



# 2015 Pennsylvania State Roundtable Report



Hearing Officer Education Workgroup



# Hearing Officer Workgroup

## Chairperson

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## Members

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# **Background**

## **2011 Pennsylvania State Roundtable**

At the 2011 Pennsylvania State Roundtable, priority was given to Juvenile Court Hearing Officers and enhancing their exposure to the changing dependency practice. It was acknowledged that quasi-Judicial Officers, Hearing Officers, or otherwise referred to as Juvenile Court Masters, are often the first and sometimes only interaction families have with dependency court. The Pennsylvania State Roundtable convened the Hearing Officer Workgroup, co-chaired by the Honorable Carol Van Horn, Court of Common Pleas of Franklin/Fulton Counties and the Honorable Albert Masland, Court of Common Pleas of Cumberland County, to develop an educational session for Hearing Officers.

## **2012 Pennsylvania State Roundtable**

At the 2012 Pennsylvania State Roundtable, information was provided as to the successful educational session held on November 9, 2011 at the Pennsylvania Judicial Center, Harrisburg. Fifty-six practicing Juvenile Court Hearing Officers attended the session. Those in attendance represented 35 counties and 90% of counties using Hearing Officers. Specific content to the session included the following:

- Pennsylvania Dependency Benchbook
- Courtroom management
- Ethical considerations for the role of Hearing Officers
- Engaging families in the courtroom
- Practice tips by each hearing type
- Personality Assessment and Analysis

The participants overall rating of this session was a 4.6 out of 5.0. Participants expressed an eager interest to participate in future sessions, collaborate with other Hearing Officers and enhance their dependency court skills.

**The following recommendation was approved:**

**Continue to meet and plan educational sessions for the Hearing Officers**

## 2013 Pennsylvania State Roundtable

At the 2013 Pennsylvania State Roundtable, the Hearing Officer Workgroup, now chaired by the Honorable Joy Reynolds McCoy, was charged with continuing their work exploring the practice of Hearing Officers and their oversight by the Judges under whom they serve. In addition, planning began for a second educational session, to be held in Harrisburg.

**The following recommendations were approved:**

- 1. Development of an annual education session for Hearing Officers; and**
- 2. Completion of a survey of Judges and Hearing Officers**

## 2014 Pennsylvania State Roundtable

At the 2014 Pennsylvania State Roundtable, an overview was provided of the educational session, entitled *Understanding and Applying the Safety Framework to Judicial Decision Making*, which was held on September 3, 2013 at the Pennsylvania Judicial Center, Harrisburg.

Faculty for this educational session included:

- Honorable Kelley Streib, Court of Common Pleas of Butler County
- Honorable Joy Reynolds McCoy, Court of Common Pleas of Lycoming County
- Sandra Moore, MSW, Administrator, Office of Children and Families in the Courts

Specific session content included:

- Safety threats, vulnerability of the child and parental protective capacities: *safety threat + vulnerable child – parental protective capacities = unsafe child*
- Safety considerations when removing a child
- Safe decision-making in visitation
- Safety considerations in reunification
- Act 55, Family Finding
- Safety analysis of Family Finding in dependency proceedings

Participant evaluation results showed an overall session rating of 4.6/5.0, with sessions specific to the safety analysis receiving a 4.7/5.0. With strong support and requests for additional sessions, the Workgroup began planning for a 2014 education session.

In addition, two surveys were created, one specific to Judges and one to Hearing Officers, to explore areas such as knowledge of dependency related issues, type of oversight by the county Judge, types of proceedings heard, training specific to dependency issues and level of involvement within the Local Children's Roundtable. A summary of the Judge/Hearing Officer survey results was provided. The survey highlighted the following information:

- Majority of Hearing Officers are part time and paid an annual rate
- Hearing Officers handle 75% of total dependency cases in counties that use them
- County Juvenile Judge provides oversight and supervision by way of in-person meetings and email updates
- Hearing Officers would like to know more about issues of dependency and basic issues affecting children and families
- 91% of Hearing Officers and 87% of Judges believe that training for Hearing Officers should be mandatory
- 96% of Judges reported high satisfaction rates with the performance of their Hearing Officer
- 35% of Judges have observed their Hearing Officer in court

**The following recommendations were approved:**

- 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 Pennsylvania State Roundtable**

### **Progress and Update on approved 2014 State Roundtable Recommendations**

Over the past year, the Hearing Officer Workgroup has seen remarkable change and accomplishments beginning with the addition of eight new Hearing Officers to the Workgroup. With these additions, the Workgroup now represents the various sized counties across the commonwealth. Throughout the year, accomplishments were made to all three approved 2014 State Roundtable recommendations.

