IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA JUVENILE

| IN RE: | | | PETITION NO(S): |
|--------|------------|---|-----------------|
| | A Juvenile | : | |
| • | | | |
| DOB: | | : | |

WAIVER OF JUDICIAL PROCEEDING AND AGREEMENT FOR HEARING BY MASTER

NOTICE: The Juvenile and Parent (Guardian) are to read or if needed, have read to them this entire paper before signing below as by signing below important rights are waived (given up).

There is a right under both the Pennsylvania Juvenile Act and Pennsylvania Rules of Juvenile Court Procedure to have any type Juvenile case and/or any kind of Juvenile Court proceeding heard before a Judge. 42 Pa..C.S. §6305(b) and Pa.R.J.C.P.,Rule No.187 C.

It is only with the agreement of both the Juvenile and/or counsel on the Juvenile's behalf as well as the Office of the District Attorney that any type case and/or any kind of Juvenile Court proceeding may be heard and decided in the form of a Recommendation to a Judge by a Juvenile Court Master. 42Pa.C.S. §6305(b)(c);Pa..R.J.C.P.,Rule Nos.187 C and 191.

Should a case proceed before a Juvenile Court Master, the Master must submit a written Recommendation Summary to the Court and the reviewing Judge by Order must: Accept the Recommendation; Reject the Recommendation and issue an Order with a different Disposition; and/or Return the Recommendation to the Master for more specific findings. 42 Pa.C.S. §6305(c) and Pa.R.J.C.P., Rule No.191.

Should a case proceed before a Juvenile Court Master, the Juvenile and/or Commonwealth may challenge the Master's Recommendation by filing within three (3) days of receipt of the Recommendation a Motion with the Clerk of Courts. Although a rehearing MAY be scheduled, it is ONLY if a Judge rejects the Master's factual determinations that a rehearing must occur, otherwise without any type hearing being held a Judge will after applicable review decide the Motion challenging the Master's Recommendation. 42Pa.C.S. §6305(b) and Pa.R.J.C.P.,Rule No.192.

By allowing his or her case to proceed before a Master a Juvenile waives (gives up) the right to complain of Double Jeopardy (being tried twice for the same incident and/or having some other type hearing more than once), if the Commonwealth successfully challenges a Master's Recommendation. See, In re Stephens, 419A.2d 1244 (Pa.Super.1980).

The timely filing of a Motion challenging a Recommendation of the Master unless otherwise ordered by the Judge DOES NOT change a Juvenile's detention status and/or delay dispositional directives. (E.g. Release from Detention Center, Start of Probation and/or Commencement of Residential Treatment Facility placement). Pa.R.J.C.P., Rule No. 192 B.

| We, | | and | | |
|---|---|-------------------------|------------------------------------|--------------------|
| 1 | Juvenile | | Parent (Guardian | 1) |
| have read and/or had read | to us this paper as well as | discussed its meanin | ng with each other and the Juven | ile's attorney. |
| As set fort | th in more detail above it i | s understood that the | e Juyenile has a right to have his | or her case heard |
| before a Judge. As is furt | her detailed above it is un | derstood that while | a Juvenile Court Master's Reco | mmendation upon |
| an appropriate and timely | Motion may always be ch | allenged, a rehearin | g is listed at the Judge's discret | ion, excepting the |
| | | | etermination. Finally, as is se | . 1 |
| | | | ı Juvenile waives (gives up) the | • |
| • | ~ | - | ng more than one (1) court hea | |
| alleged circumstances), if t | • | | | |
| , | | | | |
| By signing below. | both Juvenile and Paren | t (Guardian) acknov | : wledge not being under the inf | luence of alcohol. |
| • | | • | l/or Parent (Guardian) acknowle | • |
| • | | • | rstanding of this document ant | • |
| | | | not being threatened, pressure | • |
| • | | | arily and freely given. BY SIG | |
| | • | | UP) THE RIGHT TO HAY | |
| | | | E CASE IS TO BE HEAR | • |
| APPOINTED JUVENILI | | OKER THAT ID | OF CASE IS TO DE HEAR | D BI A DULI |
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| ٠ | | Juvenile | | |
| | | | | • |
| Mother (G | Juardian) | | Father (Guardian) | - |
| | <u>.</u> | | | • |
| | - * | • | | - |
| As attorney for th | e Juvenile in this matter | . I have discussed t | this document and its legal inc | eaning with both |
| my client and the Juvenil | e's Parent(s) (Guardian) | . I believe that thi | s Waiver of a Judicial Procee | ding and related |
| Agreement for a Hearing Guardian) knowingly, int | g before the Juvenile C telligently and voluntaril | ourt Master are b v. | eing made by both the Juve | nile and Parent |
| , | ·gy | | • | |
| | | • | | • |
| Counsel for | r Juyenile | | Date | |
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