

COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

COURT OF JUDICIAL DISCIPLINE
OF PENNSYLVANIA

DEC - 1 2020

RECEIVED AND FILED

IN RE:

Lyris F. Younge :
Court of Common Pleas :
First Judicial District : No. 2 JD 19
Philadelphia County :

BEFORE: Honorable Jazelle M. Jones, P.J., Honorable John H. Foradora, J., Honorable James C. Schwartzman, J., Honorable James J. Eisenhower, J., Honorable Ronald S. Marsico, J., Honorable Daniel D. McCaffery, J., Honorable Daniel E. Baranoski, J.

OPINION BY SCHWARTZMAN, J.

FILED: December 1, 2020

OPINION AND ORDER

I. Procedural History

On August 20, 2019, the Judicial Conduct Board filed a Complaint and a Petition for Relief for Interim Suspension With or Without Pay against Judge Lyris F. Younge. On September 20, 2019, Judge Younge filed her Answer. On September 12, 2019, this Court presided over a Suspension Hearing. Following the filing of Briefs, on October 2, 2019, this Court issued an Order, denying the Petition for Interim Suspension. On January 10, 2020, the Board filed a Petition for Relief to File Amended Board Complaint. Trial was scheduled to commence on February 19, 2020.

On February 18, 2020, this Court granted the Board's Petition for Relief to File Amended Board Complaint. On that same day, Judge Younge filed an Answer to the Amended Board Complaint, admitting to all of the factual averments set forth in Paragraph Nos. 1-270, subject to limited joint stipulations of the parties. By Order dated February 18, 2020, this Court cancelled the trial. On September 17, 2020, the

parties filed Joint Stipulations of Fact Pursuant to Court of Judicial Discipline Rule of Procedure No. 502 (D)(2). Those Joint Stipulations are incorporated herein.

II. Findings of Fact

1. Article V, § 18 of the Constitution of the Commonwealth of Pennsylvania grants to the Board the authority to determine whether there is probable cause to file formal charges against a judicial officer in this Court, and thereafter, to prosecute the case in support of such charges in this Court.

2. Prior to her election to the bench, then Attorney Younger had significant experience with Child Dependency matters.

3. Between 2003 and 2013, then Attorney Younger worked as a Deputy City Solicitor, assigned to the Child Welfare Unit. Subsequently, she served for 18 months on the Executive Team of the Philadelphia Department of Human Services (DHS).

4. From January 4, 2016 through the present time, Judge Younger has served as a judge of the Court of Common Pleas of the First Judicial District.

5. From January 4, 2016 through July 1, 2018, Judge Younger was assigned to the Family Division of the Court of Common Pleas.

6. On or about May 10, 2018, Family Division Administrative Judge Margaret Murphy and Supervising Judge Walter J. Olszewski assigned Judge Younger to "Chambers Weeks," providing her an opportunity to write overdue 1925(a)(2)(ii) Opinions for Children's Fast Track Appeals and reduce the backlog in her chambers.

7. By Order dated June 11, 2018, President Judge Sheila Woods-Skipper reassigned Judge Younger from the Family Division to the Statutory Appeals Section of the Civil Division, effective July 2, 2018. (Board Exhibit 1)

8. Based on six Confidential Requests for Investigation at Judicial Conduct Board File Nos. 2018-090, 2018-144, 2018-323, 2018-362, 2018-422 and 2018-459, the Board investigated the instant matters.

9. As a result of its investigation, and pursuant to Article V, § 18(a)(7) of the Constitution of the Commonwealth of Pennsylvania, the Board determined that there was probable cause to file formal charges against Judge Younge in this Court.

A. Inordinate Delay

10. In March 2009, the Pennsylvania Supreme Court amended the Pennsylvania Rules of Appellate Procedure to incorporate an expedited approach, termed "Children's Fast Track Appeals," in cases involving Children's Dependency and Termination of Parental Rights (TPR) proceedings.

11. On appeal from an Order in a Children's Dependency or Termination of Parental Rights proceeding, an appellant must file a Notice of Appeal with the clerk of the trial court within 30 days of the Order, which is the subject of the appeal. Pa.R.A.P. Nos. 902 & 903(a).

12. The appellant is required to file a Concise Statement of Errors Complained of on Appeal at the same time as the filing of the Notice of Appeal. Pa.R.A.P. No. 1925(a)(2)(i).

13. In a Children's Fast Track Appeal, the judge who entered the Order, which is subject to appeal, is required to submit a 1925(a)(2)(ii) Opinion within 30 days of receipt of the Notice of Appeal and the Concise Statement of Errors Complained of on Appeal. Pa.R.A.P. No. 1925(a)(2)(ii).

14. In a Children's Fast Track Appeal, the trial court must submit the trial record to the appellate court within 30 days after the filing of the Notice of Appeal.

It is the responsibility of the trial court judge to cause the court reporter to transcribe the notes of testimony and to make certain that the court clerk has everything necessary to transmit the entire record to the appellate court. Pa.R.A.P. No. 1931(a)(2) & (b).

