

**SUPREME COURT OF PENNSYLVANIA  
JUVENILE COURT PROCEDURAL RULES COMMITTEE**

**NOTICE OF PROPOSED RULEMAKING**

**Proposed Amendment of Pa.R.J.C.P. 515, Comment**

The Juvenile Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of the Comment to Pennsylvania Rule of Juvenile Court Procedure 515 (Dispositional Order) to identify a best practice for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be adopted by the Supreme Court.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

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All communications in reference to the proposal should be received by **February 11, 2022**. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Juvenile Court Procedural Rules Committee,

Judge Alice Beck Dubow, Chair

**SUPREME COURT OF PENNSYLVANIA  
JUVENILE COURT PROCEDURAL RULES COMMITTEE**

**PUBLICATION REPORT**

**Proposed Amendment of Pa.R.J.C.P. 515, Comment**

The Juvenile Court Procedural Rules Committee is considering proposing to the Supreme Court the amendment of the Comment to Pennsylvania Rule of Juvenile Court Procedure 515 to set forth a best practice when the court imposes probation on a juvenile at the time of disposition.

Through this proposal, the Committee seeks to provide guidance on what it believes to be an inconsistent statewide practice. In the disposition of a delinquent juvenile, the Juvenile Act permits the court to place the juvenile on probation “under conditions and limitations the court prescribes.” 42 Pa.C.S. § 6352(a)(2). The terms and conditions must be stated by the court on the record at the time of disposition. *See id.* § 6252(c); Pa.R.J.C.P. 512(D)(3). Further, the “terms and conditions” must be contained within the court’s dispositional order. *See* Pa.R.J.C.P. 515(A)(1).

The Committee understands that it may not be a consistent statewide practice for the court to impose the conditions of probation at the time of disposition. Instead, some courts delegate the fashioning of appropriate conditions to the juvenile probation office after disposition. Other courts impose the conditions of probation at the time of disposition.

The Committee believes it is a best practice, as well as consistent with the Juvenile Act and the rules, that the juvenile court judge, and not the probation department, imposes the conditions of probation and that the judge does so at the time of the disposition. Accordingly, the Committee proposes to include commentary to Pa.R.J.C.P. 515 that guides this practice and references the rule-based requirement. The Committee does not intend for this guidance to foster the use of generalized conditions that are not specific to the juvenile’s needs as a means of fulfilling the practice.

The Committee invites all comments, concerns, and suggestions.

Editorial Note: This proposal reflects the amendments to Pa.R.J.C.P. 515 adopted on November 30, 2021 and effective on April 1, 2022.

## Rule 515. DISPOSITIONAL ORDER

- A. **Generally.** When the court enters a disposition after an adjudication of delinquency pursuant to Rule 409(A)(2), the court shall issue a written order in accordance with 42 Pa.C.S. § 6352, which the court has determined to be consistent with the protection of the public interest and best suited to the child's treatment, supervision, rehabilitation and welfare, which disposition shall, as appropriate to the individual circumstances of the child's case, provide balanced attention to the protection of the community, accountability for the offenses committed, and development of the juvenile's competencies to enable the juvenile to become a responsible and productive member of the community. The order shall include:
- 1) the court's findings pursuant to Rule 512(D);
  - 2) a designation whether the case is eligible pursuant to 42 Pa.C.S. § 6307 (b)(1.1)(i) for limited public information;
  - 3) a directive that the juvenile shall submit to fingerprinting and photographing by, or arranged by, the law enforcement agency that submitted the written allegation in all cases in which the juvenile has not previously been fingerprinted or photographed;
  - 4) the date of the order; and
  - 5) the signature and printed name of the judge entering the order.
- B. **Financial Obligations.** If the court orders the payment of fines, costs, fees, or restitution, pursuant to 42 Pa.C.S. § 6352(a)(5) and (6), the amounts shall be reasonable and as deemed appropriate as part of a plan of rehabilitation considering the nature of the acts committed and the earning capacity of the juvenile. The dispositional order shall include:
- 1) the specific amounts of fines, costs, fees, or restitution to be paid by the juvenile;
  - 2) to whom each of the financial obligations shall be paid; and
  - 3) a payment schedule based upon the juvenile's ability to pay according to the dispositional order.
- C. **Guardian Participation.** The dispositional order shall include any conditions, limitations, restrictions, and obligations imposed upon the guardian.

