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PART A. COMMENCING PROCEEDINGS**Rule 200. Commencing Proceedings.**

Juvenile delinquency proceedings within a judicial district shall be commenced by:

- 1) submitting a written allegation pursuant to Rule 231;
- 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) the filing of a certification with the court that a juvenile has failed to comply with a lawful sentence imposed for a summary offense;
- 4) transfer of a case from a criminal proceeding pursuant to Pa.R.Crim.P. 597 and 42 Pa.C.S. § 6322;
- 5) the court accepting jurisdiction of a resident juvenile from another state; or
- 6) the court accepting supervision of a juvenile pursuant to another state's order.

Comment

Paragraph (1) allows for commencing delinquency proceedings by submitting a written allegation. This procedure departs from the Juvenile Act, which provides that the filing of a petition commences a proceeding. Rule 800 suspends 42 Pa.C.S. § 6321 only to the extent that it is inconsistent with the procedures of this rule. Petitions filed by any person circumvent the juvenile probation's office ability to divert the case through informal adjustment as provided in 42 Pa.C.S. § 6323. Probation officers may "receive and examine complaints and charges of delinquency . . . of a child for the purpose of considering the commencement of proceedings." 42 Pa.C.S. § 6304(a)(2).

See Rule 231 for procedures on submitting a written allegation.

For the definition of a "written allegation," *see* Rule 120.

The Juvenile Act provides that "a child may be taken into custody . . . pursuant to the laws of arrest." 42 Pa.C.S. § 6324. Paragraph (2) states the laws of arrest without a warrant in Pennsylvania. *See* Pa.R.Crim.P. 502.

A proceeding may be commenced pursuant to paragraph (3) by filing a certification that attests that the juvenile has failed to comply with a lawful sentence imposed for a summary offense, bypassing the need for a written allegation pursuant to Rule 231.

Under paragraph (4), when a case is transferred from a criminal proceeding pursuant to 42 Pa.C.S. § 6322 to juvenile court, the entire case file is to be transferred. The case file is governed by the disclosure requirements of Rule 160. *See* Rule 337 for the filing of petition after case has been transferred from a criminal proceeding. *See* Rule 404 for prompt adjudicatory hearing.

Paragraph (5) encompasses a juvenile who lives in Pennsylvania and commits a crime in another state and that state wants Pennsylvania to accept the disposition of the juvenile and supervise the juvenile.

Paragraph (6) encompasses a juvenile who lives outside of Pennsylvania, committed a crime outside of Pennsylvania, is moving to Pennsylvania, and the other jurisdiction would like Pennsylvania to accept the disposition of the juvenile and supervise the juvenile.

For procedures for when the juvenile is alleged to have violated probation, *see* Rule 612.

For inter-county transfer of juveniles, *see* Rule 302.

See § 6321(a) of the Juvenile Act for commencement of proceedings under the Juvenile Act. 42 Pa.C.S. § 6321(a).

Official Note: Rule 200 adopted April 1, 2005, effective October 1, 2005. Amended March 23, 2007, effective August 1, 2007. Amended May 12, 2008, effective immediately. Amended January 23, 2009, effective March 1, 2009. Amended July 31, 2012, effective November 1, 2012.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 200 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 200 published with the Court's Order at 37 Pa.B. 1485 (April 7, 2007).

Final Report explaining the amendments to Rule 200 published with the Court's Order at 38 Pa.B. 2360 (May 24, 2008).

Final Report explaining the amendments to Rule 200 published with the Court's Order at 39 Pa.B. 676 (February 7, 2009).

Final Report explaining the amendments to Rule 200 published with the Court's Order at 42 Pa.B. 5350 (August 18, 2012).

Source

The provisions of this Rule 200 amended March 23, 2007, effective August 1, 2007, 37 Pa.B. 1483; amended May 12, 2008, effective May 12, 2008, 38 Pa.B. 2360; amended January 22, 2009, effective March 1, 2009, 39 Pa.B. 676; amended July 31, 2012, effective November 1, 2012, 42 Pa.B. 5350. Immediately preceding text appears at serial pages (341534) to (341535).

Part A(2) ELECTRONIC FILING AND SERVICE OF LEGAL PAPERS

Rule 205. Electronic Filing and Service of Legal Papers.

A. *Authorization.* The president judge of a judicial district by local rule promulgated pursuant to Rule 121 and Rule of Judicial Administration 103 may authorize electronic filing of legal papers with the clerk of courts in cases in delinquency proceedings through the statewide electronic filing system as provided in this rule.

B. *Local Rule.*

1) The local rule required under this rule shall include the following provisions:

a) subject to the provisions in paragraph (B)(2), a statement that the electronic filing system is permissive and specify the legal papers subject to the rule, but in no case shall legal papers prohibited from being filed electronically by this rule be permitted to be filed electronically;

b) a provision for the procedures to ensure that any party who declines to participate in the system, or who is unable to electronically file or accept service of legal papers which were filed electronically, or who is otherwise

unable to access the system, at a minimum, shall be able to file legal papers in a physical paper format and be served legal papers in a physical format which were electronically filed;

c) any additional provisions as the court may deem necessary to provide a full and complete procedure for the use of the system within the judicial district; and

d) a notation that the Administrative Office of Pennsylvania Courts and the judicial district have agreed upon an implementation plan for PACFile in the judicial district.

2) Any judicial district that authorized electronic filing for a period of two years thereafter may amend their local rule, subject to the requirements of Rule 121 and Rule of Judicial Administration 103, to make participation in electronic filing mandatory. For the purpose of establishing the commencement of the period, a judicial district may rely upon an authorization established pursuant to Pa.R.Crim.P. 576.1(B).

C. *Definitions.* As used in this rule, the following words shall have the following meanings:

“electronic filing,” the electronic submission of legal papers by means other than facsimile transmission and the acceptance of the document by the clerk of courts;

“filing party,” an attorney, juvenile, or other person who files a legal paper by means of electronic filing;

“legal paper,” a pleading or other submission to the court, including motions, answers, notices, or other documents, of which filing is required or permitted, including orders, copies of exhibits, and attachments, but excluding:

- 1) applications for search warrants;
- 2) applications for arrest warrants;
- 3) exhibits offered into evidence, whether or not admitted, in a court proceeding; and
- 4) submissions filed ex parte as authorized by law.

