

Dispositional Hearing Reference Guide for Juvenile Court Judges/Hearing Officers

Purposes of the Juvenile Act

42 Pa.C.S. §6301(b)

(b) Purposes.--This Chapter shall be interpreted and construed as to effectuate the following purposes:

- (1) To preserve the unity of the family whenever possible or to provide another alternative permanent family when the unit of the family cannot be maintained.
 - (1.1) To provide for the care, protection, safety and wholesome mental and physical development of children coming within the provisions of this chapter.
- (2) Consistent with the protection of the public interest, to provide for children committing delinquent acts programs of supervision, care and rehabilitation 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.
- (3) To achieve the foregoing purposes in a family environment whenever possible, separating the child from the parents only when necessary for his welfare, safety or health or in the interests of public safety, by doing all of the following:
 - (i) employing evidence-based practices whenever possible and, in the case of a delinquent child, by using the least restrictive intervention that is consistent with the protection of the community, the imposition of accountability for offenses committed and the rehabilitation, supervision and treatment needs of the child; and
 - (ii) imposing confinement only if necessary and for the minimum amount of time that is consistent with the purposes under paragraphs (1), (1.1), and (2).
- (4) To provide means through which the provisions of this chapter are executed and enforced and in which the parties are assured a fair hearing and their constitutional and other legal rights recognized and enforced.

Pre-Disposition Considerations/Best Practices

Judges should oversee and approve courtroom security procedures to ensure that the environment is safe and secure for all participants.

Judges should meet with juvenile justice system stakeholders to establish court-appropriate clothing expectations during juvenile court proceedings.

Judges are courteous and respectful to all hearing participants.

Judges should be aware of issues pertaining to trauma in the courtroom, and should control courtroom activities such as noise, movement, and food.

Judges are knowledgeable about the dispositions and services available to the court and should visit residential and community-based programs to which juveniles are committed or referred.

President Judges establish, and promulgate written guidelines for, restitution funds pursuant to 42 Pa.C.S. 6352(a)(5).

Public defenders are fully trained in juvenile court matters, meet with juveniles prior to hearings, and are prepared for all hearings.

Authority of Juvenile Court Hearing Officer¹

- A. Cases to be heard by a juvenile court hearing officer. A juvenile court hearing officer shall have the authority to preside over only the following:
 - 1. Detention hearings, detention review hearings, or shelter-care hearings
 - 2. Discovery, pre-adjudicatory, or preliminary proceedings for misdemeanors;
 - 3. Any hearing in which the petition alleges only misdemeanors;
 - 4. Uncontested dispositional review hearings and uncontested probation revocation hearings.
- B. No Authority. A juvenile court hearing officer shall not have the authority to:
 - 1. Conduct transfer hearings pursuant to Rule 394;
 - 2. Issue warrants; and
 - 3. Hear requests for writs of *habeus corpus*.
- C. Right to hearing before judge. Prior to the commencement of any proceeding, the juvenile court hearing officer shall inform the juvenile, the juvenile's guardian(s), if present, the juvenile's attorney, and the attorney for the Commonwealth that the juvenile and the Commonwealth have a right to have the matter heard by a judge. If the juvenile or the Commonwealth objects to having the matter heard by the juvenile court hearing officer, the case shall proceed before the judge.

Requirements Prior to the Commencement of the Dispositional Hearing

Prompt Dispositional Hearing:

If the juvenile is detained, a dispositional hearing shall be held no later than 20 days after the ruling on the offenses under Rule 408.²

If the juvenile is not detained, the dispositional hearing shall be held not later than 60 days after the ruling on the offenses under Rule 408.³

- Dispositions should occur as soon as possible following the ruling on offenses.

