

COMMITTEE BILL ANALYSIS

Bill: Senate Bill 818

Printer's No.: 836

Sponsor: Senator Baker

Prepared by: Gregg Warner

Synopsis: This bill amends section 6352 of the Judicial Code, Title 42 of the Pennsylvania Consolidated Statutes, requiring the court to state the reasons for its disposition of a delinquent child.

Summary: A subsection is added to section 6352 requiring the court, prior to entering an order of disposition of a delinquent child, to state the reasons for its disposition on the record in open court, together with the goals, terms and conditions of the disposition.

Out-of-home placement

If the child will be committed to an out-of-home placement, the court shall also state the name of the specific facility or the type of facility to which the child will be committed. The court must state the reasons why commitment to the facility or type of facility was determined to be the least restrictive placement consistent with the protection of the public interest and best suited to the child's treatment, supervision, rehabilitation and welfare.

Effective date

This act takes effect in 60 days.

Background: Chapter 63 of the Judicial Code is the Juvenile Act and applies to dependent and delinquent children. Section 6351 governs the disposition of dependent children. Section 6352 governs the disposition of delinquent children. Section 6352 lists possible dispositions based on what is consistent with the protection of the public interest and best suited to the child's treatment, supervision, rehabilitation and welfare.

Interbranch Commission on Juvenile Justice

In its report investigating Luzerne County's juvenile justice system, the Interbranch Commission stated that "A requirement that juvenile court judges state the reasons for dispositional orders on the record would add a layer of transparency to juvenile court proceedings that would help children and families understand the purpose of juvenile court dispositions."

As for out-of-home placements, the Interbranch Commission stated that "Additional emphasis on the court's justification for orders requiring out-of-home placement would serve both as a reminder that out-of-home placement should only occur when there is a 'clear necessity' to remove the child from the home, but also would assure children and families that juvenile court judges did not take this step lightly. In cases where a dispositional order was challenged, appellate courts would have a clear record to review."