

**FINAL
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A Guide for Parents on Understanding the Juvenile Justice System

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University of Pittsburgh
Ashley Hurley

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Introduction

Hello. My name is Ashley Hurley. I am currently obtaining my Master's Degree in Applied Developmental Psychology at the University of Pittsburgh. For one of my graduate classes, Emotional and Behavioral Disorders in Childhood, I completed a Guide on Understanding the Juvenile Justice System. I created this guide to help inform parents about how the juvenile justice system in Pennsylvania operates.

Within this guide, you will find information regarding the justice system, Act 33 and how a child qualifies as a juvenile delinquent. First, I would like to mention that we created podcasts as part of our guides. Podcasts are short, online audio clips. The podcast that I created is parent friendly. The guide also includes a glossary of terms, the Parent Friendly podcast script, suggestions, additional resources and references. I hope you enjoy the information I provided. I think it is important for parents to have a basic understanding of how the juvenile justice system operates.

To find out more information on additional behavioral disorders, please visit www.sbbh.pitt.edu. It is an excellent website filled with resources to inform readers on behavioral and emotional disorders along with offering support to children and teenagers with a behavioral or emotional disorder.

Glossary

Act 33- A case where a youth is charged as an adult because the crime alleged meets certain criteria.

Balanced and Restorative Justice- This law maintains that input from a victim must be included at every step of the court process. It also takes into account public safety, victim's rights, and the offender.

Deadly Weapon- Any firearm, whether loaded or unloaded, designed as a weapon and capable of producing death or serious bodily injury.

Delinquent- someone who fails to do what the law says.

District Attorney or D.A.- A lawyer who, as the prosecutor, represents the State and speaks on the victim's behalf. A DA is assigned to most cases automatically.

Felony- A legal term used to define the most serious offenses.

Judge- Someone who determines delinquency.

Juvenile Act- A state law, that lays out the rules of Juvenile Court.

Juvenile Court- A court that listens to all cases of youth under the age of 18.

Misdemeanor- A legal term used to define most offenses.

Probation- When a juvenile is found by the court to be delinquent (guilty) of a crime, and is ordered to be under the supervision of a probation officer. For example, a youth is found guilty of spray painting on school property, he may be ordered probation and has to complete 20 hours of community service. He has to check in with an officer after he completes a set of five hours until he is all finished.

Warrant- An order issued by the court, signed by a Judge permitting the arrest and detention of a juvenile.

Juvenile Justice System Podcast-Parent Friendly

Hello. My name is Ashley Hurley. I currently work in the criminal justice system and receive a lot of questions from curious parents on the processes of the courts. So today, I am here to explain to you the juvenile justice system and two of the laws that are associated with it. Is your child constantly getting into trouble? Are you as the parent often left with a lot of unanswered questions on how to help or what is actually going on? This guide will be a good way for you to take the first steps in understanding the processes, legal jargon, and consequences that could occur.

As a parent, the main thing you would want to understand is what exactly the juvenile justice system is. This will help you to know how the process works and what you can expect if your child is heading in this direction. The juvenile justice system in Pennsylvania is responsible for planning, coordinating and policy setting and for establishing juvenile justice projects. What does all of that mean? Basically it means that the system is in charge of planning for what happens to a juvenile, whether they continue on in the juvenile court or are moved to adult criminal court. The system is in charge of setting the policies that juveniles are to follow and the guidelines for when the rules are broken. Lastly, the system is in charge of juvenile justice projects. They are to make sure that all actions are taken to ensure that a child understands what has happened and what action is going to take place. This may include community service, probation, and any further legal action necessary. The juvenile justice system is guided by the mission of balance and restorative justice. You may ask yourself what is the reason for this? Well, the goal is to provide for children who commit delinquent acts with programs of

supervision, interventions and rehabilitations, as well as to enable the children to become responsible and eventually members of the community again. The mission's statement is to provide community protection, accountability for the child's actions, individualization and balance.

The Juvenile Justice system consists of two main laws: the Juvenile Act and Act 33.

What is the Juvenile Act? There are three main goals to help achieve ultimate change within a juvenile. So what are they? The first is for youth redemption. Youth Redemption believes that juvenile offenders in Pennsylvania are capable of change and can become responsible members of their communities again. The second goal of the juvenile act is for victim restoration. This simply means that the court wants a juvenile who commits a crime to be responsible for their actions and to fix any harm that may have been caused. The last goal is for community protection. This is to help all citizens in Pennsylvania to feel safe from crime by juveniles. If your child is ever in a situation where the Juvenile Act pertains to them, there are two main agencies that stand at the front of this Act and are there to help you with any further questions or concerns you may have. They are the Juvenile Justice and Delinquency Prevention Committee and the Pennsylvania Commission on Crime and Delinquency.

