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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1241 Session of  
2022

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INTRODUCED BY BARTOLOTTA, A. WILLIAMS, COLLETT, KANE,  
CAPPELLETTI AND COSTA, MAY 20, 2022

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REFERRED TO JUDICIARY, MAY 20, 2022

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AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, in juvenile matters,  
3 further providing for definitions, for powers and duties of  
4 probation officers and for informal adjustment, providing for  
5 requirement of diversion and further providing for taking  
6 into custody, for detention of child, for release or delivery  
7 to court, for release from detention or commencement of  
8 proceedings, for informal hearing, for release or holding of  
9 hearing, for consent decree, for disposition of delinquent  
10 child and for limitation on and change in place of  
11 commitment.

12 The General Assembly of the Commonwealth of Pennsylvania  
13 hereby enacts as follows:

14 Section 1. The definition of "child" in section 6302 of  
15 Title 42 of the Pennsylvania Consolidated Statutes is amended and  
16 the section is amended by adding definitions to read:

17 § 6302. Definitions.

18 The following words and phrases when used in this chapter  
19 shall have, unless the context clearly indicates otherwise, the  
20 meanings given to them in this section:

21 \* \* \*

22 "Child." An individual who:

- 1 (1) is under the age of 18 years;
- 2 (2) is under the age of 21 years who committed an act of  
3 delinquency before reaching the age of 18 years; or
- 4 (3) is under the age of 21 years and was adjudicated  
5 dependent before reaching the age of 18 years, who has  
6 requested the court to retain jurisdiction and who remains  
7 under the jurisdiction of the court as a dependent child  
8 because the court has determined that the child is:
- 9 (i) completing secondary education or an equivalent  
10 credential;
- 11 (ii) enrolled in an institution which provides  
12 postsecondary or [vocational] career and technical  
13 education;
- 14 (iii) participating in a program actively designed  
15 to promote or remove barriers to employment;
- 16 (iv) employed for at least 80 hours per month; or
- 17 (v) incapable of doing any of the activities  
18 described in subparagraph (i), (ii), (iii) or (iv) due to  
19 a medical or behavioral health condition, which is  
20 supported by regularly updated information in the  
21 permanency plan of the child.

22 \* \* \*

23 "Technical violation of probation." Failure to comply with  
24 the terms and conditions of an order of probation, other than by  
25 the commission of a new offense in which the child is  
26 adjudicated delinquent or convicted in a court of record.

27 "Validated risk and needs assessment." A standard instrument  
28 administered to children to identify specific risk factors and  
29 needs shown to be statistically related to a child's risk of  
30 reoffending, and when properly addressed, capable of reducing a

1 child's risk of reoffending.

2 Section 2. Section 6304(a) (3) and (5) of Title 42 are  
3 amended and the subsection is amended by adding a paragraph to  
4 read:

5 § 6304. Powers and duties of probation officers.

6 (a) General rule.--For the purpose of carrying out the  
7 objectives and purposes of this chapter, and subject to the  
8 limitations of this chapter or imposed by the court, a probation  
9 officer shall:

10 \* \* \*

11 (3) Supervise and assist a child placed on probation or  
12 in [his] the probation officer's protective supervision or  
13 care by order of the court or other authority of law.

14 \* \* \*

15 (5) Take into custody and detain a child who is under  
16 [his] the probation officer's supervision or care as a  
17 [delinquent or] dependent child if the probation officer has  
18 reasonable cause to believe that the health or safety of the  
19 child is in imminent danger, or that [he] the child may  
20 abscond or be removed from the jurisdiction of the court[,]  
21 or when ordered by the court pursuant to this chapter [or  
22 that he violated the conditions of his probation].

23 (5.1) Take into custody and detain a child who is under  
24 the probation officer's supervision or care as a delinquent  
25 child when ordered by the court under this chapter and when  
26 the court has found that the child poses a substantial risk  
27 of harm to others and there is no alternative to reduce the  
28 risk of harm to others.