15. Between June 24, 2016 and May 17, 2018, Judge Younge repeatedly failed to timely file 1925(a)(2)(ii) Opinions in Children's Fast Track Appeals.

16. The delay in submitting 1925(a)(2)(ii) Opinions in Children's Fast Track Appeals prevented the trial court Prothonotary from timely sending the trial court records to the Superior Court, thereby preventing the cases from timely proceeding on appeal.

17. On June 24, 2016, Judge Younge's then law clerk, India Campbell, Esquire, initiated email communication with the Superior Court Case Flow Manager on behalf of Judge Younge, requesting an extension of time to file overdue 1925(a)(2)(ii) Opinions in Children's Fast Track Appeals in six cases.

18. On July 1, 2016, Attorney Campbell resigned from her position as law clerk to Judge Younge.

19. Judge Younge hired Lynne Summers, Esquire, to serve as her law clerk, with a start date of July 11, 2016.

20. On July 7, 2016, Judge Younge communicated directly with the Superior Court Case Flow Manager by telephone, requesting an extension of time to file overdue 1925(a)(2)(ii) Opinions in eight Children's Fast Track Appeal cases.

21. On July 8, 2016, Judge Younge communicated by email with the Superior Court Case Flow Manager about her request for an extension of time to file the eight 1925(a)(2)(ii) Opinions.

22. Between July 20, 2016 and May 17, 2018, the Superior Court notified Judge Younge’s chambers about the growing backlog of overdue 1925(a)(2)(ii) Opinions, via a series of eleven emails directed to Law Clerk Summers.

23. Each of the eleven emails from the Superior Court to Law Clerk Summers contained a list of the Children’s Fast Track Appeals cases, in which Judge Younge’s 1925(a)(2)(ii) Opinions were overdue.

24. Judge Younge’s backlog of cases with overdue 1925(a)(2)(ii) Opinions increased over time from a low of six overdue Opinions in June 2016, to a high of 41 overdue Opinions in February 201[8].

25. The following chart illustrates the June 24, 2016 through May 17, 2018 pattern of inordinate delay by Judge Younge in filing 1925(a)(2)(ii) Opinions in Children’s Fast Track Appeals:

Notice re: Overdue 1925(a)(2)(ii) Opinions in Children’s Fast Track Appeals

| <u>Date</u> | <u>Overdue Opinions</u> | <u>From</u> | <u>Subject</u> |
|-------------------|-------------------------|-------------|-------------------------|
| June 24, 2016 | 6 | J. Younge | Request Extension Time |
| July 8, 2016 | 8 | J. Younge | Request Extension Time |
| July 20, 2016 | 16 | Super. Ct. | Delinquent Records List |
| December 28, 2016 | 14 | Super. Ct. | Overdue Opinions |
| February 16, 2017 | 14 | Super. Ct. | Delinquent Records |
| June 5, 2017 | 24 | Super. Ct. | Delinquent List |
| August 2, 2017 | 6 | Super. Ct. | Overdue Opinions |
| November 30, 2017 | 23 | Super. Ct. | The List |
| December 18, 2017 | 31 | Super. Ct. | J. Younge’s List |
| January 30, 2018 | 37 | Super. Ct. | The List |

| <u>Date</u> | <u>Overdue Opinions</u> | <u>From</u> | <u>Subject</u> |
|------------------|-------------------------|-------------|---------------------------------------|
| February 9, 2018 | 41 | Super. Ct. | Request Estimated Dates of Completion |
| March 27, 2018 | 34 | Super. Ct. | Overdue Opinions |
| May 17, 2018 | 21 | Super. Ct. | Delinquent List |

26. The ongoing pattern of inordinate delay in filing 1925(a)(2)(ii) Opinions in Children’s Fast Track Appeals formed the basis for Administrative Judge Murphy and Supervisory Judge Olszewski to reassign Judge Younge from her Family Court courtroom to “Chambers Weeks,” effective May 10, 2018.

27. In the Children’s Fast Track Appeal, *In the Interest of A.W., Jr., S.W., J.W. and M.W.: Minor Children*, Docket No. 328 EDA 2017, Judge Younge filed the 1925(a)(2)(ii) Opinion 261 days late.

- a. On December 14, 2016, Judge Younge presided over a Permanency Review Hearing and entered an Order directing DHS to fully vaccinate and immunize Parents’ four sons A.W., Jr., S.W., J.W. and M.W.;
- b. On January 13, 2017, Parents timely filed a Notice of Appeal to the Superior Court and a Concise Statement of Errors Complained of on Appeal;
- c. The 1925(a)(2)(ii) Opinion was due on February 12, 2017;
- d. On November 1, 2017, Judge Younge untimely filed the 1925(a)(2)(ii) Opinion;
- e. On April 12, 2018, the Superior Court filed its Memorandum and Order, affirming the December 14, 2016 Order; and
- f. On May 4, 2018, the Superior Court withdrew the Memorandum and reissued its ruling in a published Opinion and Order.

