

# "What's Up?"

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## Freeing Children From the System

Dependency Court, the branch of Family Court that deals with abused, neglected, and abandoned children, has long been plagued with an array of problems that have received much media attention of late. Despite the urgency of the cases heard in Dependency Court, decisions can drag on for months, even years, thus preventing timely adoptions and delaying other permanent solutions for children and their families. In February 2001, twelve Philadelphia public interest agencies released a report co-authored by *Child Advocates'* Executive Director Frank Cervone, which chronicled the dilemmas in Dependency Court and called for solutions.

Because of overwhelming caseload sizes and clogged dockets, only minutes were allotted to individual hearings in Dependency Court. When cases are complicated by mental health needs, drug and alcohol addiction, poverty, lack of education, poor parenting skills, and inadequate housing, allowing five minutes—or less—for a hearing is not enough time for the adequate resolution of issues. Despite shortened hearings, dependency judges were unable to get through each day's cases—which sometimes numbered as high as 60 or 70—so that a portion of them were rescheduled for other times. Another source of delay occurred when court-appointed attorneys did not show up at hearings. These attorneys are paid little and have no social work support. A failure to appear, however, is a phenomenon unknown in other city courtrooms and at distinct odds with the lawyer's code of ethics and obligation of loyalty and zealous advocacy to the client. Additional backlogs occurred when families showed up for a scheduled court hearing only to find no judicial officer on the bench empowered to make a meaningful decision. In this case, there was no recourse except to postpone the case. Although hearings occurred regularly—at least every six months—children and families found their cases and their lives repeatedly placed on hold.

"The Report of the Public Interest Community on the Need for Judges and Judicial Resources" was presented to the Philadelphia Bar Association Board of Governors in February, 2001, to enlist the Bar's support to implement

needed reforms. The Report received the attention of the media, including radio coverage and articles and editorials appearing in *The Legal Intelligencer* (2/22/01), *The Philadelphia Inquirer* (2/22/01), and *The Daily News* (3/12/01). Most recently, *The Philadelphia Inquirer* (7/11/01) covered some of the promising reforms made by the court since release of the Report. Under the leadership of the Honorable Esther R. Sylvester, who has expressed a commitment to improving practice and standards in Dependency Court, pre-hearing conferences have been instituted, at which lawyers, social workers, and others attempt to work out their child-clients' living arrangements, and the behavioral health services they and their families will need. The goal is to design a plan for each child which can be presented to the dependency judge at the hearing. In the past, there was no "frontloading" of behavioral health services. Also anticipated is a 20% reduction in the caseload size of dependency judges, allowing them more time for difficult cases. Both are promising steps toward streamlining dependency proceedings and generating faster decisions on the placement of children.

You can learn more about pre-hearing conferences and the frontloading of behavioral health services on the [Q & A page](#) of this issue of ADVOKIDS.

*Do you have questions about children's law, practice, or services? Call Child Advocates for consultation with a Staff Attorney or Social Worker, or drop us a line. We'll be happy to answer your question and feature the issue in a future edition of ADVOKIDS. Thanks!*