

Glossary

Act of Sexual Violence: As defined in 42 Pa.C.S. Ch. 64 (relating to court-ordered involuntary treatment of certain sexually violent persons), any conduct prohibited under the following provisions of law: 18 Pa.C.S. § 3121 (relating to rape);18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse);18 Pa.C.S. § 3124.1 (relating to sexual assault); 18 Pa.C.S. § 3125 (relating to aggravated indecent assault); 18 Pa.C.S. § 3126 (relating to indecent assault); 18 Pa.C.S. § 4302 (relating to incest). Juveniles who are found to be delinquent for any of these acts who are committed to an institution or other facility, and who remain in any such facility as a result of that adjudication of delinquency upon attaining 20 years of age, are subject to assessment by the State Sexual Offenders Assessment Board (SOAB).

Adolescent Development: The process through which “biological, cognitive, emotional and social development unfolds and interacts during the second decade of life.” (Lerner and Steinberg, Handbook of Adolescent Psychology, 2004) The study of adolescent development is primarily dominated by psychology, although other disciplines such as biology and neuroscience help inform our understanding of adolescence. Increasingly, researchers study the impact of context (*i.e.* families, peers, schools, neighborhoods, culture) on adolescents’ development, and how such contexts contribute to both positive and negative outcomes.

Age-appropriate or Developmentally-appropriate: The terms used to describe: 1) the activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; or 2) in the case of a specific child, activities or items that are suitable based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.

Advanced Communication Technology: The term used throughout the Rules of Juvenile Court Procedure to describe communication equipment that may be used, depending on the proceeding, to provide for the appearance of the juvenile and/or a witness. The term includes, but is not limited to, systems providing for two-way simultaneous audio-visual communication, closed circuit television, telephone and facsimile equipment, and electronic mail. (See Rule 129, Pa.R.J.C.P.)
<https://www.pacode.com/secure/data/237/chapter1/s129.html>

Aftercare: Services (including health, mental health, educational, vocational, family services, etc.) designed to help youth re-enter the community after placement in out-of-home facilities. Collaboration and planning for aftercare should begin as soon as the juvenile enters placement.

Assessment: An individualized examination of a child to determine the child's psychosocial needs and problems, including the type and extent of any mental

health, substance abuse or co-occurring mental health and substance abuse disorders and recommendations for treatment. The term includes, but is not limited to, a drug and alcohol, psychological and psychiatric evaluation, records review, clinical interview and the administration of a formal test and instrument. The term is distinguished from the term "Screening."

Balanced and Restorative Justice (BARJ): The philosophical foundation of Pennsylvania's juvenile justice system mission, which gives priority to repairing the harm done to crime victims and communities and which defines offender accountability in terms of assuming responsibility for the harm caused by his/her behavior and taking action to repair that harm to the extent possible. The commitment to this philosophy led to the 1995 amendments to the Juvenile Act which mandate the system.... *"consistent with the protection of the public interest, to provide for children committing delinquent acts program of supervision, care and rehabilitation which 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."* (See, in particular, 42 Pa.C.S. § 6301(b)(2), 6340(c.1) and 6352(a)).

Certification or Waiver to Criminal Court: The transfer of a case for criminal prosecution under 42 Pa.C.S. § 6355 and Rules 390-396 Pa.R.J.C.P.

Clerk of Courts: The official in each judicial district who has the responsibility and function under state law or local practice to maintain the official court record and docket, without regard to that person's official title. A party to the proceedings may not function as the clerk of courts.

Collateral Consequences: The negative results of a juvenile delinquency adjudication that compound a disposition or sanction imposed by the court. Juvenile records and system involvement, for example, may limit a youth's opportunities to obtain education, health care, housing, and employment, to own or possess a firearm, etc.

Commitment (also known as Placement): The court-ordered removal of a juvenile from his/her home as a disposition following an adjudication of delinquency. Commitment/Placement occurs only after a delinquency adjudication, as opposed to "detention," which may be ordered by the court or authorized by a juvenile probation officer pending an adjudicatory or other hearing.

Competency: A youth's ability to stand trial, measured by his or her capacity to understand juvenile court proceedings, to consult meaningfully with a lawyer, and to assist in his or her own defense.

Consent Decree: The post-petition, pre-adjudication suspension of delinquency proceedings pursuant to 42 Pa.C.S. §6340 and Rules 370-373 Pa.R.J.C.P., agreed to by the attorney for the Commonwealth and the juvenile, through which the court may continue a juvenile under supervision in his home under conditions negotiated with the juvenile probation office. A consent decree is to remain in force for no more than 6 months. However, upon motion, the court may discharge the juvenile sooner or extend the period on consent decree supervision not to exceed an additional 6 months.

