

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KASEEM COLEMAN, et al.,	:	CIVIL ACTION
Plaintiffs	:	
-vs-	:	No. 81-2215
JOSEPH STANZIANI, et al.,	:	
Defendants	:	CLASS ACTION

CONSENT DECREE

I. PREAMBLE

Named plaintiffs commenced this litigation as a civil rights action under 42 U. S. C. §1983 seeking to have declared unconstitutional both on its face and in practice Sections 6325, 6335, and 6341 of the Juvenile Act, 42 Pa. C.S. §6301 et seq., which authorize the pre-trial and pre-disposition detention of children alleged to be or found to be delinquent. On May 20, 1982, the Court certified a plaintiff class, which, as amended on February 19, 1983, includes:

"a) all allegedly delinquent juveniles in the Commonwealth of Pennsylvania, who are now, or will be in the future, detained prior to trial in violation of their civil and constitutional rights, pursuant to 42 Pa. C. S., §6325, §6335, and

"b) all adjudicated delinquent juveniles who are now, or will in the future be detained prior to their disposition hearing in violation of their civil and constitutional rights, pursuant to 42 Pa. C. S. §6341."

Coleman v. Stanziani



The Court, on May 20, 1982, also certified a defendant class that includes:

"a) all Juvenile Court Judges and Masters in Pennsylvania who are now or will in the future be responsible for hearing matters involving allegations of delinquency, pursuant to 42 Pa. C. S. §§6301, et. seq., and, specifically, for determining which youth will be detained in secure detention centers or jails prior to trial or disposition, including the length of stay and release of all such juveniles, pursuant to 42. Pa. C.S. §6331. The class of Juvenile Court Judges and Masters is to be represented by named defendants Joseph H. Stanziani and Lawrence A. Brown. Named representatives, as well as the class they represent, are sued for declaratory and injunctive relief purposes only.

"b) all juvenile probation officers in the Commonwealth of Pennsylvania who are now or will in the future be responsible for conducting procedures for the custody, intake, and detention, of juveniles charged with unlawful behavior, prior to the informal detention hearing before the Judge or Master, pursuant to 42 Pa. C. S. §6304 and §6325. This class is represented by named defendant Anthony Guarna. Defendant class is sued for declaratory and injunctive relief purposes only."

The complaint which forms the basis of this settlement was last amended by order of court on December 3, 1984. For the purposes of this Consent Decree, the Court has subject matter jurisdiction of this action and personal jurisdiction over the plaintiffs and defendants and the

classes they represent.

II. SETTLEMENT

The named parties to this lawsuit and the classes of persons whom this Court has certified them to represent, desirous of disposing of the issues raised by this suit without further litigation, hereby enter into this decree in settlement of the above-captioned suit. The terms of the settlement, which shall bind the plaintiffs and the defendants and the classes they represent, apply to children alleged to be or found to be delinquent and are as follows:

1. All parties agree that a child can be placed or held in secure detention only when security is shown to be necessary. In every situation in which secure detention is to be considered, defendants shall first consider and give preference to forms of control short of secure detention which could substantially reduce the risk of flight or danger to the child or to the community. 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; in those cases, non-secure options must be used. Pre-adjudication detention may never be imposed as a means of punishment or to apply sanctions.

- 2(a) All parties agree that 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

reasons and facts must accompany the detention decision specifying:

(i) that 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 the standards promulgated pursuant to this decree;

(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.

3. 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. After the initial court hearing, the cases of all children placed in secure detention must be reviewed by the Court at least every ten days; provided that in cases where the 10th day falls on a non-court business day any such reviews, if not previously conducted, must be conducted on the next court business day. These reviews need not involve a court appearance. At all such hearings and reviews, the court shall determine whether secure detention continues to be required and must comply with the provisions of paragraph II(2) above.
4. All parties agree that within 10 days of the signing of this decree, the Juvenile Court Judges' Commission shall initiate the process for final publication of the standards attached as Appendix A in the Pennsylvania Bulletin. It is understood that the Juvenile Court Judges' Commission may modify these standards at any time, but that the standards which are in existence are to be enforceable by an individual child in any state court proceeding under the Pennsylvania Juvenile Act or appeal therefrom; they are to be given the force of law and a juvenile probation officer, Juvenile Court Judge, or Juvenile Court Master may not legally detain a child in violation of these standards. For a period of ten years any proposed changes in the attached standards must be provided to plaintiffs' counsel for comment prior to promulgation; any changes must be published in the Pennsylvania Bulletin and filed with this Court for appendage to this decree. The training provisions below are to apply whenever any substantive change is made in the standards.