Continuances: The dispositional hearing may be continued, if necessary. If the juvenile is detained, each continuance shall not exceed twenty days.⁴

¹ Pa. R.J.C.P. 187(A)

² Pa.R.J.C.P. 510(A)(1)

³ Pa.R.J.C.P. 510(A)(2)

⁴ Pa.R.J.C.P. 510(B)

Summons: The Court shall issue a summons compelling the juvenile and the juvenile’s guardian to appear for the dispositional hearing.⁵

Notice of Dispositional Hearing: Notice of the dispositional hearing shall be given to the attorney for the Commonwealth, the victim; the juvenile’s attorney; the juvenile probation officer; and the educational decision maker, if applicable.⁶

Use of Restraints on the Juvenile⁷: Restraints shall be removed prior to the commencement of a proceeding unless the court determines on the record, after providing the juvenile an opportunity to be heard, that they are necessary to prevent:

1. Physical harm to the juvenile or another person;
2. Disruptive courtroom behavior, evidenced by a history of behavior that created potentially harmful situations or presented substantial risk of physical harm; or
3. The juvenile, evidenced by an escape history or other relevant factors, from fleeing the courtroom.

Dispositional Hearing

Prosecutor’s Presence: The attorney for the Commonwealth shall attend the hearing.⁸

Presence of Victim(s): The victim has a right to be present⁹ at the dispositional hearing. However, the Court has discretion to maintain confidentiality of mental health, medical, or juvenile institutional documents or juvenile probation reports.¹⁰

Recording of the Dispositional Hearing: The dispositional hearing shall be recorded.¹¹

Advanced Communication Technology: A court may utilize advanced communication technology pursuant to Pa.R.J.C.P. 129 for the appearance of the juvenile or the witness only if the parties consent.¹²

Manner of the Dispositional Hearing: The Court must conduct the dispositional hearing in an informal but orderly manner¹³.

- The identification of each case, proper introductions of individuals present in the courtroom, and the purpose of each proceeding should be announced at the beginning of each case.
- Judges should engage juveniles and parents with Motivational Interviewing techniques.

Examinations

The court may order the juvenile to undergo health, psychological, psychiatric, drug and alcohol or other examination, as it deems appropriate to aid in the decision for disposition.¹⁴

- Judges should order the juvenile to undergo examinations in a timely manner.
- Educational needs are reviewed at every proceeding.

⁵ Pa.R.J.C.P. 500(A)

⁶ Pa.R.J.C.P. 500(B)

⁷ Pa.R.J.C.P. 139

⁸ Pa.R.J.C.P. 512(A)(4)

⁹ Pa.R.J.C.P. 132 and 11 P.S. §11.201 *et seq.*

¹⁰ 42 Pa.C.S. §6336(f)

¹¹ Pa.R.J.C.P. 512(B)

¹² Pa. R.J.C.P. 512(A)(3)

¹³ Pa.R.J.C.P. 512(A)

¹⁴ Pa.R.J.C.P. 513(B)

Social Study

The court may order the preparation of a social study in any case to aid in the decision for disposition.¹⁵ If a social study is ordered, the study shall address any educational health care, and disability needs of the juvenile.¹⁶

- Juvenile probation officers develop comprehensive court reports in every case.
- The juvenile and his attorney are informed of the juvenile probation officer's recommendations prior to court.
- Prosecutors and defense attorneys cross-examine juvenile probation officers.

Payment of Fines, Costs, Fees or Restitution: The court may order payment of fines, costs, fees or restitution as deemed appropriate as part of the plan of rehabilitation considering the nature of the acts committed and the earning capacity of the child, including a contribution to a restitution fund. The president judge of the court of common pleas shall establish a restitution fund for the deposit of all contributions to the restitution fund which are received or collected. The president judge of the court of common pleas shall promulgate written guidelines for the administration of the fund. Disbursements from the fund shall be made, subject to the written guidelines and the limitations of the Juvenile Act, at the discretion of the president judge and used to reimburse crime victims for financial losses resulting from delinquent acts. For an order made under this subsection, the court shall retain jurisdiction until there has been full compliance with the order or until the delinquent child attains 21 years of age. Any restitution order which remains unpaid at the time the child attains 21 years of age shall continue to be collectible under 42 Pa.C.S. §9728 (relating to collection of restitution, reparation, fees, costs, fines and penalties).¹⁷

Victim-Impact Statement

The victim may submit a victim-impact statement to the court and, if the victim has submitted a victim-impact statement, the court shall accept and consider the victim-impact statement in determining disposition.¹⁸

Targeting Interventions/Building Upon Strengths: Judges should target interventions to the specific criminogenic needs that have been identified by the Youth Level of Service (YLS) risk/needs assessment instrument, and build upon the strengths of juveniles and families.

