

IN RE: : IN THE COURT OF COMMON PLEAS
: OF ERIE COUNTY PENNSYLVANIA
RULE OF JUVENILE :
COURT PROCEDURE : MISCELLANEOUS NO.
Rule 1604 : MD 135 of 2010

Adopting Order

AND NOW, to wit, this 15 day of March, 2010 it is hereby **ORDERED** that Erie County Rule of Juvenile Court Procedure 1604, Submission of Reports, is hereby adopted as a Rule of this Court, effective thirty (30) days after the date of its publication on the UJS Portal and in the Pennsylvania Bulletin.

Ernest J. DiSantis, Jr.
President Judge

Rule 1604. Submission of Reports.

- A. The Erie County District Court Administrator shall be the Court's designee to receive and process reports submitted to the Court by a foster parent, preadoptive parent, or relative providing care for a child pursuant to Pa.R.J.C.P. 1604(B) and 42 Pa.C.S. §6336.1.
- B. All reports shall be submitted to:

Court Administration - FP Report
Erie County Courthouse
140 West Sixth Street, Room 205
Erie, PA 16501

IN RE: : IN THE COURT OF COMMON PLEAS
: OF ERIE COUNTY PENNSYLVANIA
RULE OF JUVENILE :
COURT PROCEDURE :
Rule 1150 : MISCELLANEOUS NO.
: MD. 134 of 2010

Adopting Order

AND NOW, to wit, this 15 day of March, 2010 it is hereby **ORDERED** that Erie County Rule of Juvenile Court Procedure 1150, Attorneys—Appearances and Withdrawals, is hereby adopted as a Rule of this Court, effective thirty (30) days after the date of its publication on the UJS Portal and in the Pennsylvania Bulletin.

Ernest J. DiSantis, Jr.
President Judge

Rule 1150. Attorneys—Appearances and Withdrawals.

The appearance of William F. Scarpitti, Jr., (PA Attorney ID 19941), Scarpitti & Mead, 150 East Eighth Street, Erie, PA 16502, (814) 459-1726 is automatically entered as the guardian *ad litem* in every dependency case filed within this Court's jurisdiction.

IN RE:

**RULE OF JUVENILE
COURT PROCEDURE
Rule 1210**

**: IN THE COURT OF COMMON PLEAS
: OF ERIE COUNTY, PENNSYLVANIA
:
: MISCELLANEOUS DOCKET
: No. MD 98 of 2010**

Adopting Order

AND NOW, to wit, this 15 day of March, 2010 it is hereby **ORDERED** that Erie County Rule of Juvenile Court Procedure 1201, Order for Protective Custody, is hereby adopted as a Rule of this Court, effective thirty (30) days after the date of its publication on the UJS Portal and in the Pennsylvania Bulletin.

Ernest J. DiSantis, Jr.
President Judge

Rule 1210. ORDERS FOR PROTECTIVE CUSTODY

It appearing that under the Juvenile Act, 42 Pa.C.S.A. Section 6301 et seq (1987 Supp.) there are instances where children need to be detained by the Erie County Office of Children and Youth (OCY) and be placed in a safe environment under the aforesaid Act, and

It further appearing that on many occasions the Court is not in session and/or said detention is necessary outside the normal work hours for the Court, and

It further appearing that the County of Erie OCY is required to furnish services on a twenty-four (24) hour basis, and

It further appearing that: Solicitors, Amy Jones, Esq., Eric Hackwelder, Esq., Alicia Barney-Duck, Esq., Anthony Vendetti, Esq.; Court Coordinators, Barbara Monteith, Tiffany Niedzielski and Brianne Baran; are the authorized representatives for the Erie County OCY to contact the Court for the obtaining of emergency orders for said agency, and

It further appearing there are times and situations in which it is physically impossible to obtain a written order signed where immediate action is absolutely essential for the safety of the child or children involved, and

It further appearing that the several Judges of the Court of Common Pleas have made themselves available via phone so that verbal orders may be obtained by the above noted authorized representatives of the County of Erie OCY.

