

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1385 Session of
2025

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DOUGHERTY, JUNE 9, 2025

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, NOVEMBER 17, 2025

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in juvenile matters,
3 further providing for definitions and for disposition of
4 delinquent child.

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

7 Section 1. The definitions of ~~"child," "delinquent act" and~~ <--
8 ~~"delinquent child"~~ "CHILD" AND "DELINQUENT ACT" in section 6302 <--
9 of Title 42 of the Pennsylvania Consolidated Statutes are
10 amended and the section is amended by adding a definition to
11 read:

12 § 6302. Definitions.

13 The following words and phrases when used in this chapter
14 shall have, unless the context clearly indicates otherwise, the
15 meanings given to them in this section:

16 * * *

17 "Child." An individual who:

1 (1) is under the age of 18 years;

2 (2) is under the age of 21 years who committed an act of
3 delinquency before reaching the age of 18 years; or

4 (3) is under the age of 21 years and was adjudicated
5 dependent before reaching the age of 18 years, who has
6 requested the court to retain jurisdiction and who remains
7 under the jurisdiction of the court as a dependent child
8 because the court has determined that the child is:

9 (i) completing secondary education or an equivalent
10 credential;

11 (ii) enrolled in an institution which provides
12 postsecondary or [vocational] career and technical
13 education;

14 (iii) participating in a program actively designed
15 to promote or remove barriers to employment;

16 (iv) employed for at least 80 hours per month; or

17 (v) incapable of doing any of the activities
18 described in subparagraph (i), (ii), (iii) or (iv) due to
19 a medical or behavioral health condition, which is
20 supported by regularly updated information in the
21 permanency plan of the child.

22 * * *

23 "Delinquent act."

24 (1) [The term means an] An act designated a crime,
25 excluding a summary offense, under the law of this
26 Commonwealth, or of another state if the act occurred in that
27 state, or under Federal law, or an act which constitutes
28 indirect criminal contempt under Chapter 62A (relating to
29 protection of victims of sexual violence or intimidation)
30 with respect to sexual violence or 23 Pa.C.S. Ch. 61

1 (relating to protection from abuse). The term does not
2 include a summary offense or the failure of a child to comply
3 with a lawful sentence imposed for a summary offense. [or the
4 failure of a child to comply with a lawful sentence imposed
5 for a summary offense, in which event notice of the fact
6 shall be certified to the court.] <--

7 (2) The term shall not include:

8 (i) The crime of murder.

9 (ii) Any of the following prohibited conduct where
10 the child was 15 years of age or older at the time of the
11 alleged conduct and a deadly weapon as defined in 18
12 Pa.C.S. § 2301 (relating to definitions) was used during
13 the commission of the offense which, if committed by an
14 adult, would be classified as:

15 (A) Rape as defined in 18 Pa.C.S. § 3121

16 (relating to rape).

17 (B) Involuntary deviate sexual intercourse as
18 defined in 18 Pa.C.S. § 3123 (relating to involuntary
19 deviate sexual intercourse).

20 (C) Aggravated assault as defined in 18 Pa.C.S.
21 § 2702(a)(1) or (2) (relating to aggravated assault).

22 (D) Robbery as defined in 18 Pa.C.S. § 3701(a)
23 (1)(i), (ii) or (iii) (relating to robbery).

24 (E) Robbery of motor vehicle as defined in 18
25 Pa.C.S. § 3702 (relating to robbery of motor
26 vehicle).

27 (F) Aggravated indecent assault as defined in 18
28 Pa.C.S. § 3125 (relating to aggravated indecent
29 assault).

30 (G) Kidnapping as defined in 18 Pa.C.S. § 2901

(relating to kidnapping).

(H) Voluntary manslaughter.

(I) An attempt, conspiracy or solicitation to commit murder or any of these crimes as provided in 18 Pa.C.S. §§ 901 (relating to criminal attempt), 902 (relating to criminal solicitation) and 903 (relating to criminal conspiracy).

(iii) Any of the following prohibited conduct where the child was 15 years of age or older at the time of the alleged conduct and has been previously adjudicated delinquent of any of the following prohibited conduct which, if committed by an adult, would be classified as:

(A) Rape as defined in 18 Pa.C.S. § 3121.

(B) Involuntary deviate sexual intercourse as defined in 18 Pa.C.S. § 3123.

