

RULE 241. NOTICE OF DETENTION HEARING

Notice of the detention hearing, including date, time, place, and purpose, shall be given to:

- 1) the juvenile;
- 2) the juvenile's guardian;
- 3) the juvenile's attorney;
- 4) the juvenile probation officer;
- 5) the attorney for the Commonwealth; **[and]**
- 6) **the victim; and**
- 7)** any other appropriate persons.

COMMENT

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If a guardian has not been notified, a rehearing is to be ordered under Rule 243 upon submission of an affidavit by the guardian.

The attorney for the Commonwealth or its designee is to notify the victim of the date, time, place, and purpose of the hearing. See Victim's Bill of Rights, 18 P.S. § 11.201 et seq.

Any persons may be subpoenaed to appear for the detention 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:

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Amended May 26, 2011, effective July 1, 2011.

Committee Explanatory Reports:

Final Report explaining the amendments to Rule 241 published with the Court's Order at 41 Pa.B. - (-).

RULE 242. DETENTION HEARING

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COMMENT

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The victim may be present at the hearing. See Rule 132 and 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. 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.

See 42 Pa.C.S. §§ 6332, 6336, and 6338 for the statutory provisions concerning informal hearings and other basic rights.

Official Note:

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Amended May 26, 2011, effective July 1, 2011.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 242 published with the Court's Order at 41 Pa.B. - (-).

RULE 311. INTAKE CONFERENCE

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COMMENT

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Nothing in these rules is intended to confer a right upon any person, not already afforded by law, to attend an intake conference. **If the attorney for the Commonwealth objects pursuant to paragraph (E)(2), the court is to conduct a hearing on the motion. The attorney for the Commonwealth or its designee is to notify the victim of the date, time, place, and purpose of the hearing conducted pursuant to paragraph (E)(3). The victim may be present at the hearing on the objections and is to be afforded the opportunity to submit an oral and/or written victim-impact statement. See Rule 132 and the Victim's Bill of Rights, 18 P.S. § 11.201 et seq.**

Official Note:

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Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 311 published with the Court's Order at 41 Pa.B. - (-).

RULE 312. INFORMAL ADJUSTMENT

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COMMENT

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Prior to informally adjusting the written allegation, the juvenile probation officer is to give the victim an opportunity to [comment]submit an oral and/or written victim-impact statement if the victim so chooses. The juvenile probation officer is to include the payment of restitution agreed to be owed to the victim as a condition of successful completion of an informal adjustment by a juvenile. If the victim is not present[In addition], the victim is to be notified of the final outcome of the [hearing]proceeding. See Victim's Bill of Rights, 18 P.S. §11.201 *et seq.*

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Official Note:

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Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 312 published with the Court's Order at 41 Pa.B. - (-).

RULE 360. SUMMONS AND NOTICE

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B. **Notice.** [The court shall give n]Notice of the adjudicatory hearing **shall be given** to:

- 1) the attorney for the Commonwealth;
- 2) the juvenile's attorney; **[and]**
- 3) the juvenile probation office; **and**
- 4) the victim.**

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COMMENT

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The attorney for the Commonwealth or **its designee is to**the juvenile probation officer **should]** notify the victim of the **date, time, place, and purpose of the adjudicatory** hearing. See Victim's Bill of Rights, 18 P.S. § 11.201 **et seq.**

[Other]Any persons may be subpoenaed to appear for the hearing. See **Rule 123 and 42** Pa.C.S. § 6333.

Official Note:

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Amended May 26, 2011, effective July 1, 2011.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 360 published with the Court's Order at 41 Pa.B. - (-).

RULE 406. ADJUDICATORY HEARING

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COMMENT

Under paragraph (A), the juvenile does not have the right to trial by jury. *McKeiver v. Pennsylvania*, 403 U.S. 528 (1971).

Any persons may be subpoenaed to appear for the hearing. See Rule 123 and 42 Pa.C.S. § 6333.

Official Note:

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Committee Explanatory Reports:

Final Report explaining the provisions of Rule 406 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005). **Final Report explaining the amendments to Rule 406 published with the Court's Order at 41 Pa.B. -(-).**

RULE 408. RULING ON OFFENSES

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COMMENT

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Pursuant to paragraph (B), if the court finds that the juvenile did not commit all of the alleged delinquent acts, the court, upon its own motion, is to expunge the records pursuant to 18 Pa.C.S. § 9123(a)(1). Absent cause shown, the court is to expunge the records pursuant to Rule 172. In its order, the court is to specify the case reference number or other identifying number so the order only applies to the specified case. See *Comment* to Rule 170 for further definition of a reference number.

If the court finds that the juvenile did not commit all of the alleged delinquent acts and dismisses the petition, the victim, if not present, shall be notified of the final outcome of the proceeding. See Victim's Bill of Rights, 18 P.S. § 11.201 et seq.

Official Note:

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Amended May 26, 2011, effective July 1, 2011.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 408 published with the Court's Order at 41 Pa.B. - (-).

RULE 409. ADJUDICATION OF DELINQUENCY

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COMMENT

Under paragraph (A), absent evidence to the contrary, evidence of the commission of acts that constitute a felony is sufficient to sustain a finding that the juvenile is in need of treatment, supervision, or rehabilitation. See 42 Pa.C.S. § 6341(b).

If the court determines that the juvenile is not in need of treatment, supervision, or rehabilitation and the court enters an order terminating jurisdiction, the victim, if not present, shall be notified of the final outcome of the proceeding. See Victim's Bill of Rights, 18 P.S. § 11.201 et seq.

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Official Note:

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Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 409 published with the Court's Order at 41 Pa.B. - (-).

