

STATEMENTS OF POLICY

Title 37—LAW

JUVENILE COURT JUDGES' COMMISSION

[37 PA. CODE CH. 200]

Release of Information and Juvenile Probation Merit System

The Juvenile Court Judges' Commission (Commission) amends Chapter 200, Subchapter I (relating to standards governing the release of information contained in juvenile court files and juvenile probation records and reports), and adopts Subchapter K (relating to standards governing the operation of a juvenile probation merit system) as a statement of policy to read as set forth in Annex A.

Authority

This statement of policy is promulgated under the authority of 42 Pa.C.S. §§ 6371—6375 (relating to funding).

Purpose and Requirements

Subchapter I. Standards Governing the Release of Information Contained in Juvenile Court Files and Juvenile Probation Records and Reports

This statement of policy sets forth amendments to Subchapter I to ensure conformity with the modifications to Rules 160, 330 and 515 of the Pennsylvania Rules of Juvenile Court Procedure (Pa.R.J.C.P.). These standards provide guidance to judges of courts of common pleas and juvenile probation departments regarding the release of information contained in juvenile court files and juvenile probation records and reports under 42 Pa.C.S. Chapter 63 (relating to the Juvenile Act).

A definition for "clerk of courts" was included in § 200.801 (relating to definitions) because Pennsylvania Rules of Juvenile Court Procedure 330 and 515 require the clerk of courts to create a public document to include limited public information under 42 Pa.C.S. § 6307(b)(1)(i) and (ii) (relating to inspection of court files and records).

Section 200.804(a) (relating to public availability) was modified under Pa.R.J.C.P. 515 to require that the dispositional order entered following an adjudication of delinquency include a designation as to whether the case is eligible for limited public information under 42 Pa.C.S. § 6307(b)(1)(i), and to delete references as to the specific information that is to be disclosed. Section 200.804(b) was created to specify what information shall be included in the public document created by the clerk of courts.

Section 200.804(c) contains provisions, consistent with Pa.R.J.C.P. 330, to require that the petition include an averment as to whether the case is eligible for limited public information under 42 Pa.C.S. § 6307(b)(1)(ii). Section 200.804(d) was created to specify the information that shall be contained in the public document created by the clerk of courts.

Subchapter K. Standards Governing the Operation of a Juvenile Probation Merit System

These standards are intended to provide guidance to juvenile court judges and chief juvenile probation officers regarding equal employment opportunity policies, juvenile probation officer employment qualifications and juvenile probation department policies and procedures. All 67

county juvenile probation departments are required to comply with the Standards Governing the Operation of a Juvenile Probation Merit System as a condition for participation in the Grant-In-Aid Program of the Juvenile Court Judges' Commission.

Affected Parties

The amendments to the Standards Governing the Release of Information Contained in Juvenile Court Files and Juvenile Probation Records and Reports in this statement of policy will affect courts of common pleas in this Commonwealth with respect to policies governing the release of information contained in juvenile court files and juvenile probation records and reports.

The Standards Governing the Operation of a Juvenile Probation Merit System in this statement of policy will affect president judges of courts of common pleas and chief juvenile probation officers in this Commonwealth.

Cost and Paperwork Estimates

The amendments to the Standards Governing the Release of Information Contained in Juvenile Court Files and Juvenile Probation Records and Reports and the adoption of the Standards Governing the Operation of a Juvenile Probation Merit System will not require additional costs or paperwork.

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 to facilitate the appropriate release of information contained in juvenile court files and juvenile probation records and reports, and the effective administration of county juvenile probation departments.

Order

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

(a) Title 37 Pa. Code is amended by amending §§ 200.801 and 200.804 and by adding §§ 200.1001—200.1003, 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: 23-9. 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 I. STANDARDS GOVERNING THE RELEASE OF INFORMATION CONTAINED IN JUVENILE COURT FILES AND JUVENILE PROBATION RECORDS AND REPORTS

GENERAL PROVISIONS

§ 200.801. **Definitions.** (See Pa.R.J.C.P. 120, 166(A) and Comment to Pa.R.J.C.P. 160)

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

Clerk of Courts—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 court files—All original records, papers and orders filed, copies of all court notices, and docket entries.