County Children and Youth (C&Y) Agency: The county child welfare agency. These agencies are supervised by the Department of Human Services pursuant to the Human Services Code 62 P. S. § 901 *et seq.*

Court: The Court of Common Pleas which is assigned to hear juvenile delinquency matters. The term has the same meaning as the term “Juvenile Court.” The term also includes juvenile court hearing officers when they are permitted to hear cases under the Rules of Juvenile Court Procedure.

Court-Appointed Special Advocate (CASA): An individual appointed by the court to participate as an advocate for a child who is dependent or alleged to be dependent pursuant to 42 Pa.C.S. § 6342.
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<https://www.pacode.com/secure/data/237/chapter11/s1158.html>

Criminogenic needs: Characteristics of a juvenile that, when changed, are associated with changes in the juvenile’s risk of reoffending. (See *dynamic risk factors*.)

Decertification from criminal court: The transfer of a case from criminal proceedings to juvenile proceedings pursuant to 42 Pa.C.S. § 6322.

Delinquent Act: In general, an act committed by a juvenile that would constitute a crime if committed by an adult. However, in Pennsylvania, the term ‘delinquent act’ does not include the crime of murder; any of a series of designated felonies if a deadly weapon was used during the commission of the offense committed by a juvenile age 15 or older; or any of another series of designated felonies if the juvenile is age 15 or older and has been previously adjudicated delinquent on the basis of any of these offenses. These excluded “direct file” offenses are initially subject to criminal court jurisdiction. In addition, summary offenses are excluded from the definition (unless a juvenile fails to comply with a lawful sentence imposed for the offense by the minor judiciary), as are offenses committed by a juvenile who has been found guilty in a criminal proceeding for other than a summary offense. (See 42 Pa.C.S. § 6302)
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Delinquent Child/Juvenile: A child 10 years of age or older whom the court has found to have committed a delinquent act and is in need of treatment, supervision or rehabilitation.

Dependent Child: In general, a child who is without proper parental care or supervision, or who has been abused, who is habitually truant from school, who is ungovernable, or who is under the age of 10 and who has committed a delinquent act or crime other than a summary offense. (See 42 Pa.C.S. § 6302)
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Detention: The temporary custody of a juvenile in a secure juvenile detention facility that is licensed by the Pennsylvania Department of Human Services Detention. In general, unless a juvenile order to be placed in detention by the court at a hearing, all juveniles admitted to detention must have a hearing within 72 hours.

Destroy or Destruction: As defined in the Rules, to erase permanently or the process of permanent erasure of an item leaving no trace or indication that it ever existed. These terms are distinguished from the terms “Expunge” and “Expungement”. See, in particular, 42 Pa.C.S. § 6341(a) and Rule 408, Pa.R.J.C.P, <https://www.pacode.com/secure/data/237/chapter4/s408.html> , which mandates that if the court finds that a juvenile committed none of the delinquent acts alleged in the petition, the court shall order, *sua sponte*, the destruction of fingerprints and photographs related to the dismissed petition.

Direct File Offense: A crime that is subject to the initial jurisdiction of the adult criminal justice system because it is excluded from the definition of “Delinquent act” in the Juvenile Act. These cases may be transferred to juvenile court following a “decertification hearing” in criminal court held pursuant to 42Pa.C.S. §§ 6322 and 6355.

Disposition: The final determination in a delinquency case made by the court after an adjudication of delinquency, or any determination that ceases juvenile court action on a case.

Diversion: The redirection of a juvenile from further involvement in the juvenile justice system. Diversion may occur pre-arrest; following arrest but prior to the submission of the written allegation to (i.e. through referral to a Youth Aid Panel); following the submission of the written allegation but prior to the filing of a petition (i.e. through an informal adjustment), or following the filing of the petition but prior to an adjudication of delinquency (i.e. through the entry of a consent decree).

Dual status case: A designation for youth who is involved in dependency court because of abuse or neglect and also involved in the juvenile justice system because of delinquent behavior.

Dually adjudicated youth: A youth who has been adjudicated both delinquent and dependent.

Dynamic risk factors: Characteristics of a juvenile or the juvenile’s environment that can change over time, because of treatment or the normal developmental process. (See *Criminogenic needs*) The *criminogenic needs* assessed through the administration of the YLS include: attitudes/orientation (antisocial thinking); personality/behavior (antisocial temperament); and peer relations (antisocial companions).

Educational decision maker: A responsible adult appointed by the court pursuant to Rule 147, Pa.R.J.C.P. <https://www.pacode.com/secure/data/237/chapter1/s147.html> to make decisions regarding a juvenile’s education when the juvenile has no guardian or the court has limited the guardian’s right to make such decisions for the juvenile. The educational decision maker acts as the juvenile’s representative concerning all matters regarding education unless the court specifically limits the authority of the educational decision maker.

