

Testimony of
James E. Anderson, Executive Director
Juvenile Court Judges' Commission

Before the
Interbranch Commission on Juvenile Justice

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Harrisburg, Pennsylvania

Thank you for the opportunity to appear before you this morning. It is the goal of the Juvenile Court Judges' Commission to provide you with recommendations that can help to ensure that the previously unimaginable abuse of power and violations of law and procedural rule that harmed thousands of Luzerne County children and families can never happen again in Luzerne County or anywhere else in our Commonwealth. In doing so, however, we must ensure that we do not undermine the foundational principles of our juvenile justice system, the most important of which is the statutory responsibility of the juvenile court judge to craft a disposition in every delinquency case that is consistent with the protection of the public interest, best suited to the child's treatment, supervision, rehabilitation and welfare, and which provides balanced attention to the protection of the community, the imposition of accountability for offenses committed and the development of competencies to enable the child to become a responsible and productive member of his or her community.

This is an incredibly important responsibility, and the decisions that come with it are often difficult ones. Yet, many of Pennsylvania's finest judges regard their work in juvenile court as the most meaningful and rewarding work they do, because they know they can make a difference in the lives of the children and families who appear before them. In the view of the Juvenile Court Judges' Commission, presiding in juvenile court is among the most important work that any judge can ever do, and the harm that has been done to Luzerne County children and families remains foremost in our minds.

It is with this background and perspective, that I offer the following recommendations for your consideration on behalf of our Commission:

System Accountability and Openness

In Luzerne County, the transcripts of hearings before former Judge Ciavarella serve to confirm that in a number of these cases, neither the juveniles who appeared before the court, nor their families, understood the basis for the disposition that was being ordered. Currently, the Rules of Juvenile Court Procedure do not require the court, when entering a disposition following an adjudication of delinquency, to explain the reasons for its disposition. However, in an adult criminal proceeding, Rule 704 of the Rules of Criminal Procedure requires the judge, at the time of sentencing, to state on the record the reasons for the sentence that is being imposed. Our first recommendations would place a similar requirement upon juvenile court judges.

- **It is recommended that Pa.R.J.C.P. 512 (relating to dispositional hearing) be modified to require the Court to state the reasons for its disposition on the record at the conclusion of every delinquency case, together with the goals, terms and conditions of that disposition. In cases where the juvenile is committed to residential placement, this Rule should also require the Court to state the name of the specific program, or type of program, to which the juvenile will be committed and the reasons why commitment to that program, or type of program, was determined to provide the minimum amount of confinement that is consistent with the protection of the public and the rehabilitation needs of the juvenile.**
- **It is further recommended that the *Comment* to Pa. R.J.C.P. 512 be modified to clarify that, prior to stating the reasons for its disposition, the Court should give consideration to the following factors: the protection of the community; the treatment needs of the juvenile; the educational, health care and disability needs of the juvenile; the supervision needs of the juvenile; the development of competencies to enable the juvenile to become a responsible and productive member of the community; accountability for the offense(s) committed; and any other factors that the Court deems appropriate.**

We believe that these modifications will help ensure that juveniles and their families understand the basis for a judge's disposition in a delinquency case, and will also aid in the appellate review of delinquency orders.

The revelations about juvenile court practices in Luzerne County have raised questions in the minds of many as to whether things would have been different if these proceedings had been open to the public. Currently, the Juvenile Act provides that delinquency proceedings are generally closed. However, since March of 1996, hearings involving petitions where a child is age 14 or older and alleged to have committed a felony are open to the public, as are hearings involving children who were age 12 or older at the time of alleged conduct which, if committed by an adult, would constitute any of nine designated crimes or an attempt or conspiracy to commit any of those crimes. Many of the Luzerne County cases that have been the subject of media reports were not serious enough to trigger the open hearing provisions of the Juvenile Act.

The Juvenile Court Judges' Commission has considered the issue of whether additional Juvenile Act proceedings should be open to the public a number of times over the years, most recently when reviewing the provisions of Senate Bill 872 (1107) that was introduced by Senator Lisa Baker. This bill would essentially amend the Juvenile Act to provide that delinquency hearings shall be open to the public, except where the court rules, after a finding on the record of exceptional circumstances, that it is necessary to close the hearing or part of a hearing. Previously, the Commission considered this issue during the Special Legislative Session on Crime in 1995, as well as when concerns were raised about the impact that the Juvenile Act's closed hearing provisions have on our capacity to ensure that our child welfare system is operating as it should be. Consistent with positions that we have previously taken, our Commission believes that there is benefit to generally opening all Juvenile Act proceedings to the public, provided that important safeguards are established in statute.