“original document,” a legal paper filed electronically shall be deemed the original document, but copies of exhibits electronically filed do not constitute the original of the exhibit for evidentiary purposes; and

“the system,” the PACFile electronic filing system, developed and administered by the Administrative Office of Pennsylvania Courts, is the exclusive system for electronic filing.

D. *Participation.*

1) The system shall permit attorneys, juveniles proceeding without counsel, law enforcement officers, and juvenile probation officers to file electronically.

a) In order to participate in the system, an attorney shall establish an account in the system by procedures established by the Administrative Office of Pennsylvania Courts.

b) A non-attorney shall be permitted to utilize the system through an authorization process established by the Administrative Office of Pennsylvania Courts.

2) Establishment of an account by an attorney or authorization of a non-attorney in the system, to the extent so authorized by the Administrative Office of Pennsylvania Courts pursuant to paragraph (D)(1), shall constitute consent to participate in electronic filing, including acceptance of service electronically of any document filed on the system in any judicial district that permits electronic filing.

3) An attorney or non-attorney participating in the system is permitted to file a legal paper either in an electronic format or in a physical paper format. Service upon an attorney or non-attorney participating in the system shall be done electronically.

E. *Filing.*

1) When a legal paper is to be electronically filed, it may be submitted to the system at the Unified Judicial System web portal at <http://ujportal.pacourts.us>, in accordance with this rule, any local rule adopted pursuant to this rule, and any filing instructions as may be otherwise provided at the web portal site.

2) Electronic filings may be submitted at any time, except during times of periodic maintenance. The electronic submission must be completed by 11:59:59 p.m. EST/EDT to be considered filed that day.

3) The time and date on which a legal paper is submitted to the system shall be recorded by the system. The system shall provide an acknowledgement to the filing party that the legal paper has been submitted.

4) The time and date on which the legal paper is accepted by the clerk of courts office also shall be recorded by the system. The system shall provide an acknowledgement to the filing party that the legal paper has been accepted.

5) A legal paper shall be considered filed upon submission of the legal paper to the system and acceptance of the filing by the clerk of courts. If the clerk of courts determines that the requirements for filing have been met, the time and date of filing shall be the time and date that the legal paper was submitted to the system. If the clerk of courts finds that the requirements for filing are not met, the clerk may reject the filing.

6) A filing party shall be responsible for any delay, disruption, and interruption of the electronic signals and legibility of the document electronically filed, except when caused by the failure of the system's website.

7) The system shall attribute the filing of an electronic legal paper to the party whose account is used to log onto the system and file the legal paper.

8) Legal papers shall be presented for filing in portable document format (".pdf").

9) All legal papers electronically filed shall be maintained and retained by the clerk of courts in an electronic format. Neither the clerk of courts nor the court is required to maintain in a physical paper format any legal paper filed electronically as provided in this rule.

10) Any legal paper submitted for filing to the clerk of courts in a physical paper format shall be accepted by the clerk of courts in that format and shall be retained by the clerk of courts as may be required by applicable rules of court and record retention policies. The clerk of courts shall convert such legal

paper in a physical paper format to .pdf and add it to the system. However, those submissions that are excluded from the definition of “legal paper” under paragraph (C) shall not be converted and added to the system.

11) No legal paper that complies with the Pennsylvania Rules of Juvenile Court Procedure shall be refused for filing by the clerk of courts or the electronic filing system based upon a requirement of a local rule or local administrative procedure or practice pertaining to the electronic filing of legal papers.

F. *Signature.*

1) Except as provided in paragraph (F)(3), an electronic signature of the filer as provided for in the system is permitted on electronic filings in the following form: */s/ John L. Doe.*

2) The electronic filing of a motion or answer that includes an electronic signature constitutes a certification pursuant to Pa.R.J.C.P. 344(C)(1) that the filing party or attorney has filed the motion in good faith.

3) Any motion that, pursuant to Rule 344(C)(3), avers facts not of record and requiring a verification must be created in a physical paper form, have a physical signature placed on it, and then be converted into a .pdf before it may be electronically filed.

4) The original of a verified legal paper that is an electronic filing or is contained within an electronic filing shall be maintained by the electronic filer in either electronic or paper format and made available upon direction of the court or reasonable request of the signatory or opposing party.

G. *Official Court Record Form.* The court by local rule shall provide for the maintenance by the clerk of courts of an electronic file only, or of such electronic and physical paper format files as set forth in the local rule. Those legal papers that are not permitted to be electronically filed pursuant to paragraph (C) shall be maintained in a physical paper format only.

H. *Service.*

1) Upon the submission of a legal paper for electronic filing, the system shall provide an electronic notification to other parties and attorneys to the case who are participating in electronic filing that the legal paper has been submitted. This notification upon submission shall satisfy the service requirements of Rules 167(B) and 345(B) on any attorney or party who has established a system account.

2) Upon the acceptance by the clerk of courts office of a legal paper for electronic filing, the system shall provide an electronic notification to other parties and attorneys to the case who are participating in electronic filing that the legal paper has been accepted.

3) Service of electronic filings on any attorney or party who has not established a UJS web portal account or who is unable to file or receive legal papers electronically or otherwise unable to access the system shall be made by the procedures provided under Rules 167(B) and 345(B).

Comment

This rule permits as a local practice the electronic filing of legal papers. This rule does not require the implementation of electronic filing by a local court. To provide a uniform system for electronic filing, the Administrative Office of Pennsylvania Courts has developed the PACFile electronic filing system. This is the only authorized system for electronic filing of legal documents in delinquency proceedings.

Paragraph (B) requires that a judicial district that desires to participate in the electronic filing system must adopt a local rule to that effect. As part of the initial “opting into” electronic filing, this local rule must provide that participation is voluntary. Once a judicial district has allowed electronic filing for two years, participation may be made mandatory. Paragraph (B)(1)(b) requires that all judicial districts in which electronic filing is allowed must make accommodations for those parties who are unable to participate. In no event shall access to the court filing be precluded solely on the basis of participation in the electronic filing system.