29 \* \* \*

30 Section 3. Section 6323(b) and (f) of Title 42 are amended

1 and the section is amended by adding a subsection to read:

2 § 6323. Informal adjustment.

3 \* \* \*

4 (b) Counsel and advice.--[Such] The social agencies and the  
5 probation officer or other officer of the court may give counsel  
6 and advice to the parties with a view to an informal adjustment  
7 if it appears:

8 (1) counsel and advice without an adjudication would be  
9 in the best interest of the public and the child;

10 (2) the child and [his] the child's parents, guardian,  
11 or other custodian consent [thereto] with knowledge that  
12 consent is not obligatory; and

13 (3) in the case of the probation officer or other  
14 officer of the court, the admitted facts bring the case  
15 within the jurisdiction of the court.

16 (b.1) Required counsel and advice.--The social agencies, the  
17 probation officer or other officer of the court shall give  
18 counsel and advice to the parties with a view to an informal  
19 adjustment or other prepetition diversionary program if the  
20 child meets the criteria for diversion under section 6323.1  
21 (relating to requirement of diversion).

22 \* \* \*

23 (f) Terms and conditions.--The terms and conditions of an  
24 informal adjustment may include payment by the child of  
25 reasonable amounts of money as [costs, fees or] restitution,  
26 including a [supervision fee and] contribution not to exceed \$10  
27 to a restitution fund established by the president judge of the  
28 court of common pleas pursuant to section 6352(a)(5) (relating  
29 to disposition of delinquent child). The terms and conditions of  
30 an informal adjustment or other prepetition diversionary program

1 shall not incorporate any fines, fees, costs or other monetary  
2 obligations, except restitution provided for under this  
3 subsection.

4 Section 4. Title 42 is amended by adding a section to read:  
5 § 6323.1. Requirement of diversion.

6 (a) General rule.--Except as otherwise provided in  
7 subsection (b), a child who is referred for a misdemeanor or a  
8 nonviolent felony shall be offered an informal adjustment under  
9 section 6323 (relating to informal adjustment) or other  
10 prepetition diversionary program that does not involve formal  
11 adjudication under section 6341 (relating to adjudication).

12 (b) Exceptions.--A child is not required to be offered an  
13 informal adjustment or other prepetition diversionary program  
14 under subsection (a) if:

15 (1) the child has two or more prior prepetition  
16 diversions or informal adjustments; or

17 (2) the child is referred for an offense that involves a  
18 firearm as defined in 18 Pa.C.S. § 908(c) (relating to  
19 prohibited offensive weapons).

20 Section 5. Sections 6324(5), 6325, 6326(a), 6331 and 6332 of  
21 Title 42 are amended to read:

22 § 6324. Taking into custody.

23 A child may be taken into custody:

24 \* \* \*

25 (5) By a law enforcement officer or duly authorized  
26 officer of the court if there are reasonable grounds to  
27 believe that the child has violated conditions of [his  
28 probation.] the child's probation and the court finds that:

29 (i) the child poses a substantial risk of harm to  
30 others; and

1           (ii) there is no alternative to reduce the risk of  
2           harm to others.

3 § 6325. Detention of child.

4           (a) General rule.--A child taken into custody shall not be  
5 detained [or placed in shelter care] prior to the hearing on the  
6 petition unless [his detention or care is required to protect  
7 the person or property of others or of the child or because the  
8 child may abscond or be removed from the jurisdiction of the  
9 court or because he has no parent, guardian, or custodian or  
10 other person able to provide supervision and care for him and  
11 return him to the court when required, or an order for his  
12 detention or shelter care has been made by the court pursuant to  
13 this chapter.] one or both of the following applies:

14           (1) The child:

15           (i) is 14 years of age or older;

16           (ii) is alleged to be delinquent on the basis of  
17 acts that constitute the commission of a violent felony;

18           (iii) is not pregnant or the parent of a child born  
19 within the previous 12 months; and

20           (iv) is not before the court for a technical  
21 violation of probation.

22           (2) The court after a hearing finds by clear and  
23 convincing evidence that release of the child would pose an  
24 immediate risk of physical harm to a specific person.

