

No. 1977-41

## AN ACT

SB 757

Amending the act of December 6, 1972 (P.L.1464, No.333), entitled "An act relating to the care, guidance, control, trial, placement and commitment of delinquent and deprived children," further defining "child," "delinquent act," and "deprived child," further defining certain words, changing certain references from "deprived" to "dependent," further providing for informal adjustment and consent decrees, further regulating detention and shelter care and imposing certain duties on counties and the Department of Public Welfare, further providing for transfers and for the disclosure of certain records, making related changes and making certain repeals and providing an appropriation.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Clauses (1), (2), (3), (4) and (6) of section 2, section 3, subsection (a) of section 4, subsection (a) of section 8, subsection (c) of section 8.1, sections 9, 14 and 14.1, subsections (a) and (b) of section 15, subsection (a) of section 18, subsection (a) of section 22, subsections (a), (b) and (c) of section 23, sections 24, 25 and 26, subsection (a) of section 27, clause (4) of subsection (a) of section 28, and sections 31, 32 and 38, act of December 6, 1972 (P.L.1464, No.333), known as the "Juvenile Act," are amended or added to read:

Section 2. Definitions.—As used in this act:

(1) "Child" means an individual who is: (i) under the age of eighteen years; or (ii) under the age of twenty-one years who committed an act of delinquency before reaching the age of eighteen years; *or who was adjudicated dependent before reaching the age of eighteen years and who, while engaged in a course of instruction or treatment, requests the court to retain jurisdiction until the course has been completed, but in no event shall a child remain in a course of instruction or treatment past the age of twenty-one years.*

(2) "Delinquent act" [means: (i)] *means* an act designated a crime under the law of this State, or of another state if the act occurred in that state, or under Federal law, or under local ordinances [; or (ii) **a specific act or acts of habitual disobedience of the reasonable and lawful commands of his parent, guardian, or other custodian committed by a child who is ungovernable**]. "Delinquent act" shall not include the crime of murder nor shall it include summary offenses unless the child fails to pay a fine levied thereunder, in which event notice of such fact shall be certified to the court. *No child shall be detained, committed or sentenced to imprisonment by a district magistrate, municipal court judge, or traffic court judge.*

(3) "Delinquent child" means a child *ten years of age or older* whom the court has found to have committed a delinquent act and is in need of treatment, supervision or rehabilitation.

(4) **["Deprived"] "Dependent child"** means a child who: (i) is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his physical, mental, or emotional health, or morals; or (ii) has been placed for care or adoption in violation of law; or (iii) has been abandoned by his parents, guardian, or other custodian; or (iv) is without a parent, guardian, or legal custodian; or (v) while subject to compulsory school attendance is habitually and without justification truant from school; *(vi) has committed a specific act or acts of habitual disobedience of the reasonable and lawful commands of his parent, guardian or other custodian and who is ungovernable and found to be in need of care, treatment or supervision; (vii) is under the age of ten years and has committed a delinquent act; or (viii) has been formerly adjudicated dependent, and is under the jurisdiction of the court, subject to its conditions or placements and who commits an act which is defined as ungovernable in section 2(4)(vi); or a child who has been referred pursuant to section 8, and who commits an act which is defined as ungovernable in section 2(4)(vi).*

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(6) "Protective supervision" means supervision ordered by the court of children found to be **[deprived] dependent**.

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Section 3. Jurisdiction.—This act shall apply exclusively to the following:

(1) Proceedings in which a child is alleged to be delinquent or **[deprived] dependent**.

(2) Proceedings arising under sections 32 through 35.

(3) Transfers arising under section 7.

(4) Proceedings under the "Interstate Compact on Juveniles," section 731, act of June 13, 1967 (P.L.31, No.21), known as the "Public Welfare Code."

Section 4. Powers and Duties of Probation Officers.—(a) For the purpose of carrying out the objectives and purposes of this act, and subject to the limitations of this act or imposed by the court, a probation officer shall:

(1) Make investigations, reports, and recommendations to the court.

