

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1269 Session of
2008

INTRODUCED BY GREENLEAF, EARLL, TARTAGLIONE, C. WILLIAMS,
WOZNIAK, O'PAKE, KITCHEN AND WASHINGTON, FEBRUARY 4, 2008

REFERRED TO JUDICIARY, FEBRUARY 4, 2008

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in juvenile matters,
3 adding definitions; and further providing for other basic
4 rights and for adjudications of juveniles.

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

7 Section 1. Section 6302 of Title 42 of the Pennsylvania
8 Consolidated Statutes is amended by adding definitions to read:
9 § 6302. Definitions.

10 The following words and phrases when used in this chapter
11 shall have, unless the context clearly indicates otherwise, the
12 meanings given to them in this section:

13 * * *

14 "Assessment." An individualized examination of a child to
15 determine the child's psychosocial needs and problems, including
16 the type and extent of any mental health, substance abuse or co-
17 occurring mental health and substance abuse disorders and
18 recommendations for treatment. The term includes, but is not

1 limited to, a drug and alcohol, psychological and psychiatric
2 evaluation, records review, clinical interview and the
3 administration of a formal test and instrument.

4 * * *

5 "Screening." A process, regardless of whether it includes
6 the administration of a formal instrument, that is designed to
7 identify a child who is at increased risk of having mental
8 health, substance abuse or co-occurring mental health and
9 substance abuse disorders that warrant immediate attention,
10 intervention or more comprehensive assessment.

11 * * *

12 Section 2. Section 6338 of Title 42 is amended by adding a
13 subsection to read:

14 § 6338. Other basic rights.

15 * * *

16 (c) Statements and information obtained during screening or
17 assessment.--

18 (1) No statements, admissions or confessions made by or
19 incriminating information obtained from a child in the course
20 of a screening or assessment that is undertaken in
21 conjunction with any proceedings under this chapter,
22 including, but not limited to, that which is court-ordered,
23 shall be admitted into evidence against the child on the
24 issue of whether the child committed a delinquent act under
25 this chapter or on the issue of guilt in any criminal
26 proceeding.

27 (2) The provisions of paragraph (1) are in addition to
28 and do not override any existing statutory and constitutional
29 prohibition on the admission into evidence in delinquency and
30 criminal proceedings of information obtained during

1 screening, assessment or treatment.

2 Section 3. Section 6341(d) of Title 42 is amended and the
3 section is amended by adding a subsection to read:

4 § 6341. Adjudication.

5 * * *

6 (b.2) Evidence on the finding of delinquency.--

7 (1) No statements, admissions or confessions made by or
8 incriminating information obtained from a child in the course
9 of a screening or assessment that is undertaken in
10 conjunction with any proceedings under this chapter,
11 including, but not limited to, that which is court-ordered,
12 shall be admitted into evidence against the child on the
13 issue of whether the child committed a delinquent act under
14 this chapter or on the issue of guilt in any criminal
15 proceeding.

16 (2) The provisions of paragraph (1) are in addition to
17 and do not override any existing statutory and constitutional
18 prohibition on the admission into evidence in delinquency and
19 criminal proceedings of information obtained during
20 screening, assessment or treatment.

21 * * *

22 (d) Evidence on issue of disposition.--

23 (1) (i) In disposition hearings under subsections (b)
24 and (c) all evidence helpful in determining the questions
25 presented, including oral and written reports, may be
26 received by the court and relied upon to the extent of
27 its probative value even though not otherwise competent
28 in the hearing on the petition.

29 (ii) Subparagraph (i) includes any screening and
30 assessment examinations ordered by the court to aid in

1 disposition, even though no statements or admissions made
2 during the course thereof may be admitted into evidence
3 against the child on the issue of whether the child
4 committed a delinquent act.

5 (2) The parties or their counsel shall be afforded an
6 opportunity to examine and controvert written reports so
7 received and to cross-examine individuals making the reports.
8 Sources of information given in confidence need not be
9 disclosed.

10 * * *

11 Section 4. This act shall take effect in 60 days.