

2014 Pennsylvania State Roundtable Report

Dependency Hearing Officer Education



Hearing Officer Committee Members

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Judge
Court of Common Pleas
Lycoming County

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Allegheny County

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Juvenile Dependency Master
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Background:

In 2011, through the roundtable system utilized by the Commonwealth of Pennsylvania, leaders in the child welfare system began to talk about juvenile court hearing officers and enhancing their exposure to the changing dependency practice. As quasi-judicial officers, hearing officers, or juvenile court masters, are often the first and sometimes only interaction families have with dependency court. Their critical role supports the need for high quality hearings that are consistent with those conducted by judges in their jurisdiction. While trial court judges gather twice a year at a statewide conference, there is nothing specifically geared toward hearing officers. As such, the Pennsylvania State Roundtable commissioned a committee with the goal of developing and holding an educational session for hearing officers.

In 2013, the State Roundtable charged the committee with exploring the practice of hearing officers and their oversight by the judges under whom they serve. Because there is little collective information regarding the overall practice of hearing officers in dependency matters across the Commonwealth, the Committee developed two surveys that enabled the work group to mine this information. Constructing separate surveys for hearing officers and judges meant that each could address the individual aspects of the role as well as see both points of view on some issues. While the survey is ongoing, preliminary results are detailed in a later section of this report.

Hearing Officer Educational Session

An educational session was held on September 3, 2013 at the Pennsylvania Judicial Center in Harrisburg, PA. Entitled *Understanding & Applying the Safety Framework to Judicial Decision Making*, the course faculty included: Honorable Kelley Streib, Court of Common Pleas of Butler County, Honorable Joy Reynolds McCoy, Court of Common Pleas of Lycoming County, and Sandra Moore, MSW, Administrator, OCFC. The session was well attended by hearing officers.

Content covered safety considerations in removal decisions, safety in visitation and reunification decision-making. The session also included an overview on Act 55, Family Finding. To tie that into the theme of the day, participants were asked to consider the safety analysis of family finding in dependency proceedings. The key point of the day is summed up in the following equation:

THREAT + CHILD VULNERABILITY – PROTECTIVE CAPACITY = UNSAFE CHILD

Interactive in nature, the session provided participants the opportunity to apply the safety equation to several scenarios. These scenarios simulated situations typically seen in the courtroom. Evaluations indicated an overall session rating of 4.6/5.0.

Sessions specific to the safety analysis received a 4.7/5.0. Comments reinforced the high ratings. Additionally, there was a resounding request for more training.

The next educational session for hearing officers, hosted by the Office of Children and Families in the Courts, will be held September 3rd in Harrisburg, PA. The Hearing Officer Committee strongly urges all judges to ensure the attendance of their hearing officers at this important training. Attendees will receive relevant information and have an opportunity to apply that to their daily practice. They will also be afforded an opportunity to network with their colleagues and participate in peer-to-peer learning.

Survey

The Hearing Officer Committee released two surveys via Survey Monkey regarding hearing officers, one for hearing officers themselves and one for judges. While the survey continues to be ongoing, with over 75% of the counties responding, preliminary results are available and provided a glimpse into the scope and nature of hearing officer practice across the Commonwealth (Attachment). In analyzing and synthesizing the preliminary data, the following is a profile of the Pennsylvania hearing officer:

- Works part time
- Is paid an annual rate
- Handles 75% of total dependency cases
- Provides consistency by keeping cases from one proceeding to the next
- Has oversight from the supervising judge by way of in-person meetings and email updates
- Feels knowledgeable about issues of dependency and basic issues affecting families and children
- Would like to know more about families and children and be updated regularly on case law, rules, and regulations
- Would like mandatory training offered at least two times per year.

It was encouraging for the Committee to learn that most hearing officers would like to have training at least twice per year (50%) with another 18% requesting training more than twice per year. Surprisingly, 91% of hearing officers believed that training should be mandatory. Additionally, 62% believed the training should be part of the annual CLE requirement. Judges also believed training for hearing officers should be mandatory with 87% responding in the affirmative. In addition, the vast majority of responding judges (85%) thought the mandatory training should be part of the annual CLE credits currently required.

Judges reported high satisfaction rates (96%) with the performance of their hearing officers. Additionally, 83% reported that the safety threat is clearly stated or

identifiable in the recommendation provided to the court. Even so, 67% of respondent judges reported needing to change the recommendation of the hearing officer. Only 35% of judges reported that the judge or a designee had observed their hearing officer in court. Most judges believe that their hearing officers are knowledgeable about dependency matters and the issues of children and families and think ongoing training is crucial for the continuation of high quality practice.

Conclusion

Hearing Officers play a vital role in the Pennsylvania Dependency System. They enable the court to make good use of its judicial resources and ensure a steady flow of cases. In many jurisdictions, hearing officers are the primary face of dependency and as such, hold great power in the lives of the families that come before them. Supporting hearing officers in their efforts to maintain the highest possible standard of practice through targeted and required educational opportunities will not only promote quality hearings but also will ultimately benefit children, families and the court itself.

Recommendations:

The Hearing Officer Educational Committee respectfully submits to the Pennsylvania State Roundtable the following recommendations:

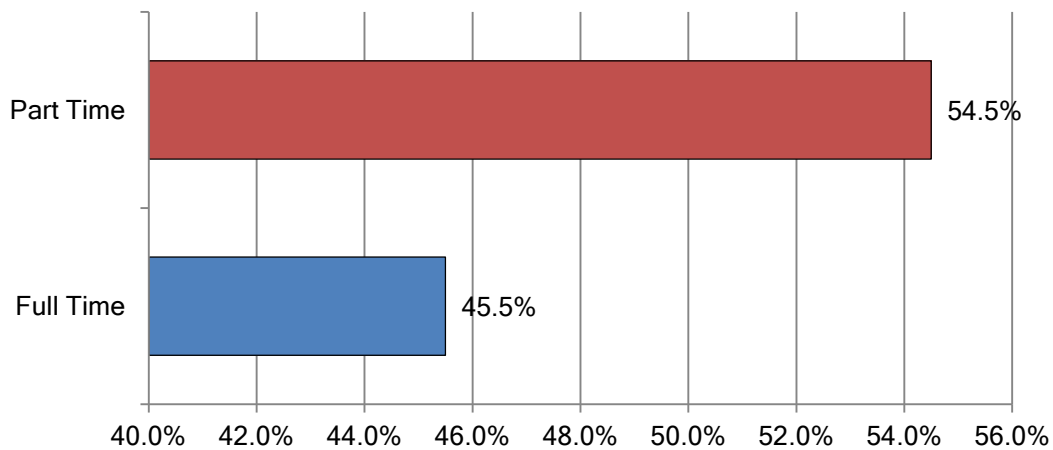
1. Ongoing development of an annual training for hearing officers;
2. Explore the possibility of semi-annual training for hearing officers; and
3. Explore the concept of mandatory hearing officer training and make recommendations regarding such to the 2015 State Roundtable.

Hearing Master Survey for Masters

There were a total of 25 respondents to this survey, with 3 of those being test responses. Nineteen individual counties responded. For reference, based on the latest estimate done by the Hearing Officer Committee, 35 counties use Hearing Masters in dependency proceedings in the Commonwealth. Questions 1 and 2 were identifying information on respondent and county.

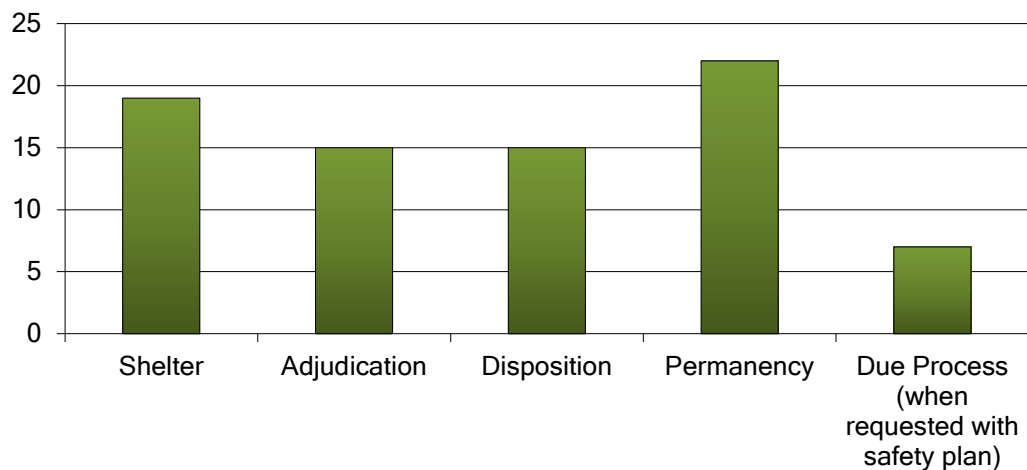
Q3 Are you a Full Time or Part Time Master?

Answered: 22 Skipped: 3



Q4 Types of proceedings you hear?

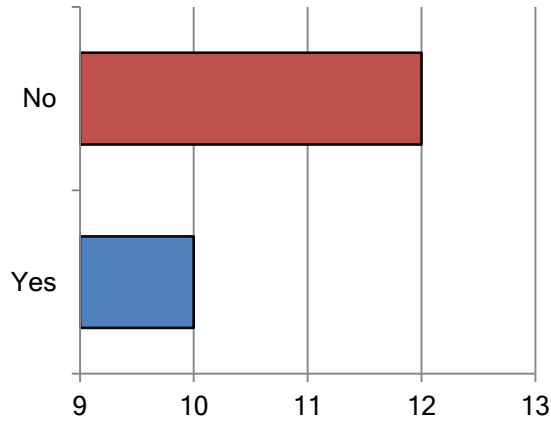
Answered: 22 Skipped: 3



Attachment

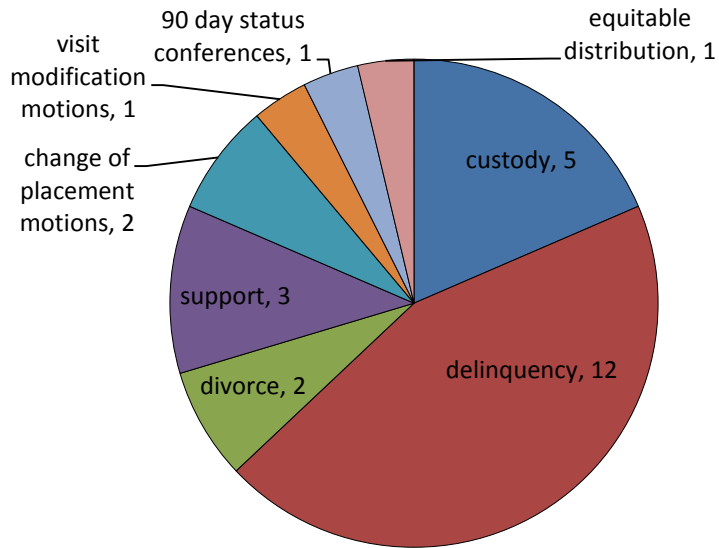
Q5 Do you ever make findings of abuse in your recommendations?

Answered: 22 Skipped: 3



Q6 What other types of proceedings do you hear?

Answered: 21 Skipped: 4



Q7 On average, what is your dependency caseload size?

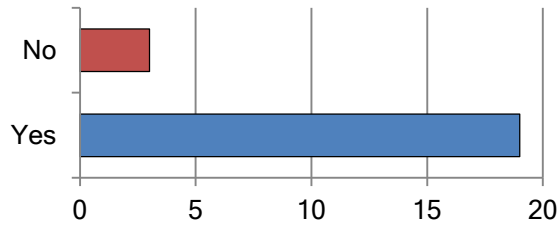
Answered: 22 Skipped: 3

Responses to this question varied from the small end of hearing 20-40 cases per month to the large end of hearing 300-400 cases per month. This question needs more refinement to gather a more realistic picture of hearing officer practice.

Attachment

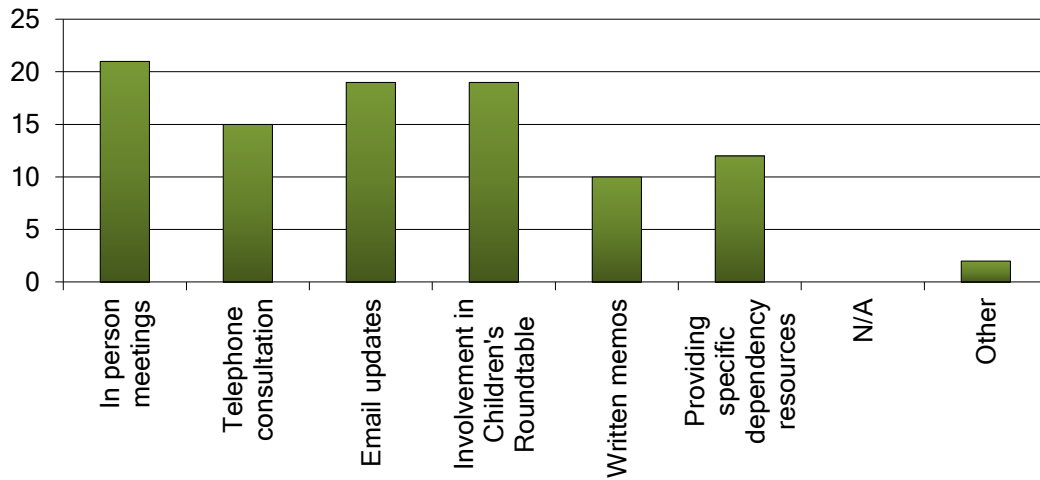
Q8 One Master, one family is a best practice in dependency proceedings. Do you keep your cases from one hearing to the next?

Answered: 22 Skipped: 3



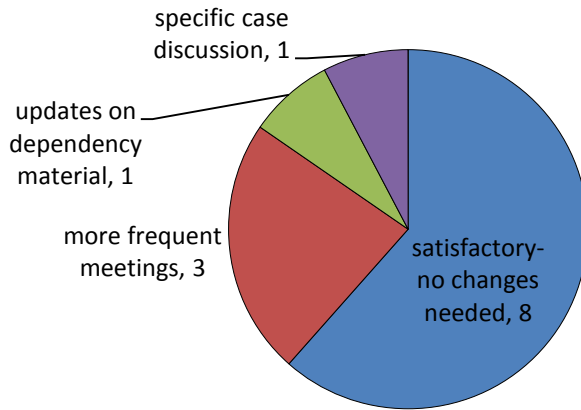
Q9 How is judicial oversight/support provided (check all that apply)?

Answered: 22 Skipped: 3



Q10 How could judicial oversight/support be improved or changed?

