

CHAPTER 5. DISPOSITIONAL HEARING

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PART A. SUMMONS AND NOTICE OF THE DISPOSITIONAL HEARING

Rule 500. Summons and Notice of the Dispositional Hearing.

- A. *Summons.* The court shall issue a summons compelling the juvenile and the juvenile’s guardian to appear for the dispositional hearing.
- B. *Notice.* Notice of the dispositional hearing shall be given to:
 - 1) the attorney for the Commonwealth;
 - 2) the victim;
 - 3) the juvenile’s attorney;
 - 4) the juvenile probation office; and
 - 5) the educational decision maker, if applicable.
- C. *Requirements.* The general summons and notice procedures of Rule 124 shall be followed.

Comment

Section 6335(a) of the Juvenile Act provides that the court shall direct the issuance of a summons to the juvenile, guardian, and any other persons as appears to the court to be proper and necessary for the proceedings. 42 Pa.C.S. § 6335(a).

The attorney for the Commonwealth or its designee is to notify the victim of the date, time, place, and purpose of the dispositional hearing. *See* Victim's Bill of Rights, 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.

Official Note: Rule 500 adopted April 1, 2005, effective October 1, 2005. Amended April 29, 2011, effective July 1, 2011. Amended May 26, 2011, effective July 1, 2011.

Committee Explanatory Reports:

Final Report explaining the amendments to Rule 500 published with the Court's Order at 41 Pa.B. 2413 (May 14, 2011).

Final Report explaining the amendments to Rule 500 published with the Court's Order at 41 Pa.B. 3180 (June 25, 2011).

Source

The provisions of this Rule 500 amended April 29, 2011, effective July 1, 2011, 41 Pa.B. 2413; amended May 26, 2011, effective July 1, 2011, 41 Pa.B. 3180. Immediately preceding text appears at serial pages (357301) to (357302).

Part B. DISPOSITIONAL HEARING AND AIDS

Rule 510. Prompt Dispositional Hearing.

A. *General rule.*

1) *Juvenile is detained.* If the juvenile is detained, the dispositional hearing shall be held no later than twenty days after the ruling on the offenses under Rule 408.

2) *Juvenile not detained.* If the juvenile is not detained, the dispositional hearing shall be held no later than sixty days after ruling on the offenses pursuant to Rule 408.

B. *Continuances.* The dispositional hearing may be continued, if necessary. If the juvenile is detained, each continuance shall not exceed twenty days.

Comment

Under paragraph (B), if there is a continuance, the court should review the juvenile's case every twenty days until there is a final dispositional order.

Official Note: Rule 510 adopted April 1, 2005, effective October 1, 2005. Amended May 30, 2008, effective January 1, 2009.

Committee Explanatory Reports:

Final Report explaining the amendments to Rule 510 published with the Court's Order at 38 Pa.B. 3238 (June 14, 2008).

Source

The provisions of this Rule 510 amended May 12, 2008, effective May 12, 2008, 38 Pa.B. 3238. Immediately preceding text appears at serial page (327986).

Rule 512. Dispositional Hearing.

A. *Manner of Hearing.* The court shall conduct the dispositional hearing in an orderly manner.

1) *Evidence.* The court shall receive any oral or written evidence from both parties and the juvenile probation officer that is helpful in determining disposition, including evidence that was not admissible at the adjudicatory hearing.

2) *Opportunity to be heard.* Before deciding disposition, the court shall give the juvenile and the victim an opportunity to be heard.

3) *Advanced communication technology.* A court may utilize advanced communication technology pursuant to Rule 129 for the appearance of the juvenile or the witness only if the parties consent.

4) *Prosecutor’s presence.* The attorney for the Commonwealth shall attend the hearing.

B. *Recording.* The dispositional hearing shall be recorded.

C. *Colloquy and Inquiry of Post-Dispositional Rights.*

1) After entering disposition on the record, the court shall ensure that an attorney has reviewed the post-dispositional rights colloquy with the juvenile pursuant to paragraph (C)(2) and conduct an independent inquiry to determine whether the juvenile understands:

- a) the right to file a post-dispositional motion;
- b) the right to file an appeal;
- c) the time limits for a post-dispositional motion and appeal;
- d) the right to counsel to prepare the motion and appeal; and
- e) the time limits within which the post-dispositional motion shall be decided.