(C) Robbery as defined in 18 Pa.C.S. § 3701(a) (1)(i), (ii) or (iii).

(D) Robbery of motor vehicle as defined in 18 Pa.C.S. § 3702.

(E) Aggravated indecent assault as defined in 18 Pa.C.S. § 3125.

(F) Kidnapping as defined in 18 Pa.C.S. § 2901.

(G) Voluntary manslaughter.

(H) An attempt, conspiracy or solicitation to commit murder or any of these crimes as provided in 18 Pa.C.S. §§ 901, 902 and 903.

[(iv) Summary offenses.

<--

(v) A crime committed by a child who has been found guilty in a criminal proceeding for other than a summary offense.]

~~"Delinquent child." Any of the following:~~

~~(1) A child [ten] 13 years of age or older whom the court has found to have committed a delinquent act and for whom it is established is in need of treatment, supervision or rehabilitation.~~

~~(2) A child 12 years of age or older whom the court has found to have committed one of the following and for whom it is established is in need of treatment, supervision or rehabilitation:~~

~~(i) The crime of murder.~~

~~(ii) A sexual offense that would be designated as a felony of the first degree if committed by an adult.~~

~~(3) The term does not include a child who is found to have committed a summary offense or failed to comply with a lawful sentence imposed for a summary offense.~~

* * *

"Material loss." Any of the following:

(1) A financial loss found by the court to have been caused by a delinquent act of a child and is:

(i) an uninsured property loss;

(ii) a deductible paid on an insurance claim for property;

(iii) an actual loss of wages because of bodily injury;

(iv) an uninsured medical expense from bodily injury; or

(v) a cost incurred due to emotional distress or trauma, including counseling and therapy services.

(2) A material loss that entitled a person to receive compensation from the Crime Victim Services and Compensation

1 Fund.

2 * * *

3 Section 2. Section 6352(a) ~~and (c)~~ of Title 42, amended <--
4 October 16, 2024 (P.L.1003, No.107), ~~are~~ IS amended and the <--
5 section is amended by adding subsections to read:

6 § 6352. Disposition of delinquent child.

7 (a) General rule.--If the child is found to be a delinquent
8 child the court may make any of the following orders of
9 disposition determined to be consistent with the protection of
10 the public interest and best suited to the child's treatment,
11 supervision, rehabilitation and welfare, which disposition
12 shall, as appropriate to the individual circumstances of the
13 child's case, provide balanced attention to the protection of
14 the community, the imposition of accountability for offenses
15 committed and the development of competencies to enable the
16 child to become a responsible and productive member of the
17 community:

18 (1) Any order authorized by section 6351 (relating to
19 disposition of dependent child).

20 (2) Placing the child on probation under supervision of
21 the probation officer of the court or the court of another
22 state as provided in section 6363 (relating to ordering
23 foreign supervision), under conditions and limitations the
24 court prescribes~~].~~ ~~in accordance with the following:~~ <--

25 ~~(i) For a misdemeanor, a term of probation may not~~
26 ~~exceed 12 months per petition or course of conduct. A~~
27 ~~term of probation may be extended up to an additional~~
28 ~~three months in order to complete an evidence based~~
29 ~~program or court approved program.~~

30 ~~(ii) For a felony, a term of probation may not~~

~~exceed 18 months per petition or course of conduct. A term of probation may be extended up to an additional three months to complete an evidence based program or court approved program.~~

~~(iii) Upon completion of the original probation term or extension, the court shall close probation. The court may refer the child to dependency if warranted.~~

(3) ~~{Committing}~~ ~~In accordance with subsection (a.1),~~ <--
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] Human Services.

(4) ~~{If}~~ ~~In accordance with subsection (a.1), if~~ <--
child is ~~{12}~~ ~~13~~ years of age or older, committing the child <--
to an institution operated by the Department of [Public Welfare] Human Services.

(5) Ordering payment by the child of reasonable amounts of [money as fines, costs, fees 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] and subject to the requirements under subsection (c.1), including a contribution to a restitution fund not to exceed \$10 and a contribution to the Crime Victims Services and Compensation Fund not to exceed \$25. The president judge of the court of common pleas shall establish a restitution fund for the deposit of all contributions to the restitution fund which are received or collected. The president judge of the court of common pleas shall promulgate written guidelines for the administration of the fund.