- It is recommended that the Juvenile Act be amended to open both dependency and delinquency proceedings to the public, provided that Courts would have broad authority to close any proceeding, or any portion of any proceeding, for reasons relating to the protection of a child victim, the safety of any witness or when otherwise determined to be in the best interest of a child; provided that attendees would be prohibited from disclosing the identity of any party, victim, witness, child or other participant in the proceeding, or from disclosing any information that would tend to disclose the identity of any of these persons, and provided that there would be a meaningful statutory sanction sufficient to deter this behavior. In addition, cameras should be prohibited in the court room and there should be a prohibition on sketches of family members being drawn for release to the media.

Strengthening Juvenile Defense Services

A critical area of concern that has been highlighted by the testimony already received by your Commission is the need to ensure that the rights of juveniles who are alleged to have committed delinquent acts are protected at every stage of the juvenile court process. It is absolutely essential that the issue of enhancing juvenile defense services, particularly indigent juvenile defense services, is addressed by the Interbranch Commission.

In late 2003, the ABA Juvenile Justice Center and the Juvenile Law Center released the report entitled "*Pennsylvania: An Assessment of Access to Counsel and Quality of Representation in Delinquency Proceedings*". This report, which included county-specific data regarding waiver of counsel provided by the JCJC, concluded that, despite the legal mandates of the Juvenile Act, there were serious deficiencies in the delivery of defense services to indigent accused and adjudicated youth in Pennsylvania's juvenile justice system, and that the availability and quality of defense representation varied widely across the Commonwealth.

In February 2004, at our first meeting following the release of that widely distributed report, the Juvenile Court Judges' Commission established a committee to consider its findings and to determine how our Commission could be of assistance. In August, our then-Chairman, Judge Carol McGinley, wrote personally to every President Judge and Juvenile Court Administrative Judge, which included both former Judges Conahan and Ciavarella, to request their assistance in enhancing the delivery of defense services to indigent alleged and adjudicated delinquent youth in their respective jurisdictions by taking several specific steps. These steps included ensuring that no juvenile goes unrepresented at any stage of the juvenile court process, and presuming the indigence of children for the purpose of appointment of counsel.

Currently, Pa.R.J.C.P. 151 (relating to assignment of counsel) requires the court to assign counsel for a juvenile if the juvenile is without financial resources or otherwise unable to employ counsel. It is the position of the Juvenile Court Judges' Commission that the court, in making this determination, is to consider the financial resources of the juvenile, not the financial resources of parents or guardians. Our experience is that juveniles who have the financial resources to employ counsel are the rare exception in our juvenile justice system.

- **It is recommended that Pa.R.J.C.P. 151 (relating to assignment of counsel) be modified to provide that courts should presume the indigence of juveniles for the purpose of appointment of counsel.**

The violations of juvenile court law and procedural rule that occurred in former Judge Ciavarella's courtroom involved the cases of juveniles who waived their right to counsel without having been advised of the implications and consequences of this critically important, and potentially life altering decision. Pa.R.J.C.P. 152 (relating to waiver of counsel) provides that a juvenile may not waive the right to counsel unless the

waiver is knowingly, intelligently, and voluntarily made and the court conducts a colloquy with the juvenile on the record. The *Comment* to this Rule recommends that, at a minimum, the court ask a series of eight questions to elicit the information necessary for the court's determination that a juvenile's waiver of counsel is indeed a knowing, intelligent, and voluntary waiver. This Rule provides that the court may assign stand-by counsel if a juvenile waives counsel at any proceeding or any stage of any proceeding. It is the view of the Juvenile Court Judges' Commission that our procedural rules can and must be strengthened.

- **It is recommended that Pa.R.J.C.P. 152 (relating to waiver of counsel) be modified to:**

Require a juvenile to consult with an attorney prior to waiving counsel at any of the following proceedings:

**Detention hearing;
Hearing to consider transfer to criminal proceedings;
Adjudicatory hearing;
Dispositional hearing;
Dispositional / commitment review hearing; and
Probation modification / revocation hearing.**

Require the appointment of stand-by counsel if a juvenile waives counsel at any of the aforementioned proceedings; and

Replace the guidance regarding the specifics of the colloquy that is currently contained in the *Comment* to Rule 152, with provisions in the Rule that would detail the specific information that the colloquy is to elicit.

