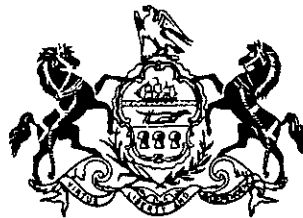


**COMMONWEALTH OF PENNSYLVANIA
JUVENILE COURT JUDGES' COMMISSION**



**DETENTION
HANDBOOK**

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INTRODUCTION

The purpose of this Handbook is to provide guidance to Judges, Masters, Juvenile Probation Officers and others regarding the processes and procedures for authorizing or ordering the use of secure detention pursuant to the Juvenile Court Judges' Commission "**Standards Governing the Use of Secure Detention Under the Juvenile Act.**"

This Handbook contains a coded and annotated version of the JCJC "**Standards Governing the Use of Secure Detention Under The Juvenile Act**" which was developed to provide an easy reference for Judges, Masters and Probation Officers when making determinations regarding the use of secure detention in the cases of children who are alleged or have been found to be delinquent. This document should be used in all cases where it is necessary to provide information regarding the specific section of the "**Standards**" under which a child's detention has been ordered or authorized.

This Handbook also contains a copy of the Juvenile Court Judges' Commission "**Standards Governing Hearings and Administrative Reviews for Children Held in Secure Detention.**"

In addition, copies of standard forms are presented which have been developed for use by Judges and Masters when ordering or authorizing pre-adjudication detention, and by Probation Officers at any time secure detention is authorized.



**STANDARDS GOVERNING THE USE OF SECURE DETENTION
UNDER THE JUVENILE ACT
42 Pa.C.S. §6301 et seq.**

Preamble

The purpose of Pennsylvania's juvenile justice system is to provide programs of supervision, care and rehabilitation which are consistent with the protection of the public interest and which provide balanced attention to the protection of the community, the imposition of accountability for offenses committed and the development of competencies to enable children to become responsible and productive members of the community.

Secure detention services must be understood within the context of the continuum of services available within the juvenile justice system, and within the broader context of the purpose of the system, and of the juvenile justice process. A child admitted to a juvenile detention center is provided access to a wide range of services, custody, supervision, and assessments.

The "Standards Governing Secure Detention Under The Juvenile Act" adopted by the Juvenile Court Judges' Commission were developed with an understanding that overcrowding in juvenile detention centers presents danger to both residents and staff and can severely disrupt programs and services. Consequently, juvenile court judges and chief juvenile probation officers should take a leadership role in advocating for adequate juvenile detention services and alternatives, in monitoring detention center populations at the local level, and in developing strategies to be undertaken as facilities approach capacity.

These Standards were also developed on the premise that decisions regarding admissions to secure detention facilities must be based on a commitment to utilize the most appropriate level of care consistent with the circumstances of the individual case. When the admission of a child to a secure detention facility is being considered by a judge, master, or juvenile probation officer, preference should be given to non-secure alternatives which could reduce the risk of flight or danger to the child or community.

Scope of Standards

These Standards are to be applied in determining whether a child who is alleged to be or has been found to be a delinquent child may be detained. A child who is alleged to be or has been found to be a dependent child may not be detained in a secure detention facility unless the child is also alleged to be or has been found to be a delinquent child.

Even though eligibility criteria may indicate that a particular child may be detained, such detention is not mandatory. When the admission of a child to a secure detention facility is being considered by a judge, master, or juvenile probation officer, preference should be given to non-secure alternatives which could reduce the risk of flight or danger to the child or community. Pre-adjudication detention may never be imposed as a sanction or as a means of punishment.

Secure detention is not to be used when a child alleged to be delinquent cannot be released solely because there is no parent, guardian or custodian able to assume responsibility or adequately supervise the child.

Statement of Facts and Reasons

- (a) At any time secure detention is ordered or authorized, except as provided in subsections (b) and (c) whether at intake or at a detention or other hearing before a Juvenile Court Judge or Juvenile Court Master, a contemporaneous written statement of facts and reasons must accompany the detention decision specifying:
 - (i) there is a reasonable basis to believe that the child has committed the act for which he is being detained (in the case of judicial authorities, that probable cause exists) and that he is not excluded from the jurisdiction of Juvenile Court by age or any other reason;
 - (ii) that the child's detention is permitted under these Standards;
 - (iii) the alternatives to secure detention which were considered and rejected; and
 - (iv) the reason or reasons why secure detention is required and alternatives are not appropriate.(separate reasons need not be given for each alternative considered)
- (b) If secure detention is ordered after the child is found to have committed a delinquent act, but prior to the Court's determination that residential placement will be ordered at disposition, the Court shall indicate on the record or in a court order why secure detention is required and alternatives are not appropriate.(separate reasons need not be given for each alternative considered)
- (c) Once the Court has determined that residential placement will be ordered or continued, if previously ordered, no statement of reasons is required regarding the use of secure detention pending such placement.

A. Circumstances under which secure detention may be authorized on the basis of an alleged offense or on the basis of an alleged offense and the child's current status with the Court or prior record.

1. A child may not be detained in secure detention pursuant to 42 Pa. C.S. §§6325, 6326 and 6331 for the purpose of protecting the person or property of others or of the child unless:

(a) The child is alleged to be a delinquent child on the basis of acts which would constitute the commission of, conspiracy, solicitation, or an attempt to commit any of the following crimes:

- (i) criminal homicide (18 Pa.C.S. §§2502, 2503 or 2504);
- (ii) rape (18 Pa.C.S. §3121);
- (iii) robbery (18 Pa.C.S. §3701);
- (iv) robbery of motor vehicle (18 Pa.C.S. §3702);
- (v) aggravated assault (18 Pa.C.S. §2702);
- (vi) involuntary deviate sexual intercourse (18 Pa.C.S. §3123);
- (vii) aggravated indecent assault (18 Pa.C.S. §3125);
- (viii) kidnapping (18 Pa.C.S. §2901);
- (ix) arson (18 Pa.C.S. §3301);
- (x) burglary (18 Pa.C.S. §3502) involving a structure occupied by a person at the time of the offense or a structure adapted for overnight accommodation;
- (xi) terroristic threats (18 Pa.C.S. §2706);
- (xii) stalking (18 Pa.C.S. §2709 (b)(1)(2));
- (xiii) causing or risking catastrophe (18 Pa.C.S. §3302);
- (xiv) riot (18 Pa.C.S. §5501);
- (xv) felonious violations of "The Controlled Substance, Drug, Device and Cosmetic Act" (35 P.S. §780-101 et seq.);
- (xvi) felonious intimidation of witnesses or victims (18 Pa.C.S. §4952);
- (xvii) felonious retaliation against witness or victim (18 Pa.C.S. §4953);

- (b) The child is alleged to be a delinquent child on the basis of an offense which involved the use or possession of a firearm or explosives, or an offense (other than mere possession) which involved the use or possession of a deadly weapon (other than a firearm or explosives) as defined at 18 Pa.C.S. §2301; or
- (c) The child is alleged to be a delinquent child on the basis of an offense which is classified as a felony and:
 - (i) the child is currently on probation, being supervised under a consent decree, or is otherwise under the supervision of the Court following an adjudication of delinquency; or
 - (ii) the child has been found to be a delinquent child within the preceding 18 (eighteen) months; or
- (d) The child is alleged to be a delinquent child and is in violation of conditions of house arrest, in-home detention, electronic monitoring, shelter care or other non-secure placement, ordered or authorized as an alternative to secure detention; or
- (e) The child is on probation or is otherwise under the supervision of the Court following an adjudication of delinquency, based on a felony, and is alleged to have committed a delinquent act or to have twice violated technical conditions of probation or other post-adjudication supervision; or
- (f) The child or child's attorney has voluntarily and in writing requested placement in secure detention for the protection of said child, in which case immediate release shall occur upon the request of the child or attorney.

B. Circumstances under which secure detention may be authorized on the basis of a child's status as an absconder or fugitive; on the basis of a child's record of failing to appear at previous juvenile hearings; or because of extraordinary circumstances which require secure detention to prevent a child from absconding.

1. A child may not be detained in secure detention pursuant to 42 Pa.C.S. §§6325, 6326 and 6331 because the child may abscond or be removed from the jurisdiction of the Court unless:
 - (a) The child is an absconder from an institution or other placement to which he/she was committed as a result of a previous adjudication of delinquency; or
 - (b) The child has willfully failed to appear at the hearing on the petition (adjudication hearing) or other hearing after having been served with a court order or summons to appear; or
 - (c) The child has a recent demonstrable record of willful failure to appear at previous juvenile court hearings; or
 - (d) The child has been verified to be a fugitive from another jurisdiction, an official from which has requested that said child be detained; or
 - (e) The child absconded from secure detention, shelter care, in-home detention, house arrest, or other non-secure placement, or while subject to electronic monitoring, ordered or authorized pending a court hearing or placement; or
 - (f) The child presents extraordinary circumstances requiring secure detention to prevent him/her from absconding. Such circumstances may include, but are not limited to, the child's age, character, mental condition, ties to the community, the nature of the child's family relationships, drug or alcohol addiction or substance abuse.

C. Circumstances under which secure detention may be ordered pending disposition, subsequent to a finding that a child committed a delinquent act or is a delinquent child.

1. A child whom the Court has found to have committed the act(s) by reason of which he or she was alleged to be delinquent or whom the Court has found to be a delinquent child may not be held in secure detention pending disposition unless:
 - (a) Such adjudication or finding was based on an offense for which detention was or could have been authorized or ordered under Section A; or
 - (b) The child was initially detained, was eligible for detention, or based on more recent information would now be eligible for detention under Section B and the Court determines detention to be required; or
 - (c) The court has determined that placement of the child at disposition is probable and continued detention is required prior to disposition based upon consideration of the following factors:
 - (i) the nature of the substantiated offense;
 - (ii) the child's employment and student status;
 - (iii) the nature of the child's family relationships;
 - (iv) the child's past and present residences;
 - (v) the child's age, character, mental condition, previous juvenile record, and drug or alcohol addiction or substance abuse;
 - (vi) if the child has previously been released pending a court proceeding, whether the child appeared as required;
 - (vii) any other facts relevant to whether the child has strong ties with the community or is likely to flee the jurisdiction.

