

RULE 409. ADJUDICATION OF DELINQUENCY

A. **Adjudicating the juvenile delinquent.** Once the court has ruled on the offenses as provided in Rule 408, the court shall conduct a hearing to determine if the juvenile is in need of treatment, supervision, or rehabilitation.

1) *Not in need.* If the court determines that the juvenile is not in need of treatment, supervision, or rehabilitation, the court shall enter an order providing that:

- a) jurisdiction shall be terminated and the juvenile shall be released, if detained, unless there are other reasons for the juvenile's detention; and
- b) any fingerprints and photographs taken shall be destroyed.

2) *In need.*

- a) If the court determines that the juvenile is in need of treatment, supervision, or rehabilitation, the court shall enter an order adjudicating the juvenile delinquent and proceed in determining a proper disposition under Rule 512.
- b) The court also shall order the law enforcement agency that submitted the written allegation:
 - i) to take, or cause to be taken, the fingerprints and photographs of the juvenile if not previously taken pursuant to this case, and
 - ii) to ensure that these records, including the case reference number, are forwarded to the central repository maintained by the Pennsylvania State Police.

B. **Timing.**

- 1) If the juvenile is in detention, the court shall make its finding within twenty days of the ruling on the offenses pursuant to Rule 408.
- 2) If the juvenile is not in detention, the court shall make its finding within sixty days of the ruling on the offenses pursuant to Rule 408.

C. **Extending Time by Agreement.** The time restrictions under paragraphs (B)(1) and (B)(2) may be extended **for six months** if there is an agreement by both parties. **One additional six-month extension is permitted when the courts finds additional time is necessary to determine if the juvenile is in need of treatment, supervision, or rehabilitation.**

COMMENT

Under paragraph (A), absent evidence to the contrary, evidence of the commission of acts that constitute a felony is sufficient to sustain a finding that the juvenile is in need of treatment, supervision, or rehabilitation. See 42 Pa.C.S. § 6341(b).

If the court determines that the juvenile is not in need of treatment, supervision, or rehabilitation and the court enters an order terminating jurisdiction, the victim, if not present, shall be notified of the final outcome of the proceeding. See Victim's Bill of Rights, 18 P.S. § 11.201 *et seq.*

This rule addresses adjudicating the juvenile delinquent or releasing the juvenile from the court's jurisdiction. This determination is different from finding the juvenile committed a delinquent act under Rule 408.

Pursuant to 42 Pa.C.S. § 6308(c)(3), all fingerprints and photographic records are to be destroyed upon order of the court if the juvenile is not adjudicated delinquent.

Pursuant to paragraph (A)(2)(b)(ii), a case reference number is to be included to help track this case. See *Comment* to Rule 170 for further description of a case reference number.

Pursuant to paragraph (C), the timing of when the court is to enter its findings can be extended for up to two six-month periods if there is an agreement by both parties. However, in no case may the court go without a determination as to whether the juvenile is in need of treatment, supervision, or rehabilitation beyond the extended periods. If there has been no finding pursuant to paragraph (B) after two six-month extensions, the court is to make its determination whether the juvenile is in need of further court services.

A report on the disposition is to be sent to the Juvenile Court Judges' Commission. See 42 Pa.C.S. § 6309(d).

For dispositional hearing procedures, see Chapter Five.