

THE COURTS

LUZERNE COUNTY Juvenile Restitution Fund No. 704 MD 2009 (Pa.R.J.C.P. 515)

Administrative Order 2018

Filed: Luzerne County Clerk of Courts April 3, 2018 at 3:52 p.m.

AND NOW, this 3d day of April, 2018, the Honorable Richard M. Hughes, III, President Judge of Luzerne County, Pennsylvania, serving the Eleventh Judicial District of Pennsylvania, hereby reauthorizes the continuation of the Luzerne County Juvenile Court Restitution Fund and hereby amends and restates the previous Order dated August 6, 2010 of the former President Judge as stated herein. The statutory authority for the creation of this Fund appears at 42 Pa. C.S. Section 6352(a) (5), The Juvenile Act, Disposition of Delinquent Children.

The purpose of the Fund is to provide a means whereby the Court may:

- a) direct children under its supervision to pay a reasonable amount of money into a common fund;
- b) collect the above-mentioned revenues and deposit same into an appropriate account that is under the supervision of the Court or its designee;
- c) distribute monies received by the Fund to victims of delinquent behavior in a fair and equitable manner.

The Court hereby adopts and approves the attached guidelines and operating standards for the "Luzerne County Juvenile Court Restitution Fund".

The Luzerne County District Court Administrator is *Ordered* and *Directed* to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Pennsylvania Juvenile Court Procedural Rules Committee.
4. Forward one (1) copy for publication in the *Luzerne Legal Register*.

5. Forward one (1) copy to the Wilkes-Barre Law and Library Association.
6. Keep continuously available for public inspection copies of this Administrative Order in the Office of Court Administration, Clerk of Court's Office and Juvenile Probation Department.

This Order shall also be published on the website of the Administrative Office of Pennsylvania Courts (www.aopc.org) as well as Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules.ruleselection.aspx> .

BY THE COURT:

RICHARD M. HUGHES, III, President Judge

No. 704 MD 2009
Administrative Order
2018

Luzerne County Juvenile Court Restitution Fund
Operating Guidelines

The Court of Common Pleas of Luzerne County, Pennsylvania (Court), through the Luzerne County Department of Probation Service, Juvenile Division, (Probation) has established the Luzerne County Juvenile Court Restitution Fund (Fund) for the purpose of providing financial reimbursement to the victims of delinquent behavior as defined in The Juvenile Act.

The Probation Services Department shall be responsible for establishing, monitoring, maintaining and auditing the Fund in accordance with the Fund Operating Guidelines and Standards and accepted accounting practices and principles.

Name

The name of the Fund is the “**Juvenile Court Restitution Fund.**” For clarity purposes, when referring to the Fund on documents such as an Informal Adjustment Consent, Consent Decree, an order issued by the Court, rules and conditions of probation, and all financial documents including restitution documents, judgments, etc., the Fund will be referred to as the **JCR Fund.**

Eligibility

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

Eligible Benefactor (Juvenile) – An eligible benefactor of the Fund will be any child who is under the jurisdiction of the Court through the Probation Services Department on or after the effective start date of the Fund and whose disposition, as rendered by the Court or Probation Services Department, requires the child to pay restitution to a victim of a delinquent act. Requirements are as follows:

- juveniles (ages 10-20) who demonstrate an inability to obtain/maintain employment to be considered on a case-by-case basis;
- referred to the Probation Services Department, Juvenile Division;
- owe restitution for a property crime or a crime against person;
- final disposition heard in Luzerne County;
- juveniles may earn payments in increments of \$1,000.00 and must reapply every \$1,000.00 – no cap.

Eligible Recipient (Victim) – An eligible recipient of the Fund will be any person who has a legitimate restitution claim on file with the Probation Services Department on or after the effective start date of the Fund resulting from the delinquent act(s) of an Eligible Benefactor. Insurance companies will not be considered eligible recipients for purposes of inclusion in this program. Businesses and schools can only submit for reimbursement for a deductible incurred as a result of a delinquent act by a juvenile. Requirements are as follows:

- All direct victims of property and/or personal crime, for which a written allegation to the Probation Services Department has been filed.