#### **I. Ongoing development of an annual training for Hearing Officers**

On September 3, 2014, an educational session was held at the Sheraton Harrisburg/Hershey Hotel, Harrisburg, PA with 50 Hearing Officers in attendance. The session, titled “Using Kinship Care to Reduce Child Loss and Trauma,” was a full day session and included the following topics:

- Grief, loss and trauma overview,
- Using kinship to reduce loss and trauma,
- Updates: Case law, rules and Benchbook,
- De-Escalation in the workplace, and
- Hearing Officer Survey and court observation results.

The following faculty dedicated their time, knowledge and passion to the topics of the session:

Honorable Joy Reynolds McCoy, Court of Common Pleas of Lycoming County  
Honorable Kelley Streib, Court of Common Pleas of Butler County  
William Webber, Chief Detective of Lycoming County  
Edward McCoy, Detective of Lycoming County  
Sandra E. Moore, Administrator, Office of Children and Families in the Courts  
Lynne Napoleon, Judicial Analyst, Office of Children and Families in the Courts  
Christy Stanek, Judicial Analyst, Office of Children and Families in the Courts  
Elke Moyer, Administrative Associate, Office of Children and Families in the Courts

Participant evaluation results showed an overall rating of 4.3/5.0. Multiple participants responded to the evaluation questions that they would ask more family finding questions and be more proactive with asking questions about kinship care. The participants seemed enlightened to the impact family has on reducing trauma and several asked if education sessions could be provided twice a year. A complete overview of the evaluation results can be found under *APPENDIX I*.

## **II. Explore the possibility of semi-annual training for Hearing Officers**

At the conclusion of the September educational session, the Workgroup sought approval to have a second session on April 22, 2015 immediately following the Children's Roundtable Summit. The Workgroup chose this date not only for the travel convenience of any Hearing Officers attending the Children's Roundtable Summit, but also in hopes of encouraging their attendance, as a county team member, at the Children's Roundtable Summit. In light of last year's survey results, which showed that Hearing Officers hear the majority of cases in their respective counties, the Workgroup believed that their participation as a county team member would be beneficial. At the 2013 Children's Roundtable Summit, only 16 Hearing Officers were in attendance. At this year's Children's Roundtable Summit, 37 Hearing Officers were in attendance.

The educational session held on April 22, 2015 was a half-day session and included the following topics:

- A Broad View: Hearing Officer Practices Across the State,
- Achieving Permanency: Compliance versus Progress, and
- Case Law Update.

In response to participants request at the September educational session, the Workgroup added a section of the session that included a panel of five Hearing Officers from various size counties who shared their knowledge and practices around questions such as Common Pleas Court Management System (CPCMS), managing the courtroom, permanency hearings and findings and recommendations. Next, the Workgroup provided an in depth look at compliance versus progress and how each affect permanency. The presenters emphasized the need for Hearing Officers to look for behavioral changes of a parent and/or



child rather than solely compliance of services when determining safety and well-being. Finally, two Workgroup members provided the participants with an update to new case law since the September session.

The Honorable Max Baer, Pennsylvania Supreme Court Justice, provided opening remarks and an opportunity for the Hearing Officers to ask questions. Faculty for the session included the following:

Honorable Max Baer, Pennsylvania Supreme Court Justice  
Honorable Joy Reynolds McCoy, Court of Common Pleas of Lycoming County  
Honorable Michael J. Lucas, Court of Common Pleas of Washington County  
Narcy L. Hughes, Esquire  
Clay Nathaniel Cauley, Esquire  
Kate Cramer Lawrence, Esquire  
James Adams, Esquire  
Stephen P. Imms, Esquire  
Bob McGuinness, Esquire  
Michelle C. Kahan, Esquire  
Gregory Keenan, Esquire

An overview of the participant evaluation results can be found at the end of this report in *APPENDIX II*.

