

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1385 Session of
2025

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WARREN, WAXMAN, RIVERA, HANBIDGE, BURGOS AND McANDREW,
JUNE 9, 2025

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 10, 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" in section 6302 of Title 42 of the
9 Pennsylvania Consolidated Statutes are amended and the section
10 is amended by adding a definition to read:

11 § 6302. Definitions.

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

15 * * *

16 "Child." An individual who:

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

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

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

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

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

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

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

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

21 * * *

22 "Delinquent act."

23 (1) [The term means an] An act designated a crime,
24 excluding a summary offense, under the law of this
25 Commonwealth, or of another state if the act occurred in that
26 state, or under Federal law, or an act which constitutes
27 indirect criminal contempt under Chapter 62A (relating to
28 protection of victims of sexual violence or intimidation)
29 with respect to sexual violence or 23 Pa.C.S. Ch. 61
30 (relating to protection from abuse). The term does not

1 include a summary offense or the failure of a child to comply
2 with a lawful sentence imposed for a summary offense. [or the
3 failure of a child to comply with a lawful sentence imposed
4 for a summary offense, in which event notice of the fact
5 shall be certified to the court.

6 (2) The term shall not include:

7 (i) The crime of murder.

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

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

15 (relating to rape).

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

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

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

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

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

29 (G) Kidnapping as defined in 18 Pa.C.S. § 2901
30 (relating to kidnapping).

1 (H) Voluntary manslaughter.

2 (I) An attempt, conspiracy or solicitation to
3 commit murder or any of these crimes as provided in
4 18 Pa.C.S. §§ 901 (relating to criminal attempt), 902
5 (relating to criminal solicitation) and 903 (relating
6 to criminal conspiracy).

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

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

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

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

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

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

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

22 (G) Voluntary manslaughter.

23 (H) An attempt, conspiracy or solicitation to
24 commit murder or any of these crimes as provided in
25 18 Pa.C.S. §§ 901, 902 and 903.

26 (iv) Summary offenses.

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

30 "Delinquent child." Any of the following:

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

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

9 (i) The crime of murder.

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

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

15 * * *

16 "Material loss." Any of the following:

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

19 (i) an uninsured property loss;

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

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

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

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

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

* * *

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

§ 6352. Disposition of delinquent child.

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

(1) Any order authorized by section 6351 (relating to disposition of 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 6363 (relating to ordering foreign supervision), under conditions and limitations the court prescribes[.] in accordance with the following:

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

(ii) For a felony, a term of probation may not exceed 18 months per petition or course of conduct. A

1 term of probation may be extended up to an additional
2 three months to complete an evidence-based program or
3 court-approved program.

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

7 (3) [Committing] In accordance with subsection (a.1),
8 committing the child to an institution, youth development
9 center, camp, or other facility for delinquent children
10 operated under the direction or supervision of the court or
11 other public authority and approved by the Department of
12 [Public Welfare] Human Services.

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

17 (5) Ordering payment by the child of reasonable amounts
18 of [money as fines, costs, fees or] restitution as deemed
19 appropriate as part of the plan of rehabilitation
20 [considering the nature of the acts committed and the earning
21 capacity of the child] and subject to the requirements under
22 subsection (c.1), including a contribution to a restitution
23 fund not to exceed \$10 and a contribution to the Crime
24 Victims Services and Compensation Fund not to exceed \$25. The
25 president judge of the court of common pleas shall establish
26 a restitution fund for the deposit of all contributions to
27 the restitution fund which are received or collected. The
28 president judge of the court of common pleas shall promulgate
29 written guidelines for the administration of the fund.
30 Disbursements from the fund shall be made, subject to the

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

15 (6) An order of the terms of probation may include an
16 appropriate fine considering the nature of the act committed
17 or restitution not in excess of actual damages caused by the
18 child and subject to the requirements under subsection (c.1),
19 which shall be paid from the earnings of the child received
20 through participation in a constructive program of service or
21 education acceptable to the victim and the court whereby,
22 during the course of such service, the child shall be paid
23 not less than the minimum wage of this Commonwealth. In
24 ordering such service, the court shall take into
25 consideration the age, physical and mental capacity of the
26 child and the service shall be designed to impress upon the
27 child a sense of responsibility for the injuries caused to
28 the person or property of another. The order of the court
29 shall be limited in duration consistent with the limitations
30 in section 6353 (relating to limitation on and change in

place of commitment and disposition review hearing) and in the former 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 earnings of the child be used for restitution in order to provide positive reinforcement for the work performed.

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 chapter are executed and enforced consistent with section 6301(b) (relating to [purposes] short title and purposes of chapter) 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.

(a.1) Removal from home.--

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

(i) The child poses a significant risk to the safety 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.

