

AOPC CONNECTED



Issue 1, 2021

In this issue

Read about the AOPC's latest human-trafficking awareness efforts, the benefits of various IT training webinars, the positive outcomes of OCFC's Family Engagement initiative and more.



*Pennsylvania Supreme Court Justice Max Baer swearing in the Pennsylvania electors on Dec. 14, 2020.
Photo credit: Commonwealth Media Services*

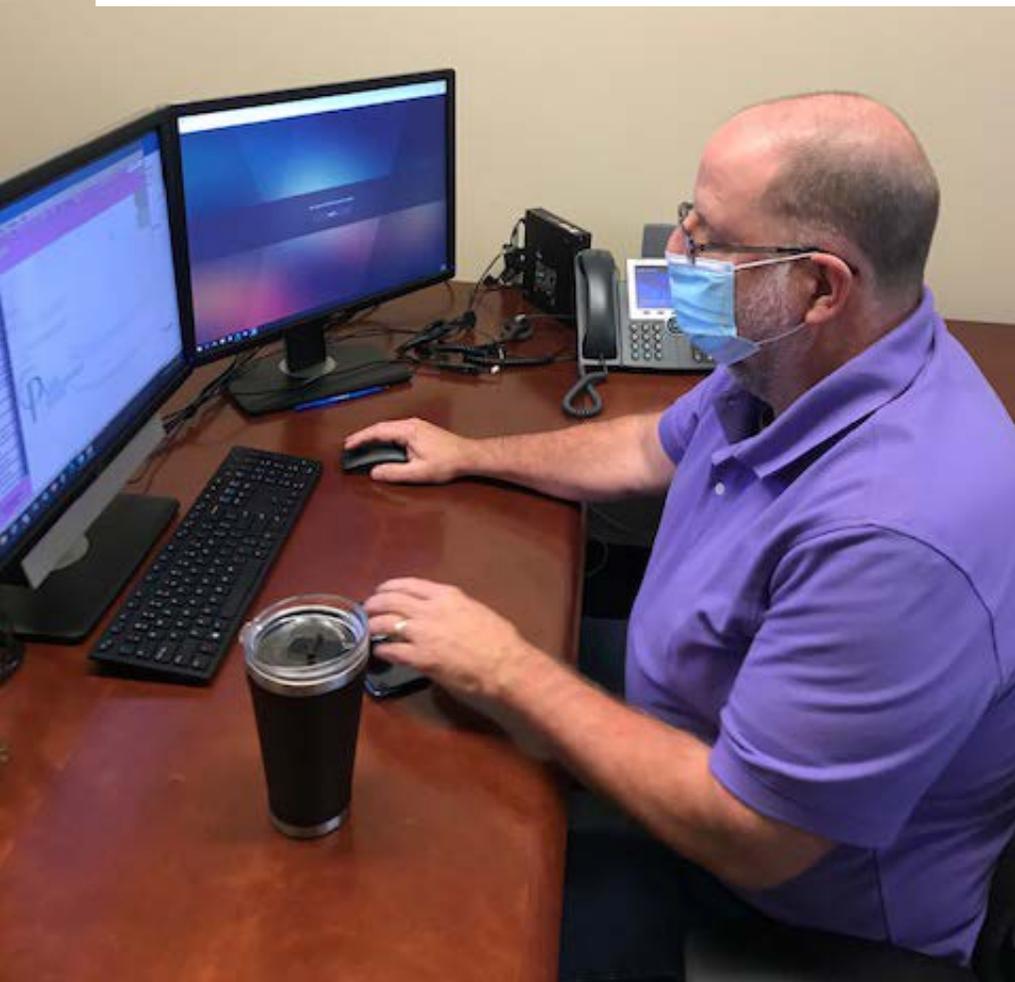
Justice Baer swears in PA Electoral College

On Dec. 14, Pennsylvania's electors unanimously cast their ballots for President Joe Biden and Vice President Kamala D. Harris. While former Pennsylvania Secretary of State Kathy Boockvar presided over the session, Pennsylvania Supreme Court Justice **Max Baer** (pictured above) was given the honor of swearing in the 20 electors.

Pennsylvania's electoral votes were delivered to the U.S. Senate and were counted on Jan. 6, 2021 in a joint session of Congress to determine the national electoral vote.

Copies of Pennsylvania's electoral votes were also delivered to both the Archivist of the United States in Washington, D.C., and to Chief Judge John E. Jones III of the District Court of the U.S. for the Middle District of Pennsylvania per the U.S. Code.

The many benefits of AOPC/IT training webinars



AOPC Trainer, Alan Knisely, teaching a webinar.

Proven to be an effective approach to provide case management system training for the courts, the Administrative Office of Pennsylvania Courts (AOPC) has been offering webinars using WebEx for the past seven years.

However, due to in-person training restrictions this past year, AOPC training teams relied even more on this remote training tool.

The sessions are generally short in length – usually an hour or two of tailored content compared to traditional multiple days of hands-on training.

During these webinars, a combination of PowerPoint slides along with demonstrations are used to explain a case management system's functionality and attendees can ask the trainer

questions throughout the session.

Not only are these webinars excellent for bite-sized topics that court staff do not work with often or need to refresh their skills, but they have also proven to be an effective tool for quickly sharing information about a procedural change, such as the expungement changes in 2020.

There is no doubt that in-person training is still a needed approach as it allows for the participants to practice during the instruction. However, webinars have been especially efficient as they allow for the faster exchange of information since they don't require the coordination of training room reservations, hotels stays and travel time – saving both time and money.

Another major perk of these webinars is that multiple sessions can be posted quickly with a scheduling tool, giving more opportunities for attendees to register for a time slot that works with their schedule. Most webinars have also been recorded to allow the courts to view the sessions at their convenience.

Additionally, if someone wants ad-hoc training, WebEx allows for one-on-one training on a topic or feature that a court user chooses. The basic and advanced class curriculums cover all topics, but if someone prefers individual training or has a unique issue, a 'Chat with a Trainer' session can be scheduled.

