

# "What's Up?"

## Changes at Family Court

During the last nine months at 1801 Vine Street, there have been changes in Judges and judicial assignments, services, practices and applicable rules. These developments are described below, in addition to several forthcoming innovations.

### Judges

Family Court welcomed the Honorable Myrna R. Field as Administrative Judge, as well as Judges Robert J. Rebstock, Earl W Trent, Kevin M. Dougherty, Flora Barth Wolf and Genece E. Brinkley. Court personnel and practitioners said good-bye to Judges Esther Sylvester, Lillian H. Ransom, Paul P. Panepinto and Master Nazario Jiminez. During the past nine months, the Court both welcomed and bid farewell to the Honorable Chris R. Wogan, who, after only a short time, has already been reassigned.

The Honorable Nicholas A. Cipriani now presides in O court, the specialty court for children whose court-approved placement goals include either placement with a relative (formal or informal kinship care) or an alternative planned permanent living arrangement (APPLA). Practitioners benefit from the considerable experience, knowledge and compassion that Judge Cipriani brings to the O court bench. Personnel changes also affected the Accelerated Adoption Review Court, housed in L Court, where Beth Oswald, Judge Field's law clerk now presides as master.

### Pre-Hearing Conferences & Behavioral Health Services

To improve the provision of services to children, the Pre-Hearing Conference form, used to document areas of agreement of the parties before the first adjudicatory hearing, was adapted to include a section on Children's Health Issues. This will ensure that children's ongoing medical needs, chronic conditions and needs for services can be appropriately noted and tracked.

The Court Unit of the Behavioral Health System (BHS) continues to evolve. The Department of Human Service, in conjunction with BHS is working on the design of a case management mechanism to monitor service provision and family participation in mental health services.

### New Local Dependency Rules

Four new Local Dependency Court Rules—Rules 1702 to 1705—were adopted by the Board of Judges on May 16, 2002, and published in the Pennsylvania Bulletin on August 16, 2002. These rules are effective 30 days after publication. All practitioners are encouraged to familiarize themselves with these rules.

### Practices

#### *DHS Permanency Reports*

The Adoption and Safe Families Act (ASFA) gives legal significance to the 12—month permanency hearing, and mandates the establishment at the one year date of a permanent plan for each child. If you are involved in a case approaching the 12—month placement date, look for DHS's Permanency Report (a brief document that details DHS's recommendations for the permanency plan for the identified child) to be filed and served upon all parties 15 days prior to the Court date. The DHS Permanency Report is part of DHS and the Court efforts to make the 12-month permanency hearing meaningful, and encourages the establishment of a permanent plan for each child, as required by ASFA.

#### *Reading of the Court Order*

A new practice in all Dependency Courtrooms is the reading of the Court Order by the Court Clerk at the end of the hearing. In addition to clarifying exactly what the Court has ordered, this helpful practice allows the parties an opportunity to correct errors, as well as reiterate a request that was orally rendered, but inadvertently omitted from the written Order.

#### *M Court*

Although practitioners were disappointed with the demise of the practices employed in M court, i.e., time-certain hearings, routine 90-day listings, pre-hearing conferences before each hearing, and increased hearing time, there are exciting new plans for use of M court. Effective September 3, 2002, M Court will serve families with 4 or more children, allowing more time for meaningful inquiry into each child's situation to ensure the provision of appropriate services.

*For questions concerning these changes and developments at Family Court, please contact Margie Gualtieri, (215) 925-1913, ext. 163, or [meg@advokid.org](mailto:meg@advokid.org).*

## **Landmark Decision: Second-Parent Adoptions**

In late August, the Pennsylvania Supreme Court ruled that second-parent gay and lesbian adoptions are not barred under the Adoption Act. *Child Advocates* authored a brief amicus curiae on behalf of 30 advocacy, social service and religious organizations analyzing how these adoptions serve the interests of children. Reversing a Superior Court holding in a Lancaster County case, the Supreme Court's unanimous decision means that dozens of waiting adoptions can be finalized and hundreds of other children across the state will gain new legal and family rights.