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THE JUVENILE COURT SYSTEM OF PENNSYLVANIA

In a recent address at Dickinson Law School, the Honorable Swirles L. Himes, a juvenile court judge, remarked: "When I sit in a court of law, I wear a black hat; when I sit in a court of equity, I wear a white hat; when I sit in the juvenile court, I wear a red hat."¹ These words are appropriate in describing the feeling of those judges who sit in the juvenile court because the responsibility is great and the danger of an improvident decision is not to be taken lightly.

The purpose of this article is to describe the juvenile court law of Pennsylvania as it functions today. Consideration will be given to the court's functions and procedures, with specific emphasis on questions of jurisdiction, adjudication, and constitutionality.

The Act of 1933² is the basis of contemporary juvenile court law. In the preamble to this act the General Assembly clearly established the purpose and intent of the law as follows:

[T]hat children should be guarded from association and contact with crime and criminals, and the ordinary process of the criminal law does not provide for such care, guidance and control as are essential to children in the formative period of life; and

Experience has shown that children, lacking proper parental care or guardianship, are led into courses of life which may render them liable to the penalties of the criminal law, and that the real interests of such children require that they be not incarcerated in jails and penitentiaries, as members of the criminal class, but be subjected to wise care, guidance and control so that evil tendencies may be checked and better instincts be strengthened; and

Whereas, to these ends, it is important that the powers of the courts with respect to the care, guidance and control over delinquents, neglected, and dependent children should be clearly distinguished from those exercised in the ordinary administration of the criminal law; . . .³

Juvenile court decisions have been influenced by this passage. This is illustrated in *Commonwealth v. Lash*⁴ where an adult was being tried before a juvenile court for contributing to the delinquency of a minor. In interpreting a point of law concerning the juvenile court's jurisdiction over adults, the court

¹ Statement by Judge Swirles L. Himes in an address at the Dickinson School of Law, June, 1959.

² P.L. 1433 (1933).

³ PA. STAT. ANN. tit. 11, § 243 (1939).

⁴ 151 Pa. Super. 601, 30 A.2d 609 (1943).

discussed legislative intent and the expressed purpose of juvenile court law. The court stated:

This new step [juvenile court jurisdiction over adults] was motivated by the desire, (1) to eliminate trial by jury wherever possible, perhaps on the theory that judges are more competent than juries to pass on the credibility of immature witnesses, and (2) wherever practicable, to afford child-witnesses in cases involving adults, as well as children proceeded against, the benevolent environment of the juvenile court, to protect them from the harmful effect of appearing, in any capacity, in the criminal court.⁵

Clearly, then, the purpose of the juvenile court appears to be the protection of children and the curtailment of criminal tendencies in their incipiency. However, it is designed and intended for the aid of dependent and neglected as well as delinquent children.

For one to attempt to define with any degree of certainty a delinquent, neglected or dependent child would be futile. These words describe a course of conduct, a state of facts which give rise to adverse conditions, or even a state of mind evidenced by the child's acts. This problem gives rise to an appearance of inconsistency in adjudications throughout the state. However, it must be remembered that each case has its own circumstances and factors extraneous to whatever may be the criteria of the statutes. Each judge in the state may consider a stated course of conduct differently. This may depend upon the area (urban or rural) as well as the differences inherent in human beings.

In a given court its jurisdiction is the primary question. By statute the juvenile court has full and exclusive jurisdiction over all proceedings affecting delinquent, neglected and dependent children.⁶ As we have seen, these terms cannot be exactly defined, but the legislature has prescribed certain limits as guides for this determination.

The following statutory definition of a delinquent child is sufficiently general to include most types of misconduct.

The words "delinquent child" include: (a) a child who has violated any law of the Commonwealth or ordinance of any city, . . . ; (b) a child who, by reason of being wayward or habitually disobedient, is uncontrolled . . . ; (c) a child who is habitually truant from school or home; (d) a child who habitually so deports himself or herself as to injure or endanger the morals or health of himself, herself, or others.⁷

⁵ *Id.* at 603, 30 A.2d at 610 (1943).

