

## **E. JUVENILE - DELINQUENCY**

### **1. DETENTION HEARINGS**

Unless otherwise directed or ordered by the presiding Judge, detention hearings shall be conducted by ACT. The Juvenile shall participate from the detention facility. Victims, witnesses, attorneys, parents or guardians, and other participants shall participate remotely.

If an in-person hearing is ordered, the Juvenile's parents or guardians shall be permitted to appear with the Juvenile. No other person or entity may accompany the Juvenile except upon a showing of good cause and necessity **with the prior approval of the presiding Judge.**

### **2. JUVENILE CALL**

The Juvenile Call system is abolished. All cases will be individually scheduled for adjudication hearings as delinquency petitions are filed or Findings of Fact are received from other jurisdictions.

Judges will schedule and hear both felony and misdemeanor cases. Hearing Officers will hear Fines and Cost cases and misdemeanor reviews only.

Individual adjudication (and other) hearings will be scheduled on the dates and at the times currently listed on the Public Court Calendar for the Call. In accordance with general pandemic protocols, hearing times will be staggered. Additional hearing days will be scheduled, as needed.

**\*NOTE:** As a practice note, if additional hearing days are needed, they will, as a general rule, be scheduled on the presiding Judge's felony disposition review date, or other days, as necessary.

Admissions and Consent Decrees must be worked out in advance of the hearing.

Continuances will be granted only for exceptional reasons.

### **3. ADJUDICATION HEARINGS**

- a. Adjudication hearings will be conducted in-person at a set date and time. No person other than parents or guardians may accompany the Juvenile except upon a showing of good cause and necessity with the prior

approval of the Judge. Requests for use of ACT in adjudication hearings will be decided by the presiding Judge. The pandemic safety protocols applicable for all in-person proceedings shall apply.

#### **4. DISPOSITION HEARINGS**

After an adjudication or admission, if disposition is not immediately imposed, the presiding Judge will determine the disposition date and will advise whether the disposition hearing will be held in-person, by ACT, or a combination of the two.

When a Social Study is ordered, or if an Intake Report has been prepared, the JPO shall, in advance of the hearing, electronically disseminate the report and recommendation, together with the reports of any other court-ordered evaluations, to the District Attorney and the Juvenile's attorney of record. If another attorney will be covering, the current attorney of record will be responsible to forward the reports to the covering attorney. All counsel are reminded that juvenile records are confidential, subject to protections and limitations on use and dissemination by both statute and rule.

#### **5. PLACEMENT REVIEWS**

- a. General Rule – As a general rule, unless otherwise directed or ordered by the presiding Judge, all placement reviews (as well as re-dispositions and placement moves for Juveniles in placement) will be conducted by ACT. All parties, parents, attorneys, and others will participate remotely.
  - i. Placement Review Hearings will be held on one of the Court's remote meeting platforms. ACT invitations will be sent to the District Attorney, CYS, JPO, Court Admin/Court Reporter, the placement facility, and the Juvenile's attorney of record. If there has been a change in representation or if another attorney will be covering the hearing, the attorney of record is responsible for forwarding the invitation to the new or covering attorney. The JPO and the Juvenile's attorney shall forward the invitation to the Juvenile's parents/guardians and obtain phone numbers for them.
  - ii. Exception – In cases in which the Juvenile has not been seen in-person by the Court in 12 months, the review hearing will be conducted in-person. The placement facility shall transport the Juvenile to the hearing.
  - iii. Orders – Scheduling orders will specify whether the review hearing will be conducted by ACT or in-person.

- b. Court Reports – The JPO will disseminate court reports and court summaries electronically to the attorneys of record in advance of hearings. If another attorney will be covering, the current attorney of record is responsible to forward the reports to the covering attorney. All counsel are reminded that juvenile records are confidential, subject to protections and limitations on use and dissemination by both statute and rule.
- c. If a Juvenile is released to home, the Juvenile’s parents or guardians shall pick the Juvenile up from the placement facility or make other suitable arrangements for pick up and transportation of the Juvenile.

## **6. PROBATION REVIEWS AND RELEASES**

- a. Releases - Uncontested requests for release from probation will be decided by the JPO motion procedure, which may be initiated by the JPO or any party, without hearing.
- b. Misdemeanor Probation Reviews - Misdemeanor Probation Review Hearings will be conducted by the Court’s Hearing Officers by ACT. All parties, parents, attorneys, and others will participate remotely.
- c. Felony Probation Reviews – Felony Probation Review Hearings will be conducted by Judges. Unless otherwise directed or ordered by the presiding Judge, felony probation reviews shall be conducted by ACT.