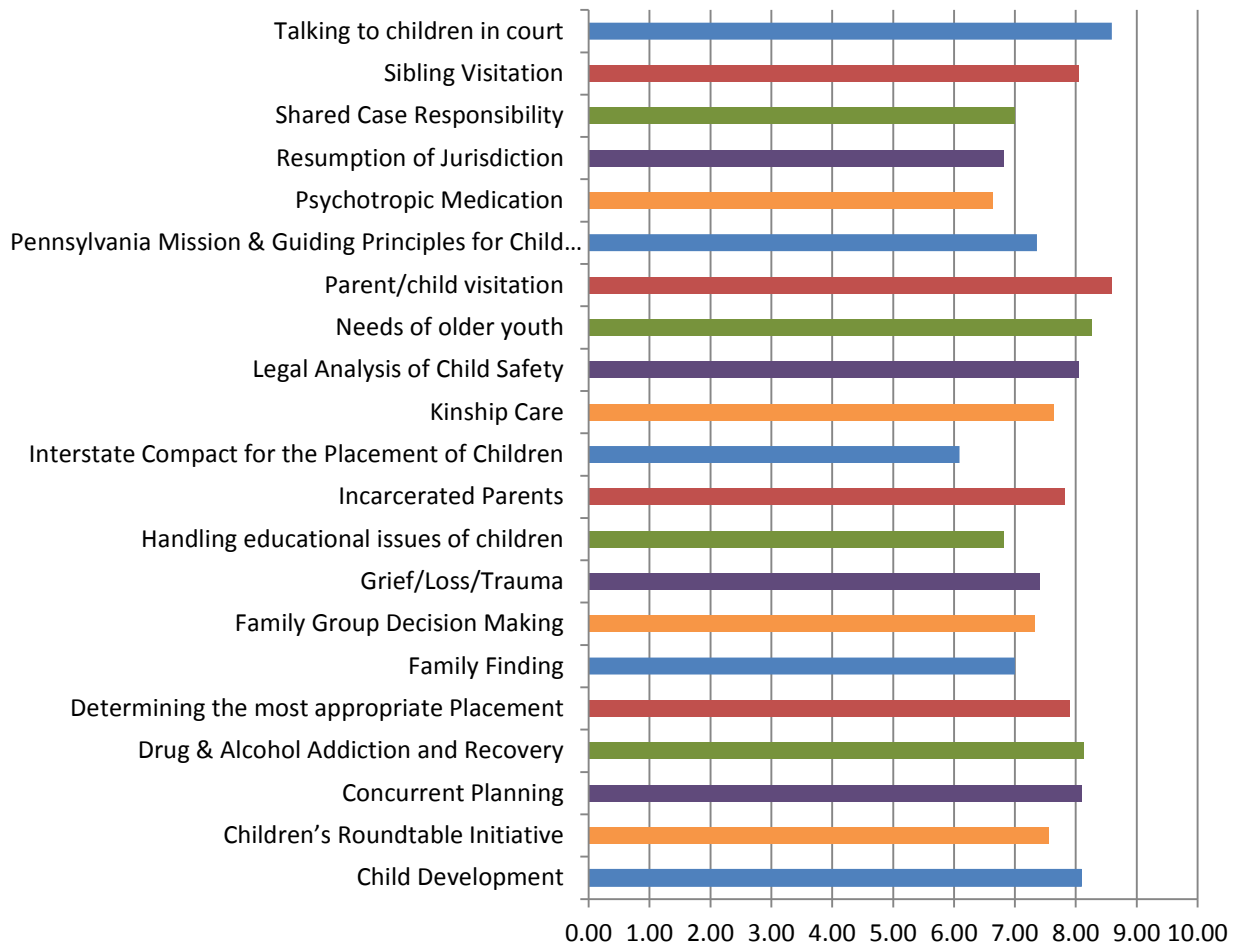
Answered: 12 Skipped: 13



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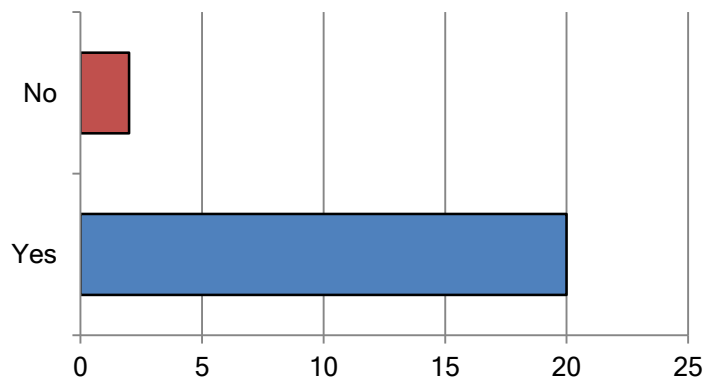
Q11 Rate your level of knowledge in the following areas:

Answered: 22 Skipped: 3



Q12 Do you believe that education for Masters should be mandatory?

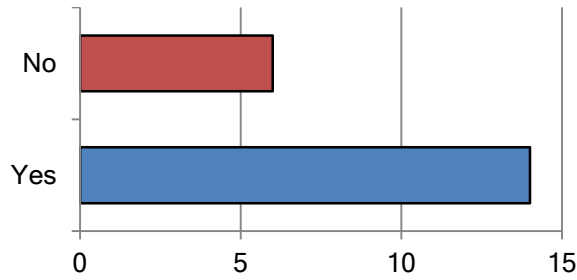
Answered: 22 Skipped: 3



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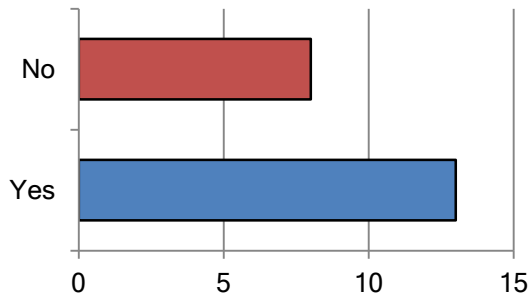
Q13 If so, should certain topics be required?

Answered: 20 Skipped: 5



Q14 Should Master education be required as part of the annual CLEs?

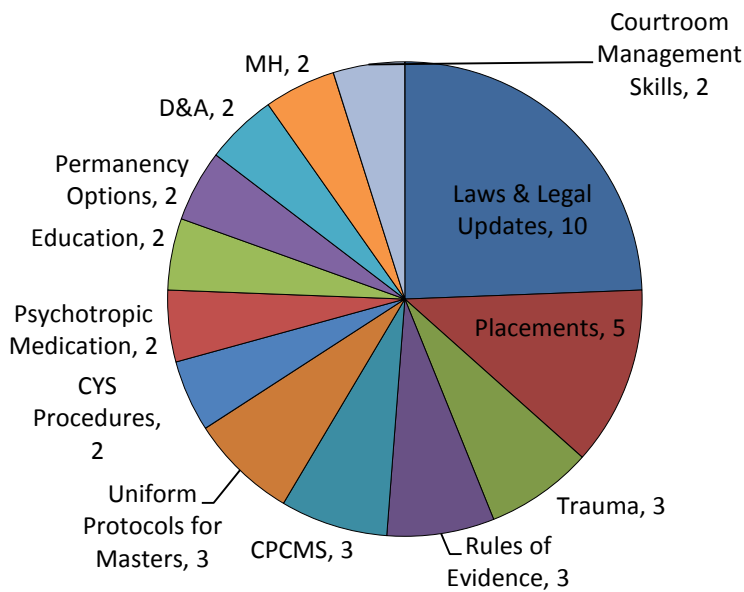
Answered: 21 Skipped: 4



Q15 On which topics do you believe Masters need to receive education?

Answered: 14 Skipped: 11

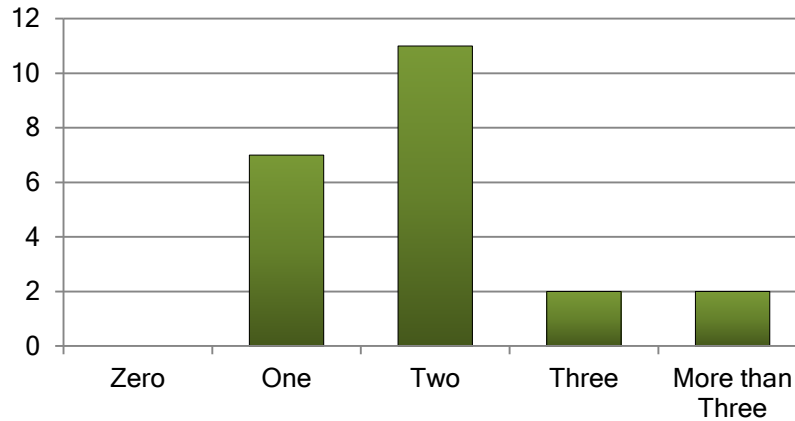
Also related to Q13 with 20 responses and 5 skipped



Attachment

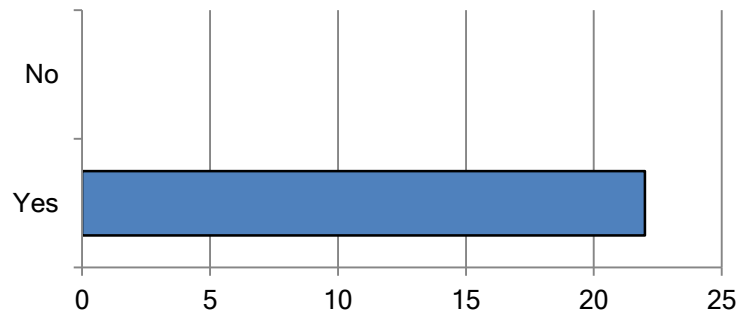
Q16 How many times per year should educational sessions specific to Masters be offered?