⁶ PA. STAT. ANN. tit. 11, § 244 (1953).

⁷ PA. STAT. ANN. tit. 11, § 243 (1939).

In considering this issue the courts have given this provision a reasonable interpretation. In *Commonwealth v. Straik*⁸ Judge Woodside defined the term delinquency: "Delinquency is a very broad term involving in some cases a single act and in others a course of conduct, sometimes with no single act sufficiently serious to warrant a finding of delinquency."⁹ Thus defined, the term "delinquent" appears to emanate from the child's conduct and temperament; and if, at the hearing in the juvenile court, the judge finds that the child displays attitudes or animosities indicative of one who needs guidance, the judge may properly adjudicate the child a delinquent.

Juvenile court judges have been given great discretionary power at the hearings by statute and court decisions. This discretion, however, is limited by reason and fair play, by the court's inclination to give juveniles the benefit of the doubt, and by the court's desire to help the child.

The statutory definition of a "neglected child" is as general as that of "delinquent child." Hence, the court also has expansive discretionary powers in this area.¹⁰

When deciding whether a child is neglected, the following statutory criteria must be considered:

The words "neglected child" include: (a) a child who is abandoned by his or her parent, guardian, custodian, or legal representative; (b) a child who lacks proper parental care by reason of the fault or habits of his or her parent, . . . ; (c) a child whose parent, . . . neglects or refuses to provide proper or necessary subsistence, education, medical or surgical care, or other care necessary for his or her health, morals, or well-being; (d) a child whose parent, . . . neglects or refuses to provide the special care made necessary by his or her mental condition; (e) a child who is found in a disreputable place, or associates with vagrant, vicious, or immoral persons; (f) a child who engages in an occupation, or in a situation, dangerous to life or limb, or injurious to the health or morals of himself, herself, or others.¹¹

When determining neglect, the state is generally the claiming party and the parent or person having custody of the child is the responding party. Duties of the court include a finding of the facts and a determination of whether these facts warrant an adjudication of neglect due to the acts and conduct of the parents and the subsequent effect of the parent's acts on the child. The question is: do these circumstances have an adverse effect on the child?¹² In

⁸ 175 Pa. Super. 10, 102 A.2d 239 (1954).

⁹ *Id.* at 15, 102 A.2d at 241 (1954).

¹⁰ *Rose Child Dependency Case*, 161 Pa. Super. 204, 54 A.2d 297 (1947).

¹¹ PA. STAT. ANN. tit. 11, § 243 (1939).

¹² *In re Rinker*, 180 Pa. Super. 143, 117 A.2d 780 (1955).

neglect and dependency proceedings the court keeps its customary caution with due respect for a child's need for his or her parents, and, therefore, the juvenile court hesitates to take a child from its family.

Another possible adjudication which may be made by the juvenile court is whether a child is "dependent." The Act of 1933 provides: "The words dependent child include: (a) a child who is homeless or destitute, or without proper support or care, through no fault of his or her parents, . . . ; (b) a child who lacks proper care by reason of the mental or physical condition of the parent, . . ." ¹³ Dependency proceedings may be instituted by any interested party and here, as in neglect and delinquency proceedings, the state is both arbiter and a party to the action.

Regardless of whether the juvenile court is determining a child delinquent, neglected or dependent, it has the sole power to determine the issues. The court may be reversed on appeal only when there has been an abuse of discretion.¹⁴ A hearing in the juvenile court need only give rise to evidence which can adequately substantiate the adjudication. These procedures of the juvenile court conform to the tenor of the Act of 1933 and subsequent amendments which are designed to prevent inimical conditions in children.

As provided by statute, any citizen has the right to initiate proceedings in the juvenile court.