(2) Receive and examine complaints and charges of delinquency or **[deprivation] dependency** of a child for the purpose of considering the commencement of proceedings under this act.

(3) Supervise and assist a child placed on probation or in his protective supervision or care by order of the court or other authority of law.

(4) Make appropriate referrals to other private or public agencies of the community if their assistance appears to be needed or desirable.

(5) Take into custody and detain a child who is under his supervision or care as a delinquent or **[deprived] dependent** child if the probation officer has reasonable cause to believe that the child's health or safety is in

imminent danger, or that he may abscond or be removed from the jurisdiction of the court, or when ordered by the court pursuant to this act or that he violated the conditions of his probation.

(6) Perform all other functions designated by this act or by order of the court pursuant thereto.

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Section 8. Informal Adjustment.—(a) Before a petition is filed, the probation officer or other officer of the court designated by it, subject to its direction, shall, in the case of a **[deprived] dependent** child **[or in the case of a delinquent child to be charged under section 2(2)(ii), and may, in the case of a delinquent child to be charged under section 2(2)(i) of this act, where commitment is clearly not appropriate] where the court's jurisdiction is premised upon the provisions of section 2(4)(i), (ii), (iii), (iv), ~~(v) or (vi)~~ and if otherwise appropriate, refer the child and his parents to any public or private social agency available for assisting in the matter. Upon referral, the agency shall indicate its willingness to accept the child and shall report back to the referring officer within three months concerning the status of the referral. *Similarly, the probation officer may in the case of a delinquent child, or a dependent child where the court's jurisdiction is permitted in section 2(4)(vi) refer the child and his parents to an agency for assisting in the matter.* The agency may return the referral to the probation officer or other officer for further informal adjustment if it is in the best interests of the child.**

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Section 8.1. Consent Decree.—\* \* \*

(c) A consent decree shall remain in force for six months unless the child is discharged sooner by probation services *with the approval of the court.* Upon application of probation services or other agency supervising the child, made before expiration of the six-month period, a consent decree may be extended by the court for an additional six months.

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Section 9. Venue.—A proceeding under this act may be commenced (i) in the county in which the child resides, or (ii) if delinquency is alleged, in the county in which the acts constituting the alleged delinquency occurred, or (iii) if **[deprivation] dependency** is alleged, in the county in which the child is present when it is commenced.

Section 14. Place of Detention.—(a) A child alleged to be delinquent may be detained only in:

- (1) A licensed foster home or a home approved by the court;
- (2) A facility operated by a licensed child welfare agency or one approved by the court;
- (3) A detention home, camp, center or other facility for delinquent children which is under the direction or supervision of the court or other public authority or private agency, and is approved by the Department of Public Welfare; or
- (4) Any other suitable place or facility, designated or operated by the court and approved by the Department of Public Welfare. Under no

circumstances shall a child be detained, [placed, or committed] in any facility with adults, or where he or she is apt to be abused by other children [unless there is no appropriate facility available, in which case the child shall be kept separate and apart from such adults at all times and shall be detained, placed, or committed under such circumstances for not more than five days]. *Until December 31, 1979, a child may be detained in a facility with adults if there is no appropriate facility available within a reasonable distance or a contiguous county, whichever is nearer, for the detention of the child in which case the child shall be kept separate and apart from such adults at all times and shall be detained under such circumstances for not more than five days.*

(b) The official in charge of a jail or other facility for the detention of adult offenders or persons charged with crime shall inform the court immediately if a person who is or appears to be under the age of eighteen years is received at the facility and shall bring him before the court upon request or deliver him to a detention or shelter care facility designated by the court.

