

**PART A  
COMMENCING PROCEEDINGS**

**RULE 200. COMMENCING PROCEEDINGS**

Juvenile delinquency proceedings within a judicial district shall be commenced by:

- 1) submitting a written allegation pursuant to Rule 231;
- 2) an arrest without a warrant:
  - a) when the offense is a felony or misdemeanor committed in the presence of the police officer making the arrest; or
  - b) upon probable cause when the offense is a felony; or
  - c) upon probable cause when the offense is a misdemeanor not committed in the presence of the police officer making the arrest, when such arrest without a warrant is specifically authorized by statute;
- 3) **the filing of** a certification **[to] with** the court that a juvenile has failed to comply with a lawful sentence imposed for a summary offense;
- 4) transfer of a case from a criminal proceeding pursuant to 42 Pa.C.S. § 6322;
- 5) the court accepting jurisdiction of a resident juvenile from another state; or
- 6) the court accepting supervision of a juvenile pursuant to another state's order.

**COMMENT**

Paragraph (1) allows for commencing delinquency proceedings by submitting a written allegation. This procedure departs from the Juvenile Act, which provides that the filing of a petition commences a proceeding. Rule 800 suspends 42 Pa.C.S. § 6321 only to the extent that it is inconsistent with the procedures of this rule. Petitions filed by any person circumvent the juvenile probation's office ability to divert the case through informal adjustment as provided in 42 Pa.C.S. § 6323. Probation officers may "receive and examine complaints and charges of delinquency ... of a child for the purpose of considering the commencement of proceedings." 42 Pa.C.S. § 6304(a)(2).

See Rule 231 for procedures on submitting a written allegation.

For the definition of a "written allegation," see Rule 120.

The Juvenile Act provides that "a child may be taken into custody ... pursuant to the laws of arrest." 42 Pa.C.S. § 6324. Paragraph (2) states the laws of arrest without a warrant in Pennsylvania. See Pa.R.Crim.P. 502.

**A proceeding may be commenced pursuant to paragraph (3) by filing a certification that attests that the juvenile has failed to comply with a lawful sentence imposed for a summary offense, bypassing the need for a written allegation pursuant to Rule 231.**

Under paragraph (4), when a case is transferred from a criminal proceeding pursuant to 42 Pa.C.S. § 6322 to juvenile court, the entire case file is to be transferred. The case file is governed by the disclosure requirements of Rule 160.

Paragraph (5) encompasses a juvenile who lives in Pennsylvania and commits a crime in another state and that state wants Pennsylvania to accept the disposition of the juvenile and supervise the juvenile.

Paragraph (6) encompasses a juvenile who lives outside of Pennsylvania, committed a crime outside of Pennsylvania, is moving to Pennsylvania, and the other jurisdiction would like Pennsylvania to accept the disposition of the juvenile and supervise the juvenile.

For procedures for when the juvenile is alleged to have violated probation, see Rule 612.

For inter-county transfer of juveniles, see Rule 302.

***Official Note:*** Rule 200 adopted April 1, 2005, effective October 1, 2005. Amended March 23, 2007, effective August 1, 2007. Amended May 12, 2008, effective immediately. **Amended January 23, 2009, effective March 1, 2009.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 200 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005). Final Report explaining the amendments to Rule 200 published with the Court's Order at 37 Pa.B. 1485 (April 7, 2007). Final Report explaining the amendments to Rule 200 published with the Court's Order at 38 Pa.B. 2360 (May 12, 2008). **Final Report explaining the amendments to Rule 200 published with the Court's Order at 39 Pa.B. -- (Feb. -, 2009).**

## **RULE 232. CONTENTS OF WRITTEN ALLEGATION**

Every written allegation shall contain:

- 1) the name of the person making the allegations;
- 2) the name, date of birth, and address, if known, of the juvenile, or if unknown, a description of the juvenile;
- 3) a statement that:
  - a) it is in the best interest of the juvenile and the public that the proceedings be brought; and
  - b) the juvenile is in need of treatment, supervision, or rehabilitation;
- 4) the date when the offense is alleged to have been committed; provided, however:
  - a) if the specific date is unknown, or if the offense is a continuing one, it shall be sufficient to state that it was committed on or about any date within the period of limitations; and
  - b) if the date or day of the week is an essential element of the offense alleged, such date or day shall be specifically set forth;
- 5) the place where the offense is alleged to have been committed;
- 6)
  - a) **[i]** a summary of the facts sufficient to advise the juvenile of the nature of the offense alleged; and
  - b) [ii]** the official or customary citation of the statute and section, or other provision of law which the juvenile is alleged to have violated, but an error in such citation shall not affect the validity or sufficiency of the written allegation; **[or**
    - b) a certification that the juvenile has not complied with the sentence imposed for a conviction of a summary offense;]**
- 7) the name and age of any conspirators, if known;
- 8) a statement that the acts were against the peace and dignity of the Commonwealth of Pennsylvania or in violation of an ordinance of a political subdivision;
- 9) a notation if criminal laboratory services are requested in the case;

- 10) a verification by the person making the allegation that the facts set forth in the written allegation are true and correct to the person's personal knowledge, information, or belief, and that any false statement made is subject to the penalties of the Crimes Code, 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities; **[and]**
- 11) the signature of the person making the allegation and the date of execution of the written allegation; **and**
- 12) the name and address of the juvenile's guardian, or if unknown, the name and address of the nearest adult relative.**

#### COMMENT

This rule sets forth the required contents of all written allegations whether the person making the allegation is a law enforcement officer, a police officer, or a private citizen. See <http://www.courts.state.pa.us> for a copy of the written allegation form that is to be submitted.