25           (b) Shelter care.--A child taken into custody shall not be  
26 placed in shelter care prior to the hearing on the petition  
27 unless:

28           (1) care is required because the child has no parent,  
29 guardian, custodian or other person able to provide  
30 supervision and care for the child and return the child to

1 court when required; or

2 (2) an order for shelter care has been made by the court  
3 under this chapter.

4 (c) No required detention or shelter authorized.--Nothing in  
5 this section shall be construed to require that a child taken  
6 into custody must be detained or placed in shelter care.

7 (d) Grounds in writing.--Grounds for detaining or placing a  
8 child in shelter care shall be articulated in writing.

9 § 6326. Release or delivery to court.

10 (a) General rule.--A person taking a child into custody,  
11 with all reasonable speed and without first taking the child  
12 elsewhere, shall:

13 (1) notify the parent, guardian or other custodian of  
14 the apprehension of the child and [his] the child's  
15 whereabouts;

16 (2) release the child to [his] the child's parents,  
17 guardian, or other custodian upon their promise to bring the  
18 child before the court when requested by the court, unless  
19 [his] the child's detention or shelter care is warranted or  
20 required under section 6325 (relating to detention of child);  
21 or

22 (3) bring the child before the court or deliver [him]  
23 the child to a detention or shelter care facility designated  
24 by the court consistent with the criteria under sections 6304  
25 (relating to powers and duties of probation officers) and  
26 6325 or to a medical facility if the child is believed to  
27 suffer from a serious physical condition or illness which  
28 requires prompt treatment. [He] The person taking the child  
29 into custody shall promptly give written notice, together  
30 with a statement of the reason for taking the child into

1 custody and detaining the child, to a parent, guardian, or  
2 other custodian and to the court.

3 Any temporary detention or questioning of the child necessary to  
4 comply with this subsection shall conform to the procedures and  
5 conditions prescribed by this chapter and other provisions of  
6 law.

7 \* \* \*

8 § 6331. Release from detention or commencement of proceedings.

9 If a child is brought before the court or delivered to a  
10 detention or shelter care facility designated by the court, the  
11 intake or other authorized officer of the court shall  
12 immediately make an investigation and release the child unless  
13 it appears that [his] the child's detention or shelter care is  
14 warranted [or required] and permitted under section 6325  
15 (relating to detention of child). The release of the child shall  
16 not be construed to prevent the subsequent filing of a petition  
17 as provided in this chapter. If [he] the child is not so  
18 released, a petition shall be promptly made and presented to the  
19 court within 24 hours or the next court business day of the  
20 admission of the child to detention or shelter care. The  
21 continued detention of the child and filing of a petition  
22 subject to this section shall not prevent a subsequent offer of  
23 an informal adjustment or other prepetition diversion under  
24 section 6323 (relating to informal adjustment).

25 § 6332. Informal hearing.

26 (a) [General rule] Procedure.--

27 (1) An informal hearing shall be held promptly by the  
28 court or master and not later than 72 hours after the child  
29 is placed in detention or shelter care to determine whether  
30 [his] the child's detention or shelter care is [required]



1 warranted and permitted under section 6325 (relating to  
2 detention of child), whether to allow the child to remain in  
3 the home would be contrary to the welfare of the child and,  
4 if the child is alleged to be delinquent, whether probable  
5 cause exists that the child has committed a delinquent act.

6 (2) If detention or shelter care is permitted under  
7 section 6325, continued detention shall not be deemed  
8 permitted absent a finding that:

9 (i) a nonresidential alternative is insufficient to  
10 secure the child's presence at the next hearing as  
11 demonstrated by the evidence introduced into record; or

12 (ii) the child poses a specific, immediate and  
13 substantial risk of harm to others and there is no  
14 alternative to reduce the risk of harm to others.

15 (3) Reasonable notice [thereof] of the hearing, either  
16 oral or written, stating the time, place, and purpose of the  
17 hearing shall be given to the child and if they can be found,  
18 to his parents, guardian, or other custodian.