*(b.1) After December 31, 1979, it shall be unlawful for any person in charge of or employed by a jail knowingly to receive for detention or to detain in such jail any person whom he has or should have reason to believe is a child. Until such time, a jail may be used for the detention of a child who is alleged to be delinquent only if such detention is necessary for the safety of the public and if such jail has been approved for the detention of such child by the Department of Public Welfare in good faith and such detention has been ordered by the court. The Department of Public Welfare shall approve for use for purposes of and in accordance with the provisions of this section any jail which it finds maintains, for the detention of any such child, an appropriate room under adequate supervision: Provided, That the Department of Public Welfare shall, no later than sixty days after the effective date of the act, by regulation promulgate standards governing the operations of such provisions of such jails as are used for the detention of children pursuant to this section and shall cause such jails to be inspected by the Department of Public Welfare at least once every six months until this confinement is terminated in accordance with provisions in this act.*

(c) If a case is transferred for criminal prosecution the child may be transferred to the appropriate officer or detention facility in accordance with the law governing the detention of persons charged with crime. The court in making the transfer may order continued detention as a juvenile pending trial if the child is unable to provide bail.

(d) A child alleged to be [deprived] *dependent* may be detained or placed [in shelter care only in the facilities] *only in a Department of Public Welfare approved shelter care facility as stated in clauses (1), (2) and (4) of subsection (a), and shall not be detained in a jail or other facility intended or used for the detention of adults charged with criminal offenses [or of children alleged to be delinquent], but may be detained in the same shelter care facilities with alleged delinquent children.*

*(e) The Department of Public Welfare shall develop or assist in the*

*development in each county of the Commonwealth approved programs for the provision of shelter care for children referred to or under the jurisdiction of the court.*

*(f) (1) Each county, acting alone or in conjunction with other counties as provided in section 14.1, shall by December 31, 1978, submit to the Department of Public Welfare for approval a plan for the removal of children from adult facilities. If no such plan is submitted or accepted by the department within the allocated period, the department, after determining the detention needs of individual counties, shall thereafter take whatever steps it deems necessary to provide the required detention services for any such county or counties; including the construction of a regional detention facility to meet the needs of the counties insofar as is consistent with prohibitions against the use of adult facilities for juvenile offenders as herein provided. The department, after exhausting all other available funds including law enforcement assistance administration funds and any other Federal or State funds available for such purpose, shall charge the cost of establishing the necessary regional detention facilities to the counties that will utilize its services.*

*(2) The amount due the Commonwealth for the services or facilities provided pursuant to clause (1) shall be paid by the county within fifteen months after receipt of notice of the amount due. In determining the amount which each county shall be charged for the establishment of a regional detention facility, the department shall take into account the extent to which the participating counties shall utilize the facilities.*

*(3) Except as provided in clause (4), the charges made by the department against any county pursuant to this subsection shall not exceed \$50,000.*

*(4) In addition to the charges authorized for the providing of regional detention facilities and notwithstanding the limitations on such charges set forth in clause (3), the Commonwealth shall be entitled to an additional amount for providing such facilities equivalent to 7% of the costs imposed on the county.*

*(5) All sums collected from the counties pursuant to this subsection shall be paid into the General Fund and credited to the Department of Public Welfare.*

*Section 14.1. Regional Detention Facilities.—(a) Where the operation of an approved detention facility by a single county would not be feasible, economical or conducive to the best interest of a child needing detention care, the Department of Public Welfare shall:*

*(1) Make provisions directly or by contract with a single county for the implementation and operation, in accordance with the regulations promulgated by the Department of Public Welfare of regional detention facilities serving the needs of two or more counties.*

*(2) Arrive at mutually agreeable arrangements with counties participating in the use of such regional detention facilities for the equitable sharing in the costs of constructing and operating such regional detention facilities, including necessary expenditures to transport children and, if*

*financially indigent, their parents, guardians, or custodians to and from such regional detention facilities with funds contributed by the State and by such counties. The department shall only operate a regional detention facility, established under subsection (f) of section 14, upon refusal of the counties participating in its use to operate the facility pursuant to department regulations.*

*(b) The Department of General Services shall make available any vacant Commonwealth building which the Department of Public Welfare certifies as appropriate for renovation as a regional detention facility.*