5. All parties agree that the Juvenile Court Judges' Commission shall be responsible for providing ongoing technical assistance, such as consultation upon request and responses to inquiries, to courts and juvenile probation departments to facilitate compliance with the terms of this consent decree and the Standards Governing the Use of Secure Detention and Alternatives to Secure Detention promulgated pursuant thereto. Upon request, technical assistance will also be provided to aid counties in the development of alternatives to secure detention.
6. The Juvenile Court Judges' Commission shall be responsible for providing training to Juvenile Court Judges and juvenile probation officers regarding the terms of this decree and the development of local policies and procedures consistent therewith. Such training, which shall initially be offered as soon as possible after settlement but in no case later than 90 days after the effective date of this consent decree shall be provided in a manner and be of such content as deemed appropriate by the Commission. However, participants will at a minimum, receive information and materials which set forth the terms of this decree and all standards promulgated by the Commission pursuant thereto; the manner in which compliance with this decree will be monitored; and the availability of technical assistance through the Commission. Counsel shall have access to these training materials prior to the training sessions. Subsequent training shall be provided within 90 days whenever the standards promulgated by the Commission pursuant to this consent decree are substantively modified, and, within one year of the initial training and at other times as deemed appropriate by the Commission.

7. The Juvenile Court Judges' Commission shall have responsibility for monitoring compliance with the terms of this consent decree and the standards promulgated pursuant thereto through the implementation of such procedures and programs as it may deem appropriate. If the Commission, for any reason, shall be unable to continue monitoring this decree, the parties shall initiate negotiations to provide for alternate monitoring. If the parties shall be unable to reach agreement within 60 days their respective positions shall be presented to this Court which shall make a final determination regarding an acceptable monitoring system. The monitoring procedures and programs implemented by the Commission shall, at a minimum:

- (a) provide for the collection by the Commission of information of sufficient detail to enable the parties to determine for each county, the degree of compliance with all aspects of the consent decree and standards promulgated pursuant thereto, including detailed information regarding the application of Section G of the Standards, "Authorization for Detention in Cases of Extraordinary and Exceptional Circumstances;"
- (b) Beginning on the sixtieth day after the effective date of this decree and continuing for two years, provide for the making of bi-monthly reports to counsel concerning compliance with all aspects of this decree and the standards promulgated pursuant thereto. Following the second year, reports concerning compliance shall be made on a semi-annual basis.

8. Within 90 days of the effective date of this consent decree, the Juvenile Court Judges' Commission shall promulgate standards for alternatives to secure detention. Said standards shall be used by the Commission as part of its training program.
9. The parties, by their counsel, agree to attempt to reach a settlement on the issue of costs and an award of attorneys' fees. If such agreement is not reached within 90 days of the Court's acceptance of the settlement, resolution of these issues by this Court may be sought. The time for filing the Petition for Award of Fees is hereby extended until 30 days after the expiration of this 90 day period.
10. This Consent Decree shall be in effect for ten years from the date of this Court's approval. Jurisdiction is retained by this Court for the period of this consent decree to enable parties to apply for enforcement of the terms of this decree as permitted below. All of the terms of this decree are to be enforceable in state court proceedings and enforcement of this decree in individual cases shall only be in appropriate state court proceedings and only when it is alleged that there has been a violation of the specific terms of this decree. This consent decree shall be enforceable in this Court only when it is alleged that there has been a pattern and practice of material breach of Sections II(2) or (3) of this decree. Violations of the standards promulgated by the Juvenile Court Judges' Commission pursuant to Section II(4) are not enforceable in this Court. The pleadings in any enforcement action in this Court shall specify the individual(s) or jurisdiction(s) alleged to have engaged in a pattern and practice of material breach and, in any such action

brought in this Court, the Court shall determine only whether the necessary statement of reasons was given or hearings or reviews held as required by Sections II(2) or (3) of this decree, but there shall be no proceedings in this Court to review the appropriateness of or rationale for any decision or order of court committing a child to secure detention made by a Juvenile Court Judge, Juvenile Court Master, or Juvenile Probation Officer pursuant to this decree.

