

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 144 Session of 2025

INTRODUCED BY KRAJEWSKI, SANCHEZ, WAXMAN, K.HARRIS, CEPHAS,
MADDEN, FIEDLER, KAZEEM, OTTEN, KINKEAD, MAYES, CEPEDA-
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HOHENSTEIN, DOUGHERTY AND BOYD, OCTOBER 10, 2025

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, OCTOBER 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 informal adjustment; and making an
4 editorial change.

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

7 Section 1. The definition of "dependent child" in section
8 6302 of Title 42 of the Pennsylvania Consolidated Statutes is
9 amended to read:

10 § 6302. Definitions.

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

14 * * *

15 "Dependent child." A child who:

16 (1) is without proper parental care or control,
17 subsistence, education as required by law, or other care or
18 control necessary for his physical, mental, or emotional

1 health, or morals. A determination that there is a lack of
2 proper parental care or control may be based upon evidence of
3 conduct by the parent, guardian or other custodian that
4 places the health, safety or welfare of the child at risk,
5 including evidence of the parent's, guardian's or other
6 custodian's use of alcohol or a controlled substance that
7 places the health, safety or welfare of the child at risk;

8 (2) has been placed for care or adoption in violation of
9 law;

10 (3) has been abandoned by his parents, guardian, or
11 other custodian;

12 (4) is without a parent, guardian, or legal custodian;

13 (5) while subject to compulsory school attendance is
14 habitually and without justification truant from school;

15 (6) has committed a specific act or acts of habitual
16 disobedience of the reasonable and lawful commands of his
17 parent, guardian or other custodian and who is ungovernable
18 and found to be in need of care, treatment or supervision;

19 (7) has committed a delinquent act or crime, other than
20 a summary offense, while under the age of ten years;

21 (8) has been formerly adjudicated dependent, and is
22 under the jurisdiction of the court, subject to its
23 conditions or placements and who commits an act which is
24 defined as ungovernable in paragraph (6);

25 (9) has been referred pursuant to section 6323 (relating
26 to informal adjustment and diversion), and who commits an act
27 which is defined as ungovernable in paragraph (6); or

28 (10) is born to a parent whose parental rights with
29 regard to another child have been involuntarily terminated
30 under 23 Pa.C.S. § 2511 (relating to grounds for involuntary

1 termination) within three years immediately preceding the
2 date of birth of the child and conduct of the parent poses a
3 risk to the health, safety or welfare of the child.

4 * * *

5 Section 2. Section 6323 of Title 42, amended October 16,
6 2024 (P.L.1006, No.108), is amended to read:

7 § 6323. Informal adjustment and diversion.

8 (a) General rule.--

9 (1) Before a petition is filed, the probation officer or
10 other officer of the court designated by it, subject to its
11 direction, shall, in the case of a dependent child where the
12 jurisdiction of the court is premised upon the provisions of
13 paragraph (1), (2), (3), (4), (5) or (7) of the definition of
14 "dependent child" in section 6302 (relating to definitions)
15 and if otherwise appropriate, refer the child and [his] the
16 child's parents to any public or private social agency
17 available for assisting in the matter. Upon referral, the
18 agency shall indicate its willingness to accept the child and
19 shall report back to the referring officer within three
20 months concerning the status of the referral.

21 (2) Similarly, the probation officer may in the case of
22 a delinquent child, or a dependent child where the
23 jurisdiction of the court is permitted under paragraph (6) of
24 the definition of "dependent child" in section 6302, refer
25 the child and [his] the child's parents to an agency for
26 assisting in the matter.

27 (3) The agency may return the referral to the probation
28 officer, local government agency or other officer for further
29 informal adjustment or other diversion program if it is in
30 the best interests of the child.

1 (b) Counsel and advice.--Such social agencies and the
2 probation officer or other officer of the court [may]:

3 (1) May give counsel and advice to the parties with a
4 view to an informal adjustment or other diversion program if
5 it appears:

6 [(1)] (i) counsel and advice without an adjudication
7 would be in the best interest of the public and the
8 child;

9 [(2)] (ii) the child and [his] the child's parents,
10 guardian, or other custodian consent thereto with
11 knowledge that consent is not obligatory; and

12 [(3)] (iii) in the case of the probation officer or
13 other officer of the court, the admitted facts bring the
14 case within the jurisdiction of the court.

15 (2) Shall offer the child an opportunity to complete an
16 informal adjustment or other diversion program if:

17 (i) the child has fewer than three prior informal
18 adjustments or prepetition diversions in the past three
19 years;

20 (ii) the child is referred for any offense except
21 those enumerated in section 9714(g) (relating to
22 sentences for second and subsequent offenses) or 18
23 Pa.C.S. § 2502 (relating to murder);

24 (iii) the child and the child's parents, guardian or
25 other custodian provide informed consent, with knowledge
26 that consent is not obligatory; and

27 (iv) in the opinion of the probation officer or
28 other officer of the court, the admitted facts bring the
29 case within the jurisdiction of the court.

30 (b.1) Construction.--Nothing in subsection (b) shall be

1 construed to prevent a probation officer from offering an
2 informal adjustment or other diversion program when it is in the
3 best interest of the child, the victim and the public,
4 consistent with subsection (h).

5 (c) Limitation on duration of counsel and advice.--The
6 giving of counsel and advice by the probation or other officer
7 of the court shall not extend beyond [~~six~~] four months from the
8 day commenced unless extended by an order of court for an
9 additional period not to exceed [~~three~~] two months.

10 (d) No detention authorized or admission of guilt.--Nothing
11 contained in this section shall authorize the detention of the
12 child[.] or require an admission of guilt as a prerequisite to
13 any informal adjustment or diversion program.

14 (d.1) No monetary obligations other than restitution
15 authorized.--Notwithstanding any other provision of law, an
16 informal adjustment or other diversion program under this
17 section shall not incorporate fines, fees, costs or other
18 monetary obligation, nor shall a child with an informal
19 adjustment be ordered to participate in a program or service
20 that requires the child or the child's family to pay a fee, cost
21 or other monetary obligation, except costs imposed under section
22 1101 of the act of November 24, 1998 (P.L.882, No.111), known as
23 the Crime Victims Act.

24 (e) Privileged statements.--An incriminating statement made
25 by a participant to the person giving counsel or advice and in
26 the discussions or conferences incident thereto shall not be
27 used against the declarant over objection in any criminal
28 proceeding or hearing under this chapter.

29 (f) Terms and conditions.--The terms and conditions of an
30 informal adjustment may include payment by the child of

1 reasonable amounts of [money as costs, fees or] restitution,
2 including a [supervision fee and] contribution to a restitution
3 fund established by the president judge of the court of common
4 pleas pursuant to section 6352(a)(5) (relating to disposition of
5 delinquent child).

6 (g) Expungement of records.--Upon motion, or sua sponte,
7 including upon receiving notice under section 6304(a.2)
8 (relating to powers and duties of probation officers), the court
9 shall commence expungement proceedings under 18 Pa.C.S. § 9123
10 (relating to juvenile records) and the Pennsylvania Rules of
11 Juvenile Court Procedure if the court finds:

12 (1) six months have elapsed since the child's successful
13 discharge from informal adjustment supervision; and

14 (2) no proceeding seeking adjudication or conviction is
15 pending.

16 (h) Notification and input to involved parties.--Prior to
17 final acceptance of a juvenile into a diversion program, the
18 district attorney or juvenile probation office shall notify the
19 complaining witness of the alleged offense, eligibility criteria
20 for diversion, conditions or program proposed, and the
21 complaining witness's opportunity to provide a written or oral
22 statement:

23 (1) Providing the witness's perspective on the offense
24 and proposed diversion.

25 (2) Requesting consideration of restitution, community
26 service or other appropriate conditions of diversion.

27 (3) If applicable, and to the extent available and
28 appropriate, indicating a preference regarding participation
29 in restorative justice or victim-offender dialogue.

30 (4) Requesting protective measures and reasonable

1 accommodations.

2 (5) Providing input on any other victim-relevant
3 considerations.

4 (i) Construction and confidentiality.--Nothing in this
5 section shall be construed to preclude rights of victims of
6 crime established by the Crime Victims Act, or responsibilities
7 established by section 1318.1 of the act of March 10, 1949
8 (P.L.30, No.14), known as the Public School Code of 1949. All
9 communications and notifications pursuant to this section shall
10 be maintained as confidential.

11 (j) Definition.--As used in this section, the term
12 "diversion program" means an alternative to initial or continued
13 formal processing of youths in the juvenile delinquency system.

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