The powers of the court may be exercised . . . (1) Upon the petition of any citizen, resident of the country, setting forth that. . . .

(2) Upon commitment, by any magistrate, alderman or justice of the peace, of a child arrested for any indictable offense, other than murder, or for the violation of any other laws of this Commonwealth or the ordinance of any city, borough or township.

(3) There shall be no preliminary hearings . . . affecting dependents, delinquent, or neglected children under the age of sixteen (eighteen) years.¹⁵

Due to this statute, many cases are brought before the court for determination that have not been discovered by a court officer. Since welfare and social workers are frequently confronted with situations which should be remedied by the court, they often initiate these proceedings. Proceedings may also be initiated when a child is arrested by the police and appears before a judge, alderman, justice of the peace or magistrate.

¹³ PA. STAT. ANN. tit. 11, § 243 (1939).

¹⁴ Weintraub Appeal, 166 Pa. Super. 342, 71 A.2d 823 (1950).

¹⁵ PA. STAT. ANN. tit. 11, § 246 (1939).

In all cases where a child is appearing before the juvenile court, a petition must be filed to commence the proceedings. In addition to the requirement of a hearing, adequate notice of the hearing must be afforded the parents or legal representatives of the child so they may have an opportunity to be heard and participate in the proceedings.¹⁶ Failure to comply with these prerequisites renders the hearing void.¹⁷

In juvenile court proceedings there is no preliminary hearing. However, the judge may issue such preliminary orders as he believes necessary to assure the child's appearance at the hearing or to relieve an urgent situation requiring immediate precautionary action. If this order is deemed necessary, the court may detain a child under sixteen in a home for juveniles, in the custody of persons other than his parents, or in some other designated place, provided the place is not one which is used for the detention of criminals. When the child is sixteen years of age or over the court may detain him in a criminal institution.

Preliminary orders given by the court vary according to the fact situations involved. Among the facts to be considered are the child's past juvenile record, if available, the crime committed, if any, the child's temperament, the child's home, and his family. A preliminary order detaining a child is not a drastic measure because a hearing usually follows shortly thereafter, and a child is detained only under circumstances which do not deny the propriety of that course of action.

Hearings in the juvenile court are conducted as informally as possible in order to allow the court a greater flexibility in receiving and hearing evidence. Courts generally do not keep a record of the hearing because of practical considerations. However, the child can demand one as a matter of right. To this end the rules of evidence and procedure followed in the administration of the criminal law are not strictly adhered to in the juvenile court. When determining admissible evidence it is necessary to examine the case law in an attempt to ascertain some principles which would be applicable in a given case.

A distinction should be drawn between evidence which is admissible when determining whether a child is delinquent, dependent or neglected, and evidence which is considered when the court decides what remedial steps are needed to properly guide the child. The former shall be referred to as adjudication; the latter shall be referred to as disposition.

In the adjudication of a case certain facts and statements made by the child or others may be admitted into evidence which might not be admissible in

¹⁶ *Ibid*; *In re Rose*, 161 Pa. Super. 204, 54 A.2d 297 (1947); *In re Holmes*, 175 Pa. Super. 137, 103 A.2d 454 (1954).

¹⁷ *In re Rose*, 161 Pa. Super. 204, 54 A.2d 297 (1947).

a criminal action.¹⁸ In *In re Rinker*,¹⁹ for purposes of adjudication, the court allowed testimony by neighbors and others as to the child's statements in conversation and, at the same time, the court rejected testimony by a welfare worker who related stories and gossip of the neighbors. The latter was strictly hearsay and the court held that it was not a proper consideration in making an adjudication.