Section 15. Release from Detention or Shelter Care; Hearing; Conditions of Release.—(a) If a child is brought before the court or delivered to a detention or shelter care facility designated by the court, the intake or other authorized officer of the court shall immediately make an investigation and release the child unless it appears that his detention or shelter care is warranted or required under section 12. The release of the child shall not prevent the subsequent filing of a petition as provided in this act. If he is not so released, a petition shall be promptly made and presented to the court *within twenty-four hours or the next court business day of the child's admission to detention or shelter care.*

(b) An informal [detention] hearing shall be held promptly by the court or the master and not later than seventy-two hours after [he] *the child* is placed in detention *or shelter care* to determine whether his detention or shelter care is required under section 12 *and if the child is alleged to be delinquent, that probable cause exists that the child has committed a delinquent act.* Reasonable notice thereof, either oral or written, stating the time, place, and purpose of the [detention] hearing shall be given to the child and if they can be found, to his parents, guardian, or other custodian. Prior to the commencement of the hearing the court or master shall inform the parties of their right to counsel and to appointed counsel if they are needy persons, and of the child's right to remain silent with respect to any allegations of delinquency.

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Section 18. Summons.—(a) After the petition has been filed the court shall fix a time for hearing thereon, which, if the child is in detention *or shelter care*, shall not be later than ten days after the filing of the petition. If the hearing is not held within such time, the child shall be immediately released from detention *or shelter care.* *A child may be detained or kept in shelter care for an additional single period not to exceed ten days where the court determines at a hearing that evidence material to the case is unavailable and due diligence to obtain such evidence has been exercised and there are reasonable grounds to believe that such evidence will be available at a later date and the court finds by clear and convincing evidence that the child's life would be in danger, the community would be exposed to a specific danger or that the child will abscond or be removed from the jurisdiction of the court.* The court shall direct the issuance of a summons to the parents, guardian, or other custodian, a guardian ad litem, and any other persons as appear to the court to be proper or necessary

parties to the proceeding, requiring them to appear before the court at the time fixed to answer the allegations of the petition. The summons shall also be directed to the child if he is fourteen or more years of age or is alleged to be a delinquent. A copy of the petition shall accompany the summons.

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Section 22. Investigation and Report.—(a) If the allegations of a petition are admitted by a party or notice of hearing under section 28 has been given, the court, prior to the hearing on need for treatment or disposition, may direct that a social study and report in writing to the court be made by an officer of the court or other person designated by the court, concerning the child, his family, his environment, and other matters relevant to disposition of the case. If the allegations of the petition are not admitted and notice of a hearing under section 28 has not been given, the court shall not direct the making of the study and report until after the court has heard the petition upon notice of hearing given pursuant to this act and the court has found that the child committed a delinquent act or is a **[deprived] dependent** child.

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Section 23. Hearing; Findings; Dismissal.—(a) After hearing the evidence on the petition the court shall make and file its findings as to whether the child is a **[deprived] dependent** child, or if the petition alleges that the child is delinquent, whether the acts ascribed to the child were committed by him. If the court finds that the child is not a **[deprived] dependent** child or that the allegations of delinquency have not been established it shall dismiss the petition and order the child discharged from any detention or other restriction theretofore ordered in the proceeding.

(b) If the court finds on proof beyond a reasonable doubt that the child committed the acts by reason of which he is alleged to be delinquent it shall enter such finding on the record and it shall then proceed immediately or at a postponed hearing, *which shall occur not later than twenty days after adjudication if the child is in detention*, to hear evidence as to whether the child is in need of treatment, supervision or rehabilitation and to make and file its findings thereon. In the absence of evidence to the contrary, evidence of the commission of acts which constitute a felony shall be sufficient to sustain a finding that the child is in need of treatment, supervision or rehabilitation. If the court finds that the child is not in need of treatment, supervision or rehabilitation it shall dismiss the proceeding and discharge the child from any detention or other restriction theretofore ordered.

(c) If the court finds from clear and convincing evidence that the child is **[deprived] dependent**, the court shall proceed immediately or at a postponed hearing, *which shall occur not later than twenty days after adjudication if the child has been removed from his home*, to make a proper disposition of the case.

