

2021

# State Roundtable Report Juvenile Court Hearing Officer Education



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

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## **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 was convened and asked to develop education sessions specifically for Dependency Hearing Officers. The Committee was co-chaired initially 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. 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 and attending the Children's Roundtable Summit.

Since its convening, the Juvenile Court Hearing Officer Education Committee has organized 13 educational sessions for Dependency Hearing Officers, including the educational sessions held on June 3, 2021, 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 August 2021, there are 77 Dependency Juvenile Court Hearing Officers located in 35 out of the 60 (58%) 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 2020 State Roundtable Recommendations**

The Juvenile Court Hearing Officer Education Committee organized one education session held on June 3, 2021. Progress made on the 2020 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.**

### 2020 Education Sessions

Given the pandemic and none of the primary Hearing Officers needing to complete six hours of instruction to remain in compliance with Pa.R.J.C.P. 1182(B), the decision was made not to hold any education sessions in 2020.

Spring 2021 Education Session

A brief survey on Drug Testing in Child Welfare was included in the Spring 2021 Education Session registration process. The Hearing Officers were asked the following questions:

**1.) Does your county child welfare agency have a comprehensive policy and protocols on drug testing?**

67 out of 68 Hearing Officers answered:

- |           |          |
|-----------|----------|
| a. Yes    | 7 (10%)  |
| b. No     | 19 (28%) |
| c. Unsure | 41 (61%) |

**2.) Do you have a specific question on drug testing in child welfare that you would like addressed by the Forensic Toxicologist? If so, please list your question(s) below.**

The questions from this survey were provided to Forensic Toxicologist Dr. Michael Coyer to incorporate the information into his training. In addition, the questions were provided to the Hearing Officer Education Committee Chairperson, Honorable Jennifer L. Rogers, as some of the questions they asked were specific to their role as a Hearing Officer. The list of questions asked by the Hearing Officers was sorted into themes and can be found in ***APPENDIX III***.

On June 3, 2021, an education session was held virtually for the first time via Cisco WebEx. The Juvenile Court Judges Commission (JCJC), an accredited provider with the Pennsylvania CLE Board, graciously agreed to sponsor the training. Sixty-six (66) Hearing Officers attended the session. The session was a full day and included the following topics:

- Child Safety Legal Analysis
- Kinship Care & Child Placements with Emergency Caregivers
- Drug Testing in Child Welfare
- Case Law Updates

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

**Honorable Kelley Streib**, *Court of Common Pleas of Butler County*

**Jennifer Napp Evans, M.Ed., LBS.**, *Administrator, Snyder County Children & Youth*

**Michael Coyer, PH.D., DABFT**, *Laboratory Director, Northern Tier Research*

**Kate Cramer Lawrence, Esquire**, *Hearing Officer, Court of Common Pleas of Cumberland County*

Participation evaluation results showed an overall rating of 4.2/5.0 and overall relevancy of 4.1/5.0. Some participants asked for future training on reasonable efforts findings, supporting families and children with mental health, substance use disorder, and dually diagnosed. A complete overview of the evaluation can be found in *APPENDIX IV*.

**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>
June 3, 2021	<ul style="list-style-type: none"> <li>• Child Safety Legal Analysis</li> <li>• Kinship Care &amp; Child Placements with Emergency Caregivers</li> <li>• Drug Testing in Child Welfare</li> <li>• Case Law Updates</li> </ul>



## Spring 2021 Hearing Officer Education Session

### Registration questions on Drug Testing in Child Welfare:

#### 1) Does your county child welfare agency have a comprehensive policy and protocols on drug testing?

67 out of 68 Hearing Officers Answered:

Yes	7 (10%)
No	19 (28%)
Unsure	41 (61%)

#### 2) Do you have a specific question on drug testing in child welfare that you would like addressed by the Forensic Toxicologist? If so, please list your question(s) below.

##### Clarification on terminology:

- Meaning of abnormal creatinine?
- What specifically does a “diluted” sample mean?

