



2022 State Roundtable Report Juvenile Court Hearing Officer Education



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

Juvenile Court Hearing Officer Education Committee

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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.

In May 2018, the Honorable Jennifer L. Rogers, Court of Common Pleas of Luzerne County, became the Juvenile Court Hearing Officer Education Committee Chairperson. Under Judge Roger's leadership, the educational sessions are now set to occur annually on the first Thursday in June and the first Thursday in October. By having a consistent schedule for educational sessions, Hearing Officers are provided with as much advanced notice as possible.

Since its convening, the Juvenile Court Hearing Officer Education Committee has organized or assisted in developing 15 educational sessions for Dependency Hearing Officers, including the educational session held on October 7-8, 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***.

Juvenile Court Hearing Officers in the Dependency System

A Juvenile Court Hearing Officer Education Committee meeting was held on March 25, 2022. At this meeting, the Committee was informed that 12 people completed the Rule 1182 Distance Education Training and became Dependency Hearing Officers in 2021. Given the number of new Hearing Officers, the Committee wanted to know for all current Hearing Officers how many are primary or backup, which Leadership Roundtable they are in, and their years of experience. Please see the chart on the next page.

As of April 30, 2022, 79 Dependency Juvenile Court Hearing Officers are located in 36 of the 60 (60%) judicial districts in Pennsylvania. See **APPENDIX II** for the current number of Hearing Officers that are hearing dependency matters in each judicial district.

79 Dependency Juvenile Court Hearing Officers (JCHO) are located in 36 of the 60 (60%) Judicial Districts in Pennsylvania					
59 (75%) Primary JCHO			20 (25%) Backup JCHO		
Years of Experience	# of JCHO	% of JCHO	Leadership Roundtable	# of JCHO	% of JCHO
0-5	36	46%	LRT1	13	16%
6-10	19	24%	LRT2	20	25%
11-20	10	13%	LRT3	12	15%
21-30	8	10%	LRT4	10	13%
31-40	5	6%	LRT5/6	10	13%
40+	1	1%	LRT7	6	8%
<i>Experience ranges from 11 weeks to 41 years</i>			LRT8	8	10%

Out of the 79 Juvenile Court Hearing Officers (JCHO):

- The majority (75%) are presiding as a Primary JCHO in their county.
- JCHO experience ranges from 11 weeks to 41 years.
- Twenty-four JCHO (30%) have eleven years or more experience.
- Almost half (46%) of the JCHO have five years or less experience.
- A quarter (25%) of the JCHO are in Leadership Roundtable 2 (Berks, Chester, Lancaster, Westmoreland, and York). These counties are third class, with a population of 210,000 to 499,999.

Given this information, the Committee decided to invite additional members to the Juvenile Court Hearing Officer Education Committee that are newer to being a Hearing Officer and try to have representation from all of the Leadership Roundtables.

Progress and Update on Approved 2021 State Roundtable Recommendations

The Juvenile Court Hearing Officer Education Committee assisted the Office of Children & Families in the Courts with the education session held on October 7-8, 2021. Progress made on the 2021 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.**

In May 2020, The National Capacity Building Center for Courts (CBCC) notified the Office of Children & Families in the Courts (OCFC) of an important educational opportunity for five judicial leaders from Pennsylvania. The CBCC planned to host a National Judicial Academy on Reasonable Efforts virtually on October 26 & 27, 2020, for Region 3 (Maryland, New York, Virginia, Washington DC, and Pennsylvania). The following Pennsylvania Dependency Judges were selected to attend the Judicial Academy:

- Honorable Deborah Canty, Court of Common Pleas of Philadelphia County
- Honorable Traci McDonald, Court of Common Pleas of Washington County
- Honorable Jennifer L. Rogers, Court of Common Pleas of Luzerne County
- Honorable Paige Rosini, Court of Common Pleas of Northumberland County
- Honorable Jennifer Sletvold, Court of Common Pleas of Northampton County

Following the Region 3 National Judicial Academy on Reasonable Efforts, a virtual meeting was held on November 30, 2020, with the judges to get their feedback. The judges found significant value in the experience of attending the National Judicial Academy. So much so that they recommended the Judicial Academy be brought to Pennsylvania.