Expunge/Expungement: To erase legally or the process of legal erasure of the juvenile record or the sealing of the record, making it permanently unavailable to the public, except that some information may be retained only by a juvenile justice agency for limited purposes as provided in Rule 173, Pa. R.J.C.P.

<https://www.pacode.com/secure/data/237/chapter1/s173.html>

The statutory requirements for expungement of records in juvenile delinquency cases and in the cases of summary offense committed by persons under 18 years of age are included in the Criminal History Record Information Act (CHRIA) at 18 Pa.C.S. § 9123.

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Guardian: As defined in the Rules of Juvenile Court Procedure, the term includes any parent, custodian, or other person who has legal custody of a juvenile, or any person designated by the court to be a temporary guardian for purposes of a proceeding.

Habitually Truant: As defined in the Public-School Code, a child subject to compulsory school attendance laws who has six (6) or more school days of unexcused absences during the current school year. (See **Truant**)

Informal Adjustment: The pre-petition diversion of a case by a juvenile probation officer following the receipt of the written allegation pursuant to 42 Pa.C.S. § 6323 and Rule 312 Pa.R.J.C.P., where it appears that adjudication would not be in the best interest of the public, and the juvenile, the juvenile and the juvenile's guardian consent to informal adjustment, and the admitted facts bring the case within the jurisdiction of the court. The duration of a period of supervision and/or services under an informal adjustment may not exceed six months, unless extended by order of the court for an additional period not to exceed three months.

Informal Hearing: The "72-hour hearing" that is required by 42 Pa.C.S. § 6332 and pursuant to Rules 240-242 Pa.R.J.C.P. to be held not later than 72 hours after a juvenile is placed in detention or shelter care to determine whether his detention or shelter care is required under § 6325 (relating to detention of child), whether to allow the juvenile to remain in the home would be contrary to the welfare of the juvenile and whether probable cause exists that the juvenile has committed a delinquent act.

Intake: The process following the submission of the written allegation to the juvenile probation office, during which juvenile probation officer investigates a youth's charges and background and decides whether to release the youth, consider the youth for informal adjustment or other diversion option, or formally proceed against him/her in juvenile court.

Interagency Information Sharing Agreement: An agreement developed under 42 Pa.C.S. § 6352.2 among the county C&Y agency, juvenile probation department, local law enforcement agencies, mental health agencies, drug and alcohol agencies, local school districts and other agencies and entities as deemed appropriate, to enhance

the coordination of case management services to and the supervision of children who have been accepted for service by a county C&Y agency, and who also are being supervised under an informal adjustment or a consent decree, have been found to have committed a delinquent act or have been found to be dependent or delinquent. The purpose of the agreement is to enhance the coordination of efforts to identify children who may be at risk of child abuse, parental neglect or initial or additional delinquent behavior, and to provide services to these children and their families. Any such agreement must shall be signed by the chief executive officers of these entities as well as the public defender's office and guardian *ad litem* in each county and must be submitted to the court for approval.

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Interstate Compact for Juveniles: The Interstate Compact for Juveniles is a contract between the states that regulates the interstate movement of juveniles who are under court supervision or who have run away from home and left their state of residence. States ratifying the compact are bound by federal law to observe the terms of the agreement. The Compact provisions take precedence over conflicting state laws, including conflicting provisions of the Juvenile Act (42 Pa.C.S. §§ 6361-6365). The Compact provides for states' supervision and return of juveniles who have run away from home and left their state of residence; are on probation, parole, or other supervision, or have escaped to another state; and have been accused of an offense in another state. Questions and requests for assistance should be directed to the office Pennsylvania's Compact Administrator in the Department of Human Services: <https://www.juvenilecompact.org/east/pennsylvania>

Juvenile Detention Center or Facility: refers to a facility, privately or publicly owned and operated, which is approved by the state Department of Human Services (DHS) to detain a juvenile temporarily.

Juvenile: A person who has attained ten years of age and is not yet twenty-one years of age who is alleged to have, upon or after the juvenile's 10th birthday, committed a delinquent act before reaching eighteen years of age or who is alleged to have violated the terms of juvenile probation prior to termination of juvenile court supervision.

Juvenile Court Hearing Officer: is an attorney with delegated authority to preside over and make recommendations for delinquency matters. Juvenile court hearing officer has the same meaning as master as used in the Juvenile Act. The cases over which a juvenile court hearing officer may preside are limited by Rule 187, Pa.R.J.C.P. <https://www.pacode.com/secure/data/237/chapter1/s187.html>

Juvenile Court Judge: A judge of the Court of Common Pleas who presides over delinquency or dependency proceedings.