Juvenile probation records or reports—The term includes, but is not limited to, social summaries, psychological and psychiatric evaluations, personal histories, school records and reports, mental health histories and reports, drug and alcohol evaluations, treatment facility records and reports, and copies of all original court records, papers, orders and notices.

§ 200.804. **Public availability.** (See Pa.R.J.C.P. 160, 330, 515 and 42 Pa.C.S. § 6307(b))

(a) A dispositional order entered following an adjudication of delinquency shall include a designation as to whether the case is eligible for limited public information, under 42 Pa.C.S. § 6307(b)(1)(i) (relating to inspection of court files and records). The court shall designate a case as eligible for limited public information if the child has been adjudicated delinquent by a court as a result of an act committed:

(1) When the child was 14 years of age or older and the conduct would be considered a felony if committed by an adult.

(2) When the child was 12 or 13 years of age and the conduct would have constituted one or more of the following offenses if committed by an adult:

- (i) Murder.
- (ii) Voluntary manslaughter.
- (iii) Aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or (2) (relating to aggravated assault).
- (iv) Arson as defined in 18 Pa.C.S. § 3301(a)(1) (relating to arson and related offenses).
- (v) Involuntary deviate sexual intercourse.
- (vi) Kidnapping.
- (vii) Rape.
- (viii) Robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery).
- (ix) Robbery of motor vehicle.

(x) Attempt or conspiracy to commit any of the aforementioned offenses.

(b) Upon the request of an individual for information regarding a case in which the court in its dispositional order has designated the case as eligible for limited public information under 42 Pa.C.S. § 6307(b)(1)(i), the clerk of courts shall create a public document that contains the following information:

- (1) The juvenile's name.
- (2) The juvenile's age.
- (3) The juvenile's address.
- (4) The offenses alleged in the petition.
- (5) The adjudication on each allegation.
- (6) The disposition of the case.

(c) A petition alleging delinquency must contain an averment as to whether the case is eligible for limited public information under 42 Pa.C.S. § 6307(b)(1)(ii). A case shall be eligible for limited public information if the petition alleges that the child has committed an act that is subject to open proceedings under 42 Pa.C.S. § 6336(e) (relating to conduct of hearings) and the child previously has been adjudicated delinquent by a court as a result of an act committed:

(1) When the child was 14 years of age or older and the conduct would be considered a felony if committed by an adult.

(2) When the child was 12 or 13 years of age and the conduct would have constituted one or more of the following offenses if committed by an adult:

- (i) Murder.
- (ii) Voluntary manslaughter.
- (iii) Aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or (2).
- (iv) Arson as defined in 18 Pa.C.S. § 3301(a)(1).
- (v) Involuntary deviate sexual intercourse.
- (vi) Kidnapping.
- (vii) Rape.
- (viii) Robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii).
- (ix) Robbery of motor vehicle.
- (x) Attempt or conspiracy to commit any of the aforementioned offenses.

(d) Upon the request of an individual for information regarding a case in which the petition includes an averment that the case is eligible for limited public information under 42 Pa.C.S. § 6307(b)(1)(ii), the clerk of courts shall create a public document that contains the following information:

- (1) The juvenile's name.
- (2) The juvenile's age.
- (3) The juvenile's address.
- (4) The offenses alleged in the petition.

Subchapter K. STANDARDS GOVERNING THE OPERATION OF A JUVENILE PROBATION MERIT SYSTEM

Sec.
200.1001. Equal employment opportunity policies.
200.1002. Juvenile probation officer employment qualifications.
200.1003. Juvenile probation department policies and procedures.

§ 200.1001. Equal employment opportunity policies.

(a) Juvenile probation office staff shall be employed in conformance with the merit principles adopted under Title II of the Intergovernmental Personnel Act of 1970 (42 U.S.C.A. §§ 4721—4727). These principles, which comprise the “Standards for a Merit System of Personnel Administration” (5 CFR 900.603 (relating to standards for a merit system of personnel administration)) include:

(1) Recruiting, selecting and advancing employees on the basis of their relative ability, knowledge and skills, including open consideration of qualified applicants for initial appointment.

(2) Providing equitable and adequate compensation.

(3) Training employees, as needed, to assure high quality performance.

(4) Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance and separating employees whose inadequate performance cannot be corrected.

(5) Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, gender, sexual orientation, religious creed, age or handicap and with proper regard for their privacy and constitutional rights as citizens. This “fair treatment” principle includes compliance with the Federal equal employment opportunity and nondiscrimination laws.