##### Differences in Types of Drug Testing:

- Is there any difference in terms of reliability depending on which type or brand of drug test is used?
- Which type of test includes the most comprehensive panels?
- Our CYS Agency avers that Sweat Patch testing is the most accurate form of drug testing. Is this correct?
- Our CYS Agency has been refusing Hair Follicle testing offered by parents as they allege this is an inaccurate form of testing. What is your opinion on Hair Follicle testing?
- Is a hair follicle test better than urine and swab tests, and can they clarify false-positive tests by other methods? If so, why is that method not used more or exclusively?
- How is the patch test self-confirming, and what can be done when a client denies use and requests that it be "sent to the lab" for verification?

**Time Limits for Drug Testing:**

- Could you provide a matrix on the suggested time limit for accurate testing of specific substances?
- How long does it take for each substance to get out of a person's system?

**Interpreting Drug Testing:**

- Should I infer anything from the levels reported on a document without expert testimony putting those levels in context? For example: Is there a certain measurement of THC that can reliably be seen as daily usage regardless of age, weight, creatinine levels, etc.? Is gauging whether someone's use of a substance has gone up or down as simple as looking at whether the levels go up and down, or are there other factors that might change the trend?
- Are there certain levels for individual or specific controlled substances and alcohol over which a person's judgment would be impaired?

**Drug Specific:**

**Cocaine**

- How long does cocaine stay in one's system?
- Can you test positive for cocaine if you simply touch it?

**Heroin**

- Is there a specific test to request to help distinguish whether a heroin addict is using heroin while still on Suboxone?

**Medical Marijuana**

- Does medical marijuana show up in a drug test?
- If someone who takes medical marijuana tests positive for marijuana, is that an indication they are smoking marijuana?
- I find the issue of medical marijuana cards to be a confusing issue for parents who still appear to be abusing/over-using substances.
- When, if ever, will there be a way to test and confirm that someone with a medical marijuana card is taking a "recommended" amount, not less or more?

**Synthetic Drugs**

- Can you provide information in regards to testing for synthetic substances?

**False Positives/Tampering with Drug Testing:**

- Can over-the-counter medications or other substances result in false positives? If so, what precautions are there?
- If a person utilizes “clean urine” from another individual, is there any way for a drug test to detect this?
- Why do the agency drug screens result in so many false positives after being sent to the lab?
- Is consumption of poppy seeds accepted as indicating a positive drug screen?
- What produces false-positive tests (over-the-counter medicine, prescribed medications like Trazadone, CBD oil)?

**Miscellaneous:**

- What have we learned, if anything, from the impact COVID, has had on testing methods?

**Role as Hearing Officer:**

- What can you give us in our arsenal to explain why we rely on the tests in court?
- What should a Hearing Officer do with testing results as we are not trained to interpret them?
- How should we respond to a parent or a child who denies usage and blames the testing method or tester?
- Use of legal substances during D&A treatment
  - Use of alcohol by parents who are addicted to drugs and reportedly in D&A treatment?
  - How does the use of synthetic substances factor into treatment?
- What is the best practice standard for a minimum period of sobriety before reunification (especially for a young/vulnerable child)?
- At what point can testing safely be stopped or reduced?

## Juvenile Court Hearing Officer Education Session on June 3, 2021

What is your overall evaluation of the training?	4.2
How relevant was the information presented?	4.1
<b><i>How satisfied were you with the following sessions:</i></b>	
Child Safety Legal Analysis	4.1
Kinship Care & Placements with Emergency Caregivers	4.0
Drug Testing in Child Welfare	3.8
Case Law Update	4.2

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

1. I will do a more thorough analysis of child safety at every hearing and distinguish between progress and compliance.
2. I will have parents articulate what they need to do before the next hearing.
3. I will require a more exhaustive investigation of kinship care placement options.
4. I will ask more questions about the drug testing being conducted through the agency.

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

1. How to handle medical marijuana?

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

1. Supporting Families and Children with Mental Health
2. Drug & Alcohol and Dual Diagnosis
3. Reasonable Efforts Findings
4. More Case Law Updates