**Official Note:** Rule 232 adopted April 1, 2005, effective October 1, 2005. Amended December 3, 2007, effective immediately. **Amended January 23, 2009, effective March 1, 2009.**

#### *Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 232 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005). Final Report explaining the amendments to Rule 232 published with the Court's Order at 37 Pa.B. 6743 (December 22, 2007). **Final Report explaining the amendments to Rule 232 published with the Court's Order at 39 Pa.B. -- (Feb. -, 2009).**

## **RULE 330. PETITION: FILING, CONTENTS, FUNCTION**

A. **Certification.** The District Attorney of any county may require that an attorney for the Commonwealth shall file all petitions. If the District Attorney elects to require an attorney for the Commonwealth to file the petition, the District Attorney shall file a certification with the court of common pleas. The certification shall:

- 1) state that an attorney for the Commonwealth shall file petitions; and
- 2) specify any limitations on the filing or classes of petitions.

B. **Filings.** In every delinquency proceeding, the attorney for the Commonwealth or the juvenile probation officer shall file a petition with the clerk of courts if it has been determined that informal adjustment or another diversionary program is inappropriate.

C. **Petition contents.** Every petition shall set forth plainly:

- 1) the name of the petitioner;
- 2) the name, date of birth, and address, if known, of the juvenile, or if unknown, a description of the juvenile;
- 3) a statement that:
  - a) it is in the best interest of the juvenile and the public that the proceedings be brought; and
  - b) the juvenile is in need of treatment, supervision, or rehabilitation;
- 4) the date when the offense is alleged to have been committed; provided, however:
  - a) if the specific date is unknown, or if the offense is a continuing one, it shall be sufficient to state that it was committed on or about any date within the period of limitations; and
  - b) if the date or day of the week is an essential element of the offense alleged, such date or day shall be specifically set forth;
- 5) the place where the offense is alleged to have been committed;
- 6)
  - a)
    - i) a summary of the facts sufficient to advise the juvenile of the nature of the offense alleged; and
    - ii) the official or customary citation of the statute and section, or other provision of law which the juvenile is alleged to have violated, but

an error in such citation shall not affect the validity or sufficiency of the written allegation; or

- b) a certification that the juvenile has not complied with the sentence imposed for a conviction of a summary offense.
- 7) the name and age of any conspirators, if known;
- 8) a statement that the acts were against the peace and dignity of the Commonwealth of Pennsylvania or in violation of an ordinance of a political subdivision;
- 9) a notation if criminal laboratory services are requested in the case;
- 10) a verification by the petitioner that the facts set forth in the petition are true and correct to the petitioner's personal knowledge, information, or belief, and that any false statements are subject to the penalties of the Crimes Code, 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities;
- 11) the signature of the petitioner and the date of the execution of the petition;
- 12) the whereabouts of the juvenile and if taken into custody, the date and time thereof;
- 13) the name and address of the juvenile's guardian, or if unknown, the name and address of the nearest adult relative; and
- 14) an averment as to whether the case is eligible pursuant to 42 Pa.C.S. § 6307 (b)(1)(ii) for limited public information.

#### COMMENT

Under paragraph (A), the District Attorney may file a certification with the court of common pleas stating that only an attorney for the Commonwealth may file a petition. If a certification has not been filed, then an attorney for the Commonwealth or a juvenile probation officer may file a petition.

A private citizen has the right to file a written allegation, not a petition. See Rule 800. The written allegation commences the proceedings in the juvenile system. See Rule 200. The case should progress in the same manner as any other case in the juvenile system. If the written allegation is disapproved, the private citizen may file a motion challenging the disapproval with the court of common pleas. See *Comment* to Rule 233.

Informal adjustment or other diversionary programs should be considered before a petition is filed. Once a petition is filed, informal adjustment is not permitted. See *Commonwealth v. J.H.B.*, 760 A.2d 27 (Pa. Super. Ct. 2000).

Petitions should be filed without unreasonable delay. See *Commonwealth v. Dallenbach*, 729 A.2d 1218 (Pa. Super. Ct. 1999).

The contents of a petition are the same as a written allegation except for the additional requirements in paragraphs (C) **(6)(b)**, (12), **[(13),]** and (14).

Pursuant to paragraph (14), the petitioner is to designate whether the allegations in the juvenile's petition make the case eligible for limited public information. See 42 Pa.C.S. § 6307(b)(2). When the case is designated, the clerk of courts is to mark the file clearly. For information that is available to the public in those eligible cases, see Rule 160.

**Official Note:** Rule 330 adopted April 1, 2005, effective October 1, 2005. Amended August 20, 2007, effective December 1, 2007. **Amended January 23, 2009, effective March 1, 2009.**

*Committee Explanatory Reports:*

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