These webinars are offered for each case management system and offer a set schedule of training topics, sessions and dates.

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Types of training webinars

Magisterial District Judge System (MDJS)

Currently, the MDJS training team offers a total of 23 different live webinars each month on topics ranging from physical case file destruction to multiple case payment plans – and everything in between.

In 2020, a total of **227 MDJS webinars** were offered and **1,363 participants** joined those sessions.

Common Pleas Case Management System (CPCMS)/PACFile

Similar to the MDJS training, a suite of simple 45-minute to one-hour sessions focus on specific areas of the systems.

In 2020, CPCMS trainers offered webinar sessions for CPCMS/PACFile ranging from basic classes for criminal, dependency and delinquency processing to advanced and targeted topics such as interactive reports.

Guardianship Tracking System (GTS)

Since the initial training took place onsite in each county, ongoing training is always available to new court staff who work with the GTS to process and track the timely filing of mandated reports.

Recently, a new course has been developed and is currently offered for GTS Act 24 reporting, and system training continues to be offered on an ongoing basis to court-appointed guardians for their online filing of inventory and annual reports.

Pennsylvania Appellate Court Case Management System (PACMS)

Virtual training has been relied upon for quite a while, especially for new law clerk training which is tailored to the particular chambers.

In 2020, the training expanded into filing office clerk training – which typically had been done on site in the filing offices. Since the length of the training session is longer, the course has been split into multiple meetings and is offered virtually as well.

Last year, over 600 people registered for CPCMS/PACFile, GTS and PACMS sessions.

Questions about training webinars can be directed to the following:

- MDJS: **Lisa Polonia** at lisa.polonia@pacourts.us or 717-795-2000 x3648
- CPCMS/PACFile, PACMS, GTS: **Annita Ort** at annita.ort@pacourts.us or 717-795-2000 x3037



Pennsylvania court technology again receives national recognition

The Pennsylvania Courts were once again selected in 2020 as a two-time winner of the National Association for Court Management (NACM) and Court Information Technology Officers Consortium (CITOC) Technology Awards, both in the Court Management category.

In recognition of improved communications, operational efficiencies and access to justice using web technology, the Pennsylvania Courts were selected as the winner of the Cross Boundary Award for its Clean Slate program.

This is just another recognition of the success of the Clean Slate program and the extraordinary impact it has had in Pennsylvania. The AOPC's successful implementation of

this automated process has sealed more than 48 million records on 35 million cases in a little over a year.

At the same time, the AOPC's Language Access System won the Court Process Innovations Award for its optimization of the way people, processes and technology work together to transform courts.

The Pennsylvania Courts were presented with this same award in 2019 for the development of the Guardianship Tracking System.

Congratulations to the AOPC/IT employees for this outstanding recognition of Pennsylvania's Judiciary once again as a leader in national court technology. 



(left) Commonwealth Court President Judge Kevin Brobson (right) Outgoing Commonwealth Court President Judge Mary Hannah Leavitt swearing in incoming President Judge Kevin Brobson, pictured with his family.

Judge Brobson takes over as Commonwealth Court president judge

With his family by his side, Judge **Kevin Brobson**, recently took his oath of office to become the 11th president judge of Pennsylvania's Commonwealth Court. Brobson, who began his 12th year on the bench in January will oversee administrative matters of the court, including budgeting, oversight of administrative offices, scheduling, special sessions, education and bench-bar interactions.

Brobson succeeds President Judge Emerita **Mary Hannah Levitt**, whom he has known and worked alongside for years, even prior to his court service. During his remarks at the recent swearing-in ceremony, he noted PJE Leavitt as "simply the smartest, most thoughtful, and hardest working attorney with whom I have ever been associated (with no slight intended to any of the fine attorneys he has worked with over the years)."

"Had I not had the great fortune of coming to work with her early in my legal career, I am certain I would not

be a Commonwealth Court Judge. She has made me a better lawyer, a better father, a better husband and a better judge. And I will be a better president judge because of her example."

As the court celebrates its 50th anniversary this year, Brobson reflected recently on its storied history and how it has grown and evolved in that time, taking particular pride in the "tradition of collegiality among judges on the Court."

"We handle some of the most complex cases that work through Pennsylvania's judicial system. Our Court benefits greatly from the diverse backgrounds of our judges and the way we work together to resolve these complex cases about how our government functions."

As he begins his new role, Brobson said his goal in the near term is to "navigate the Court through what remains of the COVID-19 pandemic

and manage reentry into in-person court proceedings."

He is quick to note however, how the Court has worked to remain innovative, especially in these challenging times – a trend he would like to see continue and credits Court staff for their commitment and dedication.

"I am pleased with how our Court has kept pace with technology. I see fewer and fewer large binders of briefs and memos on the bench and at judicial conference. Instead, we rely on electronic records, tablets, and notebook computers.

"Our IT Department did an excellent job of deploying technology and working with counsel as we moved to remote oral arguments and hearings. I credit our judges for being so nimble, but our Court staff and the attorneys deserve high praise for their efforts and cooperation." **AOPC**

Stronger together:

Judicial districts are hitting the gas, not the brakes, on family engagement

By **Angela Sager**, Office of Children and Families in the Courts' judicial analyst

Now, more than ever, staying connected matters and no one understands that better than the 15 Pennsylvania judicial districts participating in the Pennsylvania State Roundtables' Family Engagement Initiative (FEI).

The Roundtable is a collaborative effort among state and national court and child welfare professionals, started by Supreme Court Justice **Max Baer** and now led by Justice **Kevin Dougherty** on behalf of the Pennsylvania Supreme Court, Jon Rubin, Department of Human Services, Deputy Secretary for the Office of Children, Youth, and Families and **Sandy Moore**, Director of the AOPC's Office of Children and Families in the Courts (OCFC).

More than 15 years after creating the Roundtable, Justice Baer reflected on the important work being done. "We've come far, helping thousands of children and families along the way, but we have more work to do. I believe the FEI is going to make Pennsylvania's child dependency system the best in the world."

The FEI's primary goals are to increase family involvement, reduce trauma to children and decrease the time children are separated from those who love and care about them. The core FEI practices used to accomplish these goals include

enhanced legal representation, Family Finding-Revised and Crisis/Rapid Response Family Meetings. The FEI counties receive additional support and resources through the OCFC.

Selected judicial districts

Selected judicial districts and their county child welfare agencies apply for and are selected into the Initiative.

The FEI first started in 2018 with five counties: Blair, Clinton, Lackawanna, Northampton and Union. In 2019, six additional counties were designated to participate: Beaver, Butler, Fayette, Snyder, Tioga and Venango.

Four additional counties – Dauphin, Lehigh, Northumberland and Philadelphia – started the FEI in February 2020 just six-short weeks before the beginning of the COVID-19 pandemic.

"In the middle of dealing with the unexpected operational challenges

brought on by the pandemic, these judicial districts and their local partners remained focused on their commitment to the FEI, recognizing that involving families and promoting connections is at the core of what keeps children safe and helps families heal," Justice Dougherty said.

Moving forward with resilience

Part of the education that FEI counties receive is on the topic of resilience. They learn how positive, reliable relationships remain at the core of building and strengthening resiliency in all of us, and especially children.

"Despite the pandemic, we have continued the timely rollout of FEI, which is our highest priority in our dependency system," said Administrative Judge of Philadelphia Family Court **Margaret T. Murphy**.

"We recognize the importance of this initiative and the positive impact it has on our most vulnerable children and

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January 2020: Just weeks before the pandemic hit, Philadelphia Family Court hosts an FEI Education Session conducted by OCFC for more than 250 judicial officers, lawyers and child welfare professionals.

families. FEI is not just an initiative in Philadelphia; it is a movement.”

Positive Outcomes

FEI counties continue to show positive outcomes. Some of these outcomes include: children under court supervision for shorter time periods, more dependent children remaining safely in their own home and more children in kinship care when out-of-home placement is needed.

While all three practices are designed to work together, of particular note is the data coming from Crisis/Rapid Response Family Meetings. These meetings gather family and kin to help quickly following an emergent

97 percent of children remained safely in their own home or were placed with someone they love and very few became court involved.

event that will likely result in a child’s removal from their home and occur generally prior to court involvement.

In 2019, when families were involved immediately in a Crisis/

Rapid Response Family Meeting, 97 percent of children remained safely in their own home or were placed with someone they love and very few became court involved.

These FEI counties, through their strong collaborative relationships and commitment to child and family well-being, have demonstrated that despite the uncertainty of COVID-19, their own resilience has helped them succeed.

This work is supported through the federal Court Improvement Program Grant designed to assist state courts with enhancing oversight of child welfare cases. [AOPC](#)

NEW DATA SHED LIGHT ON PANDEMIC-RELATED BACKLOGS



When the coronavirus pandemic forced courts to suspend in-person hearings [in 2020] case filings plummeted, and court leaders predicted that a flood of new filings later this year would cause backlogs that would bog down court dockets for months, if not years.

To be sure, backlogs are an issue for state courts to address, but data from 11 states – the first substantial batch that has been analyzed since the pandemic began – show that the problem this year may not be as bad as initially thought, at least not in those states.

The number of cases filed in those states were notably low in traffic, juvenile and criminal courts. Case filings have returned to normal in probate courts and are not expected to spike in 2021. Courts may experience formidable backlogs in domestic relations and dependency cases next year, as well as in civil cases next year and beyond.

NCSC asked all 50 states for data and received it from 11, including states with large populations (Texas, Ohio and Pennsylvania) and small (Idaho and Alaska), but the sample size is not large enough to make conclusions about the nation as a whole, said NCSC researcher Diane Robinson, who analyzed the data.

Robinson made other observations and predictions:

- Civil cases are likely to rise. To take foreclosures as an example, there are a lot of people who aren’t going to get on the right side of their mortgages.
- Improved economies often mean estranged, married couples can afford to separate. When the economy improves, as it may next year, expect to see a surge in divorce cases in domestic relations courts.
- Individual courts in one of those 11 states may experience something different than other courts. That means some courts may experience severe backlogs in, say, juvenile courts, despite what the data show when combined across states.
- The biggest surprise from the data? Courts are seeing backlogs, but they’re not huge.

Although there is positive news in this data, Robinson urges court officials to keep a close eye on their filings and dispositions so they can prepare for potential backlogs that may not seem apparent now.

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Human trafficking – connecting the dots

The COVID-19 pandemic has generated added risks and challenges for survivors and victims of human trafficking – while exacerbating socioeconomic inequalities that pave the way for trafficking victimization and creating new barriers to identifying those victims.

To make matters worse, a flurry of online conspiracy theories about human trafficking gained significant traction midway through 2020.

With this mind, the Administrative Office of Pennsylvania Court (AOPC) has launched a digital awareness campaign in [recognition of January as Human Trafficking Prevention Month](#).

Knowledge is power – and the more realistic information about trafficking we disseminate, the more we can help victims and survivors improve their court experience.

Human Trafficking in Pennsylvania

Pennsylvania enacted its first comprehensive anti-trafficking law in 2014, [Act 105](#). Since then, there have been 784 human trafficking charges initiated throughout the Commonwealth. Nationally, Pennsylvania currently ranks 9th in the country for calls to the National Human Trafficking Hotline.

However, most anti-trafficking experts agree that such statistics are likely only the tip of the iceberg when it comes to the actual prevalence of trafficking in a given jurisdiction.

Human trafficking happens in urban, rural and suburban Pennsylvania communities. In 2019, Lancaster and Montgomery Counties ranked highest in percentage of human trafficking cases filed throughout the state, followed by Philadelphia, Monroe and Dauphin.