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Section 24. Disposition of **[Deprived] Dependent** Child.—(a) If the child is found to be a **[deprived] dependent** child the court may make any of the following orders of disposition best suited to the protection and physical, mental, and moral welfare of the child:

(1) Permit the child to remain with his parents, guardian, or other custodian, subject to conditions and limitations as the court prescribes, including supervision as directed by the court for the protection of the child.

(2) Subject to conditions and limitations as the court prescribes transfer temporary legal custody to any of the following: (i) any individual in or outside Pennsylvania who, after study by the probation officer or other person or agency designated by the court, is found by the court to be qualified to receive and care for the child; (ii) an agency or other private organization licensed or otherwise authorized by law to receive and provide care for the child or (iii) a public agency authorized by law to receive and provide care for the child.

(3) Without making any of the foregoing orders transfer custody of the child to the juvenile court of another state if authorized by and in accordance with section 32.

(b) Unless a child found to be **[deprived] dependent** is found also to be delinquent he shall not be committed to or confined in an institution or other facility designed or operated for the benefit of delinquent children.

*(c) Every county of the Commonwealth shall develop programs for children under section 2(4)(v) or (vi).*

Section 25. Disposition of Delinquent Child.—If the child is found to be a delinquent child the court may make any of the following orders of disposition best suited to his treatment, supervision, rehabilitation, and welfare:

(1) Any order authorized by section 24 for the disposition of a **[deprived] dependent** child.

(2) Placing the child on probation under supervision of the probation officer of the court or the court of another state as provided in section 34, under conditions and limitations the court prescribes.

(3) Committing the child to an institution, youth development center, camp, or other facility for delinquent children operated under the direction or supervision of the court or other public authority and approved by the Department of Public Welfare.

(4) **[Committing]** *If the child is twelve years of age or older, committing* the child to an institution operated by the Department of Public Welfare *[or special facility for children operated by the Department of Justice]. In selecting from the alternatives set forth in this section, the court shall follow the general principle that the disposition imposed should provide the means through which the provisions of this act are executed and enforced consistent with section 1 and when confinement is necessary, the court shall impose the minimum amount of confinement that is consistent with the protection of the public and the rehabilitation needs of the child.*

(5) *Ordering payment by the child of reasonable amounts of money as fines, costs or restitution as deemed appropriate as part of the plan of rehabilitation considering the nature of the acts committed and the earning capacity of the child.*

(6) *An order of the terms of probation may include an appropriate fine*



*considering the nature of the act committed or restitution not in excess of actual damages caused by the child which shall be paid from the child's earnings received through participation in a constructive program of service or education acceptable to the victim and the court whereby, during the course of such service, the child shall be paid not less than the State's minimum wage. In ordering such service, the court shall take into consideration the child's age, physical and mental capacity and the service shall be designed to impress upon the child a sense of responsibility for the injuries caused to the person or property of another. The court's order shall be limited in duration consistent with the limitations in section 26 and in the act of May 13, 1915 (P.L.286, No.177), known as the "Child Labor Law." The court order shall specify the nature of the work, the number of hours to be spent performing the assigned tasks, and shall further specify that as part of a plan of treatment and rehabilitation that up to 75% of the child's earnings be used for restitution in order to provide positive reinforcement for the work performed.*

Section 26. Limitation on [Length of] Commitment.—(a) No child shall initially be committed to an institution for a period longer than three years or a period longer than he could have been sentenced by the court if he had been convicted of the same offense as an adult, whichever is less. The initial commitment may be extended for a similar period of time, or modified, if the court finds after hearing that the extension or modification will effectuate the original purpose for which the order was entered. The child shall have notice of the extension or modification hearing and shall be given an opportunity to be heard. The committing court shall review each commitment every six months and shall hold a disposition review hearing at least every [twelve] nine months.