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

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

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

7 (F) The nature of the offense.

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

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

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

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

23 (1) A technical violation of the terms and conditions of
24 an order of probation, which shall not include any of the
25 following:

26 (i) The commission of a new offense in which the
27 child is adjudicated delinquent or convicted in a court
28 of record.

29 (ii) The violation of a no-contact order that places
30 the safety of the community or a victim at risk.

1 (iii) Repeated violations of probation for an
2 offense involving the threat to or use or possession of a
3 deadly weapon or the intentional infliction of serious
4 bodily injury to a victim,

5 (2) Lack of outpatient treatment options in the
6 community absent a recommendation to do so through an
7 independent assessment that determines drug, alcohol or
8 mental health services are medically necessary.

9 (3) Concerns related to the welfare, safety, neglect or
10 health of the child. Concerns under this paragraph shall be
11 referred to the appropriate child welfare agency.

12 (a.3) Placement out of State.--A child removed from the
13 child's home under subsection (a.2) may not be placed out of
14 State unless medically needed services recommended by assessment
15 are not available in this Commonwealth.

16 (a.4) Placement not to be extended.--

17 (1) If the court imposes a disposition of out-of-home
18 placement in response to an adjudication of delinquency, the
19 period of commitment shall not exceed six months. The court
20 may extend the period of placement for an additional three
21 months if the court finds any of the following:

22 (i) An extension is necessary to complete an
23 evidence-based program or a program rated by a
24 standardized tool as effective for reducing recidivism,
25 consistent with the child's assessed criminogenic needs,
26 that is already underway and that cannot be completed in
27 the community.

28 (ii) A child adjudicated for murder or a sexual
29 offense designated as a felony of the first degree if
30 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.

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

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

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

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

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

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

24 (4) Nothing in this subsection is intended to alter or
25 limit related rights under Federal or State law or to limit
26 consideration of matters in any aspect of the dependency or
27 delinquency systems.

28 * * *

29 (c) Required statement of reasons.--Prior to entering an
30 order of disposition under subsection (a), the court shall state

1 its disposition and the reasons for its disposition on the
2 record in open court, together with the goals, terms and
3 conditions of that disposition. If the child is to be committed
4 to out-of-home placement, the court shall also state the name of
5 the specific facility or type of facility to which the child
6 will be committed and its findings and conclusions of law that
7 formed the basis of its decision consistent with subsection (a)
8 and section 6301, including the reasons why commitment to that
9 facility or type of facility was determined to be the least
10 restrictive placement that is consistent with the protection of
11 the public and best suited to the child's treatment,
12 supervision, rehabilitation and welfare. The following shall
13 apply:

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

21 (2) If a child's individualized education plan or 504
22 plan cannot be implemented, followed or measured to provide a
23 free and appropriate public education as required under 20
24 U.S.C. Ch. 33 (relating to education of individuals with
25 disabilities) at an out-of-home placement, the out-of-home
26 placement shall be deemed an inappropriate placement for the
27 child, and the child shall not be mandated to that placement.

28 (c.1) Restitution.--

29 (1) Restitution shall be ordered after a finding that
30 the requested restitution constitutes a material loss and is

1 owed to the actual victim and a hearing is held on the
2 child's ability to pay. In determining whether the child will
3 be able to pay restitution, the following shall apply:

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

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

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

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

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

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

25 (3) At each post-disposition review proceeding, the
26 court shall make findings of the progress a child has made
27 toward satisfying the order for restitution and shall inquire
28 as to the assistance given to the child by the probation
29 department and placement providers. A child shall have at
30 least one review hearing every four months. The court may

1 schedule a review hearing at any time or upon motion of a
2 parent or legal guardian.

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

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

17 (c.2) Educational stability.--

18 (1) An order resulting in the removal of a child from
19 the child's home or a change in placement shall address the
20 educational stability of the child.

21 (2) A child removed from home shall remain in the
22 child's school of origin unless the court finds that
23 remaining in the school of origin is not in the child's best
24 interest or protection of the community. If the court finds
25 that it is not in the best interest for the child or
26 protection of the community to remain in the school of
27 origin, then the court may order the child to be enrolled in
28 another school that best meets the child's needs.

29 (3) If the court orders a child with a disability to be
30 enrolled in another school, the best interest determination

1 shall include a finding on the record that the school is
2 willing and able to provide a free and appropriate public
3 education under 20 U.S.C. Ch. 33 to the child, including
4 following, monitoring and measuring individualized education
5 plan goals.

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

11 (c.3) Employment in placement.--A child employed by the
12 placement shall not be paid less than the minimum wage under
13 section 4 of the act of January 17, 1968 (P.L.11, No.5), known
14 as The Minimum Wage Act of 1968.

15 * * *

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