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Improvement Project for Dependency Courts Moves Forward

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The 40-year-old goal of unifying Pennsylvania’s courts has moved forward with a court improvement project under Supreme Court Justice Max Baer’s authority to better the outcomes in the commonwealth’s dependency courts for abused and neglected children.

Since the Constitution of 1968 reorganized the judiciary into the Unified Judicial System, various efforts, some of them unsuccessful, have been undertaken to truly unite the courts of Pennsylvania’s 67 counties. But in recent years, Pennsylvania’s Court Improvement Project has been embraced by family court stakeholders in order to change courtroom practices and share information across jurisdictions, according to a six-member panel speaking during the National Forum on Children, Families and the Courts held last week.

Pennsylvania became the last state in the country to accept court improvement federal funding for dependency cases involving neglected and abused children, said Sandra E. Moore, administrator of the Office of Children and Families in the Courts within the Administrative Office of Pennsylvania Courts.

Now that the court improvement project is up and running, participants in the project have embraced the development of a curriculum for judges that allows families involved in dependency cases to direct decision-making in the cases and the development of a unified computer case-management system for all of the state’s dependency courts.

Without unified data collection, it is unclear how many children in the state are in placement and what form those placements are taking, Moore said.

Prior to the project’s institution, each of Pennsylvania’s counties were “67 fiefdoms, 67 sovereign, independent countries,” said Baer, who spent 15 years in Allegheny County’s family division, including five and a half years as the division’s administrative judge. He said he believes that the project is combating the tendency of counties to be insular and unaware of best practices being deployed in other counties.

The panel for the “Order Out of Chaos: Organizing Coherent Change in a County-Based System” session also included Allegheny County Common Pleas Judge Kim Berkeley Clark, administrative judge of Allegheny County’s family division; Philadelphia Common Pleas Judge Kevin Dougherty, administrative judge of Philadelphia County’s family division; Indiana County Common Pleas Judge Carol Hanna; and Dauphin County Common Pleas Judge Todd A. Hoover.

Moore became administrator of the Office of Children and Families in the Courts in January. The office operates under Baer’s direction. Baer is also the liaison justice for the Court Improvement Project, which operates under the aegis of the Office of Children and Families in the Courts.

Under the project, each county convenes a children’s roundtable of county-level stakeholders in the welfare of children. A smaller number of children’s roundtable members participate in regional leadership roundtables. And an even more select number of leadership roundtable members participate in a state roundtable that makes grassroots-based decisions on the development of a unified child welfare system. All of the panelists at last Thursday’s event are part of the statewide roundtable.

Baer stressed that participation in the roundtable structure is not mandatory for any county.

Hanna said that the project presents an “ambiguous time” because the future of the shape of the state’s dependency courts is unclear. But she said that the roundtable system allows for local control while providing more statewide resources to implement best practices.

Many counties have embraced the goal of “one judge, one family,” or keeping the same judge involved in a family’s juvenile and domestic relations cases. Hanna joked she is “one judge, every family” for her rural county of 88,000. Fifty-five children are placed out of their homes in her county.

Clark noted that Allegheny County is also trying to cross-train its judges to hear different types of family court cases and is undertaking “cultural competency” training for court officials and other staff to deal appropriately with the diverse population moving through Allegheny County’s court system.

Her county’s only concern about a statewide dependency system is interfacing its e-filing system with the state’s case management system. However, Clark said the statewide system will help judges and other court officials understand if courts are doing right by kids.

Funding is also an issue for Allegheny County, so that judicial district is looking toward the private sector for funding, she said. Allegheny County has a population of 1.28 million and has 2,207 children placed out of home and a total of 3,371 active dependency cases.

Hoover said he was thrilled that Baer is pushing the family group decision-making under the court improvement project because he unsuccessfully tried to attract the interest of other dependency judges in the practice before. He has learned that judicial leadership

can convert social practices. Dauphin County has a population of 253,000 and 365 children placed out of home.

Dougherty is a supporter of the family-decision making model for dependency court because it takes away power from judges and Department of Human Services and gives power to families.

Dougherty said he is troubled that the majority of children in placement in Philadelphia are black. Of a population of 1.45 million, 6,123 children are in out-of-home placement and 806 are being supervised in their homes. Of the city's 93 judges, 25 are assigned to family court.

While Philadelphia initially was reluctant about the court improvement project because the city's family court used to exclusively receive those dollars, Dougherty said the new system has gotten the city's three stakeholders in the care of children — the city DHS, the city's school system and family court — to the same table.

The project also has united practitioners from different regions in the state with historic urban-rural, or city rivalry divisions, he said.

"It's time we put our children before money," Dougherty said. "It's time we work to make sure the collective intelligence in our roundtable is listened to and not just heard."

Baer told the out-of-state attendees in the audience that the project will take "Pennsylvania from a disjointed state ... to a state everyone knows about."

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