D. Circumstances under which secure detention may be ordered following disposition pending transfer to placement.

1. A delinquent child whom the Court has committed to an institution or other placement, or who was otherwise ordered removed from his or her home at disposition, may not be held in secure detention pending transfer to such placement unless:
 - (a) The child was found to be a delinquent child on the basis of an offense for which secure detention would be permitted under Section A; or
 - (b) The child was initially detained, was eligible for detention, or based on more recent information would now be eligible for detention under Section B; or
 - (c) The child is awaiting placement in a Youth Development Center Secure Unit or other secure residential treatment program; or
 - (d) The child is awaiting placement and the Court has determined that secure detention is required pending transfer to such placement based upon consideration of the factors delineated in Section C(1)(c).

E. Circumstances under which secure detention may be authorized on the basis of a child's status pending or subsequent to a disposition review hearing.

1. A child may not be detained in secure detention pending or subsequent to a disposition review hearing unless:
 - (a) The child is in placement in, or is awaiting transfer to, a Youth Development Center Secure Unit or other secure residential treatment program; or
 - (b) The child was returned from placement for failure to adjust; or
 - (c) Secure detention is otherwise required based upon consideration of the factors delineated in Section C(1)(c).

F. Circumstances under which secure detention may be authorized on the basis of extraordinary and exceptional circumstances.

1. A child may be detained in secure detention even if these Standards do not otherwise authorize such detention provided:
 - (a) The facts present extraordinary and exceptional circumstances which require the use of secure detention; and
 - (b) The statement of reasons accompanying any detention under this Section must include an explanation of why an exception was warranted and why non-secure options were rejected.
2. Detention under this Section may not be authorized routinely or because non-secure alternatives do not exist in adequate numbers, but only in the exceptional and extraordinary case.
3. Secure detention is not to be used when a child alleged to be delinquent cannot be released solely because there is no parent, guardian or custodian able to assume responsibility or adequately supervise the child.

Standards Governing Hearings and Administrative Reviews for Children Held in Secure Detention

I. Pre-Adjudication Detention.

Within 72 hours of the admission of a child to secure detention, the informal detention hearing shall be held.

The adjudication hearing shall be held pursuant to the provisions of 42 Pa. C.S. §6335.

II. Post-Adjudication/Pre-Disposition Detention.

Within 20 days of the date of the adjudication, a disposition hearing or a hearing to determine the need for continued secure detention shall be held.

Within 20 days of this hearing, if the disposition hearing has not been held or a court order entered, a hearing shall be held to review the status of the case and to determine the need for continued secure detention.

Until a disposition or a specific placement is ordered by the Court, the Court shall hold a hearing by the 20th day from the most recent court proceeding to review the status of the case and to determine the need for continued secure detention.

III. Post Disposition /Pre-Placement Detention.

At the 10th and 20th days from the most recent court proceeding, the Court or designee shall administratively review the status of the case and determine the need for continued secure detention.

Within 30 days of the most recent court proceeding, a hearing shall be held to review the status of the case and to determine the need for continued secure detention.

Subsequent administrative reviews and hearings shall continue to be held pursuant to these time frames until the child is admitted to a dispositional placement or is otherwise released from secure detention.

IV. Detention pending a Disposition Review proceeding for failure to adjust in placement.

Within 72 hours of the admission of a child to secure detention, an informal detention hearing shall be held; unless the child was in a secure placement facility **immediately prior** to admission to secure detention.

Within 20 days of the most recent court proceeding, or from the date of admission to secure detention if no informal detention hearing was required, the disposition review hearing or a hearing to determine the need for continued secure detention shall be held.

Until a specific disposition order is entered, the Court shall hold a hearing by the 20th day from the most recent court proceeding to review the status of the case and to determine the need for continued secure detention.

V. Detention pending a Disposition Review proceeding for violation of probation.

Within 72 hours of the admission of a child to secure detention for a violation of probation, an informal detention hearing shall be held.

Within 20 days of the most recent court proceeding, the disposition review hearing or a hearing to determine the need for continued secure detention shall be held.

Until a specific disposition order is entered, the Court shall hold a hearing by the 20th day from the most recent court proceeding to review the status of the case and to determine the need for continued secure detention.

VI. Detention subsequent to an order resulting from a Disposition Review proceeding, where a specific placement or disposition has been ordered.

At the 10th and 20th days from the most recent court proceeding, the Court or designee shall administratively review the status of the case and determine the need for continued secure detention.

Within 30 days of the most recent court proceeding, a hearing shall be held to review the status of the case and to determine the need for continued secure detention.

Subsequent hearings and reviews shall be held pursuant to these time frames until the child is admitted to a dispositional placement, or is otherwise released from secure detention.

VII. The Chief Juvenile Probation Officer shall provide to the Court such information as necessary to ensure that all children placed in secure detention have the continued appropriateness of their detention determined by the Court or designee in accordance with these standards.

Note: An administrative review of a case should entail consideration of the information relevant to an understanding of why the child is being held in secure detention, whether secure detention services or an alternative thereto continue to be required, and what must occur to enable the child to be released or transferred to another facility. It is not intended that the child be present during these reviews.

Administrative reviews should serve to minimize delays in the release or transfer of a child by helping to ensure that individuals are carrying out their respective responsibilities related to the child's case. At the conclusion of each review, the child's anticipated date of release or transfer should be noted, together with the date of the next administrative review or hearing and any actions which are to occur prior thereto. All administrative reviews are to be documented in the child's case file or record.

SCHEDULES FOR HEARINGS & ADMINISTRATIVE REVIEWS FOR CHILDREN HELD IN SECURE DETENTION

SITUATION	Within 72 hours of admission to secure detention an informal detention hearing shall be held.	Not later than 10 days after the filing of the petition, hold an adjudication hearing, as governed by Section 6335 of The Juvenile Act.	N/A
<p>PRE-ADJUDICATION DETENTION.</p>			
<p>POST-ADJUDICATION/PRE-DISPOSITION DETENTION. (Where the disposition hearing has not been held, or where the disposition hearing has been held but a disposition or specific placement has not been ordered.)</p>	<p>• Within 20 days of the date of the adjudication, a disposition hearing or a hearing to determine the need for continued secure detention shall be held.</p>	<p>Within 20 days of this hearing, if the disposition hearing has not been held or an order entered, a hearing shall be held to review the status of the case and to determine the need for continued secure detention.</p>	<p>Until a disposition or a specific placement is ordered by the Court, the Court shall hold a hearing by the 20th day from the most recent court proceeding to review the status of the case and to determine the need for continued secure detention.</p>
<p>POST-DISPOSITION/PRE-PLACEMENT DETENTION. (Where the child is held in secure detention pending admission to a court ordered placement, or implementation of the disposition order.)</p>	<p>• At the 10th & 20th days from the most recent court proceeding, the Court or designee shall administratively review the status of the case and determine the need for continued secure detention.</p>	<p>Within 30 days of the most recent court proceeding, a hearing shall be held to review the status of the case and to determine the need for continued secure detention.</p>	<p>Subsequent administrative reviews and hearings shall continue to be held pursuant to these time frames until the child is admitted to a dispositional placement or is otherwise released from secure detention.</p>
<p>DETENTION PENDING A DISPOSITION REVIEW PROCEEDING FOR FAILURE TO ADJUST IN PLACEMENT.</p>	<p>Within 72 hours of admission to secure detention an informal detention hearing shall be held, unless the child was in a secure placement facility immediately prior to admission to detention.</p>	<p>Within 20 days of the most recent court proceeding, or from the date of admission to secure detention if no informal detention hearing was required, the disposition review hearing or a hearing to determine the need for continued secure detention shall be held.</p>	<p>Until a specific disposition order is entered, the Court shall hold a hearing by the 20th day from the most recent court proceeding to review the status of the case and to determine the need for continued secure detention.</p>
<p>DETENTION PENDING A DISPOSITION REVIEW PROCEEDING FOR VIOLATION OF PROBATION.</p>	<p>Within 72 hours of admission to secure detention for a violation of probation, an informal detention hearing shall be held.</p>	<p>Within 20 days of the most recent court proceeding, the disposition review hearing or a hearing to determine the need for continued secure detention shall be held.</p>	<p>Until a specific disposition order is entered, the Court shall hold a hearing by the 20th day from the most recent court proceeding to review the status of the case and to determine the need for continued secure detention.</p>
<p>DETENTION SUBSEQUENT TO AN ORDER RESULTING FROM A DISPOSITION REVIEW PROCEEDING, WHERE A SPECIFIC PLACEMENT OR DISPOSITION HAS BEEN ORDERED.</p>	<p>At the 10th & 20th days from the most recent court proceeding, the Court or designee shall administratively review the status of the case and determine the need for continued secure detention.</p>	<p>Within 30 days of the most recent court proceeding, a hearing shall be held to review the status of the case and to determine the need for continued secure detention.</p>	<p>Subsequent hearings and reviews shall be held pursuant to these time frames until the child is admitted to a dispositional placement, or is otherwise released from secure detention.</p>

Note: An administrative review of a case should entail consideration of the information relevant to an understanding of why the child is being held in secure detention, whether secure detention services or an alternative thereto continue to be required, and what must occur to enable the child to be released or transferred to another facility. It is not intended that the child be present during these reviews. Administrative reviews should serve to minimize delays in the release or transfer of a child by helping to ensure that individuals are carrying out their respective responsibilities related to the child's case. At the conclusion of each review, the child's anticipated date of release or transfer should be noted, together with the date of the next administrative review or hearing and any actions which are to occur prior thereto. All administrative reviews are to be documented in the child's case file or record.