The UJS Portal contains other automated services beside PACFile. There may be circumstances when an attorney, who has registered as a user on another service of the UJS Portal, may have an established account that would be usable for PACFile. Any questions about the requirements of registration or accessibility to PACFile should be referred to the Administrative Office of Pennsylvania Courts.

The system permits a user to designate other users as proxies on individual cases. These proxies all receive notice of any filing in the case. It is anticipated that offices such as those of a district attorney or public defender would be able to establish general user accounts with particular attorneys assigned and their supervisors or back-ups listed as proxies in individual cases.

An attorney is responsible for the actions of other individuals whom the attorney authorizes to use the attorney’s account.

The local rule required by this rule must conform to the requirements of Rule 121 (Local Rules) and Rule of Judicial Administration 103 (Procedures for Adoption, Filing, and Publishing Rules).

A file in physical paper format is not required by this rule. If the local rule requires a file in physical paper format, the requirement may extend to all cases or only to certain specified cases. For example, the court may require files in physical paper format for cases where an adjudicatory hearing has been scheduled while maintaining only electronic files for cases proceeding by informal adjustment or admission.

Upon submission of the electronic filing of a legal paper, the electronic filing system shall automatically send notice of the filing to all parties who have agreed to service by electronic transmission, see paragraph (D) (Participation). If the electronic filing system sends notice of such filing, the party filing the legal paper only need serve those parties who are not served by the electronic filing system. An e-mail address set forth on letterhead is not a sufficient basis under this rule to permit electronic service of legal papers.

Service pursuant to paragraph (H) is not intended to satisfy the notice requirements necessary to obtain a bench warrant pursuant to Pa.R.J.C.P. 140.

See Rule 167(B) providing for the clerk of courts to serve orders and court notices by facsimile transmission or other means.

See Rule 345(B) governing service of motions and any written answers, and any notices or documents for which filing is required by facsimile transmission or other means.

Official Note: Rule 205 adopted December 12, 2019, effective June 1, 2020.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 205 published with the Court’s Order at 49 Pa.B. 7573 (December 28, 2019).

Source

The provisions of this Rule 205 adopted December 12, 2019, effective June 1, 2020, 49 Pa.B. 7573.

PART B. ARREST PROCEDURES IN DELINQUENCY CASES**(a) Arrest Warrants****Rule 210. Arrest Warrants.**

A. *Application.* An application for an arrest warrant shall be made by submitting 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 president judge shall ensure twenty-four hour availability of a designated issuing authority.

B. *Approval of Commonwealth.* When a certification is filed by the District Attorney pursuant to Rule 231, no application for an arrest warrant shall be submitted to the issuing authority unless an attorney for the Commonwealth has approved the application.

C. *Arrest procedures.* When a juvenile is arrested pursuant to a warrant, the case shall proceed in the same manner as a warrantless arrest in accordance with Rule 220.

D. *Transmission of file.* If a magisterial district judge issues an arrest warrant for a juvenile pursuant to paragraph (A), the magisterial district judge shall forward the juvenile case file to the clerk of courts immediately or no later than the next business day.

E. *Return of arrest warrant.* Once the arrest warrant has been executed, it shall be returned to the juvenile probation office. The juvenile probation office shall, immediately and no later than the next business day, notify the magisterial district judge that the warrant has been executed.

F. *Case closed by magisterial district judge.* Once a magisterial district judge has been notified that the arrest warrant has been executed pursuant to paragraph (E), the magisterial district judge shall mark the arrest warrant as served and close the case.

Comment

For the contents of a written allegation, *see* Rule 232. *See* <http://www.pacourts.us/Forms/Default.htm> for a copy of the written allegation form. For the requirements of the issuance of an arrest warrant, *see* Rule 211. The arrest warrant form may be accessed by a judge in the Magisterial District Judge System (MDJS) or the Common Pleas Criminal Court Case Management System (CPCMS).

Under paragraph (A), 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 also is to designate an issuing authority to receive applications after normal business hours and on holidays. For the definition of “issuing authority,” *see* Rule 120.

When issuing an arrest warrant, a magisterial district judge is included in the definition of court pursuant to Rule 120, and as such, the magisterial district judge is to maintain the confidentiality of records as required by Rule 160. For access to court records, *see* Rule 160.

Paragraph (A) provides that a magisterial district judge may order the juvenile to be taken into custody pursuant to the laws of arrest. Pursuant to the Juvenile Act, 42 Pa.C.S. § 6303(b), a district judge of the minor judiciary may not detain a juvenile. This rule allows a magisterial district judge to issue an arrest warrant, which may lead to detention in limited circumstances. *See* Rule 800 (8).

Paragraph (D) provides that if the president judge of a judicial district has appointed a magisterial district judge to accept applications for arrest warrants and the magisterial district judge issues an arrest warrant for the juvenile, the magisterial district judge is to send the juvenile case file, including the written allegation supported by a probable cause affidavit, a copy of the arrest warrant, and any other information contained in the juvenile file, to the clerk of courts. For definition of clerk of courts, see Rule 120.

Paragraph (E) provides that the return of the arrest warrant is to be made with the juvenile probation office. The juvenile probation office immediately is to notify the magisterial district judge of the execution of the arrest warrant so the arrest warrant may be marked as executed in their computer system. This is extremely important so the juvenile does not get rearrested on the same warrant.

Official Note: Rule 210 adopted April 1, 2005, effective October 1, 2005. Amended March 23, 2007, effective August 1, 2007. Amended December 3, 2007, effective immediately. Amended July 16, 2012, effective immediately.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 210 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 210 published with the Court's Order at 37 Pa.B. 1485 (April 7, 2007).

Final Report explaining the amendments to Rule 210 published with the Court's Order at 37 Pa.B. 6743 (December 22, 2007).

Source

The provisions of this Rule 210 amended March 23, 2007, effective August 1, 2007, 37 Pa.B. 1483; amended December 3, 2007, effective December 3, 2007, 37 Pa.B. 6743; amended July 16, 2012, effective immediately, 42 Pa.B. 4908. Immediately preceding text appears at serial pages (341535) to (341537).