Juvenile Court Judges' Commission (JCJC): Established in 1959, the JCJC consists of 9 judges appointed by the Governor upon the nomination of the Chief Justice of Pennsylvania. The JCJC is housed administratively within the Governor's Office of General Counsel, and is mandated by the Juvenile Act to advise juvenile courts

concerning the proper care and maintenance of delinquent and dependent children; establish standards governing the administrative practices and judicial procedures used in juvenile courts; establish standards and make recommendations regarding personnel practices and employment standards used in probation offices; collect and analyze data to identify trends and to determine the effectiveness of programs and practices to ensure the reasonable and efficient administration of the juvenile court system; and administer a grant-in-aid program for the development and improvement of county juvenile probation services. The JCJC's administrative offices are in the Pennsylvania Judicial Center in Harrisburg and the JCJC's Center for Juvenile Justice Training and Research is housed at Shippensburg University. <http://www.jcjc.pa.gov>.

Juvenile History Record Information: Information collected pursuant to this § 6309 of the Juvenile Act concerning alleged delinquents and adjudicated delinquents whose fingerprints and photographs are taken pursuant to § 6308(c) following an allegation of delinquency, consisting of identifiable descriptions, dates and notations of arrests or other delinquency charges and any adjudication of delinquency or preadjudication disposition other than dismissal arising therefrom.

This information, which is maintained by the Pennsylvania State Police in the Central Repository, also includes the last known location and the juvenile court jurisdiction status of each adjudicated delinquent. Juvenile history record information does not include intelligence information, investigative information, treatment information, including medical and psychiatric information, caution indicator information, modus operandi information, wanted persons information, stolen property information, missing persons information, employment history information, personal history information or presentence investigation information.

Juvenile Justice and Delinquency Prevention Act (JJDP): A 1974 federal law (reauthorized in 1992 and 2002) <https://www.ojjdp.gov/about/jjdpa2002titlev.pdf> which provides funding to states and territories that comply with so-called "core protections" regarding the care and treatment of youth. The four "core protections" outlined in the JJDP are: Deinstitutionalization of Status Offenders (DSO) — youth who are runaways, truants or curfew violators cannot be detained in juvenile detention facilities or adult jails; "Sight and Sound" — disallows sight and sound contact between juvenile and adult offenders, if juveniles are held in an adult jail or lock-up under the limited circumstances allowed by the JJDP; "Jail Removal" — disallows the placement of youth in adult jails and lock-ups except under very limited circumstances; and Disproportionate Minority Contact (DMC) — requires states to address the disproportionate involvement of minority youth in the states' juvenile justice systems. The funding comes to the states through the federal Office of Juvenile Justice and Delinquency Prevention. <https://www.ojjdp.gov/> In Pennsylvania, these funds are received and administered by the Pennsylvania Commission on Crime and Delinquency (PCCD) <http://www.pccd.pa.gov/pages/default.aspx>, which monitors the state's compliance with the JJDP "core protections", files the necessary assurances with the federal OJJDP and awards sub-grants of these funds upon the recommendation of PCCD's Juvenile Justice and Delinquency prevention Committee (JJDP).

Juvenile Justice and Delinquency Prevention Committee (JJDP): The advisory committee of PCCD that is traditionally charged by PCCD with preparing and at least once every two years updating a comprehensive juvenile justice plan on behalf of the Commonwealth based on an analysis of the Commonwealth's needs and problems, including juvenile delinquency prevention. Funding awarded to counties by PCCD upon the recommendation of the JJDP is critically important to the ongoing implementation of the JJSES. (See **Pennsylvania Commission on Crime and Delinquency (PCCD)**)

Juvenile Justice System Enhancement Strategy (JJSES): Pennsylvania's comprehensive strategy to achieve its balanced and restorative justice mission by employing evidence-based practices at every stage of the juvenile justice process; collecting and analyzing the data necessary to measure the results of these efforts; and with this knowledge, striving to continuously improve the quality of our system's decisions, services and programs. The concept and statement of purpose for the JJSES was developed in June 2010 at the annual strategic planning meeting of the Executive Committee of the Pennsylvania Council of Chief Juvenile Probation Officers <https://www.pchiefprobationofficers.org/> and the management staff of the JCJC. <http://www.jcjc.pa.gov>.

Juvenile Probation Files: The records formally maintained by the juvenile probation office and its officers, including, but not limited to, copies of information contained in the official juvenile court record; social studies; school records and reports; health evaluations, screenings, assessments, records, and reports, including psychological and psychiatric evaluations and reports, drug and alcohol testing, evaluations, and reports; placement reports and documents; employment records; and probation reports. These records are distinguished from the Official Court Record, which is the juvenile court file maintained by the clerk of courts.

Juvenile Probation Officer: is a person who has been appointed by the court or employed by a county's juvenile probation office, and who has been properly commissioned by being sworn in as an officer of the court to exercise the powers and duties set forth in Rule 195 Pa.R.J.C.P.

