

INTRODUCTION

The Supreme Court of Pennsylvania has adopted modifications to Rules 120, 220, 221, 231, 240, 610, and 612. The changes are effective immediately.

EXPLANATORY REPORT JUNE 2013

Background

Concerns were brought to the Committee's attention on the use of county jails as temporary detention facilities for juveniles or as a sanction for violation of juvenile probation after the juvenile's eighteenth birthday.

The Committee is clarifying with these rule modifications that a juvenile may never be detained in a county jail or other penal institution when jurisdiction is vested in the Juvenile Court through the Juvenile Act, 42 Pa.C.S. § 6301 *et seq.*, regardless of whether the juvenile has turned eighteen years of age.

The Rules of Juvenile Court Procedure and the Juvenile Act do not permit juveniles, under the juvenile court's jurisdiction, to be held in a county jail, even if segregated from adults, as a temporary holding facility, detention facility, or placement facility.

Rule discussion

Modifications to Rule 120 stress that "detention facility" and "placement facility" do not include county jails or state prisons. It also clarifies the definition of "juvenile" by including, not only juveniles who have committed a delinquent act, but also those juveniles who continue on juvenile probation, even after their eighteenth birthday until juvenile court supervision is terminated. The Juvenile Act grants the juvenile court jurisdiction until the juvenile turns twenty-one years of age. See 42 Pa.C.S. § 6301 *et seq.*

The *Comments* to Rules 220, 231, 240, 610, and 612 have been modified to clarify that when detained, a juvenile may only be held in a detention facility or placement facility. The *Comment* to Rule 221 has been modified to clarify that "police lock-up" and "adult lock-up" do not include the county jail or state prison.

The *Comment* to Rule 612 was also modified to explain that the juvenile court has jurisdiction over the juvenile until the juvenile turns twenty-one years of age. The juvenile may not be detained in a county jail or state prison for a juvenile probation

violation even if the juvenile is eighteen years of age. If detained, the juvenile must be placed in a detention or placement facility.