28. In the Children’s Fast Track Appeal, *In the Interest of S.S., A Minor*, Docket No. 3002 EDA 2016, Judge Younge filed the 1925(a)(2)(ii) Opinion 197 days late.

- a. On September 1, 2016, Judge Younge presided over an Adjudicatory Hearing and entered an Order, adjudicating S.S. dependent and ordering that he be removed from his home and placed in residential foster care; (Board Exhibit 2(A), Transcript)
- b. On September 26, 2016, Attorney Aaron Mixon timely filed a Notice of Appeal to the Superior Court and a Concise Statement of Errors Complained of on Appeal. Docket No. 3002 EDA 2016; (Board Exhibit 2(B), Superior Court Docket)
- c. The 1925(a)(2)(ii) Opinion in the Children's Fast Track Appeal was due on October 26, 2016;
- d. On November 28, 2016, the Superior Court remanded the appeal back to the trial court, but retained jurisdiction, because Attorney Mixon had not yet submitted a completed Docketing Statement Form;
- e. On November 29, 2016, Attorney Mixon filed the Docketing Statement Form;
- f. On January 4, 2017, the Superior Court entered an Order, vacating its November 28, 2016 Order, based on its receipt of the completed Docketing Statement Form; (Board Exhibit 2(B), Pa. Super. Ct. Docket)
- g. On May 12, 2017, Judge Younge filed the 1925(a)(2)(ii) Opinion, 197 days after the October 26, 2016 due date, 164 days after Attorney Mixon filed the Docketing Statement Form, and 128 days after the January 4, 2017 Superior Court Order, vacating the remand to the trial court; and
- h. On October 18, 2017, the Superior Court filed its Memorandum and Order, reversing Judge Younge's September 1, 2016 Order. (Board Exhibit 2(C))

29. In the Children's Fast Track Appeal, *In the Interest of N.O.W., A Minor*, Docket No. 1749 EDA 2016, Judge Young filed the 1925(a)(2)(ii) Opinion 192 days late.

- a. On May 5, 2016, Judge Younge presided over a Goal Change Hearing and entered an Order changing the placement goal to adoption;
- b. On May 26, 2016, Father timely filed a Notice of Appeal to the Superior Court and a Concise Statement of Errors Complained of on Appeal;
- c. The 1925(a)(2)(ii) Opinion was due on June 25, 2016;

- d. On January 4, 2017, Judge Younger untimely filed the 1925(a)(2)(ii) Opinion;
- e. On June 8, 2017, the Superior Court filed its Memorandum, affirming the May 5, 2016 Order; and
- f. Judge Younger failed to list *In the Interest of N.O.W., A Minor*, on her January 2017 703 Report Form, even though the 1925(a)(2)(ii) Opinion was greater than 90 days overdue on December 31, 2016, the end date of the reporting period. (Board Exhibit 3(A))

30. In the Children's Fast Track Appeals, *In the Interest of N.M., A Minor*, Docket Nos. 154 EDA 2017 (Mother) and 190 EDA 2017 (Father), Judge Younger filed the 1925(a)(2)(ii) Opinion, 184 days late.

- a. On December 8, 2016, Judge Younger presided over a Permanency Review Hearing and entered an Order for N.M. to remain in foster care; (Board Exhibit 4(B), Transcript (Dec. 8, 2016));
- b. On January 6, 2017, Parents timely filed counseled Notices of Appeal to the Superior Court and Concise Statements of Errors Complained of on Appeal;
- c. The 1925(a)(2)(ii) Opinion was due on February 6, 2017; and
- d. On August 10, 2017, Judge Younger untimely filed the 1925(a)(2)(ii) Opinion.

31. In the Children's Fast Track Appeals, *In the Interest of N.W.M., A Minor*, Docket Nos. 3714 EDA 2017 (Father) and 3715 EDA 2017 (Mother), pertaining to a second issue in *In the Interest of N.M.*, set forth immediately above, Judge Younger filed the 1925(a)(2)(ii) Opinion 52 days late.

- a. On October 26, 2017, Judge Younger presided over a Goal Change/Termination of Parental Rights Hearing and entered an Order granting a DHS Petition and involuntarily terminating Parental rights of Father and Mother to N.M.;
- b. On November 17, 2017, both Parents timely filed Notices of Appeal to the Superior Court and Concise Statements of Errors Complained of on Appeal;
- c. The 1925(a)(2)(ii) Opinion was due on December 18, 2017; and

- d. On February 9, 2018, Judge Younge untimely filed the 1925(a)(2)(ii) Opinion.

32. In the Children's Fast Track Appeals, *In the Interest of S.E.C.-B., A Minor*, Docket No. 2051 EDA 2016, *In the Interest of S.M.C.-B., A Minor*, Docket No. 2053 EDA 2016, and *In the Interest of S.D.C., A Minor*, Docket No. 2054 EDA 2016, Judge Younge filed the 1925(a)(2)(ii) Opinion 163 days late.