Rule 211. Requirements for Issuance.

A. *Probable Cause.* No arrest warrants shall be issued but upon probable cause, supported by one or more affidavits sworn to before the issuing authority. The issuing authority, in determining whether probable cause has been established, may not consider any evidence outside the affidavits.

B. *Evidence.* At any proceeding on a motion challenging an arrest warrant, no evidence shall be admissible to establish probable cause for the arrest warrant, other than the affidavits provided for in paragraph (A).

Comment

This rule does not preclude oral testimony before the issuing authority, but it requires that such testimony be reduced to an affidavit prior to the issuance of a warrant. All affidavits in support of an application for an arrest warrant should be sworn to before the issuing authority prior to the issuance of the warrant.

This rule carries over to the arrest warrant, the requirement that the evidence presented to the issuing authority be reduced to writing and sworn to, and that only the writing is subsequently admissible to establish that there was probable cause. In these respects, the procedure is similar to that applicable to search warrants. *See* Pa.R.Crim.P. 203.

For a discussion of the requirements of probable cause for the issuance of an arrest warrant, *see Commonwealth v. Flowers*, 369 A.2d 362 (Pa. Super. Ct. 1976).

The affidavit requirements of this rule are not intended to apply when an arrest warrant is to be issued for noncompliance with a citation, with a summons, or with a court order.

Official Note: Rule 211 adopted April 1, 2005, effective October 1, 2005.

Committee Explanatory Reports:

Final Report explaining the provisions of Chapter two, Part B published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Rule 212. Duplicate and Alias Warrants of Arrest.

A. *Duplicates.* When a warrant of arrest has been issued and it appears necessary or desirable to issue duplicates for execution, the issuing authority may issue any number of duplicates. Each duplicate shall have the same force and effect as the original. Costs may be assessed only for one such warrant and only one service fee may be charged.

B. *Alias.* After service and execution of an original or duplicate warrant, an alias warrant may be issued if the purpose for which the original or duplicate has been issued has not been accomplished.

Official Note: Rule 212 adopted April 1, 2005, effective October 1, 2005.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 212 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Rule 213. Execution of Arrest Warrant.

A. A warrant of arrest may be executed at any place within the Commonwealth.

B. A police officer shall execute a warrant of arrest.

Comment

For the definition of “police officer,” *see* Rule 120.

Official Note: Rule 213 adopted April 1, 2005, effective October 1, 2005.

Committee Explanatory Reports:

Final Report explaining the provisions of Chapter two, Part B published with the Court’s Order at 35 Pa.B. 2214 (April 16, 2005).

(b) Arrests Without Warrant**Rule 220. Procedure in Cases Commenced by Arrest Without Warrant.**

- A. The person arresting a juvenile shall promptly:
- 1) notify the juvenile’s guardian of:
 - a) the arrest of the juvenile;
 - b) the reason for the arrest; and
 - c) the juvenile’s whereabouts; and
 - 2) either:
 - a) release the juvenile to his or her guardian upon the guardian’s promise to bring the juvenile before the court when requested by the court, unless detention of the juvenile is warranted; or
 - b) deliver the juvenile before the court or to a detention facility designated by the court; or
 - c) deliver the juvenile to a medical facility if the juvenile is believed to be suffering from a physical condition or illness that requires prompt treatment.
- B. In all cases, the person arresting the juvenile promptly shall submit the written allegation, as required by Rule 231(A)(2).

Comment

The juvenile probation officer can accept juveniles for the court as described in paragraph (A)(2)(b).

The release of the juvenile does not eliminate the requirement of submission of a written allegation. For the general procedures governing written allegations, see Chapter Two, Part (C).

See 42 Pa.C.S. § 6326.

See 42 Pa.C.S. § 6308 for the taking of fingerprints and photographs by law enforcement officers. The arresting officer is to ensure that the fingerprints and photographs are forwarded to the central repository as required by the Pennsylvania State Police. 42 Pa.C.S. § 6309(c).

If a juvenile is detained, the juvenile is to be placed in a detention facility, which does not include a county jail or state prison. *See* Rule 120 and its Comment for definition of “detention facility.”

Official Note: Rule 220 adopted April 1, 2005, effective October 1, 2005. Amended December 24, 2009, effective immediately. Amended June 28, 2013, effective immediately.

Committee Explanatory Reports:

Final Report explaining the provisions of Chapter Two, Part B published with the Court’s Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 220 published with the Court’s Order at 40 Pa.B. 222 (January 9, 2010).

Final Report explaining the amendments to Rule 220 published with the Court’s Order at 43 Pa.B. 3938 (July 13, 2013).

Source

The provisions of this Rule 220 amended December 24, 2009, effective immediately, 40 Pa.B. 222; amended June 28, 2013, effective immediately, 43 Pa.B. 3938. Immediately preceding text appears at serial page (347589).

Rule 221. Temporary Detention in Police Lock-Up.

A. *Secure detention.* A juvenile under arrest may be held securely in a police lock-up or other facility that houses an adult lock-up only under the following conditions:

- 1) the secure holding shall only be for the purpose of identification, investigation, processing, releasing or transferring the juvenile to a guardian, juvenile court, or detention facility;
- 2) the secure holding shall be limited to the minimum time necessary to complete the procedures listed in paragraph (A)(1), but in no case may such holding exceed six hours; and
- 3) if so held, the juvenile shall be separated by sight and sound from incarcerated adult offenders and shall be under the continuous visual supervision of law enforcement officials or facility staff.

A juvenile shall be deemed to be held securely only when physically detained, confined in a locked room or cell, or when secured to a cuffing rail or other stationary object within the facility.

B. *Non-secure detention.* Notwithstanding other provisions of law, a juvenile may be held in non-secure custody in a building or facility that houses an adult lock-up only under the following conditions:

- 1) the area where the juvenile is held is an unlocked multi-purpose area that is not designated or used as a secure detention area or is not part of a secure detention area; or, if the area is a secure booking or similar area, it is used only for processing purposes;
- 2) the juvenile is not physically secured to a cuffing rail or other stationary object during the period of custody in the facility;
- 3) the area is limited to providing non-secure custody only long enough for the purposes of identification, investigation, processing or release to guardians or for arranging transfer to another agency or appropriate facility; and
- 4) the juvenile shall be under continuous visual supervision by a law enforcement officer or other facility staff during the period of non-secure custody.