Opportunity to be heard: Before deciding disposition, the court shall give the juvenile and the victim an opportunity to be heard.¹⁹

- Judges should provide parents with the opportunity to be heard.

¹⁵ Pa.R.J.C.P. 513(A)(1)

¹⁶ Pa.R.J.C.P. 513(A)(2)

¹⁷ 42 Pa.C.S. §6352(a)(5)

¹⁸ Pa.R.J.C.P. 513(C)

¹⁹ Pa.R.J.C.P. 512(A)(2)

Findings

Court's Findings²⁰: The court shall enter its findings and conclusions of law into the record and enter an order pursuant to Rule 515. On the record in open court, the court shall state:

1. Its disposition;
2. The reason for its disposition;
3. The terms, conditions, and limitations of the disposition; and
4. If the juvenile is removed from the home:
 - a. The name or type of any agency or institution that shall provide care, treatment, supervision, or rehabilitation of the juvenile, and
 - b. Its findings and conclusions of law that formed the basis of its decision consistent with 42 Pa.C.S. §§6301 and 6352, including why the court found that the out-of-home placement ordered is the least restrictive type of placement that is consistent with the protection of the public and best suited to the juvenile's treatment, supervision, rehabilitation, and welfare;
5. Whether any evaluations, tests, counseling, or treatments are necessary;
6. Any findings necessary to ensure the stability and appropriateness of the juvenile's education, and when appropriate, the court shall appoint an educational decision maker pursuant to Rule 147; and
7. Any findings necessary to identify, monitor, and address the juvenile's needs concerning health care and disability, if any, and if parental consent cannot be obtained, authorize evaluations and treatment needed.

Dispositional Order

Guardian Participation²¹: The dispositional order shall include any conditions, limitations, restrictions, and obligations imposed upon the guardian.

Parental Participation²²: In any proceeding under this chapter, a court may order a parent, guardian or custodian to participate in the treatment, supervision or rehabilitation of a child, including, but not limited to, community service, restitution, counseling, treatment and education programs.

Restitution Order²³: If restitution is ordered in a case, the dispositional order shall include:

1. A specific amount of restitution to be paid by the juvenile;
2. To whom the restitution shall be paid; and
3. A payment schedule, if so determined by the court.

When the court enters a disposition after an adjudication of delinquency pursuant to Rule 409(A)(2), the court shall issue a written order which provides balanced attention to the protection of the community, accountability for the offenses committed, and development of the juvenile's competencies to enable the juvenile to become a responsible and productive member of the community. The order shall include:

²⁰ Pa.R.J.C.P. 512(D)

²¹ Pa.R.J.C.P. 515(C)

²² 42 Pa.C.S. §6310(a)

²³ Pa.R.J.C.P. 515(B)

1. The court's findings pursuant to Rule 512(D)
2. A designation whether the case is eligible pursuant to 42 Pa.C.S. §6307(b)(1)(i) for limited public information;
3. A directive that the juvenile shall submit to fingerprinting and photographing by, or arranged by, the law enforcement agency that submitted the written allegation in all cases in which the juvenile has not previously been fingerprinted or photographed;
4. The date of the order; and
5. The signature and printed name of the judge entering the order.²⁴

Colloquy and Inquiry of Post-Dispositional Rights

After entering disposition on the record, the court shall ensure that an attorney has reviewed the post-dispositional rights colloquy with the juvenile and conduct an independent inquiry to determine whether the juvenile understands:

- a) the right to file a post-dispositional motion;
- b) the right to file an appeal;
- c) the time limits for a post-dispositional motion and appeal;
- d) the right to counsel to prepare the motion and appeal; and
- e) the time limits within which the post-dispositional motion shall be decided.

The colloquy shall be:

- a) in writing;
- b) reviewed and completed with the juvenile by an attorney;
- c) submitted to and reviewed by the court; and
- d) substantially in the prescribed form.²⁵

Concluding the Dispositional Hearing

At the conclusion of the dispositional hearing, the Court should summarize the proceeding for the juvenile, his guardian(s), the victim(s), and other hearing participants; confirm what just occurred; explain any next steps and relevant timelines; and inform and ensure that the juvenile understands any expectations prior to the next hearing.

