

1 IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

2 Administrative Order

3 Number 14 of 2022

4 In Re: Youthful Offenders Alcohol-Education Program

5 **ORDER OF COURT**

6 AND NOW, this 16th day of September, 2022, IT IS HEREBY ORDERED that the Youthful
7 Offenders Alcohol-Education Program is governed by the program description and attachments made a
8 part hereof as Exhibit 1.

9 IT IS FURTHER ORDERED that Exhibit 1 attached hereto evidences the sole description and
10 conditions of the program and any prior Order to the contrary is hereby vacated. The following
11 Administrative Order is specifically rescinded and vacated: No. 3 of 2019.

12 IT IS FURTHER ORDERED that participants in the program shall pay costs related to the
13 program. The collecting agency shall collect and pay \$100 to the appropriate municipality or
14 governmental agency in accordance with this procedure established for the payment of fines. The
15 collecting agency shall also collect \$25 as an administrative fee designated the Youthful Offenders
16 Alcohol-Education Program fee, paid to the Court Offender Supervision Fund through the Adams
17 County Treasurer's Office. Costs of the online class shall be the responsibility of the participant as
18 established by the provider of the service.

19 In cases where an offender has been admitted to the program after the case has been filed in the
20 Clerk of Courts Office, in addition to the program costs set forth above, the offender shall pay as a
21 requirement of successful completion of the program a \$5 automation fee and a \$27.50 clerk summary
22 fee.

23 This Order is effective immediately.
24
25

1 BY THE COURT,
2
3

4 MICHAEL A. GEORGE

5 President Judge

6 df

7 Board of Judges

8 Magisterial District Judges

9 Court Administrator

10 Adams County Commissioners

11 Treasurer

12 District Attorney

13 Public Defender

14 Controller

15 Department of Probation Services

16 Adams County Bar Association

17 Law Library
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YOUTHFUL OFFENDERS ALCOHOL-EDUCATION PROGRAM

I. Authority:

This Youthful Offenders Alcohol-Education Program ("Program") is implemented pursuant to the authority set forth in 42 Pa. C.S.A. §1520

II. Policy:

The Program is intended by the Court to provide an adjudication alternative through a program consisting of alcohol and drug education for first time offenders charged with underage drinking (18 Pa. C.S.A. § 6308) or summary offenses or municipal ordinance violations which arise out of an incident where the individual charged was under the influence of alcohol or drugs. The Program is designed to promote the wellbeing of young offenders, especially those between the ages of sixteen (16) and twenty-one (21), by educating them about the risks and consequences of alcohol and other drug use and helping to strengthen their decision making, communication and coping skills. The Program permits first time offenders the opportunity to dispose of the charges against them without receiving a criminal record, and, where applicable, without suffering a loss of their operator's license privileges, all while receiving education which will help reduce the incidents of recidivism and future alcohol and drug related offenses, including Driving Under the Influence.

III. Eligibility:

The following requirements must be met for admission into the Program:

- A. The applicant has charges pending for any or all of the following offenses:
1. underage drinking or related offenses (18 Pa. C.S.A. §6307, §6308 or §6310.3);
 2. disorderly conduct as a summary offense (18 Pa. C.S.A. §5503), provided the charges arise out of an incident where the applicant was under the influence of alcohol or controlled substances;
 3. public drunkenness or similar misconduct (18 Pa. C.S.A. §5505);
 4. harassment as a summary offense (18 Pa. C.S.A. §2709), provided the conduct giving rise to the charges occurred while the applicant was under the influence of alcohol or controlled substances; or

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5. violation of alcohol related municipal ordinances, including but not necessarily limited to, open container violations.
- B. The applicant has not previously received a pre-adjudication disposition for violating any of the foregoing sections of the Crimes Code;
- C. The applicant has no prior criminal record or juvenile adjudication nor has the applicant previously been admitted to the ARD Program, the Addiction Diversionary Program, or other Diversionary Programs in any jurisdiction;
- D. The applicant has not previously committed any of the aforementioned offenses reflected in a background check of the applicant's driver history.
- E. The applicant has not pled guilty to the charge(s) of the aforementioned offenses, in which case the applicant will need to successfully appeal the conviction or otherwise be granted permission by the Court of Common Pleas in order to be considered for the Program.