2) The colloquy referenced in paragraph (c)(1) shall be:

- a) in writing;
- b) reviewed and completed with the juvenile by an attorney;
- c) submitted to and reviewed by the court; and
- d) substantially in the following form:

POST-DISPOSITIONAL RIGHTS COLLOQUY

In re _____ : _____ JD _____
 (Juvenile) :
 :
 : Delinquent Act(s): _____
 : _____
 : _____
 : _____

POST-DISPOSITIONAL RIGHTS COLLOQUY

1) You can disagree with the court’s decisions. You have the right to file a motion. It must be in writing. It must be filed within 10 days from today. You can ask your lawyer to file a motion to:

- a) ask the court to change or review its decision finding you delinquent;
- b) ask the court to change or review its decision to place you in a program or on probation; or

c) ask the court to change or review its decision to make you to do things on probation (such as paying money, doing community service, taking drug tests, etc.).

In other words, you can ask the court to change or review any decision that it has made in your case with which you do not agree.

Do you understand this? _____

2) You have the right to have a lawyer help you file your motion. If your lawyer (who is helping you today) cannot or will not file the motion for you, the court will appoint a new lawyer to help you.

Do you understand this? _____

3) Here's what could happen if you file a motion:

- a) the court could disagree with the motion without having a hearing;
- b) the court could agree with the motion without having a hearing; or
- c) the court could hold a hearing and then agree or disagree with the motion.

Do you understand this? _____

4) If the court disagrees with your motion, you have the right to ask a higher court to look at your case. The higher court would decide if the juvenile court made any mistakes or abused its responsibility when it disagreed with your motion. This is called taking an appeal.

Do you understand this? _____

5) You must file your request or appeal in writing. You have 30 days from when the court disagrees with your motion to file it.

Do you understand this? _____

6) You have the right to have a lawyer to help you with your appeal. If your lawyer (who is helping you today) cannot or will not file your appeal for you, the court will appoint a new lawyer to help you.

Do you understand this? _____

7) You may decide that you would like to take an appeal but do not wish to file a motion. This is called taking a direct appeal. In your direct appeal, you may ask the higher court to decide if the juvenile court was right or wrong in finding you guilty (including what the juvenile judge was or was not allowed to hear) or if the juvenile court made any mistakes or abused its responsibility in anything that the court ordered as your consequences.

Do you understand this? _____

8) If you wish to take a direct appeal (without filing a motion first) you must file your appeal within 30 days from today (or 30 days from the day that the court decides your consequences).

Do you understand this? _____

9) If you admitted to any of the charges, you can only ask the higher court to look at the following issues:

- a) whether your admission was voluntary (you made your own decision to admit to a charge. No one forced you to do this. You understood what you were doing, including the consequences.);
- b) whether the court was the correct court to hear your case (the court had the authority over your case); or
- c) whether the court abused its responsibility or made any mistakes in the things that were ordered as your consequences.

Do you understand this? _____

10) It is important that you remember that you have certain time periods to file a motion or an appeal. These are the time periods:

- a) You must file your motion within 10 days from today (or the date that the court decides your consequences).
- b) You have 30 days from the date that the court disagreed with your motion to file your appeal with the higher court.
- c) If you do not file a motion, you must file your appeal to the higher court within 30 days from today (or the date that the court decides your consequences).

Do you understand this? _____

I promise that I have read this whole form or someone has read this form to me. I understand it. The signature below and on each page of this form are mine.

Juvenile

Date

I, _____, lawyer for the juvenile, have reviewed this form with my client. My client has told me that he or she understands this form.

Lawyer for Juvenile

Date

D. *Court's Findings.* The court shall enter its findings and conclusions of law into the record and enter an order pursuant to Rule 515. On the record in open court, the court shall state:

- 1) its disposition;
- 2) the reasons for its disposition;
- 3) the terms, conditions, and limitations of the disposition; and
- 4) if the juvenile is removed from the home:
 - a) the name or type of any agency or institution that shall provide care, treatment, supervision, or rehabilitation of the juvenile;
 - b) its findings and conclusions of law that formed the basis of its decision consistent with 42 Pa.C.S. §§ 6301 and 6352, including why the court found that the out-of-home placement ordered is the least restrictive type of placement that is consistent with the protection of the public and best suited to the juvenile's treatment, supervision, rehabilitation, and welfare; and
 - c) the provision of educational services for the juvenile pursuant to Rule 148;
- 5) whether any evaluations, tests, counseling, or treatments are necessary;
- 6) any findings necessary to ensure the stability and appropriateness of the juvenile's education, and when appropriate, the court shall appoint an educational decision maker pursuant to Rule 147; and
- 7) any findings necessary to identify, monitor, and address the juvenile's needs concerning health care and disability, if any, and if parental consent cannot be obtained, authorize evaluations and treatment needed.