SECURE DETENTION AUTHORIZED BY A PROBATION OFFICER/INTAKE OFFICER

See Standards §§101-120, 201-206 and §701

See Table I

At any time the placement of a child in secure detention is authorized by a juvenile probation officer or intake officer, a contemporaneous written statement of reasons and facts must accompany the decision specifying:

- (1) that there is a reasonable basis to believe that the child has committed the act for which he is being detained and that he is not excluded from the jurisdiction of Juvenile Court by age or any other reason;
- (2) that the child's detention is permitted under the "**Standards Governing the Use of Secure Detention Under The Juvenile Act**" promulgated by the Juvenile Court Judges' Commission; (*The specific Standard on which basis detention was authorized must be cited.*)
- (3) the alternatives to secure detention which were considered and rejected; and
- (4) the reason or reasons why secure detention is required and alternatives are not appropriate. (*Separate reasons need not be given for each alternative considered.*)

A standard form, JCJC-D-1, has been developed as a means to enable probation officers to comply with these requirements. A sample copy of this form and instructions for completing it are found on page 34. Copies of this form must be provided to the detention center within one Court business day of a child's admission to detention, one of which will be forwarded to the Commission for monitoring purposes.

In the case of after-hours detention decisions, the copy of JCJC-D-1 which is provided to the detention center need not be completed until the next Court business day as long as it is sent to the detention center that day. In such cases, the "**Statement of Reasons**" information may initially be recorded on a photocopy of JCJC-D-1 and transferred to an actual form the next Court business day.

In every situation in which secure detention is to be considered, forms of control which the probation officer believes could reduce the risk of flight or danger to the child or community, must be considered first and given preference. Whether a particular alternative to secure detention is determined to be a measure which could reduce the risk of flight by the child or danger to the child or community will vary from case to case.

Normally, pre-adjudication secure detention authorized by a probation officer/intake officer will be authorized pursuant to Sections 101-120 and Sections 201-206 of the coded and annotated **Standards**.

Section 701 should be used as the basis for a decision to authorize secure detention only where the probation officer believes the facts present extraordinary and exceptional circumstances, but should not be used routinely or because non-secure alternatives do not exist in adequate numbers. In addition, the "**Statement of Reasons**" which accompanies any secure detention authorization on the basis of Section 701 must include an explanation of why an exception was warranted and why non-secure options were rejected.

The appropriateness and necessity of any secure detention authorized by a probation officer or intake officer must be determined by the Court at a hearing within 72 hours of the child's admission to detention. The provisions of the Statutory Construction Act at 1 Pa. C.S.A. §1908 govern the

computation of those time frames. These hearings are held pursuant to The Juvenile Act at 42 Pa. C.S.A. §6332. At such hearings, the Court must comply with the **"Statement of Reasons"** requirements, if appropriate, as outlined on Tables 1 and 2 and explained in the text.

It should be noted that the **"Standards Governing Hearings and Administrative Reviews for Children Held in Secure Detention"** require that the Chief Juvenile Probation Officer must provide to the Court such information as necessary to ensure that all children placed in secure detention have the continued appropriateness of their detention determined by the Court in accordance with the Standards.

SECURE DETENTION ORDERED OR AUTHORIZED BY THE COURT

Pre-Adjudication Detention Ordered/Authorized by the Court Prior to the Informal Detention (72-Hour) Hearing

See Standards §§101-120, 201-206 and §701
See Table 1

A decision by the Court to detain a child alleged to be delinquent (*who is not currently under the supervision of the Court pursuant to a previous adjudication of delinquency*) prior to the informal detention (72-hour) hearing must be accompanied by a contemporaneous written statement of reasons and facts specifying:

- (1) that probable cause exists that the child committed the act for which he is being detained and that he is not excluded from the jurisdiction of Juvenile Court by age or any other reason;
- (2) that the child's detention is permitted under the "**Standards Governing the Use of Secure Detention Under The Juvenile Act**" promulgated by the Juvenile Court Judges' Commission; (*The specific Standard on which basis detention was ordered or authorized must be cited.*)
- (3) the alternatives to secure detention which were considered and rejected; and
- (4) the reason or reasons why secure detention is required and alternatives are not appropriate. (*Separate reasons need not be given for each alternative considered.*)

A standard form, JCJC-D-2, has been developed to enable courts to comply with these requirements. A sample copy of the form and accompanying instructions are found on page 37. This form was designed to serve solely as a "**Statement of Reasons**" form or as a "**Statement of Reasons**" and "**Order of Court**." Copies of this form must be provided to the detention center within one Court business day of the entry of the Order of Court committing the child to detention, one of which will be forwarded to the Commission. The "**Order of Court**" section of the form may be used at the Court's discretion.

In the case of an after-hours or non-court business day detention decision, the **original** copy of JCJC-D-2 need not be completed until the next Court business day.

Normally, pre-adjudication detention ordered or authorized by the Court will be authorized pursuant to Sections 101-120 and Sections 201-206 of the coded and annotated "**Standards Governing the Use of Secure Detention Under The Juvenile Act.**"

Section 701 should be used as the basis for secure detention only when the Court believes that the facts present extraordinary and exceptional circumstances which require secure detention. This **exceptional circumstance** provision should not be used routinely or because non-secure alternatives do not exist in adequate numbers. Non-secure options must be used when a child cannot be released **solely** because there is no parent, guardian or custodian **able** to assume responsibility or adequately supervise the child.

The appropriateness and necessity of all pre-adjudication/pre-hearing detention must be determined by the Court at a hearing within 72 hours of the child's admission to detention. At these hearings, held pursuant to The Juvenile Act at 42 Pa. C.S.A. §6332, the Court must comply with the "**Statement of Reasons**" requirements, if appropriate. The Statutory Construction Act should be used to compute the time frames for these hearings.

**Pre-Adjudication Detention Ordered/Continued
by the Court at the Informal Detention (72-Hour)
or other Hearing**

See Standards §§ 101-120, 201-206 and §701
See Table 1

All children placed in secure detention, except those placed in secure detention directly at a Court hearing, must have the appropriateness of their detention determined within 72 hours at a Court hearing held in conformance with The Juvenile Act at 42 Pa. C.S.A. §6332 provided that, in addition to determining whether secure detention continues to be required, the Court must comply with the "**Statement of Reasons**" requirements if appropriate.

A decision to detain or continue a child in secure detention made by the Court at the informal detention (72-hour) hearing, or at a subsequent hearing extending a period of detention under The Juvenile Act at 42 Pa. C.S.A. §6335, involving a child alleged to be delinquent (*who is not currently under the supervision of the Court pursuant to a previous adjudication of delinquency*) must be accompanied by a contemporaneous written statement of reasons and facts specifying:

- (1) that probable cause exists that the child committed the act for which he is being detained and that he is not excluded from the jurisdiction of Juvenile Court by age or any other reason;
- (2) that the child's detention is permitted under the "**Standards Governing the Use of Secure Detention Under The Juvenile Act**" promulgated by the Juvenile Court Judges' Commission; (*The specific Standard on which basis detention was ordered or authorized must be cited.*)
- (3) the alternatives to secure detention which were considered and rejected; and
- (4) the reason or reasons why secure detention is required and alternatives are not appropriate. (*Separate reasons need not be given for each alternative considered.*)

Standard Form JCJC-D-2 should be used as the means of complying with these requirements. A sample copy of the form and accompanying instructions are found on page 37. This form, which should be used by the Court in conjunction with all pre-adjudication detention decisions, was designed so that it could serve solely as a "**Statement of Reasons**" form or as a "**Statement of Reasons**" and "**Order of Court**." The "**Order of Court**" section of the form may be used at the Court's discretion. In either case, two copies must be provided to the detention center, one of which will be forwarded by the detention center to the Commission.

As previously discussed, pre-adjudication detention ordered or authorized by the Court will normally be made on the basis of Sections 101-120 and Sections 201-206 of the coded and annotated "**Standards Governing the Use of Secure Detention Under The Juvenile Act**." However, Section 701, governing **exceptional circumstances** may be utilized as discussed in the preceding Section.

**Post-Adjudication/Pre-Disposition Detention
Ordered or Continued by the Court Subsequent
to a Finding That the Child Has Committed a
Delinquent Act (but prior to the Court's
Determination That Residential Placement Will
Be Ordered at Disposition)**

See Standards §§401-403
See Table 1

If secure detention is ordered or continued by the Court after a child is found to have committed a delinquent act, **but prior to the Court's determination that residential placement will be ordered at disposition**, the Court must indicate on the record or in a Court Order:

"Why secure detention is required and alternatives are not appropriate"
(Separate reasons need not be given for each alternative considered.)

The Juvenile Act at 42 Pa. C.S.A. §6341(b), provides that upon entering a finding on the record that a child has committed the acts by reason of which he is alleged to be delinquent, the Court **"shall then proceed immediately or at a postponed hearing, which shall occur not later than 20 days after adjudication if the child is in detention, to hear evidence as to whether the child is in need of treatment, supervision or rehabilitation and to make and file its findings thereon."**

However, in cases where a disposition hearing must be continued by the Court, the JCJC **"Standards Governing Hearings and Administrative Reviews for Children Held in Secure Detention"** provide for additional procedures.

Within 20 days of the date of the adjudication, a disposition hearing or a hearing to determine the need for continued secure detention shall be held.

Within 20 days of this hearing, if the disposition hearing has not been held or a court order entered, a hearing shall be held to review the status of the case and to determine the need for continued secure detention.

Until a disposition or a specific placement is ordered by the Court, the Court shall hold a hearing by the 20th day from the most recent court proceeding to review the status of the case and to determine the need for continued secure detention.

If at the time of an initial or subsequent 20-day review hearing where detention is continued, the Court has yet to determine that residential placement will be ordered at disposition, or continued, if previously ordered, the Court must indicate on the record or in a Court Order:

"Why secure detention is required and alternatives are not appropriate"
(Separate reasons need not be given for each alternative considered.)

Once the Court has determined that residential placement **will be ordered at disposition, or continued, if previously ordered**, no **"Statement of Reasons"** is required regarding the continued use of secure detention pending placement.

