

## 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[s] 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. **[Restitution. If restitution is ordered in a case,] 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. [t]The dispositional order shall include:

- 1) [a] the specific amountss of fines, costs, fees, or restitution to be paid by the juvenile;
- 2) to whom each of the [restitution] financial obligations shall be paid; and
- 3) a payment schedule[, if so determined by the court] based upon the juvenile's ability to pay according to the dispositional order.

C. **Guardian [p]Participation.** The dispositional order shall include any conditions, limitations, restrictions, and obligations imposed upon the guardian.

D. **Disposition [r]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.**

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 a/so Rules 630 (Loss of Court Jurisdiction), 631 (Termination of Court Supervision) and 632 (Early Termination of Court Supervision by Motion).**

**[Dispositional orders should comport in substantial form and content to the Juvenile Court Judges' Commission model orders to receive funding under the federal Adoption and Safe Families Act (ASFA) of 1997 (P. L. 105-89). The model forms are also in compliance with Title IV-B and Title IV-E of the Social Security Act. For model orders, see <http://www.jcjc.state.pa.us> or <http://www.dpw.state.pa.us> or request a copy on diskette directly from the Juvenile Court Judges' Commission, Room 401, Finance Building, Harrisburg, PA 17120.]**

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*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).**

## **RULE 610. DISPOSITIONAL AND COMMITMENT REVIEW**

- A. **Dispositional [r]Review [h]Hearing.** The court shall review its disposition and conduct dispositional review hearings for the purpose of ensuring that the juvenile is receiving necessary treatment and services and that the terms and conditions of the disposition are being met.
- 1) In all cases, the court shall conduct dispositional review hearings at least every six months.
  - 2) In all cases, the juvenile shall appear in person at least once a year.
  - 3) The court may schedule a review hearing at any time.
- B. **[Change in] Modification of Dispositional Order.** Whenever there is a **[request] motion** for a **[change in] modification of** the dispositional order, other than a motion to revoke probation as provided in Rule 612, notice and an opportunity to be heard shall be given to the parties and the victim. **Any outstanding restitution amounts may not be reduced by modification of the dispositional order without specific notice to the victim prior to the hearing that a modification may be ordered.**
- 1) The juvenile may be detained pending a court hearing.
  - 2) A detention hearing shall be held within **[seventy-two] 72** hours of the juvenile's detention, if detained.
  - 3) The juvenile shall be given a statement of reasons for the discharge from a placement facility or **[request] motion** for **[change in] modification of** the dispositional order.
  - 4) A review hearing shall be held within **[twenty] 20** days of the discharge from the placement facility or **[request] motion** for **[change in] modification of** the dispositional order.
- C. **Advanced [c]Communication [t]Technology.** A court may utilize advanced communication technology pursuant to Rule 129 for a juvenile or a witness unless good cause is shown otherwise.
- D. **Post-Dispositional Rights.** A colloquy and inquiry of post-dispositional rights shall be conducted when a juvenile is aggrieved by a **[change in] modification of** the dispositional order.

## Comment

At any hearing, if it is determined that the juvenile is in need of an educational decision maker, the court is to appoint an educational decision maker pursuant to Rule 147.

Under paragraph (A), the court is to conduct dispositional review hearings as frequently as necessary to ensure that the juvenile is receiving necessary treatment and services and that the terms and conditions of the disposition are being met. See Rule 800.

When conducting a dispositional review hearing, the court is to ensure that the disposition continues to provide balanced attention to the protection of the community, the imposition of accountability for offenses committed, and the development of competencies to enable the juvenile to become a responsible and productive member of the community. **A change in the plan of rehabilitation may result in the adjustment of financial obligations imposed pursuant to Rule 515. An “adjustment” is not intended to invite the imposition of increased fines, fees, or costs after disposition.**

Nothing in this rule prohibits the juvenile from requesting an earlier review hearing. The juvenile may file a motion requesting a hearing when there is a need for change in treatment or services.

Additionally, nothing in this rule is intended to prohibit the emergency transfer of a juvenile from a placement facility to a detention facility pending reconsideration of the dispositional order, and this rule is not intended to preclude a motion for modification of a dispositional order after the juvenile has been detained.

