

## INTRODUCTION

The Supreme Court of Pennsylvania has adopted the proposed changes to Rule 120. The changes are effective immediately.

### EXPLANATORY REPORT MARCH 2014

This rule change was prompted by concerns brought to the Committee's attention by the Juvenile Court Judges' Commission (JCJC) regarding the implications of the recent modifications to Pa.R.J.C.P. 120 *Comment* and its possible unintended results.

The portion of the *Comment*, which is causing concern is under the term "placement facility," and provides, "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."

The intent of the Rule is for juveniles, who are under the juvenile court jurisdiction vested through the Juvenile Act, 42 Pa.C.S. § 6301 *et seq.*, to be placed in detention or placement facilities with juveniles and not to be detained in jails or holding cells with adults. This includes juveniles over the age of eighteen who are still under juvenile court jurisdiction.

Some judicial districts are reclassifying probation violation or bench warrant hearings as contempt of court hearings to justify detention in a county jail. This clearly was not the intent of the Rule modification.

Because the *Comment* is causing confusion in many judicial districts, the *Comment* is being deleted.