19 (4) Prior to the commencement of the hearing the court  
20 or master shall inform the parties of their right to counsel  
21 and to appointed counsel if they are needy persons, and of  
22 the right of the child to remain silent with respect to any  
23 allegations of delinquency.

24 (5) If the child is alleged to be a dependent child, the  
25 court or master shall also determine whether reasonable  
26 efforts were made to prevent [such] placement or, in the case  
27 of an emergency placement where services were not offered and  
28 could not have prevented the necessity of placement, whether  
29 this level of effort was reasonable due to the emergency  
30 nature of the situation, safety considerations and

1 circumstances of the family.

2 (b) Rehearing.--If the child is not so released and a  
3 parent, guardian or other custodian has not been notified of the  
4 hearing, did not appear or waive appearance at the hearing or  
5 the child does not meet the criteria for continued detention,  
6 and files [his] an affidavit showing these facts, the court or  
7 master shall rehear the matter without unnecessary delay and  
8 order release of the child, unless [it appears from the hearing  
9 that his detention] the court finds and enters into the written  
10 record that the child's detention or shelter care is [required]  
11 warranted and permitted under section 6325.

12 Section 6. Section 6335(a), (c), (e) and (f) of Title 42 are  
13 amended and the section is amended by adding subsections to  
14 read:

15 § 6335. Release or holding of hearing.

16 (a) General rule.--After the petition has been filed  
17 alleging the child to be dependent or delinquent, the court  
18 shall fix a time for hearing thereon, which, if the child is in  
19 detention or shelter care shall not be later than ten days after  
20 the filing of the petition. Except as provided in subsection  
21 (f), if the hearing is not held within such time, the child  
22 shall be immediately released from detention or shelter care.

23 [A] Subject to subsection (a.2), a child may be detained or kept  
24 in shelter care for an additional single period not to exceed  
25 ten days where:

- 26 (1) the court determines at a hearing that:
- 27 (i) evidence material to the case is unavailable;
- 28 (ii) due diligence to obtain such evidence has been  
29 exercised; and
- 30 (iii) there are reasonable grounds to believe that

1 such evidence will be available at a later date; and

2 (2) the court finds by clear and convincing evidence  
3 that:

4 (i) the life of the child would be in danger;

5 (ii) the community would be exposed to a specific  
6 danger; or

7 (iii) the child will abscond or be removed from the  
8 jurisdiction of the court.

9 (a.1) Summons.--The court shall direct the issuance of a  
10 summons to the parents, guardian, or other custodian, a guardian  
11 ad litem, and any other persons as appear to the court to be  
12 proper or necessary parties to the proceeding, requiring them to  
13 appear before the court at the time fixed to answer the  
14 allegations of the petition. The summons shall also be directed  
15 to the child if [he] the child is 14 or more years of age or is  
16 alleged to be a delinquent. A copy of the petition shall  
17 accompany the summons.

18 (a.2) Limits on detention.--No child shall be held in  
19 detention or shelter care for more than 20 days prior to an  
20 adjudication for delinquency or pending a violation of probation  
21 after a finding of delinquency unless requested by the child or  
22 the child's attorney.

23 \* \* \*

24 (c) Warrant of arrest.--If it appears from affidavit filed  
25 or from sworn testimony before the court that the conduct[,  
26 condition, or surroundings of the child are endangering his  
27 health or welfare or those of others, or that he may abscond or  
28 be removed from the jurisdiction of the court or will not be  
29 brought before the court notwithstanding the service of the  
30 summons,] of the child poses a specific, immediate and

1 substantial risk of harm to others and there is no alternative  
2 to reduce the risk of harm to others, the court may issue a  
3 warrant of arrest.

4 \* \* \*

5 (e) Waiver of service.--A party, other than the child, may  
6 waive service of summons by written stipulation or by voluntary  
7 appearance at the hearing. If the child is present at the  
8 hearing, [his] the child's counsel, with the consent of the  
9 parent, guardian, or other custodian, or guardian ad litem, may  
10 waive service of summons [in his] on the child's behalf.