Comment

This rule reflects certain provisions of § 6326 of the Juvenile Act. 42 Pa.C.S. § 6326.

The terms “police lock-up” and “adult lock-up” as used in this rule do not include a county jail or state prison. If detained, a juvenile is not to be held in a county jail or state prison. The use of a temporary holding cell at the local or state police station or courthouse is permissible if the requirements of this rule have been met.

Official Note: Rule 221 adopted April 1, 2005, effective October 1, 2005. Amended June 28, 2013, effective immediately.

Committee Explanatory Reports:

Final Report explaining the amendments to Rule 221 published with the Court’s Order at 43 Pa.B. 3938 (July 13, 2013).

Source

The provisions of this Rule 221 amended June 28, 2013, effective immediately, 43 Pa.B. 3938. Immediately preceding text appears at serial page (347590).

PART C. WRITTEN ALLEGATION PROCEDURES**Rule 231. Written Allegation.**

A. *Submission.* In every delinquency case, the law enforcement officer shall submit a written allegation to the juvenile probation office.

1) *Juvenile not under arrest.* When a juvenile is not under arrest, a written allegation shall be submitted to the juvenile probation office and a copy shall be forwarded to the attorney for the Commonwealth unless the District Attorney elects to require initial receipt and approval of the written allegation under paragraph (B).

2) *Juvenile under arrest.* When a juvenile is under arrest, a written allegation shall be submitted promptly to the court or detention facility, and copies shall be immediately forwarded to the juvenile probation office and the attorney for the Commonwealth unless the District Attorney elects to require initial receipt and approval of the written allegation under paragraph (B).

B. *Approval by the District Attorney.* The District Attorney of any county may require initial receipt and approval of written allegations by an attorney for the Commonwealth before a delinquency proceeding is commenced.

1) *Certification.* If the District Attorney elects to require initial receipt and approval of written allegations in his or her county, the District Attorney shall file a certification with the court of common pleas. The certification shall specifically state the classes, grading, or types of cases that the police officer shall submit to the attorney for the Commonwealth.

2) *Timeliness.* All written allegations shall be approved or disapproved without unreasonable delay. An attorney for the Commonwealth shall be available at all times for this purpose unless the District Attorney has specified otherwise in the certification pursuant to (B)(1).

C. *Procedures Following the Attorney for the Commonwealth's Approval.*

1) *Juvenile not under arrest.* If a juvenile is not under arrest and an attorney for the Commonwealth approves the written allegation, notice of the approval and a copy of the written allegation shall be forwarded immediately to the juvenile probation office.

2) *Juvenile under arrest.* If a juvenile is under arrest, the written allegation shall be submitted to the attorney for the Commonwealth and approved prior to taking the juvenile to a detention facility. If the written allegation is approved, it shall be submitted promptly to the court or detention facility. A copy of the notice of the approval and the written allegation shall be forwarded to the juvenile probation office.

D. *Attorney for the Commonwealth's Disapproval.* If the written allegation has been disapproved for prosecution, it shall nevertheless be transmitted to the juvenile probation office with notice of the disapproval. If the juvenile is in custody, the juvenile shall be released immediately unless there are other grounds for the juvenile's detention.

Comment

A “petition” and a “written allegation” are two separate documents and serve two distinct functions. A “written allegation” is the document that initiates juvenile delinquency proceedings. Usually, the “written allegation” will be filed by a law enforcement officer and will allege that the juvenile has committed a delinquent act that comes within the jurisdiction of the juvenile court. Once this document is submitted, a preliminary determination of the juvenile court’s jurisdiction is to be made. Informal adjustment and other diversionary programs may be pursued. If the attorney for the Commonwealth or the juvenile probation officer determines that formal juvenile court action is necessary, a petition is then filed.

See Rules 210 (Arrest Warrants) and 220 (Procedures in Cases Commenced by Arrest Without Warrant) for the procedures on submitting written allegations for arrests.

Under paragraphs (A)(2) and (C)(2), the police officer is to submit the written allegation promptly to the intake staff at the court or the detention facility.

As used in this rule, “District Attorney” is the District Attorney of each county. This rule gives the District Attorney of each county the option of requiring that written allegations and /or arrest warrant affidavits filed in that county by police officers have the prior approval of an attorney for the Commonwealth. Under the rule, the District Attorney may elect to require prior approval of written allegation, or arrest warrant affidavits (*see* Rule 210), or both. In addition, the District Attorney is given the authority to define which offenses or grades of offenses will require such prior approval. For example, the District Attorney may specify that prior approval will be required only if a felony is alleged, or that prior approval will be required for all cases.

Under paragraph (B), the District Attorney decides whether an attorney for the Commonwealth receives initial receipt and approval of written allegations. Once the District Attorney has filed a certification with the court under paragraph (B)(1), any attorney for the Commonwealth may receive and approve written allegations as specified in the certification by the District Attorney. 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. To implement this procedure, Rule 800 suspends 42 Pa.C.S. § 6304, only to the extent that probation officers may have to seek approval of any attorney for the Commonwealth.

Under paragraph (D), a juvenile should be released from custody unless there are other legally sufficient bases for detaining the juvenile, such as, violation of probation or other pending allegations.

If a juvenile is detained, the juvenile is to be placed in a detention facility, which does not include a county jail or state prison. *See* Rule 120 and its Comment for definition of “detention facility.”

Official Note: Rule 231 adopted April 1, 2005, effective October 1, 2005. Amended June 28, 2013, effective immediately.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 231 published with the Court’s Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 231 published with the Court’s Order at 43 Pa.B. 3938 (July 13, 2013).

Source

The provisions of this Rule 231 amended June 28, 2013, effective immediately, 43 Pa.B. 3938. Immediately preceding text appears at serial pages (347590) to (347592).

Rule 232. Contents of Written Allegation.

