(iii) Whenever possible, community service should provide tangible benefits to the community, the crime victim and the juvenile.

§ 200.902. Written guidelines.

The president judge of the court of common pleas shall promulgate written guidelines governing the assignment

of community service as a condition of supervision for juveniles who have been alleged or found to be delinquent.

§ 200.903. Elements of written guidelines.

The written guidelines governing the assignment of community service as a condition of supervision for juveniles who have been alleged or found to be delinquent must, at a minimum, include the following elements:

(1) A policy regarding the purpose, eligibility criteria, and the appropriate amount of community service required as a condition of an informal adjustment, consent decree, or probation disposition following an adjudication of delinquency that considers:

(i) The juvenile's age, mental capacity and physical capability.

(ii) The nature, grading and location of the offense.

(iii) The impact that the offense has had upon the victim and community.

(iv) Any verbal or written victim impact statement that is received, which may include a recommendation for community service from the victim.

(v) The hours the juvenile is available to perform community service.

(vi) The times of day that community service can be performed at a particular site.

(vii) How community service will benefit the community in which it is being performed.

(viii) The juvenile's strengths and interests and how the juvenile is likely to benefit from the community service experience.

(ix) The assignment of community service to juveniles is consistent with sections 1—24.1 of the Child Labor Law (43 P. S. §§ 41—66.1).

(x) The specific amount of community service to be performed by the juvenile is assigned at disposition.

(2) A strategy for community service site recruitment, selection and retention which includes the opportunity for input by crime victims and the community-at-large.

(3) A policy describing the referral process for community service assignments.

(4) A policy requiring that juveniles assigned to complete community service are kept separate from adults who are performing community service.

(5) A policy requiring communication with the community service site supervisor and periodic visits to the community service site.

(6) A policy regarding procedures to address noncompliance with community service obligations.

(7) A policy that provides the opportunity for a juvenile's crime victim to be notified when community service has been completed by the juvenile.

(8) A strategy for the dissemination of information to the public regarding the community service program.

(9) A policy outlining any accident or liability insurance coverage associated with the community service program.

(10) A policy requiring an annual report, including individual and aggregate data on the amount of community service assigned and performed.

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