Under paragraph (B), the attorney for the Commonwealth or its designee is to notify the victim of the date, time, place, and purpose of the review hearing. Prior to ordering the **[change in] modification of** the dispositional order, the court is to give the victim an opportunity to submit an oral and/or written victim-impact statement if the victim so chooses. See Victim[']s Bill of Rights, 18 P.S. §§ 11.201 *et seq.* **Whenever a motion seeks a reduction of outstanding restitution, the victim should be given specific notice of the relief sought prior to the hearing. A court may not order a downward adjustment of outstanding restitution without first ensuring that notice was given to the victim of the possibility that such an adjustment was specifically being considered at the dispositional review hearing.**

Any persons may be subpoenaed to appear for the hearing. See Rule 123 and 42 Pa.C.S. § 6333. However, nothing in these rules requires the attendance of the

victim unless subpoenaed. If the victim is not present, the victim is to be notified of the final outcome of the proceeding.

Some placement facilities are hours away from the dispositional court. Paragraph (C) allows a hearing to be conducted via teleconferencing, two-way simultaneous audio-visual communication, or similar method. The juvenile is to be afforded all the same rights and privileges as if the hearing was held with all present in the courtroom.

If a juvenile is detained or placed, the juvenile is to be placed in a detention facility or placement facility, which does not include a county jail or state prison. See Rule 120 and its Comment for definitions of “detention facility” and “placement facility.”

For the colloquy and inquiry of post-dispositional rights, see Rule 512(C). If a change in disposition results in an out-of-home placement, then the court should also explain to the juvenile the availability of review of the out-of-home placement pursuant to Pa.R.A.P. **[1770]1612.**

**Official Note:** Rule 610 adopted April 1, 2005, effective October 1, 2005. Amended December 30, 2005, effective immediately. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended May 26, 2011, effective July 1, 2011. Amended June 28, 2013, effective immediately. Amended May 11, 2017, effective October 1, 2017. **Amended October 22, 2021, effective April 1, 2022.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 610 published with the Court’s Order at 35 Pa.B. 2214 (April 16, 2005). Final Report explaining the revisions of Rule 610 published with the Court’s Order at 36 Pa.B. 186 (January 14, 2006). Final Report explaining the amendments to Rule 610 published with the Court’s Order at 41 Pa.B. 2319 (May 7, 2011). Final Report explaining the amendments to Rule 610 published with the Court’s Order at 41 Pa.B. 2413 (May 14, 2011). Final Report explaining the amendments to Rule 610 published with the Court’s Order at 41 Pa.B. 3180 (June 25, 2011). Final Report explaining the amendments to Rule 610 published with the Court’s Order at 43 Pa.B. 3938 (July 13, 2013). Final Report explaining the amendments to Rule 610 published with the Court’s Order at 47 Pa.B. 2969 (May 27, 2017). **Final Report explaining the amendments to Rule 610 published with the Court’s Order at Pa.B. 51 (\_\_\_\_\_, 2021).**

## RULE 612. MODIFICATION OR REVOCATION OF PROBATION

- A. **Filing.** A motion to modify or revoke probation shall be filed in accordance with Rule 345.
- B. **Time of Hearing on the Motion.**
  - 1) If the juvenile is detained, the hearing on the motion shall be held within ten days of the detention hearing.
  - 2) If the juvenile is not detained, the hearing on the motion shall be held promptly.
- C. **Modification.** If the court modifies the dispositional order, the court shall state the grounds for the modification and shall issue a new dispositional order in accordance with Rule 515.
- D. **Advanced Communication Technology.** A court may utilize advanced communication technology pursuant to Rule 129 for a juvenile or a witness unless good cause is shown otherwise.
- E. **Post-Dispositional Rights.** A colloquy and inquiry of post-dispositional rights shall be conducted when a juvenile is aggrieved by a change in the dispositional order.

### Comment

A juvenile should be afforded due process before probation can be revoked. *Cf. Gagnon v. Scarpelli*, 411 U.S. 778 (1973); *Morrissey v. Brewer*, 408 U.S. 471 (1972). A juvenile's probation cannot be revoked simply on the grounds of hearsay evidence. *In re Davis*, 586 A.2d 914 (Pa. 1991).