11. The signatories hereto hereby agree and stipulate that in entering into this Consent Decree, it is not their intent to attach or impute, or to admit or accept, liability of any party or parties, be they named or class, for any act(s), omission(s), deprivation(s), loss(es), or any harm of any nature complained of or which could have been complained of in these proceedings. Further, defendants do not acknowledge or render legitimate any claim(s) for violation or violations of any right(s), be they statutory, constitutional, or common law, whether state or federal, asserted or assertable in these proceedings.

12. The parties agree that they will request Court approval of the following content and manner of notification to both the plaintiff and defendant classes. Notification of the proposed settlement will be provided through the notice attached hereto as Appendix B which will be given:

(a) To the plaintiff class, by publication in a newspaper of general circulation in both Philadelphia County and in Allegheny County and by posting in all secure detention centers in the Commonwealth; and

- (b) To the defendant classes, by individual notice to all Juvenile Court Judges, Masters, and to all Chief Probation Officers (with instructions to circulate among staff).

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(Date)

III. ORDER

The Court, being fully advised, having conferred with the parties and their attorneys, having reviewed all aspects of this case to date, having fully considered the desirability of disposing of the matters contained herein by means of a consent judgment and being satisfied that said consent judgment has been freely agreed to by the plaintiffs and defendants herein does:

HEREBY ORDER, ADJUDGE AND DECREE that the above judgment be entered as the final judgment of this Court in this matter.

Honorable Joseph Lord, III.

(Date)

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

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.

Even though eligibility criteria may indicate that a particular child may be detained, such detention is not mandatory. In every situation in which secure detention is to be considered, forms of control short of secure detention which could substantially reduce the risk of flight or danger to the child or to the community must be given preference.

Pre-adjudication detention may never be imposed as a means of punishment or to apply sanctions.

STATEMENT OF REASONS REQUIREMENT

- (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 reasons and facts 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 reasons 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. DETENTION REQUIRED TO PROTECT THE PERSON OR PROPERTY OF OTHERS OR OF THE CHILD.

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) aggravated assault (18 Pa.C.S.A. §2702);
- (v) involuntary deviate sexual intercourse (18 Pa. C.S. §3123);
- (vi) kidnapping (18 Pa.C.S. §2901);
- (vii) arson (18 Pa.C.S. §3301);
- (viii) burglary (18 Pa. C.S. §3502) involving a structure adapted for overnight accommodation;
- (ix) terroristic threats (18 Pa. C.S. §2706);
- (x) causing or risking catastrophe (18 Pa. C.S. §3302);
- (xi) riot (18 Pa. C. S. §5501);
- (xii) felonious intimidation of witnesses or victims (18 Pa. C. S. §4952);
- (xiii) felonious retaliation against witness or victim (18 Pa. C. S. §4953); or

- (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 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 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; or
- (e) The child is on probation or is otherwise under the supervision of a 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.

B. DETENTION REQUIRED BECAUSE THE CHILD MAY ABSCOND OR BE REMOVED FROM THE JURISDICTION OF THE COURT.

- 1. A child may not be detained in secure detention pursuant to 42 Pa. C. S.A. §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 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 proceedings; 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 shelter care or other non-secure placement ordered or authorized pending a court hearing or placement; or
- (f) the child presents extraordinary circumstances requiring secure detention to prevent him from absconding. Such circumstances may include, but are not limited to, the child's age, character, mental condition, drug or alcohol addiction, or substance abuse.

C. DETENTION REQUIRED BECAUSE THE CHILD HAS NO PARENT, GUARDIAN OR CUSTODIAN.

- 1. No child shall be detained in secure detention under 42 Pa. C. S. §6325, 6326 and 6331 solely because the child has no parent, guardian, custodian or other person able to provide supervision and care and capable of returning him or her to the court when required.

D. POST-ADJUDICATION DETENTION PENDING DISPOSITION

- 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 because the child may abscond or be removed from the jurisdiction of the court 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.

- 2. 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 absent an additional court appearance at which such period of detention is extended for good cause shown. Any such detention shall be subject to review by the court at a hearing every 10 days.