Comment

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.*

Under paragraph (A)(2), prior to deciding disposition, the court is to give the victim an opportunity to submit an oral and/or written victim-impact statement if the victim so chooses.

Before deciding disposition, the court may hear oral argument from the parties' attorneys.

To the extent practicable, the judge or juvenile court hearing officer that presided over the adjudicatory hearing for a juvenile should preside over the dispositional hearing for the same juvenile.

Pursuant to paragraph (C)(1), the court is to explain the right to retain private counsel or be appointed counsel for a post-dispositional motion or an appeal if a juvenile is without counsel. *See* 42 Pa.C.S. § 6337; *see also* Rule 150(B) for duration of counsel and Rule 151 for assignment of counsel.

Pursuant to paragraph (C)(2), the post-dispositional rights colloquy should be substantially in this form. The statements contained are the minimum; a judicial district may choose to add requirements to its form. Any addition to the required form is considered a local rule and the procedures of Pa.R.J.A. No. 103(d) are to be followed if a judicial district chooses to make additions.

The post-dispositional rights form can be downloaded from the Supreme Court's webpage at <http://www.pacourts.us/forms/juvenile-delinquency-forms>. The form is also available in Spanish.

Pursuant to paragraph (D), when the court has determined the juvenile is in need of treatment, supervision, and rehabilitation, the court is to place its findings and conclusions of law on the record by announcing them orally in the courtroom, followed by written order. The court is to consider the following factors: a) the protection of the community; b) the treatment needs of the juvenile; c) the supervision needs of the juvenile; d) the development of competencies to enable the juvenile to become a responsible and productive member of the community; e) accountability for the offense(s) committed; and f) any other factors that the court deems appropriate.

Nothing in this rule is intended to preclude the court from further explaining its findings in the dispositional order pursuant to Rule 515.

Pursuant to paragraph (D)(4), when out-of-home placement is necessary, the court is to explain why the placement is the least restrictive type of placement that is consistent with the protection of the public and the rehabilitation needs of the child. *See* 42 Pa.C.S. § 6352. The court should also explain to the juvenile the availability of review of the out-of-home placement pursuant to Pa.R.A.P. 1770.

Pursuant to paragraph (D)(6), the court should address the juvenile's educational needs. The court's order should address the right to: 1) an educational decision maker pursuant to Rule 147, 42 Pa.C.S. § 6301, 20 U.S.C. § 1439(a)(5), and 34 C.F.R. § 300.519; and 2) an appropriate education, including any necessary special education or remedial services, 24 P. S. §§ 13-1371, 13-1372, 55 Pa. Code § 3130.87, and 20 U.S.C. § 1400 *et seq.*

The court should also address 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).

See Rule 127 for recording and transcribing of proceedings.

See Rule 136 for *ex parte* communications.

Official Note: Rule 512 adopted April 1, 2005, effective October 1, 2005. Amended May 17, 2007, effective August 20, 2007. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended May 16, 2011, effective July 1, 2011. Amended May 26, 2011, effective July 1, 2011. Amended July 18, 2012, effective October 1, 2012. Amended April 6, 2017, effective September 1, 2017. Amended May 11, 2017, effective October 1, 2017. Amended December 21, 2018, effective May 1, 2019.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 512 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 512 published with the Court's Order at 37 Pa.B. 2506 (June 2, 2007).

Final Report explaining the amendments to Rule 512 published with the Court's Order at 41 Pa.B. 2319 (May 7, 2011).

Final Report explaining the amendments to Rule 512 published with the Court's Order at 41 Pa.B. 2413 (May 14, 2011).

Final Report explaining the amendments to Rule 512 published with the Court's Order at 41 Pa.B. 2684 (May 28, 2011).

Final Report explaining the amendments to Rule 512 published with the Court's Order at 41 Pa.B. 3180 (June 25, 2011).

Final Report explaining the amendments to Rule 512 published with the Court's Order at 42 Pa.B. 4909 (August 4, 2012).