The JCJC **"Standards Governing Hearings and Administrative Reviews for Children Held in Secure Detention"** provide that the Chief Juvenile Probation Officer of each county is to provide to the Court such information as necessary to ensure that all children placed in secure detention have the continued appropriateness of their detention determined by the Court in accordance with the Standards.

**Post-Adjudication/Pre-Disposition Detention
Ordered or Continued by the Court Subsequent
to a Determination That Residential Placement
Will Be Ordered at Disposition, or Continued,
If Previously Ordered**

See Standards §§401-403
See Table 1

Once the Court has determined that residential placement will be ordered at disposition, no **"Statement of Reasons"** is required regarding the use of secure detention pending such placement.

A determination may be made by the Court that residential placement will be ordered or continued, if previously ordered, even though the specific placement has yet to be determined. Note that §403 of the Standards provides that a delinquent child is eligible for placement in secure detention upon a determination by the Court that placement of the child at disposition is probable and detention is required based on consideration of the factors set forth therein.

Although a **"Statement of Reasons"** is not required once the Court has determined that residential placement will be ordered or continued, the Court must periodically review the status of any child who continues to be held in secure detention pending disposition.

As discussed in the preceding Section, the JCJC **"Standards Governing Hearings and Administrative Reviews for Children Held in Secure Detention"** provide that a child whom the Court has found to have committed a delinquent act or to be a delinquent child may not be held in secure detention pending disposition for longer than 20 days from such adjudication or finding without **an additional court appearance at which such period of detention is extended** for good cause shown. Any such detention must continue to be reviewed by the Court **at a hearing every 20 days** until a disposition or a specific placement is ordered by the Court. In such cases no **"Statement of Reasons"** is required regarding the use of secure detention.

The Standards provide that the Chief Juvenile Probation Officer of each county is to provide to the Court such information as necessary to ensure that all children placed in secure detention have the continued appropriateness of their detention determined by the Court.

Post-Disposition Detention Pending Placement

See Standards §§501-504
See Table 2

In cases where a delinquent child is placed in secure detention by the Court subsequent to the entry of an Order of Disposition pursuant to 42 Pa. C.S.A. §6352, pending transfer to a residential dispositional placement, no "**Statement of Reasons**" is required. This applies whether the child is being held for a short period of time pending transfer to a program, or for a longer period of time pending a vacancy in a specified program.

However, the Commission "**Standards Governing Hearings and Administrative Reviews for Children Held in Secure Detention**" provide that the continued appropriateness and necessity of detention must be reviewed by the Court.

At the 10th and 20th days from the most recent court proceeding, the Court or designee shall administratively review the status of the case and determine the need for continued secure detention.

Within 30 days of the most recent court proceeding, a hearing shall be held to review the status of the case and to determine the need for continued secure detention.

Subsequent administrative reviews and hearings shall continue to be held pursuant to these time frames until the child is admitted to a dispositional placement or is otherwise released from secure detention.

An administrative review of a case should entail consideration of the information relevant to an understanding of why the child is being held in secure detention, whether secure detention services or an alternative thereto continue to be required, and what must occur to enable the child to be released or transferred to another facility. It is not intended that the child be present during these reviews.

Administrative reviews should serve to minimize delays in the release or transfer of a child by helping to ensure that individuals are carrying out their respective responsibilities related to the child's case. At the conclusion of each review, the child's anticipated date of release or transfer should be noted, together with the date of the next administrative review or hearing and any actions which are to occur prior thereto. All administrative reviews are to be documented in the child's case file or record.

As previously discussed, the Chief Juvenile Probation Officer of each county is responsible for providing to the Court such information as necessary to ensure that all children have the continued appropriateness of their detention determined by the Court.

Post-Disposition Detention Involving Violation of Probation, Absconding From Placement, Failure to Adjust in Placement, or Pending a Disposition Review Proceeding

See Standards §§ 116, 117, 118 (New Offense)
119 (Technical Violations)
201 (Absconding from Placement)
601 (Disposition Review Proceeding Involving Placement in a Secure Program)
602 (Failure to Adjust in Placement)
603 (Pending Other Disposition Review Proceedings)

See Table 2

At any time a delinquent child is detained under any of these circumstances **prior to the Court's determination that residential placement will be ordered or continued**, the Court must indicate on the record or in a Court Order:

"Why secure detention is required and alternatives are not appropriate"
(Separate reasons need not be given for each alternative considered.)

However, no **"Statement of Reasons"** is required if the Court has determined that residential placement will be ordered, or continued, if previously ordered.

Any child so detained must have the appropriateness of his/her detention determined within 72 hours at a Court hearing held pursuant to The Juvenile Act at 42 Pa. C.S.A. §6332 (*unless the child was placed in detention directly at a Court hearing*). If the child's detention is continued following the hearing, the Court must indicate on the record or in an Order of Court why secure detention is required and alternatives are not appropriate unless the Court has determined that dispositional residential placement will be ordered, or continued, if previously ordered.

Consult the **"Standards Governing Hearings and Administrative Reviews for Children Held in Secure Detention"** to determine which Standard applies to secure detention admissions under these Sections. The following Standards may be applicable depending on the status of the case:

- IV. Detention Pending a Disposition Review Proceeding for Failure to Adjust in Placement.
- V. Detention Pending a Disposition Review Proceeding for Violation of Probation.
- VI. Detention Subsequent to an Order resulting from a Disposition Review Proceeding, where a specific Placement or Disposition has been Ordered.

Pursuant to the Standards, the Chief Juvenile Probation Officer of each county is responsible for providing to the Court such information as necessary to ensure that all children have the continued appropriateness of their detention determined by the Court.

"Statement of Reasons" Requirements
-NOTES-

TABLE 1

"Statement of Reasons" Requirements

Type of Detention	Statement of Reasons Specifying: <ul style="list-style-type: none"> • that there is a reasonable basis to believe child committed act for which he is being detained; • that child is not excluded from jurisdiction of Juvenile Court by age or any other reason; • the section of JCJC Standards on which basis detention was authorized; • the alternatives to secure detention which were considered and rejected; • the reason or reasons why secure detention is required and alternatives are not appropriate. 	Statement of Reasons Specifying: <ul style="list-style-type: none"> • that probable cause exists child committed act for which he is being detained; • that child is not excluded from jurisdiction of Juvenile Court by age or any other reason; • the section of JCJC Standards on which basis detention was authorized; • the alternatives to secure detention which were considered and rejected; • the reason or reasons why secure detention is required and alternatives are not appropriate. 	Court shall indicate on the record or in a court order: <ul style="list-style-type: none"> • why secure detention is required and alternatives are not appropriate. 	No statement of reasons is required regarding the use of secure detention.
All secure detention authorized by a probation officer/intake officer.	X (use JCJC-D-1)			
Pre-adjudication detention ordered by the court prior to a 72-hour hearing.		X (use JCJC-D-2)		
Pre-adjudication detention continued by the court at a 72-hour or other hearing.		X (use JCJC-D-2)		
Post-adjudication/pre-disposition detention ordered by court after child is found to have committed delinquent act, but prior to court's determination that residential placement will be ordered at disposition.			X	
Post-adjudication/pre-disposition detention continued by court at an initial or subsequent 20-day review hearing, but prior to court's determination that residential placement will be ordered at disposition.			X	
Post-adjudication/pre-disposition detention ordered by court subsequent to a determination by the court that residential placement will be ordered at disposition.				X
Post-adjudication/pre-disposition detention continued by court at initial or subsequent 20-day review hearing subsequent to court's determination that residential placement will be ordered at disposition, or continued if previously ordered.				X

TABLE 2

"Statement of Reasons" Requirements

Type of Detention	Statement of Reasons Specifying: <ul style="list-style-type: none"> • that there is a reasonable basis to believe child committed act for which he is being detained; • that child is not excluded from jurisdiction of Juvenile Court by age or any other reason; • the section of JCJC Standards on which basis detention was authorized; • the alternatives to secure detention which were considered and rejected; • the reason or reasons why secure detention is required and alternatives are not appropriate. 	Statement of Reasons Specifying: <ul style="list-style-type: none"> • that probable cause exists child committed act for which he is being detained; • that child is not excluded from jurisdiction of Juvenile Court by age or any other reason; • the section of JCJC Standards on which basis detention was authorized; • the alternatives to secure detention which were considered and rejected; • the reason or reasons why secure detention is required and alternatives are not appropriate. 	Court shall indicate on the record or in a court order: <ul style="list-style-type: none"> • why secure detention is required and alternatives are not appropriate. 	No statement of reasons is required regarding the use of secure detention.
Post-disposition/pre-placement detention ordered by the court pending transfer to residential placement, or continued at 10- or 20-day administrative reviews, or at initial or subsequent 30-day review hearings.				X
Post-disposition, court ordered detention (prior to a hearing) involving violation of probation, absconding from placement, failure to adjust in placement, or pending a disposition review proceeding; but prior to court's determination that residential placement will be ordered or continued.			X	
Post-disposition court ordered detention continued at 72-hour hearing, disposition review hearing, or a 20-day review hearing involving a violation of probation, absconding from placement, failure to adjust, etc.; but prior to court's determination that residential placement will be ordered or continued.			X	
Post-disposition court ordered detention involving a violation of probation, absconding from placement, failure to adjust, etc., or in conjunction with a disposition review hearing, or a 10- or 20-day administrative review or a 30-day review hearing; subsequent to court's determination that residential placement will be ordered or continued.				X



JUVENILE COURT JUDGES' COMMISSION

**Standards Governing
the Use of
Secure Detention Under The Juvenile Act
42 Pa. C.S. §6301, et seq.**

The Standards which follow are a coded and annotated version of the Juvenile Court Judges' Commission "**Standards Governing the Use of Secure Detention Under The Juvenile Act.**"

This version of the Standards was developed solely to facilitate ease of compliance and monitoring. In all cases where it is necessary to cite a specific provision of the Juvenile Court Judges' Commission "**Standards Governing the Use of Secure Detention Under The Juvenile Act,**" the relevant section of this document should be cited.