Fund Revenue

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

- a) The Probation Services Department shall assess a fee in the amount of \$25.00 to all juveniles who are subject to proceedings whose case results in a final disposition of warned and counseled; Informal Adjustment Consent; Consent Decree, or adjudication of delinquency and make check or money order payable to the Luzerne County Treasurer.
- b) All juveniles referred for Failure to Pay Fine received from a District Justice shall be assessed the \$25.00 JRF fee and make check or money order payable to the Luzerne County Treasurer. Juveniles may be directed to pay the fine in full or ordered to complete community service hours in lieu of the fine payment.
- c) The Court, at its discretion or upon the recommendation of the Probation Services Department, will make other sources of revenue payable to the Fund as the same become available.

Fund Management

The Fund receipts and expenditures shall be managed by the Probation Services Department. Any and all funds received by the Probation Services Department that may be considered revenue for the Fund shall be deposited into an account separate and apart from other accounts managed by the Probation Services Department. The sole purpose of this account will be to receive and disperse funds associated with the JCR Fund. As of the creation date of the Fund, the account(s) used by the Probation department is/are:

PNC Bank
11 West Market Street
Wilkes Barre, Pa., 18701
Acct. # XXXXX-4435

All Fund revenues shall be receipted, recorded, deposited and otherwise handled as any other revenue received by the Probation Services Department for the intended purpose of reimbursing victims of delinquent behavior.

Additionally, expenditures made from the Fund shall be forwarded to eligible recipients by checks issued from the above-mentioned checking account on an as-needed basis through the Luzerne County Treasurer.

All payments to and expenditures from the above-mentioned account shall be subject to an audit performed on an annual basis by the designee of the Luzerne County Treasurer as per the request of the Chief Juvenile Probation Officer or his/her designee.

Review Committee

An administrative review team has been established. The review team shall consist of an Administrator, the Community Liaison Probation Officer (or designee) and the assigned Probation Officer. This team will meet as needed and shall review requests made by the eligible benefactors requesting benefits from the Fund.

Fund Expenditures

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

a) Probation Services Department shall prepare an application form for eligible benefactors to utilize in order to request assistance from the Fund. The application shall include the following information:

1) Probation Clients:

- i) Descriptive information about the child including name, DOB, type of supervision, length of supervision.
- ii) A statement as to the child's overall adjustment while under supervision, addressing behavior at home, school, and in the community.
- iii) A statement as to the balance of restitution owed by the child.

2) JPO Fine Program Participants:

- i) Descriptive information about the child including name, DOB.
- ii) Fine program agreement.
- iii) A statement as to the balance of restitution owed by the child.

- b) The applicant's Probation Officer shall assist the child with completion of the application and shall forward the same to the Review Committee.
- c) The Review Committee shall review the applicant's eligibility and recommend the level of expenditure and the number of community service hours in exchange for the expenditure, if any, to be made on behalf of the applicant.
- d) Upon receipt of the completed community service requirement, the Review Committee will authorize the amount to be expended from the Fund and credited to the applicant's/benefactor's restitution account. The Probation Services Department will then disburse payments to all applicant's victims in a proportionate share.
- e) Payments disbursed from the fund will be made on a first come, first served basis and will be made in the full amount authorized by the Review Committee.
- f) The Probation Services Department shall be prohibited from disbursing payments from the Fund in excess of the Fund case reserves plus \$100.00.
- g) Disbursements from the Fund shall require the signatures of a probation services administrator and a member of the administrative review team.

Fund Balance

The Fund shall maintain a minimum balance of \$100.00 at all times.

Annual Report

The Luzerne County Department of Probation Services shall provide an annual report to the President Judge at the conclusion of each calendar year detailing the aggregate and individual data regarding payments to and disbursements from the Restitution Fund.

Audit Requirement

The fund shall be subject to an audit by the designee of the Luzerne County Treasurer's office on an annual basis.