²⁴ Pa.R.J.C.P. 515

²⁵ Pa.R.J.C.P. 512(C)

Statutory References
Disposition of Delinquent Child

(42 Pa.C.S. §6352)

- (a) **General Rule.** -- If the child is found to be a delinquent child the court may make any of the following orders of disposition determined to be consistent with the protection of the public interest and best suited to the child's treatment, supervision, rehabilitation and welfare, which disposition shall, as appropriate to the individual circumstances of the child's case, provide balanced attention to the protection of the community, the imposition of accountability for offenses committed and the development of competencies to enable the child to become a responsible and productive member of the community:
1. Any ordered by 42 Pa.C.S. 6351 (relating to disposition of dependent child).
 2. Placing the child on probation under supervision of the probation officer of the court or the court of another state as provided in 42 Pa.C.S. 6363 (relating to ordering foreign supervision), under conditions and limitations the court prescribes.
 3. Committing the child to an institution, youth development center, camp, or other facility for delinquent children operated under the direction or supervision of the court or other public authority and approved by the Department of Public Welfare (now known as the Department of Human Services).
 4. If the child is 12 years of age or older, committing the child to an institution operated by the Department of Public Welfare.
 5. Ordering payment of fines, costs, fees or restitution as deemed appropriate as part of the plan of rehabilitation considering the nature of the acts committed and the earning capacity of the child, including a contribution to a restitution fund. The president judge of the court of common pleas shall establish a restitution fund for the deposit of all contributions to the restitution fund which are received or collected. The president judge of the court of common pleas shall promulgate written guidelines for the administration of the fund. Disbursements from the fund shall be made, subject to the written guidelines and the limitations of the Juvenile Act, at the discretion of the president judge and used to reimburse crime victims for financial losses resulting from delinquent acts. For an order made under this subsection, the court shall retain jurisdiction until there has been full compliance with the order or until the delinquent child attains 21 years of age. Any restitution order which remains unpaid at the time the child attains 21 years of age shall continue to be collectible under 42 Pa.C.S. §9728 (relating to collection of restitution, reparation, fees, costs, fines and penalties).
 6. An order of the terms of probation may include an appropriate fine considering the nature of the act committed or restitution not in excess of actual damages caused by the child which shall be paid from the earnings of the child received through participation in a constructive program of service or education acceptable to the victim and the court whereby, during the course of such service, the child shall be paid not less than the minimum wage of the Commonwealth. In ordering such service, the court shall take into consideration the age, physical and mental capacity of the child and the service shall be designed to impress upon the child a sense of responsibility for the injuries caused to the person or property of another. The order of the court shall be limited in duration consistent with the limitation in 42 Pa.C.S. §6353 (relating to limitation on and change in place of commitment) and in the act of May 13, 1915 (P.L. 286, No. 177), known as the Child Labor Law. The court order shall specify that as part of a plan of treatment and rehabilitation that up to 75% of the earnings of the child be used for restitution in order to provide positive reinforcement for the work performed.

In selecting the alternatives set forth in this section, the court shall follow the general principle that the disposition imposed should provide the means through which the provisions of this chapter are executed and enforced consistent with section 6301(b) (relating to purposes) and when confinement is necessary, the court shall impose the minimum amount of confinement that is consistent with the protection of the public and the rehabilitation needs of the child.

(b) Limitation on place of commitment. – A child shall not be committed or transferred to a penal institution or other facility used primarily for the execution of sentences of adults convicted of a crime.

(c) Required statement of reasons. – Prior to entering an order of disposition under subsection (a), the court shall state its disposition and the reasons for its disposition on the record in open court, together with the goals, terms and conditions of that disposition. If the child is to be committed to out-of-home placement, the court shall also state the name of the specific facility or type of facility to which the child will be committed and its findings and conclusions of law that formed the basis of its decision consistent with subsection (a) and section 6301, including the reasons why commitment to that facility or type of facility was determined to be the least restrictive placement that is consistent with the protection of the public and best suited to the child's treatment, supervision, rehabilitation and welfare.