### **III. Explore the concept of mandatory Hearing Officer training and make recommendations regarding such to the 2015 State Roundtable**

The charge of mandatory training for Hearing Officers was exhausted with the recently adopted Juvenile Court Procedural Rules 182 and 1182, which were signed by order of the Supreme Court September 11, 2015 and effective October 1, 2016 (Appendix III, IV and V). The new rules require Hearing Officers to:

- Be a member, in good standing of the Bar of Pennsylvania Commonwealth,
- Have been licensed to practice law for five consecutive years,
- Have completed six hours of initial basic training course (s), which specifically address dependency topics,
- Complete six hours of a mandatory course (s) offered by the Juvenile Court Judges' Commission (Delinquency) or the Office of Children and Families in the Courts (Dependency) every two years,
- Sign an initial affidavit attesting that they have met the requirements of this rule, and
- Submit a new affidavit every two years attesting that the continuing education requirements have been met.

Educational sessions offered by the Hearing Officer Workgroup will meet the Dependency requirements of the new rules. In response to the mandates of the new rules and the

requests of Hearing Officers in their evaluations, the Workgroup is recommending that educational sessions be planned and offered twice a year.

**2014-2015 Highlights for the Hearing Officer Workgroup**

- *New Rules of Juvenile Court Procedure*
- *Increase in Workgroup membership from 3 to 11 Hearing Officers*
- *Increase in representation of various sized counties*
- *Hearing Officer Educational Session September 3, 2014*
- *Increase in Hearing Officer attendance at the Children's Roundtable Summit from 16 in 2013 to 37 in 2015*
- *Hearing Officer Education Session April 22, 2015*

**The Hearing Officer Workgroup respectfully submits to the Pennsylvania State Roundtable the following recommendations:**

1. Ongoing development of semi-annual training for hearing officers;
2. One of the semi-annual trainings occur around either the Children's Roundtable; Summit or statewide Family Group Decision Making Conference;
3. Creation of a statewide hearing officer directory;
4. Explore the possibility of designating one consistent name for those attorneys presiding over cases in their respective county; and
5. Explore the creation of an association or means for hearing officers to network.

**APPENDIX I**

**Hearing Officer Education Session September 3, 2014**

What is your overall evaluation of the training?	4.3
How relevant was the information presented?	4.2
<b>How satisfied were you with the following sessions:</b>	
Grief, Loss and Trauma	3.9
Using Kinship to Reduce Loss and Trauma	4.3
Updates: Case Law and Benchbook	4.0
De-Escalation in the Work Place	3.9
What the Results Say: Hearing Officer Survey and Court Observations	4.0

**What surprised you about the training?**

“How effective family finding can be at reducing child trauma”

“How practical the information was to our work”

“The networking aspect and ability to learn from other counties”

**In light of today’s session, what might you do differently in your dependency cases beginning tomorrow?**

“As more questions! I’ll definitely follow up on family finding and ask more about potential kinship placements”

“Be more proactive”

“Spend more time talking to the kids”

**What questions do you still have about the material or what information do you still need to know?**

“Would a failure to reach out to extended family members create an issue with reasonable efforts if the parents themselves have been identified and engaged”

“What is the relationship between DPW regulation and Master/Judicial authority to order the agency to do things”

“How do you implement all these great ideas in the limited time you have to conduct a hearing”

**What topics would you like to see covered in future training sessions?**

“Courtroom procedure – walk through each type of case and how to handle them”

“Interstate Compact”

“Transition planning, Independent Living and post 18 care and services”

**Additional Comments:**

“Can we do this twice a year”

“Open discussion during the end was helpful”

“It would be helpful to hear more about how each county handles their courtroom and include various skill levels”

## APPENDIX II

### Hearing Officer Education Session April 22, 2015

What is your overall evaluation of the training?	4.3
How relevant was the information presented?	4.4
<b>How satisfied were you with the following sessions:</b>	
A Broad View: Hearing Officer Panel	4.4
Achieving Permanency: Compliance versus Progress	4.3
Case Law Update	4.6

#### **What surprised you about the training?**

“Conversations with other Hearing Officers and different positions as to compliance versus progress”

“Panel discussion was very insightful. It was useful to hear how other Hearing Officers operate”

“The participation of Hearing Officers—GREAT”

#### **What two things will you do differently in your dependency proceedings?**

“Personally greet parents”

“Work to get hearings started on time”

“Assess progress more carefully”

#### **What topics would you like to see covered in future training sessions?**

“What constitutes Reasonable Efforts – preventing removal from home and to reunifying with the parent”

“More panels”

“Independent Living”

**Additional Comments:**

“Make more time for case law updates”

“More opportunity for table discussions”

“How can we better deal with agencies”