

# YOUTH RIGHTS IN PENNSYLVANIA: PRIVACY IN DELINQUENCY PROCEEDINGS

## Will my hearing be confidential?

Juvenile court proceedings are usually closed to the public. In most cases the only people in the room are people involved in the incident. That can include: you; lawyers, and witnesses for the defense and prosecution; your parents or others who came to support you; the victim, the victim's lawyer, and people supporting the victim (like his/her parents). However, in very serious offenses, the courtroom may be open to the public:

- If you are 14 years or older and have been charged with an offense that considered a felony if committed by an adult; or
- If you are 12 years or older and have been accused of one of the following offenses: murder, voluntary manslaughter, aggravated assault arson, involuntary deviate sexual intercourse, kidnapping, rape, robbery, robbery of a motor vehicle, attempt or conspiracy to commit any of the above offenses.

## Can I ask the judge to keep the courtroom closed?

If the courtroom is supposed to be open to the public, your lawyer and the district attorney can come to an agreement that the hearing should be closed to the public.



## Will the records of my hearing be confidential?

If the courtroom was open to the public because of the type of offense the juvenile is charged with, the records of those proceedings are also available to the public. If your case wasn't open to the public as described above, your records cannot be viewed by the public.

## Will my school be notified that I was in court?

If the you are found delinquent, your probation officer must notify your school principal of your name, address, the acts you committed, and the disposition (sentence) you received.

## What information will be shared with the school?

If you were charged with a felony, your treatment reports and prior history will be forwarded to the school. This information may also be shared with your teachers. Additional information can be disclosed to the school if the court feels that it is needed to ensure public safety. If this requirement applies, you or your parents should ask the probation officer to explain what information is being shared with the school and how it relates to public safety concerns.



## Can my juvenile delinquency records be used in adult criminal proceedings?

Yes. Although a delinquency adjudication is not technically a conviction for a crime, delinquency records can be used against defendants in criminal proceedings if:

- A court is deciding whether to grant a defendant bail.
- A court is deciding whether to grant probation for misdemeanor offenses. Courts are not supposed to use juvenile records against the defendant, but many people have said they have hurt their chances of getting probation and were given harsher penalties.
- A Pennsylvania criminal court is determining appropriate sentencing for felonies. Felonies committed by minors are used to determine a point total under the state's adult sentencing guidelines.
- A federal courts is conducting a sentencing proceeding. Federal courts may consider past criminal conduct, including certain delinquency dispositions, when making sentencing decisions. In certain circumstances, courts may even use expunged juvenile records to increase sentencing under the Federal Sentencing Guidelines.

Juvenile  
Law  
Center