

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.

GO ON TO BACK PAGE

We, _____ and _____
Juvenile Parent (Guardian)

have read and/or had read to us this paper as well as discussed its meaning with each other and the Juvenile's attorney.

As set forth in more detail above it is understood that the Juvenile has a right to have his or her case heard before a Judge. As is further detailed above it is understood that while a Juvenile Court Master's Recommendation upon an appropriate and timely Motion may always be challenged, a rehearing is listed at the Judge's discretion, excepting the Court's determination to modify (change) a recommended factual determination. Finally, as is set out above it is understood that 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 more than once and/or otherwise having more than one (1) court hearing for the same alleged circumstances), if the Commonwealth challenges successfully a Master's Recommendation.

By signing below, both Juvenile and Parent (Guardian) acknowledge not being under the influence of alcohol, drugs and/or any other substances. By signing below, the Juvenile and/or Parent (Guardian) acknowledge not suffering from mental illness and/or anything else which would prevent an understanding of this document and its consequences. By signing below both the Juvenile and Parent (Guardian) acknowledge not being threatened, pressured and/or promised anything by anyone to sign this paper and that each signature is voluntarily and freely given. **BY SIGNING BELOW THE JUVENILE AND PARENT (GUARDIAN) WAIVE (GIVE UP) THE RIGHT TO HAVE THIS CASE HEARD BY A JUDGE AND RELATEDLY AGREE THAT THE CASE IS TO BE HEARD BY A DULY APPOINTED JUVENILE COURT MASTER.**

Juvenile

Mother (Guardian)

Father (Guardian)

As attorney for the Juvenile in this matter, I have discussed this document and its legal meaning with both my client and the Juvenile's Parent(s) (Guardian). I believe that this Waiver of a Judicial Proceeding and related Agreement for a Hearing before the Juvenile Court Master are being made by both the Juvenile and Parent (Guardian) knowingly, intelligently and voluntarily.

Counsel for Juvenile

Date