11 (f) Limitations on release.--The child [shall not] is not  
12 required to be released from detention or shelter care under  
13 authority of subsection (a) or (a.1) if the failure to hold a  
14 hearing within ten days after the filing of the petition is the  
15 result of delay caused by the child. Delay caused by the child  
16 shall include, but not be limited to:

17 (1) Delay caused by the unavailability of the child or  
18 [his] the child's attorney.

19 (2) Delay caused by any continuance granted at the  
20 request of the child or [his] the child's attorney.

21 (3) Delay caused by the unavailability of a witness  
22 resulting from conduct by or on behalf of the child.

23 (g) When scheduled hearing not held.--At the conclusion of  
24 any court proceeding in which the scheduled hearing is not held,  
25 the court shall state on the record whether the failure to hold  
26 the hearing resulted from delay caused by the child. Where the  
27 court determines that failure to hold a hearing is the result of  
28 delay caused by the child, the child may continue to be held in  
29 detention or shelter care. However, the additional period of  
30 detention shall not exceed ten days, provided that [such]

1 detention may be continued by the court for successive ten-day  
2 intervals.

3 Section 7. Sections 6340(c), (c.1) and (d), 6352 and 6353 of  
4 Title 42 are amended to read:

5 § 6340. Consent decree.

6 \* \* \*

7 (c) Duration of decree.--A consent decree shall remain in  
8 force for six months unless the child is discharged sooner by  
9 probation services with the approval of the court. Upon  
10 application of the probation services or other agency  
11 supervising the child, made before expiration of the six-month  
12 period, a consent decree may be extended by the court for an  
13 additional [~~six~~] three months. Extensions may only be permitted  
14 to complete an evidence-based program already underway which is  
15 assessed as necessary for the child by a validated risk and  
16 needs assessment or to complete community service.

17 (c.1) Terms and conditions.--Consistent with the protection  
18 of the public interest, the terms and conditions of a consent  
19 decree may include payment by the child of reasonable amounts of  
20 money as [~~costs, fees or~~] restitution, including a [~~supervision~~  
21 ~~fee and~~] contribution not to exceed \$10 to a restitution fund  
22 established by the president judge of the court of common pleas  
23 pursuant to section 6352(a)(5) (relating to disposition of  
24 delinquent child), and shall, as appropriate to the  
25 circumstances of each case, include provisions which provide  
26 balanced attention to the protection of the community,  
27 accountability for offenses committed and the development of  
28 competencies to enable the child to become a responsible and  
29 productive member of the community. The terms and conditions of  
30 the consent decree shall not incorporate fines, fees, costs or

1 other monetary obligations other than restitution under this  
2 subsection.

3 (d) Reinstatement of petition.--

4 (1) If prior to discharge by the probation services or  
5 expiration of the consent decree, a new petition is filed  
6 against the child, or the child otherwise fails to fulfill  
7 express terms and conditions of the decree, the petition  
8 under which the child was continued under supervision may, in  
9 the discretion of the district attorney following  
10 consultation with the probation services, be reinstated and  
11 the child held accountable as if the consent decree had never  
12 been entered.

13 (2) The petition may not be reinstated for failure to  
14 fulfill financial conditions of the decree unless the  
15 Commonwealth demonstrates and the court finds at a hearing by  
16 a preponderance of the evidence that the child was able to  
17 pay and made no effort to do so.

18 \* \* \*

19 § 6352. Disposition of delinquent child.

20 (a) General rule.--If the child is found to be a delinquent  
21 child the court may make any of the following orders of  
22 disposition determined to be consistent with the protection of  
23 the public interest and best suited to the child's treatment,  
24 supervision, rehabilitation and welfare, which disposition  
25 shall, as appropriate to the individual circumstances of the  
26 child's case and subject to the conditions and limitations  
27 outlined in this section and section 6353 (relating to  
28 limitation on and change in place of commitment), provide  
29 balanced attention to the protection of the community, the  
30 imposition of accountability for offenses committed and the

1 development of competencies to enable the child to become a  
2 responsible and productive member of the community:

3 (1) Any order, except an order that removes a child from  
4 the child's home, authorized by section 6351 (relating to  
5 disposition of dependent child). A child may not be removed  
6 from the child's home under this section due to concerns  
7 related to the family or home environment. If there are  
8 concerns related to abuse, neglect or dependency, the matter  
9 must be referred to the appropriate child welfare agency.