Answered: 22 Skipped: 3



Q17 Is your attendance at educational sessions supported by the court?

Answered: 22 Skipped: 3



Q18 Please tell us about educational topics *you* would find interesting?

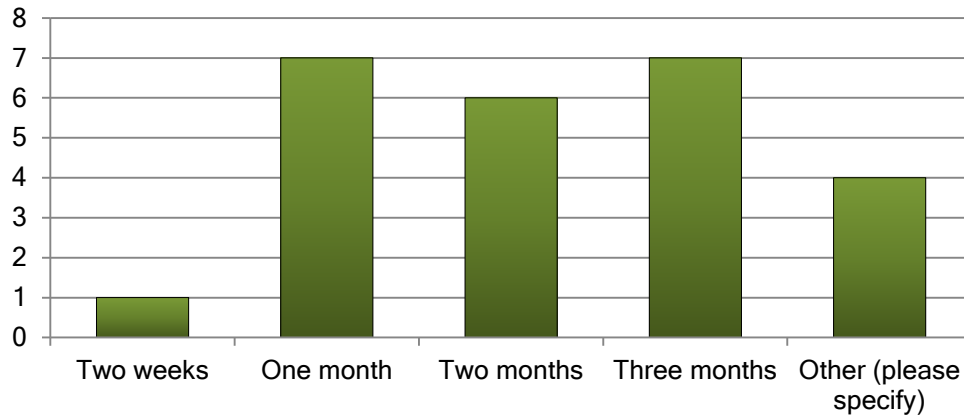
Answered: 11 Skipped: 14

This question had a low response rate, most likely due to questions 13 and 15; several comments to this question even stated “same as question 13 [or 15].” Additional topics offered as answers to this question include: Vulnerable situations with physical and sexual abuse cases, Shared case responsibility, Issues of transitional youth, Child development, Visitation with incarcerated parents, Grave threat analysis.

Attachment

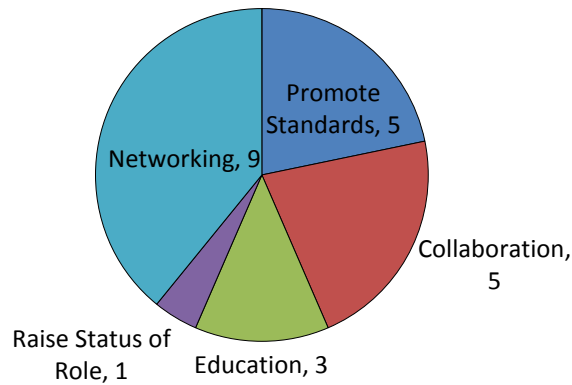
Q19 How much advance notice do you need in order to attend educational sessions?

Answered: 21 Skipped: 4



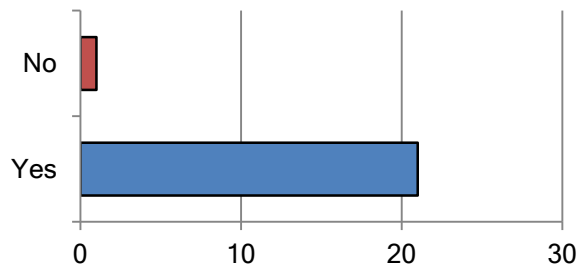
Q20 If there were a Master's organization, what purpose could it serve?

Answered: 15 Skipped: 10



Q21 Are you involved in your county's local Children's Roundtable?

Answered: 22 Skipped: 3

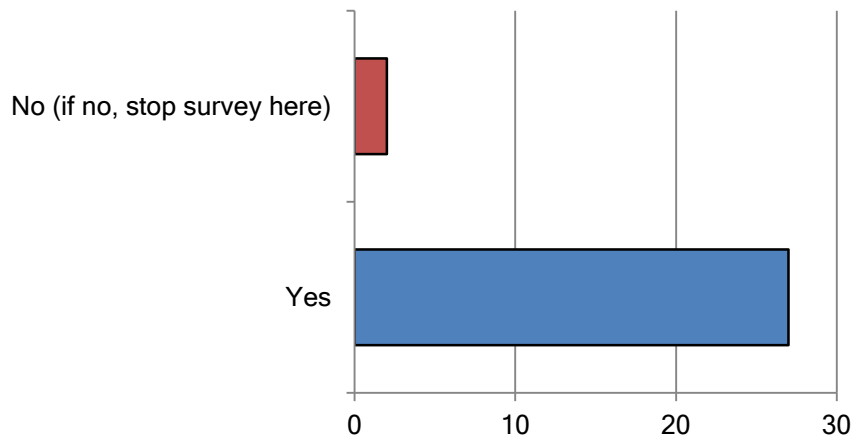


Hearing Master Survey for Judges

There were a total of 33 respondents to this survey. Twenty-four individual counties responded. For reference, based on the latest estimate done by the Hearing Officer Committee, 35 counties use Hearing Masters in dependency proceedings in the Commonwealth. Questions 1 and 2 were identifying information on respondent and county.

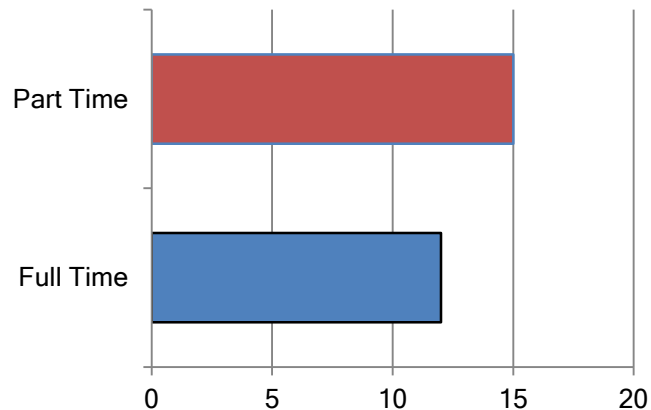
Q3 Do you use Masters in dependency proceedings?

