

**IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA
JUVENILE**

IN RE: _____ : **PETITION NO(S):** _____
 A Juvenile :

DOB: _____ :

**WAIVER OF JUVENILE COURT JUDICIAL PROCEEDING
AND
AGREEMENT TO PROCEED BEFORE THE JUVENILE COURT HEARING OFFICER**

NOTICE: **The Juvenile and Parent (Guardian) are to read or if needed, have read to them this entire paper before signing below as by signing below important rights are waived (given up).**

There is a right under both the Pennsylvania Juvenile Act and Pennsylvania Rules of Juvenile Court Procedure to have any type Juvenile case and/or any kind of Juvenile Court proceeding heard before a Judge. 42 Pa..C.S. §6305(b) and Pa.R.J.C.P.,Rule No.187 C.

It is only with the agreement of both the Juvenile and/or counsel on the Juvenile’s behalf as well as the Office of the District Attorney that any type case and/or any kind of Juvenile Court proceeding may be heard and decided in the form of a Recommendation to a Judge by a Juvenile Court Hearing Officer. 42Pa.C.S. §6305(b)(c);Pa..R.J.C.P.,Rule Nos.187 C and 191.

Should a case proceed before a Juvenile Court Hearing Officer, the Juvenile Court Hearing Officer must submit a written Recommendation Summary to the Court and the reviewing Judge by Order must: Accept the Recommendation; Reject the Recommendation and issue an Order with a different Disposition; and/or Return the Recommendation to the Juvenile Court Hearing Officer for more specific findings. 42 Pa.C.S. §6305(c) and Pa.R.J.C.P., Rule No.191.

Should a case proceed before a Juvenile Court Hearing Officer, the Juvenile and/or Commonwealth may challenge the Juvenile Court Hearing Officer’s Recommendation by filing within three (3) days of receipt of the Recommendation a Motion with the Clerk of Courts. Although a rehearing MAY be scheduled, it is ONLY if a Judge rejects the Juvenile Court Hearing Officer’s factual determinations that a rehearing must occur, otherwise without any type hearing being held a Judge will after applicable review decide the Motion challenging the Juvenile Court Hearing Officer’s Recommendation. 42Pa.C.S. §6305(b) and Pa.R.J.C.P.,Rule No.192.

By allowing his or her case to proceed before a Juvenile Court Hearing Officer a Juvenile waives (gives up) the right to complain of Double Jeopardy (being tried twice for the same incident and/or having some other type hearing more than once), if the Commonwealth successfully challenges a Juvenile Court Hearing Officer’s Recommendation. *See, In re Stephens*, 419A.2d 1244 (Pa.Super.1980).

The timely filing of a Motion challenging a Recommendation of the Juvenile Court Hearing Officer unless otherwise ordered by the Judge DOES NOT change a Juvenile’s detention status and/or delay dispositional directives.(E.g. Release from Detention Center, Start of Probation and/or Commencement of Residential Treatment Facility placement). Pa.R.J.C.P.,Rule No.192 B.

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We, _____ and _____
Juvenile **Parent (Guardian)**

have read and/or had read to us this paper as well as discussed its meaning with each other and the Juvenile's attorney.

As set forth in more detail above it is understood that the Juvenile has a right to have his or her case heard before a Judge. As is further detailed above it is understood that while a Juvenile Court Hearing Officer's Recommendation upon an appropriate and timely Motion may always be challenged, a rehearing is listed at the Judge's discretion, excepting the Court's determination to modify (change) a recommended factual determination. Finally, as is set out above it is understood that by allowing his or her case to proceed before a Juvenile Court Hearing Officer a Juvenile waives (gives up) the right to complain of Double Jeopardy (being tried more than once and/or otherwise having more than one (1) court hearing for the same alleged circumstances), if the Commonwealth challenges successfully a Juvenile Court Hearing Officer's Recommendation.

By signing below, both Juvenile and Parent (Guardian) acknowledge not being under the influence of alcohol, drugs and/or any other substances. By signing below, the Juvenile and/or Parent (Guardian) acknowledge not suffering from mental illness and/or anything else which would prevent an understanding of this document and its consequences. By signing below both the Juvenile and Parent (Guardian) acknowledge not being threatened, pressured and/or promised anything by anyone to sign this paper and that each signature is voluntarily and freely given. **BY SIGNING BELOW THE JUVENILE AND PARENT (GUARDIAN) WAIVE (GIVE UP) THE RIGHT TO HAVE THIS CASE HEARD BY A JUDGE AND RELATEDLY AGREE THAT THE CASE IS TO BE HEARD BY A DULY APPOINTED JUVENILE COURT HEARING OFFICER.**

Juvenile

Mother (Guardian)

Father (Guardian)

As attorney for the Juvenile in this matter, I have discussed this document and its legal meaning with both my client and the Juvenile's Parent(s) (Guardian). I believe that this Waiver of a Judicial Proceeding and related Agreement for a Hearing before the Juvenile Court Hearing Officer are being made by both the Juvenile and Parent (Guardian) knowingly, intelligently and voluntarily.

Counsel for Juvenile

Date