(b) *After placement of the child, and if his progress with the institution warrants it, the institution may seek to transfer said child to a less secure facility, including a group home or foster boarding home. The institution shall give the committing court written notice of such transfer. If the court does not object to such transfer within ten days after receipt of the notice, such transfer may be effectuated. If the court objects to such transfer, it shall hold a hearing within twenty days after objecting to the transfer for the purpose of reviewing its commitment order. If the institution seeks to transfer to a more secure facility the child must have a full hearing before the committing court. At the hearing, the court may reaffirm or modify its commitment order.*

(c) *Immediately after the Commonwealth adopts its budget, the Department of Public Welfare shall notify the courts and the Legislature, for each Department of Public Welfare region, of the available: (i) secure beds for the serious juvenile offenders; (ii) general residential beds for the adjudicated delinquent child; and (iii) the community-based programs for the adjudicated delinquent child. If the population at a particular institution or program exceeds 110% of capacity, the department shall notify the courts and the Legislature that intake to that institution or program is temporarily closed and shall make available equivalent services to children in equivalent facilities.*

Section 27. Order of Adjudication; Noncriminal.—(a) An order of disposition or other adjudication in a proceeding under this act is not a conviction of crime and does not impose any civil disability ordinarily resulting from a conviction or operate to disqualify the child in any civil service application or appointment. A child shall not be committed or transferred to a penal institution or other facility used primarily for the execution of sentences of adults convicted of a crime [ **unless there is no other appropriate facility available, in which case the child shall be kept separate and apart from such adults at all times**].

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Section 28. Transfer.—(a) After a petition has been filed alleging delinquency based on conduct which is designated a crime or public offense under the laws, including local ordinances, of this State, the court before hearing the petition on its merits may rule that this act is not applicable and that the offense should be prosecuted, and transfer the offense, where appropriate, to the trial or criminal division or to a judge of the court assigned to conduct criminal proceedings, for prosecution of the offense if:

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(4) The court finds that there is a prima facie case that the child committed the delinquent act alleged, **and that the delinquent act would be considered a felony if committed by an adult**, and the court finds that there are reasonable grounds to believe that: (i) the child is not amenable to treatment, supervision or rehabilitation as a juvenile through available facilities, in determining this the court may consider age, mental capacity, maturity, previous record and probation or institutional reports; and (ii) the child is not committable to an institution for the mentally retarded or mentally ill; and (iii) the interests of the community require that the child be placed under legal restraint or discipline or that the offense is one which would carry a sentence of more than three years if committed as an adult.

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Section 31. Disposition of Nonresident Child.—(a) If the court finds that a child who has been adjudged to have committed a delinquent act or to be **[deprived] dependent** is or is about to become a resident of another state which has adopted the Uniform Juvenile Court Act, or a substantially similar act which includes provisions corresponding to this section and section 32 hereof, the court may defer hearing on need of treatment and disposition and request by any appropriate means the appropriate court of the county of the child's residence or prospective residence to accept jurisdiction of the child.

(b) If the child becomes a resident of another state while on probation or under protective supervision under order of a court of this State, the court may request the court of the state in which the child has become a resident to accept jurisdiction of the child and to continue his probation or protective supervision.

(c) Upon receipt and filing of an acceptance the court of this State shall transfer custody of the child to the accepting court and cause him to be delivered to the person designated by that court to receive his custody. It also shall provide that court with certified copies of the order adjudging the

child to be a delinquent, or **[deprived] dependent** child, of the order of transfer, and if the child is on probation or under protective supervision under order of the court, of the order of disposition. It also shall provide that court with a statement of the facts found by the court of this State and any recommendations and other information or documents it considers of assistance to the accepting court in making a disposition of the case or in supervising the child on probation or otherwise.

(d) Upon compliance with subsection (c) the jurisdiction of the court of this State over the child is terminated.

