

RULE 161. INSPECTING, COPYING, AND DISSEMINATING JUVENILE PROBATION FILES

A. **Inspecting and [c]Copying.** Except as provided in paragraph (C), juvenile probation files shall be open to inspection and/or copying only by:

- 1) the juvenile or the juvenile's attorney **of record in the instant proceeding**;
- 2) the attorney for the Commonwealth;
- 3) the State Sexual Offenders Assessment Board;
- 4) the Juvenile Court Judges' Commission; or
- 5) any other person, agency, or department by order of court.

B. **[Electronic records] Juvenile Probation Information.**

- 1) **[Records which are maintained electronically] Information maintained** by juvenile probation offices **other than juvenile probation files** shall be subject to inspection and/or copying only pursuant to court order.
- 2) Each juvenile probation office shall create a document, which describes the information that is maintained by the juvenile probation office concerning each juvenile. This document shall be open to inspection and copying pursuant to paragraph (A).

C. **Contents of [o]Order.** The order shall:

- 1) specify who shall be permitted to inspect the **[record] file, information,** or any portion **[of the record] thereof**;
- 2) specify who shall be permitted to copy the **[record] file or information**;
- 3) state that the **file or** information received shall not be disseminated to any person, agency, or department not listed in the court order; and
- 4) state that dissemination of any **file or** information received is a violation of the court order.

D. Disseminating.

- 1) The juvenile probation office has discretion to disseminate portions of its files **or information** to the juvenile, service providers, placement facilities, and courts and courts' professional staff of other jurisdictions when facilitating placement, the delivery of services, treatment, or transfer of the case to, or supervision by another jurisdiction consistent with applicable Federal or state law.
- 2) Unauthorized dissemination of any **file or** information **[contained in the juvenile probation file]** to a person, agency, or department not permitted to inspect or copy the file pursuant to this rule may result in a finding of contempt of court.

Comment

Documents contained in the juvenile probation files are not a part of the official court record unless the juvenile probation office officially files the documents in the official court record. Those documents placed in the official court record are governed by Rule 160 and 42 Pa.C.S. § 6307.

Juvenile probation files containing a juvenile's disclosures for the purpose of treatment should be reviewed for potentially privileged communications prior to dissemination. See, e.g., Commonwealth v. Carter, 821 A.2d 601 (Pa. Super. 2003).

The notes of a juvenile probation officer, which describe the officer's impressions or personal observations but which are not included in a report to the court or other report, are not considered a component of a juvenile probation file that is open to inspection or copying under paragraph (A). **"Juvenile probation files," as used in paragraph (A) and defined in Rule 120, is intended to include files existing in whole or in part in either paper or digital form.**

Nothing in this rule is intended to preclude the juvenile probation office from sharing information **[in its file]** with the juvenile.

Official Note: Rule 161 adopted May 21, 2012, effective August 1, 2012. Amended August 23, 2012, effective immediately. **Amended March 15, 2019, effective July 1, 2019.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 161 published with the Court's Order at 42 Pa.B. 3203 (June 9, 2012). Final Report explaining the amendments to Rule 161 published with the Court's Order at 42 Pa.B. 5734 (September 8, 2012). **Final Report explaining the amendments to Rule 161 published with the Court's Order at 49 Pa.B. (_____, 2019).**