If a child is adjudicated delinquent, dependent, or neglected, the question then becomes: what disposition shall be made? The court should consider all relevant facts which reveal the child's feelings. Is he happy? Does he have any animosities toward individuals? Does his environment tend to breed evil or criminal tendencies? When determining these factors the court may consider any available source of information,²⁰ such as reports on the child by probation officers, psychiatrists, or any interviewing officer of the court. In this same capacity, the court may properly consider the child's past juvenile record, and his age, mental and physical capacities, impediments, religious beliefs, and personality. These factors have a bearing on the disposition to be made of the case in determining whether to place the child on probation, in a foster home or perhaps in a State Industrial School.

Some of the considerations made in the disposition of a case may not be used as a basis for an adjudication.²¹ Reports by interviewing officers should normally have no relevance for adjudication purposes and, therefore, they are usually inadmissible. However, a mental condition may be the basis of an adjudication of neglect, in which case the officer's report might be admissible.

If the court finds the child to be delinquent, dependent, or neglected it may dispose of the case in a variety of ways.

The Act of 1939 provides:

At the hearing, or any continuation thereof, the judge or judges shall make an inquiry of the facts, and determine whether the best interests and welfare of the child (and the State) require the care, guidance and control of such child, and shall make an order accordingly.

The court may:

(a) Allow the child to remain in its home under the care of his or her parents, or place such child in a suitable family home, subject, in either case to the supervision and guardianship of a probation officer . . . , and may re-

¹⁸ *In re Holmes*, 379 Pa. 599, 109 A.2d 523 (1955).

¹⁹ 180 Pa. Super. 143, 117 A.2d 780 (1955).

²⁰ *In re Holmes*, 379 Pa. 599, 109 A.2d 523 (1955).

²¹ *Ibid.*

quire such child to be returned to the court for further proceedings whenever the same appears to the court to be necessary.

(b) Commit a child to the care, guidance and control of some reputable citizen of good moral character, subject to the supervision of a probation officer. . . .

(c) Commit a child to some suitable institution or to the care of . . . society . . . , one whose objects is the care, guidance and control of . . . children. . . .

(d) Commit a child to an industrial or training school . . . , for care, guidance and control.

(e) Commit any child over the age of sixteen years to any state industrial trial school. . . .

No child shall be committed . . . by any magistrate, alderman or justice of the peace, . . .²²

These provisions are necessary because disposition is a matter of judging individual situations; therefore, special consideration of each child and his interests is the matter of primary concern to the court.

Probation is one of the most common dispositions for delinquent children. Dependent and neglected children are usually placed in foster homes or institutions when it is deemed necessary to take them from their parents.

When a child is placed on probation, certain rules and terms of probation are emphasized in an attempt to impress upon the child the seriousness of his delinquency.²³ Proper terms of probation are those which, if adhered to, aid the child in extinguishing his delinquent tendencies.

An example of improper terms of probation appear in *In re Trignani*²⁴ and the *Weiner Appeal*.²⁵ In these cases the court ordered the juveniles to make restitution for their wrongs. Upon appeal the superior court emphasized that a juvenile court was not a civil court and held that restitution was a civil matter not in keeping with the purpose of the juvenile court law. The purpose of probation is not to make good the damages flowing from a child's illegal act, but it is to benefit and reform the child. It may appear that forcing the child to make restitution would be effective in impressing the child with the seriousness of his acts; however, as a practical matter, in most instances neither the child nor his family can afford to make restitution.

²² PA. STAT. ANN. tit. 11, § 250 (1939).

²³ *Weiner Appeal*, 176 Pa. Super. 255, 106 A.2d 915 (1954).

²⁴ 150 Pa. Super. 491, 28 A.2d 702 (1942).

²⁵ 176 Pa. Super. 255, 106 A.2d 915 (1954).

For purposes of observing the child's progress and conduct, and to insure the court that the child is complying with the terms of his probation, he must periodically report to a court assigned probation officer. If the juvenile court subsequently learns that a child has broken the terms of his probation, the court shall entertain further proceedings and the probation may be revoked.