NOW THEREFORE, it is hereby **ORDERED** and **DECREEED** as follows:

1) Whenever the situation arises where a child needs to be detained by OCY on an emergency basis, said authorized representatives of OCY may contact one of several judges of the Court of Common Pleas of Erie County, Pennsylvania, to obtain a verbal order under said Juvenile Act which shall be a valid and binding order.

2) On the morning of the next business day of the Court, OCY will obtain a confirmatory written order from the Judge issuing the verbal order authorizing said detention.

3) All law enforcement agencies of Erie County, Pennsylvania are to honor these verbal orders. In the event that the services of a law enforcement agency are required in the detention of said child or children, that law enforcement agency shall be provided a copy of the confirmatory written court order obtained on the next business day of the court.

IN RE: : IN THE COURT OF COMMON PLEAS
: :
ERIE COUNTY JUVENILE : OF ERIE COUNTY, PENNSYLVANIA
PROBATION POLICY REGARDING :
THE ADMINISTRATION OF THE : No. AD 17-2010
RESTITUTION FUND :

ADMINISTRATIVE ORDER

AND NOW to-wit this 31st day of March 2010, pursuant to 42 P.C.S. §6304.1(b), §6323(f), §6340(c.1), §6352(a)(5), §9728, §9730, and §9730.1, it is hereby ORDERED that the above-captioned guidelines are approved and adopted, effective immediately.

BY THE COURT:

Ernest J. DiSantis, Jr.
President Judge

**ERIE COUNTY JUVENILE PROBATION
POLICY REGARDING THE ADMINISTRATION OF THE RESTITUTION FUND**

The Erie County Juvenile Probation Department in conjunction with the Erie County Clerk of Courts shall adhere to the following guidelines to maintain a Restitution Fund:

ESTABLISHMENT OF A RESTITUTION FUND

A Restitution Fund (hereafter designated "The Fund") shall be established pursuant to section 6352(a)(5) of the Juvenile Act for the purpose of ordering and collecting reasonable amounts of money as fines, costs, fees or restitution. Restitution shall be ordered and collected for the purpose of reimbursing crime victims for financial losses resulting from delinquent acts.

GENERATION OF FUNDS

1. Failure To Comply Cases

(a) Except for Restitution, all of the money received from a juvenile alleged to be delinquent for failing to comply with a lawful sentence imposed for a summary offense and whose case has been warned, counseled and closed shall be deposited into The Carl E. Anderson Memorial Fund as set forth in its policies and procedures (see APPENDIX B).

(b) All of the money received from a juvenile alleged to be delinquent for failing to comply with a lawful sentence imposed for a summary offense and whose case **has not** been warned, counseled and closed shall be deposited into The Fund to be disbursed by The Erie Earn-It Program, Inc. via the Victim Review Board unless it is restitution (see "collection of Funds 1.b." below).

2. Informal Cases

The terms and conditions of an Informal Adjustment may include a contribution by the child to The Fund for restitution, community service hours and/or positive drug screens.

Cases that are "warned, counseled and case closed" may include a contribution by the child to The Fund for restitution.

3. Consent Decrees

The terms and conditions of a Consent Decree may include a contribution by the child to The Fund for restitution, court costs, fines, fees, community service hours and/or positive drug screens.

4. Adjudicated Case

The terms and conditions of a disposition following an adjudication of delinquency may include a contribution by the child to "The Fund" for restitution, court costs, fines, fees, community service hours and/or positive drug screens.

COLLECTION OF FUNDS

1. General Rule –

(a) All fees collected for positive drug screens shall be processed through the Erie Earn-It Program, Inc. as set forth in the ERIE COUNTY JUVENILE PROBATION MONEY COLLECTION AND RECEIPTING POLICY AND PROCEDURE (see APPENDIX A).

(b) All money collected for restitution and/or community service hours for informal cases and other cases without a docket number shall be processed through the Erie Earn-It Program, Inc. as set forth in the ERIE COUNTY JUVENILE PROBATION MONEY COLLECTION AND RECEIPTING POLICY AND PROCEDURE (see APPENDIX A).

(c) All money collected for restitution, court costs, fines, fees and/or community service hours on cases with docket numbers shall be processed through the Erie County Clerk of Courts as set forth in the ERIE COUNTY JUVENILE PROBATION MONEY COLLECTION AND RECEIPTING POLICY AND PROCEDURE (see APPENDIX A).

