

MERCER COUNTY LOCAL RULE OF JUVENILE PROCEDURE

L3.01 Truancy cases

L3.01. The Mercer County Juvenile Probation Department (MCJPD) shall act in accordance with the following procedures in truancy cases:

1. Receive allegations that a child who failed to satisfy a fine or cost imposed pursuant to Act 138 is dependent for the purposes of considering the commencement of proceedings pursuant to the Juvenile Act.
2. Conduct an intake investigation to determine if the juvenile is eligible for diversionary alternatives established by MCJPD.
3. Should the juvenile be determined ineligible for a diversionary plan and/or the juvenile and/or juvenile's family fail to comply with the diversionary plan established by MCJPD, then pursuant to Pa. R.J.P. 1320, MCJPD may file with the Clerk of Courts an Application for Private Petition to the Mercer County Children and Youth Services (MCCYS) and commence such proceedings, within a period of fourteen days, pursuant to Pa. R.J.P. 1321.
4. Upon the filing of an Application for Private Petition, the Mercer County Clerk of Courts shall create a juvenile miscellaneous case type in the Common Pleas Case Management System (CPCMS) to begin a matter of record.

5. Upon receipt of the Application for Private Petition being received by MCCYS, MCCYS shall schedule a hearing and assign counsel to the parties promptly.

6. At said hearing, the Court upon a review of all information presented by the MCJPD or other parties, shall make a determination as to whether there are sufficient facts alleged to support a petition of dependency.

7. Should the Court find sufficient facts to support a petition of dependency, the County Agency shall file a petition pursuant to Pa. R.J.P. 1330.

8. Upon the filing of a petition alleging dependency, the Mercer County Clerk of Courts shall close the miscellaneous juvenile case record and open a new case under a dependency docket.

9. Once a proceeding is commenced, the matter shall be adjudicated in accordance with the Pennsylvania Rules of Juvenile Procedure, the Juvenile Act, Pa. Code Rule 195, and act 138 of 2016.

Explanatory Note: The Court of Common Pleas of Mercer County adopted this rule pursuant to Act 138 of 2016.

BY THE COURT:

Daniel P. Wallace

Daniel P. Wallace, President Judge P.J.