Answered: 29 Skipped: 4



Q4 Masters are:

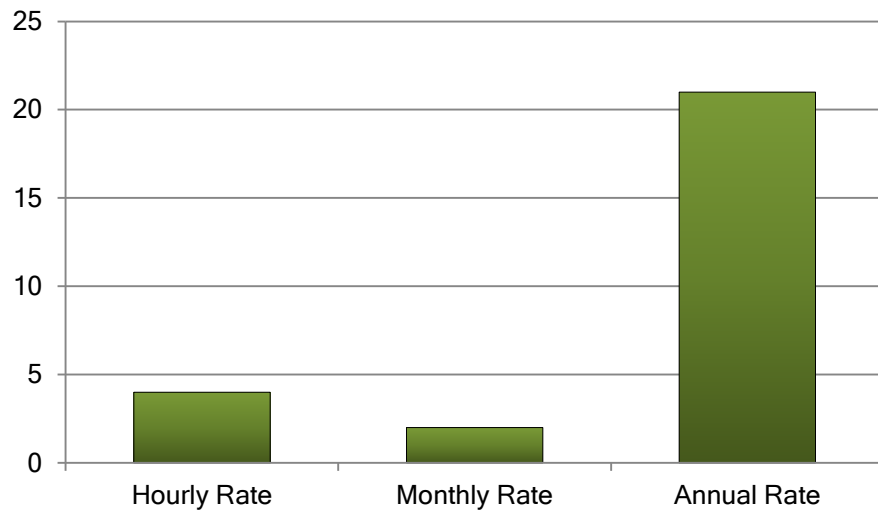
Answered: 27 Skipped: 6



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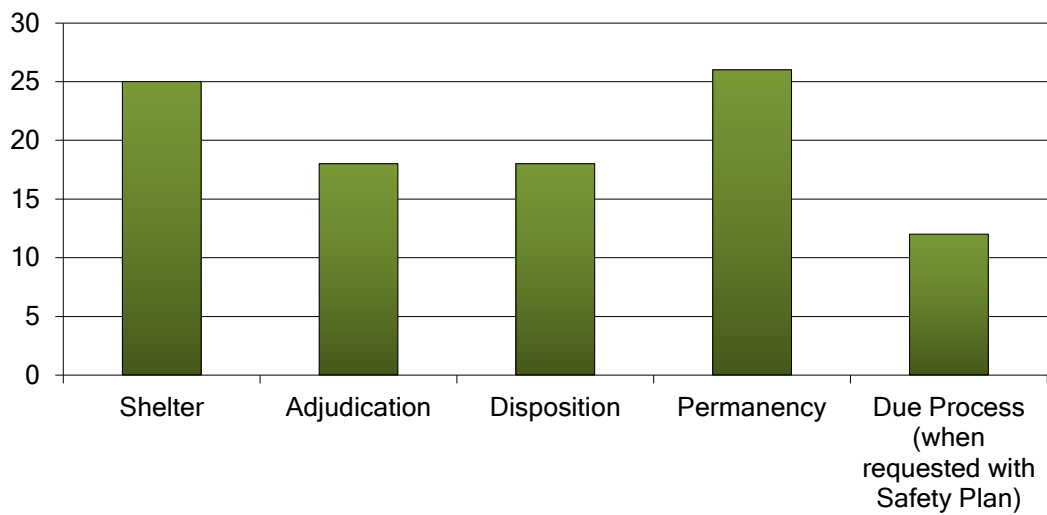
Q5 Masters are compensated by a:

Answered: 27 Skipped: 6



Q6 Types of proceedings Masters hear?

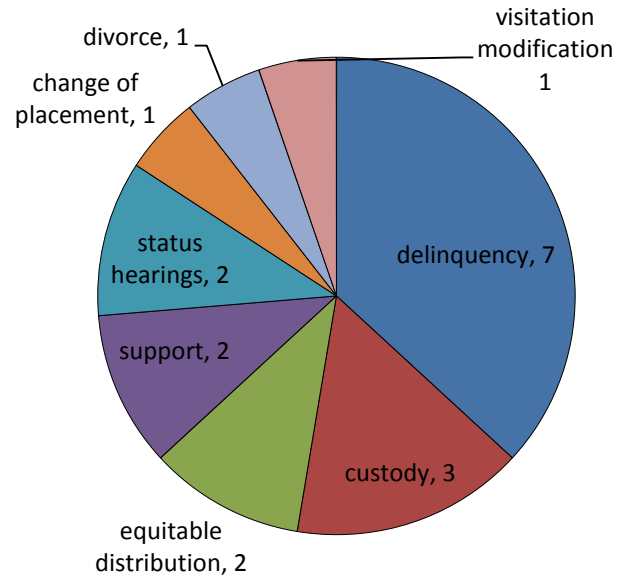
Answered: 26 Skipped: 7



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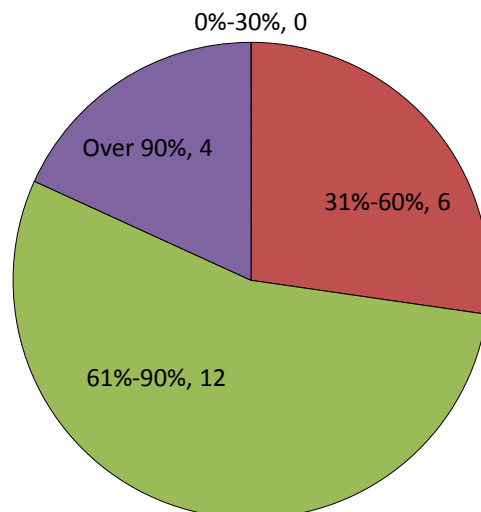
Q7 What other types of proceedings do Masters hear?

Answered: 16 Skipped: 17



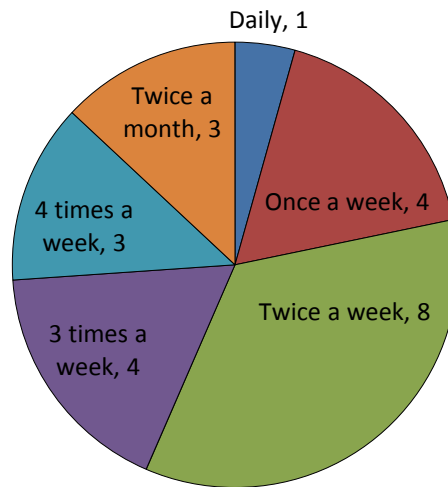
Q8 Estimated percentage of total dependency hearings heard by a Master?

Answered: 23 Skipped: 10



Q9 How often do Masters sit for dependency proceedings?

Answered: 23 Skipped: 10



Q10 On average, what is the caseload size for Masters?

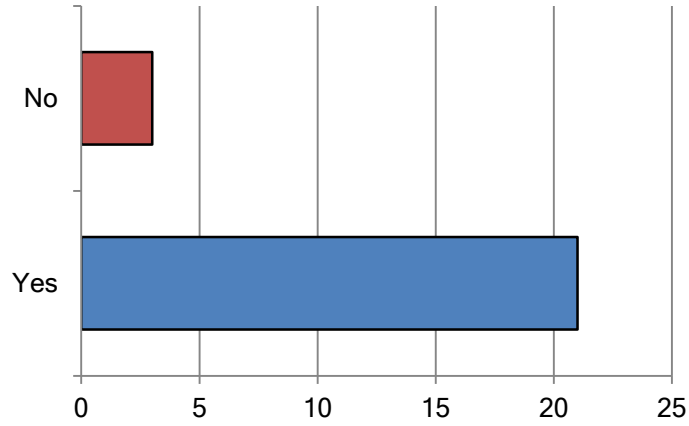
Answered: 20 Skipped: 13

Responses to this question varied and there were many “unknown” responses. Of those who knew, at the low end was 60-70 cases and at the high end, 400. This question needs more refinement to gather a more realistic picture of hearing officer practice.

Attachment

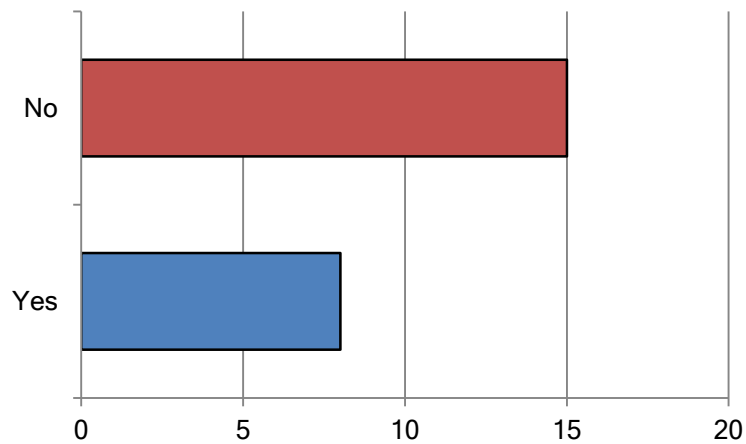
Q11 One Master, one family is a best practice in dependency proceedings. Is this practice used in your county?