If a juvenile is over the age of eighteen, under the age of twenty-one, and is alleged to have violated the terms of probation, the juvenile, if detained, is to be placed in a detention facility. See Rule 120 and its Comment for definitions of "detention facility," which does not include a county jail or state prison, and "juvenile," which includes a person who has attained ten years of age and is not yet twenty-one years of age who is alleged to have committed a delinquent act before reaching eighteen years of age or who is alleged to have violated the terms of juvenile probation prior to termination of juvenile court supervision.

For detention procedures, see Rules 240 through 243.

For dispositional orders, see Rule 515.

**Whenever a motion seeking to modify probation also seeks a reduction of outstanding restitution, the victim should be given specific notice of the relief sought prior to the hearing. A court may not order a downward adjustment of outstanding restitution without first ensuring that notice was given to the victim of the possibility that such an adjustment was specifically being considered at the hearing. See Pa.R.J.C.P. 610(B).**

For the use of advanced communication technology, see Rule 129.

For the colloquy and inquiry of post-dispositional rights, see Rule 512(C). If a change in disposition results in an out-of-home placement, then the court should also explain to the juvenile the availability of review of the out-of-home placement pursuant to Pa.R.A.P. **[1770]1612.**

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*Committee Explanatory Reports:*

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## **Rule 632. Early Termination of Court Supervision by Motion**

A. **Motion.** Any party may move for early termination of court supervision. The motion shall state with specificity why early termination is sought and why the requirements of Rule 631(A) have not been met.

B. **Notice.**

- 1) In addition to the service requirements of Rule 345, any party moving for early termination shall serve the motion on the juvenile probation officer.
- 2) The victim shall be provided notice of the motion for early termination of court supervision.

C. **Objection.**

- 1) A party or the juvenile probation officer may object to the motion under paragraph (A) and request a hearing.
- 2) Such objection shall be made within **[thirty] 30** days of the date of the motion; otherwise, objections are deemed waived.

D. **Court's [d]Determination.** The court shall:

- 1) rule on the motion and any objections without a hearing; or
- 2) schedule a hearing.

E. **Hearing.** If objections have been made pursuant to paragraph (C) **[and/]**or the court has determined a hearing is necessary, the court shall hold a hearing and give each party, the victim, and the juvenile probation officer an opportunity to be heard before the court enters its final order.

F. **Termination.** When the requirements of paragraphs (A) through (E) have been met and the court is satisfied that there **[are] is a** compelling reason**[s]** to discharge the juvenile prior to the completion of the requirements of Rule 631(A), the court may order an early discharge of the juvenile from its supervision.

### **Comment**

If a party has moved for early termination of court supervision of a juvenile pursuant to paragraph (A) or the court has scheduled a hearing pursuant to paragraph

(E), the attorney for the Commonwealth or its designee is to notify the victim of the motion for early termination and/or the date, time, place, and purpose of the hearing.

The victim may be present at the hearing and is to be afforded the opportunity to submit an oral and/or written victim-impact statement. See Rule 132 and the Victim[']s Bill of Rights, 18 P.S. §§ 11.201 *et seq.*

For the submission of victim-impact statements by victims of personal injury crimes prior to the release or transfer of a juvenile from a placement facility, see Victim[']s Bill of Rights, 18 P.S. § 11.201(8.1)(iii).

Any persons may be subpoenaed to appear for the hearing. See Rule 123 and 42 Pa.C.S. § 6333. However, nothing in these rules requires the attendance of the victim unless subpoenaed. If the victim is not present, the victim is to be notified of the final outcome of the proceeding.

For procedures on motions, see Rule 344. For filing and service requirements, see Rule 345.

If all parties are in agreement with the termination, the court may terminate court supervision without a hearing.

For procedures on the dispositional order, see Rule 515. See *also*, 42 Pa.C.S. § 6352. For collection of outstanding restitution regardless of court supervision status, see 42 Pa.C.S. § 9728.

**“Compelling reason,” as set forth in paragraph (F), should reflect consideration of the statutory goals of protection of the public interest in a manner best suited to the juvenile’s treatment, supervision, rehabilitation and welfare within the framework of balanced and restorative justice, which attends to: 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 *In the Interest of D.C.D.*, 171 A.3d 727 (Pa. 2017); 42 Pa.C.S. § 6352(a). The court has broad discretion in weighing each goal as appropriate to the individual juvenile. See *id.* at 742.**

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