**STANDARDS GOVERNING
THE USE OF
SECURE DETENTION UNDER THE JUVENILE ACT**

(Coded and Annotated)

1. CIRCUMSTANCES UNDER WHICH SECURE DETENTION MAY BE AUTHORIZED ON THE BASIS OF AN ALLEGED OFFENSE OR ON THE BASIS OF AN ALLEGED OFFENSE AND THE CHILD'S CURRENT STATUS WITH THE COURT OR PRIOR RECORD:

The child is alleged to be a delinquent child on the basis of acts which would constitute the commission of, conspiracy, solicitation, or an attempt to commit:

Section

- 101 Criminal Homicide (18 Pa. C.S. §2502, Murder; §2503, Voluntary Manslaughter; §2504, Involuntary Manslaughter).
- 102 Rape (18 Pa. C.S. §3121).
- 103 Robbery (18 Pa. C.S. §3701).
- 103.1 Robbery of Motor Vehicle (18 Pa. C.S. §3702).
- 104 Aggravated Assault (18 Pa. C.S. §2702).
- 105 Involuntary Deviate Sexual Intercourse (18 Pa C.S. §3123).
- 105.1 Aggravated Indecent Assault (18 Pa. C.S. §3125).
- 106 Kidnapping (18 Pa. C.S. §2901).
- 107 Arson (18 Pa. C.S. §3301).
- 108 Burglary involving a structure occupied by a person at the time of the offense or a structure adapted for overnight accommodation (18 Pa. C.S. §3502).
- 109 Terroristic Threats (18 Pa. C.S. §2706).
- 109.1 Stalking {18 Pa. C.S. §2709 (b)(1)(2)}.
- 110 Causing or Risking Catastrophe (18 Pa. C.S §3302).
- 111 Riot (18 Pa. C.S. §5501).
- 112 **Felonious** violations of "The Controlled Substance, Drug, Device and Cosmetic Act" (35 P.S. §780-101 et seq.)

113 **Felonious Intimidation of Witnesses or Victims (18 Pa. C.S. §4952).**

Note: The offense is a felony of the third degree if:

- (1) The actor employs force, violence or deception, or threatens to employ force or violence, upon the witness or victim or, with the requisite intent or knowledge upon any other person.
- (2) The actor offers any pecuniary or other benefit to the witness or victim or, with the requisite intent or knowledge, to any other person.
- (3) The actor's conduct is in furtherance of a conspiracy to intimidate a witness or victim.
- (4) The actor solicits another to or accepts or agrees to accept any pecuniary or other benefit to intimidate a witness or victim.
- (5) The actor has suffered any prior conviction for any violation of this title or any predecessor law hereto, or has been convicted, under any Federal statute or statute of any other state, of an act which would be a violation of this title if committed in this State.

Otherwise the offense is a misdemeanor of the second degree.

113.1 **Felonious Retaliation Against Witness or Victim (18 Pa. C.S. §4953).**

Note: The offense is a felony of the third degree if:

- (1) The actor employs force, violence or deception, or threatens to employ force or violence, upon the witness or victim or, with the requisite intent or knowledge upon any other person.
- (2) The actor offers any pecuniary or other benefit to the witness or victim or, with the requisite intent or knowledge, to any other person.
- (3) The actor's conduct is in furtherance of a conspiracy to intimidate a witness or victim.
- (4) The actor solicits another to or accepts or agrees to accept any pecuniary or other benefit to intimidate a witness or victim.
- (5) The actor has suffered any prior conviction for any violation of this title or any predecessor law hereto, or has been convicted, under any Federal statute or statute of any other state, of an act which would be a violation of this title if committed in this State.

Otherwise the offense is a misdemeanor of the second degree.

114 The child is alleged to be a delinquent child on the basis of an offense which involved the use or possession of a firearm or explosives.

Note: An allegation of delinquency made solely on the basis of possession of a firearm or explosives can be the basis for ordering or authorizing detention under this section.

115 The child is alleged to be a delinquent child on the basis of an offense which involved the use but not mere possession of a deadly weapon other than a firearm or explosives, or an offense (other than mere possession) during which the child had in his possession a deadly weapon as defined at 18 Pa. C.S. §2301.

Note: The mere possession of a firearm or explosives can be the basis for authorizing detention under Section 114.

Pursuant to 18 Pa. C.S. §2301:

Deadly weapon. Any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or serious bodily injury, or any other device or instrumentality which, in the manner in which it is used or intended to be used, is calculated to produce death or serious bodily injury.

Serious Bodily Injury. Bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

- 116 The child is alleged to be a delinquent child on the basis of an offense which is classified as a **felony** and the child is currently on probation, being supervised under a Consent Decree, or is otherwise under the supervision of the Court following an adjudication of delinquency.
- 117 The child is alleged to be a delinquent child on the basis of an offense which is classified as a **felony** and the child has been found to be a delinquent child within the preceding 18 months.
- 118 The child is alleged to have committed **any delinquent act** and the child is on probation or is otherwise under the supervision of a Court following an adjudication of delinquency, **based on a felony**.
- 119 The child is on probation or is otherwise under the supervision of a Court following an adjudication of delinquency, **based on a felony**, and the child is alleged to have **twice violated technical conditions** of such probation or other post-adjudication supervision.
- 120 The child is alleged to be a delinquent child and is in violation of conditions of house arrest, in-home detention, electronic monitoring, shelter care, or other non-secure placement, ordered or authorized as an alternative to secure detention.

Note: The following "Standards Governing Hearings and Administrative Reviews for Children Held in Secure Detention" apply to secure detention admissions under Sections 101-120:

I. Pre-Adjudication Detention.

Within 72 hours of the admission of a child to secure detention, the informal detention hearing shall be held.

The adjudication hearing shall be held pursuant to the provisions of 42 Pa.C.S. §6335.

V. Detention Pending a Disposition Review Proceeding for Violation of Probation.

Within 72 hours of the admission of a child to secure detention for a violation of probation, an informal detention hearing shall be held.

Within 20 days of the most recent court proceeding, the disposition review hearing or a hearing to determine the need for continued secure detention shall be held.

Until a specific disposition order is entered, the Court shall hold a hearing by the 20th day from the most recent court proceeding to review the status of the case and to determine the need for continued secure detention.

2. CIRCUMSTANCES UNDER WHICH SECURE DETENTION MAY BE AUTHORIZED ON THE BASIS OF A CHILD'S STATUS AS AN ABSCONDER OR FUGITIVE; ON THE BASIS OF A CHILD'S RECORD OF FAILING TO APPEAR AT PREVIOUS JUVENILE HEARINGS; OR BECAUSE OF EXTRAORDINARY CIRCUMSTANCES WHICH REQUIRE SECURE DETENTION TO PREVENT A CHILD FROM ABSCONDING:

Section

- 201 The child is an absconder from an institution or other placement to which he/she was committed as a result of a previous adjudication of delinquency.
- 202 The child has willfully failed to appear at the hearing on the petition (adjudication hearing) or other hearing after having been served with a court order or summons to appear.
- 203 The child has a recent demonstrable record of willful failure to appear at previous juvenile court hearings.
- 204 The child has been verified to be a fugitive from another jurisdiction, an official from which has requested that said child be detained.
- 205 The child absconded from secure detention, shelter care, in-home detention, house arrest, or other non-secure placement, or while subject to electronic monitoring, ordered or authorized pending a court hearing or placement.
- 206 The child presents extraordinary circumstances requiring secure detention to prevent him/her from absconding. (Such circumstances may include, but are not limited to, the child's age, character, mental condition, ties to the community, the nature of the child's family relationships, drug or alcohol addiction or substance abuse.)

Note: Consult the "Standards Governing Hearings and Administrative Reviews for Children Held in Secure Detention" to determine which Standard applies to secure detention admissions under Sections 201-206. The applicable Standard will vary depending on the status of the case.

3. CIRCUMSTANCES UNDER WHICH SECURE DETENTION MAY BE AUTHORIZED ON THE WRITTEN REQUEST OF THE CHILD OR CHILD'S ATTORNEY:

Section

- 301 The child has voluntarily, and in writing, requested to be placed in secure detention for his/her protection.
- 302 The child's attorney has voluntarily, and in writing, requested that the child be placed in secure detention for the protection of the child.

Note: Immediate release must occur upon the request of the child or child's attorney.

4. CIRCUMSTANCES UNDER WHICH SECURE DETENTION MAY BE ORDERED PENDING DISPOSITION, SUBSEQUENT TO A FINDING THAT A CHILD COMMITTED A DELINQUENT ACT OR IS A DELINQUENT CHILD:

Section

- 401 The child was found to have committed a delinquent act, or adjudicated delinquent, on the basis of an offense for which detention was or could have been authorized or ordered pursuant to Sections 101-120.
- 402 The child was initially detained, was eligible for detention, or based on more recent information, would now be eligible for detention under Sections 201-206.
- 403 The Court has determined that placement of the child at disposition is **probable** and continued detention is required prior to disposition based upon consideration of the following factors:
- (a) the nature of the substantiated offense;
 - (b) the child's employment and student status;
 - (c) the nature of the child's family relationships;
 - (d) the child's past and present residences;
 - (e) the child's age, character, mental condition, previous juvenile record, and drug or alcohol addiction or substance abuse;
 - (f) if the child has previously been released pending a court proceeding, whether the child appeared as required;
 - (g) any other facts relevant to whether the child has strong ties with the community or is likely to flee the jurisdiction.

Note: The following "Standard Governing Hearings and Administrative Reviews for Children Held in Secure Detention" applies to secure detention admissions under Sections 401-403:

II. Post-Adjudication/Pre-Disposition Detention.

Within 20 days of the date of the adjudication, a disposition hearing or a hearing to determine the need for continued secure detention shall be held.

Within 20 days of this hearing, if the disposition hearing has not been held or a court order entered, a hearing shall be held to review the status of the case and to determine the need for continued secure detention.