E. POST-DISPOSITION DETENTION AWAITING PLACEMENT

- 1. A delinquent child whom the court has committed to an institution 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 detention would be permitted under Section A;
 - (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;
 - (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 D(1)(c).

2. A delinquent child may not be held in secure detention under this section beyond 20 days from the date of the order of commitment or placement in the absence of an additional court appearance extending such period of detention for good cause shown. Any further detention shall be subject to review by the court every 10 days.

F. DETENTION PENDING OR SUBSEQUENT TO A DISPOSITIONAL REVIEW PROCEEDING

1. A child may not be detained in secure detention pending or subsequent to a dispositional review proceeding unless:
 - (a) the child is in placement 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 (D)(1)(c).

G. AUTHORIZATION FOR DETENTION IN CASES 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. a statement of reasons accompanying such detention includes an explanation of why an exception was warranted and why non-secure options were rejected; and
 - c. a report regarding such detention is provided to the Juvenile Court Judges' Commission consistent with procedures developed by the Commission for the purpose of monitoring the incidence of detention under this section.
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.

H. HEARINGS AND REVIEWS

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. After the initial court hearing, the case of all children placed in secure detention must be reviewed by the court at least every ten days; provided that in cases where the 10th day falls on a non-court business day any such reviews, if not previously conducted, must be conducted on the next court business day. These reviews need not involve a court appearance. At all such hearings and reviews, the court shall determine whether secure detention continues to be required and must comply with the statement of reasons requirement as necessary.
2. The Chief Juvenile Probation Officer of each county 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 in accordance with these Standards.

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. Date Detention Authorized: _____ IV. Time Of Authorization: _____
(Month) (Day) (Year) : _____ ☐ A.M. ☐ P.M.

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

A. ☐ has committed:

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

If 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 c = solicitation to commit
b = an attempt to commit d = conspiracy to commit

B. ☐ Other (explain) _____

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) ☐ in-home detention ☐ relative(s)
☐ 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: _____
(Last) (First) (Middle Initial) (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.

To Be Completed by Detention Staff After Child's Admission to Detention:

X. Name of Detention Center: _____ XI. Date of admission of above named child: _____
_____ ☐ A.M. (Month) (Day) (Year)

XII. Time of Admission: _____ ☐ P.M.

XIII. Detention/Release Status:

- A. ☐ Child released prior to informal detention hearing: Date of Release _____ Time of Release _____
(Month) (Day) (Year) : _____ ☐ A.M. ☐ P.M.
- B. ☐ Child released at informal detention hearing: Date of Release _____ Time of Release _____
(Month) (Day) (Year) : _____ ☐ A.M. ☐ P.M.
- 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)

Complete Sections X-XIII, upon the child's release from detention or following the informal detention hearing, whichever occurs first. Send completed WHITE COPY to the JUVENILE COURT JUDGES' COMMISSION (P.O. Box 1234, Federal Square Station, Harrisburg, PA 17108) with the Monthly Detention Summary (JCJC-D-3) which reports this child's admission to detention.

INSTRUCTIONS

Statement of Facts and Reasons Accompanying the Detention of a Child by a 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 settlement in Coleman v. Stanziani.

SECTIONS I-IX

I. Name of Child:

Self-explanatory.

II. Date of Birth:

Self-explanatory.

III. Date Detention Authorized:

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

IV. Time of Authorization:

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

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 (explain)

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

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

This statement is required by the Coleman settlement.

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
JCJC-D-1 (Continued)

SECTION 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 should be completed upon the child's release from detention or following the child's informal detention (72-hour) hearing, whichever occurs first.

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 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 the Juvenile Court Judges' Commission with the Monthly Detention Summary (JCJC-D-3) which reports this child's admission to detention.

_____ COUNTY

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

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

III. 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

IV. Detention Center: _____ V. Date Of Admission to Detention: _____/_____/_____
(Month) (Day) (Year)

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

A. ☐ has committed:

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

If 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 c = solicitation to commit
b = an attempt to commit d = conspiracy to commit

B. ☐ Other (explain) _____

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

VIII. 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.

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

X. 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
(No signature or date needed here if Order of Court entered below)

IN THE INTEREST OF: _____ A MINOR No. _____

DOB: _____

ORDER OF COURT

AND NOW, This _____ day of _____, 19____, (☐ a hearing having been held)

it is hereby ☐ ORDERED ☐ RECOMMENDED

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

RECOMMENDED: _____
Master

Subject to Approval by and further Order of this Court.