(6) Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

§ 200.1002. Juvenile probation officer employment qualifications.

(a) The minimum requirement for employment as a juvenile probation officer shall be a bachelor's degree, with a background of at least 18 credits in the behavioral or social sciences from an accredited college or university.

(1) Provisions for exception to this standard through participation in an exceptional person process shall be provided for by the Juvenile Court Judges' Commission.

(2) Eligibility for the exceptional person process shall require an individual to have 4 years of related experience, and to pass a written test, and an oral exam arranged for by the Commission.

(b) Other tests of aptitude, attitude, abilities, skills or knowledge, may be required as found appropriate at the county level, provided that the additional tests are announced in advance and are the same for all candidates. The Juvenile Court Judges' Commission will provide a testing program which courts may use for screening applicants.

(c) The qualifications for a vacant juvenile probation officer position shall be announced prior to commencing the recruitment process and must be directly related to the expectations for that position as outlined in the job description. No other qualifications may be considered.

(d) A personnel transaction form and a college transcript shall be filed with the Juvenile Court Judges' Commission by the Chief Juvenile Probation Officer within 10 working days of the filling of any juvenile probation officer position. An exception to the college transcript requirement may apply where the new employee was granted exceptional person status under subsection (a).

(e) A job description for each position shall be maintained and adhered to in the juvenile probation office. A clear job description provides employees with an understanding of their positions and forms the basis for evaluation of employee job performance.

(f) New employees shall be required to complete a 12-month probationary period during which they shall receive more intensive supervision and training than permanent juvenile probation officers. Their performance shall be evaluated semiannually and employees receiving unsatisfactory evaluations shall be terminated at, or before, the end of the probationary period. An exception to this standard applies only when a probationary period of a different length is part of a collective bargaining agreement.

(g) The minimum annual training requirement for continuing employment as a juvenile probation officer shall be the successful completion of 40 hours of approved training per year.

(1) Training programs and graduate classes sponsored by the Center for Juvenile Justice Training and Research are approved.

(2) Subject to the approval of the Chief Juvenile Probation Officer, all in-State, job-related training programs, including training sponsored by juvenile probation departments, are approved, as are graduate classes and conferences.

(3) In-State or out-of-State conferences sponsored by the National Council of Juvenile and Family Court Judges (NCJFCJ), American Probation and Parole Association (APPA), Middle Atlantic States Correctional Association (MASCA), Pennsylvania Association on Probation, Parole and Correction (PAPPC) and the American Correctional Association (ACA) are also approved. Other out-of-State training or conferences require prior approval by the Center for Juvenile Justice Training and Research. Unless a program is completed in its entirety, none of the time spent in it can be counted in meeting this requirement.

(4) Members of the Executive Committee, standing committees and ad hoc committees of the Pennsylvania Council of Chief Juvenile Probation Officers (Council) may apply up to 20 hours of meeting attendance per year toward the annual training requirement. This includes attendance at general membership, Executive Committee, and other meetings of the Council, as well as meetings of the Juvenile Court Judges' Commission.

(5) The Chief Juvenile Probation Officer shall annually submit a report to the Center for Juvenile Justice Training and Research detailing the approved training completed by each juvenile probation officer. The report must be in a format designed by the Juvenile Court Judges' Commission.

(h) Juvenile probation officers shall have a written performance evaluation completed at least annually by their supervisors. This evaluation shall become part of their personnel files and shall be available for inspection by representatives of the Juvenile Court Judges' Commission.

§ 200.1003. Juvenile probation department policies and procedures.

(a) The compensation provided to juvenile probation officers, including salaries, salary increases and bonuses, shall be equitable to the compensation provided to other county and court personnel.

(b) Each juvenile probation office shall develop an organizational chart which shows the flow of responsibilities.

(c) Each juvenile probation office shall establish a personnel manual that describes the rights and benefits of all juvenile probation officers employed in the office.

(d) Each juvenile probation office shall establish written grievance, appeal and hearing procedures for employees.

(1) These procedures shall be made known to all employees.

(2) An exception to this standard applies if this issue is addressed in a collective bargaining agreement.

[Pa.B. Doc. No. 08-1527. Filed for public inspection August 22, 2008, 9:00 a.m.]