- a. On June 7, 2016, Judge Younge presided over a Termination of Parental Rights Hearing and entered Decrees and Orders, terminating Mother's parental rights and changing the permanency goal to adoption; (Board Exhibit 5(A), Transcript)
- b. On July 1, 2016, Mother timely filed a Notice of Appeal to the Superior Court and a Concise Statement of Errors Complained of on Appeal;
- c. The 1925(a)(2)(ii) Opinion was due on August 1, 2016;
- d. On January 12, 2017, Judge Younge untimely filed the 1925(a)(2)(ii) Opinion;
- e. On June 30, 2017, the Superior Court affirmed in part and vacated in part the Decrees terminating parental rights, and vacated Orders changing the permanency goals to adoption; (Board Exhibit 5(B))
- f. Judge Younge failed to list *In the Interest of S.E.C.-B. A Minor*, *In the Interest of S.M.C.-B. A Minor*, and *In the Interest of S.D.C., A Minor* on her January 2017 703 Report, even though the 1925(a)(2)(ii) Opinion was greater than 90 days overdue on December 31, 2016, the end date of the reporting period. (Board Exhibit 5(C)).

33. In the Children's Fast Track Appeal, *In the Interest of G.S., A Minor*, Docket No. 124 EDA 2017, Judge Younge filed the 1925(a)(2)(ii) Opinion 153 days late.

- a. On November 21, 2016, Judge Younge presided over an Adjudicatory Hearing, adjudicated G.S. Dependent and ruled that DHS "made NO Reasonable Efforts to prevent or eliminate the need for removal of G.S. from the home;" (Board Exhibit 6(A), Transcript))

- b. On December 20, 2016, DHS timely filed a counseled Notice of Appeal to the Superior Court and a Concise Statement of Matters Complained of on Appeal;
- c. The 1925(a)(2)(ii) Opinion was due on January 19, 2017;
- d. On June 22, 2017, Judge Younge untimely filed the 1925(a)(2)(ii) Opinion; and
- e. On October 2, 2017, the Superior Court filed its Opinion and Order, vacating the November 21, 2016 Order as to the finding of "No Reasonable Efforts." (Board Exhibit 6(B)).

34. On January 23, 2018, Judge Younge presided over a bifurcated hearing where she granted Attorney McLaughlin's request to withdraw from *In the Interest of K.R., A Minor*, CP-51-DP-0000933-2016 and *In the Interest of B.T., a Minor*, CP-51-DP-0000935-2016, and separately considered the contempt matter. (Board Exhibit 7(A), Transcript)

- a. On January 23, 2018, Judge Younge entered an Order, holding Attorney McLaughlin in civil contempt of court and fining him \$750;
- b. On January 31, 2018, Attorney McLaughlin filed a counseled Motion for Reconsideration, which remained undecided;
- c. On February 21, 2018, Attorney McLaughlin timely filed counseled Notices of Appeal to the Superior Court, but did not file Statements of Errors Complained of on Appeal on that same date. Docket Nos. 587 EDA 2018 and 588 EDA 2018;
- d. On April 20, 2018, Judge Younge ordered Attorney McLaughlin to file a 1925(b) Statement of Errors Complained of on Appeal;
- e. On May 7, 2018, appellate counsel filed a 1925(b) Concise Statement of Errors Complained of on Appeal;
- f. On July 19, 2018, Judge Younge filed the 1925(a) Opinion; and
- g. On April 29, 2019, the Superior Court issued its Memorandum and Order, vacating the January 23, 2018 Order. (Board Exhibit 7(B)).

35. In the Children's Fast Track Appeals, *In the Interest of Q.R., A Minor*, Docket No. 230 EDA 2018 and *In the Interest of L.R., A Minor*, Docket No. 232 EDA 2018, Judge Younger filed the 1925(a)(2)(ii) Opinions 121 days late.

- a. On December 1, 2017, Judge Younger presided over the Adjudicatory Hearing and entered an Order adjudicating Q.R., and L.R. Dependent; (Board Exhibits 8(A), Transcript & 8(B), Audio)
- b. Based on testimony at the Hearing that Mother's [H.R.'s] adult daughter, N.R., and her infant Child, N.M., were also residing in H.R.'s home, Judge Younger adjudicated N.M. Dependent and entered an Order, holding H.R. in Contempt of Court; (Board Exhibit 8(C) & 8(D))
- c. On December 29, 2017, H.R. timely filed a Notice of Appeal to the Superior Court and a Concise Statement of Matters Complained of on Appeal;
- d. The 1925(a)(2)(ii) Opinion was due on January 29, 2018;
- e. On May 31, 2018, Judge Younger untimely filed the 1925(a)(2)(ii) Opinion; and
- f. On November 20, 2018, the Superior Court issued its Opinion and Order, reversing the December 1, 2017 Contempt Order. (Board Exhibit 8(E)).