2.) Specific Collection Policies –

The specifics regarding the collection of restitution, court costs, fines, fees and/or community service hours are set forth in the ERIE COUNTY JUVENILE PROBATION MONEY COLLECTION AND RECEIPTING POLICY AND PROCEDURE (see APPENDIX A).

DISBURSEMENT OF FUNDS

1. Restitution

(a) 100% of all payments by clients for informal cases and other cases without a docket number shall be applied first to individual victims of delinquent acts. Distribution of all other restitution, court costs, fines, fees and/or community service hours shall be according to the Juvenile Act 42 PA § 9728(g.1).

(b) Monies collected on non-docketed cases shall be disbursed to victims on a monthly basis by The Erie Earn-It Program, Inc.

(c) Monies collected for docketed cases shall be disbursed per the Erie County Clerk of Courts state mandated procedures.

2. Court Costs and Fees

All Court Costs and Fees shall be disbursed per the Erie County Clerk of Courts state mandated procedures.

3. Community Service Hours

(a) General –

The Erie Earn-It Program, Inc. shall be the sole administrator of the community service hour money collected.

1.) Docketed Cases--

The Clerk of Courts shall issue a check once monthly to The Erie Earn-It Program, Inc. for community service monies collected for donations to the Victim Review Board.

2.) Non-docketed cases –

The administrator of the non-docketed checking account shall issue a check once monthly to The Erie Earn-It Program, Inc. for community service monies collected for donations to the Victim Review Board.

(b) Disbursement of Erie Earn-It Program, Inc. Community Service Funds –

All Community Service Fund money shall be disbursed through the Erie Earn-It Program, Inc., Victim Review Board for the purpose of reimbursing crime victims for financial losses resulting from delinquent behavior. This disbursement shall be per the policies and procedures of the Erie Earn-It Program, Inc., Victim Review Board (see APPENDIX C).

4. Positive Drug Screen Funds

All Positive Drug Screen Funds shall be disbursed by the Erie Earn-It Program, Inc. for necessary extraneous Juvenile Probation expenses not covered by the Erie County Juvenile Probation Budget as determined by the Chief Juvenile Probation Officer and the District Court Administrator.

5. The Carl E. Anderson Memorial Fund

All of the money received from a juvenile alleged to be delinquent for failing to comply with a lawful sentence imposed for a summary offense and whose case has been warned, counseled and closed shall be deposited directly into The Carl E. Anderson Memorial Fund and disbursed as set forth in its policies and procedures (see APPENDIX B).

FUND REPORTING

1. Monthly reporting

Report number 1069 shall be generated monthly from the CPCMS System. Said report shall include, but not be limited to, the dates and amounts of all payments made by Juvenile Probation Clients, the docket numbers of the cases to which payments were applied, and the names of the Juvenile Probation Clients who made said payments. This report shall also include a breakdown of totals paid by category type.

The Juvenile Probation Office shall generate a report that will show the aggregate collected per month by specific cost, fee or restitution category type for the calendar year. The monthly totals shall also reflect collections by general category type. This report shall also show totals to date and average totals to date.

All monthly reports shall be presented to the President Judge, the Administrative Juvenile Court Judge, the Court Administrator and the Chief Juvenile Probation Officer.

2. Annual Reporting

The annual totals collected by the Juvenile Probation Department as recorded on the aggregate monthly report shall be presented to the President Judge, the Administrative Juvenile Court Judge, the Court Administrator and the Chief Juvenile Probation Officer at the end of the calendar year. A breakdown of collections for the calendar year shall be presented to the Court Administrator for inclusion in the Erie County Court of Common Pleas Annual Report. Such report is made available to the County Administration and to the public.

AUDITING OF "THE FUND"

1. Monies deposited to The Fund through the Erie Earn-It Program, Inc. shall be subject to audits according to the policies of its Board of Directors, but not less than once every five years.
2. Monies deposited into the Carl E. Anderson Memorial Fund shall be subject to an annual audit.
3. Monies deposited to The Fund through the Erie County Clerk of Courts Office shall be subject to audits as required by State and Local rules.