10 (2) Placing the child on probation under supervision of  
11 the probation officer of the court or the court of another  
12 state as provided in section 6363 (relating to ordering  
13 foreign supervision), under conditions and limitations the  
14 court prescribes. The conditions under this paragraph,  
15 including any treatment considered, shall be consistent with  
16 a demonstrated need as assessed by a validated risk and needs  
17 assessment.

18 (3) [Committing] In accordance with subsection (a.1),  
19 committing the child to an institution, youth development  
20 center, camp, or other facility for delinquent children  
21 operated under the direction or supervision of the court or  
22 other public authority and approved by the Department of  
23 [Public Welfare] Human Services.

24 (4) If the child is 12 years of age or older, in  
25 accordance with subsection (a.1), committing the child to an  
26 institution operated by the Department of [Public Welfare]  
27 Human Services.

28 (5) [Ordering] An order may include monetary obligations  
29 subject to the following:

30 (i) The court may order payment by the child of

1 reasonable amounts of money as fines, costs, fees or  
2 restitution to a victim as defined in section 103 of the  
3 act of November 24, 1998 (P.L.882, No.111), known as the  
4 Crime Victims Act, as deemed appropriate as part of the  
5 plan of rehabilitation considering the nature of the acts  
6 committed and the earning capacity of the child,  
7 including a contribution to a restitution fund[.] not to  
8 exceed \$10. When considering the appropriateness of the  
9 order, the court shall determine whether the child will  
10 be able to pay the restitution within the time that the  
11 child is reasonably expected to be under probation  
12 supervision, by weighing the following factors:

13 (A) The age of the child.

14 (B) Whether the child is legally able to obtain  
15 employment.

16 (C) Efforts the court and probation department  
17 are able to make to assist the child in paying the  
18 restitution, including the existence of restitution  
19 funds, community service or work programs.

20 (D) The victim's willingness to accept another  
21 form of restorative justice in lieu of the payment of  
22 money.

23 (ii) When making an order under subparagraph (i),  
24 the court may not consider the income of the child's  
25 parents or legal guardian.

26 (iii) The president judge of the court of common  
27 pleas shall establish a restitution fund for the deposit  
28 of all contributions to the restitution fund which are  
29 received or collected. The president judge of the court  
30 of common pleas shall promulgate written guidelines for



1 the administration of the fund. Disbursements from the  
2 fund shall be made, subject to the written guidelines and  
3 the limitations of this chapter, at the discretion of the  
4 president judge and used to reimburse crime victims for  
5 financial losses resulting from delinquent acts[. For an  
6 order made under this subsection, the court shall],  
7 including a reasonable amount for a deductible or loss  
8 not otherwise covered by insurance in theft and property  
9 crimes. Notwithstanding Chapter 7 of the Crime Victims  
10 Act, the amount of an award under this chapter may not  
11 exceed out-of-pocket loss.

12 (iv) The court may:

13 (A) retain jurisdiction until there has been  
14 full compliance with the order [or];

15 (B) retain jurisdiction until the delinquent  
16 child attains 21 years of age[. Any restitution order  
17 which remains unpaid at the time the child attains 21  
18 years of age shall continue to be collectible under  
19 section 9728 (relating to collection of restitution,  
20 reparation, fees, costs, fines and penalties).]; or

21 (C) forgive the unpaid amount of restitution and  
22 enter an order for termination of supervision if the  
23 child has satisfied all conditions of supervision  
24 other than payment of restitution in full, provided  
25 that the victim has an opportunity to object by  
26 receiving notice of the hearing in which the court  
27 will consider terminating supervision and forgiving  
28 outstanding restitution. The court shall make  
29 findings on the record with regard to the reasons for  
30 the termination of supervision and forgiveness of

1            restitution. The court may not index a civil judgment  
2            against a juvenile.

