



Juvenile - Delinquency (Detention Hearings; Juvenile Call; Adjudication Hearings; Disposition Hearings; Placement Reviews; Probation Reviews and Releases; Pre and Post- Adjudication Motions; Additional Hearing Procedures and Protocols; Administrative)

1. DETENTION HEARINGS

If a Juvenile is detained during the day, an in-person hearing will be held as soon as administratively possible that day. The Juvenile's parents will be notified. If they are available, they may appear. No other person may accompany the Juvenile except upon a showing of good cause and necessity **with the prior approval of the Judge**. If the Juvenile's parents or guardians cannot appear in person, then they may participate by ACT. Similarly, victims and witnesses shall be permitted to testify or participate by ACT.

- a. If a Juvenile is detained outside courthouse hours, then a Detention Hearing will be conducted using ACT for all victims, witnesses, attorneys, and other participants. The Juvenile shall participate from the detention center.
- b. If a Juvenile is released to home, then the Juvenile's parents or guardians shall pick the Juvenile up from the Courthouse or the Detention Center, whichever applies, or make suitable other arrangements for pick up and transportation of the Juvenile.

2. JUVENILE CALL

- a. Counsel for the Juvenile shall communicate with the Juvenile prior to the call.
- b. Counsel for the Juvenile and the attorney for the Commonwealth shall discuss cases prior to the call.
- c. Attorneys only at the call, unless the Juvenile will be making an admission or entering a consent decree.
- d. Admissions and Consent Decrees:
 - i. Counsel shall advise the Court no later than **NOON** two days before the call of cases in which the Juvenile will be making an admission or entering into the consent decree program.
 - ii. Admissions and consent decrees will be taken in person. The Juvenile and his or her parents or guardians will be given a specific time to appear. No other person may accompany the Juvenile except

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upon a showing of good cause and necessity **with the prior approval of the Judge**.

- iii. Closed admissions with immediate disposition are encouraged and will be entertained. As with adult guilty pleas, counsel may ask for a conference ahead of the call for pre-approval of closed admissions.
- iv. Victims shall be notified in accordance with applicable rules and laws. Victims, and if applicable their parents or guardians, may appear in court. However, they shall also be given the option of participating by ACT.
- e. Hearings – For cases that will be called for hearing, the Juvenile and his or her parents or guardians shall be available by phone. JPO and counsel for the Juvenile shall obtain their phone numbers. The Juvenile and his parents or guardians shall be advised of the date and time of the adjudication hearing via phone.

3. ADJUDICATION HEARINGS

- a. Adjudication hearings will be conducted in-person at a set date and time. The safety requirements, limitations, and procedures for all in-person proceedings conducted during the transition, including but limited to wearing masks, maintaining social distancing, bringing in witnesses as needed, and limitations of the number of persons in courtrooms, shall apply. In addition:
 - i. 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**.
 - ii. Witnesses will be permitted to testify by ACT in accordance with the existing COVID-19 Emergency and Court Facility Closure orders, as amended from time to time, and the Rules of Juvenile Court Procedure, and after the orders terminate then in conformity with the Rules.
 - iii. Victims shall be notified in accordance with applicable rules and laws. Victims, and if applicable their parents or guardians, may appear in court. However, they shall also be given the option of participating by ACT.

4. DISPOSITION HEARINGS

- a. Contested Disposition Hearings will be conducted in-person at a set date and time in the manner of Adjudication Hearings as set forth above.

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- b. Uncontested Disposition Hearings shall be conducted by ACT in the manner that Placement and Probation Review Hearings will be conducted as set forth below. Counsel shall advise the Court no later than NOON the day before the scheduled disposition if the disposition will not be contested.
- c. Social Studies – When a Social Study is ordered, JPO shall, in advance of the hearing, electronically disseminate the resulting report and recommendation, together 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 other attorney. All counsel are reminded that juvenile records are confidential, subject to protections and limitations on use by both statute and rule, may be used only.

5. PLACEMENT REVIEWS

- a. 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. GTM -- Placement Review Hearings will be held by GTM meetings. GTM 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 will be responsible for forwarding the invitation on to the new attorney/attorney who will be covering. JPO and the Juvenile’s attorney shall forward the invitation to the Juvenile’s parents/guardians and obtain phone numbers for them.
 - ii. Parents/Guardians.
 - 1. In instances when there is only one juvenile at a facility who will be reviewed during a single GTM session, parents/guardians may participate by GTM. If the parents/guardians do not have devices that will permit them to use GTM, they may participate by phone.
 - 2. In instances when there is more than one juvenile at a facility who will be reviewed during a single GTM session, then each juvenile will be reviewed individually/privately during the session. To ensure privacy, parents/guardians will participate by phone rather than GTM. Each parent/guardian will be called separately as their child is being reviewed.

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

6. PROBATION REVIEWS AND RELEASES

- a. Uncontested requests for release from probation will be decided by the JPO motion procedure, which may be initiated by JPO or any party, without hearing.
- b. All Probation Review Hearings will be conducted by ACT. All parties, parents, attorneys, and others will participate remotely.
 - i. For six month reviews on scheduled review days when multiple Juveniles will be reviewed, a combination of GTM and phone will be used. Each Juvenile will be reviewed individually/privately during the session. To ensure privacy, the juvenile and his or her parents/guardians will participate by phone rather than GTM. Each juvenile will be called separately as his or her case is called. To the full extent possible, separate times or time frames/ranges will be set for each Juvenile.
 - ii. For individual reviews scheduled by the Court or on motion of any party, GTM will be used. If the parents/guardians do not have devices that will permit them to use GTM, they may participate by phone.
 - iii. For GTM 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 will be responsible for forwarding the invitation on to the new attorney/attorney who will be covering. JPO and the Juvenile’s attorney shall forward the invitation to the Juvenile and parents/guardians and for all reviews shall obtain phone numbers for them.

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7. PRE AND POST-ADJUDICATION MOTIONS

- a. All motions will be addressed on a case-by-case basis.
- b. All post-adjudication motions and post-disposition motions shall be conducted by GTM in the manner of Disposition Review Hearings as set forth above.
- c. Unless specifically directed by the presiding judge, all pre-adjudication motions will be heard by GTM in the manner of Disposition Review Hearings as set forth above.

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 the presiding judge adds, 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
 2. For Judge Williamson, to Pam Herb at: PHerb@monroepacourts.us
- c. CYS Participation – For in-person hearings, one representative of CYS may appear and participate. CYS personnel shall similarly be invited to hearings conducted by GTM or other forms of ACT.

9. ADMINISTRATIVE

- a. Non-emergency home passes will not be issued. Emergency requests will be decided on a case-by-case basis.
 - i. JPO placement visits will be conducted using ACT

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- b. All Intake, Social Study, Sign-Up Conferences, and Probation Check-In Meetings shall be conducted by ACT unless another method is specifically approved 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 or
bsikora@monroepacourts.us

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