



ADMINISTRATIVE OFFICE of PENNSYLVANIA COURTS

NEWS RELEASE

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Supreme Court Begins Expungement Process for Juvenile Adjudications in Luzerne County

HARRISBURG, May 5, 2009 - The Supreme Court of Pennsylvania today issued instructions for qualified individuals to obtain copies of Luzerne County Juvenile Court records prior to the court-approved expungement of those records.

The court's action applies to juveniles who are eligible, under a March 26, 2009 Supreme Court order, to have the adjudication of their cases vacated and their records expunged. These cases, involving minor offenses, were heard in Luzerne County Juvenile Court by former Judge Mark A. Ciavarella between 2003 and 2008.

The expungement of a record effectively wipes the slate clean by removing all public references to a court proceeding in dockets or files. An estimated 800 juveniles will be affected by this unusual process which has been prompted by the Supreme Court's expressed intent to correct a "travesty of juvenile justice" in Luzerne County.

Ciavarella and former Senior Judge Michael T. Conahan have pleaded guilty to federal fraud and tax charges in connection with kickbacks they received relating to the construction of two private juvenile detention centers.

The Supreme Court on February 11, 2009, appointed Senior Judge Arthur E. Grim, the former president judge of Berks County and chairman of the state Juvenile Court Judges' Commission, as Special Master to conduct a comprehensive review to determine if Luzerne County juveniles were improperly committed to detention centers or denied their constitutional right to counsel in cases before Ciavarella.

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The court on March 26 adopted and approved Judge Grim's First Interim Report and Recommendation which advocated that cases of juveniles who had appeared before Ciavarella on minor charges, without legal representation, be vacated and the records be expunged. The court authorized Grim to vacate the adjudications and expunge the records "as expeditiously as possible."

In its action today, the Supreme Court issued a notice stating that eligible juveniles, their parents, guardians or legal representatives may request copies of juvenile records by writing to the Special Master no later than June 1, 2009. The request must state the juvenile's full name and birth date and explain what records are being requested and the reason for the request. Requests are to be mailed to:

Honorable Arthur E. Grim
Berks County Courthouse
Senior Judges' Chambers
633 Court Street
Reading, Pa. 19601-3540

The court's notice said that after June 1, 2009, Grim will proceed to vacate adjudications and expunge records.

Once that phase of his work is completed, Judge Grim will proceed to review juvenile cases involving more serious offenses in Luzerne County and make recommendations to the Supreme Court involving those cases.

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EDITORS NOTE: A copy of the notice by the Supreme Court is attached
<http://www.pacourts.us/OpPosting/Supreme/out/81mm2008notice.pdf>.

Other news releases and copies of Supreme Court orders relating to Luzerne County Juvenile Court issues may be seen on the "For the Media" page of the Web site of Pennsylvania's Unified Judicial System at www.pacourts.us.

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**IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT**

**IN RE: NOTICE OF PENDING EXPUNGEMENT OF JUVENILE RECORDS
AND VACATUR OF LUZERNE COUNTY JUVENILE COURT CONSENT
DECREES OR ADJUDICATIONS FROM 2003-2008**

RELATED TO:

IN RE: J.V.R.; H.T., A MINOR THROUGH: No. 81 MM 2008
HER MOTHER, L.T.; ON BEHALF OF :
THEMSELVES AND SIMILARLY :
SITUATED YOUTH :

NOTICE

On March 26, 2009, this Court entered a *per curiam* order in No. 81 MM 2008, adopting and approving the First Interim Report and Recommendation of the Special Master and recognizing, *inter alia*, that certain juveniles who appeared in Luzerne County Juvenile Court between 2003 and 2008 are eligible to have their consent decrees or adjudications of delinquency vacated and their juvenile court records expunged. The Court specifically authorized the Special Master to grant such relief as expeditiously as possible. This Court also recognized that: “The Special Master has noted that some of the affected juveniles or their counsel may wish to delay expungement until they can collect records and information for use in pending civil lawsuits.”

In order to effectuate the authorized expungements as soon as possible, while also providing an opportunity to those juveniles, their parents, guardians, or legal representatives who may wish to secure copies of the records prior to expungement, the following procedures are adopted:

1. Any juvenile who is eligible to have his or her record expunged will, before the records are destroyed, have the opportunity to obtain copies of his or her records from the Luzerne County Juvenile Court Clerk's Office and from the Luzerne County Juvenile Probation Office. Any juvenile who satisfies the following criteria is eligible for expungement and is eligible to make such a timely request of the Special Master:

Any juvenile:

(a) who during calendar years 2003, 2004, 2005, 2006, 2007, or 2008, appeared in the Juvenile Court of the Luzerne County Court of Common Pleas for an adjudication hearing, a disposition hearing, or any other proceeding before Judge Mark A. Ciaverella, Jr.; and,

(b) who was not represented by counsel at said hearing or proceeding; and,

(c) who did not waive his/her right to counsel, or did not waive it in conformity with Pa.R.J.C.P. 152, or, for proceedings prior to October 1, 2005, did not waive it in a manner such that there is evidence in the record of waiver meeting the standard enunciated in Commonwealth v. Monica, 528 Pa. 266, 597 A.2d 600 (1991); and,

(d) where all of the offenses alleged in the Petition(s) fall within one or more of the following categories:

(i) offenses graded as misdemeanors of the third degree;

- (ii) offenses graded as summary offenses;
- (iii) theft offenses graded as misdemeanors of the second degree or third degree pursuant to 18 Pa.C.S. § 3903(b);
- (iv) offenses under the Controlled Substance, Drug, Device and Cosmetic Act (“CSDDCA”), 35 Pa.C.S. § 780-113(a)(31);
- (v) offenses under the CSDDCA, 35 Pa.C.S. § 780-113(a)(32); and
- (vi) offenses under the CSDDCA, 35 Pa.C.S. § 780-113(a)(16).

2. Any juvenile, parent, guardian, or legal representative of a juvenile who believes he or she needs copies of records kept by the Luzerne County Juvenile Court Clerk’s Office and the Luzerne County Juvenile Probation Office shall notify the Special Master, Senior Judge Arthur Grim, **in writing**, and request a copy of those records. Such requests shall state the juvenile’s full name and birth date, explain what records the juvenile needs, and state succinctly the reason he or she needs them. All such requests to the Special Master shall be postmarked no later than Monday, June 1, 2009. The requests shall be mailed to the Special Master at the following address:

Honorable Arthur Grim
Berks County Courthouse
Senior Judges’ Chambers
633 Court Street
Reading, PA 19601-3540

3. Thereafter, the Special Master shall enter orders of vacatur of consent decrees and adjudications and expungement of all records in those juvenile cases that satisfy the aforementioned criteria, with the exception of cases where a juvenile, parent, guardian, or legal representative timely requests copies of the relevant juvenile records by Monday, June 1, 2009.

4. This Notice shall be published in the Wilkes-Barre Times Leader, the Citizens' Voice, the Scranton Sunday Times, and the Luzerne Legal Register.

By the Supreme Court of Pennsylvania