Every written allegation shall contain:

- 1) the name of the person making the allegations;
- 2) the name, date of birth, and address, if known, of the juvenile, or if unknown, a description of the juvenile;
- 3) a statement that:
 - a) it is in the best interest of the juvenile and the public that the proceedings be brought; and

- b) the juvenile is in need of treatment, supervision, or rehabilitation;
- 4) the date when the offense is alleged to have been committed; provided, however:
 - a) if the specific date is unknown, or if the offense is a continuing one, it shall be sufficient to state that it was committed on or about any date within the period of limitations; and
 - b) if the date or day of the week is an essential element of the offense alleged, such date or day shall be specifically set forth;
- 5) the place where the offense is alleged to have been committed;
- 6) a) a summary of the facts sufficient to advise the juvenile of the nature of the offense alleged; and
 - b) the official or customary citation of the statute and section, or other provision of law which the juvenile is alleged to have violated, but an error in such citation shall not affect the validity or sufficiency of the written allegation;
- 7) the name and age of any conspirators, if known;
- 8) a statement that the acts were against the peace and dignity of the Commonwealth of Pennsylvania or in violation of an ordinance of a political subdivision;
- 9) a notation indicating whether the juvenile has or has not been fingerprinted and photographed;
- 10) a notation if criminal laboratory services are requested in the case;
- 11) a verification by the person making the allegation that the facts set forth in the written allegation are true and correct to the person's personal knowledge, information, or belief, and that any false statement made is subject to the penalties of the Crimes Code, 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities;
- 12) the signature of the person making the allegation and the date of execution of the written allegation; and
- 13) the name and address of the juvenile's guardian, or if unknown, the name and address of the nearest adult relative.

Comment

This rule sets forth the required contents of all written allegations whether the person making the allegation is a law enforcement officer, a police officer, or a private citizen. *See* <http://www.pacourts.us/Forms/Default.htm> for a copy of the written allegation form that is to be submitted.

See 42 Pa.C.S. § 6308 for the taking of fingerprints and photographs pursuant to paragraph (a).

Official Note: Rule 232 adopted April 1, 2005, effective October 1, 2005. Amended December 3, 2007, effective immediately. Amended January 23, 2009, effective March 1, 2009. Amended December 24, 2009, effective immediately.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 232 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 232 published with the Court's Order at 37 Pa.B. 6743 (December 22, 2007).

Final Report explaining the amendments to Rule 232 published with the Court's Order at 39 Pa.B. 676 (February 7, 2009).

Final Report explaining the amendments to Rule 232 published with the Court's Order at 40 Pa.B. 222 (January 9, 2010).

Source

The provisions of this Rule 232 amended December 3, 2007, effective December 3, 2007, 37 Pa.B. 6743; amended January 23, 2009, effective March 1, 2009, 39 Pa.B. 676; amended December 24, 2009, effective immediately, 40 Pa.B. 222. Immediately preceding text appears at serial pages (341540) to (341541).

Rule 233. Approval of Private Written Allegations.

A. *Submission of written allegation.* When the person making the allegation is not a law enforcement officer, the written allegation shall be submitted to the juvenile probation officer for approval, unless the District Attorney has elected to require initial receipt and approval under Rule 231(B). The juvenile probation officer or the attorney for the Commonwealth shall approve or disapprove the written allegation without unreasonable delay.

B. Requirements.

1) *Approval.* If the private written allegation is approved, the case shall proceed as any other written allegation under Rule 231(C) and (D).

2) *Disapproval.* If the written allegation is disapproved, the attorney for the Commonwealth or the juvenile probation officer shall 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.

Comment

For the contents of a written allegation, *see* Rule 231.

In all cases where the affiant is not a law enforcement officer, the written allegation should be submitted for approval or disapproval by the juvenile probation officer or the attorney for the Commonwealth. Once the allegation is approved, the case should proceed as any other written allegation would proceed. *See* Rule 231.

When the person filing a document alleging a juvenile committed a delinquent act is a private citizen, he or she should follow the same process and proceedings as probation officers and law enforcement officers. Private citizens are not to be afforded additional rights when it comes to adjudicating a juvenile delinquent. The purpose of the Juvenile Act, 42 Pa.C.S. § 6334, is achieved by providing an avenue for the private citizen to commence a delinquency proceeding by submitting a written allegation. If the written allegation is disapproved, the private citizen has the right to challenge the decision by motion to the court of common pleas. If the court of common pleas overturns the decision of the attorney for the Commonwealth or the juvenile probation officer, the court should direct the attorney for the Commonwealth or the juvenile probation officer to approve the written allegation and proceed with the case in the same manner as any other case. This procedure ensures informal action is not precluded, such as, informal adjustment. Once a petition is filed, informal adjustment is not allowed. *See Comment* to Rule 312. In addition, Rule 800 suspends 42 Pa.C.S. § 6334 only to the extent that a private citizen may not submit a petition.

For motions and service, *see* Rules 344 and 345.

Official Note: Rule 233 adopted April 1, 2005, effective October 1, 2005.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 233 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

PART D. PRE-ADJUDICATORY DETENTION**Rule 240. Detention of Juvenile.**

A. *Detention Requirements.* If a juvenile is brought before the court or delivered to a detention facility designated by the court, the juvenile probation officer immediately shall:

- 1) examine the written allegation;
- 2) make an investigation, which may include an intake conference with the juvenile, the juvenile's attorney, guardian, or other interested and informed adult; and
- 3) release the juvenile, unless it appears that the juvenile's detention is warranted.

B. *Filing of Petition.* The release of the juvenile shall not prevent the subsequent filing of a petition.

C. *Prompt Hearing.* If the juvenile is not released, a detention hearing shall be held no later than 72 hours after the juvenile is placed in detention. Neither the juvenile nor the juvenile's attorney shall be permitted to waive the detention hearing.

D. *Time Restrictions.* Except as provided in this paragraph, if the adjudicatory hearing is not held, as required by Rule 404(A), or a transfer hearing is not held, as required by Rule 391(B), the juvenile shall be released.