IV. Procedure:

- A. Upon the filing of qualifying charges, and at the time the Magisterial District Judge ("MDJ") would typically mail notice to an individual of the date and time scheduled for a hearing on the summary charges, the applicant will be notified by mail of the availability of the Program as well as the eligibility requirements for participation in the Program.
- B. The Application shall be in the form attached hereto as Attachment "A". A Notice (attached hereto as Attachment "B") shall be sent along with the Application. The matter will be listed for the earliest Court date occurring not more than six (6) weeks from the date of the Notice.
- C. Application and Notice will be made on forms developed by the Adams County Court Administrator. Forms will be made available at all MDJ Offices. Applications must be submitted to the MDJ Office within ten (10) days from the date of the Notice. Payment must accompany the application.
- D. Once the Application has been received, the MDJ Office will send the application to the District Attorney's ("DA") Office along with an Eligibility Sheet (in the form attached hereto as Attachment "C") and a copy of the citation to complete a criminal and driver history of the applicant, and will make a preliminary eligibility assessment based upon said history.

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- E.** The DA Office will notify the Department of Probation Services (“DPS”) of the preliminary eligibility status of the applicant. The DA will notify DPS as soon as possible and no later than one week prior to the hearing date by forwarding the Application, copy of the citation and Eligibility Sheet to DPS.
- F.** DPS will review juvenile records to the extent possible to determine final eligibility. DPS will notify the MDJ Office, preferably by e-mail, on the Friday prior to the hearing date of the eligibility determination of all applicants. DPS will notify the applicant by phone within one business day of learning of the eligibility. If DPS is unable to contact the applicant by phone, a notification letter will be sent. DPS will maintain the Application and Eligibility Sheet.
- G.** All applicants, regardless of the eligibility determination, are to report to the MDJ Office on their hearing date and must personally appear before the Magisterial District Judge, even if represented by counsel. Failure to appear on the hearing date will result in disqualification from the Program, the forfeiture of collected Program fees, and the issuance of a Warrant.
- H.** Applicants shall not be admitted into the Program through written motion.
- I.** If it is determined that the applicant does not meet the eligibility requirements or if the applicant elects not to enter the Program, the application fee will be refunded. If, when the defendant appears on the scheduled hearing date and does not enter a guilty plea to resolve the charge(s), a hearing on the citation(s) will be held on a later date at the MDJ Office having jurisdiction over the case. The defendant and the affiant will be so notified by the MDJ Office. If the applicant is eligible for the Program the Magisterial District Judge presiding over the hearing shall enter an Order admitting applicant to the Program and immediately notify DPS. The MDJ Office will, once the Order has been issued, notify PennDOT to begin the license suspension if applicable. Eligible applicants will be notified by DPS of the date and time of the first class.
- J.** Upon entry into the Program, hearing on the citation(s) filed against the applicant will be continued for a period of four (4) months to afford the applicant ample opportunity to complete all requirements of the online Program. The four (4) month period may be extended by the Court (if admitted to the Program by the Court on Summary Appeal).
- K.** If an applicant fails to complete the Program within the designated time, DPS will notify the Magisterial District Judge having jurisdiction of the case (or in the case of a Summary Appeal, the DA Office) of the applicant’s failure to complete the terms of the Program. DPS will also notify the Administrative Judge of the Magisterial District Judge, who will

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order the removal of the applicant from the Program and direct the Magisterial District Judge to schedule and hold a hearing on the citation. In the event of a Summary Appeal, the District Attorney may seek the removal of the Defendant from the Program and proceed to schedule a Summary Appeal hearing. Notice of failure to complete the Program and removal from the Program shall be sent by DPS to the defendant. The MDJ Office shall send notice of the hearing date via regular mail to the applicant. The Magisterial District Judge, or District Attorney on Summary Appeals, will also notify the affiant of the date and time of the hearing. Fees paid to participate in the Program are not refundable to those who fail to successfully complete the Program and shall not be used toward the payment of potential future fines, fees and court costs.

