

MODEL

SECURE DETENTION ORDER

ALLEGED / ADJUDICATED

DELINQUENT JUVENILE

Model

Secure Detention Order

Alleged/Adjudicated Delinquent Juvenile

Purpose: To provide a format for a “statement of facts and reasons” and court order to ensure compliance with Juvenile Court Judges’ Commission “Standards Governing the Use of Secure Detention Under The Juvenile Act” and to document a court’s determination that “to allow the juvenile to remain in the home would be contrary to the welfare of the juvenile” and “although no services were offered to prevent this juvenile’s removal from the home, that this level of effort was reasonable due to the emergency nature of the situation, safety considerations, and circumstances of the family.”

Key provisions: This document includes the aforementioned format for a “statement of facts and reasons” and court order to ensure compliance with Juvenile Court Judges’ Commission “Standards Governing the Use of Secure Detention Under The Juvenile Act.” The document also includes language to enable the court to document a finding that to allow this juvenile to remain in the home would be contrary to the welfare of the juvenile and although no services were offered to prevent this juvenile’s removal from the home, that this level of effort was reasonable due to the emergency nature of the situation, safety considerations, and circumstances of the family.

If this document is not utilized: If your jurisdiction does not utilize this document, ensure that the required “contrary to the welfare of the juvenile” language is included in all court orders which initially authorize pre-adjudicatory secure detention. In addition, all such orders must include the court’s determination that “although no services were offered to prevent this juvenile’s removal from the home, this level of effort was reasonable due to the emergency nature of the situation, safety considerations, and circumstances of the family.” In addition, ensure that any such order includes the name of the caregiver(s) from whose home the juvenile was removed and the relationship of the caregiver(s) to the juvenile.

Ensure, as well, that any court order entered following an informal detention hearing, or at any other time prior to a determination that the juvenile is found to have committed a delinquent act, is accompanied by a contemporaneous written statement of facts and reasons specifying:

- that probable cause exists that the juvenile committed the act for which he is being detained, and that he is not excluded from the jurisdiction of the juvenile court by age or any other reason;
- that the juvenile’s detention is permitted under the Juvenile Court Judges’ Commission “Standards Governing the Use of Secure Detention Under The Juvenile Act” (the specific standard on which basis detention was ordered or authorized must be cited);
- the alternatives to secure detention which were considered and rejected; and
- the reason or reasons why secure detention is required and alternatives are not appropriate (separate reasons need not be given for each alternative considered).

IN THE COURT OF COMMON PLEAS _____ JUDICIAL DISTRICT

_____ COUNTY

COUNTY JID#: _____

STATEMENT OF FACTS AND REASONS ACCOMPANYING COURT ORDER AUTHORIZING THE DETENTION/CONTINUED DETENTION OF A JUVENILE BY A JUDGE OR MASTER PRIOR TO ADJUDICATION

I. Name of Juvenile: _____ (Last) _____ (First) _____ (Middle Initial) II. Date of Birth: _____ / _____ / _____ (Month) (Day) (Year)

III. Juvenile SID _____

IV. Type of Proceeding / Order:

- Informal Detention Hearing pursuant to 42 Pa. C.S. § 6332 Order of Court / no hearing
 Hearing To Continue Pre-adjudication Detention pursuant to 42 Pa. C.S. § 6335

V. Detention Center: _____

VI. Date of Admission to Detention: _____ / _____ / _____ (Month) (Day) (Year)

VII. It has been determined that probable cause exists that the above named juvenile:

A. has committed:

- 1. _____ count(s) of (_____) _____ crime
2. _____ count(s) of (_____) _____ crime
3. _____ count(s) of (_____) _____ crime
4. _____ count(s) of (_____) _____ crime

If more than four crimes are alleged, list the four most serious crimes. In the parentheses (_____) provide the code letter for the type of crime as follows:

- a = the crime of
b = an attempt to commit
c = solicitation to commit
d = conspiracy to commit

B. Other (when NO NEW delinquent act is alleged, ie. Violation of Probation/Failure to Adjust in Placement) Explain: _____

If Section B is used, provide Court Status at time of Detention Admission: Informal Adjustment Other (explain) _____
 Consent Decree

If Section B is used, list the most serious delinquent act, grading of offense, and date of referral relating to this court status.

Delinquent Act: _____ Grading: _____ Date of Referral: _____

VIII. This juvenile is not believed to be excluded from the jurisdiction of Juvenile court by age or any other reason.

IX. This juvenile's detention is permitted and authorized pursuant to Section(s) _____ of the "Standards Governing the Use of Secure Detention Under the Juvenile Act" as set forth in the JCJC Detention Handbook.

X. The alternatives to secure detention which were considered and rejected: parent(s) / guardian(s) relative(s) electronic monitoring
 in-home detention / house arrest foster care shelter care Other (specify) _____

XI. The reason or reasons why secure detention is required and alternatives are not appropriate: _____

(If detention was authorized pursuant to Section 701 of the Standards, this statement must include an explanation of why an exception was warranted and why non-secure options were rejected.)

Judge / Master _____ (No signature or date needed here if Order of Court entered below) Date: _____ / _____ / _____ (Month) (Day) (Year)

IN THE INTEREST OF: _____ A MINOR No. _____

DOB: _____

ORDER OF COURT

AND NOW, This _____ day of _____ 20____ (input type="checkbox"/> a hearing having been held) it having been determined that detention is required, that to allow the above named juvenile to remain in, or return to, the home of _____, _____, would be contrary to the welfare of the juvenile, and although no services were offered to prevent this juvenile's removal from the home, that this level of effort was reasonable due to the emergency nature of the situation, safety considerations, and circumstances of the family, it is hereby

I ORDERED I RECOMMENDED

that the above named juvenile be detained in the _____ until further Order of this Court.

RECOMMENDED: _____ Master

Subject to Approval by the further Order of this Court.

APPROVED: _____ / _____ / _____ (Month) (Day) (Year)

BY THE COURT:

BY THE COURT: _____ Judge

_____ Judge