<https://www.pacode.com/secure/data/237/chapter1/s195.html>, the Juvenile Act at 42 Pa.C.S. § 6304

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and § 6324,

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Massachusetts Youth Screening Instrument-version 2 (MAYSI-2): The MAYSI-2 is a scientifically proven screening instrument that is designed to help juvenile probation departments and juvenile justice service providers identify youth, ages

12-17, who may have special mental health needs. The MAYSI-2 is a computerized, self-report questionnaire that contains 52 items written at a fifth-grade reading level. In Pennsylvania, the MAYSI-2 has been used by juvenile detention centers since 2000, and juvenile probation departments began implementing the MAYSI-2 in 2007 in conjunction with Pennsylvania's *Models for Change* initiative with the MacArthur Foundation. It is now a critical component of the JJSES.

<http://www.nysap.us/MAYSI2.html>

Minor: Any person, other than a juvenile, under the age of eighteen.

Need Principle: A central tenet of the JJSES which emphasizes targeting *criminogenic needs factors* that are associated with delinquent behavior. This principle focuses on *what* about the juvenile must be addressed in order to reduce the juvenile's likelihood of recidivism.

Official Court Record: The juvenile court file maintained by the clerk of courts which contains all court orders, court notices, docket entries, filed documents, evidence admitted into the record, and other court designated documents in each juvenile case. This file is distinguished from the "Juvenile Probation Files" maintained by the juvenile probation office.

Parties: In a juvenile delinquency case, the parties are the juvenile and the Commonwealth.

Pennsylvania Commission on Crime and Delinquency (PCCD): Pennsylvania's state criminal and juvenile justice planning agency. Most federal funding for criminal and juvenile justice purposes comes to the Commonwealth through PCCD and is awarded through sub-grants to local government and other eligible grant recipients. Among the duties of PCCD are to prepare and at least once every two years update a comprehensive juvenile justice plan on behalf of the Commonwealth based on an analysis of the Commonwealth's needs and problems, including juvenile delinquency prevention. This responsibility is traditionally delegated to PCCD's Juvenile Justice and Delinquency Prevention Committee (JJJPC). (See **Juvenile Justice and Delinquency Prevention Committee**)

Pennsylvania Council of Chief Juvenile Probation Officers: The professional association of Pennsylvania chief juvenile probation officers. Established in 1967, The Chiefs' Council works closely with the JCJC, PCCD and other system partners on juvenile justice policy and practice issues. The Executive Committee of the Council worked with the administrative staff of the JCJC to develop the concept for the Juvenile Justice System Enhancement Strategy (JJSES) and the Council is actively involved in leading its continued implementation and refinement. The Chiefs' Council is widely recognized as one of the nation's most influential organizations of its kind.

<https://www.pachiefprobationofficers.org/>

Pennsylvania Detention Risk Assessment Instrument (PaDRAI): A concise, structured decision-making instrument used to assist Pennsylvania juvenile probation officers in the decision of whether to securely detain a youth, release to an alternative to detention, or release to the custody of a parent or responsible adult during the period that the youth is awaiting his/her juvenile court hearing. The instrument is

designed to assess the risk that a youth will: 1) commit additional offenses while awaiting his/her juvenile court hearing; and/or 2) fail to appear for his/her scheduled juvenile court hearing. It is recommended that the PaDRAI be used for every decision involving a new allegation of delinquency. However, it is not recommended for use in detention decisions involving technical violations of probation. The PaDRAI is modeled after instruments developed through the Juvenile Detention Alternatives Initiative (JDAI) of the Annie E. Casey Foundation.

Permanency Plan: A mandatory plan that describes how a youth will leave the child welfare system and return safely to family or find a new family setting. Federal law has established the following hierarchy for permanency goals: returning home, adoption, placement with a legal guardian, placement with a fit and willing relative, and Another Planned Permanent Living Arrangement (APPLA). The Permanency Plan will list the goals for the child as well as the goals for the family and specific services needed to achieve the permanency plan. The Permanency Plan must contain other elements that are required by federal and state law regarding the child's needs related to areas such as education, health care, and contact with families and the services that must be provided to address any identified needs or problems. By the time a youth is 16, the Permanency Plan should also include an Independent Living Plan.