Collection of Restitution, Reparation, Fees, Costs, Fines and Penalties

(42 Pa.C.S. §9728)

(a) General rule.--

(1) Except as provided in subsection (b)(5), all restitution, reparation, fees, costs, fines and penalties shall be collected by the county probation department or other agent designated by the county commissioners of the county with the approval of the president judge of the county for that purpose in any manner provided by law. However, such restitution, reparation, fees, costs, fines and penalties are part of a criminal action or proceeding and shall not be deemed debts. A sentence, pretrial disposition order or order entered under section 6352 (relating to disposition of delinquent child) for restitution, reparation, fees, costs, fines or penalties shall, together with interest and any additional costs that may accrue, be a judgment in favor of the probation department upon the person or the property of the person sentenced or subject to the order.

(2) In accordance with section 9730.1 (relating to collection of court costs, restitution and fines by private collection agency), the collection of restitution, reparation, fees, costs, fines and penalties under this section may be referred to a private collection agency. Statistical information relating to the amount of restitution collected by the county probation department or any agent designated by the county commissioners of the county with the approval of the president judge of the county shall be made available to the Pennsylvania Commission on Crime and Delinquency on an annual basis.

(b) Procedure.—

(1) The county clerk of courts shall, upon sentencing, pretrial disposition or other order, transmit to the prothonotary certified copies of all judgments for restitution, reparation, fees, costs, fines and penalties which, in the aggregate, exceed \$1,000, and it shall be the duty of each prothonotary to enter and docket the same of record in his office and to index the same as judgments are indexed, without requiring the payment of costs as a condition precedent to the entry thereof.

(2) The clerk of courts, in consultation with other appropriate governmental agencies, may transmit to the prothonotary of the respective county certified copies of all judgments for restitution, reparation, fees, costs, fines and penalties which, in the aggregate, do not exceed \$1,000, and, if so transmitted, it shall be the duty of each prothonotary to enter and docket the same of record in his office and to index the same as judgments are indexed, without requiring the payment of costs as a condition precedent to the entry thereof.

(3) The county clerk of courts shall, upon sentencing, pretrial disposition or other order, transmit to the Department of Probation of the respective county or other agent designated by the county commissioners of the county with the approval of the president judge of the county and to the county correctional facility to which the offender has been sentenced or to the Department of Corrections, whichever is appropriate, copies of all orders for restitution and amendments or alterations thereto, reparation, fees, costs, fines and penalties. This paragraph also applies in the case of costs imposed under section 9721(c.1) (relating to sentencing generally).

(4) The total amount for which the person is liable pursuant to this section may be entered as a judgment upon the person or the property of the person sentenced or ordered, regardless of whether the amount has been ordered to be paid in installments.

(5) The county correctional facility to which the offender has been sentenced or the Department of Corrections shall be authorized to make monetary deductions from inmate personal accounts for the purpose of collecting restitution or any other court-ordered obligation or costs imposed under section 9721(c.1). Any amount deducted shall be transmitted by the Department of Corrections or the county correctional facility to the probation department of the county or other agent designated by the county commissioners of the county with the approval of the president judge of the county in which the offender was convicted. The Department of Corrections shall develop guidelines relating to its responsibilities under this paragraph.

(b.1) Restitution file.--Upon receipt of each order from the clerk of courts as provided in subsection (b)(3), the department of probation of the respective county or other agent designated by the county commissioners of the county with the approval of the president judge of the county shall open a restitution file for the purposes of recording the amounts of restitution deducted by the Department of Corrections or county correctional facility or collected by the department of probation or the agent designated by the county commissioners of the county with the approval of the president judge of the county.

(b.2) Mandatory payment of costs.--Notwithstanding any provision of law to the contrary, in the event the court fails to issue an order under subsection (a) imposing costs upon the defendant, the defendant shall nevertheless be liable for costs, as provided in section 9721(c.1), unless the court determines otherwise pursuant to Pa.R.Crim.P. No. 706(C) (relating to fines or costs). The absence of a court order shall not affect the applicability of the provisions of this section.

