



## Juvenile Probation Officer Reference Guide For Dispositional Hearings

The purpose of this reference guide and accompanying checklist is to provide recommendations to juvenile probation officers in the preparation of meaningful social studies and related recommendations in dispositional hearings. While all elements of this guide should be considered by juvenile probation officers during the preparation of social studies, the final product presented to the Court and parties to the proceeding should be tailored to the individual circumstances of each case and meet the requirements of Pennsylvania's Juvenile Act and Rules of Juvenile Court Procedure.

It is critical that juvenile probation officers understand that Pennsylvania's Juvenile Act requires all juvenile court dispositions to 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.<sup>1</sup> The Juvenile Act also requires that evidence-based practices be employed, whenever possible, and that the least restrictive intervention be used that is consistent with our balanced and restorative justice mission.<sup>2</sup>

Clear expectations should be set at disposition for the juvenile, the probation department and service providers. The juvenile and the juvenile's attorney should understand what the Court expects regarding participation in treatment, education, restitution, community service, etc. Service provider staff need to understand any specific conditions and goals set forth by the Court, as well as any ongoing reporting responsibilities. Juvenile probation officers must also understand their responsibilities with respect to collaborating with service provider staff. If the juvenile is placed, assigned juvenile probation officers must also understand their responsibilities with respect to maintaining contact with the juvenile and the juvenile's family, and ensuring that post-placement services and supports are ready when the juvenile needs them.<sup>3</sup> The juvenile, and family, should receive a clear explanation of the positive consequences of following the court's dispositional order and the negative consequences of violating it.<sup>4</sup>

If a social study is ordered, the Rules of Juvenile Court Procedure require that it address any educational, health care, and disability needs of the juvenile, and the Court may order the juvenile to undergo health, psychological, psychiatric, drug and alcohol, or any other examination it deems appropriate to aid in the decision for disposition.<sup>5</sup> Pennsylvania's Juvenile Justice System Enhancement Strategy (JJSES) incorporates evidence-based tools, such as the Youth Level of Service/Case Management Inventory (YLS), to assist juvenile probation officers in preparing social studies and making recommendations for disposition that are informed by research and consistent with both Pennsylvania's Juvenile Act and Rules of Juvenile Court Procedure. It is essential that social studies are prepared and distributed to all parties in advance of the dispositional hearing. The juvenile probation officer assigned to the case should be present at the hearing, and present information regarding the following elements of a social study:

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<sup>1</sup> 42 Pa.C.S. §6352 and *Comment* to Pa.R.J.C.P. 512

<sup>2</sup> 42 Pa.C.S. §6301(b)

<sup>3</sup> JCJC Pa. Juvenile Delinquency Benchbook (2018), §10-7

<sup>4</sup> JCJC Pennsylvania Juvenile Delinquency Benchbook (2018), §10-5

<sup>5</sup> Pa.R.J.C.P. 513

## Recommended Elements of Social Studies

### ❑ Current Status

- The Court should be provided with information regarding the current status of the juvenile, including: whether the juvenile is living at home, in detention or shelter care; whether the juvenile is on electronic monitoring or other form of probation supervision; and how well the juvenile is functioning in his current environment.
- The Court should also be provided with any “Serious, Violent, and/or Chronic Offender” designations. Research has shown that children who meet one, or more, of these definitions are at a higher risk to recidivate.

### ❑ Strengths

- The Court should be provided with information regarding ANY strengths of the child and family, identified through the YLS or obtained through other means.

### ❑ Youth Level of Service (YLS)

- The YLS examines eight **risk factors** (or criminogenic needs) that are predictive of future delinquent behavior. All of these risk factors, except one, are considered “dynamic” risk factors that can be changed during supervision to reduce the likelihood of recidivism. “Prior and Current Offenses/Dispositions” is the only risk factor that is considered “static”, in that offenses that have occurred in the past cannot be changed. The “Top 4” criminogenic needs, which have the strongest correlation to future delinquent behavior, include: Personality/Behavior; Attitudes/Orientation; Peer Relations; and Family Circumstances.
- The Court should be provided with the date the most recent YLS was completed, **the overall level of risk (low, medium, high, or very high)**, the risk levels of the top two-three criminogenic needs, and any changes in risk levels over time if the YLS was previously administered. Information regarding **responsivity factors**, that affect a juvenile’s ability and motivation to learn, and **strengths** of the juvenile and family, in any area, that have been identified throughout the assessment process should also be included in the court report and considered by the juvenile probation officer before making any recommendation to the Court.

## Risk Factors (Criminogenic Needs)

### ➤ Current and Prior Offenses/Dispositions (static risk factor)

- The offense(s) relating to the current dispositional hearing should be summarized. Juvenile probation officers should also be prepared to summarize previous offenses, violations of probation, and prior juvenile court dispositions.

- **Family Circumstances/Parenting (dynamic risk factor)**
  - The Court should be provided with information regarding inadequate parental supervision, difficulty in controlling behavior, inappropriate discipline, inconsistent parenting, and poor relations between the juvenile and father/mother.
  - The Court should be provided with recommendations regarding any conditions, limitations, restrictions, and obligations that should be imposed upon the parent/guardian including, but not limited to, community service, restitution, counseling, treatment and education programs.<sup>6</sup>
  - When there is “shared case responsibility” between the juvenile probation office and the children and youth agency, the Court should be informed about the roles of the assigned juvenile probation officer and child welfare case worker, and the delineation of services provided by both agencies.
- **Education/Employment (dynamic risk factor)**
  - The Court should be provided with information regarding the stability and appropriateness of the child’s education program, and whether an educational decision maker is needed.<sup>7</sup>
  - The Court should be provided with information regarding the juvenile’s grade level, attendance, academic performance, IEP/re-evaluation reports, extracurricular activities, instances of disruptive classroom behavior, relationships with peers and teachers
  - The Court should be provided with information regarding employment and any vocational/job readiness training the juvenile is receiving, including the type and frequency of the training.
- **Peer Relations (dynamic risk factor)**
  - The Court should be provided with information regarding whether the juvenile has any positive or negative acquaintances/friendships.
- **Substance Abuse (dynamic risk factor)**
  - The Court should be provided with information regarding whether any substance abuse was linked to the offense, whether the juvenile has occasional or chronic drug and/or alcohol use, and whether substance abuse interferes with juvenile’s life.
- **Leisure/Recreation (dynamic risk factor)**
  - The Court should be provided with information regarding whether the juvenile has any personal interests, participates in organized activities, and is able to make better use of time.
- **Personality/Behavior (dynamic risk factor)**
  - The Court should be provided with information regarding whether the youth has inflated self-esteem, a short attention span, poor frustration tolerance, inadequate guilt feelings, is physically aggressive, exhibits tantrums, or is verbally aggressive.

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<sup>6</sup>Pa.R.J.C.P. 515(C) and 42 Pa. C.S. §6310

<sup>7</sup>Pa.R.J.C.P. 512(D)(6)

➤ **Attitudes/Orientation (dynamic risk factor)**

- The Court should be provided with information regarding whether the youth has anti-social/pro-criminal attitudes that are supportive of a criminal or anti-conventional life style (does not believe rules apply to him/her), is not seeking help, is actively rejecting help, defies authority, or is callous, with little concern for others.

❑ **Responsivity Factors** – characteristics that influence a juvenile’s ability and motivation to learn

- The Court should be provided with information regarding responsivity factors that has been identified through the screening/assessment process.
- Examples of responsivity factors include: mental health; medications, motivation, trauma, including post-traumatic stress disorder; personal distress; self-esteem; culture; intelligence; physical health; developmental age; learning disabilities; and learning style.

❑ **Stabilization Factors**<sup>8</sup> – conditions that can interfere with the success of a juvenile that include: reliable public or private transportation (to facilitate access to employment, counseling, etc.); sufficient financial resources (to support basic human needs); prosocial and sustainable housing; government-issued identification (to secure employment); and access to medical care for overall health, to address chronic illness, and/or prescription maintenance.

