

# YOUTH RIGHTS IN PENNSYLVANIA: TYPES OF JUVENILE DELINQUENCY OFFENSES

## What is a delinquent act?

A delinquent act is an act that would be considered a crime if committed by an adult. When a child is found guilty of committing a delinquent act, he or she is adjudicated delinquent; NOT convicted of a crime.

## What happens to juveniles accused of delinquent acts?

If a juvenile is accused of a delinquent act, he or she will be involved in **juvenile court** proceedings. For more information about this, please see our **fact sheet on Delinquency Court Proceedings**.

## What is a summary offense?

Summary offenses are considered crimes (in the adult criminal code); NOT juvenile adjudications. That means they can be committed either minors or adults and, for the most part, are dealt with the same regardless of who commits them. However, juveniles **cannot be jailed** when found guilty of a summary offense while, in some cases, an adult may be liable to up to 90 days in jail following a summary conviction.



A **summary offense** is less serious than a misdemeanor or a felony. Summary offenses are usually minor offenses such as underage drinking. Retail theft of property valued at less than \$150 and disorderly conduct are also examples of summary offenses.

A summary offense can become a matter for juvenile court if the youth fails to comply with the conditions of a disposition ordered by a District Justice.

## When does a juvenile end up in the adult system?

- Any person charged with **murder**, no matter how young, will be charged as an adult in Pennsylvania.
- A youth who was **15 years** or older at the time of the offense will be charged as an adult if the youth used a deadly weapon or has been

previously adjudicated delinquent of one of these offenses:

- Rape
- Involuntary deviate sexual intercourse
- Aggravated assault
- Robbery
- Robbery of a motor vehicle
- Aggravated indecent assault
- Kidnapping
- Voluntary Manslaughter
- Attempt, conspiracy or solicitation to commit one of the above offenses.

## Is there a way to get an adult case back to juvenile court?

Yes. In order for these cases to be heard in juvenile court, the attorney for the child must request a **decertification hearing** for the case to be transferred down to juvenile court. During this hearing, the Judge will look at how old the youth was at the time of the offense, what type of crime he or she is being charged with, the types of sentencing and treatment available in both system, the impact of the crime on the victim and the community, and whether the child is able to be rehabilitated in the juvenile system.

## If a case stays in adult court, what happens?

If the case remains in adult court, the case will go to trial and the youth will have all rights any adult defendant has in court, including, for example, the right to an attorney, and the right to a jury trial. If the juvenile is convicted of an adult offense, he or she will receive an adult sentence and the records of the proceedings will be available to the public, as all adult criminal records are. This can pose challenges to the youth, such as being barred from receiving certain public benefits or public housing and being prohibited from entering certain professions. In addition, the rights to an education for juveniles tried and convicted as adults who are still of school age is greatly limited.

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