3            (v) The court may modify an order for restitution at  
4            a postdispositional hearing provided the victim has an  
5            opportunity to object by receiving notice of the hearing  
6            in which the order for restitution may be modified.

7            (6) An order of the terms of probation may include an  
8            appropriate fine considering the nature of the act committed  
9            or restitution not in excess of actual damages caused by the  
10           child and considering the factors under paragraph (5) (i),  
11           which shall be paid from the earnings of the child received  
12           through participation in a constructive program of service or  
13           education acceptable to the victim and the court [whereby,  
14           during]. During the course of [such] the service completed as  
15           part of the terms of probation or during the course of a  
16           labor or service completed under this section, the child  
17           shall be paid not less than the minimum wage of this  
18           Commonwealth. In ordering [such] the service, the court shall  
19           take into consideration the age, physical and mental capacity  
20           of the child and the service shall be designed to impress  
21           upon the child a sense of responsibility for the injuries  
22           caused to the person or property of another. The order of the  
23           court shall be limited in duration consistent with the  
24           limitations in section 6353 [(relating to limitation on and  
25           change in place of commitment)] and in the act of [May 13,  
26           1915 (P.L.286, No.177), known as the Child Labor Law] October  
27           24, 2012 (P.L.1209, No.151), known as the Child Labor Act.  
28           The court order shall specify the nature of the work, the  
29           number of hours to be spent performing the assigned tasks,  
30           and shall further specify that as part of a plan of treatment

1 and rehabilitation that up to 75% of the earnings of the  
2 child be used for restitution in order to provide positive  
3 reinforcement for the work performed.

4 (a.1) Minimum amount of confinement.--In selecting from the  
5 alternatives [set forth] in this section, the court shall follow  
6 the general principle that the disposition imposed should  
7 provide the means through which the provisions of this chapter  
8 are executed and enforced consistent with section 6301(b)  
9 (relating to purposes) and when confinement is [necessary]  
10 warranted and permitted, the court shall impose the minimum  
11 amount of confinement that is consistent with the protection of  
12 the public and the rehabilitation needs of the child.

13 (a.2) Required findings prior to commitment.--The court may  
14 not commit a child under this section unless the court finds  
15 both of the following:

16 (1) The child:

17 (i) has been adjudicated for a crime of violence as  
18 defined in 18 Pa.C.S. § 5702 (relating to definitions);

19 (ii) has three or more previous adjudications; or

20 (iii) has been adjudicated delinquent for a sexual  
21 offense and residential treatment is the most appropriate  
22 and least restrictive dispositional option.

23 (2) The child poses a risk to the safety of the  
24 community or a victim. In determining whether the child poses  
25 a risk to the safety of the community or a victim, the court  
26 shall consider:

27 (i) The results of a validated risk and needs  
28 assessment.

29 (ii) Whether the child used a deadly weapon in the  
30 commission of the offense.

1           (iii) Whether the child intentionally inflicted  
2           significant bodily injury upon another person in the  
3           commission of the offense.

4           (iv) The nature of the offense.

5           (b) Limitation on place of commitment.--A child shall not be  
6 committed or transferred to a penal institution or other  
7 facility used primarily for the execution of sentences of adults  
8 convicted of a crime.

9           (b.1) Limitation on commitment for violations of  
10 probation.--The court may not commit a child under subsection  
11 (a) (3) or (4) for a technical violation of probation.

12           (c) Required statement of reasons.--Prior to entering an  
13 order of disposition under subsection (a), the court shall state  
14 its disposition and the reasons for its disposition on the  
15 record in open court, together with the goals, terms and  
16 conditions of that disposition and enter those goals, terms and  
17 conditions into the written record. If the child is to be  
18 committed to out-of-home placement or a secure facility, the  
19 court shall [also] record in writing and state the name of the  
20 specific facility or type of facility to which the child will be  
21 committed and its findings and conclusions of law that formed  
22 the basis of its decision consistent with subsection (a) and  
23 section 6301, including the reasons why commitment to that  
24 facility or type of facility was determined to be the least  
25 restrictive placement that is consistent with the protection of  
26 the public and best suited to the child's treatment,  
27 supervision, rehabilitation and welfare and how the decision to  
28 commit complies with the limitations under this section.

