



If your child has been arrested, he or she can either be cited and released or detained at a juvenile detention facility. In many instances, your child will simply receive a citation and need to enter and mail their plea to the local District Magistrate within 10 business days. We strongly advise you to consult an attorney before entering a plea of guilty to even a summary offense. Sometimes a guilty plea can result in the loss of your child's operating privileges. For example one of the penalties for an underage drinking conviction is a three month loss of license. For possession of a small amount of marijuana, your child's operating privilege may be suspended for six months or more.

If your child is in custody, he or she will be arraigned in juvenile court within 48 hours, excluding weekends and holidays.

### **JUVENILE DETENTION HEARING**

If your child is in custody, his or her first court date is called a detention hearing. At the detention hearing the juvenile referee or juvenile judge will make a determination on whether to continue to detain your child pending adjudication of the charges. The juvenile referee or juvenile judge will have input from the juvenile probation department, as well as from the juvenile deputy district attorney and juvenile defense attorney.

The criteria used by most juvenile judges on whether to continue to detain your child pending adjudication are as follows:

1. It is reasonably necessary for the protection of the person or property of another that your child be detained.
2. It's a matter of immediate and urgent necessity for the protection of your child that he or she be detained.
3. Whether your child is a flight risk and will not appear in court.
4. Whether your child has violated a prior court order.

At the juvenile detention hearing your child's attorney will enter a plea admitting or denying the petition. Most attorneys will deny the petition pending evaluation of the states case.

If your child is detained, he or she has a right to a speedy trial to take place within 15 court days of the arraignment. If your child is not in custody, the speedy trial requires an adjudication date within 30 calendar days.



### **JUVENILE ARRAIGNMENT DATE**

If your child is not in custody, his first court date is called an arraignment. Some courts refer to the arraignment as a proper pretrial or jurisdictional hearing. Your child's attorney will often enter a denial of the petition and set a pretrial and a court date.

### **JUVENILE PRETRIAL DATE**

The pretrial date is set up so the attorneys of both parties can discuss a possible resolution to the case and to discuss other outstanding discovery issues. If your child is in custody, this must be set up the week following the arraignment unless time is waived. In other words the pretrial date or even the court trial date, can be set at a much later date if your child's attorney and your child agree to a later date. If your child is not in custody, his/her pretrial

must generally be scheduled two to three weeks after the arraignment unless time is waived. Many juvenile judges participate in a discussion of a resolution through a private conference in the judges chambers.

## **JUVENILE COURT TRIAL / JUVENILE COURT ADJUDICATION**

When a juvenile judge sets the case for "adjudication," he or she is setting it for a trial. Unlike adult court, your child is not entitled to a jury trial. In lieu of twelve jurors, the juvenile court trials are done by a judge or commissioner who acts as both judge and trier of fact. Therefore it is very important that you have a lawyer that is familiar with the juvenile court proceedings and the juvenile court judges. Under the penal code your child has a right to an unbiased judge. Your child has to challenge the judges impartiality immediately otherwise he or she can be deemed to have waived that right. Only an experienced juvenile attorney will know which juvenile judges or juvenile commissioners are fair.

## **IF A CHILD IS ADJUDICATED A DELINQUENT**

Juvenile delinquency actions can commonly be thought of as court action involving a minor child who is believed to have committed a crime. In juvenile law, the term "delinquent act" is used rather than the term "crime." Further, because a juvenile is involved, the case is handled in special proceedings designed for juvenile matters rather than through adult criminal court proceedings. Juveniles who have been found to have committed a delinquent act are not sent to prison. If appropriate, a juvenile may be sent to a juvenile detention facility. Delinquent children with a prior history are often sent to more serious detention facilities. Other juveniles who have been found to have committed less serious delinquent acts may be allowed to remain in their home under the supervision of a juvenile court probation officer.

## **JUVENILE DEPENDENCY LAWS**

Juvenile dependency actions are commonly actions brought by the county child welfare agency claiming that a parent or guardian has committed child abuse or child neglect. A child can also be found to be a dependent child if the child's parents or guardian cannot control the actions of a child. This situation often occurs when a child refuses to go to school or is a runaway. In addition to the local child welfare office, any interested individual is permitted to commence a juvenile dependency action. The interested individual may be a parent who is attempting to care for an unruly child, a teacher, police officer, neighbor, or other person. A child who are declared to be a dependent child may be allowed to remain in the care of his or her parent or guardian, be placed with a foster parent or foster family, or be placed in a facility designed for dependent children.

## **What to do if served with a Pennsylvania Juvenile Court Notice?**

Juvenile court matters often arise with little advance notice to the parent or guardian. Furthermore, in initial proceedings, the technical rules regarding courtroom procedure are sometimes not applicable. If served with any type of notice that a juvenile court proceeding is scheduled, the parent or guardian of the subject child should immediately contact The Law Offices of Jason A. Jenkins. We can help make sure that your child's rights are protected to get the best legal result possible. Call for a FREE consultation at (610) 432-7040.