

INTRODUCTION

The Supreme Court of Pennsylvania has adopted the proposed changes to Rules 312 and 800 with this Recommendation. The changes are effective immediately.

EXPLANATORY REPORT FEBRUARY 2010

The additions to the *Comment* of Rule 312 and Rule 800 (12) clarify that an informal adjustment may only occur prior to the filing of a petition. An informal adjustment is a diversionary process used to dispose of cases that should not come before the court. If a case should go to court, a petition is filed and the normal procedures of a case will follow.

As drafted, the Juvenile Act provides that a delinquent child may be referred for an informal adjustment by a juvenile probation officer. 42 Pa.C.S. § 6323(a)(2). A child is not delinquent until there has been an adjudication of delinquency. If a child is not delinquent until after the adjudication of delinquency, then an informal adjustment would occur after that determination. However, this is not the intent of the diversionary process or an informal adjustment.

The Juvenile Act at 42 Pa.C.S. § 6323(a)(2) is suspended to clarify that alleged delinquents may be referred for an informal adjustment. Once a petition is filed, informal adjustment is precluded as provided in Rule 312. See Rule 800(12).