On January 8, 2021, Sandra Moore, Director of OCFC, expressed to the CBCC her interest in their working with the OCFC to bring a Judicial Academy on Reasonable Efforts specifically to Pennsylvania. The CBCC responded and agreed to collaborate with OCFC to deliver three Judicial Academies customized to reflect substantive Pennsylvania law on Reasonable Efforts. The CBCC and OCFC first met on January 28, 2021, to begin planning the Pennsylvania-specific Judicial Academies. In February 2021, OCFC sent a save-the-date email for the virtual Judicial Academies on Reasonable Efforts being scheduled to occur on:

- October 7 -8, 2021, for Hearing Officers
- October 19-20, 2021, for Judges
- October 27-28, 2021, for Judges

Included in the save-the-date email was a brief description of the Academy:

The Pennsylvania Judicial Academy on Reasonable Efforts - Reasonable Efforts findings are a powerful tool for courts to improve children and families' lives by ensuring child welfare agencies fulfill their obligation to ensure child safety, family unity, and timely permanence. This 1.5-day highly interactive and virtual academy for judicial officers will provide instruction in the black letter law and the art of making reasonable efforts findings. Participants will have the opportunity to apply gained knowledge and learn from peers across the state and nation. What participants learn will help them prevent the unnecessary removal of children from their homes and make sure that those who are removed are returned to their parents or achieve permanence in another manner as quickly and safely as possible.

Given the tremendous response of interest in attending the Judicial Academies, OCFC decided to open the registration earlier than originally planned. OCFC sent a registration email on March 2, 2022, to Dependency Judges and Hearing Officers. The registration process was first-come, first-served since each Judicial Academy was limited to 32 participants. **Four hours after sending the registration email, the registration for the Hearing Officers was closed as the session had reached capacity.** Since the Academy received more interest than space available, a waitlist was created for the Hearing Officers.

The Pennsylvania Judicial Academy on Reasonable Efforts for Hearing Officers

The Pennsylvania Judicial Academy on Reasonable Efforts, sponsored by the National Capacity Building Center for Courts and the Office of Children & Families in the Courts, was held on Thursday, October 7, 2021, from 8:30 am - 3:00 pm, and Friday, October 8, 2021, from 8:30 am to 12:30 pm. The virtual Judicial Academy was hosted using WebEx, and there were 32 Hearing Officers in attendance as participants. The Hearing Officers were provided with a Participant Guidebook that included Pennsylvania Reasonable Efforts Statutes, Rules & Practice (see *APPENDIX III*).

The following was the agenda for the 1.5-day Judicial Academy on Reasonable Efforts:

DAY 1		
Time	Topic	Presenters
8:30-9:00	Early Login and Technical Assistance	
9:00-9:20	Setting Intention	Tim Jaasko-Fisher
9:20-9:50	The Law of Reasonable Efforts	Jennifer Renne
9:50-10:05	Break	
10:05-10:35	The Art of Making Reasonable Efforts Findings	Judge Hudson
10:35-10:55	Reasonable Efforts Demonstration	Judge Hudson Faculty Teams
10:55-11:20	Q & A with the Presenters	Tim Jaasko-Fisher Judge Hudson Jennifer Renne
11:20-noon	Evaluating Reasonable Efforts Findings	Tim Jaasko-Fisher Faculty Teams
Noon-12:45	Lunch	
12:45-1:00	Mad Tea	Tim Jaasko-Fisher
1:00-1:15	How Will This Academy Impact Your Practice?	Tim Jaasko-Fisher
1:15-2:00	Simulation I	Tim Jaasko-Fisher Faculty Teams
2:00-2:45	Simulation II	Tim Jaasko-Fisher Faculty Teams
2:45-3:00	Closing	Tim Jaasko-Fisher

DAY 2		
8:30-8:50	Reasonable Efforts Monsters	Tim Jaasko-Fisher
9:00-9:15	Open Space	Tim Jaasko-Fisher
9:15-10:00	Simulation III	Tim Jaasko-Fisher Faculty Teams
10:00-10:15	Break	
10:15-11:00	Simulation IV	Tim Jaasko-Fisher Faculty Teams
11:00-11:30	Knowledge Check and Review	All Faculty
11:30-noon	Leadership Roundtable	Tim Jaasko-Fisher Faculty Teams
noon-12:15	Faculty Q & A	Tim Jaasko-Fisher Faculty Teams
12:15-12:30	Closing and Evaluation	Tim Jaasko-Fisher

Please see *APPENDIX IV* for the presenters' bibliographies.

Faculty Teams:

Faculty was needed to assist with the four simulations in the Judicial Academy by role-playing a reasonable efforts scenario and then contributing to the debriefing discussions. Before each Judicial Academy, a faculty pre-meeting was held via WebEx. CBCC staff walked the faculty teams through the Academy at the faculty pre-meetings, introduced them to their fellow faculty members, explained their role in detail, and answered questions. Faculty team members were also provided with a Judicial Academy Faculty Workbook and a Participant Guidebook. See *APPENDIX V* for the faculty team members for each Judicial Academy.