Permanency Hearings: Hearings conducted pursuant to the Juvenile Act at 42 Pa.C.S. § 6351 and Rule 1608 Pa.R.J.C.P. for the purpose of determining or reviewing the permanency plan of a dependent child who is in court-ordered out-of-home placement, the date by which the goal of permanency for the child might be achieved and whether placement continues to be best suited to the safety, protection and physical, mental and moral welfare of the child. These hearings are a requirement for federal funding under Title IV-E of the Social Security Act. (See 42 U.S.C. § 671 and 45 CFR 1356.21)

In general, the court must conduct a permanency hearing within 6 months of the date of the child's removal from the child's guardian for placement pursuant to 42 Pa.C.S. §§ 6324 or 6332, or pursuant to a transfer of legal custody, or other disposition pursuant to Rule 1515, whichever is earliest; or each previous permanency hearing until the child is removed from the jurisdiction of the court.

Permanent Legal Custodianship (PLC): PLC is a permanency arrangement specific to Pennsylvania. In this arrangement, permanent legal custody of a child is given to a foster parent, relative, or someone else committed to the child. The custodian must be committed to caring for the child until he or she reaches adulthood. If placed with a permanent legal custodian, a youth's case is discharged from the child welfare system—no caseworker is assigned to the family and no case management services or court review occurs. Unlike with adoption, the rights of a child's biological parents do not need to be terminated for PLC to be granted. PLC can come with a financial subsidy.

Petition: The formal document by which an attorney for the Commonwealth or the juvenile probation officer alleges a juvenile to be delinquent. The petition is distinguished from the "written allegation" that is completed by a law enforcement

officer and submitted to the juvenile probation office to commence delinquency proceedings.

Placement facility: is any facility, privately or publicly owned and operated, that identifies itself either by charter, articles of incorporation, or program description, to receive delinquent juveniles or which otherwise provides treatment to juveniles as a case disposition. Placement facilities include, but are not limited to, residential facilities, group homes, after-school programs, and day programs, whether secure or non-secure. This term is distinguished from the term “Juvenile Detention Center or Facility,” which provide temporary secure care to juveniles pending a court proceeding or transfer to a placement facility.

Pre-disposition Report: A report prepared by the juvenile probation office that summarizes important information concerning the juvenile to aid the court in determining the disposition of a juvenile delinquency case. Unless the allegations in a delinquency petition are admitted by a juvenile or notice has been given by the Commonwealth of its intent to seek transfer of the juvenile’s case to criminal proceedings, the court may not direct the making of the study and report until after the adjudicatory hearing and the court has found that the juvenile committed a delinquent act. In some jurisdictions, this report is referred to as the “social study” (See 42 Pa.C.S. §6339)

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Probation: In general, the status of a juvenile being supervised in the community by a juvenile probation office following an adjudication of delinquency, as an alternative to out-of-home placement, subject to conditions imposed by the court and/or probation office.

Proceeding: Any stage in the juvenile delinquency process occurring once a written allegation has been submitted to the juvenile probation office.

Protective Custody: When a child is taken into custody for protection as an alleged dependent child pursuant to the Juvenile Act, 42 Pa.C.S. § 6301 *et seq.* or custody may be assumed pursuant to 23 Pa.C.S. § 6315.

Protective factors: Characteristics of a juvenile or the environment surrounding the juvenile that interact with risk factors to reduce the likelihood of involvement in delinquent or criminal activities (e.g. the presence of caring and supportive adults in the community and at school; having a stable family; having a positive/resilient temperament; etc.)

Protective Supervision: Supervision ordered by the court of children found to be dependent. Note that the Juvenile Act at 42 Pa.C.S. § 6304 specifically recognizes that dependent children may be placed by the court under the protective supervision of a probation officer.

<https://govt.westlaw.com/pac/Document/N12CE64E0343811DA8A989F4EECDB8>

Responsivity factors: Factors that may affect a juvenile's ability to respond to treatment and programming, such as motivation to change, cognitive functioning, and access to transportation, which may be considered in risk/needs assessments. These factors are important to consider when determining appropriate treatment and services for the youth.

Restitution Fund: A fund specifically authorized by the Juvenile Act. The president judge is required to promulgate written guidelines for the administration of the fund, and disbursements from the fund are to be made, subject to the written guidelines and the limitations of the Juvenile Act, at the discretion of the president judge and used to reimburse crime victims for financial losses resulting from delinquent acts. (42 Pa.C.S. §6352(a)(5)) Contributions to such a fund are one of the dispositional options available to the court following an adjudication of delinquency (§ 6352), or as a condition of a consent decree (§ 6340). In addition, contributions to a restitution fund may be a condition a condition of an informal adjustment (§ 6323), and the Act specifically mandates that upon notice being certified to the court that a child has failed to comply with a lawful sentence imposed for a summary offense, any money subsequently paid by the child pursuant to the disposition of the charges must be administered and disbursed in accordance with written guidelines adopted by the president judge. Further, the court may direct that any portion of the money received from the child shall be deposited into a restitution fund established by the president judge of the court of common pleas pursuant to section 6352(a)(5) (relating to disposition of delinquent child).