- D. **Disposition Reporting.** The court shall forward the case disposition to the Juvenile Court Judges' Commission, as required by the Commission.

### Comment

See 42 Pa.C.S. § 6352 regarding disposition of a delinquent child.

**If not enumerated in the order itself, the court should attach to the dispositional order any imposed conditions of probation. See Pa.R.J.C.P. 512(D)(3).**

Pursuant to paragraph (A)(2), the court is to determine if the case is eligible for limited public information under the requirements of 42 Pa.C.S. § 6307(b)(1.1)(i). 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.

See 23 Pa.C.S. § 5503 and 42 Pa.C.S. §§ 6308, 6309 & 6310.

Pursuant to paragraph (B), financial obligations may be imposed as a plan of rehabilitation consistent with the goals of balanced and restorative justice: 1) the protection of the community; 2) the imposition of accountability for offenses committed; and 3) the development of competencies to enable the juvenile to become a responsible and productive member of the community. See 42 Pa.C.S. § 6352(a).

In determining the amount of the financial obligation pursuant to paragraph (B), the judge may include a contribution to a restitution fund. See 42 Pa.C.S. §§ 6352(a)(5)-(6). A juvenile's earning capacity can be determined by examining factors including, but not limited to, the juvenile's physical and intellectual capabilities, maturity, education, work history, availability of suitable employment, and the priority of other uses of earnings, including essential goods and services, dependents, and the pursuit of higher education. The court may also order non-financial obligations consistent with the principles of balanced and restorative justice.

Assuming the court finds the juvenile has a sufficient earning capacity to impose a reasonable financial obligation, the court should determine the juvenile's present ability to pay the financial obligation in accordance with the payment schedule pursuant to paragraph (B)(3). In determining a payment schedule, the court should include the frequency, amount, and duration of payments. A juvenile with a present ability to satisfy a financial obligation may be placed on an immediate and full payment schedule.

When a disposition is no longer consistent with the goals of balanced and restorative justice, a juvenile's plan of rehabilitation may be changed through a dispositional review hearing and modification of dispositional order, including an adjustment of financial obligations. See Rule 610(A)-(B).

The court shall retain jurisdiction over the juvenile until the juvenile attains 21 years of age, or supervision has been terminated upon completion of the terms of the dispositional order and satisfaction of financial obligations, or otherwise. See 42 Pa.C.S § 6352(a)(5); see also Rules 630 (Loss of Court Jurisdiction), 631 (Termination of Court Supervision) and 632 (Early Termination of Court Supervision by Motion).

**Official Note: Rule 515 adopted April 1, 2005, effective October 1, 2005. Amended August 20, 2007, effective December 1, 2007. Amended July 28, 2009, effective immediately. Amended December 24, 2009, effective immediately. Amended April 29, 2011, effective July 1, 2011. Amended February 13, 2019, effective June 28, 2019. Amended October 22, 2021, effective April 1, 2022.**

**Committee Explanatory Reports:**

**Final Report explaining the provisions of Rule 515 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005). Final Report explaining the amendments to Rule 515 published with the Court's Order at 37 Pa.B. 4866 (September 8, 2007). Final Report explaining the amendment to Rule 515 published with the Court's Order at 39 Pa.B. 4743 (August 8, 2009). Final Report explaining the amendments to Rule 515 published with the Court's Order at 40 Pa.B. 222 (January 9, 2010). Final Report explaining the amendments to Rule 515 published with the Courts Order at 41 Pa.B. 2413 (May 14, 2011). Final Report explaining the amendments to Rule 515 published with the Court's Order at 49 Pa.B. 916 (March 2, 2019). Final Report explaining the amendments to Rule 515 published with the Court's Order at 51 Pa.B. ( , 2021).]**