The Office of Children & Families in the Courts wants to thank the CBCC Staff, the Chairperson and members of the Hearing Officer Education Committee, and other Dependency Hearing Officers for your willingness to serve as faculty for the Judicial Academies!



Celebrating 10 Years of Education Sessions for Dependency Juvenile Court Hearing Officers (2011-2021)

Nowadays, it might be challenging to comprehend that at one time, no educational sessions were explicitly offered for Dependency Hearing Officers. It might be hard to imagine that there wasn't a Juvenile Court Hearing Officer Education Committee. It may be unbelievable that previously there were no required qualifications or mandatory training for attorneys to preside over dependency matters. Of the Hearing Officers currently presiding over cases in the Dependency System, for 23 of them, this was their reality over a decade ago.

In 2011, through the Children's 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. Hearing Officers are often the first, and sometimes only interaction families have with the dependency court. Their critical role supports the need for high-quality hearings consistent with those conducted by judges in their jurisdiction. While trial court judges gather several times a year at a statewide conference, at that time, there were no such educational opportunities explicitly geared toward Hearing Officers. Therefore, the State Roundtable commissioned a committee to develop and hold an educational session for Hearing Officers.

On November 9, 2011, the Juvenile Court Hearing Officer Education Committee held their first Hearing Officer Education Session, "Your Role as a Judicial Officer." Participants engaged in the session and appreciated the opportunity to gather with their peers and share ideas. Many comments provided feedback that addressing the gap in education tailored to the needs of hearing officers was long overdue and very welcomed. Most seemed eager to participate in future educational sessions.

Since 2011, there have been an additional 14 Education Sessions specifically held for Dependency Hearing Officers. In addition, many significant events occurred during the last decade that have changed the qualifications, education requirements, and even the title for an attorney presiding over dependency matters. See *APPENDIX VI* for a timeline of milestones from 2011 to 2021 for Dependency Hearing Officers.

Congratulations on 10 successful years!

The Office of Children & Families in the Courts wants to thank the former and current Juvenile Court Hearing Officer Education Committee Chairpersons for their dedication, leadership, and expertise. We couldn't have done this without you!

Juvenile Court Hearing Officer Education Committee (2011-2021)	
Committee Chairpersons:	
2011-2012	Honorable Carol Van Horn Court of Common Pleas of Franklin & Fulton Counties & Honorable Albert Masland Court of Common Pleas of Cumberland County
2012-2018	Honorable Joy Reynolds McCoy Court of Common Pleas of Lycoming County
2018-Current	Honorable Jennifer L. Rogers, Court of Common Pleas of Luzerne County

The Office of Children & Families in the Courts also wants to express our gratitude to the former and current Juvenile Court Hearing Officer Education Committee Members for their passion, creative and innovative thinking, and for all of their fervent efforts. Especially the most devoted Committee members that have been willing to serve for many years. Your commitment to the Committee has greatly contributed to its success!

Juvenile Court Hearing Officer Education Committee (2011-2021)	
Longest Serving Members of Committee:	
2011-2021	Michelle C. Kahan, Esquire Juvenile Court Hearing Officer Court of Common Pleas of York County
2014- Current	Kate Cramer Lawrence, Esquire Juvenile Court Hearing Officer Court of Common Pleas of Cumberland County

Last but not least, the Office of Children & Families in the Courts wants to show our appreciation to the State Roundtable for recognizing the importance of Juvenile Court Dependency Hearing Officer educational sessions and for convening the Juvenile Court Hearing Officer Education Committee! Your vision and foresight created a structure that has helped countless children and families through the ongoing education of Pennsylvania's Juvenile Court Dependency Hearing Officers.