36. In the Children's Fast Track Appeal, *In the Interest of K.S., A Minor*, Docket No. 1662 EDA 2016, *In the Interest of T.B., A Minor*, Docket No. 1677 EDA 2016, *In the Interest of M.B., A Minor*, Docket No. 1681 EDA 2016, and *In the Interest of N.B., A Minor*, Docket No. 1684 EDA 2016, Judge Younger filed the 1925(a)(2)(ii) Opinion 55 days late.

- a. On April 27, 2016, Judge Younger presided over an Adjudicatory Hearing, entered Orders adjudicating K.S., T.B., M.B. and N.B. Dependent, and ruled that DHS "made NO Reasonable Efforts to prevent or eliminate the need for removal of [Child] from the home;" (Board Exhibit 9(A), Transcript)
- b. On May 25, 2016, DHS timely filed Notices of Appeal and Statements of Errors Complained of on Appeal in each of the four Dependency cases;
- c. The 1925(a)(2)(ii) Opinions were due on June 24, 2016;

- d. On August 19, 2016, Judge Younge untimely filed the 1925(a)(2)(ii) Opinion; (Board Exhibit 9(B)) and
- e. On March 29, 2017, the Superior Court issued its Memorandum and Order, vacating in part the four April 27, 2016 Orders as to the finding of "No Reasonable Efforts." (Board Exhibit 9(C))

37. In the Children's Fast Track Appeals, *In the Interest of E.O., A Minor*, Docket No. 2641 EDA 2017 and *In the Interest of B.O., A Minor*, Docket No. 2643 EDA 2017, Judge Younge filed the 1925(a)(2)(ii) Opinions 47 days late.

- a. On August 3, 2017, Judge Younge presided over a Permanency Hearing and entered a Permanency Review Order, finding Parents had unauthorized contact with Children, finding Father in contempt of court and ordering that he be incarcerated for seven days; (Board Exhibits 10(A), Transcript & 10(B)-(C), Permanency Review (Contempt) Orders);
- b. On August 14, 2017, Father timely filed a Notice of Appeal to the Superior Court and a Concise Statement of Matters Complained of on Appeal;
- c. The 1925(a)(2)(ii) Opinion was due on September 13, 2017;
- d. On October 31, 2017, Judge Younge untimely filed the 1925(a)(2)(ii) Opinion; and
- e. On July 30, 2018, the Superior Court filed its Opinion and Order, vacating the contempt decision. (Board Exhibit 10(D)).

38. In the Children's Fast Track Appeal, *In the Interest of K.C., A Minor*, Docket No. 1620 EDA 2016, Judge Younge filed the 1925(a)(2)(ii) Opinion 41 days late.

- a. On April 26, 2016, Judge Younge presided over a Dependency Hearing, entered an Order, adjudicating Child Dependent, and ruled that DHS "made no reasonable efforts to prevent or eliminate the need for removal of Child from the home;" (Board Exhibit 11(A), Transcript);
- b. On May 25, 2016, DHS timely filed a Notice of Appeal to the Superior Court and a Concise Statement of Matters Complained of on Appeal;
- c. The 1925(a)(2)(ii) Opinion was due on June 24, 2016;
- d. On August 5, 2016, Judge Younge untimely filed the 1925(a)(2)(ii) Opinion;

- e. On January 17, 2017, the Superior Court issued a Memorandum and Order vacating in part the April 26, 2016 Order as to "No Reasonable Efforts;" and
- f. On February 24, 2017, the Superior Court withdrew the Memorandum and reissued its ruling in a published Opinion and Order. (Board Exhibit 11(B)).

39. In the Children's Fast Track Appeals, *In the Interest of D.C., A Minor*, Docket No. 3418 EDA 2017, *In the Interest of D.J.M., A Minor*, Docket No. 3424 EDA 2017, and *In the Interest of D.M., A Minor*, Docket No. 3428 EDA 2017, Judge Younge filed the 1925(a)(2)(ii) Opinion 35 days late.

- a. On August 17, 2017, Judge Younge presided over a Non-placement Review Hearing and entered an Order for Protective Custody of Children; (Board Exhibits 12(A), Transcript & 12(B), Audio);
- b. On August 18, 2017, Judge Younge presided over a Shelter Care Hearing, and entered an Order, adjudicating Children Dependent and ordering restrictive, supervised visits;
- c. On September 27, 2017, Judge Younge presided over a Hearing on Children's Motion for Reconsideration, which she denied;
- d. On October 13, 2017, Children timely filed Notices of Appeal to the Superior Court and Concise Statements of Matters Complained of on Appeal;
- e. The 1925(a)(2)(ii) Opinions were due on November 13, 2017;
- f. On December 19, 2017, Judge Younge untimely filed the 1925(a)(2)(ii) Opinions; and
- g. On June 8, 2018, the Superior Court issued its Memorandum and Order and reversed the August 17-18, 2017 Orders. (Board Exhibit 12(C)).