Risk Assessment Instrument: A tool used to assess a youth's likelihood (or risk) of future re-offending. Items on these instruments can reflect both life circumstances (*e.g.* history of child abuse) and personal characteristics (*e.g.* attitudes and past behaviors) that have been found to predict future problem behavior. Within the context of the juvenile justice system, risk assessment instruments can be used at different decision-making points (*e.g.* diversion, detention, or disposition). The briefer screening instruments, such as those often used to determine whether or not to detain a youth, generally consider more basic characteristics that are unchanging, such as the current alleged offense or prior arrest history. More comprehensive risk assessment instruments generally consider a broader range of risk factors, and can be used to guide treatment planning. (See **Youth Level of Service/Case Management Inventory**)

Risk factors: Characteristics of a youth or the environment surrounding the youth that increase the likelihood of engaging in delinquency. There are two types of risk factors: *static* and *dynamic*. **Static risk factors** are those historical characteristics of juveniles that cannot be changed through treatment or programming, such as the age at which the first offense was committed, history of violent behavior, and parental criminality. **Dynamic risk factors** are characteristics that can change over time, because of treatment or the normal developmental process.

Risk Principle: A central tenet of the JJSES, which refers to the probability that a juvenile will reoffend and that the level of service should match the risk level of the juvenile.

Therefore, the highest-risk offenders should receive the most intensive services and supervision. This principle identifies *who* should receive juvenile justice system intervention and treatment.

School to Prison Pipeline: A metaphor used to describe the increasing patterns of contact students have with the juvenile and adult criminal justice systems as a result of the practices implemented by educational institutions, such as “zero-tolerance policies” and the increased referral to law enforcement of school misbehavior and altercations between students.

Screening: A process, regardless of whether it includes the administration of a formal instrument, that is designed to identify a child who is at increased risk of having mental health, substance abuse or co-occurring mental health and substance abuse disorders that warrant immediate attention, intervention or more comprehensive assessment.

Service Provider: Any entity that provides services to juveniles pursuant to a proceeding under the Juvenile Act, 42 Pa.C.S. § 6301 *et seq.*

Seventy-Two Hour Hearing: The informal hearing required by 42 Pa.C.S. § 6332 and pursuant to Rules 240-242 Pa.R.J.C.P. to be held not later than 72 hours after a juvenile is placed in detention or shelter care, to determine whether detention or shelter care is required under § 6325 (relating to detention of child), whether to allow the juvenile to remain in the home would be contrary to the welfare of the juvenile, and whether probable cause exists that the juvenile has committed a delinquent act.

Sexual Violence: Defined in the Juvenile Act as rape, indecent contact as defined in 18 Pa.C.S. § 3101 (relating to definitions), incest or using, causing, permitting, persuading or coercing the child to engage in a prohibited sexual act as defined in 18 Pa.C.S. § 6312(a) (relating to sexual abuse of children) or a simulation of a prohibited sexual act for the purpose of photographing, videotaping, depicting on computer or filming involving the child. Juveniles who are found to be delinquent for any of these acts who are committed to an institution or other facility, and who remain in any such facility as a result of that adjudication of delinquency upon attaining 20 years of age, are subject to assessment by the State Sexual Offenders Assessment Board. (See **Sexually Violent Delinquent Child**)

Sexually Violent Delinquent Child: A person who has been found delinquent for an act of sexual violence which if committed by an adult would be a violation of 18 Pa.C.S. § 3121 (relating to rape), 3123 (relating to involuntary deviate sexual intercourse), 3124.1 (relating to sexual assault), 3125 (relating to aggravated indecent assault), 3126 (relating to indecent assault) or 4302 (relating to incest) and who has been determined to be in need of commitment for involuntary treatment under 42 Pa.C.S. Ch. 64 (relating to court-ordered involuntary treatment of certain sexually violent persons).

Shared Case Responsibility: The practice of a juvenile probation department and county children and youth (C&Y) agency sharing responsibility for providing services and

support to a juvenile. The concept was previously known as “shared case management,” which was developed as the means to ensure the reimbursement of eligible placement maintenance costs under Title IV-E of the Social Security Act for delinquent youth committed to Title IV-E-eligible placements. Shared legal responsibility may be directed via court order, including in the cases of “dually adjudicated youth” (where a delinquent juvenile has also been found to be a dependent child), or through less formal arrangements in informal adjustment and consent decree cases.

Shelter care: Temporary care of a child in physically unrestricted facilities.

Social Study: A pre-dispositional report, which summarizes important information concerning the juvenile to aid the court in determining the disposition of a juvenile delinquency case. Unless the allegations in a delinquency petition are admitted by a juvenile or notice has been given by the Commonwealth of its intent to seek transfer of the juvenile’s case to criminal proceedings, the court may not direct the making of the study and report until after the adjudicatory hearing and the court has found that the juvenile committed a delinquent act. See 42 Pa.C.S. § 6339.

[https://govt.westlaw.com/pac/Document/N10E0ECC0343811DA8A989F4EECDB8638?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/pac/Document/N10E0ECC0343811DA8A989F4EECDB8638?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

Standardized Program Evaluation Protocol (SPEP): A critical component of Pennsylvania’s Juvenile Justice System Enhancement Strategy (JJSES), the Standardized Program Evaluation Protocol (SPEP) is a validated and data-driven rating system for evaluating juvenile justice program effectiveness developed by Dr. Mark Lipsey of the Peabody Research Institute at Vanderbilt University. The SPEP uses research on juvenile justice programs that reduce recidivism. To determine a SPEP score, the provider’s services are compared to characteristics of effective programs in the research: service type, dosage, quality of service, and risk levels of the youth. <http://www.episcenter.psu.edu/juvenile/spep>

State Sexual Offenders Assessment Board (SOAB): The board responsible for conducting an assessment to determine whether a juvenile who was found to be delinquent for an act of “sexual violence”, and who remains in delinquency placement upon attaining 20 years of age, is in need of involuntary commitment as a “sexually violent delinquent child” under 42 Pa.C.S. Ch. 64.

Statement of Reasons: The requirement of 42 Pa.C.S. § 6352 (c) and Rule 512 (D), that prior to entering an order of disposition following an adjudication of delinquency, the court shall state its disposition and the reasons for its disposition on the record in open court, together with the goals, terms and conditions of that disposition. If the child is to be committed to out-of-home placement, the court must also state the name of the specific facility or type of facility to which the child will be committed and its findings and conclusions of law that formed the basis of its decision, including the reasons why commitment to that facility or type of facility was determined to be the least restrictive placement that is consistent with the protection of the public and best suited to the child's treatment, supervision, rehabilitation and welfare

Static risk factors: Historical characteristics of juveniles that cannot be changed through treatment or programming, such as the age at which the first offense was committed, history of violent behavior, and parental criminality.

Status Offense: Conduct that is considered unlawful when committed by a minor (because of his/her childhood “status”) but is not criminal when committed by an adult. Common examples include running away from home, habitual disobedience to parents, truancy, curfew violations, and the underage consumption of alcohol. In Pennsylvania, children who are ungovernable or habitually truant from school may be alleged to be dependent children. The underage consumption of alcohol and related offenses are summary offenses that fall within the jurisdiction of the minor judiciary.

Truant: As defined in the School Code, a child subject to compulsory school attendance laws who has incurred three (3) or more school days of unexcused absences during the current school year. (See **Habitually Truant**)

Victims of Juvenile Offenders (VOJO) Grants: Grants available through the Pennsylvania Commission on Crime and Delinquency that provide financial support, training, and technical assistance to county-based victim service agencies to promote the rights and services to victims in the juvenile justice system. The VOJO grant program is funded by primarily through an annual state appropriation. County allocations have historically been determined by a formula using the county’s juvenile population (75%) and juvenile dispositions at (25%). Eligible activities support the full range of rights, services, and responsibilities within the juvenile justice system outlined in the Crime Victims Act (e.g. notification, accompaniment, assistance with victim impact statements and crime victims’ compensation assistance).

Written Allegation: The document that is completed by a law enforcement officer or other person that is necessary to allege a juvenile has committed an act of delinquency. Delinquency proceedings are commenced by the submission of the written allegation to the juvenile probation office.

Youth Level of Service/Case Management Inventory (YLS/CMI): A highly regarded and validated assessment instrument utilized throughout Pennsylvania’s juvenile justice system that assesses a juvenile’s risk to recidivate by measuring 42 risk/need factors within the following eight domains: prior and current offenses (antisocial history); attitudes/orientation (antisocial thinking); personality/behavior (antisocial temperament); peer relations (antisocial companions); family circumstances/parenting; education/employment; substance abuse; and leisure/recreation.

In 2013, the JCJC approved a new allocation methodology for the agency’s Juvenile Probation Services grant program to counties which made a county’s eligibility for any JCJC grant funds contingent upon the submission of a plan to the JCJC that must address the implementation of the YLS risk/need assessment instrument; the development of recommendations to the court based upon the YLS results, including the identified risk and needs of each juvenile; and the development and

implementation of a case plan based upon YLS results, which targets services to meet the identified risk and needs of each juvenile.

Zero Tolerance: School discipline policies that mandate harsh punishments such as suspension, expulsion, and, in many instances, referral to law enforcement for rule violations. The zero-tolerance approach removes youth from classrooms and routes them into the juvenile justice system for behavioral problems that, in the past, were adequately managed by the school system. (See also **School-to-Prison Pipeline.**)