1 Disbursements from the fund shall be made, subject to the
2 written guidelines and the limitations of this chapter, at
3 the discretion of the president judge and used to reimburse
4 crime victims for financial losses resulting from delinquent
5 acts. For an order made under this subsection, the court
6 [shall] may retain jurisdiction until there has been full
7 compliance with the order or until the delinquent child
8 attains 21 years of age. Any restitution order which remains
9 unpaid at the time the child attains 21 years of age [shall]
10 may continue to be collectible under section 9728 (relating
11 to collection of restitution, reparation, fees, costs, fines
12 and penalties). No restitution may be forgiven without
13 providing a victim with timely notice of a hearing on the
14 forgiveness of restitution and without the court issuing
15 findings on the record.

16 (6) An order of the terms of probation may include [an <--
17 appropriate fine considering the nature of the act committed
18 or] restitution not in excess of actual damages caused by the <--
19 child and subject to the requirements under subsection (c.1),
20 which shall be paid from the earnings of the child received
21 through participation in a constructive program of service or
22 education acceptable to the victim and the court whereby,
23 during the course of such service, the child shall be paid
24 not less than the minimum wage of this Commonwealth. In
25 ordering such service, the court shall take into
26 consideration the age, physical and mental capacity of the
27 child and the service shall be designed to impress upon the
28 child a sense of responsibility for the injuries caused to
29 the person or property of another. The order of the court
30 shall be limited in duration consistent with the limitations

1 in section 6353 (relating to limitation on and change in
2 place of commitment and disposition review hearing) and in
3 the former act of May 13, 1915 (P.L.286, No.177), known as
4 the Child Labor Law. The court order shall specify the nature
5 of the work, the number of hours to be spent performing the
6 assigned tasks, and shall further specify that as part of a
7 plan of treatment and rehabilitation that up to 75% of the
8 earnings of the child be used for restitution in order to
9 provide positive reinforcement for the work performed.

10 (7) EXCEPT AS DESCRIBED UNDER PARAGRAPHS (5) AND (6) AND <--
11 IN ACCORDANCE WITH SUBSECTION (C.1), THE COURT MAY NOT ORDER
12 ANY OTHER PAYMENT OF MONEY BY THE CHILD OR THE CHILD'S
13 PARENTS OR GUARDIANS, INCLUDING FINES, COSTS, FEES OR
14 RESTITUTION.

15 In selecting from the alternatives set forth in this section,
16 the court shall follow the general principle that the
17 disposition imposed should provide the means through which the
18 provisions of this chapter are executed and enforced consistent
19 with section 6301(b) (relating to [purposes] short title and
20 purposes of chapter) and when confinement is necessary, the
21 court shall impose the minimum amount of confinement that is
22 consistent with the protection of the public and the
23 rehabilitation needs of the child.

24 ~~(a.1) Removal from home.~~ <--

25 ~~(1) A child may not be removed from the child's home as~~
26 ~~disposition for an adjudication of delinquency under~~
27 ~~subsection (a), unless the court determines that at least one~~
28 ~~of the following applies:~~

29 ~~(i) The child poses a significant risk to the safety~~
30 ~~of a victim. In determining whether the child poses a~~

~~significant risk to the safety of a victim, the court shall consider all of the following:~~

~~(A) The community and family supports for the child.~~

~~(B) All possible community based services and supports that would lessen the risk of physical harm.~~

~~(C) Mitigating evidence on behalf of the child.~~

~~(D) Whether the child used a deadly weapon in the commission of the offense.~~

~~(E) Whether the child intentionally inflicted serious bodily injury upon another person in the commission of the offense.~~

~~(F) The nature of the offense.~~

~~(ii) By assessment, the child is medically in need of residential drug and alcohol treatment or mental health services.~~

~~(iii) By assessment, residential treatment is the most appropriate and least restrictive setting for a child adjudicated delinquent of a sexual offense.~~

~~(2) In cases where the court has determined, after consideration, that removal and placement of the child is found to be appropriate and has assigned the least restrictive dispositional option available, the court shall provide the court's reasons for removal and placement of the child on the record and in writing.~~

~~(a.2) Placement out of home prohibited. The court may not remove a child from the child's home for any of the following reasons:~~