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.**

Juvenile Court Hearing Officer Education Sessions (2011 to Present)

Date of Educational Session	Content Material Presented
November 9, 2011 (Initial Session)	<ul style="list-style-type: none"> • Pennsylvania Dependency Benchbook • Courtroom Management • Practice Tips for Each Hearing Type • Engaging Families in the Courtroom • Ethical Considerations
September 3, 2013	<ul style="list-style-type: none"> • Safety Assessment and Planning • Act 55, Family Finding • Safety Analysis of Family Finding
September 3, 2014	<ul style="list-style-type: none"> • Grief, Loss, and Trauma • Using Kinship to Reduce Grief, Loss, and Trauma • De-Escalation in the Workplace • Case Law Update
April 22, 2015	<ul style="list-style-type: none"> • Achieving Permanency: Compliance versus Progress • A Broad View: Hearing Officer Practices Across the State • Case Law Update
September 9, 2015	<ul style="list-style-type: none"> • Serving Older Youth • A Broad View: Hearing Officer Practices Across the State • Motivational Interviewing • Standards of Practice for Parent Attorneys, Guardian ad Litem, and Legal Counsel • Case Law Update
April 26, 2016	<ul style="list-style-type: none"> • Interstate Compact on the Placement of Children (ICPC) • Act 55 Family Finding: Leading from the Bench • Case Law Update
September 14, 2016	<ul style="list-style-type: none"> • Child Welfare 101 • Rules of Evidence in Dependency Proceedings • CPCMS and Court Observation • Truancy: A Call to Action • Understanding Age and Developmentally Appropriate Activities, Prudent Parenting and APPLA • Case Law Update
June 6, 2017	<ul style="list-style-type: none"> • Mandatory Pa.R.J.C.P. 1182 Training
October 4, 2017	<ul style="list-style-type: none"> • Talking with and Engaging Children in the Courtroom • Engagement Strategies in the Courtroom • Truancy and Educational Success: Recent Legislative Changes • Ethical Situations and Considerations in Dependency • Case Law Update

Date of Educational Session	Content Material Presented
April 6, 2018	<ul style="list-style-type: none"> • Road Map to Permanency • The Opioid Crisis in Pennsylvania • Drug and Alcohol Screening, Assessments & Level of Care • Medication-Assisted Treatment & Recovery • Ethical Situations and Considerations in Dependency
October 4, 2018	<ul style="list-style-type: none"> • Mental Health Issues in Dependency Court: Bridging the Medico-legal Information Gap • I Do Not Qualify for Homebound Instruction, but I refuse to Go to School – Help Me! • Family First Prevention Services Act: What Dependency Courts Can Stop Doing • Ethical Situations and Considerations in Dependency • Case Law Update
June 6, 2019	<ul style="list-style-type: none"> • 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
October 3, 2019	<ul style="list-style-type: none"> • Pennsylvania Dependency Benchbook: Highlights from the 3rd Edition • Best Practices and Alternatives to Congregate Care • Congregate Care Youth Panel • Case Law Update
June 3, 2021	<ul style="list-style-type: none"> • Child Safety Legal Analysis • Kinship Care & Child Placements with Emergency Caregivers • Drug Testing in Child Welfare • Case Law Updates
October 7-8, 2021	<ul style="list-style-type: none"> • Capacity Building Center for Courts' Judicial Academy on Reasonable Efforts



PENNSYLVANIA REASONABLE EFFORTS STATUTES, RULES & PRACTICE

THE PENNSYLVANIA CHILD PROTECTIVE SERVICES LAW (CPSL)

- **23 Pa.C.S. § 6373**

§ 6373. General protective services responsibilities of county agency.

(b) Efforts to prevent need for removal from home.--In its effort to assist the child and the child's parents, pursuant to Federal regulations, the county agency will make reasonable efforts prior to the placement of a child in foster care to prevent or eliminate the need for removal of the child from his home and to make it possible for the child to return to home.

THE JUVENILE ACT

- **42 Pa.C.S. § 6332**

§ 6332. Informal hearing.

(a) General rule.--An informal hearing shall be held promptly by the court or master and not later than 72 hours after the child is placed in detention or shelter care to determine whether his detention or shelter care is required under section 6325 (relating to detention of child), whether to allow the child to remain in the home would be contrary to the welfare of the child and, if the child is alleged to be delinquent, whether probable cause exists that the child has committed a delinquent act. Reasonable notice thereof, either oral or written, stating the time, place, and purpose of the hearing shall be given to the child and if they can be found, to his parents, guardian, or other custodian. Prior to the commencement of the hearing the court or master shall inform the parties of their right to counsel and to appointed counsel if they are needy persons, and of the right of the child to remain silent with respect to any allegations of delinquency. If the child is alleged to be a dependent child, the court or master shall also determine whether reasonable efforts were made to prevent such placement or, in the case of an emergency placement where services were not offered and could not have prevented the necessity of placement, whether this level of effort was reasonable due to the emergency nature of the situation, safety considerations and circumstances of the family.

- **42 Pa.C.S. § 6351**

§ 6351. Disposition of dependent child.

(b) Required preplacement findings.--Prior to entering any order of disposition under subsection (a) that would remove a dependent child from his home, the court shall enter findings on the record or in the order of court as follows:

- (1) that continuation of the child in his home would be contrary to the welfare, safety or health of the child; and
- (2) whether reasonable efforts were made prior to the placement of the child to prevent or eliminate the need for removal of the child from his home, if the child has remained in his home pending such disposition; or
- (3) if preventive services were not offered due to the necessity for an emergency placement, whether such lack of services was reasonable under the circumstances; or
- (4) if the court has previously determined pursuant to section 6332 (relating to informal hearing) that reasonable efforts were not made to prevent the initial removal of the child from his home, whether reasonable efforts are under way to make it possible for the child to return home; and
- (5) if the child has a sibling who is subject to removal from his home, whether reasonable efforts were made prior to the placement of the child to place the siblings together or whether such joint placement is contrary to the safety or well-being of the child or sibling.

The court shall not enter findings under paragraph (2), (3) or (4) if the court previously determined that aggravated circumstances exist and no new or additional reasonable efforts to prevent or eliminate the need for removing the child from the home or to preserve and reunify the family are required.

PENNSYLVANIA RULES OF JUVENILE PROCEDURAL COURT

- **Pa.R.J.C.P. 1210(D)(6)**

Rule 1210. Order for Protective Custody.

D. *Contents of order.* The court order shall include:

- 6) a finding whether reasonable efforts were made to prevent placement of the child;

- **Pa.R.J.C.P. 1242(C)(3)**

Rule 1242. Shelter Care Hearing.

C. *Findings.* The court shall determine whether:

- 3) custody of the child is warranted after consideration of the following factors:
 - a) remaining in the home would be contrary to the welfare and best interests of the child;
 - b) reasonable efforts were made by the county agency to prevent the child's placement;
 - c) the child's placement is the least restrictive placement that meets the needs of the child, supported by reasons why there are no less restrictive alternatives available; and

d) the lack of efforts was reasonable in the case of an emergency placement where services were not offered;

- **Pa.R.J.C.P. 1514(A)(5)**

Rule 1514. Dispositional Finding Before Removal from Home.

A. Required findings. Prior to entering a dispositional order removing a child from the home, the court shall state on the record in open court the following specific findings:

5) One of the following:

- a) Reasonable efforts were made prior to the placement of the child to prevent or eliminate the need for removal of the child from the home, if the child has remained in the home pending such disposition; or
- b) If preventive services were not offered due to the necessity for emergency placement, whether such lack of services was reasonable under the circumstances; or
- c) If the court previously determined that reasonable efforts were not made to prevent the initial removal of the child from the home, whether reasonable efforts are under way to make it possible for the child to return home.

- **Pa.R.J.C.P. 1608(D)(1)(e)**

Rule 1608. Permanency Hearing.

D. Court's Findings.

1) *Findings at all Six-Month Hearings.* At each permanency hearing, the court shall enter its findings and conclusions of law into the record and enter an order pursuant to Rule 1609. On the record in open court, the court shall state:

- e) whether reasonable efforts were made to finalize the permanency plan in effect;

**ADDITIONAL GUIDANCE IS AVAILABLE IN THE PENNSYLVANIA
DEPENDENCY BENCHBOOK & BENCHBOOK RESOURCE COMPANION**

- **Pennsylvania Dependency Benchbook, 3rd Edition (2019):**

- Chapter 6: Entering the Child Welfare System/Shelter-Care Hearing
 - Section 6.1.1: Reasonable Efforts Determination
 - Section 6.6: Findings and Orders
- Chapter 7: Adjudication Hearing
 - Section 7.6: Findings and Orders
- Chapter 10: Disposition Hearing
 - Section 10.7: Findings and Orders

- Chapter 13: Permanency Hearing
 - Section 13.6.7: Reasonable Agency Efforts to Finalize the Permanency Plan
- Chapter 20: General Issues
 - Section 20.3: “Best Interest” and “Reasonable Efforts” Findings.
- **Pennsylvania Benchbook Resource Companion:**
 - National Council of Juvenile and Family Court Judges, Family Violence Department (2008). *Reasonable efforts checklist for dependency cases involving domestic violence*. University of Nevada, Reno.

In February 2022, an updated version of the Pennsylvania Benchbook Resource Companion will be available that will now include a section on Reasonable Efforts with five new resources.