Consistent with current Rules of Juvenile Court Procedure, it is not our intention that an attorney be required to be present when an intake conference is held with a probation officer pursuant to Rule 311 (relating to intake conference). The *Comment* to Rule 151 explains that "counsel may be present at an intake hearing or participate in the decision to place the juvenile on informal adjustment with the probation office."

We believe that this Rule modification will be an important step in ensuring that every one of the increasingly rare waivers of counsel by juveniles will be knowingly, intelligently and voluntarily made. However, strengthening defense services throughout Pennsylvania's juvenile justice system will require considerably more work, and our Commission believes that the work currently being undertaken in conjunction with the Pennsylvania Juvenile Indigent Defense Reform Initiative can be critically important in achieving this goal.

- **It is recommended that the Interbranch Commission support the Pennsylvania Juvenile Indigent Defense Reform Initiative, sponsored by the Pa. Juvenile Indigent Defender Action Network, which includes:**

The development of practice standards for all attorneys handling juvenile delinquency cases;

The development of the Pennsylvania Center for Excellence in Juvenile Defense;

The development of a model juvenile defense unit in Luzerne County and four other counties;

The development of clinical programs at law schools for training the next generation of attorneys who will represent children in delinquency proceedings.

If indigent juvenile defense services are to be improved throughout the Commonwealth, it will ultimately be necessary to address the funding issues related to achieving this goal. A study is currently underway that could be utilized to provide recommendations regarding this very complicated issue.

Senate Resolution 42 of 2007, which was adopted by the Senate in April of that year, required the Joint State Government Commission to establish a bi-partisan task force to study the existing system for providing services to indigent criminal defendants, to review how other states provide such services, and to make recommendations to the Senate regarding the funding of such services and the creation of an entity to guarantee

compliance with the Constitution of the United States and the Constitution of Pennsylvania in the delivery of these services.

The resolution required the task force to create an advisory committee composed of representatives of the Administrative Office of the Pennsylvania Courts (AOPC), the Secretary of the Budget, the Attorney General, the Auditor General, the County Commissioners Association, the Public Defenders Association, the Pa. District Attorneys Association and others. The advisory committee's organizational meeting was held in October 2008, and the committee has continued to meet on a regular basis. I was recently invited to join this advisory committee because of the committee's interest in addressing the specific issue of indigent juvenile defense services in the Commonwealth. In fact, Robert Listenbee will be addressing the advisory committee at its next meeting on January 26, 2010.

- **It is recommended that the legislature, in consultation with the Governor's Office and the Supreme Court, be encouraged to utilize the study of indigent criminal defense services being conducted pursuant to Senate Resolution 42 of 2007 to develop recommendations regarding a funding mechanism for statewide indigent juvenile defense services.**

Expediting Appellate Review of Juvenile Delinquency Cases

The cases in Luzerne County that were the impetus for the creation of the Interbranch Commission have served to underscore the need to expedite the appellate review of juvenile delinquency orders. We believe that the rationale for including appeals from orders involving dependency, termination of parental rights, adoptions, custody or paternity within the Superior Court's Children's Fast Track Program also applies to certain juvenile delinquency cases.

Unrelated to the Luzerne County situation, members and staff of the Juvenile Court Judges' Commission have been working jointly with members of, and counsel to, the Juvenile Court Procedural Rules Committee, Criminal Procedural Rules Committee, and the Appellate Court Procedural Rules Committee to develop the means to expedite appeals in cases involving transfers from criminal proceedings. Yet, in our view, there are certain orders arising from delinquency proceedings that must also be subject to an expedited review process.

- **It is recommended that the Interbranch Commission recommend the creation of a means to provide for the expedited review of orders entered in the following types of cases:**

The transfer of a case to criminal proceedings;

The denial of a request to transfer a case to criminal proceedings;

The transfer of a case from criminal proceedings;

The denial of a request to transfer a case from criminal proceedings; and

An order of disposition following an adjudication of delinquency that removes a child from his or her home.

It is unclear whether the Superior Court's Children's Fast Track Program could be expanded to include these types of cases without jeopardizing the timely review of the cases that are now included in this program or, in the alternative, whether an entirely new process should be created. Regardless, the goal should be to provide for a decision within 90 days of the initiation of the review process.

