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

**JUVENILE DIVISION**

**DOCKET NO:** CP-  -JV-     -

**Commonwealth of Pennsylvania**

**In the Interest Of:**

**Date of Birth**

 **PRE-ADJUDICATORY DETENTION / SHELTER CARE HEARING ORDER**

**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 a detention hearing/shelter care hearing:

# **CURRENT DETENTION/SHELTER CARE**

* The Juvenile is currently detained in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Specify Date and Time of Admission: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**THE COURT FINDS that:**

# **PROBABLE CAUSE**

* (a) PROBABLE CAUSE EXISTS – Probable cause exists that the Juvenile committed the following delinquent act(s): (specify)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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* (b) PROBABLE CAUSE DOES NOT EXIST – Probable cause does not exist that the Juvenile committed a delinquent act.

# **WHETHER SECURE DETENTION IS WARRANTED**

* (a) DETENTION NOT WARRANTED – The circumstances do not warrant the detention of the Juvenile.
* (b) DETENTION WARRANTED – The circumstances warrant the detention of the Juvenile.

(i) 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”:

*(Please select all that apply)*

* + (A) Detention required to protect the person or property of other or of the Juvenile.
	+ (B) Detention required because the Juvenile may abscond or be removed from the jurisdiction of the Court.
	+ (C) Detention required because the Juvenile has no parent, guardian, custodian, or other person able to provide supervision and care and capable of returning the Juvenile to the Court when required.
	+ (D) Detention required for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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* (ii) Secured detention bed [ ]  available [ ]  not available
* (iii) See the Secure Detention or Shelter Care section for place of detention.

# **WHETHER SHELTER CARE IS REQUIRED**

* (a) SHELTER CARE REQUIRED – The placement of the Juvenile in shelter care is required.
* (b) SHELTER CARE NOT REQUIRED –The placement of the Juvenile in shelter care is not required.

# **JUVENILE TO BE REMOVED FROM THE HOME**

* It is contrary to the welfare of the Juvenile to remain in the home of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

# **REASONABLE EFFORTS TO PREVENT REMOVAL**

* (a) REASONABLE EFFORTS MADE – Reasonable efforts were made to prevent removal of the Juvenile from the home.
* (b) EMERGENCY PLACEMENT – Although no services were offered to prevent the removal of the Juvenile from the home, this level of effort was reasonable due to the emergency nature of the situation, safety considerations and circumstances of the family.
* (c) REASONABLE EFFORTS NOT MADE – Reasonable efforts were NOT made to prevent removal of the Juvenile from the home.
* (d) NOT APPLICABLE – Reasonable efforts are not applicable.

# **SPECIAL NEEDS**

* The Juvenile has special needs that are necessary to address while the Juvenile is in detention, specifically, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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# **FURTHER FINDINGS**

* THE COURT FURTHER FINDS:

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

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* Further Findings attached

**IT IS ORDERED that:**

# **AMENDMENT OF THE PETITION**

* Upon motion of the Attorney for the Commonwealth, the Petition is amended as follows: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

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# **SECURE DETENTION OR SHELTER CARE**

* (a) The Juvenile shall be held in secure detention. Specify location if known: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
* (b) The Juvenile shall be placed in shelter care. Specify location if known: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
* (c) The Juvenile, currently being held in secure detention at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, shall be released from this facility.
* (d) The Juvenile, currently placed in shelter care at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, shall be released from this facility.
* (e) The Juvenile shall be held in secure detention, but no beds are available. The Juvenile shall be detained at: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ subject to the following conditions: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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# **EDUCATION/EVALUATIONS**

* (a) **EDUCATIONAL NEEDS** – The Juvenile’s educational needs are [ ] being addressed [ ] not being addressed.
* (b) **HIGH SCHOOL DIPLOMA OR GED** – The Juvenile has attained a [ ] high school diploma [ ] GED.
	+ (i) The Juvenile is pursuing post-secondary education.
	+ (ii) The Juvenile is not pursuing post-secondary education.
* (c) **STABILITY AND APPROPRIATENESS** – In order to ensure the stability and appropriateness of the Juvenile’s education, the court orders the following services: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

* (d) **EDUCATIONAL DECISION MAKER** – An educational decision maker:
	+ (i) Shall be appointed pursuant to Rule 147. Specify, if available: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
	+ (ii) Continues to be necessary at this time. Specify, if available: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
	+ (iii) Is not necessary at this time, in that: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
	+ (iv) Is not applicable at this time, in that: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* (e) **EDUCATIONAL EVALUATIONS** – Specify the educational evaluations, tests, counseling, or treatments that are necessary: **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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* (f) **EDUCATIONAL SETTING** – While the Juvenile is in placement, he/she shall attend:
	+ (i) his/her school of origin.
	+ (ii) a public school in proximate location to the placement facility.
	+ (iii) a school facilitated by the placement facility, as this court finds it is not in the best interest of the Juvenile, or protective of the community, to attend school elsewhere.

# **HEALTH/EVALUATIONS**

* (a) **HEALTH CARE AND DISABILITY** – If parental consent cannot be obtained, the following evaluations and treatment are authorized: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* (b) **HEALTH EVALUATIONS** – Specify any health evaluations, tests, counseling, or treatments that are necessary: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

# **CONDITIONS OF RELEASE**

* (a) The Juvenile shall be subject to electronic monitoring.
* (b) The Juvenile shall be subject to in-home detention / house arrest.
* (c) The Juvenile shall be subject to the following conditions of release: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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# **CARE AND RESPONSIBILITY**

* The Juvenile shall be under the care and responsibility of: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

# **SHARED CASE RESPONSIBILITY**

* Case management responsibility for the Juvenile shall be shared by the County Juvenile Probation Office and the County Children and Youth Services Agency , specifically, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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# **FURTHER ORDERS**

* IT IS FURTHER ORDERED that:

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

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* Further Orders attached

# **CONTINUATION OF ADJUDICATORY HEARING**

* It is further ordered that the Juvenile shall be held in secure detention for no more than 10 days for the following reason:
* (a) Evidence material to the case is unavailable, due diligence to obtain such evidence has been exercised, there are reasonable grounds to believe that such evidence will be available at a later date, and the detention of the juvenile is warranted.
* (b) Delay caused by the unavailability of the Juvenile or the Juvenile’s attorney.
* (c) Delay caused by any continuance granted at the request of the Juvenile.
* (d) Delay caused by the unavailability of a witness resulting from conduct by or on the behalf of the Juvenile.

**Next Scheduled Court Event:**

 **RECOMMENDED:**

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

  Juvenile Court Hearing Officer

This Juvenile Court Hearing Officer's recommendation is not final until confirmed by the Court below. A party may challenge the recommendation by filing a motion with the clerk of courts within three (3) days of receipt of the recommendation.

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_, 20 \_\_\_\_, the Juvenile Court Hearing Officer's recommendation is hereby adopted as an Order of Court.

 **BY THE COURT:**

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

Copies To: