**Commonwealth of Pennsylvania**

**In the Interest Of:**

**Date of Birth**

**IN THE COURT OF COMMON PLEAS OF** **COUNTY, PENNSYLVANIA**

**JUVENILE DIVISION**

**DOCKET NO:** CP-  -JV-     -

 **ORDER REGARDING REQUEST FOR TRANSFER TO CRIMINAL PROCEEDINGS**

**PERSONS APPEARING AT THIS HEARING:**

|  |  |  |  |
| --- | --- | --- | --- |
| [ ]  Juvenile      | [ ]  Attorney for Juvenile      | [ ]  Guardian      | [ ]  Guardian      |
| [ ]  Police Officer      | [ ]  Attorney for Commonwealth       | [ ]  Probation Officer      | [ ]  Caseworker      |
| [ ]  Victim      | [ ]  Attorney for Victim      | [ ]  Victim Advocate      | [ ]  Witness      |
| [ ]  Other       |  |

AND NOW, this       day of      ,       after conducting a \_\_\_\_\_\_\_\_\_\_\_\_ hearing, the Court finds:

**FINDINGS**

1. **AGE OF THE JUVENILE AT THE TIME OF THE OFFENSE**

[ ]  (a) The Juvenile was fourteen years of age or older at the time of the alleged delinquent act.

[ ]  (b) The Juvenile was not fourteen years of age or older at the time of the alleged delinquent act.

1. **WHETHER ALL PARTIES WERE SERVED AND NOTIFIED**

[ ]  (a) The Request for Transfer to Criminal Proceedings [ ]  was [ ]  was not served on the appropriate parties pursuant to Pa.R.J.C.P. 390.

[ ]  (b) Notice of the time, place and purpose of this hearing [ ]  was [ ]  was not provided in writing pursuant to Pa.R.J.C.P. 390 at least three days before the hearing.

1. **PRIMA FACIE CASE**

[ ]  (a) The Commonwealth has proved a prima facie case that the Juvenile committed one or more of the alleged delinquent acts which would be considered a felony if committed by an adult. Specifically,

[ ]  (b) The Commonwealth has not proved a prima facie case that the Juvenile committed a felony delinquent act.

1. **BURDEN OF PROOF – PUBLIC INTEREST**

[ ]  (a) COMMONWEALTH - The burden of establishing that the public interest is served by the transfer of this case to criminal court rests with the Commonwealth.

[ ]  (b) JUVENILE – The burden of establishing that retaining the case in juvenile court serves the public interest rests with the Juvenile because there is a prima facie case that the Juvenile committed an offense enumerated in 42 Pa.C.S. §6355 (g)(2), and

[ ]  (i) A deadly weapon, as defined in 18 Pa.C.S. §2301 (relating to definitions) was used and the Juvenile was fourteen years of age or older at the time of the offense.

[ ]  (ii) The Juvenile was fifteen years of age or older at the time of the offense and was previously adjudicated delinquent of a crime that would be considered a felony if committed by an adult.

1. **PUBLIC INTEREST**

[ ]  Upon consideration of the criteria specified in 42 Pa.C.S. §6355 (a)(4)(iii), the Court finds that the public interest

[ ]  is [ ]  is not served by the transfer of this case for criminal prosecution, in that      .

1. **WHETHER JUVENILE IS COMMITTABLE TO AN INSTITUTION**

[ ]  (a) There are reasonable grounds to believe that the Juvenile is committable to an institution for the mentally retarded or mentally ill, in that      .

[ ]  (b) There are no reasonable grounds to believe that the Juvenile is committable to an institution for the mentally retarded or mentally ill.

1. **FURTHER FINDINGS**

[ ]  THE COURT FURTHER FINDS:

[ ]  Additional Findings Attached

**ORDER OF COURT –** On the basis of the preceding findings, it is hereby ordered that:

1. **DISPOSITION OF REQUEST FOR TRANSFER TO CRIMINAL PROCEEDINGS**

[ ]  (a) GRANTED – The Request for Transfer to Criminal Proceedings is GRANTED. This case shall be transferred to the Criminal Division of the Court of Common Pleas of       County for prosecution.

 [ ]  (i) The Juvenile, currently being held in secure detention at      , shall be released from this facility.

[ ]  (ii) The Juvenile, currently placed in shelter care at      , shall be released from this facility.

[ ]  (b) DENIED – The Request for Transfer to Criminal Proceedings is DENIED.

 [ ]  (i) The Juvenile shall be held in secure detention. Specify location if known:

[ ]  ELIGIBILITY FOR DETENTION - the Juvenile is eligible for secure detention pursuant to the following Section(s) of the “Standard Governing the Use of Secure Detention Under the Juvenile Act”:

[ ]  (ii) The Juvenile shall be placed in shelter care. Specify location if known:

1. **BAIL SET**

The Juvenile may be released on bail, subject to the following conditions:

[ ]  (a) RELEASE ON RECOGNIZANCE – The Juvenile shall be released upon execution of a written agreement to appear when required and to comply with the conditions of the bail bond in Pa.R.Crim.P. 526(A).

[ ]  (b) RELEASE ON NONMONETARY CONDITIONS – The Juvenile shall be released upon the Juvenile’s agreement to comply with the following conditions:

[ ]  (c) RELEASE ON UNSECURED BOND – The Juvenile shall be released upon the Juvenile’s written agreement to be liable in the amount of       if he or she fails to appear as required or fails to comply with the conditions of the bail bond.

[ ]  (d) RELEASE ON NOMINAL BAIL – The Juvenile shall be released upon deposit of the sum of       in cash, and the agreement of the following person, organization or bail agency to act as surety for the Juvenile:      .

[ ]  (e) RELEASE ON MONETARY CONDITION – The Juvenile shall be released upon deposit of the sum of      .

[ ] The Juvenile may be released upon deposit of       percent of the above amount in cash.

[ ]  (f) ADDITIONAL CONDITIONS – The Juvenile’s release on bail shall be subject to the following additional conditions:

1. **BAIL REFUSED**

[ ]  The Juvenile shall not be released on bail. The reasons for refusing bail are as follows:

1. **COMMITMENT OR DETENTION UPON FAILURE TO POST BAIL**

[ ]  (a) The Juvenile, having failed to post bail, shall be committed to the       County Jail pending trial.

[ ]  (b) The Juvenile, having failed to post bail, shall be detained as a juvenile at      , pending trial.

1. **FURTHER ORDERS**

[ ]  THE COURT FURTHER ORDERS:

[ ]  Additional Orders Attached

**Next Scheduled Court Event:**

 **BY THE COURT:**

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Judge

Copies To: