

RULE 595.1 TRANSFER OF JUVENILE FROM CRIMINAL PROCEEDINGS

(a) This rule is applicable only to cases involving any child, as that term is defined in Subsection (1) of the definition of “Child” in 42 Pa.C.S. §6302, who is excluded from the Juvenile Act in accordance with Subsection (2)(ii), (iii), and (v) of the definition of “Delinquent act” in 42 Pa.C.S. §6302 (hereinafter “excluded actor”).

(b) Should any excluded actor seek transfer of a case from Criminal Division to the Juvenile Section of the Family Division, such excluded actor shall file a petition to transfer (hereinafter “petition”) with the Clerk of Courts within twenty (20) days after the excluded actor’s preliminary hearing.

(c) The Clerk of Courts shall identify and segregate all case files maintained on excluded actors and, upon request, make such files available to the Judge designated to hear petitions at any time such files are necessary for the orderly administration of justice.

(d) If the excluded actor’s petition is denied, the case shall proceed in the Criminal Division.

(e) If the excluded actor’s petition is granted, and barring an appeal by the Commonwealth, the criminal proceeding shall halt immediately. The case shall be transferred to the Juvenile Section of the Family Division together with a copy of the accusatory pleading and other papers, documents, and transcripts of testimony related to the case. If the child is incarcerated in the Allegheny County Jail, the child shall be transferred immediately to Shuman Center. The Court may release the child to the custody of a parent, guardian or custodian, or other person legally responsible for the child. The Court shall direct completion and transmission of written notification of the transfer to the Juvenile Section of the Family Division and, if applicable, to the Sheriff.

(f) Upon receipt of the order of court transferring the case to the Juvenile Section of the Family Division, the Clerk of Courts shall immediately transfer the case file to the Prothonotary.