Juvenile court law does not deprive the courts of quarter sessions and over and terminer of jurisdiction to try a delinquent child of sixteen years or over for an indictable offense.²⁶ However, the indictment and prosecution by these courts rests in the discretion of the juvenile court.²⁷ In *In re Trignani*²⁸ the juvenile court ordered that the child be sent to the State Industrial School at White Hill, and the juvenile court also held him for bond for the grand jury on a charge of assault and battery by automobile. On appeal the superior court struck out the last part of the order. It was pointed out that exclusive jurisdiction over children under sixteen years of age has been given to the juvenile court. It was also for that court to determine after a hearing whether the best interests of the child and the state required its care, guidance, and control. In such cases the juvenile court could retain jurisdiction, or decide that a prosecution of such case on an indictment would be a more just disposition. If it is decided that the child should be prosecuted, the judge then certifies the same to the district attorney who proceeds in the same manner as though the jurisdiction of the juvenile court had never attached. This situation illustrates the flexibility of the juvenile court and the manner in which it retains or relieves itself of jurisdiction.

Once the juvenile court exercises its jurisdiction the other courts lose their jurisdiction, and the juvenile division shall decide what is best for the child and the state. This last course of action may be a prosecution under the criminal law.

Throughout the pertinent statutes relating to the juvenile court law one phrase frequently appears: ". . . other than murder. . . ." What are the consequences and procedures when a child commits murder? Although it does not appear in the statutes, the juvenile court still has jurisdiction over a child who effected the death of another and could be indicted for murder.²⁹ This question rests in the discretion of the juvenile court and involves the

²⁶ *In re Trignani*, 150 Pa. Super. 491, 28 A.2d 702 (1942).

²⁷ The prevailing practice in adult courts is to certify a child under eighteen years of age to the juvenile court, but such procedure is only mandatory where the child is under sixteen years of age.

²⁸ 150 Pa. Super. 491, 28 A.2d 702 (1943).

²⁹ Such a case occurred June 1959 where a fifteen year old Philadelphia boy effected the death of a three year old girl in an attempted rape. A court psychiatrist found the boy to be sane. There was no indictment in the case, and the boy was adjudicated delinquent and placed in an Industrial School. Also, see *In re Edwards*, 54 Pa. D. & C. 601 (1946).

same procedures set forth above in regard to the juvenile court retaining jurisdiction over a child.

Provision has been made by the juvenile court law for a reconsideration of the disposition made in a case when the circumstances have been altered. The Act of 1933 provides:

All orders made by the several juvenile courts with respect to delinquent, dependent and neglected children shall up to the time a child attains the age of twenty-one years, be subject to amendment, change and extension, by the judges thereof, upon motion of the district attorney, or a probation officer, or upon petition of any other person of interest . . .³⁰

Significantly, the court has the power to reconsider the disposition made in any given case and make any changes which it deems necessary.

In *In re Redding*³¹ the court recognized that the probation is a continuing measure imposed by the court. In this case the child, after being frequently warned for his misbehavior, had his probation revoked and was placed in an institution. It was pointed out by the court that probation did not have a deterrent effect on the child's misconduct. Such action by the courts is sanctioned where prior orders have not remedied the child's derelictions.

In other instances the courts have been cognizant of changed conditions or circumstances which necessitated or made desirable an amendment in disposition. In *Weintraub Appeal*³² an order committing a child to an institution for psychiatric treatment was not held final. In explanation, the court said that a modification or even a revocation of the order could be effected by petition. Reference was made to the fact that the child was still a ward of the court subject to its control until he became 21 years of age, even when he was allowed to remain in his own home.

A change in circumstances is a broad term which does not necessarily limit itself to the child but includes all factors which affect him and the disposition.³³ These cases also illustrate that the court should consider events which have occurred since disposition was ordered, such as an arrest, a change of a person's attitude, or economic conditions.