Strengthening the Collection, Analysis and Reporting of Juvenile Justice System Data

Among the duties of the Juvenile Court Judges' Commission is to collect, compile, and publish such statistical and other data as may be needed to accomplish the reasonable and efficient administration of the juvenile court system. The data

regarding the outcomes of juvenile delinquency cases is reported to us by county juvenile probation departments.

The Pennsylvania Juvenile Case Management System (PaJCMS), an electronic application used voluntarily by 64 juvenile probation departments, is a key component in providing our agency with the capacity to collect, compile, and publish this data. Currently, only Philadelphia, Chester and Cameron Counties do not utilize the PaJCMS. However, I am pleased to report that we have begun working with the Philadelphia Family Court to deploy the PaJCMS in that jurisdiction.

The PaJCMS was developed through a cooperative effort of the Juvenile Court Judges' Commission, the Pennsylvania Council of Chief Juvenile Probation Officers, county juvenile probation departments, and the Pennsylvania Commission on Crime and Delinquency (PCCD). The application was designed to meet the case management needs of juvenile probation departments as well as to provide juvenile delinquency case outcome data to the Juvenile Court Judges' Commission using a combination of state, federal, and county funds, the overwhelming majority of which were federal Juvenile Accountability Incentive Block Grant (JAIBG) funds that were awarded to the Pennsylvania Council of Chief Juvenile Probation Officers by PCCD after having been returned as unexpended funds from units of local government. Staff from the Juvenile Court Judges' Commission provide application enhancement and maintenance, training, and help desk support to the county juvenile probation departments. No state funds support the PaJCMS application, or the hardware and software utilized by the county juvenile probation departments to provide us with the data.

The PaJCMS has the capacity to maintain data related to the demographics of the juveniles referred to the courts, as well as information regarding case processing, adjudication, detention, disposition, supervision, fines, costs and restitution. It also provides the means for counties to collect and report quarterly information to us regarding juvenile offender outcomes at case closing such as restitution paid, community service performed, length of supervision and placement, violations of probation, and offenses committed while under supervision.

The juvenile delinquency data we receive from counties is published in our annual Juvenile Court Dispositions Report. In addition, case outcome information is provided to the Pennsylvania State Police for inclusion in the Central Repository. The case outcome information provided to the State Police through our agency, when combined with the information regarding alleged delinquent acts that is provided to the State Police at the time a juvenile is fingerprinted, comprises the "juvenile history record information" that is maintained in the Central Repository and is used, among other purposes, in the completion of background checks relating to employment or the possession or purchase of firearms. Incidentally, our staff at the Center for Juvenile Justice Training and Research at Shippensburg work on a daily basis with the State Police to gather and confirm juvenile delinquency case outcome information related to these background checks.

We are continuing to work with the AOPC and JNET to develop the means to provide the transfer of information from the PaJCMS to the Common Pleas Case Management System (CPCMS) administered by AOPC, toward the goals of eliminating redundant data entry and streamlining juvenile delinquency case processing.

We are also in the early stages of a significant project with the National Center for Juvenile Justice, with funding support from the John D. and Catherine T. MacArthur Foundation, to develop a web-based data analysis application that will be available on the public website of the Juvenile Court Judges' Commission and will enable the general public and policy makers alike to perform data queries and analyses of aggregate juvenile delinquency disposition and case processing information.

The Court Administrator, several of his key staff, and I have met to discuss the data that is reported to the Juvenile Court Judges' Commission and how our agency and the AOPC can work together to make the best possible use of this information. We will be meeting again in April and on a regular basis thereafter to discuss this issue, and other issues that will best be addressed through our coordinated efforts.

Going forward, it is clear that the timely submission, analysis and dissemination of data regarding juvenile delinquency dispositions and case processing must be an important component of any strategy to prevent a repetition of the events that occurred in Luzerne County. Our Commission stands ready to be actively involved to determine how our resources and expertise can best be used in this regard.

- **It is recommended that the Interbranch Commission recommend that, as budgetary resources allow, the capacity of juvenile courts to provide information regarding juvenile delinquency dispositions and case processing to the Juvenile Court Judges' Commission, and the capacity of the Commission to collect, analyze and report this information, be strengthened.**

**Improved Decision-making through Increased use of Validated
Screening and Assessment Instruments**

Many of the children whose cases have been the focus of this Commission's work were committed to juvenile detention, either prior to the adjudicatory hearing, following that hearing, or both. With respect to pre-adjudication detention, our Juvenile Act provides that a child who is taken into custody shall not be detained, or placed in shelter care, prior to the adjudicatory hearing unless the child's detention or care is required to protect the person or property of others, or of the child, or because the child has no parent or other appropriate person to provide supervision and return him to the Court when required, or when an order for detention or shelter care has been made by the Court pursuant to the Juvenile Act.

