

**IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA
JUVENILE**

In Re: _____ : **Docket No.** _____
(Juvenile) :
: **Delinquent Act(s):** _____
: _____
: _____
: _____
: _____

POST-DISPOSITIONAL RIGHTS COLLOQUY

- 1) You can disagree with the court’s decision(s). You have the right to file a motion. It must be in writing. It must be filed within ten (10) days from today, or ten (10) days from the day the court decides your consequence(s), if that is not done today. You can request your lawyer file a motion to:
 - a) Ask the court to change or review its decision(s) finding you delinquent;
 - b) Ask the court to change or review its decision(s) to place you in a program or on probation; and/or
 - c) Ask the court to review and change its decision(s) requiring you to do things on probation such as paying money, doing community service, taking drug tests, *etc.*

In other words, you can ask the court to review and change any decision(s) that it has made in your case with which you do not agree.

Do you understand this? Yes No _____ (Juvenile’s initials)

- 2) You have the right to have a lawyer help you file your motion. If your lawyer (who is helping you today) cannot or will not file the motion for you, the court at your request will appoint a new lawyer to help you.

Do you understand this? Yes No _____ (Juvenile’s initials)

- 3) This is what could happen if you file a motion:
 - a) The court could disagree with the motion without having a hearing;
 - b) The court could agree with the motion without having a hearing; or

c) The court could hold a hearing and then agree or disagree with the motion.

Do you understand this? Yes No _____ (Juvenile's initials)

- 4) If the court disagrees, in whole or in part, with your motion, you have the right to ask a higher court to look at your case – that is like an appeal. The higher court would decide if the juvenile court made any mistakes and/or abused its responsibility when it disagreed with your motion. This is called taking an appeal.

Do you understand this? Yes No _____ (Juvenile's initials)

- 5) For a higher court to look at your case or the taking of an appeal, you must file your request in writing. You have thirty (30) days from when the court disagrees with your motion to file an appeal or a request that a higher court look at your case.

Do you understand this? Yes No _____ (Juvenile's initials)

- 6) You have the right to have a lawyer to help you with your appeal. If your lawyer (who is helping you today) cannot or will not file your appeal for you, the court at your request will appoint a new lawyer to help you.

Do you understand this? Yes No _____ (Juvenile's initials)

- 7) You may decide that you would like to take an appeal, but do not wish to file a motion. This is called taking a direct appeal. In your direct appeal, you may ask the higher court to decide if the juvenile court was right or wrong in finding you guilty, including what the juvenile judge was or was not allowed to hear, or if the juvenile court made any mistakes or abused its responsibility in anything that the court ordered as your consequence(s).

Do you understand this? Yes No _____ (Juvenile's initials)

- 8) If you wish to take a direct appeal (without filing a motion first), you must file your appeal within thirty (30) days from today, or thirty (30) days from the day that the court decides your consequence(s), if that is not done today.

Do you understand this? Yes No _____ (Juvenile's initials)

- 9) While you can take a direct appeal (without filing a motion first), if you want to challenge the weight of the evidence – that is whether the court was wrong to believe some or all of the witnesses and/or accept as true other trial evidence – you must first make that argument to the juvenile judge or you will forever give up the right to have a higher court decide a weight of the evidence challenge. If your lawyer has already made this argument to the juvenile

judge before or today, the higher court, should you want as part of a direct appeal, will decide whether the court was wrong to believe some or all of the witnesses and/or accept as true other trial evidence. But if your lawyer has not already made a weight of the evidence challenge to this court, then you must file a motion making this argument no more than ten (10) days from the day the judge decides your consequences, if that is not done today, or you will forever give up the right to have a higher court decide a weight of the evidence argument.

Do you understand this? Yes No _____ (Juvenile's initials)

10) If you admitted to any of the charges, you can only ask the higher court to look at the following issues:

- a) Whether your admission was voluntary – You made your own decision to admit to a charge – No one forced you to do this. You understood what you were doing, including the possible consequences;
- b) Whether the court was the correct court to hear your case – This court had the authority over your case; and/or
- c) Whether the court abused its responsibility and/or made any mistakes in the things that were ordered as your consequences.

Do you understand this? Yes No _____ (Juvenile's initials)

11) It is important that you remember that you have certain time periods to file a motion and/or an appeal. These are those time periods:

- a) You must file your motion within ten (10) days from today, or the date that the court decides your consequences, if that is not done today.
- b) You have thirty (30) days from the date that the court disagreed with your motion to file your appeal with the higher court.
- c) If you do not file a motion, you must file your appeal to the higher court within thirty (30) days from today, or the date that the court decides your consequences, if that is not done today.

Do you understand this? Yes No _____ (Juvenile's initials)

I promise that I have read this whole form or someone has read this entire form to me. I understand it. The signature below and the initials on each page of this form are mine.

Juvenile

Date

I, _____, Esquire, lawyer for the juvenile, have reviewed this form in its entirety with my client, and I believe he or she understands all that contained in this form.

Lawyer for Juvenile

Date