



# 2020 State Roundtable Report Juvenile Court Hearing Officer Education

Reasonable  
Efforts

Autism

Benchbook

Youth Voice

Case Law



Committee Chairperson

Honorable Jennifer L. Rogers  
Court of Common Pleas of Luzerne County

# Juvenile Court Hearing Officer Education Committee

## Chairperson

**Honorable Jennifer L. Rogers**  
Court of Common Pleas of Luzerne County

Alexis Ciccone, Esquire  
Juvenile Court Hearing Officer  
Philadelphia County

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

Kate Cramer Lawrence, Esquire  
Juvenile Court Hearing Officer  
Cumberland County

Theresa Loder, Esquire  
Juvenile Court Hearing Officer  
Lehigh County

Monique Lafontant Mears, Esquire  
Juvenile Court Hearing Officer  
Westmoreland County

Todd W. Weitzmann, Esquire  
Juvenile Court Hearing Officer  
Monroe County

Gina Ziady, Esquire  
Juvenile Court Hearing Officer  
Washington County

## Administrative Office of Pennsylvania Courts/ Office of Children & Families in the Courts

Jennifer A. Eichenlaub, MSW, MBA  
Judicial Program Analyst

Sandra Moore, MSW  
*Director*

Elke Moyer  
*Administrative Associate/Graphic Designer*

## **Background**

At the 2011 Pennsylvania State Roundtable (SRT), discussions began regarding the need to provide educational opportunities and support to all judicial officers including Juvenile Court Hearing Officers. To aid in this SRT goal the Juvenile Court Hearing Officer Education Committee, originally 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, was convened and asked to develop educational sessions specifically for Dependency Hearing Officers. On November 9, 2011, the first educational session was held and the experience was very welcomed by the Hearing Officers that were able to attend this momentous event.

In 2012, there was a change in leadership and the Honorable Joy Reynolds McCoy, Court of Common Pleas of Lycoming County, chaired the Juvenile Court Hearing Officer Education Committee through May 2018. During her time as the Chairperson, the educational sessions went from occurring annually to now being offered bi-annually. In addition, there was a dramatic increase in Hearing Officers participating in the educational sessions as well as attending the Children's Roundtable Summit.

Since its convening, the Juvenile Court Hearing Officer Education Committee has organized 12 educational sessions for Dependency Hearing Officers, including the educational sessions held on June 6, 2019 and October 3, 2019, found in the "progress and update" section of this report. The contents of previous educational sessions are available for your review in *APPENDIX I*.

As of September 2020, there are 75 Dependency Juvenile Court Hearing Officers located in 34 out of the 60 (57%) judicial districts in Pennsylvania. See *APPENDIX II* for the current number of Hearing Officers that are hearing dependency matters in each judicial district.

## **Progress and Update on Approved 2019 State Roundtable Recommendations**

The Juvenile Court Hearing Officer Education Committee organized two education sessions, which were held on June 6, 2019 and October 3, 2019. Progress made on the 2019 SRT recommendation is presented in further detail throughout this section of the report.

- 1. Ongoing development of semi-annual training for Hearing Officers, with permission to provide these trainings anytime throughout the year at a central training site.**

## Spring 2019 Education Session

A brief survey on Autism Spectrum Disorder was included in the registration process for the Spring 2019 Education Session. The Hearing Officers were asked the following questions:

- 1.) Have you held a dependency hearing that involved a child diagnosed with Autism Spectrum Disorder?
- 2.) If yes, were there any situations that you encountered during the hearing on which you would like additional guidance?
- 3.) Do you have a specific question on Autism Spectrum Disorder that you would like to be addressed by the Child & Adolescent Psychiatrist?

Out of the 52 Hearing Officers that took the survey, 87% of them have experienced a dependency hearing that involved a child with Autism Spectrum Disorder. Many of the Hearing Officers wanted guidance on a situation they encountered during these hearings and several Hearing Officers had questions they would like to have answered by the Child & Adolescent Psychiatrist. The results of this survey were provided to two of the presenters, the Honorable Kelly C. Wall, Court of Common Pleas of Montgomery County, and Dr. Shawna S. Brent, Board Certified Child & Adolescent Psychiatrist so they could incorporate the information into their trainings. The results from this survey can be found in ***APPENDIX III***.