STATUTES, RULES AND PRACTICE

ON AGGRAVATED CIRCUMSTANCES AND REASONABLE EFFORTS

THE JUVENILE ACT

- **42 Pa.C.S. § 6302**

§ 6302. Definitions.

"Aggravated circumstances." Any of the following circumstances:

- (1) The child is in the custody of a county agency and either:
 - (i) the identity or whereabouts of the parents is unknown and cannot be ascertained and the parent does not claim the child within three months of the date the child was taken into custody; or
 - (ii) the identity or whereabouts of the parents is known and the parents have failed to maintain substantial and continuing contact with the child for a period of six months.
- (2) The child or another child of the parent has been the victim of physical abuse resulting in serious bodily injury, sexual violence or aggravated physical neglect by the parent.
- (3) The parent of the child has been convicted of any of the following offenses where the victim was a child:
 - (i) criminal homicide under 18 Pa.C.S. Ch. 25 (relating to criminal homicide);
 - (ii) a felony under 18 Pa.C.S. § 2702 (relating to aggravated assault), 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to

involuntary deviate sexual intercourse), 3124.1 (relating to sexual assault) or 3125 (relating to aggravated indecent assault).

(iii) A misdemeanor under 18 Pa.C.S. § 3126 (relating to indecent assault).

(iv) An equivalent crime in another jurisdiction.

(4) The attempt, solicitation or conspiracy to commit any of the offenses set forth in paragraph (3).

(5) The parental rights of the parent have been involuntarily terminated with respect to a child of the parent.

(6) The parent of the child is required to register as a sexual offender under Subchapter H of Chapter 97 (relating to registration of sexual offenders) or to register with a sexual offender registry in another jurisdiction or foreign country.

- **42 Pa.C.S. § 6341(c.1)**
§ 6341. Adjudication.

(c.1) Aggravated circumstances.--If the county agency or the child's attorney alleges the existence of aggravated circumstances and the court determines that the child is dependent, the court shall also determine if aggravated circumstances exist. If the court finds from clear and convincing evidence that aggravated circumstances exist, the court shall determine whether or not reasonable efforts to prevent or eliminate the need for removing the child from the home or to preserve and reunify the family shall be made or continue to be made and schedule a hearing as required in section 6351(e)(3) (relating to disposition of dependent child).

- **42 Pa.C.S. § 6351(e)(2)**
§ 6351. Disposition of dependent child.

(e) Permanency hearings.—

(2) If the county agency or the child's attorney alleges the existence of aggravated circumstances and the court determines that the child has been adjudicated dependent, the court shall then determine if aggravated circumstances exist. If the court finds from clear and convincing evidence that aggravated circumstances exist, the court shall determine whether or not reasonable efforts to prevent or eliminate the need for removing the child from the child's parent, guardian or custodian or to preserve and reunify the family shall be made or continue to be made and schedule a hearing as provided in paragraph (3).

PENNSYLVANIA RULES OF JUVENILE COURT PROCEDURE

- **Pa.R.J.C.P. 1705(B)**

Rule 1705. Adjudication of Aggravated Circumstances.

A. *Finding after adjudication of dependency.* After a finding of dependency pursuant to Rule 1409, the court shall determine if aggravated circumstances exist.

B. *Reasonable efforts.* If the court finds aggravated circumstances exist, the court shall determine whether reasonable efforts to prevent or eliminate the need for removing the child from the home or to preserve and reunify the family shall be made or continue to be made and the court shall proceed to a dispositional hearing under Rule 1512.

C. *Court order.* If the court finds that reasonable efforts pursuant to paragraph (B) were made, the court shall include a statement in its order to that effect.

- **Pa.R.J.C.P. 1514(B)**

Rule 1514. Dispositional Finding Before Removal from Home.

B. *Aggravated circumstances.* If the court has previously found aggravated circumstances to exist and that reasonable efforts to remove the child from the home or to preserve and reunify the family are not required, a finding under paragraphs (A)(5)(a) through (c) is not necessary.

- **Pa.R.J.C.P. 1607(A)**

Rule 1607. Regular Scheduling of Permanency Hearings.

A. *Thirty days.* The court shall conduct permanency hearings within thirty days of:

1) an adjudication of dependency at which the court determined that aggravated circumstances exist and that reasonable efforts to prevent or eliminate the need to remove the child from the child's guardian or to preserve and reunify the family need not be made or continue to be made;

2) a permanency hearing at which the court determined that aggravated circumstances exist and that reasonable efforts to prevent or eliminate the need to remove the child from the child's guardian or to preserve and reunify the family need not be made or continue to be made and the permanency plan for the child is incomplete or inconsistent with the court's determination;

3) an allegation that aggravated circumstances exist regarding a child who has been adjudicated dependent; or

4) a motion alleging that the hearing is necessary to protect the safety or physical, mental, or moral welfare of a dependent child.