29 § 6353. Limitation on and change in place of commitment.

30           (a) General rule.--[No] Unless adjudicated for an offense

1 under subsection (d), a child [shall] may not initially be  
2 committed to an institution for a period longer than [four  
3 years] six months or a period longer than [he] the child could  
4 have been sentenced by the court if [he] the child had been  
5 convicted of the same offense as an adult, whichever is less.  
6 The initial commitment may be extended for a similar period of  
7 time, or modified, if the court finds after hearing that [the  
8 extension or modification will effectuate the original purpose  
9 for which the order was entered.]:

10 (1) an extension is necessary to complete an evidence-  
11 based program or a program rated by a standardized tool as  
12 effective for reducing recidivism consistent with the child's  
13 assessed criminogenic needs and the program is already  
14 underway and cannot be completed in the community; or

15 (2) the child poses a specific and immediate risk of  
16 physical harm to a specific person.

17 (a.1) Notice.--The child shall have notice of the extension  
18 or modification hearing and shall be given an opportunity to be  
19 heard.

20 (a.2) Review.--The committing court shall [review each  
21 commitment every six months and shall] hold a disposition review  
22 hearing at least every [nine] three months. Prior to entering an  
23 order modifying the initial disposition, the court shall make a  
24 written record of and state the court's reasons for the  
25 modification on the record.

26 (b) Transfer to other institution.--After placement of the  
27 child, and if [his] the child's progress with the institution  
28 warrants it, the institution may seek to transfer the child to a  
29 less secure facility, including a group home or foster boarding  
30 home. The institution shall give the committing court written

1 notice of all requests for transfer and shall give the attorney  
2 for the Commonwealth written notice of a request for transfer  
3 from a secure facility to another facility. If the court, or in  
4 the case of a request to transfer from a secure facility, the  
5 attorney for the Commonwealth, does not object to the request  
6 for transfer within ten days after the receipt of such notice,  
7 the transfer may be effectuated. If the court, or in the case of  
8 a request to transfer from a secure facility, the attorney for  
9 the Commonwealth, objects to the transfer, the court shall hold  
10 a hearing within 20 days after objecting to the transfer for the  
11 purpose of reviewing the commitment order. The institution shall  
12 be notified of the scheduled hearing, at which hearing evidence  
13 may be presented by any interested party on the issue of the  
14 propriety of the transfer. If the institution seeks to transfer  
15 to a more secure facility the child shall have a full hearing  
16 before the committing court. At the hearing, the court may  
17 reaffirm or modify its commitment order consistent with section  
18 6352 (relating to disposition of delinquent child).

19 (c) Notice of available facilities and services.--  
20 Immediately after the Commonwealth adopts its budget, the  
21 Department of [Public Welfare] Human Services shall notify the  
22 courts and the General Assembly, for each Department of [Public  
23 Welfare] Human Services region, of the available:

24 (1) Secure beds for the serious juvenile offenders.

25 (2) General residential beds for the adjudicated  
26 delinquent child.

27 (3) The community-based programs for the adjudicated  
28 delinquent child.

29 (d) Overcapacity.--If the population at a particular  
30 institution or program exceeds 110% of capacity, the department

1 shall notify the courts and the General Assembly that intake to  
2 that institution or program is temporarily closed and shall make  
3 available equivalent services to children in equivalent  
4 facilities.

5 (e) Exceptions.--A child may be initially committed to an  
6 institution for a period longer than six months for an  
7 adjudication of murder, an attempt to commit murder or a sexual  
8 offense that is graded as a felony of the second degree or  
9 higher.

10 Section 8. This act shall take effect in 60 days.