Part A
SUMMONS AND NOTICE OF THE DISPOSITIONAL HEARING

RULE 500. SUMMONS AND NOTICE OF THE DISPOSITIONAL HEARING

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B. **Notice.** [The court shall give n]Notice of the dispositional hearing shall be given to:

- 1) the attorney for the Commonwealth;
- 2) the victim;
- 3) the juvenile's attorney;
- [3]4) the juvenile probation office; and
- [4]5) the educational decision maker, if applicable.

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COMMENT

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The attorney for the Commonwealth or its designee is to [the juvenile probation officer should] 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.

[Other]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:

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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. - (-).

RULE 512. DISPOSITIONAL HEARING

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- 2) **Opportunity to be heard.** Before deciding disposition, the court shall give the juvenile and the victim an opportunity to **[make a statement]be heard**.

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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.[for victim's right to be heard, see Victim's Bill of Rights, 18 P.S. § 11.201 et seq.]

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Official Note:

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Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 512 published with the Court's Order at 41 Pa.B. - (-).

PART A
SUMMONS AND NOTICE

RULE 600. SUMMONS AND NOTICE OF THE COMMITMENT REVIEW,
DISPOSITIONAL REVIEW, AND PROBATION REVOCATION HEARING

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B. Notice. [The court shall give n]Notice of the hearing shall be given to:

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COMMENT

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The attorney for the Commonwealth or its designee is to [juvenile probation officer should]notify the victim of the date, time, place, and purpose of the dispositional and commitment review hearings. See Victim's Bill of Rights, 18 P.S. § 11.201 *et seq.*

[Other]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:

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Committee Explanatory Reports:

Final Report explaining the provisions of Rule 600 published with the Court's Order at 41 Pa.B. - (-
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RULE 610. DISPOSITIONAL AND COMMITMENT REVIEW

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- B. **Change in dispositional order.** Whenever there is a request for a change in the dispositional order, other than a motion to revoke probation as provided in Rule 612, **[the court] notice and an opportunity to be heard** shall **be given to** the parties **and the victim [notice of the request and an opportunity to be heard]**.

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COMMENT

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Additionally, nothing in this rule is intended to prohibit the emergency transfer of a juvenile from a placement facility to a detention facility pending reconsideration of the dispositional order and this rule is not intended to preclude a motion for modification of a dispositional order after the juvenile has been detained.

Under paragraph (B), the attorney for the Commonwealth or its designee is to notify the victim of the date, time, place, and purpose of the review hearing. Prior to ordering the change in the dispositional order, the court is to give the victim an opportunity to submit an oral and/or written victim-impact statement if the victim so chooses. 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. If the victim is not present, the victim is to be notified of the final outcome of the proceeding.

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Official Note:

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Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 610 published with the Court's Order at 41 Pa.B. - (-).

RULE 631. TERMINATION OF COURT SUPERVISION

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COMMENT

For procedures on filing and service of the notice under paragraph (A), see Rule 345. For procedures on the dispositional order, see Rule 515. See *also*, 42 Pa.C.S. § 6352.

If the attorney for the Commonwealth objects pursuant to paragraph (B), the court is to conduct a hearing on the motion. The attorney for the Commonwealth or its designee is to notify the victim of the date, time, place, and purpose of the hearing conducted pursuant to paragraph (C). The victim may be present at the hearing and is to be afforded the opportunity to submit an oral and/or written victim-impact statement. See Rule 132 and the 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. If the victim is not present, the victim is to be notified of the final outcome of the proceeding.

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Official Note:

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Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 631 published with the Court's Order at 41 Pa.B. - (-).

RULE 632. EARLY TERMINATION OF COURT SUPERVISION BY MOTION

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B. Notice.

- 1) In addition to the service requirements of Rule 345, any party moving for early termination shall serve the motion on the juvenile probation officer.
- 2) **The victim shall be provided notice of the motion for early termination of court supervision.**

C. Objection.

- 1) A party or the juvenile probation officer may object to the motion under paragraph (A) and request a hearing.
- 2) Such objection shall be made within thirty days of **[receipt] the date** of the motion; otherwise, objections are deemed waived.

D. **Court's determination. The court shall:**

- 1) **rule on the motion and any objections without a hearing; or**
- 2) **schedule a hearing.**

E. Hearing. If objections have been made pursuant to paragraph (C) **and/or the court has determined a hearing is necessary**, the court shall hold a hearing and give each party, **the victim**, and the juvenile probation officer an opportunity to be heard before the court enters its final order.

[E. Court's motion. The court, *sua sponte*, may schedule a hearing for early termination of court supervision upon a request by the juvenile probation officer. All parties shall receive notice of the hearing.]

F. **Termination.** When the requirements of paragraphs (A) through **([D]E)** have been met **[or pursuant to its own motion under paragraph (E)]** and the court is satisfied that there are compelling reasons to discharge the juvenile prior to the completion of the requirements of Rule 631(A), the court may order an early discharge of the juvenile from its supervision.

COMMENT

If a party has moved for early termination of court supervision of a juvenile pursuant to paragraph (A) or the court has scheduled a hearing pursuant to paragraph (E), the attorney for the Commonwealth or its designee is to notify the victim of the motion for early termination and/or the date, time, place, and purpose of the hearing.

The victim may be present at the hearing and is to be afforded the opportunity to submit an oral and/or written victim-impact statement. See Rule 132 and the Victim's Bill of Rights, 18 P.S. § 11.201 et seq.

For the submission of victim-impact statements by victims of personal injury crimes prior to the release or transfer of a juvenile from a placement facility, see Victim's Bill of Rights, 18 P.S. § 11.201(8.1)(iii).

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.

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Official Note:

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Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 632 published with the Court's Order at 41 Pa.B. - (-).