40. Judge Younge knew that it was her responsibility to meet the 30-day filing deadline for the 1925(a)(2)(ii) Opinions in Children's Fast Track Appeals.

41. Judge Younge delegated her job responsibility of drafting 1925(a)(2)(ii) Opinions in Children's Fast Track Appeals to her law clerks.

42. Judge Younger never discussed the need for, the implementation of, or the existence of a tracking system with Law Clerk Summers to manage the timely filing of 1925(a)(2)(ii) Opinions in Children's Fast Track Appeals.

43. Judge Younger did not read the Notices of Appeal or Concise Statements of Matters Complained of on Appeal in Children's Fast Track Appeals when they were delivered to her chambers.

44. Judge Younger did not discuss the issues presented in the Notices of Appeal or Concise Statements of Errors Complained of on Appeal with Law Clerk Summers, who drafted the 1925(a)(2)(ii) Opinions in Children's Fast Track Appeals.

45. Judge Younger failed to manage and supervise her law clerks to ensure that the 1925(a)(2)(ii) Opinions were timely filed in Children's Fast Track Appeals.

B. Impartiality, Fairness and Right to Be Heard

46. On March 16, 2016, Judge Younger presided over the Termination of Parental Rights (TPR) Hearing in *In the Interest of: A.N.P., A Minor*, Docket No. CP-51-AP-0000804-2015. (Board Exhibits 13(A), Transcript & 13(B), Audio)

- a. During the Hearing, Mother became ill, asked to leave the courtroom, and stepped out into the hallway;
- b. Judge Younger failed to warn Mother that she would proceed with the hearing and might terminate Mother's parental rights in her absence;
- c. During the hearing, Judge Younger denied the request of Mother's counsel, Attorney John Capaldi, to permit Mother to reenter the courtroom to testify;
- d. After conducting the hearing without Mother present, Judge Younger entered a Decree of Involuntary Termination of Parental Rights and Orders Terminating Parental Rights and Changing the Goal to Adoption;
- e. On April 15, 2016, Mother filed a counseled Notice of Appeal to the Superior Court and a Concise Statement of Errors Complained of on Appeal;
- f. On May 16, 2016, Judge Younger timely filed her 1925(a) Opinion;

- g. On January 30, 2017, the Superior Court issued its Opinion and Order, vacating the Decree and Orders for termination of Mother's parental rights and goal change of adoption, and remanded the case for another hearing; (Board Exhibit 13(C)) and
- h. On February 8, 2017, Judge Younge presided over a hearing on remand from the Superior Court, wherein she granted Attorney Capaldi's oral motion for her recusal from the case.

47. On April 26, 2016, Judge Younge presided over a Dependency Hearing in *In the Interest of K.C., a Minor*, Docket No. CP-51-DP-0000905-2016. (Board Exhibit 11(A), Transcript)

- a. During the hearing, Judge Younge focused on the failure of DHS to establish a concurrent placement plan for Child;
- b. During the hearing, Judge Younge did not discuss or hear testimony about whether DHS made reasonable efforts to prevent or eliminate the need for removal of Child from home;
- c. On April 26, 2016, Judge Younge entered an Order of Adjudication and Disposition, adjudicating K.C. dependent and ruling that DHS made No Reasonable Efforts to prevent or eliminate the need for removal of Child from the home;
- d. On May 10, 2016, DHS filed a Motion for Reconsideration, claiming that Judge Younge applied the wrong standard of review when ruling on the issue of "No Reasonable Efforts;"
- e. On June 24, 2016, Judge Younge denied the Motion for Reconsideration;
- f. On May 25, 2016, DHS filed a Notice of Appeal in the Superior Court. Docket No. 1620 EDA 2016;
- g. On February 24, 2017, the Superior Court issued its Opinion and Order, vacating and remanding Judge Younge's April 26, 2016 Order on the basis that Judge Younge failed to discuss the issue of "No Reasonable Efforts" at the hearing; (Board Exhibit 11(B))
- h. The Superior Court determined that Judge Younge abused her discretion by applying the standard for reasonable efforts to finalize a placement plan for Children, rather than considering the factors and applying the standard of reasonable efforts to prevent or eliminate removal from the home; and

- i. On remand, Judge Younge presided over the February 27, 2017 hearing and found that DHS made reasonable efforts to prevent or eliminate the need for removal of Child from the home.

