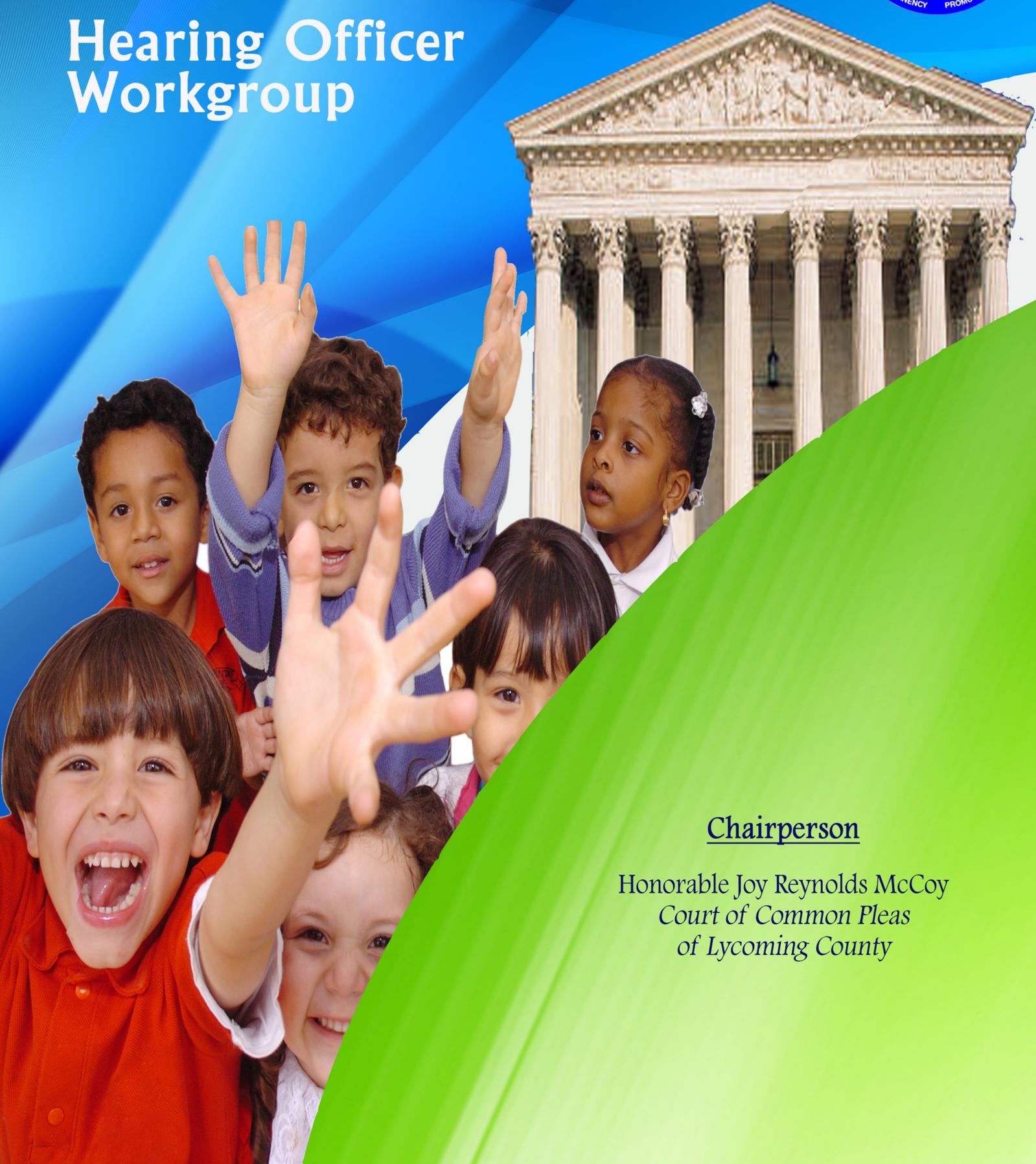


2016 State Roundtable Report



Hearing Officer Workgroup



Chairperson

Honorable Joy Reynolds McCoy
*Court of Common Pleas
of Lycoming County*

Hearing Officer Workgroup

Chairperson

Honorable Joy Reynolds McCoy

Judge

Court of Common Pleas of Lycoming County

Members

James Adams, Esquire
Juvenile Dependency Hearing Officer
Blair County

Clay Cauley, Sr., Esquire
Juvenile Dependency Hearing Master
Chester County

Narcy Hughes, Esquire
Juvenile Dependency Hearing Officer
Berks County

Stephen P. Imms, Jr., Esquire
Juvenile Dependency Hearing Master
Montgomery County

Michelle C. Kahan, Esquire
Juvenile Dependency Hearing Officer
York County

Gregory Keenan, Esquire
Juvenile Dependency Hearing Officers
Crawford County

Kate Cramer Lawrence, Esquire
Juvenile Dependency Hearing Master
Cumberland County