Answered: 24 Skipped: 9



Q12 Do you ever observe your Master practice in court?

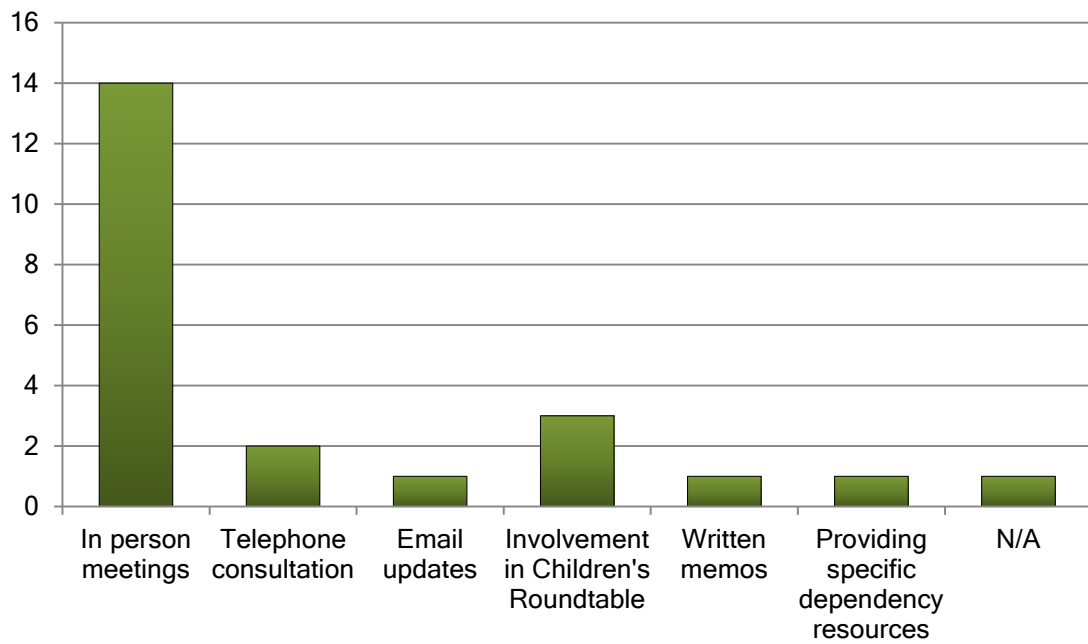
Answered: 23 Skipped: 10



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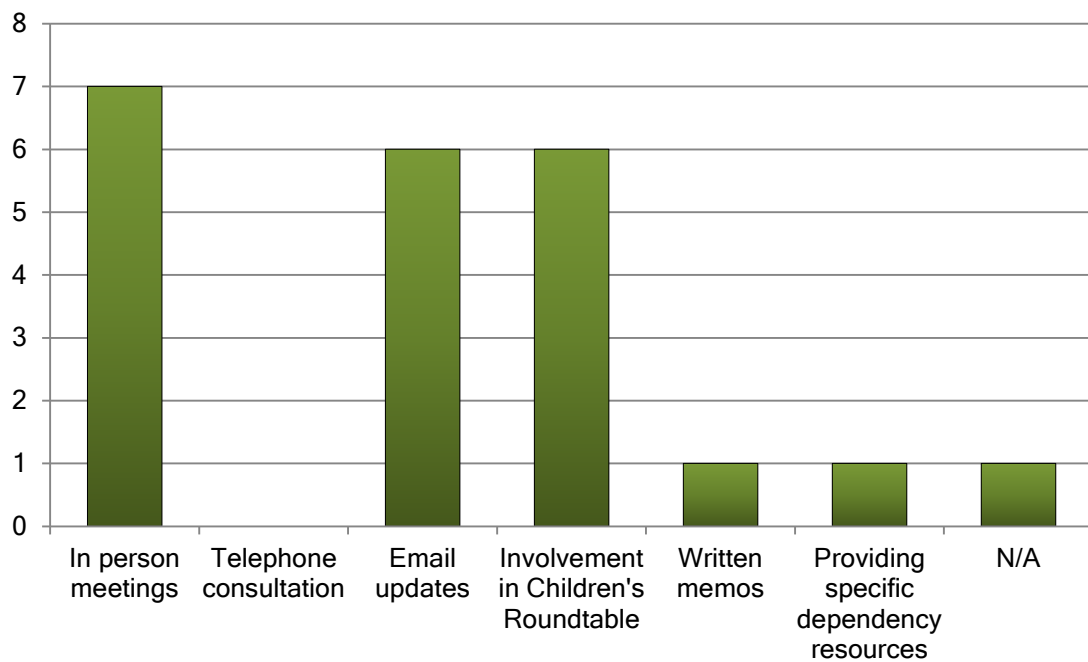
Q13 How do you provide oversight/support to your Master?

Answered: 23 Skipped: 10



Q14 How do you provide information about state initiatives to your Master?

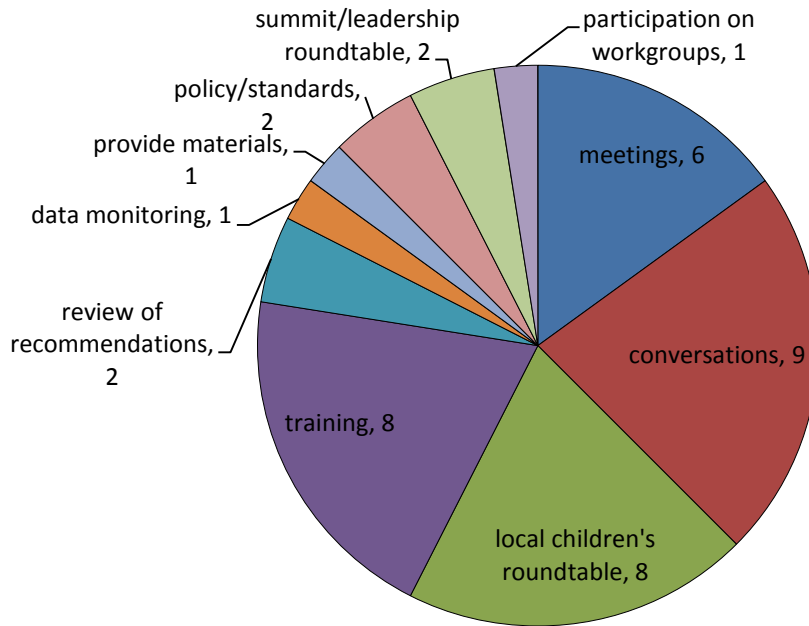
Answered: 22 Skipped: 11



Attachment

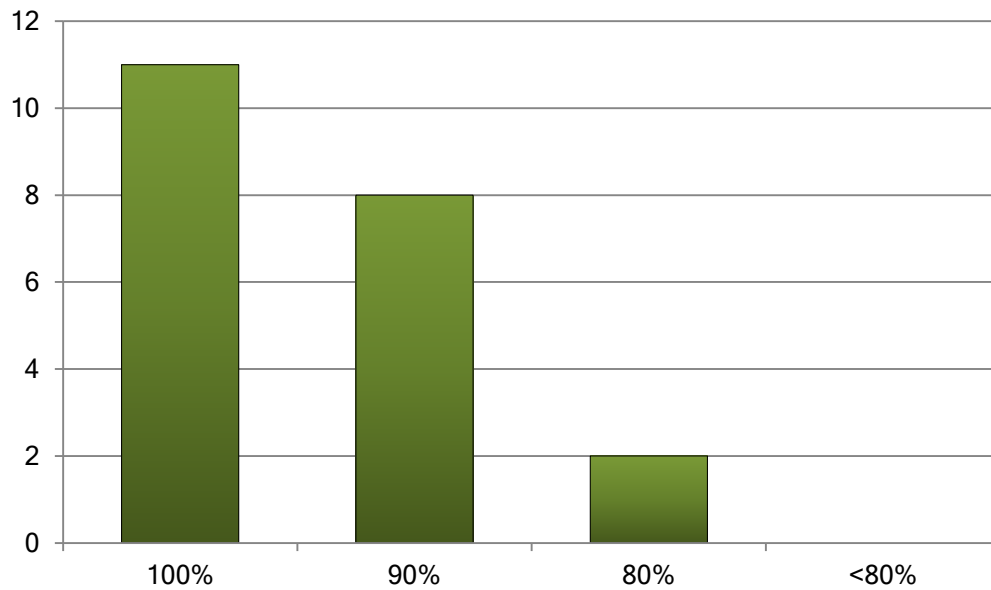
Q15 How do you encourage your Master to implement best practice?

