

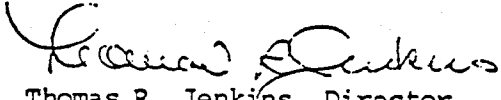
APR 15 1988

COMMONWEALTH OF PENNSYLVANIA

APR 12 1988

SUBJECT: Miranda Warnings

TO: County Children and Youth Administrators
Regional Children and Youth Staff


FROM: Thomas R. Jenkins, Director
Office of Child Welfare Services

The Pennsylvania Supreme Court ruled in Commonwealth versus Ramos that statements made by a criminal defendant who was in the custody of law enforcement officials to a county Child Protective Services caseworker could not be used at the defendant's criminal trial because the CPS caseworker had failed to give Miranda warnings to the defendant before questioning him. The court determined that Miranda warnings were required because the questioning by the CPS caseworkers amounted to "custodial interrogation" within the meaning of the Miranda decision.

Our legal office has advised us that CPS workers only have to provide Miranda warnings to an alleged perpetrator who is in the custody of law enforcement authorities on criminal charges related to the alleged child abuse that the CPS is investigating.

Thus, the policy that the CPS has operated under since the law was enacted remains in effect. The CPS worker does not have to provide Miranda warnings to an alleged perpetrator of child abuse if the perpetrator is not in the custody of law enforcement officials. If, however, the alleged perpetrator is in the custody of law enforcement officials for alleged criminal offenses related to the alleged child abuse, the CPS is required by the Ramos ruling to advise the alleged perpetrator of his Miranda rights.

The CPS worker should request a copy of the Miranda warning from the law enforcement official who has taken the alleged perpetrator into custody.

cc: Julia Danzy
Ron Heinlen

JS/jw

MIRANDA

You are currently under investigation regarding _____
Child's Name

You have the right to remain silent. Anything you say can and will be held against you in a court of law.

You have the right to have an attorney present during questioning. If you cannot afford an attorney, one can be appointed to represent you by the Court.

While making a statement, you have the right to stop at any time.

Do you understand your rights?

Do you wish to make a statement at this time?

Will you answer my questions at this time?

I have read and I understand my rights _____
Signature

n1w

04-29-88

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COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL

Child Abuse Prosecution Assistance Unit
(CAPAU)

(717) 783-3014

Recent Pennsylvania Cases Re: Child Abuse

by S. Zimmerman
ATTORNEY GENERAL

Reply To:

Commonwealth v. Ramos
Superior Court No. 01575
Pittsburgh
Filed: October 13, 1987

The Commonwealth appealed from a pre-trial order granting Defendant's suppression motion. The order suppressed all statements made by Defendant to a Children & Youth caseworker for the reason that Defendant was incarcerated at the County Prison at the time the caseworker questioned Defendant. The Children & Youth worker did not administer Miranda warnings. Had Miranda warnings been administered, the confession that the social worker received would have been admissible.

The Court distinguishes this case from Commonwealth v. Arnold, 356 Pa.Super. 343, 541 A.2d 890 (1986), in which a confession taken by a Children & Youth worker from Defendant was admissible due to the fact that Defendant was not arrested or in a custodial situation at the time.

The Superior Court affirmed the lower court's order.