48. On April 27, 2016, Judge Younge presided over an Adjudicatory Hearing in *In the Interest of K.S., a Minor*, Docket No. CP-51-DP-0015141-2005; *In the Interest of T.B., a Minor*, Docket No. CP-51-DP-0000921-2016, *In the Interest of M.B., a Minor*, Docket No. CP-51-DP-0000920-2016; and *In the Interest of N.B., a Minor*, Docket No. CP-51-DP-0000922-2016. (Board Exhibit 9(A), Transcript)

- a. During the Adjudicatory Hearing, DHS testified about the services provided in the dependency matters, including referrals for parenting and other services;
- b. On April 27, 2016, Judge Younge entered Dependency Orders for K.S., N.B., T.B, and M.B., ruling in each case that DHS made "NO Reasonable Efforts to prevent or eliminate the need for removal of this child from the home;"
- c. On May 12, 2016, DHS filed a Motion for Reconsideration, explaining Judge Younge's ruling of "NO Reasonable Efforts," unless vacated, would cause a loss of funding to DHS for each child, and impose a financial hardship for DHS for the duration of the dependency cases;
- d. On May 16, 2016, Judge Younge denied the Motion;
- e. On May 25, 2016, DHS filed a timely Notice of Appeal and Statement of Matters Complained of on Appeal in each of the four Dependency Cases. *In the Interest of: K.S., A Minor*, Docket No. 1662 EDA 2016; *In the Interest of: N.B., A Minor*, Docket No. 1684 EDA 2016; *In the Interest of: T.B., A Minor*, Docket No. 1677 EDA 2016; and *In the Interest of: M.B., A Minor*, Docket No. 1681 EDA 2016;
- f. The Superior Court consolidated the cases for purposes of appeal;
- g. On March 29, 2017, the Superior Court issued its Memorandum and Order, vacating and remanding in part Judge Younge's decisions in all four cases, to determine whether reasonable efforts were made to prevent or eliminate the need for removal of Children from the home; (Board Exhibit 9(C))
- h. The Superior Court determined that Judge Younge abused her discretion by applying the standard for reasonable efforts to finalize a placement plan for Children, rather than applying the standard of reasonable efforts to prevent or eliminate the need for removal Children from the home; and

- i. On remand at the May 15, 2018 Permanency Hearing, Judge Young entered Orders finding that DHS made "Reasonable Efforts to Prevent or Eliminate Removal" of K.S., N.B., T.B. and M.B.

49. On November 21, 2016, Judge Young presided over an Adjudicatory Hearing in *In the Interest of G.S., a Minor*, Docket No. CP-51-0002329-2016. (Board Exhibit 6(A), Transcript)

- a. At the October 21, 2016 Shelter Care Hearing, Judge Young approved the Master's recommendation, which contained the determination that DHS made reasonable efforts to prevent or eliminate the need for removal of Child from the home;
- b. In her November 21, 2016 Order, Judge Young adjudicated Child Dependent and ruled that DHS "made NO Reasonable Efforts to prevent or eliminate the need for removal of this child from the home;"
- c. On December 16, 2016, DHS filed a Motion for Reconsideration. Judge Young did not enter an Order deciding the Motion for Reconsideration;
- d. On December 20, 2016, DHS filed a Notice of Appeal to the Superior Court and a Concise Statement of Errors Complained of on Appeal;
- e. On June 9, 2017, the Superior Court suggested to Administrative Judge Murphy that Judge Young make a written request to the Superior Court, for remand of *In the interest of: G.S., A Minor*, because of its prior rulings on the "No Reasonable Efforts" issue in *In the Interest of K.C., A Minor*, decided February 24, 2017, and *In the Interest of K.S., A Minor*, decided March 29, 2017;
- f. On June 16, 2017, Judge Murphy responded to the Superior Court that Judge Young believed the issues in *In the Interest of: G.S., A Minor* to be distinct from the prior cases, *In the Interest of K.C., a Minor*, and *In the Interest of K.S., a Minor*;
- g. On October 2, 2017, the Superior Court issued its Opinion and Order, vacating in part, and remanding the November 21, 2016 Order to the trial court for a ruling that DHS made reasonable efforts to prevent or eliminate the need for removal of Child from the home; (Board Exhibit 6(B))
- h. The Superior Court determined that Judge Young abused her discretion by applying the standard for reasonable efforts to finalize a placement plan for Children, rather than applying the standard for reasonable efforts to prevent or eliminate the need for removal of Children from the home; and

- i. On December 8, 2017, Judge Younge entered a Permanency Review Order, ruling that DHS made reasonable efforts "to finalize this Child's permanency plan."

50. On September 1, 2016, Judge Younge presided over an Adjudicatory Hearing pertaining to truancy of Child in *In the Interest of S.S., A Minor*, Docket No. CP-51-DP-0001823-2016. (Board Exhibit 2(A), Transcript)

- a. In its Dependency Petition, DHS recommended that S.S. remain in Grandmother's home with supervision by DHS;
- b. At the September 1, 2016 Adjudicatory Hearing, DHS conducted an off-the-record sidebar discussion with counsel, which was not transcribed;
- c. At the September 1, 2016 Adjudicatory Hearing, DHS did not present any witness testimony on the record about the facts set forth in its Dependency Petition;
- d. On September 1, 2016, Judge Younge entered an Order, based solely on the sidebar discussion, adjudicating S.S. Dependent, ordering his removal from the home and placement in foster care, and ordering DHS to explore placement in a residential juvenile facility;
- e. On September 26, 2016, Grandmother's counsel, Aaron Mixon, Esquire, filed a Notice of Appeal and Statement of Matters Complained of on Appeal; and
- f. On October 18, 2017, the Superior Court filed its Memorandum and Order, reversing Judge Younge's September 1, 2016 Adjudicatory Order, finding that there was no basis on the record for adjudicating S.S. as Dependent. (Board Exhibit 2(C))