~~(1) A technical violation of the terms and conditions of an order of probation, which shall not include any of the~~

1 ~~following:~~

2 ~~(i) The commission of a new offense in which the~~
3 ~~child is adjudicated delinquent or convicted in a court~~
4 ~~of record.~~

5 ~~(ii) The violation of a no contact order that places~~
6 ~~the safety of the community or a victim at risk.~~

7 ~~(iii) Repeated violations of probation for an~~
8 ~~offense involving the threat to or use or possession of a~~
9 ~~deadly weapon or the intentional infliction of serious~~
10 ~~bodily injury to a victim,~~

11 ~~(2) Lack of outpatient treatment options in the~~
12 ~~community absent a recommendation to do so through an~~
13 ~~independent assessment that determines drug, alcohol or~~
14 ~~mental health services are medically necessary.~~

15 ~~(3) Concerns related to the welfare, safety, neglect or~~
16 ~~health of the child. Concerns under this paragraph shall be~~
17 ~~referred to the appropriate child welfare agency.~~

18 ~~(a.3) Placement out of State. A child removed from the~~
19 ~~child's home under subsection (a.2) may not be placed out of~~
20 ~~State unless medically needed services recommended by assessment~~
21 ~~are not available in this Commonwealth.~~

22 ~~(a.4) Placement not to be extended.~~

23 ~~(1) If the court imposes a disposition of out of home~~
24 ~~placement in response to an adjudication of delinquency, the~~
25 ~~period of commitment shall not exceed six months. The court~~
26 ~~may extend the period of placement for an additional three~~
27 ~~months if the court finds any of the following:~~

28 ~~(i) An extension is necessary to complete an~~
29 ~~evidence based program or a program rated by a~~
30 ~~standardized tool as effective for reducing recidivism,~~

~~consistent with the child's assessed criminogenic needs,
that is already underway and that cannot be completed in
the community.~~

~~(ii) A child adjudicated for murder or a sexual
offense designated as a felony of the first degree if
committed by an adult poses a threat to the safety of the
community or a victim in consideration of subsection
(a.1)(1).~~

~~(2) In cases where the court has determined that it is
necessary and appropriate to extend placement beyond six
months, the court shall contemporaneously state the reasons
for the continued placement of the child on the record and in
writing.~~

~~(3) The court shall not extend a period of commitment in
out of home placement, nor remove a child from placement, due
to behavior that is a manifestation of the child's
disability, unless agreed to by the child or upon a court
finding that the placement is not able to provide necessary
accommodations and support for the child's disability. Under
no circumstances shall a manifestation of disability serve as
grounds for a probation violation, technical violation or a
finding of failure to adjust. The following shall apply:~~

~~(i) In cases where a child with a disability's
behavior in an out of home placement forms a part of an
allegation of a probation violation, technical violation
or a failure to adjust, the court shall conduct a
manifestation determination review with the child and the
child's parents or guardians to determine whether the
behavior in question reflected a manifestation of the
child's disability. At a minimum, the court shall review~~

~~all of the following:~~

~~(A) The current or most recent individualized education plan, 504 plan, functional behavioral assessment or positive behavioral support plan.~~

~~(B) Teacher observations, therapist recommendations and most recent assessments.~~

~~(C) Related information as to whether the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability.~~

~~(D) Related information as to whether the conduct in question was the direct result of the failure to implement a current individualized education plan, 504 plan or any recommended therapeutic support or reasonable extension of therapeutic support.~~

~~(ii) If the court determines that the conduct was a manifestation of the child's disability, the court shall:~~

~~(A) return the child to the placement with proper supports, transfer the child without support to a more appropriate placement if the child agrees or return the child to the child's home; and~~

~~(B) order a functional behavioral assessment, unless a functional behavioral assessment had occurred before the behavior in question and a behavioral intervention plan for the child was implemented; or~~

~~(C) review the behavioral intervention plan and modify it, as necessary, to address the behavior.~~

~~(4) Nothing in this subsection is intended to alter or~~

~~limit related rights under Federal or State law or to limit consideration of matters in any aspect of the dependency or delinquency systems.~~