**\*NOTE:** As a practice note, the Judges intend to schedule other juvenile matters immediately before or after felony probation reviews. When other matters are also scheduled, the judge and all attorneys with other juvenile matters in the courtroom will remain in the courtroom for the reviews. The ACT platform will be shown on the courtroom monitor (counsel may bring their individual devices if desired). Unless they have been directed or permitted to appear in-person, other participants (the juvenile, parents, JPO, victims and defense attorneys who did not have other cases in the courtroom) will participate remotely.

- i. For ACT hearings, an invitation will be sent to the District Attorney, JPO, and the Juvenile’s attorney of record. If there has been a change in representation or if another attorney will be covering the hearing, the attorney of record is responsible for forwarding the invitation to the new/covering attorney. The JPO and the Juvenile’s attorney shall forward the invitation to the Juvenile and parents/guardians and shall obtain phone numbers for them.

## **7. PRE AND POST-ADJUDICATION MOTIONS**

Unless a different date is set in the scheduling order, pre-adjudication motions will be heard in-person on the date and at the time set for the adjudication hearing. Unless the presiding Judge indicates otherwise, the parties shall be prepared to move directly from the motions hearing into the adjudication hearing, if needed. Requests for use of ACT in pre-adjudication hearings will be decided by the presiding Judge.

The presiding Judge will determine whether post-adjudication motions will be heard in person, by ACT, or a combination of the two. Notice will be provided in the order scheduling the hearing.

## 8. ADDITIONAL HEARING PROCEDURES AND PROTOCOLS

a. Limited Additional In-Person Hearings – Based on the unique needs or facts of a particular Juvenile or case, the presiding Judge may in his or her discretion direct that any type of hearing be conducted in-person or in-person in combination with ACT. In such circumstances, all safety requirements, limitations, and procedures for in-person proceedings conducted during the transition, plus any other conditions deemed necessary by the presiding Judge, shall apply.

b. Exhibits:

i. For in-person hearings, exhibits shall be exchanged and admitted in the normal fashion in accordance with applicable Rules of Court

ii. For remote hearings, attorneys shall exchange exhibits prior to the hearings. If either party wants to seek admission of an exhibit, the exhibit must be sent to the presiding Judge's administrative assistant at the address set forth below, in advance of the hearing, through an e-mail marked "**high priority**" with a subject line stating: "**EXHIBITS for Juvenile Hearing – [Insert DATE AND TIME OF HEARING]**"

1. For Judge Mark, or any Hearing Officer, to Katy Case at:  
[kcase@monroepacourts.us](mailto:kcase@monroepacourts.us)

2. For Judge Williamson, to Pam Herb at:  
[PHerb@monroepacourts.us](mailto:PHerb@monroepacourts.us)

CYS Participation – For in-person hearings, one representative of CYS may appear and participate. CYS personnel shall similarly be invited to hearings conducted by ACT.

## 9. ADMINISTRATIVE

a. Home and purpose passes will be decided on a case-by-case basis, taking into consideration relevant pandemic and non-pandemic related matters and the placement facility's COVID-19 reports and protocols, including whether the juvenile will be required to quarantine

- i. JPO placement visits will be conducted using ACT and in-person, in accordance with COVID-19 protocols, as permitted by each individual placement facility.
- b. Contact with Juveniles, and families, will be conducted in-person and via ACT as deemed appropriate by the Chief Probation Officer. Juveniles and their parents or guardians shall provide valid e-mail addresses and phone numbers.
- c. Where a juvenile is ordered to placement but a bed date is not immediately available, and the juvenile is not in detention, the juvenile will be given a date and time to report to the Courthouse to await transport by the placement facility or the Sheriff's Department. The juvenile and parents shall wait for the transportation team outside of the building. When the transportation team arrives they, or the JPO office, will contact the juvenile and/or the juvenile's parents via phone and instruct them to meet the transportation team in front of the Courthouse on Monroe Street.
- d. If a juvenile is not physically present for disposition and the disposition does not involve placement, they will be given a specific date and time to report to Probation to comply with DNA and fingerprinting requirements (Probation will provide the Court with dates and times at the time of disposition). Probation will prepare paperwork prior to the juvenile's arrival to limit the time spent in the Probation Office.
  - i. PPE will be worn by any Probation Officer taking fingerprints and DNA. Appointments will be staggered such that only one person is in the office for Act 185 registration.

CONTACT INFORMATION

Juvenile Probation:

Phone - (570) 517-3095

Email - [astrouse@monroepacourts.us](mailto:astrouse@monroepacourts.us) or  
[bsikora@monroepacourts.us](mailto:bsikora@monroepacourts.us)