(c) Period of time.--Notwithstanding section 6353 (relating to limitation on and change in place of commitment) or 18 Pa.C.S. § 1106(c)(2) (relating to restitution for injuries to person or property), the period of time during which such judgments shall have full effect may exceed the maximum term of imprisonment to which the offender could have been sentenced for the crimes of which he was convicted or the maximum term of confinement to which the offender was committed.

(d) Priority.--Notwithstanding any other statutory provisions in this or any other title, any lien obtained under this section shall maintain its priority indefinitely and no writ of revival need be filed.

(e) Preservation of assets subject to restitution.—Upon application of the Commonwealth, the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond or take any other action to preserve the availability of property which may be necessary to satisfy an anticipated restitution order under this section:

(1) upon the filing of a criminal complaint, information or indictment charging a criminal violation or a petition alleging delinquency for which restitution may be ordered and alleging that the property with respect to which the order is sought appears to be necessary to satisfy such restitution order and judgment; and

(2) if, after notice to persons appearing to have an interest in the property and an opportunity for a hearing, the court determines that:

(i) there is a substantial probability that:

(A) the Commonwealth will prevail on the underlying criminal charges or allegation of delinquency;

(B) restitution will be ordered exceeding \$10,000 in value;

(C) the property appears to be necessary to satisfy such restitution order; and

(D) failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court or otherwise made unavailable for payment of the anticipated restitution order; and

(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered.

(f) Temporary restraining order.--A temporary restraining order under subsection (e) may be entered upon application of the Commonwealth without notice or opportunity for a hearing, whether or not a complaint, information, indictment or petition alleging delinquency has been filed with respect to the property, if the Commonwealth demonstrates that there is probable cause to believe that the property with respect to an anticipated restitution order under this section and that provision of notice will jeopardize the availability of the property to satisfy such restitution order and judgment. Such a temporary order shall expire not more than ten days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. A hearing requested concerning an order entered under this subsection shall be held at the earliest possible time and prior to the expiration of the temporary order.

(g) Costs, etc.--Any sheriff's costs, filing fees and costs of the county probation department, clerk of courts or other appropriate governmental agency, including, but not limited to, any reasonable administrative costs associated with the collection of restitution, transportation costs and other costs associated with the prosecution, shall be borne by the defendant and shall be collected by the county probation department or other appropriate governmental agency along with the total amount of the judgment and remitted to the appropriate agencies at the time of or prior to satisfaction of judgment.

(g.1) Payment.--No less than 50% of all moneys collected by the county probation department or other agent designated by the county commissioners of the county with the approval of the president judge of the county pursuant to subsection (b)(1) and deducted pursuant to subsection (b)(5) shall, until the satisfaction of the defendant's restitution obligation, be used to pay restitution to victims. Any remaining moneys shall be used to pay fees, costs, fines, penalties and other court-ordered obligations.

(h) Effect on contempt proceedings.--This section shall not affect contempt proceedings mandated by 18 Pa.C.S. § 1106(f).

Liability for Tortious Acts of Children

(23 Pa.C.S. §5501 *et seq.*)

§5501. Definitions

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"**Child.**" An individual under 18 years of age.

"**Injury.**" Includes injury to the person and theft, destruction or loss of property.

"**Parent.**" Includes natural or adoptive parents.

"**Person.**" Includes government units and Federal agencies.

"**Tortious act.**" A willful tortious act resulting in injury.

§5502. Liability of parents

Any parent whose child is found liable or is adjudged guilty by a court of competent jurisdiction of a tortious act shall be liable to the person who suffers the injury to the extent set forth in this chapter.

§ 5503. Establishing liability in criminal or juvenile proceedings.

(a) **General rule.**--In any criminal proceeding against a child and in any proceeding against a child under 42 Pa.C.S. Ch. 63 (relating to juvenile matters), the court shall ascertain the amount sufficient to fully reimburse any person who has suffered injury because of the tortious act of the child and direct the parents to make payment in the amount not to exceed the limitations set forth in section 5505 (relating to monetary limits of liability).