To justify a readjudication, errors of fact or law must be shown. An appeal may be taken to the superior court. The Act of 1933 provides:

Within twenty-one days of the final order of any judge of the juvenile court, . . . such child shall, as a matter of right . . . , have the right to present

³⁰ PA. STAT. ANN. tit. 11, § 254 (1933).

³¹ 184 Pa. Super. 352, 134 A.2d 689 (1957).

³² 166 Pa. Super. 342, 71 A.2d 823 (1950).

³³ *In re Salemno*, 369 Pa. 278, 85 A.2d 406 (1951).

to the court a petition to have his or her case or cases reviewed and reheard, if . . . , an error of fact or of law, or both, has been made in such proceedings or final order, or if the said order has been improvidently or inadvertently made.

[A]ppeals shall lie as a matter of right to the superior court, . . .³⁴

This is a party's only remedy when he feels an injustice has occurred. Habeas corpus proceedings are not a substitute or even a complement to the statutory appeal procedure.³⁵

The words, "[I]f the said order has been improvidently or inadvertently made," have been the basis of such appeals as *Weintraub Appeal*.³⁶ This allowed the child, after an adjudication and disposition by the juvenile court, to petition for a rehearing in order to present evidence that had not been heard. In that case the evidence was given by a new witness and the court granted a rehearing. Additional testimony may be offered to prove a change of circumstances at the rehearing, the effect of which may or may not prompt the juvenile court to change its decision.³⁷ These changes could in substance render the previous hearing in error due to a change in fact, but at the rehearing the court shall exercise its discretion exactly as it did in the first hearing. These appeals have taken the form of an error of fact through a change in circumstances, or an abuse of discretion through some omission of evidence. In these instances the appellate court may expressly reverse the juvenile court in lieu of remanding the case for further findings.

A decision of the juvenile court could be reversed if there had been a misapplication of the law, an exhibition of partiality, bias, or ill will.³⁸ Such grounds could be found by the appellate court from a review of the record due to the fact that the proceedings must evidence a legally and factually adequate basis to sustain the findings of the juvenile court and the result reached. In reviewing the record the court shall consider all the evidence presented in all hearings. This is proper because the jurisdiction of the juvenile court is a continuing one which exists for the purpose of the child's care, guidance and control during his formative years. Therefore, all events which effect the child are relevant in the court's proceedings.

The Act of 1933 also provides that the juvenile court be the trier of fact without the aid of a jury. If an adult appears before the juvenile court charged

³⁴ PA. STAT. ANN. tit. 11, § 251 (1947).

³⁵ Commonwealth *ex rel* McQueen v. Prasse, 178 Pa. Super. 195, 112 A.2d 824 (1954).

³⁶ 166 Pa. Super. 342, 71 A.2d 823 (1950).

³⁷ *In re Rinker*, 180 Pa. Super. 143, 117 A.2d 780 (1956).

³⁸ *In re Salemmo*, 169 Pa. Super. 240, 82 A.2d 560 (1951).

with contributing to the delinquency of a minor, he may acquiesce and allow the juvenile court to entertain jurisdiction over him.³⁹ Or he may demand a trial by jury, in which event he shall be turned over to the district attorney for a trial by jury before a court of quarter sessions or oyer and terminer.⁴⁰

Of course, when minors appear before the juvenile court, they are not tried before a jury. This provision caused a great deal of controversy in the court's incipency. Criticisms have been made that such a procedure violates constitutional rights since a child cannot have a trial by jury as a matter of right, he does not have the benefits of due process of law, and in many cases he bears witness against himself.

One of the earliest cases which discussed this point was *Commonwealth v. Fisher*.⁴¹ In that case the Act of 1903⁴² was being challenged because it allowed the court to pronounce a child delinquent, neglected, incorrigible or dependent without the benefit of a jury trial. Counsel for the child argued that to deprive one of a jury trial in delinquency proceedings was unconstitutional. In holding the statute to be constitutional, the court said that it was not dealing with a criminal, but with a child, and the purpose of the action was not to punish but to help the child.