- 1) Upon motion, a juvenile may be detained for an additional single period not to exceed 10 days when the court determines that:
 - a) evidence material to the case is unavailable;
 - b) due diligence to obtain such evidence has been exercised; and
 - c) there are reasonable grounds to believe that such evidence will be available at a later date.
- 2) Upon motion, a juvenile may be detained for additional periods, each of which shall not exceed 10 days, if the delay is caused by the juvenile. The court shall state on the record if failure to hold the hearing resulted from delay caused by the juvenile. Delay caused by the juvenile shall include, but not be limited to:
 - a) delay caused by the unavailability of the juvenile or the juvenile's attorney;
 - b) delay caused by any continuance granted at the request of the juvenile; or
 - c) delay caused by the unavailability of a witness resulting from conduct by or on behalf of the juvenile.
- 3) Whenever extended detention is sought under this paragraph, the court shall consider whether detention remains warranted.

Comment

If a juvenile is detained, the guardian should be notified immediately. *See* Rules 220 (Procedure in Cases Commenced by Arrest Without Warrant) and 313(B) (Detention from Intake—Notice to Guardian) for notification of the guardian.

Nothing in paragraph (C) is intended to preclude the use of stipulations or agreements among the parties, subject to court review and acceptance at the detention hearing.

Under paragraph (D)(2), if the juvenile causes delay, the juvenile may continue to be held in detention. Additional periods of detention should not individually exceed ten days. The time restrictions of paragraph (D) apply to a juvenile who is placed in detention, even if previously released.

For motions for continuance, see Rule 122.

Under paragraph (D)(3), whenever extension of a juvenile's detention may result, the court should consider whether continued detention is warranted and whether a less restrictive alternative to secured detention is available. Factors for determining whether continued detention is warranted include: protection of the juvenile; protection of others or their property; the risk the juvenile may abscond or be removed from the court's jurisdiction; and whether the juvenile has a parent, guardian, or custodian able to provide supervision and care for the juvenile and return the juvenile to the court when required. *See* 42 Pa.C.S. § 6325.

For statutory provisions on detention, see 42 Pa.C.S. §§ 6325, 6331, 6335. For the Juvenile Court Judges Commission's Detention Standards, see 37 Pa. Code §§ 200.101 *et seq.* (2007).

If a juvenile is detained, the juvenile is to be placed in a detention facility, which does not include a county jail or state prison. *See* Rule 120 and its Comment for definition of "detention facility."

Official Note: Rule 240 adopted April 1, 2005, effective October 1, 2005. Amended June 28, 2013, effective immediately. Amended May 16, 2017, effective July 1, 2017. Amended November 30, 2021, effective April 1, 2022.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 240 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 240 published with the Court's Order at 43 Pa.B. 3938 (July 13, 2013).

Final Report explaining the amendments to Rule 240 published with the Court's Order at 47 Pa.B. 3078 (June 3, 2017).

Final Report explaining the amendments to Rule 240 published with the Courts' Order at 51 Pa.B. 7629 (December 11, 2021).

Source

The provisions of this Rule 240 amended June 28, 2013, effective immediately, 43 Pa.B. 3938; amended May 16, 2017, effective July 1, 2017, 47 Pa.B. 3078; amended November 30, 2021, effective April 1, 2022, 51 Pa.B. 7629. Immediately preceding text appears at serial pages (387259) to (387260).

Rule 241. Notice of Detention Hearing.

Notice of the detention hearing, including date, time, place, and purpose, shall be given to:

- 1) the juvenile;
- 2) the juvenile's guardian;
- 3) the juvenile's attorney;
- 4) the juvenile probation officer;
- 5) the attorney for the Commonwealth;
- 6) the victim; and
- 7) any other appropriate persons.

Comment

Notice should be as timely as possible. Because there is a seventy-two hour time restriction, notice may be oral. Every possible attempt should be made to notify all interested persons.

If a guardian has not been notified, a rehearing is to be ordered under Rule 243 upon submission of an affidavit by the guardian.

The attorney for the Commonwealth or its designee is to notify the victim of the date, time, place, and purpose of the hearing. *See* Victim's Bill of Rights, 18 P. S. § 11.201 *et seq.*

Any persons may be subpoenaed to appear for the detention hearing. *See* Rule 123 and 42 Pa.C.S. § 6333. However, nothing in these rules requires the attendance of the victim unless subpoenaed.

Official Note: Rule 241 adopted April 1, 2005, effective October 1, 2005. Amended May 26, 2011, effective July 1, 2011.

Committee Explanatory Reports:

Final Report explaining the amendments to Rule 241 published with the Court's Order at 41 Pa.B. 3180 (June 25, 2011).

Source

The provisions of this Rule 241 amended May 26, 2011, effective July 1, 2011, 41 Pa.B. 3180. Immediately preceding text appears at serial page (357294).

Rule 242. Detention Hearing.

A. *Informing juvenile of rights.* 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 retain private counsel or to be assigned counsel; and
- 3) inform the juvenile of the right to remain silent with respect to any allegation of delinquency.

B. *Manner of hearing.*

- 1) *Conduct.*
 - a) The hearing shall be conducted in an informal but orderly manner.
 - b) The attorney for the Commonwealth shall:
 - i) attend the hearing; and
 - ii) present such evidence as the Commonwealth deems necessary to support the written allegation and the need for detention.
- 2) *Recording.* 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.
- 3) *Testimony and evidence.*
 - a) All evidence helpful in determining the questions presented, including oral or written reports, may be received by the court and relied upon to the extent of its probative value even though not competent in the hearing on the petition.
 - b) The juvenile's attorney and the attorney for the Commonwealth shall be afforded an opportunity to examine and controvert written reports so received.
- 4) *Juvenile's rights.* The juvenile shall be present at the detention hearing and the juvenile's attorney may:

- a) cross-examine witnesses offered against the juvenile; and
- b) offer evidence or witnesses, if any, pertinent to the probable cause or detention determination.

5) *Advanced communication technology.* A court may utilize advanced communication technology pursuant to Rule 129 for a juvenile or a witness unless good cause is shown otherwise.

C. *Findings.* The court shall determine whether:

- 1) there is probable cause that a delinquent act was committed by the juvenile;
- 2) detention of the juvenile is warranted; and
- 3) there are any special needs of the juvenile that have been identified and that the court deems necessary to address while the juvenile is in detention.

