

RULE 120. DEFINITIONS

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DETENTION FACILITY is any facility, privately or publicly owned and operated, designated by the court and approved by the Department of Public Welfare to detain a juvenile temporarily. The term detention facility, when used in these rules, shall include shelter-care. **Detention facility shall not include any county jail or state prison.**

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JUVENILE is a person who has attained ten years of age and is not yet twenty-one years of age who is alleged to have, upon or after the juvenile's tenth birthday, committed a delinquent act before reaching eighteen years of age **or who is alleged to have violated the terms of juvenile probation prior to termination of juvenile court supervision.**

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PLACEMENT FACILITY is any facility, privately or publicly owned and operated, that identifies itself either by charter, articles of incorporation, or program description, to receive delinquent juveniles or which otherwise provides treatment to juveniles as a case disposition. Placement facilities include, but are not limited to, residential facilities, group homes, after-school programs, and day programs, whether secure or non-secure. **Placement facility shall not include any county jail or state prison.**

COMMENT

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"Detention facility" is not to include any county jail, state prison, penal institution, or other facility used primarily to detain adults who have not been released on bail and who are alleged to have committed a criminal offense. However, nothing in this rule precludes the use of a county jail or state prison for minors when criminal proceedings have been commenced. For example, a minor may be detained in a county jail for a direct-file case when it is alleged a criminal offense has been committed.

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A "juvenile" must be at least ten years old and must not have reached the age of eighteen at the time of the commission of a delinquent act for a delinquency petition to be filed. If a child is under the age of ten at the time of the commission of a delinquent act, a dependency petition may be filed pursuant to Pa.R.J.C.P. 1100 et seq., and the Juvenile Act, 42 Pa.C.S. § 6301 et seq. **"Juvenile" not only includes any person who is at least ten years of age and under twenty-one years of age if the commission of the alleged delinquent act occurred prior to the juvenile's eighteenth birthday, but also includes any person who is under the juvenile court's jurisdiction until termination of court supervision pursuant to Rules 631 and 632, which is to end no later than the juvenile's twenty-first birthday.**

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"Placement facility" is not to include any county jail, state prison, penal institution, or other facility used primarily for the execution of sentences of adults convicted of a crime. See 42 Pa.C.S. § 6352(b) for disposition of a delinquent juvenile. However, nothing in this rule precludes an adult from being sentenced to a county jail in a contempt proceeding. For example, if a

juvenile failed to appear for a juvenile court hearing when summoned and is now eighteen years of age or older, the court may proceed with a contempt hearing and order detention in a county jail.

Official Note:

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Amended June 28, 2013, effective immediately.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 120 published with the Court's Order at 43 Pa.B. - (July 13, 2013).

**RULE 220. PROCEDURE IN CASES COMMENCED BY ARREST WITHOUT
WARRANT**

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COMMENT

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If a juvenile is detained, the juvenile is to be placed in a detention facility, which does not include a county jail or state prison. See Rule 120 and its *Comment* for definition of “detention facility.”

Official Note:

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Amended June 28, 2013, effective immediately.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 220 published with the Court’s Order at 43 Pa.B. - (July 13, 2013).

RULE 221. TEMPORARY DETENTION IN POLICE LOCK-UP

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COMMENT

This rule reflects certain provisions of § 6326 of the Juvenile Act. 42 Pa.C.S. § 6326.

The terms “police lock-up” and “adult lock-up” as used in this rule do not include a county jail or state prison. If detained, a juvenile is not to be held in a county jail or state prison. The use of a temporary holding cell at the local or state police station or courthouse is permissible if the requirements of this rule have been met.

Official Note:

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Amended June 28, 2013, effective immediately.

Committee Explanatory Reports:

Final Report explaining the amendments to Rule 221 published with the Court’s Order at 43 Pa.B. - (July 13, 2013).

RULE 231. WRITTEN ALLEGATION

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COMMENT

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If a juvenile is detained, the juvenile is to be placed in a detention facility, which does not include a county jail or state prison. See Rule 120 and its *Comment* for definition of “detention facility.”

Official Note:

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Amended June 28, 2013, effective immediately.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 231 published with the Court’s Order at 43 Pa.B. - (July 13, 2013).

RULE 240. DETENTION OF JUVENILE

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COMMENT

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If a juvenile is detained, the juvenile is to be placed in a detention facility, which does not include a county jail or state prison. See Rule 120 and its *Comment* for definition of “detention facility.”

Official Note:

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Amended June 28, 2013, effective immediately.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 240 published with the Court’s Order at 43 Pa.B. - (July 13, 2013).

RULE 610. DISPOSITIONAL AND COMMITMENT REVIEW

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COMMENT

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If a juvenile is detained or placed, the juvenile is to be placed in a detention facility or placement facility, which does not include a county jail or state prison. See Rule 120 and its *Comment* for definitions of “detention facility” and “placement facility.”

Official Note:

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Amended June 28, 2013, effective immediately.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 610 published with the Court’s Order at 43 Pa.B. - (July 13, 2013).

RULE 612. MODIFICATION OR REVOCATION OF PROBATION

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COMMENT

A juvenile should be afforded due process before probation can be revoked. *Cf. Gagnon v. Scarpelli*, 411 U.S. 778 (1973); *Morrissey v. Brewer*, 408 U.S. 471 (1972). A juvenile's probation cannot be revoked simply on the grounds of hearsay evidence. *In re Davis*, 586 A.2d 914 (Pa. 1991).

If a juvenile is over the age of eighteen, under the age of twenty-one, and is alleged to have violated the terms of probation, the juvenile, if detained, is to be placed in a detention facility. See Rule 120 and its Comment for definitions of "detention facility," which does not include a county jail or state prison, and "juvenile," which includes a person who has attained ten years of age and is not yet twenty-one years of age who is alleged to have committed a delinquent act before reaching eighteen years of age or who is alleged to have violated the terms of juvenile probation prior to termination of juvenile court supervision.

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Official Note:

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Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 612 published with the Court's Order at 43 Pa.B. - (July 13, 2013).