APPROVED: _____/_____/_____
Mo Day Yr

BY THE COURT:

Judge

BY THE COURT:

Judge

Send completed YELLOW AND PINK COPIES of this form to the detention center within one court business day of the Order of Court committing child to detention. If a separate Order of Court is used attached YELLOW AND PINK COPIES of this form to detention center copy of ORDER.

Detention Center: Send YELLOW COPY to the JCJC. (P.O. Box 1234, Federal Square Station, Harrisburg, PA 17108) with the Monthly Detention Summary (JCJC-D-3) which reports this child's admission to detention.

INSTRUCTIONS

Judicial Statement of Facts and Reasons/Order of Court (JCJC-D-2)

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 settlement in Coleman v. Stanziani.

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.

- HEADING -

☐ **STATEMENT OF FACTS AND REASONS ACCOMPANYING THE DETENTION/CONTINUED DETENTION OF A CHILD BY A JUDGE OR MASTER PRIOR TO ADJUDICATION**

Check this box in all cases of pre-adjudication detention regardless of whether the form is used as an Order of Court.

☐ **ORDER OF COURT AUTHORIZING DETENTION/CONTINUED DETENTION OF A CHILD PRIOR TO ADJUDICATION**

Check this box only if this form is used as an Order of Court.

- 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 (explain)

Check this box and provide an explanation only if the probable cause determination cannot be set forth in the preceding section.

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

This statement is required by the Coleman settlement.

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 ordered or 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 pursuant to Section 701 of the 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 JCJC (P. O. Box 1234, Federal Square Station, Harrisburg, PA 17108) with the Monthly Detention Summary (JCJC-D-3) which reports this child's admission to detention.

Return White Copy to:
JCJC, P.O. Box 1234, Federal Square Station
Harrisburg, PA 17108
by the 10th of month following report period.

MONTHLY DETENTION SUMMARY

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

Report for _____ 19_____
(month) (year)

Detention

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

Child's Name Last, First, M.I.	D.O.B. Mo/Day/Year	Committing County	Date Of Admission Mo/Day/Year	Authorization for detention (insert code)*	Court Status at time of admission (insert code)**	Section # of JCJC Detention Standards Which Was Basis For Detention (if known)	Date of Release (if appropriate) Mo/Day/Year
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							

*Authorization Codes: 1 = Probation/intake officer 2 = Order of Court 3 = Other (please specify)

**Court Status Codes: A = Awaiting Adjudication Hearing B = Awaiting Disposition Hearing C = Awaiting Transfer/Return to Other Jurisdiction
D = Awaiting Transfer/Return to Placement E = Awaiting Disposition Review Hearing F = Other (please specify)

(Attach appropriate copies of
Forms JCJC-D-1 and JCJC-D-2)

INSTRUCTIONS

Monthly Detention Summary (JCJC-D-3)

This form should be completed and forwarded to the JCJC by the 10th of the month following the month for which the report is made. Appropriate copies of JCJC-D-1 and JCJC-D-2 for children admitted 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. However, the report submitted for September, 1986, should contain all available information for each child.

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

D.O.B.

Self-explanatory

Date of Admission

Self-explanatory

Authorization for Detention at Time of Admission

Insert Code # as appropriate from the bottom of form. If "3" is used, please specify.

Court Status at Time of Admission

Insert 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/Return to Other Jurisdiction:

Applies to a child who was initially detained pending a return to another county or state, or a child detained after having been transferred to Criminal Court.

D - Awaiting Transfer/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.)

INSTRUCTIONS

JCJC-D-3 (Continued)

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 - Other (please specify) :

Applies to all circumstances where A-E 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, insert "UNK".

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

Insert Section # of specific JCJC Detention Standards on which basis detention was ordered 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

Send the completed **White copy** of this form to the Juvenile Court Judges' Commission (P. O. Box 1234, Federal Square Station, Harrisburg, PA 17108) by the 10th of the month following the month for which the report is made. Appropriate copies of JCJC-D-1 and JCJC-D-2 for children admitted 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.