Our Commission's *Standards Governing the Use of Secure Detention Under the Juvenile Act* specifically provide that when the admission of a juvenile to a secure detention facility is being considered by a judge, master or juvenile probation officer, preference should be given to non-secure alternatives which could reduce the risk of flight or danger to the juvenile or community, and that pre-adjudication detention may never be imposed as a means of punishment or to apply sanctions.

If secure detention is ordered or authorized prior to the adjudicatory hearing, these standards require a contemporaneous written statement of reasons and facts to accompany the detention decision which must include, among other things, the alternatives to secure detention that were considered and rejected, and the reason or reasons why secure detention is required and alternatives are not appropriate.

In their present form, these standards have been helpful in guiding decision-making regarding the use of secure detention. However, our Commission believes that

decisions regarding the use of secure detention can be further improved if our juvenile justice system transitions to the use of a validated detention assessment instrument that assigns points for specific risk factors, such as offense severity, prior record, history of absconding or failing to appear at hearings, to produce a total risk score. Once that score is determined, other aggravating and mitigating circumstances can be considered and, in certain cases, mandatory overrides that would require detention – for example, crimes committed with the use of a firearm – can be considered in determining whether commitment to secure detention will be ordered or authorized.

In 2006, the Berks County Juvenile Probation Department undertook the development of a state-of-the-art juvenile detention risk assessment instrument in conjunction with their leadership role in the Commonwealth's *Models for Change* system reform partnership with the MacArthur Foundation. The Berks County instrument is based on validated instruments that are being used successfully elsewhere, particularly in jurisdictions participating in the Juvenile Detention Alternatives Initiative (JDAI) of the Annie E. Casey Foundation. This effort grew out of Berks County's comprehensive strategy to address the disproportionate numbers of Latino youth in their juvenile justice system.

Berks County's use of their detention assessment instrument, when combined with the development of a new Evening Reporting Center, the use of Multi-Systemic Therapy, and other community-based programs has led to an approximate 45% reduction in the average daily population of their juvenile detention center and has allowed for the elimination of 24 detention beds in the county without compromising public safety.

Based on the success of the Berks County initiative, we requested the Pennsylvania Council of Chief Juvenile Probation Officers to work with us to lay the groundwork for possible statewide implementation of a detention assessment instrument. The Chiefs' Council has established a committee that includes representation from our staff and from other counties that have agreed to implement, or are considering the implementation of, such an instrument.

- **It is recommended that the Interbranch Commission endorse the modification of the *JCJC Standards Governing the Use of Secure Detention* to incorporate the use of a detention assessment instrument based on the Juvenile Detention Alternatives Initiative (JDAI) model supported by the Annie E. Casey Foundation.**

There are other important developments in our juvenile justice system that are already helping to identify and respond to the specific risks presented by, and needs of, the juveniles who are being referred to our courts. Critically important in this regard are the self-incrimination protections that were added to our Juvenile Act in 2008, based on the legislative proposal introduced by Senator Stewart Greenleaf. This proposal grew out of the work of the Commonwealth's Mental Health/Juvenile Justice Workgroup, which guides the mental health / juvenile justice systems coordination component of our *Models for Change* partnership with the MacArthur Foundation. Staff from the Juvenile Law Center and Juvenile Court Judges' Commission played leadership roles in developing the legislative proposal, obtaining the support of various stakeholders, and in advocating for its passage.

Our Juvenile Act now specifically provides that no statements, admissions or confessions made by, or incriminating information obtained from, a child in the course of a screening or assessment that is undertaken in conjunction with any proceeding under the Juvenile Act shall be admitted into evidence against the child on the issue of

whether the child committed a delinquent act or on the issue of guilt in any criminal proceeding. In this context, a "screening" is a process that is designed to identify a child who is at risk of having mental health, substance abuse, or co-occurring disorders that warrants immediate attention, intervention or more comprehensive assessment. An "assessment" is an individualized, more comprehensive examination of a child to determine the child's needs and problems, including the type and extent of any mental health, substance abuse or co-occurring disorders and recommendations for treatment. As defined in our Juvenile Act, the term specifically includes drug and alcohol, psychological or psychiatric evaluations.