**ADDITIONAL GUIDANCE IS AVAILABLE IN THE PENNSYLVANIA
DEPENDENCY BENCHBOOK**

- Pennsylvania Dependency Benchbook

- Chapter 20 General Issues:
 - Section 20.2: Aggravated Circumstances

PRESENTER'S BIBLIOGRAPHIES

JUDGE JOHN N. HUDSON

Jurist in Residence

In July, 1983 he was appointed to serve as Adams County Judge was later elected and re-elected to that position until his retirement in December of 2014. He was then appointed by the Supreme Court to serve as the first Jurist in Residence to concentrate on promoting best practices in the child welfare and juvenile justice systems in the state. In that position he works with youth courts statewide and serves as a liaison with State Departments of Child Protection Services, Division of Youth Services of Department of Human Services, Mental Health, Education, Public Safety and the Office of the Attorney General to help create a more effective system meeting the needs of abused, neglected and delinquent children.

Judge Hudson has served in various capacities and been recognized as a leader and innovator in youth court reform. On the state level he played a significant role in the expansion of community services to meet the educational, emotional and physical needs of delinquent, abused and neglected children in the community and in the improvement of the child protection and juvenile justice systems. He served as chair of the Juvenile Detention and Alternatives Task Force tasked with developing licensing standards for all juvenile detention centers in the state to insure that detained youth are held in appropriate facilities. He recently served on a committee tasked with developing statutory changes for Termination of Parental Rights statutes. He has served as the chairman of the Council of Youth Court Judges and as legislative liaison for the council for decades. He served on the Supreme Court Task Force to develop statewide youth court rules and continues to serve on the rules committee to review those rules and recommend changes. He has served as an adjunct member of the Casey Family Programs Judicial Engagement Team to work with jurisdictions around the nation to embed scientific and best practices in child protection cases.

Judge Hudson has been honored with the numerous awards and commendations for his advocacy on behalf of children and families, including the lifetime achievement award by the Juvenile Justice Advisory Committee; with one of the 2015 Chief Justice's Award for contributions to the juvenile justice system, Mississippi State Department of Education Commendation for judicial leadership in improving access to education for at-risk children, Mississippi Bar's Judicial Excellence Award, Mississippi CASA Judge of the Year, the Looking to the Future Award from Mississippi Children's Services among others.

Judge Hudson is a judicial trainer for youth court practice for new judges, reasonable efforts findings and Title IV-E, the Family First Protection Services Act, Hope focused—trauma informed courts, application of risk assessment instruments for delinquency involved youth, the weaknesses of school zero tolerance policies and many others.

Tim Jaasko-Fisher, JD, MA

Founder and Principal Consultant
TJF Consulting, LLC

Tim works nationally to build capacity for individuals and organizations to thrive in complexity. He teaches and consults nationally on engaging groups in complex problem-solving, Liberating Structures methodology, collaboration, and the child welfare legal system and is the founder of TJF Consulting, LLC. He has served since 2015 as the Director of Internal Capacity Building for the Capacity Building Center for Courts. He was Senior Director of Programming and Curriculum Development at the Center for Civility and the Law at Seattle University School of Law (2013-2017). Prior to that he was the founding director of the Court Improvement Training Academy at the University of Washington School of Law (2007-2015). As an Assistant Attorney General (1996-2007) he litigated child welfare matters at all stages from administrative hearings to the Washington State Supreme Court. Mr. Jaasko-Fisher holds a BA in Government from New Mexico State University (1993), a JD from Seattle University School of Law (1996) and a MA from Seattle University (2011) where in addition to his degree, he was awarded a certificate in *Evolving Leadership for Complex Social Issues* (2011).

Jennifer Renne

Director, Court Projects
ABA Center on Children and the Law

Jennifer is the director of the Capacity Building Center for Courts. She has been at the ABA CCL since 2000, and has provided training and technical assistance in almost every state on a wide variety of issues including improving permanency outcomes, achieving permanency for older youth, and collaboration between court systems and the child welfare agency. Her current focus is working with federal and private partners to build capacity among courts, Court Improvement Projects, child welfare agencies and Tribes to achieve sustainable systems' change.

