

THE COURTS

Title 255—LOCAL COURT RULES

MONTGOMERY COUNTY

In Re: Order Designating the Chief Juvenile Probation Officer Under Pa.R.J.C.P. 1604(B) to Receive Reports Regarding Adjustment, Progress and Condition of a Child; No. MD 32-2010

Administrative Order

And Now, this 29th day of January, 2010, it is hereby *Ordered* that the Chief Juvenile Probation Officer of Montgomery County is named as the designee to receive reports regarding a child's adjustment, progress and condition pursuant to Pa.R.J.C.P. 1604(B) and 42 Pa.C.S. § 6336.1(b).

This Order shall become effective immediately.

By the Court

RICHARD J. HODGSON,
President Judge

[Pa.B. Doc. No. 10-316. Filed for public inspection February 19, 2010, 9:00 a.m.]

VENANGO COUNTY Local Rule—ARD 310

The Court will not grant a motion for ARD where the application has not been presented to the District Attorney's office within 30 days of the arraignment date stated on the Criminal Case Scheduling form, absent extraordinary circumstances and unless the time for filing has been extended by the Court for cause shown. The Defendant shall file on the same day the ARD application is filed with the District Attorney a notice with the Clerk of Courts' office evidencing the timely presentation of such application to the District Attorney on the form provided with the "Instructions for Filing for ARD."

The filing of a timely ARD application will extend the last day to enter a negotiated plea. The filing of an untimely ARD application will not extend the last day to enter a negotiated plea and will not delay the Criminal Pre-Trial Conference Date, the Call of the List Date (which is the last day for a negotiated plea) or the Jury Selection Date which are all established when the case enters the Court of Common Pleas and are listed on the Criminal Case Scheduling form in each respective case.

By the Court

OLIVER J. LOBAUGH,
President Judge

[Pa.B. Doc. No. 10-317. Filed for public inspection February 19, 2010, 9:00 a.m.]

WASHINGTON COUNTY

In Re: Local Rules L-527—Nonmonetary Conditions of Release on Bail; 00.L-322—327 Alternative Disposition Program (ADP); No. 2010-1

Order

And Now, this 2nd day of February, 2010, *It Is Hereby Ordered* that the above-stated Washington County Local Criminal Rules be adopted as follows.

This rule will become effective thirty days after publication in the *Pennsylvania Bulletin*.

By the Court

DEBBIE O'DELL SENECA,
President Judge

BAIL

L-527. Nonmonetary Conditions of Release on Bail.

(A) (3)

(a) In any court case, wherein the defendant is preliminarily arraigned and the issuing authority determines that nonmonetary conditions of bail are appropriate to ensure that the defendant does not engage in further criminal activity, the issuing authority may set as a condition of bail one or more of the following requirements:

1a. The defendant report to a Forensic Case Manager designated by the Washington County Mental Health/Mental Retardation Office at a specified date and time;

2a. The defendant remain in contact with the designated Forensic Case Manager specified in paragraph 1a above;

3a. The defendant agree to submit to a mental health evaluation and/or drug and alcohol evaluation as deemed necessary by the designated Forensic Case Manager or by a representative of the Washington County Mental Health/Mental Retardation Office;

4a. The defendant attend outpatient mental health and/or drug and alcohol treatment as recommended by the Forensic Case Manager specified in paragraph 1a above or by a representative of the Washington County Mental Health/Mental Retardation Office;

5a. The defendant reside at a particular location or address, including but not limited to the Crisis Stabilization Unit;

6a. The defendant take all medication currently prescribed by a psychiatrist, and any medication prescribed by a psychiatrist in the future; and

7a. The defendant cooperate with Forensic Case Management services if deemed necessary.

ALTERNATIVE DISPOSITION PROGRAM (ADP)

00.L-322. Motion for Entry into Alternative Disposition Program.

After criminal proceedings in a court case have been instituted, the attorney for the Commonwealth may move, before a judge empowered to try court cases to whom cases under this program have been assigned, that the case be considered for alternative disposition.

00.L-323. Application Process and Notice of Motion by Attorney for the Commonwealth.