❑ **Clinical Evaluations**

- The Court should be provided with the results of any psychological, psychiatric, drug and alcohol, and any other evaluations completed.<sup>9</sup> Whenever possible, the clinician who conducted the evaluation should participate in the hearing to present information and answer any questions.

❑ **Health Care and Disability**

- The Court should be provided with information regarding the child’s needs concerning health care and disability, and whether any further evaluation or treatment is needed.<sup>10</sup>

❑ **Successes/Achievements**

- The Court should be provided with information regarding any successes/achievements of the juvenile.

❑ **Actions taken to address any previously ordered court directives**

❑ **Recommended Elements of Dispositional Recommendations and Interventions**

- The Court should be provided with recommendations that will 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.<sup>11</sup>
- Recommendations should specifically respond to the juvenile’s level of risk, criminogenic needs, and responsivity factors, as well as how the strengths of the juvenile and family can be built upon.

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<sup>8</sup> Supervisor’s EBP BriefCASE, Carey Group Publishing

<sup>9</sup> Pa.R.J.C.P. 513(B)

<sup>10</sup> Pa. R.J.C.P. 120, Pa. R.J.C.P. 512(D)(7), and Pa. R.J.C.P. 513(A)(2)

<sup>11</sup> 42 Pa.C.S. §6352 and *Comment* to Pa.R.J.C.P. 512

- The Court should be provided with information regarding the expected dosage and duration of any treatment that the juvenile and/or family is expected to receive. Juvenile probation officers should be familiar with what research has shown to be the most effective dosage and duration of specific treatment interventions.
- The Court should be provided with recommendations for a limited number of firm, enforceable, and pertinent conditions of supervision that should be imposed, as opposed to a long list of “standard” conditions and restrictions as part of every disposition.<sup>12</sup>
- The Court should be provided with recommendations regarding the juvenile’s educational program and whether the Court should appoint an educational decision maker.<sup>13</sup>
- The juvenile probation officer should provide the Court with any recommendations regarding vocational training/job readiness activities that should be provided.
- The Court should be provided with recommendations for any community service that should be completed, as well as information regarding any community service hours previously ordered/completed.
- The Court should be provided with any victim impact statements and recommendations regarding the specific amount of restitution to be paid by the juvenile, to whom the restitution should be paid, and any payment schedule, if appropriate. Any restitution ordered should consider the nature of the acts committed and the earning capacity of the child.<sup>14</sup> The Court should also be informed about the attitude of the juvenile towards the crime victim(s), the degree to which the juvenile accepts responsibility for causing harm, and the juvenile’s willingness to take action to repair harm.
- The Court should be provided with recommendations regarding fines, costs and fees to be paid. Any order for fines, fees, and costs should consider the nature of the acts committed and the earning capacity of the child.<sup>15</sup>

## **Dispositions Resulting in Placement**

- Any disposition resulting in the removal of the juvenile from home is required to address the educational stability of the juvenile. A juvenile removed from home must remain in their school of origin unless the Court finds that remaining in the school of origin is not in the juvenile’s best interest or protective of the community. If the Court finds that it is not in the best interest for the juvenile or protective of the community to remain in the school of origin, then the court may order the juvenile to be enrolled in another school that best meets the juvenile’s needs. If a court orders the juvenile to be enrolled in another school, then the juvenile must attend public school unless the Court finds that a public school is not in the best interest of the juvenile or protective of the community.<sup>16</sup>

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<sup>12</sup> JCJC Pennsylvania Juvenile Delinquency Benchbook (2018), §10-5

<sup>13</sup> Pa. R.J.C.P. 512(D)(6)

<sup>14</sup> 42 Pa.C.S. §6352(a)(5)

<sup>15</sup> 42 Pa.C.S. §6352(a)(5)

<sup>16</sup> Pa.R.J.C.P. 148