Her publications include books titled *Making it Permanent: Efforts to Finalize Permanency Plans for Foster Children*, *Legal Ethics in Child Welfare Cases*, and *Child Safety: A Guide for Judges and Lawyers*. Jennifer has represented children in dependency cases, and has been an adjunct professor at Georgetown University Law Center, teaching legal ethics to students interested in pursuing public interest law careers. She received her J.D. from Georgetown University Law Center and her B.A. from the University of Pennsylvania.

JUDICIAL ACADEMY ON REASONABLE EFFORTS FACULTY TEAMS			
October 7-8, 2021			
Team 1	Eva Klain, CBCC	Nyasha Justice, CBCC	Jennifer Eichenlaub, OCFC
Team 2	Allison Green, CBCC	Judge Jennifer Rogers, Luzerne	Todd Weitzmann, JCHO, Monroe
Team 3	Kristen Pisani-Jacques, CBCC	Cristine Cooper, CBCC	Vincent Guisini, JCHO, Philadelphia
Team 4	Judge John Hudson, Mississippi	Salih Alexander, CBCC	Christy Stanek, OCFC
October 19-20, 2021			
Team 1	Eva Klain, CBCC	Nyasha Justice, CBCC	Jennifer Eichenlaub, OCFC
Team 2	Allison Green, CBCC	Kate Lawrence, JCHO, Cumberland	John Richards, JCHO, Greene
Team 3	Kristen Pisani-Jacques, CBCC	Gina Ziady, JCHO, Washington	Jennifer Doyle, OCFC
Team 4	Judge John Hudson, Mississippi	Salih Alexander, CBCC	Christy Stanek, OCFC
October 27-28, 2021			
Team 1	Eva Klain, CBCC	Jennifer Eichenlaub, OCFC	Cori Dunn, JCHO, Butler
Team 2	Allison Green, CBCC	Carrie Munsee, JCHO, Erie	Stephenie Strayer, OCFC
Team 3	Judge John Hudson, Mississippi	Salih Alexander, CBCC	Christy Stanek, OCFC
Team 4	Christina Lewis, CBCC	Sheldon Spotted Elk, CBCC	Michele Kahan, JCHO, York

Milestones for Juvenile Court Hearing Officers (JCHO) from 2011 to 2021

2011-2012

- **May 2011:** State Roundtable created JCHO Education Committee
- **June 2011:** JCHO Education Committee convened 1st meeting
- **May 2012:** State Roundtable approved JCHO Education Committee to continue to meet and plan education sessions

2015-2016

- **May 2015:** State Roundtable approved JCHO Education Committee to develop ongoing semi-annual training
- **July 2015:** Supreme Court modified Rule 1182 to clarify requirements also applies to current JCHO. Effective August 2017.

JCHO Education Sessions

- September 3, 2013:** 35 JCHO attended
- September 3, 2014:** 50 JCHO attended

JCHO Education Sessions

- June 6, 2017:** Rule 1182(A)(3) by OCFC: 69 JCHO attended
- October 4, 2017:** 28 JCHO attended
- April 6, 2018:** 40 JCHO attended
- October 4, 2018:** 45 JCHO attended

2019-2020

JCHO Education Sessions

- June 3, 2021:** 66 JCHO attended 1st virtual session
- October 7-8, 2021:** Judicial Academy on Reasonable Efforts by OCFC & CBCC: 32 JCHO attended virtually

1st JCHO Education Session

- November 9, 2011:** "Your Role as a Judicial Officer" was held. 56 JCHO attended

2013-2014

- **September 2014:** State Roundtable approved JCHO Education Committee to provide 2nd education session in 2013-2014
- **September 2014:** Supreme Court adopted Rule 1182, "Qualifications of JCHO"

JCHO Education Sessions

- April 22, 2015:** 37 JCHO attended
- September 9, 2015:** 37 JCHO attended
- April 26, 2016:** 22 JCHO attended
- September 14, 2016:** 45 JCHO attended

2017-2018

- **April 2017:** Supreme Court amended use of term Master, to JCHO for attorneys presiding over dependency matters. Effective September 2017.
- **December 2017:** Chief Justice Saylor requested OCFC develop Distance Education Training to meet Rule 1182(A)(3)
- **July 2018:** Rule 1182 Distance Education Training became available

JCHO Education Sessions

- June 6, 2019:** 50 JCHO attended
- October 3, 2019:** 41 JCHO attended

2021

Celebrating 10 years of Education Sessions explicitly for Dependency JCHO!

Rule 1182 Distance Education Training:

July 2018 to December 2021: 30 JCHO completed