

Your Child and the Juvenile Court

1. How Your Child Is Referred to the Juvenile Court:

Referrals to the Juvenile Court may come from police departments, magistrates, other courts, but the most common source of referral is the police.

2. Factors That Can Lead to Your Child's Arrest:

- a. If he/she is seen breaking the law.
- b. If the police have reason to believe that your child has broken the law.

3. How Detention is Decided for Your Child:

If your child is arrested, the police will make a decision to release him/her into your custody or contact Juvenile Probation for consideration of placement into a detention or shelter facility. The following factors prompt placement into such facilities:

- a. If the police cannot locate you, and there isn't a relative he/she can be released to.
- b. If he/she has been charged with a serious offense.
- c. If his/her previous record warrants detention.

4. Your Child's Admission to the Detention/Shelter Facility:

While arrangements are being made, or once your child is admitted to a facility, a Juvenile Probation Officer will contact you in order to let you know what your child has been charged with and advise you of the date and time a Detention/Shelter Hearing will be held by the Court.

5. Your Child's Rights at the Time of Detention/Shelter:

- a. Your child is not required to make a statement and can refuse to answer all questions until you and your attorney are present.
- b. Your child must have a hearing within 72 hours of his/her admission to the detention/shelter center to decide whether he/she has to remain there pending further Court action. The only exception is if your child's attorney is not available or a Judge is not available within the 72 working hours.
- c. For the hearing, your child will automatically be assigned a Public Defender unless you choose to provide your own attorney.
- d. If your child remains in detention/shelter, a formal hearing must take place within 10 days after the petition is filed.
- e. If your child is released on electronic monitoring or house arrest, a formal hearing will generally take place within 4 to 6 weeks.

6. Your Child's Rights During the Detention/Shelter Period:

- a. While your child is being detained, education, recreational and medical services are provided to him/her.
- b. You are permitted to visit your child during regularly scheduled visiting hours as determined by the facility, which will furnish you with all required regulations.

7. If Your Child is not placed in Detention/Shelter:

- a. Your first initial contact will be a letter from Juvenile Probation for an Intake Hearing with the Juvenile Probation Intake Officer to provide parents and child with accurate information about the juvenile criminal allegations and provide an opportunity for parents to discuss appropriate options for their child.
- b. Should you prefer legal counsel,, you may either hire an attorney or have your child represented at no cost, regardless of your income, by contacting the McKean County Public Defender at (814) 887-3226.

8. Preparation for your Child's Court Hearing:

You will receive, by mail:

- a. A copy of the Petition which contains the specific charges filed against your child.

- b. A Summons of the hearing date, place and time, with the explanation of securing the services of the Public Defender if your child wishes legal representation and you have not acquired an attorney yet.

9. Specialized Services:

- a. The Court House is handicap accessible. If any assistance is necessary to enter or exit the building, please make advance arrangements by contacting Juvenile Probation at 814-887-3365.
- b. If you are in need of an interpreter (foreign or sign language), please contact the Juvenile Probation Office with as much advance notice as possible.

10. Proper Courtroom Attire:

It is important that when you and/or your child(ren) come to Court that all dress appropriately. All clothing should be clean and free of rips or tears. Clothing must not be too tight, scanty, or revealing. Shoes must be worn at all times. Hats are not permitted inside the courtroom. Clothing and jewelry that include logos, slogans, or pictures that are of an obscene or derogatory nature to any group or individual, or that could be construed as such, are not acceptable. You should dress in a manner that fits the circumstances. Remember you will be in a courtroom with a Judge/Hearing Officer, attorneys and other individuals who are responsible for the welfare of your child(ren).

11. Procedures on Court Day:

Although your case is scheduled to be heard at a particular time, there may be unanticipated delays. Therefore, you should make yourself as comfortable as possible in the waiting area until your case is called for Court.

12. Your Child's Court Hearing:

- a. Juvenile Court hearings are open to the public in some situations. If your child is 14 years of age or older and charged with any felony, or if your child is 12 years of age or older and charged with certain specific felonies, the public shall not be excluded from the hearing. In addition to your child, your attorney/public defender, the Judge and Probation Office, there may also be a tipstaff, sheriff's deputy, clerk, court reporter, witnesses, police and victims in the Courtroom.
- b. The hearing will proceed in four phases:
 1. Testimony and evidence will be presented by the District Attorney's office regarding the charges against your child
 2. The court will hear from any victims or representatives present in regards to the impact of the crime
 3. The Probation Department will make supervision recommendations to the Court
 4. Then the Court will determine what action to take.

13. If Your Child is Placed Under Court Supervision:

- a. He/she could be placed under Court supervision and returned home in your custody.
- b. He/She may be removed from your home and placed in a foster home, private institution or Youth Development Center, and **following an assessment of parents' financial status, parents may be required to contribute to child's maintenance and support.**
- c. If your child is placed under Court supervision, whether at home or else where, he/she will be assigned to a Probation Officer who will assist and work closely with you and your child during the entire period of Court supervision.
- d. It is likely that your child will be required to complete a Victim Awareness curriculum.

14. Fines, Costs, Fees and Restitution:

- a. Payment of a fine, cost, fee or restitution can be ordered by the Court whether or not your child is returned to your custody.
- b. Under Pennsylvania law, if your child causes damage or injury to a victim, he/she can be ordered to make restitution. Additionally, some financial liability may be assessed to the parents.

- c. All youth who are adjudicated delinquent or being supervised on a Consent Decree are liable for a minimum cost of \$25 payable to the Pennsylvania Crime Victims Compensation Fund.
- d. As juvenile jurisdiction can extend to the 21st birthday, no case will be closed where restitution or fines remain unpaid. If the child is approaching his/her 21st birthday and still has an outstanding balance, the original amount plus a filing fee will be converted to a judgment order, which will follow the child into adulthood and could have a negative effect on his/her ability to receive credit.

Payments can be made in the form of cash, money order or check. Currently, the County does not accept credit card payments.

All receipts given for payments should be kept as proof of payment.

14. Food and MAC machine:

There are several restaurants in the Smethport Borough.

A vending machine and beverage machine is located in the lobby of the Courthouse.

A MAC machine is located across the street from the Court House at the Northwest Savings Bank.



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