These counties, while diverse, unfortunately only represent a subset of human trafficking in the Commonwealth.

COVID-19's Impact on Victims and Survivors

As COVID-19 continues to threaten lives and create economic uncertainty, victims and survivors of human trafficking are more vulnerable than ever.

At a time when the risk for interpersonal violence is elevated, victims and survivors are still unable to fully connect with vital social service programs, like drop-in centers and specialized shelters.

Persons who had managed to leave trafficking situations have been forced to return to their exploiters, and others engage in exploitative commercial sex or labor as they have lost their jobs, housing and medical insurance.

The Council on Foreign Affairs has reported that young women in the United States who cannot afford to pay their rents, or are financially vulnerable, are being subjected to sexual extortion by their landlords. Survivors with prostitution convictions are being asked to exchange sex for rent by landlords who can view their criminal histories online.



COVID-19 is also helping to create the next generation of human trafficking victims. According to the World Bank, approximately 40 to 60 million people are expected to be pushed into poverty due to the pandemic.

Widespread Misinformation

Despite ongoing awareness efforts, human trafficking remains vastly misunderstood.

Movies and television shows have dramatized the crime to the point where it is only associated with action-packed stranger kidnappings and large-scale criminal enterprises. These misconceptions have been intensified recently via the spread of sensationalized social media posts about

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human trafficking conspiracy theories.

These posts fuel the general public perception that human trafficking was not happening in their backyards and certainly not being perpetrated by someone within their community. Unfortunately, it is.

The bottom line is – human trafficking requires anonymity to prosper. Misinformation about trafficking hurts overall public understanding about the crime.

Myths and misinformation can become so prevalent that they cause victims to not recognize their own circumstances as trafficking. The more misinformation is spread, the less likely actual victims will be identified.

Awareness Efforts

During this past Human Trafficking Prevention Month, the AOPC began the launch of a [digital awareness campaign](#) to increase overall understanding about human trafficking.

The campaign includes social social media ads (a few of which are pictured above) pointing users to a [newly created webpage](#) where visitors can learn more about human trafficking in the Commonwealth. Additional judicial outreach will be rolled out throughout the year.

The webpage lays out important definitions and information on Pennsylvania-specific human trafficking law and details the vulnerabilities that can pave the way for a person to become involved in a trafficking situation, as well as scenarios that may raise red flags.



more INFORMATION

For more information visit pacourts.us/learn/human-trafficking.

Red flags to look for in the courtroom

Sometimes defendants may actually be victims themselves of sex or labor trafficking. Some signs to look out for might be if they:



Have a history of criminal convictions for prostitution, loitering, obstruction of the highway, retail theft and/or drug offenses.



Have a controlling guardian, partner or “sponsor” who provides their transportation to and from the courthouse, monitors their activity and/or seems to control their ability to communicate with others.



Do not have control over their legal documents, including passport, state issued identification, immigration documents, and the like.

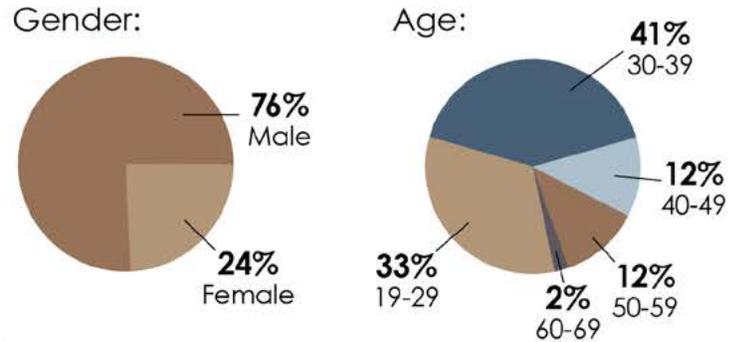


Work in an industry where they may feel pressured to engage in sex acts for money – such as a strip club, illicit message business or escort service.

Cracking down on Human Trafficking in Pennsylvania

Human trafficking is a type of human rights abuse where people profit from the exploitation of others – mainly through the use of **force, fraud** or **coercion** to manipulate victims into engaging in sex acts or labor/services in exchange for something of value.

Demographics of defendants convicted:

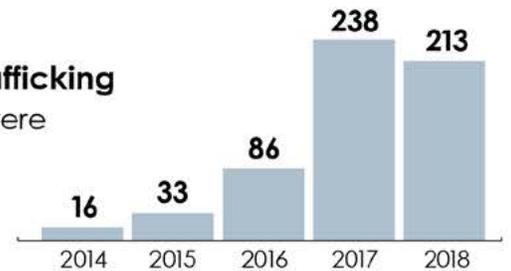


159 human-trafficking cases

were filed since Pennsylvania's first comprehensive human trafficking law (Act 105) law took effect in 2014.

Human-trafficking offenses:

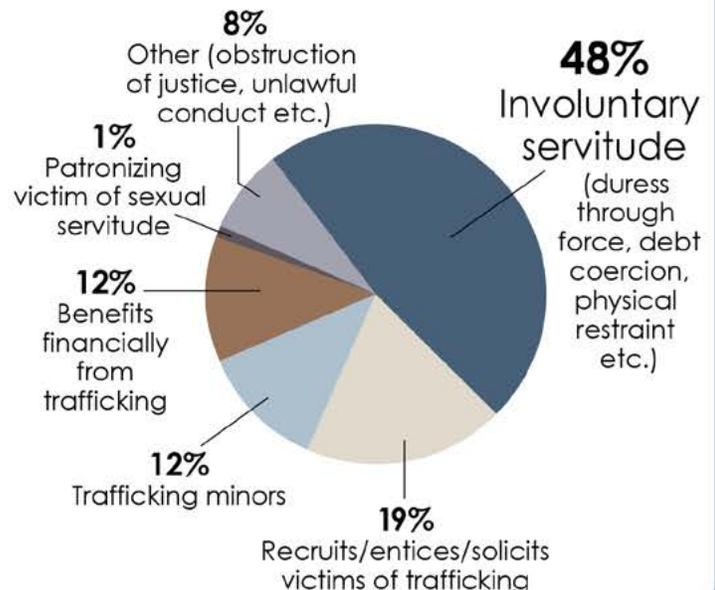
586 total human-trafficking offenses were charged in the last five years:



Counties with highest percentage of human-trafficking cases filed:



Types of offenses:



Victims of human trafficking may:

1. Not have access to their ID or travel documents
2. Not be in control of their own finances
3. Have very few personal possessions
4. Work excessively long/unusual hours with little or no pay
5. Not be able to clarify their address/living situation

Judicial education efforts continue amid the pandemic

By Dr. **Stephen Feiler**, director of Judicial Education



MJEB test pod at a remote testing site.

With the emergence of COVID-19, public health concerns forced the cancellation of all in-person instruction, compelling a full transition to remote learning. While the shift came with its share of challenges, the opportunity to access judicial education remotely was widely embraced by judges across the Commonwealth.

Continuing education for magisterial district judges – typically delivered at the Pennsylvania Judicial Center in Harrisburg – migrated to the online environment beginning in March.

Staff worked with faculty to transition the Minor Judiciary Education Board (MJEB) 2020-2021 continuing education curriculum into a series of asynchronous courses that magisterial district judges could access remotely.

Staff recorded faculty presenting to a small group of judges, who gathered at the PJC to ask questions and provide an interactive element to the videos. These recordings with

supporting materials were then made available to a designated subset of judges each week.

For trial and appellate court jurists, the Judicial Education Department worked with its law school partners, the PCSTJ Education Committee and others to identify courses that would translate effectively into an online environment. Symposiums planned by the Department and courses developed in collaboration with the PCSTJ Education Committee were delivered remotely.

Working with faculty from across the country, staff facilitated interactive, web-based courses on a weekly basis throughout the year.

Weekly offerings included faculty-led discussions on topics ranging from DNA and forensic evidence to understanding the lexicon of social media emojis. Judges learned about medically assisted treatment options for opioid use disorders and explored the neurobiology of implicit bias and judicial decision making.

During a typical course, between 80 and 100 judges continued their education from the safety of their chambers or home office. Faculty offered insights, led discussions and highlighted best practices while judges debated issues, evaluated hypothetical fact patterns and engaged in adjudicatory exercises.

During 2020, trial and appellate court jurists recorded just over 10,500 hours of continuing education, an average of more than 16 hours per judge. Nearly 40 percent of these hours (3,711) were earned through courses delivered remotely through the Department's remote series.

Magisterial district judge certification goes virtual

Magisterial district judges who are not lawyers are required to attend a four-week certification course and earn a passing grade on a certification exam prior to assuming their duties.

With the 2021 judicial election cycle on the horizon, the MJEB

had to determine how to offer the annual certification course and exam to prospective magisterial district judges while adhering to public health and safety protocols.

The Board determined, however, that conducting an in-person certification course during June, as they typically do, was not in keeping with the CDC's recommended mitigation measures. Instead, the MJEB asked Department staff to take measures necessary to deliver the certification class remotely.

This was the first time certification training would be offered remotely. Through its partnership with Duquesne University School of Law, the Department was able to enhance participants' experience by utilizing a learning management system designed to increase interaction in an on-line learning environment.

To promote interaction, learners were encouraged to set up study groups. Students and faculty actively communicated using the available chat feature, and shared supplemental materials and multi-media exhibits in the course repository.

The final certification exam – which all non-lawyer candidates are required to pass before taking office – was offered regionally to lessen potential risk of COVID exposure during the live exam. Students were divided into groups of 10 or fewer and assigned to one of six remote-testing sites nearest to their homes.

Masks and individual hand sanitizers were provided at each site. Exams were distributed in sealed envelopes to minimize handling and social distancing requirements were enforced. To the delight of everyone involved, all testing sites reported that the exam was administered without complication or incident.

While the pandemic strained personnel and resources in so many ways, staff adapted to continue to provide Pennsylvania's judges with the meaningful and accessible education necessary to fulfill their important duties. [AOPC](#)

Holiday cheer in Wyoming County courts



While many events and traditions had to change this year due to the pandemic, Wyoming County was still able to spread the holiday cheer through some friendly competition.

Normally, the county court holds a Christmas luncheon for all of their employees, but when it was canceled for health and safety reasons, they instead decided to hold a door-decorating contest with all proceeds raised going to a courthouse employee who had been recovering from COVID.

When the results came in, court administration was the winner! **Terilyn Wickizer**, Deputy Court Administrator and Court Administrator **Jessica Ellis, Esq.** won with this decoration. [AOPC](#)

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Legislative roundup

by Damian J. Wachter, Esq.

The 2021-22 General Assembly was sworn in on Jan. 5, and a number of bills of interest have already been considered in one or both chambers. On Feb. 3, the governor delivered his budget address, and the House will conduct budget hearings throughout the month of February. The Senate budget hearing schedule is being held off until later in the spring. House and Senate voting sessions will be held sporadically through May, and then fairly consistently in June leading up to the adoption of the budget.

Budget Proposal

For the fifth consecutive year, the governor proposed flat-funding for the judiciary. The judicial request presented to the governor proposed a modest increase to address the recurrence of flat-funded final budgets over the last several fiscal years.

Appellate Judicial District Elections

A proposed constitutional amendment to change how appellate jurists are elected has been introduced again this session. Specifically, members of the Supreme, Superior and Commonwealth Courts would be elected from judicial districts drawn by the legislature, as opposed to running statewide. Under the amendment, the number of jurists elected from districts “shall provide every resident ... with approximately equal representation on a court ... [and] each judicial district shall be composed of compact and contiguous territory as nearly equal in population as practicable.”

Should the amendment be adopted, the General Assembly would have to establish in law:

- a process for the transition to an appellate court judiciary elected from districts;

- the impact of set judicial districts upon eligibility to seek retention;
- the order in which judicial districts shall elect appellate court jurists; and
- decennial realignment of appellate judicial districts.

Constitutional amendments must pass in successive legislative sessions and then be submitted to the electorate for approval. This amendment passed the General Assembly for the first time last year. The bill this session – [HB 38](#) – was voted out of the House Judiciary Committee by a slim 13-12 margin on Jan. 13. It still requires multiple steps and it is unlikely to be completed in time for the May ballot.

Governor’s Emergency Powers, Concurrent Resolutions and Equality of Rights

Another proposal contains three separate and distinct amendments to the constitution. The first would govern disaster emergency declarations and management. It would allow the governor to declare an emergency via executive order or proclamation upon a finding that a disaster has occurred or that the occurrence or threat of a disaster is imminent. Any declaration would have to indicate the nature of the disaster. The General Assembly

by law would have to develop the manner in which each type of disaster must be managed. Disaster emergency declarations would only be in effect for 21 days unless otherwise extended by a concurrent resolution of the General Assembly. Upon the expiration of a disaster emergency declaration, the governor would be prohibited from issuing a new disaster emergency declaration based upon the same or substantially similar facts and circumstances without the passage of a concurrent resolution of the General Assembly.

The second proposed amendment would clarify that concurrent resolutions terminating or extending disaster emergency declarations do not have to be presented to the governor for approval.

The third and final amendment would add language stating that equality of rights under the law shall not be denied or abridged because of race or ethnicity.

This particular amendment passed the General Assembly for the first time last year. The bill this session – [SB 2](#) – was passed by the Senate (28-20) on Jan. 26, and by the House (116-86) on Feb. 5. The advertisement process is underway to place these questions on the May ballot.

Vacancies in the Office of District Attorney

Three bills – [SB 84](#), [SB 85](#) and [SB 86](#) – have been introduced seeking to bring some level of consistency in the way vacancies in the Office of District Attorney (ODA) are filled, building off the passage of [Act 78 of 2020](#). Senate Bill 84 would extend the provisions passed in Act 78 currently governing fourth through eighth class counties, to second class A and third class counties. Specifically, the Court of Common Pleas would appoint the first assistant district attorney (FADA) upon a showing that the FADA satisfies statutory eligibility and qualifications. If the FADA does not satisfy the requirements, the Court of Common Pleas would be directed to fill the vacancy with a competent person who does.

Senate Bill 85 seeks to enact similar provisions for second class counties, but the language is not identical to SB 84. Under both bills, the individual appointed would serve until the first Monday in January following the next municipal election.

Senate Bill 86 prohibits language in home rule charters from granting any powers to municipalities contrary to, or in limitation or enlargement of, powers granted by statutes applicable to classes of municipalities (e.g., county codes). Under the bill, this would include the procedure for the filling of vacancies in the ODA. The bill states the intent is to preempt and supersede any contrary provision in a county home rule charter, ordinance or code.

All three bills have passed the Senate and have been referred to the House Judiciary Committee.

Custody

[SB 78](#) would create Kayden’s Law, comprehensive changes to the custody law focusing on the health and safety of children. In addition to consideration of the statutory custody factors, courts would also have to consider party criminal charges and convictions, child abuse and involvement with protective services in custody decisions. Courts finding a history of abuse that award any form of custody to an abusing party, would have to include in the custody order certain safeguards required by the bill.

The legislation would add a number of new custody factors and clarify that a party’s reasonable concern for a child’s health and welfare and efforts to protect the child are not considered attempts to turn the child against the other party. Additionally, the bill would codify that a child’s deficient or negative relationship with a party shall not be presumed to be caused by the other party. The bill would allow (as current law requires) the court to appoint a guardian ad litem (GAL) for the child if substantial allegations of abuse are made and remove from current law the phrase “of child” to clarify that the abuse can be toward others. Finally, the bill would allow the AOPC to develop and implement an ongoing child abuse education and training program for judges, MDJs and relevant court personnel, including GALs, counsel for children, masters and mediators.

The bill was reported unanimously from Senate Judiciary on Jan. 25. [AOPC](#)



[Damian Wachter, Esq. is the assistant director of Legislative Affairs.]

Survey aims to strengthen court's response to interpersonal violence

By **Amy Kehner**, AOPC Judicial Programs administrator

The Administrative Office of Pennsylvania Courts (AOPC) is currently partnering with the Center for Court Innovation, a nationally-recognized non-profit, to conduct a survey on protection orders throughout the state.

This comprehensive survey will review protection order processes statewide to inventory existing practices, make recommendations and share best practices for implementation, while assessing how the COVID-19 pandemic has impacted the court's procedures for handling all types of protection orders.

The survey was made available to all interested stakeholders at the beginning of 2021 and results are currently under review.

During the initial stages of this project, the AOPC and Center for Court Innovation team assembled a diverse Advisory Group to help vet the survey and encourage Commonwealth-wide participation.

The Advisory Group participants (made up of judges, district attorneys, defense counsel, public interest attorneys, court administrators, clerks, victim advocates and other relevant stakeholders) hail from counties of varying population size and demographics, and have all played a pivotal role in assuring the survey is reflective of what they have seen on the ground during protection order cases.

The AOPC and Center for Court Innovation team are also selecting six to eight jurisdictions to participate in deeper on-site evaluations. The jurisdictions chosen will be representative of Pennsylvania's various urban, suburban and rural populations.

These site evaluations will help the team gain an on-the-ground understanding about how the various types of protection orders are handled and provide valuable context to the results of the survey.

Both this survey and the site evaluations are important opportunities for Pennsylvania's courts to enhance protection order procedures and strengthen responses to interpersonal violence, overall.

Once the results from the survey and on-site evaluations are fully reviewed and analyzed, the AOPC and Center for Court Innovation team will work with the Advisory Group to compile recommendations based on the findings.

These recommendations will highlight areas in need of improvement and guide future judicial training decisions.

AOPC

In 2019:

39,132 New petitions requesting relief under the PFA Act were filed

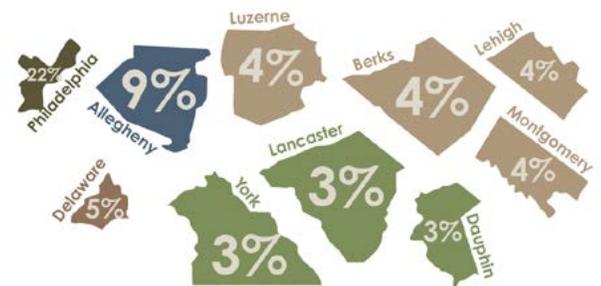
90% of temporary PFAs filed (valid until a final hearing) were granted

A PFA can order an abuser to:

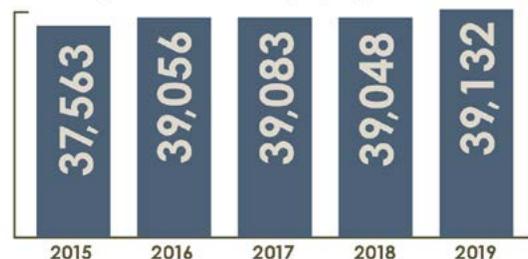


- Have no contact with the victim(s) or his/her children including: no texting, no calling, no communication via social media
- Leave the home
- Pay reasonable losses suffered as a result of the abuse

Top 10 counties with highest number of new PFA cases in 2019:



Between 2015 and 2019, the number of new PFA filings increased slightly by 4%.



Language Access receives SJI grant

By **Mary Vilter**, Court Access coordinator and **Chase Emanuel**, Court Access analyst

The State Justice Institute (SJI) has awarded the Administrative Office of Pennsylvania Courts (AOPC) a \$40,000 grant for translation of statewide court forms.

The grant will allow the Unified Judicial System (UJS) to complete the last major task under the Language Access Plan adopted by the Court in 2017 of implementing the UJS Translation Policy & Procedures Manual.

This manual, the development of which was previously-funded by SJI, was drafted by staff and consultants at the National Center for State Courts, in collaboration with the translation subcommittee.

In order to implement the project, AOPC had already strengthened a translation subcommittee of the Monitoring and Evaluation Team led by AOPC's Interpreter Certification Program Administrator **Oswaldo Avilés** and supported by Court Access Coordinator **Mary Vilter** and Court Access Analyst **Chase Emanuel**.

The subcommittee includes two professional translators (Mariana Stolee and Bridget Hylak), a legal services attorney (Peter Zurflied, Esq.) and an interpreter who is also her district's language access coordinator, Rebecca Murcia. The team also includes Bucks County Magisterial



District Judge **Michael Perucci**, along with five members of court administration – **Mark Dalton** (Lancaster), **Amy DeMatt** (Westmoreland), **Kendra Miknis** (Centre), **John Savoth** (Montgomery) and **Kerry Turtzo** (Lehigh).

The group is particularly well suited to the task before it, as the members have on-the-ground experience with and knowledge of those case types and accompanying court forms that have high usage by limited English proficient (LEP) litigants.

In anticipation of the high volume of eviction proceedings expected to coincide with the expiration of the CDC's eviction moratorium, AOPC will begin its translation work with landlord-tenant court forms.

It will move on to translate expungement forms due to the importance of the Clean Slate Initiative in Pennsylvania. The committee will then continue to choose forms based on a prioritization process set out by the Translation Manual, focusing on forms that have high LEP usage and affect basic rights ...and involve proceedings during which an individual may lose their right to liberty or property.

Forms will be translated into languages for which interpreters are most frequently requested in the UJS, including: Spanish, Arabic, Chinese, Russian, Nepali and Vietnamese. The translated forms will be produced in fillable format and posted on the [bilingual forms page](#) of the UJS website. **AOPC**

AOPC presents at Guardianship Oversight Colloquium

The Administrative Office of Pennsylvania Courts (AOPC) Office on Elder Justice (OEJC), as well as the IT department, were recently honored with an invitation to present an overview of the Pennsylvania's Guardianship Tracking System (GTS) at the **Massachusetts Guardianship Policy Institute's 2020 Colloquium on Guardianship Oversight** on Dec. 3, 2020.

The colloquium was a two-day presentation to highlight best practices in guardianship oversight. Presenters included experts in guardianship from Massachusetts, Washington DC, New Mexico, Utah, Idaho, the National Center of State Courts and of course – Pennsylvania.

The AOPC garnered the invitation as a result of the national exposure the GTS received through an article published in the March-April 2020 edition of the American Bar Association's Commission on Law and Aging e-journal, [BIFOCAL](#).

Pennsylvania was represented at the colloquium by the Honorable **Paula Francisco Ott**, chairperson of the



2020 Colloquium on Guardianship Oversight

December 3 & 10, 2020



Advisory Council on Elder Justice, **Amy Whitworth**, IT analyst manager and **Keith Hinkel**, OEJC analyst.

The GTS presentation included an overview of the project to implement the statewide system, as well as a summary of featured functionality – including the GTS's statewide guardian repository, compliance tracking mechanisms, electronic notifications, statewide alerts, automated flag logic and statistical reporting capabilities.

Pennsylvania's GTS was very well received with members of the colloquium's audience and several different states requesting additional information. **AOPC**

Court collaboration and communication during a time of crisis

In December, CCJ/COSCA held a live webinar where speakers, including Judge **Jill E. Rangos**, administrative judge of the Criminal Division of the Allegheny County Court of Common Pleas, discussed how criminal courts have witnessed unprecedented societal challenges over the past year.

From the COVID-19 pandemic to the emergence of civil unrest challenging the fairness of the criminal justice system, the webinar addressed the need for collaboration among justice system partners during a time of national crisis.

Among many useful topics, Judge Rangos spoke in detail during the webinar about some of the strategies that Allegheny County in particular has been using to make sure defendants' rights were being preserved during the pandemic and what the courts have been doing to keep all court users safe.

One of the significant issues that Judge Rangos spoke about was making defendant forms available in an interactive format online so that attorneys and clients didn't have to be in same room to fill them out.

"All of the forms were designed to make sure defendants and their attorneys could engage remotely," she explained.

When discussing the role of the courts and furthering communication and collaboration, Judge Rangos then spoke about the Carnegie Mellon University produced [video](#) showing people how exactly they were resuming jury trials and demonstrating the new protocols, like how the courts were picking juries in a large convention center.

The video was designed to ensure people that the courts are doing everything possible to protect them – from



temperature checks and Plexiglas, to a completely new courtroom set-up.

Judge Rangos also spoke about how the courts have tried their best to make sure there is no unnecessary congregating in the courthouse.

"Through a case status conference Order, we required attorneys to be in touch with each other and then communicate with the court what they intend to do on the upcoming court listing," she explained.

"So when we were in the building if it was going to be postponed, we wanted to know that beforehand so no one had to come to the courtroom – whether it's witnesses, parties or attorneys. If it's going to be postponed, the form is now online and they can submit the form with the explanation of why and the court will either grant or deny it in advance."

Among many other important topics that Judge Rangos covered, these were a few examples of how the Allegheny County courts are still communicating and collaborating during these strange times we're in – all of which are simultaneously designed to keep the courts functioning while also helping to keep court staff and users safe.

AOPC

New Counsel to the Criminal Procedural Rules Committee

After 22 years of service with the Court, **Jeff Wasileski, Esq.** is retiring as Counsel to the Criminal Procedural Rules Committee. As a former assistant district attorney, Captain in the Navy JAG Corps, avid historian, and actor in community and professional theatre, Jeff was able to draw on his diverse experience to

assist the Committee in advising the Court on procedural matters. He looks forward to a well-earned retirement and spending more time with his wife, Debra, and their two grown children, Nick and Maya.

Stepping into the role of Counsel is **Josh Yohe, Esq.** who worked

previously as a senior assistant district attorney and judicial law clerk, and currently as a senior assistant public defender. In addition to his criminal justice experience, Josh is also a piano aficionado with a Master of Music in Composition from Carnegie Mellon University. [AOPC](#)

Celebrating Black History Month

In recognition of Black History Month, February provides us with an annual opportunity to reflect on how diversity on the bench inspires courts and the communities they serve. AOPC interviewed several judges to learn how their own history and experiences have shaped them – both as individuals and as judges. Some of their answers are highlighted in this video, originally produced by AOPC Communications in 2019. [AOPC](#)



New court administrator school – pandemic style

By **Rick Pierce**, AOPC Judicial Programs administrator

The pandemic of 2020 has forced many changes upon our courts and administrators regarding how we conduct our business, how we communicate with our stakeholders and with one another and how we learn. Like successful professionals of any vocation, we adapt.

The New Court Administrator Class of 2020 proved worthy to the challenge this pandemic has laid before them. As court professionals, many of them came into their current position in the middle of the most devastating public health crisis in the past one hundred years.

Our courts and the process of administering justice have been impinged upon like no other event has done, yet these administrators did not blink.

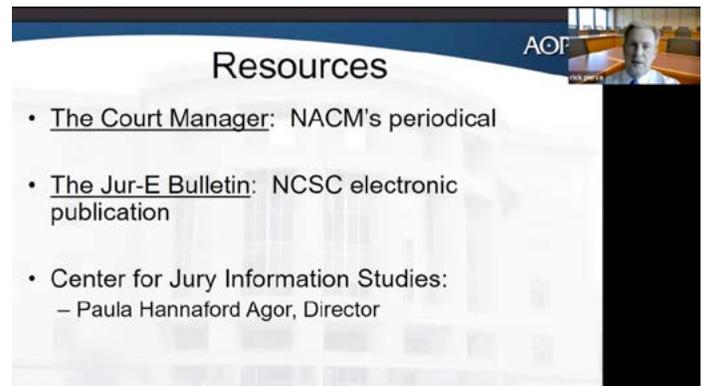
Education no longer came in an in-person setting where administrators could ask fellow colleagues questions face to face, share court profession experiences or even establish relationships – personal and professional. In spite of the restrictions, 24 court officials, including six district court administrators, completed a ten-week series of webinars conducted this past summer and fall. The exclusively virtual events focused on the purpose and responsibilities of a court leader.

As in past years, the focus was placed on the individual attendee which is a completely different setting to the one we employ. We know that as leaders of the courts, the focus should be given to those whom the courts serve.

Presentations on leadership, human resource management, relationship building with key players (such as president judges and other vital stakeholders like county executives, the AOPC and one's staff) serve to ring home this important message of servitude leadership.

Relationship building is at the core of every session of our orientation program and so we must strive to develop and sustain these vital connections. Relationships, after all, will determine the level of success all of us achieve in our profession. This is what many will call our purpose.

Our responsibilities or tasks vary somewhat from district to district, predicated upon size of the court and perhaps the unique make up and interest each court may have in



relation to court administration.

At its center, the primary responsibilities of court administration begin with caseload and workflow management.

Surrounding caseload – there are other specific disciplines such as fiscal administration, data collection and analysis, jury management, and monitoring court facilities and the needs of staff and judges to adequately perform their tasks on a daily basis.

These have never been more important than this year where the pandemic has restricted use of said facilities, and the administration of the minor judiciary – all of which were covered during the ten-week program.

Seasoned court administrators and AOPC staff provided the instruction on these topics as well as guidance on court security, right-to-know/public access and language access in the summer, succeeded by webinars on the essential components of court operations and personnel management as noted previously.

The Class of 2020 learned about their responsibilities and we all benefited from their knowledge and experience.

It is our hope that we can build upon this virtual experience and grow the relationships with this class so that all of us, including this class of administrators, can fulfill their purpose of servitude leadership each and every day. [AOPC](#)