**ERIE COUNTY JUVENILE PROBATION
MONEY COLLECTION AND RECEIPTING POLICY AND PROCEDURE**

Chain of evidence: Money should be handled as if it were evidence. Chain of evidence procedures should be followed and there should always be a clear and concise paper trail.

A. GENERAL POLICIES:

1. Whenever any payment is received a receipt must be written, regardless of the type of payment. Receipts must be written for cash, check or any other type of payment. Credit cards may be used to make payments for any money collected by the Clerk of Courts. However, these payments must be made, by the client or his family, at the Clerk of Courts Office and no one in Juvenile Probation is authorized to accept credit card payments.
2. Only staff members who have been issued a Juvenile Probation receipt book are authorized to take payments from clients. All monies collected should be turned over to the appropriate person or department within **3 business days** after you collect the money. The Clerk of Courts can now enter payments into escrow. However, if there is a problem with this procedure or with Earn-It being able to take a payment, the money should be turned over to the supervisor in charge of the safe.
3. Any staff member who takes money must be the one to take it to the Clerk of Courts or The Earn-It Coordinator. However, if there is a problem with a case, the money may be given to the supervisor in charge of the safe at which time it becomes the responsibility of said supervisor. Under no circumstances should money be given to a student to take to the Clerk of Courts. The term student means either a work-study or student intern.
4. There are three safes for locking up money, one at each community center and one in a supervisor's office. The only payments to be locked in the Community site safes are those taken by the secretary at the site. All other payments are to be kept by the staff member who took it and brought to the courthouse. If a staff member needs to lock a payment in a safe, it should be locked in the supervisor's safe. Each safe has a log for tracking money stored there. This log must be filled out each time a payment is locked in the safe and retrieved from the safe.
5. Receipt books are just like cash drawers. No one is to use another's receipt book. If someone asks you to use your book, you should write the receipt for that person and then you are responsible for taking the money to the Clerk of Courts or the Earn-It Coordinator.

**ERIE COUNTY JUVENILE PROBATION
MONEY COLLECTION AND RECEIPTING POLICY AND PROCEDURE**

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B. The following is the procedure for writing receipts:

The receipts are to be written only in Juvenile Probation receipt books and in triplicate. These receipts will include the amount paid (this will be like a check--written and the numbers printed), type of payment (cash, check, money order, etc) date, client's name, what cost is being paid (Rest, Vol.Hrs., etc) and the docket number. It is not necessary to have the docket number on the receipt that is given to the client, **however the docket number must be included on the yellow receipt when the money is taken to the Clerk of Courts Office.** Please remember that most cases have more than one docket number and you must provide the proper docket number for the Clerk of Courts. The staff member that takes the payment must sign the receipt and delineate who the assigned Probation officer is.

In regards to the line marked "Received from", the name of whoever hands you the payment must be written on this line.

C. The following is the procedure for the distribution of receipts:

1. The top copy to the client.

2. The second copy should be distributed as follows:

(a) NON-DOCKETED CASES & POSITIVE DRUG SCREENS

If the payment is for restitution, fines, court costs or volunteer hours on Non-Docketed Cases OR for Positive Drug Screens (for docketed or non-docketed cases) the second copy should be taken to the Earn-It coordinator when the payment is turned in. Again, this money should be taken to the Earn-It Coordinator within 3 working days. If there is a problem with Earn-It taking the money, then the money and second copy of the receipt should be given to the supervisor in charge of the safe to be locked up.

(b) CASES WITH A DOCKET NUMBER

If the payment is for restitution, fines, court costs or volunteer hours for cases with a Docket Number, the second copy should be taken to the Clerk of Courts when the payment is turned in. Ask the Clerk of Courts to stamp, initial and date the yellow receipt and then it should go into the client's file. Again, this money should be taken to the Clerk of Courts Office within 3 working days. If there is a problem with the Clerk of Courts taking the money, then the money and second copy of the receipt should be given to the supervisor in charge of the safe to be locked up.