- L. If, during the period of time that hearing on the citation has been continued any additional felony or misdemeanor criminal charges are filed against the applicant, or summary charges for conduct occurring after application is made, the applicant must notify the Office of the Magisterial District Judge where the citation is still pending, or DPS, within forty-eight (48) hours of receiving the new charge or citation. If DPS is notified first, they will in turn immediately notify the MDJ Office, and vice versa. DPS will also notify the Administrative Judge of the Magisterial District Judge, who will order the removal of the applicant from the Program and direct the Magisterial District Judge to schedule a hearing to be held within thirty (30) days at the MDJ Office on the citation or citations giving rise to the applicant's placement into the Program. Notice of the hearing date and time will be given to the applicant and affiant by the MDJ Office. If the case was before the Court on a Summary Appeal, the applicant must notify the DA Office within forty-eight (48) hours of receiving a new charge or citation, and upon request of the DA Office a hearing will be scheduled with the Court of Common Pleas. Fees paid to participate in the Program are not refundable to those who are discharged unsuccessfully from the Program and shall not be used toward the payment of potential future fines, fees and court costs.
- M. Applicants will participate in an online Alcohol-Education Program. The cost associated with the online program shall be borne solely by the applicant.

V. **Program Conditions:**

- A. Truthfully answer all questions on the application for Program admission.
- B. Attend and Successfully complete the online Alcohol-Education Program, consisting of 12 hours of instruction, as designated by DPS.

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- C. Pay all Court costs and fees related to the Program, as may be designated and established by Administrative Order of Court. The participant shall also pay any and all restitution as designated at the time of the applicant's admission to the Program. Payment shall be made at the time of application for the Program. Payment of restitution shall be made within the time allotted for the applicant's participation in the Program.
- D. Comply with all State and Federal Laws. In this regard, the filing of criminal charges against a Program participant is sufficient for removal from the Program. It is not necessary that the charges be concluded and/or result in conviction.
- E. Remain free from the use of non-prescribed controlled substances and alcohol during the course of participation in the Program.

VI. Financial Obligations:

The Applicant shall pay the following:

- A. One Hundred Dollars (\$100.00) shall be paid to the appropriate Municipality or Governmental Agency in accordance with procedures established for payment of fines;
- B. Costs of the approved online program;
- C. Twenty-Five Dollars (\$25.00) administration fee paid into the Court Reserved Supervision Fund; and,
- D. Restitution, if any.

VII. Removal from the Program:

If a participant fails to complete the online program within the Court Ordered time frame, the participant may be removed from the program. Upon removal from the Program the applicant will not be entitled to reimbursement or credit for any sums paid into the Program. The applicant shall have no right to appeal the decision of the Administrative Judge to remove the applicant from the Program.

VIII. Completion of the Program:

- A. For cases originating from Magisterial District Court, DPS will notify the Magisterial District Judge of the applicant's successful completion of the Program upon DPS's receipt of the certificate of completion of the Program. Upon the receipt of such notice the Magisterial District Judge shall dismiss the charges on which the applicant was admitted to the

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Program and relieve the offender of the obligation to pay any fine or serve any sentence of imprisonment in accordance with 42 Pa. C.S.A. §1520(c).

