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Luzerne County Cases Affected

Options Ordered for Expungement of Juvenile Records

HARRISBURG, July 22, 2009 - The Supreme Court of Pennsylvania today ordered that certain juvenile case records in Luzerne County that currently are subject to an expungement order be preserved under seal pending the outcome of federal civil rights litigation.

Juveniles affected by the court's order are plaintiffs in four consolidated lawsuits filed in U.S. District Court for the Middle District of Pennsylvania. The lawsuits contend that juveniles who appeared before former Judge Mark A. Ciavarella, the presiding judge in Luzerne County juvenile court from 2003 to 2008, were denied counsel, improperly committed to detention or denied rights in other ways.

The Supreme Court acted to preserve a limited number of juvenile records on the recommendation of Senior Judge Arthur E. Grim, the special master appointed by the court in February to review all juvenile cases handled by Ciavarella.

The court adopted Judge Grim's recommendation to preserve under seal the official court case files, official probation files and notes of testimony relating to cases of juveniles involved in the federal litigation, but to expunge all other paper and electronic records affecting those cases.

Ciavarella has pleaded guilty to federal fraud and tax charges in connection with kickbacks he received relating to the construction of two private juvenile detention centers. Former Senior Judge Michael T. Conahan also has pleaded guilty to the same charges. Both are awaiting sentencing.

On May 4 the Supreme Court adopted Judge Grim's First Interim Report and Recommendation in which Grim requested authority to vacate Ciavarella's adjudications in approximately 800 juvenile cases involving minor offenses and to expunge the records of those cases.

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In his Second Interim Recommendations, which the court adopted today, Grim recommended three options for proceeding with the expungements.

- Those juveniles who have not requested a delay in expungement of their records and are not involved in the federal litigation will have their adjudications vacated and the records expunged immediately.
- Those who have requested a delay in expungement but are not involved in the federal litigation will receive copies of their juvenile records and the records then will be expunged.
- Those who have requested a delay in expungement and are named plaintiffs in the federal litigation will receive copies of their records and have their official court records, probation records and notes of testimony preserved under seal. Any related records will be expunged.

See attached links to the Court's order and Judge Grim's review. [81mm2008pco4.pdf](#)
[JudgeGrimSecondInterimReport7-22-09.pdf](#)

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