

COURT OF COMMON PLEAS OF SCHUYLKILL COUNTY, PENNSYLVANIA

IN RE: ADMINISTRATIVE ORDER 2011.1 : NO. AD-16-2011

CLERK OF COURTS OFFICE  
2011 JAN 31 A 11:15  
SCHUYLKILL COUNTY, PA

ORDER OF COURT

BALDWIN, P.J.

AND NOW, this 31<sup>st</sup> day of January, 2011, at 8:30 a.m., it is hereby ORDERED

that the Schuylkill County Juvenile Court Restitution Fund be established as follows:

AUTHORITY

The statutory authority for the creation of the Fund may be found at 42 Pa.C.S.A. §6352(a)(5).

PURPOSE OF FUND

The purpose of the Fund is to provide a means whereby the Court may direct children under its supervision to pay a reasonable amount of money into a common fund, which is under the supervision of the Court, and which will be distributed in a fair and equitable manner to the victims of delinquent behaviors as defined in the Juvenile Act.

GUIDELINES

The Juvenile Justice Department shall establish and administer the Fund in accordance with guidelines promulgated by the President Judge.

**Name**

The name of the Fund shall be the "Schuylkill County Juvenile Court Restitution Fund." For brevity, when referenced in orders, decrees, judgments or other legal or financial documents, the Fund may be referred to as the "JCR Fund."

## **Eligibility**

For the purpose of the Fund, eligibility will be defined as follows:

**Eligible Benefactor** – An eligible benefactor of the Fund is any child under the jurisdiction of the Schuylkill County Juvenile Justice Department on or after the effective start date of the Fund and whose disposition, as rendered by the Court or Juvenile Justice Department, requires the child to pay restitution to a victim of a delinquent act.

**Eligible Recipient** – An eligible recipient of the Fund is any person, business, organization, etc., including the Commonwealth Crime Victim Compensation Fund who has a legitimate restitution claim on file with the Schuylkill County Juvenile Justice Department after the effective start date of the Fund that is the result of the delinquent act(s) of an Eligible Benefactor.

## **Fund Revenue**

On or after the effective date of the creation of the Fund, it will be supported financially in the following manner:

- A. Monies that currently exist in the Schuylkill County Juvenile Justice "Costs and Fines" Fund will be transferred into the JCR Fund.
- B. The Juvenile Justice Department shall assess a fee in the amount of \$75.00 payable to the JCR Fund to every child subject to delinquency proceedings whose case results in an Informal Adjustment.
- C. The Juvenile Justice Department shall assess an additional fee in the amount of \$30.00 payable to the JCR Fund to every child whose case requires Court action to attain a final Disposition.
- D. The Juvenile Justice Department shall assess a fee of \$100.00 payable to the JCR Fund to any individual requesting an expungement of his or her juvenile record.
- E. Monies collected from a child whose case has been referred to the Juvenile Justice Department for nonpayment of fines and costs imposed by a magisterial district court shall be deposited in the JCR Fund.
- F. The Court, at its discretion or upon the recommendation of the Juvenile Justice Department, will explore other sources of revenue payable to the fund as the same becomes available.

### ***Fund Management***

The Fund receipts and expenditures will be managed by the Juvenile Justice Department. Any and all funds received by the department that may be considered revenue for the Fund will be deposited into an account separate and apart from all other accounts managed by the Juvenile Justice Department. The purpose of this account will be to receive and disburse funds associated with the Fund. As of the date of creation of the Fund, the account(s) used by the Juvenile Justice Department shall require for disbursement the signatures of two of the following individuals: the Chief Juvenile Probation Officer, the Deputy Chief Juvenile Probation Officer, or a Supervisor.

### ***Review Committee***

The President Judge will establish a committee to review the requests made by the eligible benefactors requesting benefits from the Fund. The committee will be comprised of the following individuals:

Chief and Deputy Chief Juvenile Probation Officer  
Victim Services Coordinator for Juvenile Court  
The child's supervising Probation Officer

### ***Fund Expenditures***

Eligible benefactors of the Fund will be able to request assistance from the Fund in the following manner:

- A. The Juvenile Justice Department will prepare an application form for eligible benefactors to utilize in order to request assistance from the Fund. The application form will include the following information:
  1. Descriptive information about the child including name, DOB, type and length of supervision, and the child's ability to pay.
  2. A report as to the child's overall performance while under supervision, including school (report cards and attendance), home and community behavior (summary citations), community service hours ordered and completed and the amount of restitution ordered and paid to date.
- B. The review board committee will review the application and recommend the amount of expenditures to be made on behalf of the applicant.
- C. The President Judge will authorize the amount to be expended from the fund and credited to the applicant's restitution account. The Juvenile Justice

Department will then disburse payment to all the applicant's victims in a proportionate share.

***Maximum Disbursement***

The maximum amount that may be disbursed from the Fund on behalf of any single child per period of supervision by the Court or Juvenile Justice Department shall be the lesser of one thousand dollars (\$1,000.00) or fifty percent (50%) of the total restitution ordered by the Court to be paid by that child during a period of supervision.

**SUSPENSION OF ACTIVITY**

The Court or Chief Juvenile Probation Officer shall have the authority to suspend any and all activities associated with the Fund.

**AUDIT**

The Fund shall be subject to an audit by the Schuylkill County Controller on an annual calendar year basis.

**EFFECTIVE DATE**

The establishment of the Schuylkill County Juvenile Court Restitution Fund shall become effective thirty (30) days after publication of this order in the Pennsylvania Bulletin.

BY THE COURT,

Baldwin P. J.