(b) **Noncompliance with direction of court.**--If the parents fail to comply with the direction of the court, the amount may be recovered in a civil action against the parents or either of them.

§5504. Establishing liability in civil proceedings.

(a) **Petition.**--If a judgment has been rendered against the child in a civil action for injury because of the tortious act of the child and the judgment has not been satisfied within a period of 30 days, the injured person may petition the court for a rule to show cause why judgment should not be entered against the parent.

(b) **Answer and trial.**--The parent may file an answer to the petition, and, if there is any dispute as to unlitigated facts, the case shall be set down for trial.

(c) **Judgment.**--If there is no dispute as to the unlitigated facts, the court shall authorize the entry of a judgment against the parent. In no case shall the judgment against the parent exceed the limitations set forth in section 5505 (relating to monetary limits of liability).

(d) **Action against parent.**--Notwithstanding any provision to the contrary, a victim of a willful, tortious act of a child may initiate a civil action directly against the parent or parents of the child who committed the tortious act for the purpose of receiving compensation for the injuries suffered, not to exceed the limitations set forth in section 5505.

§5505. Monetary limits of liability.

(a) **General rule.**--Liability of the parents under this chapter shall be limited to:

(1) The sum of \$1,000 for injuries suffered by any one person as a result of one tortious act or continuous series of tortious acts.

(2) The sum of \$2,500 regardless of the number of persons who suffer injury as a result of one tortious act or continuous series of tortious acts.

(b) **Proceedings where loss exceeds liability.**--In the event that actual loss as ascertained by the court or the judgment against the child exceeds \$2,500, the parents shall be discharged from further liability by the payment of \$2,500 into court. The court shall cause all aggrieved parties to submit itemized statements of loss in writing and shall make distribution proportionately, whether the claims be for injuries to the person or for theft, destruction or loss of property. The court may take testimony to assist it in making proper distribution and may appoint a master to accomplish this purpose. All costs and fees incurred in these proceedings shall be paid from the \$2,500 paid into court.

(c) **Joint acts by children of same parent.**--The limitations on liability set forth in subsections (a) and (b) shall be applicable when two or more children of the same parent engage jointly in the commission of one tortious act or series of tortious acts.

(Apr. 21, 1994, P.L.128, No.15, eff. 60 days)

§ 5506. Double recovery for same injury prohibited.

In no case shall there be a double recovery for one injury. Any judgment against a child resulting from a tortious act for which a parent makes payment under this chapter shall be reduced by the amount paid by the parent.

§5507. Indemnity or contribution from child prohibited.

The parent shall have no right of indemnity or contribution against the child.

§5508. Liability of parent not having custody or control of child.

(a) **General rule.**--No liability may be imposed upon a parent under this chapter if, at the time of commission of the tortious act, the parent has neither custody of the child nor is entitled to custody of the child or if the child is institutionalized or emancipated.

(b) **Exception.**--No parent is absolved of liability due to the desertion of the child by the parent.

§5509. Other liability of parent or child unaffected.

The liability imposed upon parents by this chapter shall not limit the common-law liability of parents for damages caused by a child and shall be separate and apart from any liability which may be imposed upon the child.

Parental Participation

(42 Pa.C.S. §6310)

(a) General rule.—In any proceeding under this chapter, a court may order a parent, guardian or custodian to participate in the treatment, supervision or rehabilitation of a child, including, but not limited to, community service, restitution, counseling, treatment and education programs.

(b) Presence at proceedings.—The court may, when the court determines that it is in the best interests of the child, order a parent, guardian or custodian of a child to be present at and to bring the child to any proceeding under this chapter.

(c) Contempt.—A person, who, without good cause, fails to comply with an order issued under this section may be found in contempt of court. The court may issue a bench warrant for any parent, guardian or custodian who, without good cause, fails to appear at any proceeding.

(d) Intent.—The General Assembly hereby declares that every parent, guardian or custodian of a child who is the subject of a proceeding under this chapter and a court-ordered program under this chapter should attend the proceeding and participate fully in the program.

(e) Limitation.—Nothing in this section shall be construed to create a right of a child to have his parent, guardian or custodian present at a proceeding under this chapter or participate in a court-ordered program.