

RULES OF JUVENILE COURT PROCEDURE

DELINQUENCY MATTERS

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RULE 120. DEFINITIONS

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INSPECTION is the official examination of a document or evidence as authorized by Rules 160 and 161.

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JUVENILE PROBATION FILES are those records formally maintained by the juvenile probation office and its officers, including, but not limited to, copies of information contained in the official juvenile court record; social studies; school records and reports; health evaluations, screenings, assessments, records, and reports, including psychological and psychiatric evaluations and reports, drug and alcohol testing, evaluations, and reports; placement reports and documents; employment records; and probation reports.

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Official Note:

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Amended May 21, 2012, effective August 1, 2012.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 120 published with the Court's Order at 42 Pa.B. - (June 3, 2012).

PART C
RECORDS

PART C(1)
ACCESS TO JUVENILE RECORDS

160. Inspecti[~~o~~]ng, Copying, and Disseminating [of] the Official Court Record
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163. Release of Information to School

RULE 160. INSPECTI[O]NG, COPYING, AND DISSEMINATING [OF] THE OFFICIAL COURT RECORD

A. **[General Rule]Inspecting.** The official court record is only open to inspection by:

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B. **Copying. Any person, agency, or department permitted to inspect the record pursuant to paragraph (A) may copy or be provided with a copy of the record.**

C. **Disseminating. Unauthorized dissemination of any information contained in the official court record to a person, agency, or department not permitted to inspect or copy the record pursuant to this rule may result in a finding of contempt of court.**

D. Public availability.

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COMMENT

Pursuant to paragraph (A)(11), the court may order that any person, agency, or department receive a copy of all or portions of the record. The court order is to state: 1) the specific information the person, agency or department may receive; 2) that the information received shall not be disseminated to any person, agency, or department not listed in the court order; and 3) that any dissemination of the information received is a violation of the court order.

See the Juvenile Act, 42 Pa.C.S. § 6307, for the statutory provisions on inspection of the juvenile's file and 42 Pa.C.S. § 6352.1 for disclosure of treatment records.

See Rule 120 for definition of the "official court record."

This rule is meant to include the contents of the official court record as described in Rule 166.

When delinquency proceedings are commenced pursuant to Rule 200(4), the entire criminal court file is to be transferred with the case to juvenile court. This criminal case file is now the juvenile court file, which is the official court record, and the disclosure requirements of this rule apply.

Paragraph (C) protects the juvenile from dissemination of information contained in the official court record to unauthorized sources. Nothing in this rule is intended to preclude the juvenile or the juvenile's attorney from discussing the case with others, such as, local newspaper reporters. However, specific information concerning the victim should not be disseminated by the juvenile or the juvenile's attorney.

Under paragraph (**[B]D**), there is one document for each eligible case that is open for public inspection. The public document should be clearly marked for employees of the clerks of courts' office as the only document available for inspection by the general public. All other information contained in the

official court record is not open for public inspection but only open to inspection to the persons enumerated in paragraph (A).

See Rule 330 for designation of public availability status in the juvenile petition. See Rule 515 for designation of public availability status in the dispositional order.

Official Note:

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Amended May 21, 2012, effective August 1, 2012.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 160 published with the Court's Order at 42 Pa.B. - (June 3, 2012).

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

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

- 1) the juvenile's attorney;**
- 2) the attorney for the Commonwealth;**
- 3) the Sexual Offender Assessment Board; or**
- 4) any other person, agency, or department by order of court.**

B. Electronic records.

- 1) Records which are maintained electronically by juvenile probation offices 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 order. The order shall:

- 1) specify who shall be permitted to inspect the record or any portion of the record;**
- 2) specify who shall be permitted to copy the record;**
- 3) state that the 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 information received is a violation of the court order.**

D. Disseminating.

- 1) The juvenile probation office has discretion to disseminate portions of its files 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 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.

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).

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

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Committee Explanatory Reports:

Final Report explaining the provisions of Rule 161 published with the Court's Order at 42 Pa.B. - (June 3, 2012).

RULE 163. RELEASE OF INFORMATION TO SCHOOL

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E. Dissemination. Unauthorized dissemination of any information contained in the school record to any unauthorized person, agency, or department may result in a finding of contempt of court.

COMMENT

The delinquency information in the school record is to be used only by school officials and is not to be released to the general public or third parties unless ordered by the court. **In addition, information sent to the school may not be used for disciplinary purposes against the juvenile. The juvenile probation office should send a notice to the school when it sends information to the school concerning the findings of the court. The notice should state that any information received by the school should not be used against the juvenile for disciplinary reasons, including suspensions and expulsions. See 42 Pa.C.S. § 6341(b.1)(4).**

For further dissemination and usage in school, see 42 Pa.C.S. § 6341(b.1).

Official note:

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Amended May 21, 2012, effective August 1, 2012.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 163 published with the Court's Order at 42 Pa.B. - (June 3, 2012).

RULE 166. MAINTAINING RECORDS IN THE CLERK OF COURTS

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COMMENT

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This rule is not intended to include items contained in the juvenile probation **[records or reports]files**. **[See Rule 160 (Inspection of the Official Court Record) and its *Comment* for items contained in juvenile probation records or reports.]**

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Official Note:

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Amended May 21, 2012, effective August 1, 2012.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 166 published with the Court's Order at 42 Pa.B. - (June 3, 2012).

RULE 300. VENUE

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C. **Transmission of all records.** If there is a change of venue pursuant to paragraph (B):

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- 2) The juvenile probation office of the transferring court shall transfer **[all] its [records] juvenile probation files** to the juvenile probation office where venue has been transferred.

Official Note:

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Amended May 21, 2012, effective August 1, 2012.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 300 published with the Court's Order at 42 Pa.B. - (June 3, 2012).

RULE 302. INTER-COUNTY TRANSFER

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C. **Transmission of all records.** If the case is transferred pursuant to paragraph (A) or (B):

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2) the juvenile probation office of the transferring court shall transfer **[all] its [records] juvenile probation files** to the juvenile probation office where jurisdiction has been transferred.

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Official Note:

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Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 302 published with the Court's Order at 42 Pa.B. - (June 3, 2012).

RULE 340. PRE-ADJUDICATORY DISCOVERY AND INSPECTION

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COMMENT

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In addition to information requested under this rule, an attorney has the right to inspect all court records and files, including juvenile probation **[records and reports]files**. See Rules 160 and 161.

Official Note:

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Committee Explanatory Reports:

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