

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2261 Session of
2000

INTRODUCED BY KENNEY, WOGAN, J. TAYLOR, YOUNGBLOOD, BAKER,
BELFANTI, CLARK, DeLUCA, FARGO, HALUSKA, HARHAI, HENNESSEY,
HESS, MELIO, MICOZZIE, ROSS, RUBLEY, SEYFERT, SHANER,
STEELMAN, E. Z. TAYLOR, THOMAS, TRELLO AND WILT,
FEBRUARY 15, 2000

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 15, 2000

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 adjudications in certain juvenile matters.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 6341(a), (b) and (e) of Title 42 of the
7 Pennsylvania Consolidated Statutes are amended to read:

8 § 6341. Adjudication.

9 (a) General rule.--After hearing the evidence on the
10 petition the court shall make and file its findings as to
11 whether the child is a dependent child[, or if]. If the petition
12 alleges that the child is delinquent, within seven days of
13 hearing the evidence on the petition, the court shall make and
14 file its findings whether the acts ascribed to the child were
15 committed by him. This time limitation may only be extended
16 pursuant to the agreement of the child and the attorney for the
17 Commonwealth. The court's failure to comply with the time

1 limitations stated in this section shall not be grounds for
2 discharging the child or dismissing the proceeding. If the court
3 finds that the child is not a dependent child or that the
4 allegations of delinquency have not been established it shall
5 dismiss the petition and order the child discharged from any
6 detention or other restriction theretofore ordered in the
7 proceeding. For cases involving allegations of delinquency where
8 fingerprints or photographs or both have been taken by a law
9 enforcement agency and where it is determined that acts ascribed
10 to the child were not committed by him, the court shall direct
11 that those records be immediately destroyed by law enforcement
12 agencies.

13 (b) Finding of delinquency.--If the court finds on proof
14 beyond a reasonable doubt that the child committed the acts by
15 reason of which he is alleged to be delinquent it shall enter
16 such finding on the record and it shall then proceed immediately
17 or at a postponed hearing, which shall occur not later than 20
18 days after adjudication if the child is in detention or not more
19 than 60 days after adjudication if the child is not in
20 detention, to hear evidence as to whether the child is in need
21 of treatment, supervision or rehabilitation and to make and file
22 its findings thereon. This time limitation may only be extended
23 pursuant to the agreement of the child and the attorney for the
24 Commonwealth. The court's failure to comply with the time
25 limitations stated in this section shall not be grounds for
26 discharging the child or dismissing the proceeding. In the
27 absence of evidence to the contrary, evidence of the commission
28 of acts which constitute a felony shall be sufficient to sustain
29 a finding that the child is in need of treatment, supervision or
30 rehabilitation. If the court finds that the child is not in need

1 of treatment, supervision or rehabilitation it shall dismiss the
2 proceeding and discharge the child from any detention or other
3 restriction theretofore ordered.

4 * * *

5 (e) Continued hearings.--On its motion or that of a party
6 the court may continue the hearings under this section for a
7 reasonable period, within the time limitations imposed by this
8 section, to receive reports and other evidence bearing on the
9 disposition or the need for treatment, supervision or
10 rehabilitation. In this event the court shall make an
11 appropriate order for detention of the child or his release from
12 detention subject to supervision of the court during the period
13 of the continuance. In scheduling investigations and hearings
14 the court shall give priority to proceedings in which a child is
15 in detention or has otherwise been removed from his home before
16 an order of disposition has been made.

17 Section 2. This act shall take effect in 60 days.