Until a disposition or a specific placement is ordered by the Court, the Court shall hold a hearing by the 20th day from the most recent court proceeding to review the status of the case and to determine the need for continued secure detention.

5. CIRCUMSTANCES UNDER WHICH SECURE DETENTION MAY BE ORDERED FOLLOWING DISPOSITION PENDING TRANSFER TO PLACEMENT:

Section

- 501 The child was found to be a delinquent child on the basis of an offense for which secure detention would be permitted pursuant to Sections 101-120.
- 502 The child was initially detained, was eligible for detention, or based on more recent information, would now be eligible for detention pursuant to Sections 201-206.
- 503 The child is awaiting placement in a Youth Development Center Secure Unit or other secure residential treatment program.
- 504 The child is awaiting placement and the Court has determined that secure detention is required pending transfer to such placement based upon consideration of the following factors:
- (a) the nature of the substantiated offense;
 - (b) the child's employment and student status;
 - (c) the nature of the child's family relationships;
 - (d) the child's past and present residences;
 - (e) the child's age, character, mental condition, previous juvenile record, and drug or alcohol addiction or substance abuse;
 - (f) if the child has previously been released pending a court proceeding, whether the child appeared as required;
 - (g) any other facts relevant to whether the child has strong ties to the community or is likely to flee the jurisdiction.

Note: The following "Standard Governing Hearings and Administrative Reviews for Children Held in Secure Detention" applies to secure detention admissions under Sections 501-504:

II. Post-Disposition/Pre-Placement Detention.

At the 10th and 20th days from the most recent court proceeding, the Court or designee shall administratively review the status of the case and determine the need for continued secure detention.

Within 30 days of the most recent court proceeding, a hearing shall be held to review the status of the case and to determine the need for continued secure detention.

Subsequent administrative reviews and hearings shall continue to be held pursuant to these time frames until the child is admitted to a dispositional placement or is otherwise released from secure detention.

6. CIRCUMSTANCES UNDER WHICH SECURE DETENTION MAY BE AUTHORIZED ON THE BASIS OF THE CHILD'S STATUS PENDING OR SUBSEQUENT TO A DISPOSITION REVIEW HEARING:

Section

- 601 A Disposition Review Hearing is pending or has been held and the child is in placement in, or is awaiting transfer to, a Youth Development Center Secure Unit or other secure residential treatment program.
- 602 A Disposition Review Hearing is pending or has been held and the child was returned from placement for failure to adjust.
- 603 A Disposition Review Hearing is pending or has been held and secure detention is required based upon consideration of the following factors:
- (a) the nature of the substantiated offense;
 - (b) the child's employment and student status;
 - (c) the nature of the child's family relationships;
 - (d) the child's past and present residences;
 - (e) the child's age, character, mental condition, previous juvenile record, and drug or alcohol addiction or substance abuse;
 - (f) if the child has previously been released pending a court proceeding, whether the child appeared as required;
 - (g) any other facts relevant to whether the child has strong ties to the community or is likely to flee the jurisdiction.

Note: Consult the "Standards Governing Hearings and Administrative Reviews for Children Held in Secure Detention" to determine which Standard applies to secure detention admissions under Sections 601-603:

The Following Standards may be applicable depending on the status of the case:

- IV. Detention Pending a Disposition Review Proceeding for Failure to Adjust to Placement.
- V. Detention Pending a Disposition Review proceeding for Violation of Probation.
- VI. Detention Subsequent to an Order resulting from a Disposition Review Proceeding, where a specific Placement or Disposition has been Ordered.

7. CIRCUMSTANCES UNDER WHICH SECURE DETENTION MAY BE AUTHORIZED ON THE BASIS OF EXTRAORDINARY AND EXCEPTIONAL CIRCUMSTANCES:

Section

701 The child is not otherwise eligible for secure detention pursuant to the preceding standards; however, the facts present extraordinary and exceptional circumstances which require the use of secure detention. (The statement of reasons which accompanies any detention under this Section must include an explanation of why an exception was warranted and why non-secure options were rejected.)

Note: Detention under this Section may not be authorized routinely or because non-secure alternatives do not exist in adequate numbers, but only in the exceptional and extraordinary case.

Secure detention is not to be used when a child **alleged** to be delinquent cannot be released **solely** because there is no parent, guardian or custodian **able** to assume responsibility or adequately supervise the child.

Consult the "Standards Governing Hearings and Administrative Reviews for Children Held in Secure Detention" to determine which Standard applies to secure detention admissions under Section 701. The applicable Standard will vary depending on the status of the case.



COUNTY JID #:

STATEMENT OF FACTS AND REASONS ACCOMPANYING THE DETENTION OF A CHILD
BY A PROBATION OFFICER/INTAKE OFFICER PURSUANT TO 42 PA.C.S. § 6304, 6225, AND 6331.

I. Name of Child: _____ II. Date of Birth: _____ / _____ / _____
(Last) (First) (Middle Initial) (Month) (Day) (Year)

III-A. Date Detention Authorized _____ / _____ / _____ IV-A. Child SID # _____
(Month) (Day) (Year)

III-B. Time of Authorization _____ a.m. p.m. IV-B. Social Security # _____

V. There is a reasonable basis to believe that the above named child:

A. has committed:

- 1. _____ count(s) of (_____) _____
- 2. _____ count(s) of (_____) _____
- 3. _____ count(s) of (_____) _____
- 4. _____ count(s) of (_____) _____

If more than four crimes are alleged, list the four most serious crimes. In the parentheses (_____) provide the code letter for the type of crime as follows:
a = the crime of b = an attempt to commit c = solicitation to commit d = conspiracy to commit

B. Other (when NO NEW delinquent act is alleged) Explain: _____

If Section B is used, provide Court Status at time of Detention Admission: Informal Adjustment Adjudicated Delinquent
 Consent Decree Other (explain) _____

If Section B is used, list the most serious delinquent act, grading of offense, and date of referral relating to this court status.

Delinquent Act: _____ Grading: _____ Date of Referral: _____

VI. This child is not believed to be excluded from the jurisdiction of Juvenile Court by age or any other reason.

VII. This child's detention is permitted and authorized pursuant to Section(s) _____ of the "Standards Governing the Use of Secure Detention Under the Juvenile Act" as set forth in the JCJC Detention Handbook.

VIII. The alternatives to secure detention which were considered and rejected: parent(s) / guardian(s) relative(s) electronic monitoring
 in-home detention / house arrest foster care shelter care other (specify) _____

IX. The reason or reasons why secure detention is required and alternatives are not appropriate: _____

(If detention was authorized pursuant to Section 701 of the Standards, this statement must include an explanation of why an exception was warranted and why non-secure options were rejected)

Name of Probation Officer/Intake Officer Authorizing Detention:

Print Name _____ Signature _____ Date: _____ / _____ / _____
(Month) (Day) (Year)

Send WHITE AND YELLOW COPIES of this form completed through Section IX to the Detention Center within one court business day of this child's admission to detention.

COUNTY JID #:

To Be Completed by Detention Staff After Child's Admission to Detention, or After the Informal Detention Hearing:

X. Name of Detention Center _____ XI. Date of admission of above named child _____ / _____ / _____
(Month) (Day) (Year)

XII. Time of Admission _____ : _____ a.m. p.m.

XIII. Detention/Release Status:

A. Child released prior to informal detention hearing: Date of Release _____ / _____ / _____ Time of Release _____ : _____ a.m. p.m.
(Month) (Day) (Year)

B. Child released at informal detention hearing: Date of Release _____ / _____ / _____ Time of Release _____ : _____ a.m. p.m.
(Month) (Day) (Year)

C. Child continued in detention following informal detention hearing: Date of Detention Hearing _____ / _____ / _____
(Month) (Day) (Year)

D. Other (explain) _____

Name of Detention Center Staff Completing This Section:

Print Name _____ Date: _____ / _____ / _____
(Last) (First) (Middle Initial) (Month) (Day) (Year)

INSTRUCTIONS

Statement of Facts and Reasons Accompanying the Detention of a Child Probation Officer/Intake Officer (JCJC-D-1)

This form must be completed at any time the placement of a child in secure detention is authorized by a probation officer/intake officer. The completion of this form will fully satisfy the "Statement of Facts and Reasons" requirements of the "Standards Governing the Use of Secure Detention Under The Juvenile Act."

County JID number:

Provide the unique Juvenile Identification Number assigned by the County to this child.

SECTIONS I-IX

I. Name of Child:

Self-explanatory.

II. Date of Birth:

Self-explanatory.

III-A. Date Detention Authorized:

Provide the date on which this child's placement in secure detention was authorized.

III-B. Time of Authorization:

Provide the specific time at which this child's placement in secure detention was authorized.

IV-A. Child SID Number:

Provide the State Identification Number assigned by the Pennsylvania State Police to this child.

IV-B. Child Social Security Number:

Self-explanatory.

V. "Reasonable Basis" Determinations:

A. has committed:

Check this box and provide the information requested if you have a reasonable basis to believe that the child has committed a crime or crimes.

B. Other (*When NO NEW delinquent act is alleged*) Explain:

Check this box and provide an explanation regarding detention situations where no new delinquent act is alleged. Included here would be situations where a child has violated technical terms of probation or other court supervision, has absconded from placement, or is being returned from placement for a disposition review proceeding.

Court Status at time of admission:

If Section B is used, also provide the requested information regarding the child's court status at the time of the child's admission to detention.

Offense Information:

If Section B is used, also provide the requested information regarding the most serious delinquent act relating to the child's court status at the time of admission to detention.

VI. This child is not believed to be excluded from the jurisdiction of Juvenile Court by age or any other reason.

VII. Specification of JCJC Detention Standard(s):

Provide the Section #(s) from the coded and annotated version of the JCJC "Standards Governing the Use of Secure Detention Under The Juvenile Act" on which basis detention was authorized.

VIII. Alternatives to Detention Considered and Rejected:

Check all appropriate boxes to indicate the alternatives to secure detention which were considered and rejected prior to authorizing detention in this case. If other is checked, please specify the applicable alternative.

IX. The Reason or Reasons Why Secure Detention is Required and Alternatives Are Not Appropriate:

Provide the reason(s) why secure detention is required and alternatives are not appropriate in this case. If detention was authorized on the basis of Section 701 of the coded and annotated Standards, an explanation must be given regarding why an exception was warranted and why non-secure options were rejected.

Name of Probation Officer/Intake Officer Authorizing Detention:

Print the name and affix the signature of the probation officer/intake officer who authorized detention in this case. Provide the date on which Sections I-IX of this form were completed.

Send the **White and Yellow** copies of this form, completed through Section IX, to the detention center within one court business day of the child's admission to detention.

INSTRUCTIONS
JDJC-D-1 (Continued)

SECTIONS X-XIII

(To be completed by Detention Center Staff)

Sections X-XIII of this form are to be completed by staff of the detention center after the child has been admitted to detention. These sections may be completed after the child's admission to detention, following the child's informal detention (72-hour) hearing, or upon the child's release from detention.

Provide the child's Social Security number, if known:

X. Name of Detention Center:

Self-explanatory.

XI. Date of Admission of the Above Named Child:

Self-explanatory.

XII. Time of Admission:

Self-explanatory.

XIII. Detention/Release Status:

- A. Child released prior to informal detention hearing:
Check this box and provide the date and time of release if the child was released from detention prior to the informal detention (72-hour) hearing.
- B. Child released at informal detention hearing:
Check this box and provide the date and time of release if the child was released from detention at the informal detention (72-hour) hearing.
- C. Child continued in detention following informal detention hearing:
Check this box and provide the date of the informal detention (72-hour) hearing if the child was returned to detention following such hearing.
- D. Other (*explain*)
Check this box and provide an explanation if the child's detention status cannot be described in the preceding sections.

Name of the Detention Center Staff Completing This Section:

Provide the name, last name first, of the detention center staff person who completed Sections X-XIII of this form.

Date:

Provide the date on which Sections X-XIII were completed.

Send the completed **White copy** of this form to: CJJT&R (Shippensburg University, 1871 Old Main Dr., Shippensburg, PA 17257) with the Monthly Detention Summary (JCJC-D-3) which reports this child's admission to detention.

COUNTY

SSN: _____

STATEMENT OF FACTS AND REASONS ACCOMPANYING COURT ORDER AUTHORIZING THE DETENTION/CONTINUED DETENTION OF A CHILD BY A JUDGE OR MASTER PRIOR TO ADJUDICATION

Name of Child: _____ (Last) (First) (Middle Initial)

II. Date of Birth: _____ / _____ / _____ (Month) (Day) (Year)

Type of Proceeding / Order: _____

- Informal Detention Hearing pursuant to 42 Pa.C.S. § 6332
Order of Court / no hearing
Hearing To Continue Pre-adjudication Detention pursuant to 42 Pa.C.S. § 6335

Detention Center: _____ V. Date of Admission to Detention: _____ (Month) (Day) (Year)

It has been determined that probable cause exists that the above named child: A. has committed:

- 1. count(s) of () crime
2. count(s) of () crime
3. count(s) of () crime
4. count(s) of () crime
5. count(s) of () crime
6. count(s) of () crime

more than six crimes are alleged, list the six most serious crimes. In the parentheses () provide the code letter for the type of crime as follows: a = the crime of b = an attempt to commit c = solicitation to commit d = conspiracy to commit

B. Other (when a delinquent act is not alleged) Explain: _____

This child is not believed to be excluded from the jurisdiction of Juvenile Court by age or any other reason.

I. This child's detention is permitted and authorized pursuant to Section(s) _____ of the "Standards Governing the Use of Secure Detention Under the Juvenile Act" as set forth in the JCJC Detention Handbook.

The alternatives to secure detention which were considered and rejected: parent(s) / guardian(s) relative(s) electronic monitoring in-home detention / house arrest foster care shelter care other (specify)

The reason or reasons why secure detention is required and alternatives are not appropriate: _____

(If detention was authorized pursuant to Section 701 of the Standards, this statement must include an explanation of why an exception was warranted and why non-secure options were rejected).

Judge/Master _____ Date: _____ (mo.) (day) (year)

THE INTEREST OF: _____ A MINOR No. _____

B: _____ ORDER OF COURT

D NOW, This _____ day of _____ 20____, () a hearing having been held) it having been determined that detention required, that to allow the above named child to remain in the home would be contrary to the welfare of the child, and although no vices were offered to prevent this child's removal from the home, that this level of effort was reasonable due to the emergency nature of situation, safety considerations, and circumstances of the family, it is hereby

ORDERED RECOMMENDED

the above named child be detained in the _____ Detention Center until further Order of this Court.

COMMENDED: _____ BY THE COURT: _____

ject to Approval by and further Order of this Court.

PROVED: _____ Judge

BY THE COURT: Judge _____

INSTRUCTIONS

Judicial Statement of Facts and Reasons/Order of Court (JCJC-D2)

Sections I-X of this form must be completed by the Judge or Master, as appropriate, at any time the placement in secure detention of a child alleged to be delinquent is authorized, ordered or continued. The completion of these sections will satisfy all judicial pre-adjudication "Statement of Facts and Reasons" requirements of the "Standards Governing the Use of Secure Detention Under The Juvenile Act."

When secure detention is ordered by the Court after a child is found to have committed a delinquent act, the use of this form is not required.

This form has been designed for use solely as the "Statement of Facts and Reasons" which must accompany a pre-adjudication detention decision or as the "Statement of Facts and Reasons" and the Order of Court committing the child to detention.

The use of this form as an Order of Court is optional. However, if a separate Order of Court is used, the "Statement of Facts and Reasons" (Sections I-X of this form) must still be completed and the Yellow and Pink copies attached to the detention center's copy of the Order.

SECTIONS I-X

- I. **Name of Child:**
Self-explanatory.
- II. **Date of Birth:**
Self-explanatory.
- III. **Type of Proceeding/Order:**
Check the appropriate box to indicate the type of proceeding/order which resulted in this child's placement in secure detention.
- IV. **Detention Center:**
Provide the name of the detention center where the child is being detained.
- V. **Date of Admission to Detention:**
Provide the date on which the child was initially admitted to detention.
- VI. **Probable Cause Determinations:**
 - A. Has committed:
Check this box and provide the information requested if probable cause exists that the child has committed a crime or crimes.
 - B. Other (*when a delinquent act is not alleged*) Explain:
Check this box and provide an explanation only if the probable cause determination cannot be set forth in the preceding section.
- VII. **This child is not believed to be excluded from the jurisdiction of Juvenile Court by age or any other reason.**
- VIII. **Specification of JCJC Detention Standard(s):**
Provide the Section #(s) from the coded and annotated version of the JCJC "Standards Governing the Use of Secure Detention Under The Juvenile Act" on which basis detention was authorized.

INSTRUCTIONS
JCJC-D-2 (Continued)

IX. Alternatives to Detention Considered and Rejected:

Check all appropriate boxes to indicate the alternatives to secure detention which were considered and rejected prior to authorizing detention in this case. If other " is checked, please specify the applicable alternative.

X. The Reason or Reasons Why Secure Detention is Required and Alternatives Are Not Appropriate:

Provide the reason(s) why secure detention is required and alternatives are not appropriate in this case. If detention was authorized on the basis of Section 701 of the coded and annotated Standards, an explanation must be given regarding why an exception was warranted and why non-secure options were rejected.

Signature and Date:

A signature and date are required here only if a separate Order of Court is issued. If the "Order of Court" is entered on this form, no signature and date are needed here.

- ORDER OF COURT -

This Order of Court may be used for all pre-adjudication detention situations at the discretion of the Court.

In the Interest of: _____ **No.** _____
A Minor

Enter the child's name and case number as appropriate in your jurisdiction

D.O.B.

Self-explanatory.

Date

Self-explanatory.

a hearing having been held

Check this box if this Order is being entered at the conclusion of a hearing under The Juvenile Act.

Ordered

Check this box if this proceeding was conducted by a Judge.

Recommended

Check this box if this proceeding was conducted by a Master.

Detention Center

Provide the name of the detention center where the child is to be detained.

Recommended: _____
Master

If this child's detention is being authorized by a Master, the Master's signature should be provided in the lower left section of the form on the line immediately following "Recommended."

By The Court:

The signature of the Judge should be provided in the lower left section of the form if the Court is approving a decision to detain made by a Master. The date of the Court's approval must be provided.

If this detention order did not involve the use of a Master, the Judge's signature should be entered in the lower right section of the form.

Send completed **Yellow and Pink** copies of this form to the detention center within one court business day of the date the Order of Court is signed. **If a separate Order of Court is used, attach yellow and pink copies of this form to detention center's copy of Order and forward to detention center.**

Detention Center:

Send **Yellow copy** of this form to CJJT&R (Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257) with the Monthly Detention Summary (JCJC-D-3) which reports this child's admission to detention.

MONTHLY DETENTION SUMMARY

Return White Copy to:
 CJT&R, Horton Hall, Shippensburg University
 1871 Old Main Drive, Shippensburg, PA 17257
 by the 10th of month following report period

Listing All Children Admitted to Detention
 During the Month or Remaining in Detention
 From the Preceding Month

Report for _____ 20____
 (month) (year)

Detention Center Name: _____ Contact Person: _____ Page _____ of _____

1.	CHILD'S NAME Last, First, Middle Initial	Gender (insert code)	Race (insert code)	Ethnicity (insert code)	D.O.B. month/day/yr	Committing County	Date of Admission month/day/yr	Authorization for Detention (insert code)	Most Serious Offense Code at Admission	Court Status at Time of Admission (insert code)	Section # of JCJC Detention Standards	Date of Release (if appropriate) month/day/yr	Disposition (if known)
2.													
3.													
4.													
5.													
6.													
7.													
8.													
9.													
10.													
11.													
12.													
13.													
14.													
15.													
16.													
17.													
18.													
19.													
20.													

