

# Benchbook Overview

As commissioned by the Pennsylvania State Roundtable, the Office of Children and Families in the Courts (OCFC), in collaboration with the Dependency Benchbook Committee, developed this Benchbook to assist new and experienced judicial officers in their efforts to provide timely and comprehensive action in child welfare cases; assure safe and permanent homes for children who are abused, neglected, or dependent; and promote child well-being. This 3<sup>rd</sup> edition of the Benchbook incorporates new statutes, procedural rules, practice enhancements and appellate court rulings since the last edition released in 2014. The Benchbook provides:

- A summary of the legal requirements for dependency court proceedings, as well as detailed information on a number of special topics, such as the rights of older dependent youth and legal representation of children, parents and guardians.
- Best practices derived from the innovations implemented in various Pennsylvania courts and the cumulative experience of judicial officers in the state, as well as national level policy making and research organizations, such as the National Council of Juvenile and Family Court Judges and the American Bar Association’s Center on Children and the Law.
- Tools such as hearing checklists, lists of critical questions, proposed colloquies to assist in the conduct of hearings and judicial bench cards.

A recommended first step in using the Benchbook is to read **Chapter 1: The Charge for Pennsylvania’s Dependency System**. This chapter provides an overview of the history of reform efforts in the state, current reform objectives and strategies, and the *Dependency Mission Statement and Guiding Principles*. The Mission Statement of “*Protect Children; Promote Strong Families; Promote Child Well-Being; Provide Timely Permanency*” provides the context for the themes that are echoed throughout the Benchbook and the recommended practices that support the overarching dependency system goals of increasing safety, well-being, and timely permanence for abused and neglected children.

Initial reading should also include **Chapter 2: Family Finding**, which discusses Act 55 of 2013, a Pennsylvania law requiring the ongoing practice of family finding for all child welfare cases once they are accepted for service by the child welfare agency. Within the chapter are tools and techniques that judges and hearing officers can use to guide the family finding process as well as information about the importance of lasting connections for both youth and their families. It is also recommended that the initial reading include **Chapter 3: The Role of Judges and Hearing Officers**, which describes the multiple responsibilities of judicial officers in the dependency system, including

oversight and management of individual cases, leadership in efforts to improve the system, and participation in collaborative efforts with the child welfare agency and community. Critical information regarding the legal analysis of safety, required of judges and hearing officers at all dependency proceedings, is included.

Other essential background information is provided in **Chapter 4: Jurisdiction**, which examines Pennsylvania’s court division structure as it affects child welfare case processing and the jurisdictional laws governing cases that cross county or state lines or involve tribal communities.

Because judicial officers have a responsibility to appoint counsel for children, parents, and guardians, the Benchbook also includes a discussion of these matters in **Chapter 5: Right to Legal Representation**.

The main body of the Benchbook consists of chapters devoted to each of the hearings held in a Pennsylvania child welfare case, beginning with the shelter care hearing (**Chapter 6: Entering the Child Welfare System/Shelter Care Hearing**), proceeding in sequence through adjudication (**Chapter 7: Adjudication Hearing**, supplemented by **Chapter 8: Visitation**, **Chapter 9: Incarcerated Parents**), disposition (**Chapter 10: Disposition Hearing**), post-dispositional review (**Chapter 11: Modification of Placement**, **Chapter 12: Permanency Options**, **Chapter 13: Permanency Hearing**, **Chapter 14: Permanency Hearing to Consider Change of Goal (“Goal Change Hearing”)**), and concluding with termination hearings (**Chapter 15: Termination of Court Supervision**, supplemented by **Chapter 16: Resumption of Jurisdiction** and **Chapter 17: Termination of Parental Rights**, supplemented by **Chapter 18: Appeals**) and adoption hearings (**Chapter 19: Adoption**).

For each of these hearing types, the following information is provided:

- An overview of the purpose of the hearing and the issues to be addressed.
- A summary of the legal requirements as delineated in Pennsylvania statutes and the Pennsylvania Rules of Juvenile Court Procedure.
- General guidance in preparing findings and orders.
- Best practices, interspersed in the appropriate sections of the text and highlighted in text boxes.
- A checklist that addresses the timing of the hearing, who should be present, notice and legal representation requirements, hearing procedures, critical questions to be addressed, and the findings and content of the order.

To further assist judges and hearing officers presiding over these hearings, the Benchbook includes a separate set of **Benchcards**. The two-sided bench card for each hearing incorporates essential material from the corresponding hearing checklist in a shortened, easily accessible format located at the end of each hearing chapter. An additional copy of all bench cards is included in a separate section of the Benchbook. Other bench cards included in the bench card section offer guidance to judicial officers addressing specific issues such as: Family Finding, Family Group Decision Making, Trauma and Psychotropic Medication.

Following the core chapters devoted to dependency hearings, **Chapter 20: General Issues** contains useful information on a variety of matters that have a more global application and may apply to the overall hearing process, such as the effective use of alternative dispute resolution techniques, family group decision making, the appropriate handling of child testimony and considerations applicable to youth aging out of dependency.

**Chapter 21: Overview of Federal and State Child Welfare Legislation** provides a brief synopsis of the provisions of federal law that have had the most significant impact in the child welfare area, as well as the Pennsylvania Juvenile Act, the Child Protective Services Law and the Pennsylvania Adoption Act.

The Benchbook concludes with a **Resources and References** section, a **Glossary** and a **Bibliography** of the references cited in the text. The Resources and References chapter includes links to the websites of national level child welfare policy making research organizations and information clearinghouses, as well as various tools and guidelines that have been developed for judicial officers who handle child welfare cases.