On June 6, 2019, an educational session was held at the Sheraton Harrisburg/Hershey Hotel, Harrisburg, PA. There were 50 Hearing Officers in attendance at this session. The session was a full day and included the following topics:

- Reasonable Efforts: What are they? What consequences do they hold? What does research, case law and data tell us?
- What is Autism Spectrum Disorder?
- When Dependency Court and Autism Intersect

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

**Justice Max Baer**, *Pennsylvania Supreme Court*

**Sandra Moore, MSW**, *Director, Office of Children and Families in the Courts*

**Gloria Gilligan**, *Director, Bureau of Budget & Fiscal Support, Office of Children, Youth and Families*

**Shawna S. Brent, MD**, *Board Certified Child & Adolescent Psychiatrist*

**Honorable Kelly C. Wall**, *Court of Common Pleas of Montgomery County*

**Joel Bernbaum, Esquire**, *Bernbaum Family Law*

**Elizabeth Felten, MBA, CPA, CGMA**, *Assistant Professor of Business, DeSales University*

**Maria Etzrodt Gibbons, Esquire**, *Dependency Hearing Officer, Montgomery County*

**Karen Markle, MA, BCBA**, *Chief Strategy Officer, The Children's Institute of Pittsburgh*

Participation evaluation results showed an overall rating of 4.5/5.0 and an overall relevancy of 4.4/5.0. Some participants asked for future education sessions to focus on Family First Prevention Services Act and on medical marijuana. Respondents also requested more of Justice Baer. A complete overview of the evaluation can be found in *APPENDIX IV*.

#### Fall 2019 Education Session

On October 3, 2019, an educational session was held at the Sheraton Harrisburg/Hershey Hotel, Harrisburg, PA. There were 41 Hearing Officers in attendance at this session. The session was a full day and included the following topics:

- Pennsylvania Dependency Benchbook: Highlights from the 3<sup>rd</sup> Edition
- Best Practices and Alternatives to Congregate Care
- Congregate Care: Youth Panel
- Case Law Update

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

**Honorable Walter J. Olszewski**, *Court of Common Pleas of Philadelphia County*

**Honorable Jennifer L. Rogers**, *Court of Common Pleas of Luzerne County*

**Sandra Moore, MSW**, *Director, Office of Children and Families in the Courts*

**Kimberley D. Young, MSW, LSW, CCTP**, *Vice President, The Bair Foundation*

**Christina Sorenson, Esquire**, *Juvenile Law Center*

**Kate Cramer Lawrence, Esquire**, *Juvenile Court Hearing Officer, Cumberland County*

Participation evaluation results showed an overall rating of 4.3/5.0 and an overall relevancy of 4.2/5.0. Some participants asked for future education sessions on trauma-informed courts and education law. A complete overview of the evaluation can be found in *APPENDIX V*.

**The Juvenile Court Hearing Officer Education Committee respectfully submits to the Pennsylvania State Roundtable the following recommendation:**

1. **Ongoing development of semi-annual training for Juvenile Court Hearing Officers, with permission to provide these trainings anytime throughout the year at a central training site.**

### Juvenile Court Hearing Officer Education Sessions (2011 to Present)

<b>Date of Educational Session</b>	<b>Content Material Presented</b>
November 9, 2011 (Initial Session)	<ul style="list-style-type: none"> <li>● Pennsylvania Dependency Benchbook</li> <li>● Courtroom Management</li> <li>● Practice Tips for Each Hearing Type</li> <li>● Engaging Families in the Courtroom</li> <li>● Ethical Considerations</li> </ul>
September 3, 2013	<ul style="list-style-type: none"> <li>● Safety Assessment and Planning</li> <li>● Act 55, Family Finding</li> <li>● Safety Analysis of Family Finding</li> </ul>
September 3, 2014	<ul style="list-style-type: none"> <li>● Grief, Loss and Trauma</li> <li>● Using Kinship to Reduce Grief, Loss and Trauma</li> <li>● De-Escalation in the Workplace</li> <li>● Case Law Update</li> </ul>
April 22, 2015	<ul style="list-style-type: none"> <li>● Achieving Permanency: Compliance versus Progress</li> <li>● A Broad View: Hearing Officer Practices Across the State</li> <li>● Case Law Update</li> </ul>
September 9, 2015	<ul style="list-style-type: none"> <li>● Serving Older Youth</li> <li>● A Broad View: Hearing Officer Practices Across the State</li> <li>● Motivational Interviewing</li> <li>● Standards of Practice for Parent Attorneys, Guardian ad Litem and Legal Counsel</li> <li>● Case Law Update</li> </ul>
April 26, 2016	<ul style="list-style-type: none"> <li>● Interstate Compact on the Placement of Children (ICPC)</li> <li>● Act 55 Family Finding: Leading from the Bench</li> <li>● Case Law Update</li> </ul>
September 14, 2016	<ul style="list-style-type: none"> <li>● Child Welfare 101</li> <li>● Rules of Evidence in Dependency Proceedings</li> <li>● CPCMS and Court Observation</li> <li>● Truancy: A Call to Action</li> <li>● Understanding Age and Developmentally Appropriate Activities, Prudent Parenting and APPLA</li> <li>● Case Law Update</li> </ul>

