
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 748

Session of
1975

INTRODUCED BY RHODES, HAMMOCK, IRVIS, W. D. HUTCHINSON AND
LEDERER, MARCH 17, 1975

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 18, 1975

AN ACT

1 Amending the act of December 6, 1972 (P.L.1464, No.333),
2 entitled "An act relating to the care, guidance, control,
3 trial, placement and commitment of delinquent and deprived
4 children," further providing for the detention of delinquent
5 children, and providing for regional detention facilities.

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

8 Section 1. Clause (4) of section 2 and section 14, act of
9 December 6, 1972 (P.L.1464, No.333), known as the "Juvenile
10 Act," are amended to read:

11 Section 2. Definitions.--As used in this act:

12 * * *

13 (4) "Deprived child" means a child who: (i) is without
14 proper parental care or control, subsistence, education as
15 required by law, or other care or control necessary for his
16 physical, mental, or emotional health, or morals; or (ii) has
17 been placed for care or adoption in violation of law; or (iii)
18 has been abandoned by his parents, guardian, or other custodian;
19 or (iv) is without a parent, guardian, or legal custodian able

1 to provide protection, supervision or care for him; or (v) while
2 subject to compulsory school attendance is habitually and
3 without justification truant from school; or (vi) is
4 ungovernable and habitually disobeyed the reasonable and lawful
5 commands of his parent, guardian or other custodian; or is
6 living in a condition or environment such as to be injurious or
7 to endanger the child's welfare.

8 * * *

9 Section 14. Place of Detention.--(a) A child alleged to be
10 delinquent may be detained only in:

11 (1) A licensed foster home or a home approved by the court;

12 (2) A facility operated by a licensed child welfare agency
13 or one approved by the court;

14 (3) A detention home, camp, center or other facility for
15 delinquent children which is under the direction or supervision
16 of the court or other public authority or private agency, and is
17 approved by the Department of Public Welfare; or

18 (4) Any other suitable place or facility, designated or
19 operated by the court and approved by the Department of Public
20 Welfare. Under no circumstances shall a child be detained,
21 placed, or committed in any facility with adults, or where he or
22 she is apt to be abused by other children unless there is no
23 appropriate facility available within a reasonable distance for
24 the detention of the child, in which case the child shall be
25 kept separate and apart from such adults at all times and shall
26 be detained, placed, or committed under such circumstances for
27 not more than five days.

28 (b) The official in charge of a jail or other facility for
29 the detention of adult offenders or persons charged with crime
30 shall inform the court immediately if a person who is or appears

1 to be under the age of eighteen years is received at the
2 facility and shall bring him before the court upon request or
3 deliver him to a detention or shelter care facility designated
4 by the court.

5 (b.1) After December 31, 1975 it shall be unlawful for any
6 person in charge of or employed by a jail knowingly to receive
7 for detention or to detain in such jail any person whom he has
8 or should have reason to believe is a child. Until December 31,
9 1975 a jail may be used for the detention of a child who is
10 alleged to be delinquent only if such detention is necessary for
11 the safety of the public and if such jail has been approved for
12 the detention of such child by the Department of Public Welfare.
13 The Department of Public Welfare shall approve for use for
14 purposes of and in accordance with the provisions of this
15 section any jail which it finds maintains, for the detention of
16 any such child, an appropriate room under adequate supervision:
17 Provided, That the Department of Public Welfare shall by
18 regulation promulgate standards governing the operations of such
19 provisions of such jails as are used for the detention of
20 children pursuant to this section and shall cause such jails to
21 be inspected at least once every six months.

22 (c) If a case is transferred for criminal prosecution the
23 child may be transferred to the appropriate officer or detention
24 facility in accordance with the law governing the detention of
25 persons charged with crime. The court in making the transfer may
26 order continued detention as a juvenile pending trial if the
27 child is unable to provide bail.

28 (d) A child alleged to be deprived may be detained or placed
29 in shelter care only in the facilities stated in clauses (1),
30 (2) and (4) of subsection (a), and shall not be detained in a

1 jail or other facility intended or used for the detention of
2 adults charged with criminal offenses or of children alleged to
3 be delinquent.

4 (e) The Department of Public Welfare shall develop or assist
5 in the development in each county of the Commonwealth approved
6 facilities for the provision of shelter care for children
7 referred to or under the jurisdiction of the court.

8 Section 2. The act is amended by adding a section to read:

9 Section 14.1. Regional Detention Facilities.--Where the
10 operation of an approved detention facility by a single county
11 would not be feasible, economical or conducive to the best
12 interest of a child needing detention care, the Department of
13 Public Welfare shall:

14 (1) Make provisions directly or by contract with a single
15 county for the implementation and operation, in accordance with
16 the regulations promulgated by the Department of Public Welfare
17 of regional detention facilities serving the needs of two or
18 more counties.

19 (2) Arrive at mutually agreeable arrangements with counties
20 participating in the use of such regional detention facilities
21 for the equitable sharing in the costs of operating such
22 regional detention facilities, including necessary expenditures
23 to transport children and their parents, guardians, or
24 custodians to and from such regional detention facilities with
25 funds contributed by the State and by such counties.

26 Section 3. This act shall take effect immediately.