Answered: 22 Skipped: 11



Q16 In what percentage of Master's recommendations do you believe there is adequate information?

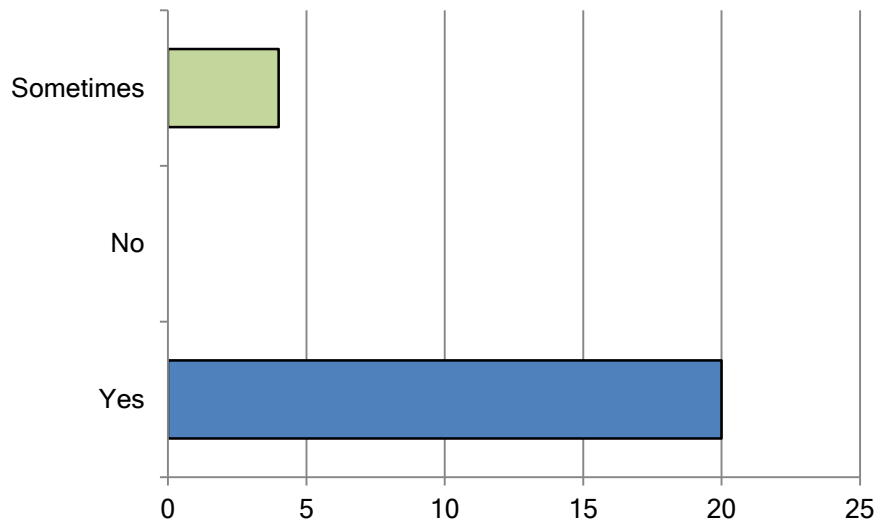
Answered: 21 Skipped: 12



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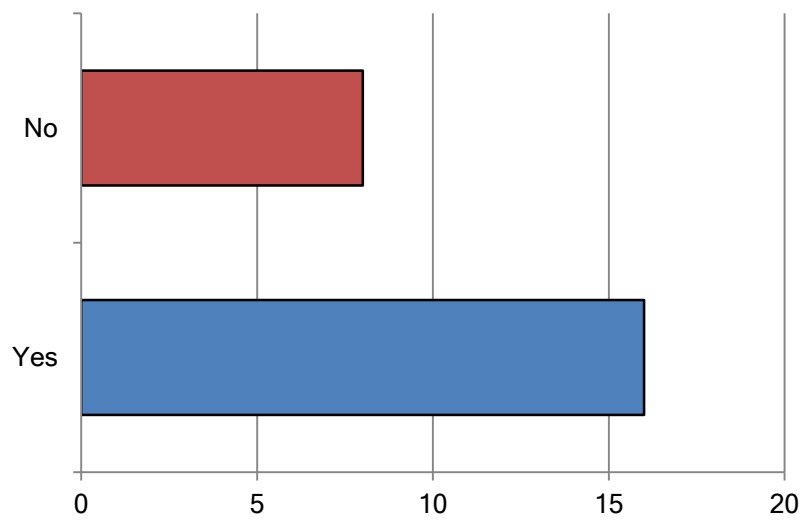
Q17 When reviewing the Master's recommendation, is the child safety threat clearly identified?

Answered: 24 Skipped: 9



Q18 Do you ever change the recommendation of the Master?

Answered: 24 Skipped: 9

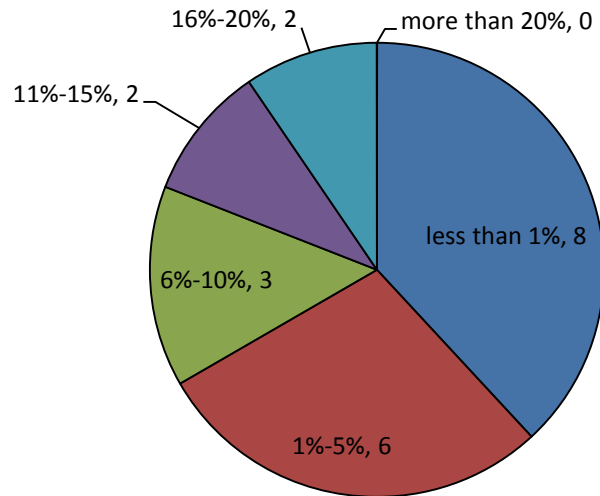


Overall, comments reflect that changes occur in less than 5% of recommendations.

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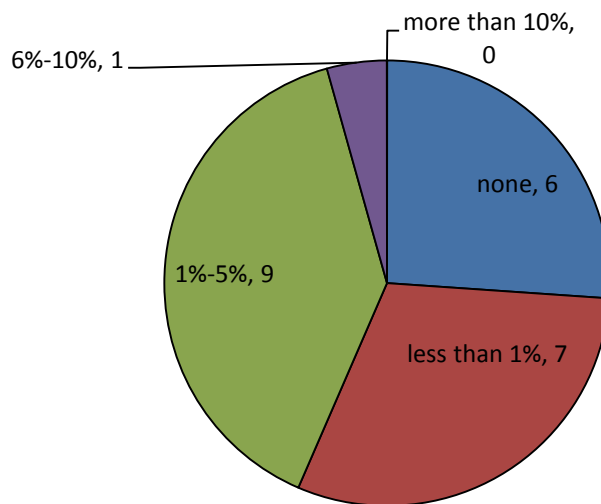
Q19 In approximately what percentage of cases does a party refuse to have a hearing before a Master?

Answered: 23 Skipped: 10



Q20 In approximately what percentage of cases heard before a Master does a party request a re-hearing before the Judge?