The self-incrimination protections now in our Juvenile Act as a result of Senator Greenleaf's legislation have facilitated the goal of increased use of validated screening and assessment instruments throughout our juvenile justice system. Last year, following a review of existing validated instruments, the Pennsylvania Council of Chief Juvenile Probation Officers endorsed the use of the Youth Level of Service/Case Management Inventory (YLS/CMI), a highly regarded risk / needs assessment instrument, and is working closely with our staff to implement its use with funding assistance through PCCD. The YLS/CMI is currently being utilized by ten juvenile probation departments (Beaver, Berks, Blair, Bucks, Cambria, Cumberland, Lehigh, Luzerne, Northampton, and Philadelphia) and the state Youth Development Centers to assess juvenile and family-specific information in eight domains that have been identified through research as key elements in determining a juvenile's risk to re-offend, as well as to determine the strengths and needs of both the juvenile and family. It is anticipated that another group of juvenile probation departments will begin implementing the YLS this spring, with funding support from PCCD.

One of the most important aspects of the YLS initiative is that the results from the assessment are being used to develop a more comprehensive case planning process for juveniles that is focused on reducing identified risk factors. The desired outcome is that this validated risk/needs assessment will be used in determining appropriate levels of supervision, establishing measurable case-specific goals, and in allocating the necessary resources to achieve better outcomes for juveniles and their families, and consequently for our communities.

- **It is recommended that the Interbranch Commission recommend expansion of the use of the Youth Level of Service / Case Management Inventory (YLS/CMI) risks/needs instrument, which is currently being piloted by ten juvenile probation departments and is supported by our Commission, the Pa. Council of Chief Juvenile Probation Officers and PCCD.**

Ensuring the Highest Ethical Standards in Court – Private Sector Interactions

The well-documented relationship between former Judge Ciavarella and a former co-owner of PA Child Care has brought to the forefront the broader issue of the relationships between courts, probation departments and the many private agencies that provide services to court-involved children in our Commonwealth. The private sector services in our juvenile justice system are among the strongest in the nation and are a critical factor in our system's status as a national leader.

It is important for juvenile court judges to advocate for needed services in their communities and to be familiar with the programs and facilities that serve court-involved children and families in their jurisdiction. For example, it is the practice of Allegheny County juvenile court judges to regularly visit, at county expense, the residential programs that provide services to youth from their county. Certain private providers have routinely underwritten the costs associated with visits by judges and probation

officers to their programs. This and other related practices are now being carefully re-evaluated throughout our juvenile justice system.

The bottom line is this: It is absolutely essential that courts ensure that the relationships and interactions between judges, probation officers, and representatives of private agencies do not create even the appearance of impropriety. A family whose child appears before a court must never be in doubt that the use of a particular program is based on anything other than the capacity of that program to meet the needs of their child.

Concerns regarding this issue led to our Commission to establish an Ethics Workgroup to identify the areas regarding which guidance may be needed. Our Workgroup included members of our Commission, as well as an experienced judge who functioned in a liaison capacity with the Judicial Ethics Committee of the Pennsylvania Conference of State Trial Judges, and representation from the Pennsylvania Council of Chief Juvenile Probation Officers in view of the leadership that they were already providing regarding this issue.

Our Commission's Ethics Workgroup ultimately developed a series of questions that were posed in correspondence to the Judicial Ethics Committee. In that correspondence, it was explained that our Commission would appreciate responses to the questions either informally or in the form of a general advisory, such as those which the Judicial Ethics Committee offers to judicial candidates. In responding to our request, the Judicial Ethics Committee explained that it may be helpful to address the questions for the benefit of the entire judiciary, but that the task of doing so may be too ambitious for the Committee alone, given its other responsibilities and resources and

because a thorough analysis of the questions would require the participation of a broader cross-section of the judiciary than is presently represented on the Committee.

The Judicial Ethics Committee also identified several other concerns that could be alleviated if the officers of the Pennsylvania Conference of State Trial Judges and the Supreme Court approve the type of participation that our Commission was requesting of the Committee, and offered to meet with representatives of our Commission to discuss how best to proceed.

Our Commission is very appreciative of the Judicial Ethics Committee's consideration of our request and their willingness to assist us in determining how best to proceed. However, because of the importance of this issue and the broader implications for all judges, we believe that it may be necessary for the Supreme Court to guide the development of a more comprehensive approach.

