

## INTRODUCTION

The Supreme Court of Pennsylvania has adopted new Rule 141 and the proposed changes to Rules 140 & 311. The changes are effective January 1, 2010.

### EXPLANATORY REPORT SEPTEMBER 2009

#### **RULE 140 - Bench Warrants for Failure to Appear at Hearings**

“At hearings” was added to the title of this rule to clarify that this rule applies to bench warrants for failure to appear at hearings. The new Rule 141 applies to bench warrants for absconders.

Also, a new paragraph (B) has been added. A bench warrant shall be entered in all appropriate registries, such as JNET, CLEAN, PCIC, and NCIC, by the juvenile probation officer, other court designee, or a law enforcement officer once a warrant has been issued by the judge. This ensures that law enforcement is aware of the bench warrant so it may be executed.

#### **RULE 141 - Bench Warrants for Absconders**

This new rule provides for the procedures governing when a juvenile absconds from the supervision of the court. This covers all incidences when the court no longer has contact with the juvenile. This would include, but is not limited to, a juvenile who: 1) has escaped from a placement facility, detention facility, shelter care facility, foster care, or other court-ordered program or placement; 2) fails to report to juvenile probation; 3) cannot be located by juvenile probation; or 4) otherwise leaves the jurisdiction of the court.

Paragraph (B) ensures that the bench warrant is entered in all appropriate registries by the juvenile probation officer, other court designee, or a law enforcement officer once a warrant has been issued by the judge. This also ensures that law enforcement is aware of the bench warrant so it may be executed.

Paragraph (C) requires that the juvenile shall be detained in a detention facility or any other facility deemed appropriate by the court until a prompt hearing pursuant to paragraph (D) is held.

The guardian of the juvenile shall be notified immediately when a juvenile is taken into custody pursuant to a bench warrant. The arresting officer shall explain the reasons the warrant was issued and where the juvenile is being detained. See paragraph (F).

Paragraph (G) provides for the procedures regarding returning and executing the warrant.

## **RULE 311 - Intake Conference**

With the changes in the title to Rule 140, a new paragraph (D) has been added in Rule 311 to address bench warrants when a juvenile fails to appear for an intake conference. Instead of issuing a warrant, the juvenile probation officer may choose to reschedule the conference under new paragraph (C).