- B.** For cases originating from a Summary Appeal, DPS will notify the District Attorney of the applicant's successful completion of the Program upon DPS's receipt of the certificate of completion of the Program. Upon the receipt of such notice the District Attorney shall prepare an Order of Court (no additional copies needed) to dismiss the charges on which the applicant was admitted to the Program and forward the prepared Order to the Court. Once the Court has ruled, the Executive Assistant for the assigned Judge will take the original Order with two copies, along with any other documents not needed by the Court, and file them with the Clerk of Courts, keeping one copy of the Court Order for the Judge's file.
- C.** Upon successful completion of the Program, each applicant will be provided with a completed Petition for Expungement Form 490. At the applicant's option, the applicant may then file the completed form to the Clerk of Court's Office along with the standard filing fee. The completed form will then be processed for approval and signature by the Court.

 - 1. The Clerk of Courts shall forward the Petition for Expungement to the DPS.
 - 2. DPS will prepare a model order for expungement along with a Certification Form. The Certification Form will follow the format attached hereto as Attachment "D". DPS will complete their section of the Certification Form.
 - 3. DPS will forward the Petition, Model Order and Certification Form to the DA.
 - 4. The DA will complete its section of the Certification Form. If in agreement with the Petition for Expungement, the DA will return the Petition to and file the original Model Order (no copies needed) and Certification Form with the Clerk of Courts. If not in agreement, the DA will return the Petition to and file the Certification Form with the Clerk of Courts.
 - 5. Upon receipt of the appropriate documents, the Clerk of Courts will forward the file containing these documents to the Court for processing.
 - 6. After the Court has ruled, the Executive Assistant for the assigned Judge will send the original Court Order, along with the case file, to DPS for further processing.
 - 7. If the Court has ordered expungement, DPS will return the file along with the original Court Order and five copies to the Clerk of Courts. If the Court has ordered a further hearing, DPS will return the file along with the original Court Order and two copies to the Clerk of Courts. The Clerk of Courts will distribute copies

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depending on the nature of the Order pursuant to their current practices.

(9/2022)

COPY

(Heading for Magisterial District Judge Court)

COMMONWEALTH OF PENNSYLVANIA
Plaintiff,

No.:

VS.

Defendant.

YOUTHFUL OFFENDERS ALCOHOL-EDUCATION PROGRAM
APPLICATION AND AGREEMENT

I, the Defendant above named, hereby apply for admission into the Youthful Offenders Alcohol-Education Program (hereinafter "Program"), and hereby represent and agree as follows:

- 1. Speedy Trial and Related Rights:** I understand my right to have the criminal charges against me disposed of in a speedy manner and expressly agree to waive that right while applying to and participating in the Program. Further, I understand that prosecution of the charges will be postponed during my application to and participation in the Program and that the Commonwealth must be given the right to prosecute me if I am removed from the Program some time in the future. In this regard, I understand if I violate conditions of the Program, the Court may remove me from the Program and schedule my case for hearing on the charges.
- 2. Financial Responsibilities:** As a condition of the Program, I agree to pay:
 - A. One Hundred Dollars (\$100.00) to the appropriate Municipality or Governmental Agency in accordance with procedures established for payment of fines, as well as the costs to complete the online program enrollment in the designated online program.
 - B. Costs of the approved online program.
 - C. Twenty-Five Dollars (\$25.00) administration fee paid into the Court Reserved Supervision fund; and
 - D. Restitution, if any.

I acknowledge that failure to satisfy my financial responsibilities within the time period of my Program admission shall be grounds for removing me from the Program. I understand that money paid by me will be periodically distributed to various entities entitled thereto, and that it would be difficult for the Magisterial

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District Court to refund any money after distribution had occurred. I agree that I shall have neither a right of accounting nor refund as to any money paid by me, should I fail to complete the Program nor shall I be entitled to future credit. All money shall become the property of the entity entitled thereto. Further, I agree to the following:

Restitution _____

3. **Program Conditions:** The applicant must:

- A. Truthfully answer all questions on the application for Program admission.
- B. Complete twelve (12) hours of online Alcohol Education instruction as designated by the Adams County Department of Probation Services.
- C. Pay all Court costs and fees related to the Program as may be designated and established by Administrative Order of Court from time to time to include municipality fee, costs of the online program, Probation Administration fee, and restitution.
- D. Comply with all State and Federal Laws. In this regard, I understand and agree that if any felony or misdemeanor criminal or juvenile charges, or any summary charges for conduct occurring after the date of this application, are filed against me the filing of those charges will result in my removal from the Program. It is not necessary that the charges be concluded and/or result in conviction.
- E. Remain free from the use of non-prescribed controlled substances and alcohol during the course of participation in the Program.