~~* * *~~

~~(c) Required statement of reasons. Prior to entering an order of disposition under subsection (a), the court shall state its disposition and the reasons for its disposition on the record in open court, together with the goals, terms and conditions of that disposition. If the child is to be committed to out of home placement, the court shall also state the name of the specific facility or type of facility to which the child will be committed and its findings and conclusions of law that formed the basis of its decision consistent with subsection (a) and section 6301, including the reasons why commitment to that facility or type of facility was determined to be the least restrictive placement that is consistent with the protection of the public and best suited to the child's treatment, supervision, rehabilitation and welfare. The following shall apply:~~

~~(1) Prior to entering an order committing a child with an individualized education plan or 504 plan to an out of home placement, the court shall make an independent determination on the record if the child will be provided a free appropriate public education while in the placement, including receiving services specified in the child's current individualized education plan or 504 plan.~~

~~(2) If a child's individualized education plan or 504 plan cannot be implemented, followed or measured to provide a free and appropriate public education as required under 20 U.S.C. Ch. 33 (relating to education of individuals with~~

~~disabilities) at an out of home placement, the out of home placement shall be deemed an inappropriate placement for the child, and the child shall not be mandated to that placement.~~

* * *

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(c.1) Restitution.--

(1) Restitution shall be ordered after a finding that the requested restitution constitutes a material loss and is owed to the actual victim and a hearing is held on the child's ability to pay. In determining whether the child will be able to pay restitution, the following shall apply:

(i) The court shall consider the age of the child and whether the child is able to legally obtain employment.

(ii) The court may not consider the income or assets of the parents of the child.

(iii) The court shall consider the ability of the court and probation department to assist the child in paying the restitution, including the existence of restitution funds, community service or work programs.

(iv) The court shall consider whether the victim is willing to accept another form of restorative justice in lieu of payment of money.

(v) The court shall consider whether the child will be able to pay restitution in the time that the child is reasonably expected to be under supervision.

(2) If restitution cannot be paid in full by the child, the court shall implement an installment plan consistent with the probation goals deemed necessary for the child. No child who has the ability to pay shall be ordered to pay a monthly installment amount greater than five hours of minimum wage of

1 this Commonwealth.

2 (3) At each post-disposition review proceeding, the
3 court shall make findings of the progress a child has made
4 toward satisfying the order for restitution and shall inquire
5 as to the assistance given to the child by the probation
6 department and placement providers. A child shall have at
7 least one review hearing every four months. The court may
8 schedule a review hearing at any time or upon motion of a
9 parent or legal guardian.

10 (4) The court may modify the order for restitution at a
11 post-disposition review proceeding, provided the victim has
12 an opportunity to object by receiving notice of the hearing.

13 (5) If a child has satisfied all conditions of
14 supervision other than payment of restitution in full, the
15 court shall enter an order for termination of supervision,
16 provided the victim has an opportunity to object by receiving
17 notice of the hearing. The court shall make findings on the
18 record with regard to the reason for the termination of
19 supervision and forgiveness of outstanding restitution. The
20 court shall not index a civil judgment against the child.
21 Nothing in this paragraph shall be construed to preclude a
22 victim from pursuing civil judgments against a responsible
23 party.

24 ~~(c.2) Educational stability.~~

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25 ~~(1) An order resulting in the removal of a child from~~
26 ~~the child's home or a change in placement shall address the~~
27 ~~educational stability of the child.~~

28 ~~(2) A child removed from home shall remain in the~~
29 ~~child's school of origin unless the court finds that~~
30 ~~remaining in the school of origin is not in the child's best~~

~~interest or protection of the community. If the court finds that it is not in the best interest for the child or protection of the community to remain in the school of origin, then the court may order the child to be enrolled in another school that best meets the child's needs.~~

~~(3) If the court orders a child with a disability to be enrolled in another school, the best interest determination shall include a finding on the record that the school is willing and able to provide a free and appropriate public education under 20 U.S.C. Ch. 33 to the child, including following, monitoring and measuring individualized education plan goals.~~

~~(4) If a court orders a child to be enrolled in another school under paragraph (2), the child shall attend a public school unless the court finds that a public school is not in the best interest of the child or protection of the community.~~

~~(c.3) Employment in placement.~~

(C.2) EMPLOYMENT IN PLACEMENT.--A child employed by the placement shall not be paid less than the minimum wage under section 4 of the act of January 17, 1968 (P.L.11, No.5), known as The Minimum Wage Act of 1968.

* * *

Section 3. This act shall take effect in 60 days.

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