Attach appropriate copies of
 Forms JCJC-D-1 and JCJC-D-2,
 or other documentation received
 at admission.

- +** GENDER CODES
 1 = Male
 2 = Female
- +** RACE CODES
 W = White
 B = Black
 A = Asian
 I = Indian
 O = Other
- *** ETHNICITY
 H = Hispanic
 N = Non-Hispanic
 U = Unknown
- *** AUTHORIZATION CODES
 1 = Probation/Make Officer
 2 = Order of Court - Juvenile
 3 = Order of Court - Criminal
 4 = Other (please specify)
- COURT STATUS CODES
 A = Await Adjudication Hearing
 B = Await Disposition Hearing
 C = Await Transfer or Return to Other Jurisdiction
 D = Await Transfer or Return to Placement
 E = Await Disposition Review Hearing
 F = Await Adjudication After Transfer From Criminal Court
 G = Await Disposition After Criminal Court Conviction
 H = Await Criminal Trial After Transfer From Juvenile Court
 I = Other (please specify)

INSTRUCTIONS

Monthly Detention Summary (JCJC-D-3)

This form should be completed and forwarded to CJJT&R by the 10th of the month following the month for which the report is made. Appropriate copies of JCJC-D-1, JCJC-D-2 or other documentation received with any admission to detention during the report period should be attached and submitted with this form.

The form can be completed using a typewriter or ballpoint pen, if neatly printed.

The information requested should be provided regarding all children admitted to the detention center during the month or remaining in detention from the previous month. Specific instructions in this regard are provided below.

Contact Person

Provide the name of the detention center staff person responsible for completing this form. Questions regarding the form will be directed initially to this individual.

Child's Name

List all children admitted to detention during the month as well as those remaining in detention from the previous month.

The names of children, last name first, should be listed in sequence by earliest date of admission. This will result in all children remaining in detention from the previous month being listed first. For these "carryovers" provide only the child's name and, if appropriate, the date of release. The additional information will have been provided in a previous report in these cases.

For children admitted to the detention center during the month for which the report is being made, please provide all information requested.

+ Gender:

Enter Code Number as appropriate from the bottom of the form.

◆ Race:

Enter Code Number as appropriate from the bottom of the form.

D.O.B.

Self-explanatory.

Committing County:

Enter Code Number as appropriate from the County Code listing provided with these instructions.

Date of Admission:

Self-explanatory.

* Authorization for Detention at Time of Admission:

Enter Code Number as appropriate from the bottom of form. If "4" is used, please specify on the last page of the Monthly Detention Summary.

Most Serious Offense Code at Admission:

Where delinquency offenses are listed on the JCJC-D1 Form at Section VA, enter the code number of the most serious offense listed. For Court ordered admissions using only the JCJC-D2 Form see Section VIA of the D2 Form. If no offenses are listed on the JCJC-D1 or D2 Forms, do not make any entry for most serious offense on that child's line of the Monthly Detention Summary. Determine the offense codes and the severity ranking from the Juvenile Delinquency Severity Index provided with these instructions.

• **Court Status at Time of Admission:**

Enter the Code letter from the bottom of the form which most accurately describes the child's status:

A - Awaiting Adjudication Hearing:

Applies to an alleged delinquent whose detention was initially authorized by a probation officer or was ordered by the Court at or prior to the informal detention (72-hour) hearing and who is awaiting an adjudication hearing under The Juvenile Act.

B - Awaiting Disposition Hearing:

Applies to a child who has been adjudicated delinquent, and who was initially detained by the Court pending a disposition hearing under The Juvenile Act.

C - Awaiting Transfer or Return to Other Jurisdiction:

Applies to a child who was initially detained pending a return to another county or state.

D - Awaiting Transfer or Return to Placement:

Applies to a child who was initially detained following a disposition hearing or disposition review proceeding where placement was ordered or continued; or to a child who absconded from placement and was detained pending a return to that placement (*where no disposition review hearing was held.*)

E - Awaiting Disposition Review Hearing:

Applies to a child who was detained pending a Disposition Review Proceeding, including children detained for violations of probation, absconding from placement, or failure to adjust in placement where a disposition review hearing was/will be held by the Court. A revocation hearing should be regarded as a disposition review hearing.

F - Awaiting Adjudication After Transfer From Criminal Court:

Applies to a child whose case was initially excluded from the jurisdiction of the Juvenile Court on the basis of the alleged offenses, but has been transferred from Criminal to Juvenile Court jurisdiction, and is now pending an adjudication hearing under The Juvenile Act. Cases of this type may return to the Juvenile Court because of a reduction in charges, or following a hearing where it was determined to be in the interest of the public to transfer the case to Juvenile Court.

G - Awaiting Disposition After Criminal Court Conviction:

Applies to a child whose case was returned to the Juvenile Court for disposition following a finding of guilt in a criminal procedure on a misdemeanor. These cases may be returned to the Juvenile Court for disposition only upon agreement of the child and the District Attorney.

H - Awaiting Criminal Trial After Transfer From Juvenile Court:

Applies to a child whose case was transferred for criminal prosecution following a determination by the Court that such transfer serves the public interest, and who has been ordered to secure detention pending trial in Criminal Court. This code does not apply to a child whose alleged offense is excluded from the definition of "Delinquent Act" and who is subject to criminal prosecution.

I - Other (please specify on the last page of the Monthly Detention Summary):

Applies to all circumstances where A-H do not apply.

Contact the probation department of the committing county if clarification is needed regarding the child's court status at admission. If detention was authorized by a probation officer, contact the probation officer whose name was provided on JCJC-D-1.

If the child's court status is unknown, enter "UNK."

The Juvenile Act authorizes Courts to order a child whose case has been transferred for criminal prosecution to be held in a juvenile detention center pending a criminal trial if a child is unable to provide bail.

Section # of JCJC Detention Standards Which was Basis for Detention (if known):

Insert Section # of specific JCJC Detention Standards on which basis detention was order or authorized. This information should be taken from the "Statement of Reasons" form which is to be provided to the detention center following a child's admission to detention (JCJC-D-1 or JCJC-D-2). If this information is unavailable because the child was detained by a Court and Form JCJC-D-2 was not required, or is otherwise unknown, please insert "UNK."

Date of Release:

Self-explanatory.

Disposition:

Enter the Code Number from the following list which most accurately describes the disposition of the case upon the child's release from detention. If the disposition is unknown, enter "UNK."

1 - Home

2 - Transferred to Another Detention Center in Pennsylvania

3 - Shelter Care or Foster Care

4 - Private Sector Non-Secure Residential Placement

**5 - Private Sector Secure Residential Placement, e.g.,
Alternative Rehabilitation Communities (ARC)
Gannondale Secure Intensive Treatment Unit**

6 - Youth Development Center, Youth Forestry Camp, Secure Treatment Unit

7 - Emergency Mental Health Intervention

The temporary removal of a child from detention to a hospital, base service unit, or other setting for emergency mental health intervention (e.g., 302 or 304 commitment), where the child is returned to detention following the mental health intervention.

8 - Mental Health Residential Treatment Facility

9 - Other (please specify on the last page of the Monthly Detention Summary)

Send the completed **White copy** of this form to the Center for Juvenile Justice Training and Research (Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257) by the 10th of the month following the month for which the report is made. Appropriate copies of JCJC-D-1, JCJC-D-2 or other documentation received with any admissions to detention during the report period should be attached and submitted with this form.

**STANDARDS GOVERNING
THE USE OF
ALTERNATIVES TO SECURE DETENTION**

- I. The Administrative Judge of the Juvenile Court shall determine whether alternatives to secure detention are available to the county to meet the needs of children referred to the Court.

Alternatives to secure detention include, but are not limited to: release to parent(s), guardian(s), or other custodian(s), in-home detention status, placement with relatives, foster care, shelter care, other licensed facility, or a medical facility if a child is believed to suffer from a serious physical condition or illness which requires prompt treatment.

Upon request, the Juvenile Court Judges' Commission will provide technical assistance to counties regarding the development of alternatives to secure detention.

- II. In every situation in which the use of secure detention is to be considered, Judges, Masters, and Probation Officers must first consider and give preference to alternatives to secure detention which could substantially reduce the risk of flight by the child and/or reduce the risk of danger to the child or the community.

Even though eligibility criteria may indicate that a particular child may be detained in secure detention, such detention is not mandatory. The least restrictive alternative available to meet the needs of the child should be used, with first consideration being given to an unconditional release to the parent(s) or guardian(s).

- III. Alternatives to secure detention must be used when a child alleged to be delinquent cannot be released solely because there is no parent, guardian, or custodian able to assume responsibility or adequately supervise the child.

- IV. A juvenile petition must be filed within 24 hours or the next court business day of the placement of a child alleged to be delinquent in shelter care, foster care, or where the child is otherwise committed to a licensed facility.

- V. An informal hearing shall be held pursuant to The Juvenile Act at 42 Pa. C.S.A. §6332, not later than 72 hours after a child alleged to be delinquent is placed in shelter care, foster care, or other licensed facility.

- VI. In every situation in which a child is placed on in-home detention status as an alternative to secure detention, the following criteria shall apply:

- (a) The placement of a child on in-home detention status shall be authorized only by a Probation Officer, Master, or Judge;
- (b) Written conditions governing a child's in-home detention status shall be provided to the child and the child's parent(s), guardian(s), or other custodian(s) within 24 hours of the child's placement on such status, during which time the child shall be notified of his/her right to counsel;
- (c) Cases where a child has been placed on in-home detention status shall have priority over cases involving an unconditional release to the parent(s), guardian(s), or other custodian(s) in scheduling adjudication hearings;
- (d) In cases where a child is placed on in-home detention status the Probation Officer shall have daily contact with the child or a custodian, with a minimum of one personal contact with the child every 48 hours until the adjudication hearing;
- (e) Pre-adjudication in-home detention status shall not exceed 30 days.

