

# YOUTH RIGHTS IN PENNSYLVANIA: DELINQUENCY COURT PROCEEDINGS

## How is my juvenile case started?

To start the process, a delinquency petition must be filed with the court by a probation officer or the attorney for the county. The petition must clearly say what charges are being filed against you and information about the act or incident that is the basis of the charges and when it occurred. The petition must also say that you need treatment, supervision, or rehabilitation.

## Can the court process be avoided?

Yes. Before the petition to start the court process is filed, a probation officer or another officer of the court can decide that it would be appropriate to have an *informal adjustment* of the charges against you. If you comply with the terms of the agreement over a set amount of time—usually six months—the petition and charge will be withdrawn, there will be no adjudication (finding of guilt) and no juvenile record will be made.

## After the delinquency petition is filed with the court, is there any way to have the court process suspended?

Yes. The parties can agree to a *consent decree*. A consent decree is an agreement by all the parties to continue to keep the child under supervision in his or her own home as long you abide by certain conditions set by the probation officer. In order to have a consent decree, you must be adjudicated delinquent. After you complete all the conditions and the set time has passed, the adjudication can be expunged. Your attorney or the district attorney may ask for a consent decree.

## What is an adjudicatory hearing?

An adjudicatory hearing is like a trial to determine whether the evidence shows that you committed the offense you were charged with. The judge will hear evidence from witnesses for both sides. After listening to this testimony, the judge must decide whether the prosecution has proven beyond a reasonable doubt that you committed the acts that you were charged with. If, at that hearing, the judge decides that you committed the act(s), he or she will adjudicate you delinquent and must also decide whether you are in need of treatment, supervision, or rehabilitation.

## What is a disposition hearing?

A disposition hearing is like a sentencing hearing. If you are found delinquent by the court, at disposition the judge must determine what type of treatment, supervision, or rehabilitation is appropriate for you. Disposition is supposed to benefit both the child and community. Some examples include placement in a facility or a foster home, community service, restitution, or probation.

A disposition hearing can occur on the same day as the adjudication or at a later time. The judge can order you to any number of different plans or programs best suited to your treatment, supervision, rehabilitation and welfare.



## How long can a juvenile's court disposition last?

You may be committed to an institution or kept under probation or supervision only as long as is necessary to provide treatment or rehabilitation services. The court must review each commitment or disposition at least every six months. The judge may alter the original disposition at a review hearing if it is decided that a change would best meet your treatment goals.



## Can I appeal a court's decision?

Yes. You may appeal the court's delinquency adjudication and/or the disposition order. No appeals can be filed before the final disposition. All appeals must be filed with the Superior

Court of Pennsylvania within 30 days after the final disposition hearing.