<b>Date of Educational Session</b>	<b>Content Material Presented</b>
October 4, 2017	<ul style="list-style-type: none"> <li>• Talking with and Engaging Children in the Courtroom</li> <li>• Engagement Strategies in the Courtroom</li> <li>• Truancy and Educational Success: Recent Legislative Changes</li> <li>• Ethical Situations and Considerations in Dependency</li> <li>• Case Law Update</li> </ul>
April 6, 2018	<ul style="list-style-type: none"> <li>• Road Map to Permanency</li> <li>• The Opioid Crisis in Pennsylvania</li> <li>• Drug and Alcohol Screening, Assessments &amp; Level of Care</li> <li>• Medication Assisted Treatment &amp; Recovery</li> <li>• Ethical Situations and Considerations in Dependency</li> </ul>
October 4, 2018	<ul style="list-style-type: none"> <li>• Mental Health Issues in Dependency Court: Bridging the Medico-legal Information Gap</li> <li>• I Do Not Qualify for Homebound Instruction, but I refuse to Go to School – Help Me!</li> <li>• Family First Prevention Services Act: What Dependency Courts Can Stop Doing</li> <li>• Ethical Situations and Considerations in Dependency</li> <li>• Case Law Update</li> </ul>
June 6, 2019	<ul style="list-style-type: none"> <li>• Reasonable Efforts: What are they? What consequences do they hold? What does research, case law and data tell us?</li> <li>• What is Autism Spectrum Disorder?</li> <li>• When Dependency Court and Autism Intersect</li> </ul>
October 3, 2019	<ul style="list-style-type: none"> <li>• Pennsylvania Dependency Benchbook: Highlights from the 3<sup>rd</sup> Edition</li> <li>• Best Practices and Alternatives to Congregate Care</li> <li>• Congregate Care Youth Panel</li> <li>• Case Law Update</li> </ul>



## Spring 2019 Hearing Officer Survey on Autism Spectrum Disorder

### Have you held a dependency hearing that involved a child diagnosed with Autism Spectrum Disorder?

Fifty-two (52) Hearing Officers responded:

- 45 Hearing Officers (87%) answered yes.
- 7 Hearing Officers (13%) answered no.

### If yes, were there any situations that you encountered during the hearing on which you would like additional guidance.

Fifty (50) Hearing Officers responded and their responses were categorized into the following themes:

#### Better Understanding of Autism:

- The breadth of the Spectrum and just how any particular degree of autism is determined. It seems like a lot of conditions/behaviors that were never considered to be autistic are now lumped into an ever broadening autistic spectrum.
- Understanding the different stages of the spectrum, their symptoms and treatment modalities. When I have questions and an expert (eg: psychologist, therapist) was present, I sought their input.
- In the case that I encountered, the diagnosis itself was disputed. Although I would not presume to rule on such disputes, I nevertheless hope to gain a more refined understanding of what the disorder involves.
- Disagreements between caretakers and case managers as to the appropriate age the child should be assessed for autism.

#### Appropriate Services available for Children Diagnosed with Autism:

- I would like to obtain information on the services available to children diagnosed with Autism, as the spectrum is wide and the services are to be tailored to each child.
- What services (other than those provided by the school district or mental health service providers) might be available, i.e. for the child to engage in activities in the community?
- Services available for children with Autism. Educational services for children with Autism. Advocacy for Children with Autism. Availability of Support Groups for families caring for children with Autism.
- Autism vs. early intervention services.
- When an issue arises as to funding/insurance to pay for the services the child needs, what can the court system do to ensure the services are covered by insurance and provided to the child?

Appropriate Services available for Children Diagnosed with Autism (continued):

- If a child with Autism has a recommendation for RTF placement, how important is it that the facility have specialized resources available to address the autism diagnosis?

Educational Needs for Children Diagnosed with Autism:

- Have a 15-year-old child with autism who refuses to go to school. We don't know what resources are available and how to assess his needs. He seems relatively high-functioning, but absolutely will not go to school. Has started to have some behavior issues at home as well.
- Making sure the IEP is adequate and followed.
- Need to appoint educational decision maker? Appropriate persons to be appointed?
- When to bring in special expertise in educational issues in representing the child (i.e. an educational law attorney or the Education Law Center in Philadelphia)?