Robert B. McGuinness, Esquire
Juvenile Dependency Hearing Master
Bradford County

Monique Lafontant Mears, Esquire
Juvenile Dependency Hearing Master
Westmoreland County

Mahesh Rao, Esquire
Juvenile Dependency Hearing Master
Franklin County

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Background

2011 Pennsylvania State Roundtable

At the 2011 Pennsylvania State Roundtable, discussions began around Juvenile Court Hearing Officers and enhancing their exposure to the changing dependency practice. As quasi-Judicial Officers, Hearing Officers, otherwise referred to as Juvenile Court Masters, are often the first and sometimes only interaction families have with dependency court. For this reason, it is critical that these court hearings demonstrate the same level of high quality proceeding as conducted by the Judges in the same jurisdiction. As such, 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 of 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

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 recommendations were approved:

- 1. 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. 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. Results of both surveys were to be provided in the 2014 Hearing Officer Workgroup report to the Pennsylvania State Roundtable.

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, a summary of the Judges/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.**

2015 Pennsylvania State Roundtable

At the 2015 Pennsylvania State Roundtable, the Hearing Officer Workgroup presented several highlights throughout the 2014-2015 year, which included the following:

- Juvenile Court Procedural Rule 1182, signed by order of the Supreme Court September 11, 2015 and effective August 1, 2017
- Increase in Workgroup membership from 3 to 11 Hearing Officers
- Increase in representation of various sized counties
- Hearing Officer Education Session held on September 3, 2014
 - Grief Loss and Trauma
 - Using kinship to reduce grief, loss and trauma
 - De-Escalation in the workplace
 - Case law update
- Increase in Hearing Officer attendance at the Children's Roundtable Summit from 16 in 2013 to 37 in 2015

- Hearing Officer Education Session held on April 22, 2015
 - Achieving Permanency: Compliance versus Progress
 - A Broad View: Hearing Officer Practices Across the State
 - Case Law Update

The following recommendations were approved:

- 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.**

Progress and Update on approved 2015 State Roundtable Recommendations

Throughout the past year, the Hearing Officer Workgroup organized two educational sessions, which were held in September 2015 and April 2016. In addition, there was progress or completion on the additional recommendations, presented in further detail throughout this section.

- 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**

On September 9, 2015, an educational session was held at the Sheraton Harrisburg/Hershey Hotel, Harrisburg, PA. There were 37 Hearing Officers in attendance. The session was a full day and included the following topics:

- Serving Older Youth
- A Broad View: Hearing Officer Practices Across the State
- Motivational Interviewing
- Standards of Practice for Parent Attorneys, Guardians ad Litem and Legal Counsel practicing in Pennsylvania’s Child Dependency System
- Case Law Update

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 Michael H. Sholley, *Court of Common Pleas of Snyder/Union Counties*
Honorable Michael J. Lucas, *Court of Common Pleas of Washington County*
Clay Cauley, Esquire, *Hearing Master, Chester County*
Kate Cramer Lawrence, Esquire, *Hearing Master, Cumberland County*
Carol Carson, Esquire, *Hearing Officer, Philadelphia County*
Michelle C. Kahan, Esquire, *Hearing Officer, York County*
Gregory Keenan, Esquire, *Hearing Officer, Crawford County*
Monique Mears, Esquire, *Hearing Master, Westmoreland County*
Frank P. Cervone, Esquire, *Executive Director, Support Center for Child Advocates*
Katherine Gomez, Esquire, *Executive Director of Legal Practice, Community Legal Services, Philadelphia*

Participation evaluation results showed an overall rating of 4.8/5.0 and an overall material relevancy of 4.9/5.0. Multiple participants responded to the evaluation questions that, as a result of the session, they will focus more on engaging children, reconsider their handling of re-entry cases and monitor their attorney's practice and performance with regards to legal representation. Hearing Officers asked for additional information on handling cases of older youth 18+ and gaining a better understanding of using family finding and FGDM from the bench. A complete overview of the evaluation results can be found in **APPENDIX I**.

As part of Workgroup's 2015 charge, a second educational session was held on April 26, 2016 at the Hershey Lodge, Hershey PA. This half-day session was held the morning before the start of the statewide Family Group Decision Making Conference. The session was opened by the Honorable Supreme Court Justice Max Baer and included the following topics:

- Interstate Compact on the Placement of Children (ICPC)
- Act 55 Family Finding: Leading from the Bench
- Case Law Update

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

Honorable Max Baer, *Pennsylvania Supreme Court Justice*
Honorable Joy Reynolds McCoy, *Court of Common Pleas of Lycoming County*
Clay Cauley, Esquire, *Hearing Master, Chester County*
Kate Cramer Lawrence, Esquire, *Hearing Master, Cumberland County*
Gregory Keenan, Esquire, *Hearing Officer, Crawford County*
Jason McCrea, *Deputy Compact Director, Department of Human Services*

Participation evaluations showed a 4.7 out of 5.0 rating overall and a 4.8 out of 5.0 for relevancy. Participants commented that they will do more enforcement of family finding, that they would like additional information on the ICPC process and preference for future education session topics include information regarding child welfare processes and services. Additional ratings and evaluation comments can be found at the end of this report under ***APPENDIX II***.