When the juvenile court law was substantially amended in 1933, the same procedures were provided for with respect to the finding of fact. In the *Mont Appeal*⁴³ the court held that a child, who has been adjudicated delinquent under the law, rather than prosecuted for a criminal offense, has no inherent constitutional or legal right to ask that the juvenile court proceedings be set aside and that he be prosecuted in the criminal court. And in *In re Holmes*⁴⁴ the Court said concerning delinquency proceedings:

[A] proceeding under such law [referring to the juvenile court] is not a criminal case, but rather a procedure intended to save a child who violates the law from the ordeal of a criminal trial, . . . The purpose underlying the law is to avoid branding the child with the stigma of criminality and to insure the growth of the child as a useful member of society. Therefore, many of the constitutional guarantees granted to one formally charged with a criminal offense are not applicable to a proceeding under The Juvenile Court Law.⁴⁵

³⁹ PA. STAT. ANN. tit. 11, § 247 (1933).

⁴⁰ *Ibid.*

⁴¹ 213 Pa. 48, 62 Atl. 198 (1905).

⁴² P.L. 274 (1903).

⁴³ 175 Pa. Super. 150, 103 A.2d 460 (1954); also, see *Commonwealth v. Carnes*, 82 Pa. Super. 335 (1923).

⁴⁴ 175 Pa. Super. 137, 103 A.2d 454 (1954), *aff'd* 379 Pa. 599, 109 A.2d 523 (1955).

⁴⁵ 175 Pa. Super. at 143, 103 A.2d at 457.

Children are to be treated as individuals who need care, guidance, and control, which the state feels, as *parens patriae*, a duty to provide. It was to this end that the juvenile court law was designed and is presently being applied.

Since juvenile court hearings are not criminal actions, certain safeguards have been afforded to insure the child from any criminal association or disability. The Act of 1933 provides:

All sessions of the juvenile court shall be held separate from sessions of the court held for the purpose of its general, criminal, and other business. The records of the proceedings of the juvenile courts shall be kept in a docket separate from all other proceedings of such courts, and shall be withheld from indiscriminate public inspection, but shall be open to inspection by the parent or other representative of the person, institution, association or society concerned and other persons having a legitimate interest.⁴⁶

When this section of the statute refers to the "records," it means only what transpires at the hearing and not reports of court officers. In *In re Holmes*⁴⁷ counsel for the child was not permitted access to the reports of court officers but only to the official record of the hearing and proceedings of the court. This does not violate any substantial rights of the child; in fact, this measure exists for his protection. It is the intent of the statute that these proceedings be kept private. A child is not required to reveal the fact that he has been before the juvenile court or adjudicated delinquent, dependent, or neglected.

The Act of 1933 provides:

No order made by any juvenile court shall operate to impose any of the civil disabilities ordinarily imposed by the criminal laws of the Commonwealth, nor shall any child be deemed to be a criminal by reason of any such order or be deemed to have been convicted of crime. The disposition of a child or any evidence given in a juvenile court shall not be admissible as evidence against the child in any case or proceeding in any other court.⁴⁸

A neglected, dependent or delinquent child is not a criminal. After appearing before the juvenile court or being committed to an institution, a child should be able to re-enter society without the stigma of a criminal record. In reality it is much more difficult for a convict to obtain employment than a non-convict, and some positions specifically require that the applicant have no criminal record. One who has appeared before the juvenile court, regardless of disposition, could truthfully say that he had no criminal record and he had never been imprisoned. This is necessarily so since it is the legislature's intent to aid the juvenile and allow him every opportunity to become assimilated into society without being handicapped in his endeavors.

GIRARD N. EVASHAVIK

⁴⁶ PA. STAT. ANN. tit. 11, § 269-403 (1939).

⁴⁷ *In re Holmes*, *supra* note 44.

⁴⁸ PA. STAT. ANN. tit. 11, § 261 (1933).