Section 32. Disposition of Resident Child Received from Another State.—(a) If a juvenile court of another state which has adopted the Uniform Juvenile Court Act, or a substantially similar act which includes provisions corresponding to section 31 and this section, requests a court of this State to accept jurisdiction of a child found by the requesting court to have committed a delinquent act or to be an unruly or **[deprived] dependent** child, and the court of this State finds, after investigation that the child is, or is about to become, a resident of the county in which the court presides, it shall promptly and not later than fourteen days after receiving the request issue its acceptance in writing to the requesting court and direct its probation officer or other person designated by it to take physical custody of the child from the requesting court and bring him before the court of this State or make other appropriate provisions for his appearance before the court.

(b) Upon the filing of certified copies of the orders of the requesting court (i) determining that the child committed a delinquent act or an unruly or **[deprived] dependent** child, and (ii) committing the child to the jurisdiction of the court of this State, the court of this State shall immediately fix a time for a hearing on the need for treatment, supervision or rehabilitation and disposition of the child or on the continuance of any probation or protective supervision.

(c) The hearing and notice thereof and all subsequent proceedings are governed by this act. The court may make any order of disposition permitted by the facts and this act. The orders of the requesting court are conclusive that the child committed the delinquent act or is an unruly or **[deprived] dependent** child and of the facts found by the court in making the orders. If the requesting court has made an order placing the child on probation or under protective supervision, a like order shall be entered by the court of this State.

Section 38. Law Enforcement Records.—(a) Law enforcement records and files concerning a child shall be kept separate from the records and files of arrests of adults. Unless a charge of delinquency is transferred for criminal prosecution under section 28, the interest of national security requires, or the court otherwise orders in the interest of the child, the records and files shall not be open to public inspection or their contents disclosed to the public *except as provided in subsection (b)*; but inspection of the records and files is permitted by:

- (1) The court having the child before it in any proceeding;
- (2) Counsel for a party to the proceeding;

(3) The officers of institutions or agencies to whom the child is committed;

(4) Law enforcement officers of other jurisdictions when necessary for the discharge of their official duties; and

(5) A court in which he is convicted of a criminal offense for the purpose of a presentence report or other dispositional proceeding, or by officials of penal institutions and other penal facilities to which he is committed, or by a parole board in considering his parole or discharge or in exercising supervision over him.

***(b) (1) The contents of law enforcement records and files concerning a child shall not be disclosed to the public except if the child is fourteen or more years of age at the time of the alleged conduct and if:***

***(i) The child has been adjudicated delinquent by a court as a result of an act or acts which include the elements of rape, kidnapping, murder, robbery, arson, burglary or other act involving the use of or threat of serious bodily harm; or***

***(ii) A petition alleging delinquency has been filed by a law enforcement agency alleging that the child has committed an act or acts which include the elements of rape, kidnapping, murder, robbery, arson, burglary or other act involving the use of or threat of serious bodily harm and the child previously has been adjudicated delinquent by a court as a result of an act or acts which included the elements of one of such crimes.***

***(2) If the child's conduct meets the requirements for disclosure as set forth in paragraph (1), then the court or law enforcement agency, as the case may be, shall disclose the name of the child and the nature of the conduct in question.***

Section 2. Subsection (b) of section 343, act of June 13, 1967 (P.L.31, No.21), known as the "Public Welfare Code," is repealed.

Section 3. The sum of \$1,500,000, or as much thereof as may be necessary, is hereby appropriated to the Department of Public Welfare to be used by the department to implement the provisions of section 14.1 and to provide grants to counties for the same purpose. Excluding probation services, no county shall be required to pay more than 10% of the costs of operating new shelter care programs required to implement the reclassification provided for in section 2(4)(vi), provided that the county:

(1) Has applied for existing Federal funds to implement section 2(4)(vi);

(2) The county has not been deemed ineligible for these Federal funds; and

(3) The programs are approved as necessary by the Department of Public Welfare to implement section 2(4)(vi). For the purposes of this section, shelter care shall not include institutional facilities.

Section 4. This act shall take effect immediately, but the jurisdictional changes contained in section 2(2) and (4) shall apply only to proceedings instituted after the effective date.

APPROVED—The 3rd day of August, A. D. 1977.

MILTON J. SHAPP