**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 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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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 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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* (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:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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* 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: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
  + (a) ELIGIBILITY FOR DETENTION – the Juvenile is eligible for secure detention pursuant to the following Section(s) of the “Standards 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:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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* Additional Orders Attached

**Next Scheduled Court Event:**

**BY THE COURT:**

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