Final Report explaining the amendments to Rule 512 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

Final Report explaining the amendments to Rule 512 published with the Court's Order at 47 Pa.B. 2969 (May 27, 2017).

Final Report explaining the amendments to Rule 512 published with the Court's Order at 49 Pa.B. 208 (January 12, 2019).

Final Report explaining the amendments to Rule 512 published with the Court's Order at 49 Pa.B. 610 (February 9, 2019).

Source

The provisions of this Rule 512 amended May 17, 2007, effective August 20, 2007, 37 Pa.B. 2506; 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 16, 2011, effective July 1, 2011, 41 Pa.B. 2684; 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 April 6, 2017, effective September 1, 2017, 47 Pa.B. 2313; amended May 11, 2017, effective October 1, 2017, 47 Pa.B. 2969; amended December 21, 2018, effective May 1, 2019, 49 Pa.B. 208, 610. Immediately preceding text appears at serial pages (387918) to (387923).

Rule 513. Aids in Disposition.**A. Social Study.**

1) The court may order the preparation of a social study in any case to aid in the decision for disposition.

2) If a social study is ordered, the study shall address any educational, health care, and disability needs of the juvenile.

B. Examinations. The court may order the juvenile to undergo health psychological, psychiatric, drug and alcohol, or any other examination, as it deems appropriate to aid in the decision for disposition.

C. Victim-Impact Statement. The victim may submit a victim-impact statement to the court. If the victim has submitted a victim-impact statement, the court shall accept and consider the victim-impact statement in determining disposition.

Comment

Section 6341(e) of the Juvenile Act requires the court to receive reports and other evidence bearing on the disposition or need of treatment, supervision, or rehabilitation. *In re McDonough*, 430 A.2d 308 (Pa. Super. Ct. 1981).

Paragraph (C) addresses a statement submitted by the victim to the court. For the victim's opportunity to be heard, see Rule 512(A)(2). *See also* Victim's Bill of Rights, 18 P. S. § 11.201 *et seq.*

Official Note: Rule 513 adopted April 1, 2005, effective October 1, 2005. Amended April 29, 2011, effective July 1, 2011.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 513 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 513 published with the Court's Order at 41 Pa.B. 2413 (May 14, 2011).

Source

The provisions of this Rule 513 amended April 29, 2011, effective July 1, 2011, 41 Pa.B. 2413. Immediately preceding text appears at serial page (356687).

Rule 515. Dispositional Order.

(a) *Generally.* When the court enters a disposition after an adjudication of delinquency pursuant to Rule 409(A)(2), the court shall issue a written order in accordance with 42 Pa.C.S. § 6352, which the court has determined to be consistent with the protection of the public interest and best suited to the child's treatment, supervision, rehabilitation and welfare, which disposition shall, as appropriate to the individual circumstances of the child's case, provide balanced attention to the protection of the community, accountability for the offenses committed, and development of the juvenile's competencies to enable the juvenile to become a responsible and productive member of the community. The order shall include:

- (1) the court's findings pursuant to Rule 512(D), including any conditions of probation that, if not enumerated in the order, shall be attached to the order;
- (2) a designation whether the case is eligible pursuant to 42 Pa.C.S. § 6307(b)(1.1)(i) for limited public information;
- (3) a directive that the juvenile shall submit to fingerprinting and photographing by, or arranged by, the law enforcement agency that submitted the written allegation in all cases in which the juvenile has not previously been fingerprinted or photographed;
- (4) the date of the order; and
- (5) the signature and printed name of the judge entering the order.

(b) *Financial Obligations.* If the court orders the payment of fines, costs, fees, or restitution, pursuant to 42 Pa.C.S. § 6352(a)(5) and (6), the amounts shall be reasonable and as deemed appropriate as part of a plan of rehabilitation considering the nature of the acts committed and the earning capacity of the juvenile. The dispositional order shall include:

- (1) the specific amounts of fines, costs, fees, or restitution to be paid by the juvenile;
- (2) to whom each of the financial obligations shall be paid; and
- (3) a payment schedule based upon the juvenile's ability to pay according to the dispositional order.

(c) *Guardian Participation.* The dispositional order shall include any conditions, limitations, restrictions, and obligations imposed upon the guardian.

(d) *Disposition Reporting.* The court shall forward the case disposition to the Juvenile Court Judges' Commission, as required by the Commission.

Comment

See 42 Pa.C.S. § 6352 regarding disposition of a delinquent child.

Courts shall impose the conditions of probation at the time of disposition. *See* Pa.R.J.C.P. 512(D)(3). If the imposed conditions of probation are not enumerated in the dispositional order itself, the court shall attach them to the order pursuant to subdivision (a)(1).

Pursuant to subdivision (a)(2), the court is to determine if the case is eligible for limited public information under the requirements of 42 Pa.C.S. § 6307(b)(1.1)(i). *See* 42 Pa.C.S. § 6307(b)(2). When the case is designated, the clerk of courts is to mark the file clearly. For information that is available to the public in those eligible cases, *see* Rule 160.

See 23 Pa.C.S. § 5503 and 42 Pa.C.S. §§ 6308, 6309, and 6310.

Pursuant to subdivision (b), financial obligations may be imposed as a plan of rehabilitation consistent with the goals of balanced and restorative justice: 1) the protection of the community; 2) the imposition of accountability for offenses committed; and 3) the development of competencies to enable the juvenile to become a responsible and productive member of the community. *See* 42 Pa.C.S. § 6352(a).

In determining the amount of the financial obligation pursuant to subdivision (b), the judge may include a contribution to a restitution fund. *See* 42 Pa.C.S. §§ 6352(a)(5)-(6). A juvenile's earning capacity can be determined by examining factors including, but not limited to, the juvenile's physical and intellectual capabilities, maturity, education, work history, availability of suitable employment, and the priority of other uses of earnings, including essential goods and services, dependents, and the pursuit of higher education. The court may also order non-financial obligations consistent with the principles of balanced and restorative justice.

Assuming the court finds the juvenile has a sufficient earning capacity to impose a reasonable financial obligation, the court should determine the juvenile's present ability to pay the financial obligation in accordance with the payment schedule pursuant to subdivision (b)(3). In determining a payment schedule, the court should include the frequency, amount, and duration of payments. A juvenile with a present ability to satisfy a financial obligation may be placed on an immediate and full payment schedule.

When a disposition is no longer consistent with the goals of balanced and restorative justice, a juvenile's plan of rehabilitation may be changed through a dispositional review hearing and modification of dispositional order, including an adjustment of financial obligations. *See* Rule 610(A)-(B).

The court shall retain jurisdiction over the juvenile until the juvenile attains 21 years of age, or supervision has been terminated upon completion of the terms of the dispositional order and satisfaction of financial obligations, or otherwise. *See* 42 Pa.C.S. § 6352(a)(5); *see also* Rules 630 (Loss of Court Jurisdiction), 631 (Termination of Court Supervision) and 632 (Early Termination of Court Supervision by Motion).

Source

The provisions of this Rule 515 amended August 21, 2007, effective December 1, 2007, 37 Pa.B. 4866; amended August 7, 2009, effective August 8, 2009, 39 Pa.B. 4741; amended December 24, 2009, effective immediately, 40 Pa.B. 222; amended April 29, 2011, effective July 1, 2011, 41 Pa.B. 2413; amended February 13, 2019, effective June 28, 2019, 49 Pa.B. 916; amended October 22, 2021, effective April 1, 2022, 51 Pa.B. 6905; amended December 1, 2022, effective April 1, 2023, 52 Pa.B. 7810. Immediately preceding text appears at serial pages (410606) and (408605) to (408606).

Rule 516. Service of the Dispositional Order.

Upon entry of the disposition, the court shall issue a dispositional order and the order shall be served promptly upon:

- 1) the juvenile;
- 2) the juvenile's guardian;
- 3) the juvenile's attorney;
- 4) the attorney for the Commonwealth;
- 5) the juvenile probation officer;
- 6) any agency directed to provide treatment; and
- 7) any other person as ordered by the court.

Official Note: Rule 516 adopted April 1, 2005, effective October 1, 2005.

PART C. [Reserved]

Rule 520. [Reserved].

Source

The provisions of this Rule 520 adopted May 17, 2007, effective August 20, 2007, 37 Pa.B. 2506; amended July 28, 2009, effective immediately, 39 Pa.B. 4743; amended January 11, 2010, effective March 1, 2010, 40 Pa.B. 518; reserved and renumbered as 237 Pa. Code Rule 620 February 23, 2012, effective April 1, 2012, 42 Pa.B. 1214. Immediately preceding text appears at serial pages (357307) to (357311).

PART D. [Reserved]

Rule 530. [Reserved].

Rule 531. [Reserved].

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