

JUVENILE LAW COMMITTEE

SUBMITTED BY: Kathryn L. Miehle

Re: 2007-2008 Juvenile Law Committee Report

Dear Mr. Blaner:

As the 2007-2008 ACBA year comes to a close, I am writing to inform you of the activities and accomplishments of the Juvenile Law Committee.

As in years past, our monthly meetings were held on the third Tuesday from September to November, and January through May. A monthly agenda was provided to all members via email days before the meetings, and members were asked to submit any other issues as "new business" during the meetings. Minutes, likewise, were emailed when completed. The meetings generally started promptly at noon in the fifth floor conference room of Juvenile Court, which is most convenient for the participants. The March meeting was replaced by an awards reception held at the Rivers Club. The meetings were generally well attended by attorneys, judges, hearing officers and court staff involved in the dependency, adoption, delinquency and probation arenas, although we experienced some problems later in the year, especially regarding participation and involvement in subcommittee projects. We intend to address the problems in a letter to the members in August, asking each person to commit to a subcommittee and to take the time to attend meetings and to contribute to committee projects.

Once again, Dorie Schnippert acted as our ACBA liaison, attending meetings, providing minutes and information regarding policy and practice, and, with the help of Marlene Ellis, helped subcommittee Chair Jeffrey Pollock to plan and to host the Juvenile Justice Awards ceremony and reception. We are grateful for everything that Dorie, Marlene and the ACBA staff has done for us in the planning and carrying out of our monthly meetings, CLE's and other events.

2007-2008 has been another important and transitional year for the Allegheny County Juvenile Court. Because of the Juvenile Court Rules of Procedure, court orders have all undergone changes in order to conform. Members of the committee, including the chair, have participated in the Court Orders Task Force, initiated by Judge Clark, which meets periodically to discuss proposed orders and progress on the state level. Pre-hearing conferences, procedures for petitions to file for dependency by a private party, as well as important changes in the appointment of GAL's and medical and educational guardians have been implemented. The E-filing system has been in operation for a year now, with some changes and problems. Video conferencing in the courtrooms, which allows witnesses (particularly doctors and hospital personnel) and primarily delinquent children who are placed in out of county facilities to participate more fully and conveniently, has become a reality and will be more widely available in the year to come. A shortage of court clerks have necessitated changes in the procedures for scheduling of hearings and procurement of orders.

In the delinquency arena, there is now a special emphasis on domestic violence among teenagers, with a program developed with the Women's Center and Shelter. The Juvenile Law Committee invited Ms. Julie Yarzebinski to the April meeting to present a proposal of the YLD Bar Leadership Class for the Juvenile Domestic Violence Project. The committee is taking involvement under advisement. School violence is now being addressed exclusively in the courtroom of Judge Clark, who will also be hearing PFA's involving juvenile perpetrators. Judge David Wecht will be hearing juvenile cases beginning in August 2008. These changes and questions surrounding new procedures and emerging problems have been brought to the attention of our members and the judges at our monthly meetings, and the committee continues to be a valuable resource for member attorneys and judges.

The committee sponsored a Judges' Sound-Off entitled "State of Affairs of Allegheny County Children's Court" at the 2008 Bench-Bar Conference. The panel was comprised of Juvenile Court judges, and the auditorium included attorneys, all four hearing officers, court staff, and Justices from the PA Supreme Court and Superior Court. Following the State of Juvenile Court report presented by Administrative Judge Kim Berkeley Clark, the panel discussed procedures in the individual courtrooms.

Of particular interest was Act 74, which requires the judge to speak to the children, if available, during a permanency hearing and Act 64, which gives foster parents the right to voice their opinion at hearings, but does not confer "standing." The diverse adversaries had an opportunity to share opinions as to who would bear the burden of requiring "availability", and the judges offered their interpretation of the law and preferred practice. The committee also provided new case law involving termination of parental rights for incarcerated parents. Many came away with a better understanding of what was expected and, most importantly, what needed to be further clarified, either through upcoming CLE programs, administrative orders, or discussion.

The ACBA Juvenile Law Committee will be sponsoring a CLE concerning diversity in the juvenile delinquency and dependency systems on September 24, 2008. A title has not yet been chosen. Speakers and materials will be provided by the ABA, and topics will include multi-ethnicity, native-American children in the system, gender bias, and ethical issues. This CLE program is being coordinated by Ms. Jen Staley, Esquire, Chair of the CLE subcommittee. The entire membership is grateful for her continued commitment and effort.

On March 18, 2008, the Juvenile Law Committee held the Juvenile Law Award ceremony and reception at the Rivers Club, recognizing "a person or entity exemplifying extraordinary dedication, effort, commitment, leadership, time, and professionalism towards the fair, efficient, collegial and safe operation of Juvenile and Children's Court." Ms Sheila Scanlon, Esquire, a former Chair of the Juvenile Law Committee from 2004 to 2006, was honored for many years of service as a staff attorney for the Adoption Legal Services Project, as well as active service in the Statewide Adoption and Permanency Network and other charitable foundations. Ms. Scanlon has recently joined the firm of Lynn MacBeth and Associates. Ms. Scanlon was showered with many accolades and presented with a commemorative plaque.

Two full opinions and one capsule summary submitted by the Opinions Subcommittee, chaired by Mary Kay McDonald, Esquire, were published in the *Pittsburgh Legal Journal*. Ms. McDonald continues to encourage judges to submit opinions, especially those dealing with new case law and procedural rules. The committee is proud of our efforts in the last three years.

As in years past, we have continued to encourage our membership to attend the Family Law Section's Children's Issues meetings by providing topic information and time and place in both the agendas and minutes from each of our monthly meetings. We have also provided the Family Law Section a list of our membership with email addresses to further strengthen the affiliation.

The Community Service Subcommittee, which was initiated this year, has explored many areas of involvement, including the YLD "Stepping Out" program and the Children's Holiday Party, contact with the Pittsburgh sports team to provide outings for children involved with CYF, and the initiation of a doctor/lawyer program. We seem to have settled on promotion of ACT 53, which is designed to address drug and alcohol problems in youth before the child becomes either delinquent or dependent. ACBA Marketing and Media Relations Director Tom Loftus has been instrumental in facilitating the publication of an article published in the June 6, 2008 *Lawyers Journal*, and the subcommittee hopes to publish a pamphlet to be distributed at programs sponsored by the ACBA and in local communities. It is our intention to familiarize families in Allegheny County with this invaluable program, headed by coordinator Sheri Magill.

Our first meeting for the fall of 2008 will take place on Tuesday, September 16, 2008 at noon in the fifth floor conference room in Juvenile Court. Prior to the meeting, I will be contacting the membership to apprise them of the upcoming issues and programs that the committee will be sponsoring, and will be asking them for ideas and questions. We are anticipating a demanding and productive year.

Feel free to contact me at the office if you have any questions. I will continue to serve as Chair of the Juvenile Law Committee during the 2008-2009 year, and am honored to do so. The Juvenile Law Committee and I are very grateful to you, Immediate Past-President Ken Gormley, the Board of Governors and the staff of the ACBA for your continued support and guidance, and hope that the upcoming year will prove as rewarding as the last.

Sincerely,
Kathryn L. Michl
Chair, ACBA Juvenile Law Committee