4. **Length of Program:** I understand that I shall be placed in the Program for four (4) months, subject to the program conditions set forth in paragraph 3 above. I understand I must complete the online program within the four (4) month period. I acknowledge that the conditions have been explained to me and that I understand them and that violation of any condition shall constitute grounds for my removal from the Program.

5. **Successful Completion:** I understand that the charges against me will be dismissed if I successfully complete the Program. Upon successful completion of the Program my arrest record will be expunged. Any license suspension will remain on my PennDot driving record.

6. **Removal from the Program:** I understand that the Adams County Department of Probation Services will request my removal from the Program if I do not comply with the terms and conditions as described in this application. I waive the right to be personally present and agree that a Judge may remove me from the Program, in my absence. If I am removed from the Program I understand I will have to appear for a hearing on the charges at a time scheduled by the Magisterial District Judge or the Common Pleas Judge.

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7. Suspension of Operators Privileges: I understand that if I am admitted to the Program on a charge of underage drinking (18 Pa. C.S.A. § 6308), misrepresentation of age to secure liquor or malt or brewed beverages (18 Pa. C.S.A. § 6307), or possessing false identification (18 Pa. C.S.A. § 6310.3) then even upon successful completion of the Program my driver's license will be suspended for ninety (90) days pursuant to 18 Pa. C.S.A. § 6310.4. However, if I am admitted to the Program on another summary charge, there will be no license suspension upon successful completion of the Program. (**NOTE:** This subsection will no longer be effective beginning April 22, 2019 per Act of Oct. 24, 2018, P.L. 659, No. 95).

8. No Prior Convictions or ARD or Pending Criminal Charges: In consideration for my admission to the Program, I hereby affirm and acknowledge that I have no prior criminal record or juvenile adjudications in the Commonwealth of Pennsylvania or in any other state or federal jurisdiction; that I have never been placed on the Program or a similar program for underage drinking or alcohol related summary offenses or for any drug or alcohol offense in this or any other jurisdiction; that I have not previously been admitted to A.R.D. or a pre-disposition program similar to the Program in this or in any other state and that I do not have any criminal or juvenile charges pending in the Commonwealth of Pennsylvania or in any other state or federal jurisdiction. I understand that should this information be incorrect, that I may be removed from the Program and, further, that I might be prosecuted subject to the provisions of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.

9. Bail: I understand that once the Magisterial District Judge orders my entry into the Program, bail shall be terminated and any money or other form of security deposited shall be returned to me in accordance with the rules pertaining to bail.

I hereby request the Commonwealth of Pennsylvania to admit me into the Youthful Offenders Alcohol-Education Program. I have read and understand the conditions of the program.

Date

Defendant

Attorney for Defendant

(9/2022)

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FIFTY-FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

GETTYSBURG, PENNSYLVANIA

17325

Youthful Offenders Alcohol Education Program

Face Sheet

(To be completed by applicant)

| | | | | | |
|------|-------------------------------|-------|--------|------|--------|
| Name | <input type="checkbox"/> Mr. | | | | |
| | <input type="checkbox"/> Ms. | | | | |
| | <input type="checkbox"/> Mrs. | | | | |
| | | First | Middle | Last | Suffix |

| | | | | |
|--------------|--------|------|-------|----------|
| Home Address | | | | |
| | Street | City | State | Zip Code |