Upon application by the defendant or the defendant's attorney for admission into the ADP, the attorney for the Commonwealth shall advise the victim of the application. Information or statements supplied by the defendant to the attorney for the Commonwealth in an ADP application shall not be used against the defendant for any purpose in any criminal proceedings except a prosecution based on the falsity of the information or statement supplied.

00.L-324. Deferring Action Upon Admission to the Program.

(A) When a defendant is accepted into the ADP before the filing of an information, the judge shall order that no information shall be filed with the court on the charges during the term of the program.

(B) When a defendant is accepted into the ADP after the filing of an information, the judge shall order that further proceedings on the charges shall be postponed during the term of the program.

00.L-325. Conditions of the Program.

The conditions of the ADP may be such as may be imposed with respect to probation after conviction, including restitution, except that a fine may not be imposed. The other conditions of the program include the provisions set forth in the ADP Rules and the Performance Contract, and any other conditions set by the Court that are reasonably designed to best help the defendant and necessary to protect the community. The period of such program for any defendant shall not exceed five years.

00.L-326. Other ADP Procedures.

(A) If a defendant refuses to accept the conditions required by the judge, the judge shall deny the application to enter the ADP. In such event, the case shall proceed in the same manner as if these proceedings had not taken place.

(B) If the attorney for the Commonwealth, or the supervising Probation Officer, files a motion or petition alleging that the defendant during the period of the program has violated a condition thereof, or objects to the defendant's request for an order of discharge from the program, the judge who entered the order for entry into the ADP may issue such process as is necessary to bring the defendant before the court. When the defendant is brought before the court, the judge shall afford the defendant an opportunity to be heard. If the judge finds that the defendant has committed a violation of a condition of the program, the judge may order, when appropriate, that the defendant's participation in the program be terminated, and that the attorney for the Commonwealth shall proceed on the charges as provided by law. No appeal shall be allowed from such order.

(C) When the defendant shall have completed satisfactorily the program prescribed and complied with its conditions, the defendant may move the court for an order dismissing the charges. If neither the attorney for the Commonwealth nor the supervising probation officer object to the defendant's motion, the court shall dismiss

the charges against the defendant. If either the attorney for the Commonwealth or the supervising probation officer objects to the defendant's motion, the court shall proceed as set forth in paragraph (B) above.

(D) When the judge orders dismissal of the charges against the defendant, the judge shall also order the expungement of the defendant's arrest record unless the attorney for the Commonwealth objects to the expungement. If the attorney for the Commonwealth objects to the expungement, the judge shall hold a hearing on the objections.

00.L-327. Diversion for Summary Cases.

In any case wherein only summary offenses are alleged, the Magisterial District Judge, upon the agreement of the District Attorney, defendant, victim, and the prosecuting police officer, may postpone the case for a specified period (usually 90 days) if the defendant agrees to:

A. Report to a Forensic Case Manager designated by the Washington County Mental Health/Mental Retardation Office at a specified date and time;

B. Remain in contact with the designated Forensic Case Manager specified in paragraph A above;

C. Submit to a mental health evaluation and/or drug and alcohol evaluation as deemed necessary by the designated Forensic Case Manager or by a representative of the Washington County Mental Health/Mental Retardation Office;

D. Attend outpatient mental health and/or drug and alcohol treatment as recommended by the Forensic Case Manager specified in paragraph A above or by a representative of the Washington County Mental Health/Mental Retardation Office;

E. Reside at a particular location or address, including but not limited to the Crisis Stabilization Unit;

F. Take all medication currently prescribed by a psychiatrist, and any medication prescribed by a psychiatrist in the future;

G. Cooperate with Forensic Case Management services if deemed necessary; and

H. Follow an individualized treatment plan, 50 Pa.C.S.A. § 7107, and any other conditions set by the Magisterial District Judge that are reasonably designed to best help the defendant and necessary to protect the community.

If the defendant does not comply with these requirements, the Forensic Case Manager will immediately contact the Magisterial District Judge, and the Magisterial District Judge will schedule the case for disposition. If the Magisterial District Judge determines at the end of the postponement period that the defendant has substantially complied with the above-stated requirements and any other reasonable requirements designed to ensure the defendant's safety and the safety of the public, the charges will be dismissed.

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