Moving forward, the Workgroup believes that a central location has proven to increase attendance at the Hearing Officer education sessions. Therefore, the Workgroup would like to continue offering semi-annual training, but would ask that we be excused from the previous charge of the training occurring “around either the Children’s Roundtable Summit or statewide Family Group Decision Making Conference” to allow the flexibility of planning to occur at a central location site.

3. Creation of a statewide Hearing Officer directory

In order to create a means of networking and communication, a statewide directory was created for Hearing Officers. The directory is “housed” through a private link that can be found on the Hearing Officer Workgroup web page, on the Office of Children and Families in the Courts website. In order to access the private link, Hearing Officers will be provided a code, which allows their personal contact information to remain confidential.

4. Encourage Judges, Hearing Officers and the Office of Children and Families in the Courts to utilize the term “Hearing Officer opposed to Master” when referencing attorneys presiding over dependency cases.

The Hearing Officer Workgroup recognizes that the Supreme Court authorizes the designated name utilized for the professional role of Hearing Officer/Master through the Juvenile Court Procedural Rules. It further recognizes that in the comment to Rule 1120, permission and equal meaning is given to Hearing Officer and Master being used interchangeably. The Workgroup raises this issue both for consistency across Pennsylvania and also for racial sensitivity. As such, the Workgroup would recommend that Judges, Hearing Officers and the Office of Children and Families in the Courts use the title “Hearing Officer” to describe an attorney presiding over dependency cases.

5. Explore the creation of an association or means for Hearing Officers to network

The Workgroup began looking at the creation of an association for Hearing Officers; however, due to time constraints were not able to complete this charge. Over the next year, the Workgroup would like to continue its efforts to identify a name for the association, register the association and begin looking at additional requirements necessary (i.e. mission statement, by-laws, etc.). With the completion of a Hearing Officer directory, the Workgroup will be better able to proceed throughout the next year.

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

- 1. Approve the creation of a private Hearing Officer directory on the Office of Children and Families in the Courts website;**
- 2. Ongoing development of semi-annual training for Hearing Officers, with permission to provide these trainings anytime throughout the year at a central training site;**
- 3. Encourage Judges, Hearing Officers and the Office of Children and Families in the Courts to use the title “Hearing Officer” when referring to attorneys presiding over dependency cases;**
- 4. Continue to explore the creation of an association or means for Hearing Officers to network; and**
- 5. Assist in the development of any initial and continuing education training requirements, for current Hearing Officers presiding over dependency cases, as a result of rule 1182 of the Rules of Juvenile Court Procedural Rules.**

Hearing Officer Education Session September 9, 2015

What is your overall Evaluation of the training	4.8
How relevant was the information provided	4.9
Serving Older Youth	4.8
Hearing Officer Practices Across the State	4.6
Standards of Practice for Legal Representation	4.8
Case Law Update	4.7

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

“Spend more time engaging children”

“More monitoring of Attorney’s performance and practice”

“Reconsideration of the handling of re-entry cases”

What questions do you still have about the material presented?

“How can we implement HB 477 and what are its limitations?”

“How do we enforce the Standards of Practice for legal representation?”

“Are older youth able to seek resumption of jurisdiction and remain in their parent’s home?”

Hearing Officer Education Session September 9, 2015

What topics would you like to see at the next Hearing Officer/Master Education Session?

“Further discussion on Legal versus Physical Custody”

“A Mock FGDM conference”

“Legal status of youth over 18 in the system”

Hearing Officer Education Session April 26, 2016

What is your overall Evaluation of the training	4.7
How relevant was the information provided	4.8
Interstate Compact on the Placement of Children (ICPC)	4.6
Family Finding from the Bench	4.6
Case Law Update	4.8

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

“I will investigate fit and willing relatives in other states to see if there can be a transfer of the child without ICPC”

“Push more family finding”

“Dig deeper into family finding”

What questions do you still have about the material presented?

“What is being done to revamp the ICPC process nationally and why is packets being mailed and slowly processed in this technological age?”

“What is Pennsylvania doing to lead change in the ICPC process?”

“ICPC is still really confusing...more information would be helpful”

Hearing Officer Education Session April 26, 2016

What topics would you like to see at the next Hearing Officer/Master Education Session?

“Evidence”

“Children and youth processes and services”

“The interplay between the timing of custody actions and dependency proceedings”