The second law that may concern you as a parent is the Act 33. In Pennsylvania, the line between child delinquent and adult criminal act are distinguished by the establishment of Act 33. What is an Act 33 case? This is when a defendant who is under the age of 18, but older than the age of 15, is charged as an adult. You may ask yourself, I thought that if you were under the age of 18 you were a juvenile. Well in 1996, certain crimes committed with a deadly weapon by a child fifteen years of age or older were removed from the power of Juvenile Court and filed in

Adult Criminal Division. The Act 33 follows certain guidelines though. There are designated felony crimes that are committed with a deadly weapon that must happen for your child to be charged as an adult. What are the crimes? They are: Rape, Involuntary deviant sexual intercourse or IDSI, Aggravated Assault, Robbery, Robbery of a motor vehicle, Aggravated indecent assault, kidnapping, voluntary manslaughter, and an attempt, conspiracy, or solicitation to commit murder. For example, “Johnny” has a gun that he got off the street because he wants to become a member of a gang. He is told that he needs to commit a crime before becoming a member. “Johnny” decides that he is going to rob a convenient store. During the crime “Johnny” pulls the gun out and tells the worker at the register to give him all of the money or he’ll shoot. The worker has already pressed the panic button as he is emptying the register. The police show up and “Johnny” tries to run. They catch up to him and handcuff him. Once he is placed under arrest it is determined that he is only 16. This scenario qualifies as an Act 33 case because “Johnny” has committed a crime, which is robbery, he had a deadly weapon on him, a gun, and he is under the age of 18 but older than 15. If your child is getting into trouble with the law, you may want to help him/her to understand that the more serious the crime is and depending on the scenario, they may be charged as an adult. Looking back to the example of “Johnny,” once the officers that arrested him take him back to their station to write up their criminal complaint and probable cause for arrest, they must include the basis for their determination that the crime is excluded from the Juvenile Act.

You should now have a basic understanding of what the juvenile justice system is, the Juvenile Act, and an Act 33. But that’s not all there is. You may still have some questions that haven’t been answered on what happens when your child is arrested and where are they taken. This next

portion is easier to explain in a question and answer format. Hopefully these are some of the questions that you may have been wondering.

Question 1: Where does a police officer go to file for a warrant on a juvenile?

Answer: The officer must go to a District Magistrate's office.

Question 2: Once a juvenile is arrested, do the police have to notify the parents?

Answer: When a juvenile is arrested, the officer shall promptly notify the juvenile's guardian of the arrest, the reason for the arrest and where the juvenile is being taken to.

Question 3: Where is the juvenile taken once arrested?

Answer: The police officer can release the juvenile to his or her guardian with the promise that they will return when asked to be in court, the officer can take the juvenile to a detention facility, or the officer can take the juvenile to a medical facility if they are believed to be suffering from a condition that needs attention.

Question 4: Will a juvenile ever be taken to jail?

Answer: When a juvenile is under arrest, they may be held at a secured police lock-up (such as the police station). This happens if there is an investigation or processing that needs to be done. The officer can also take the juvenile to a jail that may house adults. If taken to jail it is because the juvenile refuses to give identification or because they have been arrested on an Act 33 warrant.

Question 5: How long is a juvenile held before being released to their guardian?

Answer: If the juvenile is being held at one of these locations mentioned above, the time is to not exceed six hours and he or she must be separated by sight and sound from incarcerated adult offenders.

Question 6: What does a police officer have to file to arrest a juvenile?

Answer: A written allegation

Question 7: What is a written allegation?

Answer: A written allegation is the document that begins the juvenile delinquency proceedings. It's usually filed by a law enforcement officer and will say that the juvenile has committed a bad act.

Question 8: As a parent, where are some places that I can go for legal help if my child is arrested?

Answer: You can contact the Juvenile or Family courts as well as any legal representation you would like

Now that we have briefly discussed the juvenile justice system, the juvenile act and act 33 cases, as well as some questions you may have had, I hope that I have helped you to understand these processes a little better. If you as the parent feel that your child may be headed down this path, either because of a behavioral health problem, or the choice in friends, whatever the reason may be, I recommend that you read the Juvenile Justice System study guide also on this website. I hope that the information I have shared with you today can help someone you care about. Thanks you for your time.

Suggestions

- Do seek help whether it is from a teacher, friend, police officer or legal representative.
- Do try to engage in some form of therapy with the child.
- Do talk to your child about what is going on within their lives.
- Do keep a structured environment such as consistent routines and schedules.
- Do know where your child is throughout the day/night.
- Do know who your child is friends with and who their parents are.
- Do keep discipline within the home.
- Do know that there are resources out there to assist you.
- Do not try to pretend that nothing is going on.
- Do not try to take responsibility for your child's actions.
- Do not let your child have all the freedom they want.
- Do not assume that your child knows what they are doing wrong. Discuss everything with him/her.

References

Court of Common Pleas Order No. 478 of 2005

Court of Common Pleas of Allegheny County, Pennsylvania Order of Court Pa.R.J.C.P. 210 and
Pa.R.Crim.P.131 and 132 Re: Juvenile Court Procedure Non Act 33 cases

Court of Common Pleas of Allegheny County, Pennsylvania Order of Court 42 Pa.C.S.A.
Section 6302 and Administrative Order No. A-2 of 2001 Re: Juvenile Act and Act 33
cases

Fifth Judicial District of Pennsylvania, Court of Common Pleas:

<http://www.alleghenycourts.us/family/juvenile.htm>

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