D. *Filing of petition.* If a juvenile remains detained after the hearing, a petition shall be filed with the clerk of courts within twenty-four hours or the next court business day.

E. *Court's order.* At the conclusion of the detention hearing, the court shall enter a written order setting forth its findings pursuant to paragraph (C).

Comment

A detention hearing consists of two stages. The first stage of a detention hearing is a probable cause hearing. If probable cause is not found, the juvenile is to be released. If probable cause is found, then the court is to proceed to the second stage.

The second stage of a detention hearing is a detention determination hearing. The court should hear pertinent evidence concerning the detention status of the juvenile, review and consider all alternatives to secure detention, and determine if the detention of the juvenile is warranted.

An additional determination is required in paragraph (C)(3), although this is not a third stage of the detention hearing. It is important that the court address any special needs of the juvenile while the juvenile is in detention. The juvenile's attorney, the juvenile probation officer, or detention staff is to present any educational, health care, and disability needs to the court, if known at the time of the hearing. Special needs may include needs for special education, remedial services, health care, and disability. If the court determines a juvenile is in need of an educational decision maker, the court is to appoint an educational decision maker pursuant to Rule 147.

When addressing the juvenile's needs concerning health care and disability, the court's order should address the right of: 1) a juvenile to receive timely and medically appropriate screenings and health care services, 55 Pa. Code § 3800.32 and 42 U.S.C. § 1396d(r); and 2) a juvenile with disabilities to receive necessary accommodations, 42 U.S.C. § 12132, 28 C.F.R. § 35.101 *et seq.*, Section 504 of the Rehabilitation Act of 1973, *as amended*, 29 U.S.C. § 794, and implementing regulations at 45 C.F.R. § 84.1 *et seq.*

Pursuant to the Juvenile Act, the court has authority to order a physical or mental examination of a juvenile and medical or surgical treatment of a minor, who is suffering from a serious physical condition or illness, which requires prompt treatment in the opinion of a physician. The court may order the treatment even if the guardians have not been given notice of the pending hearing, are not available, or without good cause inform the court that they do not consent to the treatment. 42 Pa.C.S. § 6339(b).

The procedures of paragraph (D) deviate from the procedures of the Juvenile Act. *See* 42 Pa.C.S. § 6331. Under paragraph (D), a petition does not have to be filed within twenty-four hours of the juvenile's detention; rather, the petition should be filed within twenty-four hours of the conclusion of the detention hearing if the juvenile is detained. *See* Rule 800(11). If the juvenile is not detained, a petition may be filed at any time prior to the adjudicatory hearing. However, the juvenile's attorney should have sufficient notice of the allegations prior to the adjudicatory hearing to prepare for the defense of the juvenile. *See* Rule 330 for petition requirements, Rule 331 for service of the petition, and Rule 363 for time of service.

The victim may be present at the hearing. *See* Rule 132 and 18 P.S. § 11.201 *et seq.* Any persons may be subpoenaed to appear for the hearing. *See* Rule 123 and 42 Pa.C.S. § 6333. However, nothing in these rules requires the attendance of the victim unless subpoenaed. If the victim is not present, the victim is to be notified of the final outcome of the proceeding. *See* Victim's Bill of Rights, 18 P.S. § 11.201 *et seq.*

See 42 Pa.C.S. §§ 6332, 6336, and 6338 for the statutory provisions concerning informal hearings and other basic rights.

Official Note: Rule 242 adopted April 1, 2005, effective October 1, 2005. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended May 26, 2011, effective July 1, 2011. Amended July 18, 2012, effective October 1, 2012. Amended February 6, 2017, effective April 1, 2017. Amended May 16, 2017, effective July 1, 2017.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 242 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 242 published with the Court's Order at 41 Pa.B. 2319 (May 7, 2011).

Final Report explaining the amendments to Rule 242 published with the Court's Order at 41 Pa.B. 2413 (May 14, 2011).

Final Report explaining the amendments to Rule 242 published with the Court's Order at 41 Pa.B. 3180 (June 25, 2011).

Final Report explaining the amendments to Rule 242 published with the Court's Order at 42 Pa.B. 4909 (August 4, 2012).

Final Report explaining the amendments to Rule 242 published with the Court's Order at 47 Pa.B. 941 (February 18, 2017).

Final Report explaining the amendments to Rule 242 published with the Court's Order at 47 Pa.B. 3078 (June 3, 2017).

Source

The provisions of this Rule 242 amended April 21, 2011, effective July 1, 2011, 41 Pa.B. 2319; amended April 29, 2011, effective July 1, 2011, 41 Pa.B. 2413; amended May 26, 2011, effective July 1, 2011, 41 Pa.B. 3180; amended July 18, 2012, effective October 1, 2012, 42 Pa.B. 4909; amended February 6, 2017, effective April 1, 2017, 47 Pa.B. 941; amended May 16, 2017, effective July 1, 2017, 47 Pa.B. 3078. Immediately preceding text appears at serial pages (386523) to (386525).

Rule 243. Detention Rehearings.

A. *Mandatory Rehearing.* 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 shall be held within seventy-two hours of the submission of the affidavit.

B. *Discretionary Rehearing.* 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.

C. *Forum.* The judge, who heard the original detention hearing or adopted the findings of the juvenile court hearing officer, shall hold the rehearing, unless the judge assigns the case to a juvenile court hearing officer.

Comment

See 42 Pa.C.S. § 6332(b).

Under paragraph (A), upon receiving an affidavit, the juvenile probation officer is to schedule a rehearing, forward the affidavit to the proper person to schedule a rehearing, or submit the affidavit to the court for rescheduling.

Under paragraph (C), only a judge may hold a rehearing, unless the judge orders a juvenile court hearing officer to hear the case.

Official Note: Rule 243 adopted April 1, 2005, effective October 1, 2005. Amended April 6, 2017, effective September 1, 2017.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 243 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 243 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

Source

The provisions of this Rule 243 amended April 6, 2017, effective September 1, 2017, 47 Pa.B. 2313. Immediately preceding text appears at serial pages (387263) to (387264).

[Next page is 3-1.]