Answered: 23 Skipped: 10

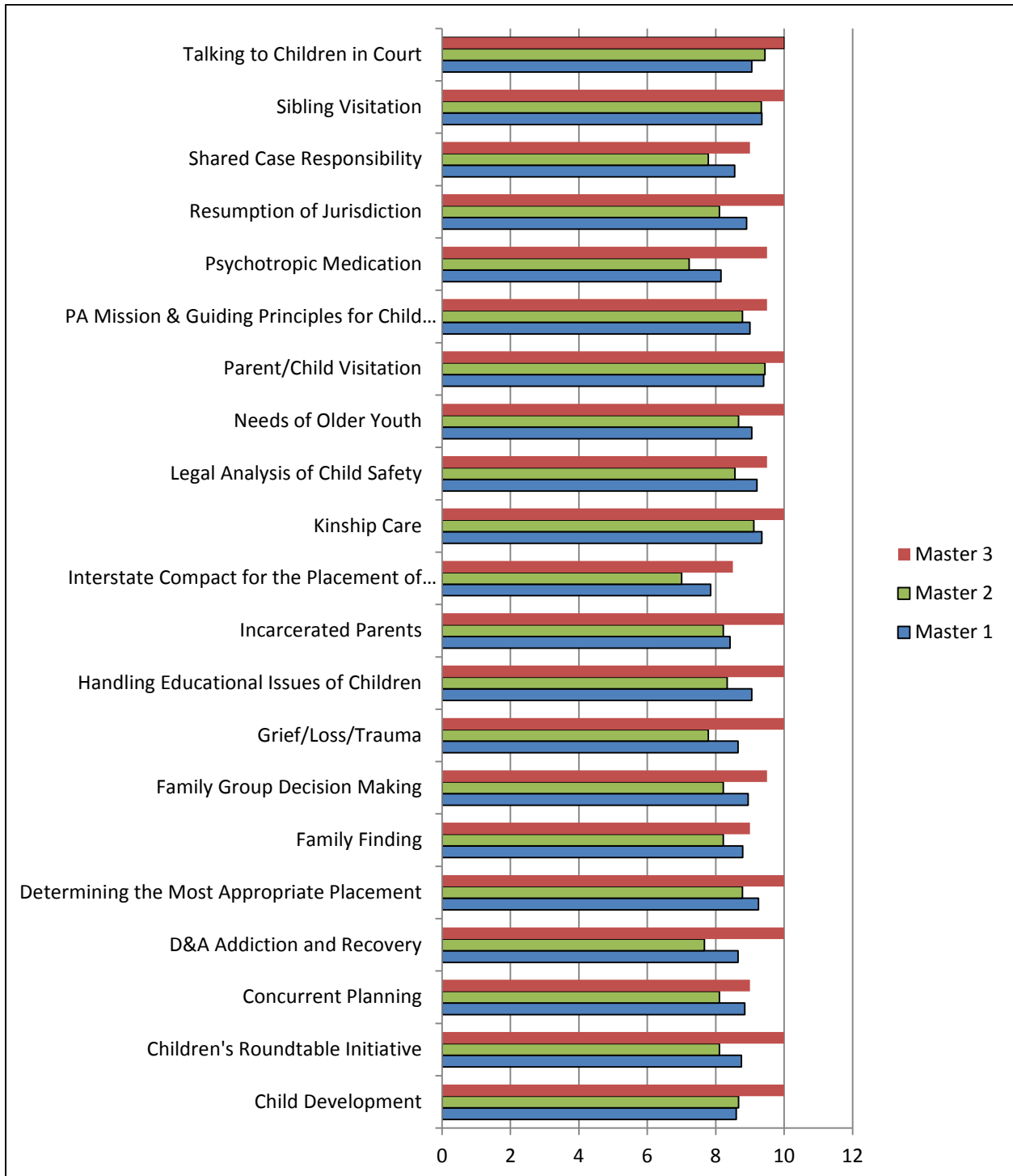


Attachment

Q21/23/25 Rate each of your Masters' level of knowledge in the following areas:

20 respondents identified 1 Master, 9 identified 2 Masters, and 2 identified 3 Masters

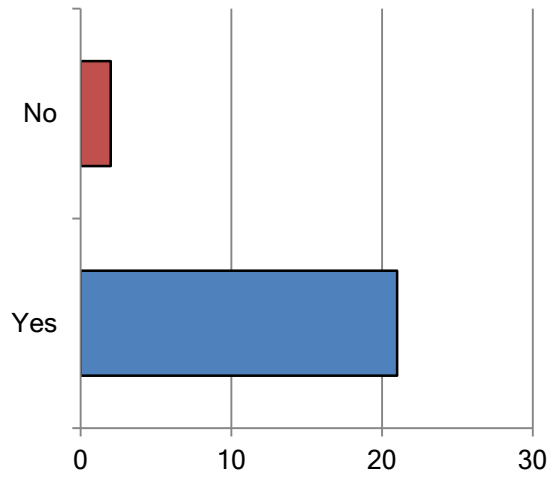
Q22 & Q24 are about adding an additional Master to rate.
 Q26/27/28/29 tell us that no respondent had more than three Masters.



Attachment

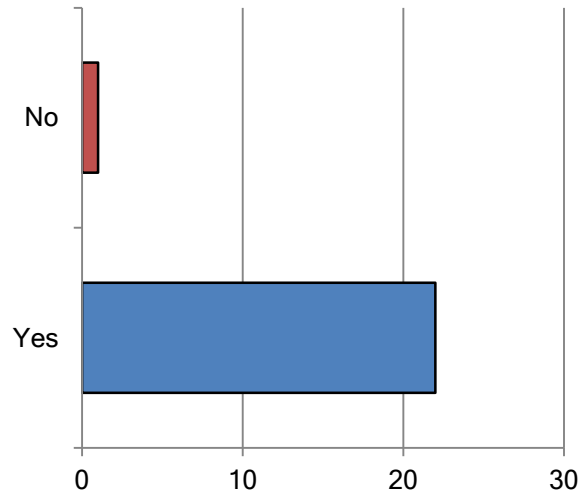
Q30 Are you satisfied with the level of oversight/support you are able to provide your Master?

Answered: 23 Skipped: 10



Q31 Are you satisfied with the quality of practice of your Master?

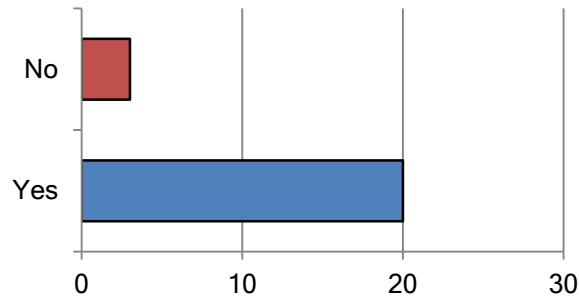
Answered: 23 Skipped: 10



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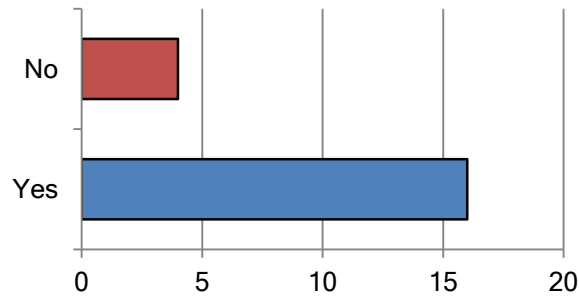
Q32 Do you believe that education for Masters should be mandatory?

Answered: 23 Skipped: 10



Q33 If so, should certain topics be required?

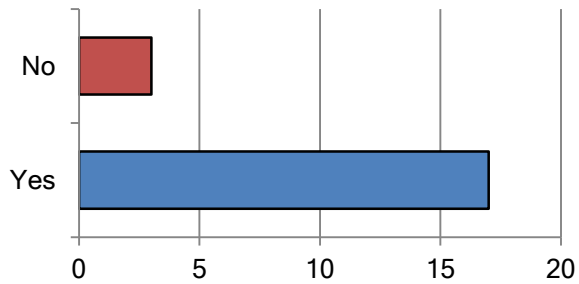
Answered: 20 Skipped: 13



Topics offered by respondents: Child Development; Trauma; D & A; PPI Practices; Child Safety; Grief & Loss; Role of the Judge

Q34 Should these topics be required as part of the annual CLEs?

Answered: 20 Skipped: 13



Attachment

Q35 On which topics do you believe your Masters need to receive education?

Answered: 17 Skipped: 16

Responses to this question were as varied as the responders. Many re-iterated that they believe that Master's need education in all of the matters stated in Q21. In addition to those topics, the following were also offered:

- "Core" training for new masters
- Replay of judges trainings
- Law updates
- Reasonable efforts determination
- Required findings
- Mental health
- Placement options
- IDEA

Q36 What suggestions do you have about increasing the quality of Master practice?

Answered: 16 Skipped: 17

Half of survey responders answered this question. Of those received, there was great variety. One theme that emerged was the need for mandatory education for Masters. Following the theme of training, suggestions included training specific to the role of Masters, the development of best practice standards and education on such, and the possibility of paid training. Judges also offered suggestions about requiring court oversight, allowing Masters to hear all aspects of dependency cases, and observations being done by both Judges and Masters.

Q37 What suggestions do you have about oversight/supervision/support of Masters?

Answered: 16 Skipped: 17

Half of survey responders answered this question. Of those that responded, most did not have any suggestions. Two novel ideas were noted. One judge suggested that forms to evaluate the Master's practice be given to CYS caseworkers and witnesses. Two others suggested that there needs to be some education or best practice guidance about providing oversight to Masters.