3. The third copy stays in the book as a reference for you when you are in the field.

**ERIE COUNTY JUVENILE PROBATION
MONEY COLLECTION AND RECEIPTING POLICY AND PROCEDURE**

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D. Make Checks Payable To:

1. NON-DOCKETED CASES & POSITIVE DRUG SCREENS

Any payments taken for Non-Docketed Cases or for Positive Drug Screens are to be given to the Earn-It Coordinator. Therefore checks for Non-Docketed Cases must be made out to "*Erie Earn- It Program, Inc. NDC*". Since Non-Docketed Case money does not go to the same place as other payments, Non-Docketed Case payments must be put on a separate receipt from payments that go to the Clerk of Courts Office.

2. CASES WITH A DOCKET NUMBER

All payments for cases with Docket Numbers must be taken to the Clerk of Courts Office. Therefore checks for these items must be made out to the "*Erie County Clerk of Courts*". These must be on a separate receipt from payments for Non-Docketed Cases.

F. Volunteer Hours

The current rate for buying back community service hours is \$5.00 per hour. Effective 1/1/2004, we will no longer accept community service hour money for outside charities. All money collected for community service hours is to be donated to the Victim Review Board.

Revised 06/06/2006

The Carl E. Anderson Memorial Fund

POLICIES AND PROCEDURES

I The Fund

- a) All of the money received from a juvenile alleged to be delinquent for failing to comply with a lawful sentence imposed for a summary offense or whose case has been warned, counseled and closed shall be deposited directly into The Carl E. Anderson Memorial Fund.
- b) This money is kept in a savings and checking account at The Erie Federal Credit Union. Carl Anderson's widow, Kate Arthur, is the main signatory on the account with the two Fund Managers being secondary signatories. The Fund shall have a maximum limit of \$4,000.00. If this limit is surpassed at the end of any given month, the Fund Managers shall write a check for the overage and shall deliver said check to the Earn-It Coordinator for deposit into the Victim Review Board.
- c) This money is distributed to clients with special needs as approved by an appointed group of staff members. Currently Waneda McCullough and Robert Blakely serve as the Fund Managers and as advisors due to their capacity as Fund Managers. Dorene Wilder, Gale Ward, Kathy Smith, Dave Gianoni and Tim Antolik make up the board that issues the approvals or denials for expenditures. A simple majority agreement of these five members is all that is necessary for an approval or denial.
- d) All donations and distributions are reported to Kate Arthur.

II Deposits into the Fund

a) Failure To Comply Cases

All of the money received from a juvenile alleged to be delinquent for failing to comply with a lawful sentence imposed for a summary offense or whose case has been warned, counseled and closed shall be deposited directly into The Carl E. Anderson Memorial Fund. The intake officer will then make a copy of the check or money order and stamp it as received and place in clients file. The intake officer shall turn money over to a Fund Manager within three business days. The fund manager will deposit the check or money order into The Carl E. Anderson Memorial Fund.

b) Private Donations

1) Occasionally private donations are made directly to the Fund through the Credit Union. One of the Fund Managers is generally notified by phone by the Credit Union of these deposits. The Fund Managers can also keep track of this activity through Internet Banking.

2) Occasionally private donations are made to the Fund through Juvenile Probation. One of the Fund Managers will make these deposits.

III Distribution of Funds

a) General

The two joint signatories on the account are the Fund Managers and they handle the physical distribution of funds.

All expenditures must be pre-approved by the committee and the checks require the signatures of both Fund Managers.

b) Procedure for distribution

- 1) Staff members submit written requests for grants from the Fund along with a reasonable explanation to the Fund Managers.
- 2) The Managers then present these requests to the board that issues the approvals for expenditures.
- 3) Once approved, a check is written by the Fund Managers and presented to the Community Justice Officer or Probation Officer so that a staff member may supervise the purchase. Receipts for expenditures are returned to the Fund Managers. Any unspent monies are returned to the Managers and deposited back into the checking account.

IV Maintaining the account

All bank statements are sent to the main signatory on the account – Kate Arthur. Due to this Credit Union procedure, no statements are sent to the Fund Managers. On-line banking has been set up for the Fund Managers so that they may ascertain the status of the account at any time as well as keep the accounts in balance on a monthly basis.

V Audits

The Juvenile Probation Accountant will conduct an annual audit.