- **It is recommended that the Interbranch Commission recommend that the Supreme Court create the means to provide guidance, continuing education programming and resource materials that address the ethical issues arising from the interactions and working relationships between judges, probation officers, and other court staff and the many entities, both public and private, that provide services to the courts or to individuals subject to the jurisdiction of the courts.**

Training, Continuing Education, and Professional Development

The testimony that has been presented to your Commission points to the need for enhanced training, continuing education, and professional development for attorneys, prosecutors, juvenile court masters/hearing officers and judges. I have already presented recommendations intended to enhance the professional development of juvenile defense attorneys.

In my opening statement, I explained that it was the view of our Commission that presiding in juvenile court is among the most important work that any judge could ever do. That is also the case for the other professionals involved in these increasingly complex proceedings that have the potential to permanently alter the course of a child's life.

On behalf of the Juvenile Court Judges' Commission, I offer the following recommendations for your consideration with respect to juvenile prosecutors, juvenile court judges and juvenile court masters / hearing officers.

Strengthening Juvenile Prosecution Services

The Juvenile Prosecutors Network of the Pennsylvania District Attorney's Association is already an excellent training and technical assistance resource for our Commonwealth's juvenile prosecutors. We believe that the Juvenile Prosecutors Network is well positioned to develop a strategy to enhance the professional development of juvenile prosecutors on a statewide basis.

- **It is recommended that the Interbranch Commission endorse the development of practice standards for juvenile prosecutors by the Juvenile Prosecutors Network of the Pa. District Attorneys Association for eventual adoption by that association.**

Strengthening Judicial Education and Training

Training for juvenile court judges who preside in juvenile delinquency cases includes components of the New Judges School, the ongoing training that is provided at the annual and mid-annual meetings of the Pennsylvania Conference of State Trial Judges, and the annual Pennsylvania Conference on Juvenile Justice co-sponsored by the Pennsylvania Council of Chief Juvenile Probation Officers, the Juvenile Court

Section of the Pa. Conference of State Trial Judges, and our Commission. In addition, certain of the regional units of our Courts of Common Pleas regularly offer training that may include a focus on juvenile delinquency issues. We believe that training for juvenile court judges can be strengthened by building upon these existing resources.

- It is recommended that the Interbranch Commission encourage the Supreme Court, in consultation with the Pa. Conference of State Trial Judges, the Juvenile Court Judges' Commission, and AOPC's Judicial Education Department and Office of Children and Families in the Courts to expand opportunities for training and continuing education for judges who preside in both delinquency and dependency proceedings and to mandate training for newly assigned juvenile court judges.
- At a minimum, judges who are newly assigned to preside in delinquency or dependency court should be required to attend a 1½ day orientation program within 90 days of their assignment to juvenile court.
- As a follow-up to this training, a cadre of experienced juvenile court judges should be available to mentor these newly assigned judges.
- All juvenile court judges should be required to participate in regularly scheduled regional forums and web-based training designed by the aforementioned entities.

Strengthening Education and Training for Juvenile Court Masters/Hearing Officers

Juvenile Court Masters and Hearing Officers play a critically important role in our juvenile justice system. Yet, there are no requirements related to their training or professional development.

- It is recommended that the Interbranch Commission encourage the Supreme Court, in consultation with the Pa. Conference of State Trial Judges, the Juvenile Court Judges' Commission, and AOPC's Judicial Education Department and Office of Children and Families in the Courts to expand opportunities for training and continuing education for juvenile court masters / hearing officers who are assigned to conduct hearings under the Juvenile Act and to mandate training for newly assigned juvenile court masters / hearing officers.

- **At a minimum, juvenile court masters / hearing officers who are assigned to conduct hearings under the Juvenile Act should be required to attend a 1½ day orientation program within 90 days of their assignment.**

This concludes our recommendations. The Juvenile Court Judges' Commission is deeply appreciative of the opportunity to offer them for your consideration this morning, and for the diligence and commitment that the Interbranch Commission has shown in fulfilling its statutory obligations. It is our sincere hope that our suggestions will be helpful to you in your efforts to both strengthen our juvenile justice system and prevent the injustices that led to your creation from ever happening again in our Commonwealth.

Thank you very much. At this time, I would be pleased to answer any questions or provide any additional information that would be helpful to you.