Children Diagnosed with Autism in Court:

- Is there a recommended way of preparing an autistic child to interact in court?
- Court is a crowded, noisy, strange environment. Can the presence of the child in court be excused for good cause for autism so as not to traumatize the child?
- Whether or not to order an autistic child with behavioral issues to appear in court?
- For some severe cases, I actually leave the child/youth in the car/vehicle and go out and see the (usually non-verbal, severely disabled youth) there. If they are mobile, but still non-verbal, I often see and excuse the children/youth so that they do not have to sit around through the hearing. Are there any problems with my doing this?
- How does one know that some autistic children understand the hearing?

Safety Determination for Children Diagnosed with Autism:

- Factors to consider regarding whether home is a safe and appropriate place to which to return where child has such special needs.
- To what extent may the skill level of the parent be considered in determining whether child will be safe and well attended to at home?
- Reunification efforts with the parent(s) where the child was able to defeat existing security measures and wandered from the home resulting in child endangerment charges being filed against both parents.
- Issue of whether to require parents to take any type of special training to learn how to handle the special issues involved with their child?
- What level of care/supervision is required? What assistance or programs are available to aid a single mother with an autistic child who requires a higher level of supervision?

**Do you have a specific question on Autism Spectrum Disorder that you would like to be addressed by the Child & Adolescent Psychiatrist?**

Twelve (12) Hearing Officers responded and their responses were categorized into the following themes:

Better Understanding of Autism:

- Are there any specific tests for the disorder? How important is seeing the child in a variety of settings to the diagnosis? Is a diagnostic residential program necessary?
- What is the appropriate age to test a child for autism?
- When a child receives an autism diagnosis relatively late (say 10 years old or older) and previously carried a variety of other diagnosis, is it wise to be skeptical of that diagnosis and what is the best way to confirm accuracy of diagnosis?
- Why is it a "spectrum" now?
- Understanding the different stages of the spectrum, their symptoms and treatment modalities.
- What is the functional prognosis for children falling on the different spots on the spectrum?
- Compare and contrast how childhood trauma impacts a child on the spectrum as compared to a child not on the spectrum. Special conditions, affects or consequences to watch for in the event of trauma inflicted upon a child on the spectrum.
- Recommendations of resources for learning more about children on the spectrum.

Appropriate Services available for Children Diagnosed with Autism:

- Are there services which can be put into place early in an Autistic child's development to assist with language development and interpersonal skills of which families in the community may not be aware of but could be provided to a child in care? Is there something intensive that can be done?
- My county has limited parenting education service providers, in general, let alone for parents of children who are diagnosed with Autism Spectrum Disorder. What evidenced based modalities/practices should a provider be utilizing to address parenting of a child diagnosed with ASD?
- Appropriateness of parent's intention to utilize medical marijuana to manage symptoms of child diagnosed with Autism Spectrum Disorder and other diagnoses, i.e. ADHD, ODD.

Children Diagnosed with Autism in Court:

- How can courts better address the special needs of Autistic children?
- Are there any general hints to make the child more comfortable (in court)?
- Is it appropriate to order a child with moderate autism to court?

## Juvenile Court Hearing Officer Education Session on June 6, 2019

What is your overall evaluation of the training?	4.5
How relevant was the information presented?	4.4
<b><i>How satisfied were you with the following sessions:</i></b>	
Reasonable Efforts	4.3
What is Autism Spectrum Disorder	4.4
When Dependency Court and Autism Intersect	4.4

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

1. I will be more confident in recommending a finding of no reasonable efforts.
2. Besides verifying that family finding is being done, I will also verify that the family is being engaged.

***What questions do you still have about the material presented?***

1. How do we balance an autistic child's need to be kept safe against the mental/emotional distress of being removed from the home or changing placements?

***What topics would you like to see at the next Juvenile Court Hearing Officer Education Session?***

1. Family First Prevention Act
2. Medical Marijuana
3. More Justice Baer

## Juvenile Court Hearing Officer Education Session on October 3, 2019

What is your overall evaluation of the training?	4.3
How relevant was the information presented?	4.2
<b><i>How satisfied were you with the following sessions:</i></b>	
PA Dependency Benchbook: Highlights of 3 <sup>rd</sup> Edition	4.3
Best Practices and Alternatives to Congregate Care	3.8
Congregate Care Youth Panel	4.2
Case Law Update	4.6

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

1. I will not meet privately with any child.
2. I will question children more fully and carefully as well as not allow substitutes for the children's Guardian Ad Litem.

***What questions do you still have about the material presented?***

1. What can I do to improve education for children who might have to attend school on grounds (in congregate care placement)?

***What topics would you like to see at the next Juvenile Court Hearing Officer Education Session?***

1. Trauma-Informed Court
2. Education Law