Check If Mailing Address Is the Same as Home Address

| | | | | |
|-------------------------|--------|------|-------|----------|
| Current Mailing Address | | | | |
| | Street | City | State | Zip Code |

| | | | | |
|--------------|-------------|-------------|--------|----------------|
| Phone Number | | | E-mail | |
| | Home Number | Cell Number | | E-mail Address |

Check As Applicable

| | | | | | |
|------|---------------------------------------|---|--------------------------------|-----------|-----------------------------------|
| Race | <input type="checkbox"/> Caucasian | <input type="checkbox"/> African-American | <input type="checkbox"/> Asian | Ethnicity | <input type="checkbox"/> Hispanic |
| | <input type="checkbox"/> Other: _____ | | | | |

| | | | | | |
|---------------|-----------------|----------------|--------------------------------|------------------------|-----|
| Date of Birth | | Place of Birth | | Social Security Number | |
| | Month/Date/Year | | City/State or Province/Country | | SSN |

| | | | | |
|--------------------|---|--|-------------------------|--|
| Educational Status | Name of High School | | Highest Grade Completed | |
| | <input type="checkbox"/> Withdrawn from High School | | | |
| | Name of College | | | |

| | |
|------------------|------------------|
| Current Employer | |
| | Name of Business |

ATTACHMENT A

NOTICE

You have been charged with an underage drinking or related-offense summary offense.

To avoid a criminal record you may, if eligible, participate in the Court's Youthful Offenders Online Alcohol-Education Program.

If you plead guilty or if after a hearing you are convicted of the offenses charged, you:

1. will have a criminal record;
2. will be required to pay fines of up to Five Hundred Dollars (\$500.00), plus approximately One Hundred and Fifty Dollar (\$150.00) in Court costs or more if there are multiple citations, warrant fees or mandatory increases in Court costs by statute.

As an alternative, if you meet the eligibility requirement and have paid all applicable costs, you may participate in the online Youthful Offenders Alcohol-Education Program. If you successfully complete the Program, which consists of 12 hours of online instruction and payment of the fees associated the program, the charges against you will be dismissed. If you successfully complete the Program you will not have a criminal record.

If you wish to take advantage of the Program you **MUST** complete and return the application, along with payment, to the Magisterial District Judge. If you are uncertain of the total amount due, please contact our office immediately. You will have the (10) days from the date of this notice to submit the application and payment to our office. At that time you will be scheduled for Court to be placed into the program, if eligible.

Date

Magisterial District Judge

(9/2022)

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ADAMS COUNTY YOUTHFUL OFFENDERS PROGRAM ELIGIBILITY SHEET

☐ 51-3-01 ☐ 51-3-02 ☐ 51-3-03 ☐ 51-3-04

Court Date: _____

Name: _____ Docket#: _____

Attorney: _____

Preliminary Determination

☐ Eligible for admission into YOP

☐ Ineligible for admission into YOP

Reason(s): _____

(DA: return sheet/supplements to Department of Probation Services as soon as possible)

(For DPS Use)

Date Received: _____

Final Determination

☐ Eligible for admission into YOP

☐ Ineligible for admission into YOP

Reason(s): _____

Date MDJ Office Notified: _____

Date Applicant Notified: _____

**IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY
PENNSYLVANIA
CRIMINAL**

COMMONWEALTH

CP-01-__ - ____ -20__

VS

SUMMARY EXPUNGEMENT RULE 490

CERTIFICATION

The Adams County Department of Probation Services certifies that the Defendant has successfully completed the condition of the Youthful Offenders Alcohol-Education Program.

Date

Director

ACKNOWLEDGEMENT

The District Attorney of Adams County acknowledges service of the Defendant's request for expungement. After consideration of the request, the District Attorney elects to:

- ☐ Consent to the request for expungement.
- ☐ The 30-day period provided for by Rule 490 is waived.
- ☐ Object to the request for expungement.
- ☐ The 30-day period provided for by Rule 490 is not waived.

Pursuant to Pa.R.C.P 490(B), this determination shall be filed with the Clerk of Courts.

Date

District Attorney

(9/2022)