51. On March 16, 2016, Judge Younge presided over a Permanency Review Hearing in *In the Interest of Z.V., a Minor*. Docket No. CP-51-DP-0001269-2015. (Board Exhibits 14(A), Transcript & 14(B), Audio)

- a. The prior status of the case included a December 16, 2015 ruling of Aggravating Circumstances by Judge Johnson, with a direction that "No efforts to be made to preserve the family and reunify the Child with Mother;"

- b. At the time of the December 16, 2015 ruling, Judge Johnson did not conduct a Goal Change Hearing and the current DHS goal of reunification was retained when the case was assigned to Judge Younge;
- c. During the March 16, 2016 Permanency Review Hearing, Judge Younge changed the DHS goal from reunification to adoption, without a Petition for a goal change pending before her;
- d. On March 16, 2016, Judge Younge did not hold a Goal Change Hearing, prior to changing the DHS goal from reunification to adoption;
- e. On April 15, 2016, Mother's counsel filed a Notice of Appeal in the Superior Court and a Statement of Errors Complained of on Appeal. Superior Court Docket No. 1211 EDA 2016; and
- f. In its March 23, 2017 Opinion and Order, the Superior Court vacated Judge Younge's Order and remanded the case for a new hearing, based on Judge Younge's failure to conduct a Goal Change Hearing or determine that Mother was not a viable resource for reunification. (Board Exhibit 14(C))

52. On April 4, 2016, Judge Younge presided over a Shelter Care Hearing in

In the Interest of N.M., a Minor, Docket No. CP-51-DP-0000856-2016.

- a. Then-seven-month-old daughter, N.M., had sustained two rib fractures and Parents were unable to offer any explanation as to causation;
- b. In her April 4, 2016 Order, Judge Younge transferred legal custody of N.M. to DHS and placed her in foster care;
- c. On July 7, 2016, Judge Younge presided over an Adjudicatory Hearing, heard testimony and entered an Order, adjudicating N.M. and her then-two-year-old brother, E.M., Dependent; (Board Exhibit 4(A), Transcript (July 7, 2016))
- d. In the July 7, 2016 Order, Judge Younge removed Children from Parent's care, placed E.M. in kinship foster care with Paternal Grandmother, and placed N.M. in non-kinship foster care;
- e. On August 18, 2016, Judge Younge adjudicated E.M. Dependent with supervision and reunified him with Parents;
- f. On August 18, 2016, Judge Younge refused Parent's request to place N.M. in kinship foster care;
- g. On December 8, 2016, Judge Younge presided over a Permanency Review Hearing and entered an Order, ordering N.M. to remain in foster care "until

there's a determination as to the cause of N.M.'s injury;" (Board Exhibit 4(B), Transcript (Dec. 8, 2016))

- h. On January 6, 2017, both Mother and Father filed counseled Notices of Appeal from the December 8, 2016 Permanency Review Order, and Statements of Errors Complained of on Appeal. *In the Interest of: N.M., A Minor*, 154 EDA 2017 (Mother) and 190 EDA 2017 (Father);
- i. During the pendency of the appeals, on May 23, 2017, DHS filed a Petition for Involuntary Termination of Parental Rights. *In the Interest of N.W.M.*, Docket No. CP-51-AP-0000573-2017;
- j. During the pendency of the appeals, Judge Younge conducted additional hearings, wherein she refused to admit expert medical reports offered to explain N.M.'s rib fractures; (Board Exhibits 4(C), Transcript & 4(D), Audio (Mar. 9, 2017); Board Exhibit 4(F) Transcript (July 11, 2017))
- k. Judge Younge filed the 1925(a)(2)(ii) Opinions on August 10, 2017, 184 days late;
- l. Judge Younge continued to keep N.M. in foster care, denying her placement in an approved kinship foster care home; (Board Exhibit 4(E), Transcript (May 23, 2017))
- m. On October 26, 2017, Judge Younge held a Goal Change/Termination of Parental Rights Hearing, granted DHS's petitions and entered an Order for the Involuntary Termination of Parental Rights to N.M.;
- n. On November 17, 2017, both Parents filed counseled Notices of Appeal and Statements of Errors Complained of on Appeal in the Superior Court. Docket Nos. 3714 EDA 2017 (Father) and 3715 EDA 2017 (Mother);
- o. Judge Younge filed the 1925(a)(2)(ii) Opinions 52 days late;
- p. The Superior Court consolidated the appeals;
- q. On May 4, 2018, the Superior Court issued its Opinion and Order, ordering the Permanency Orders reversed and the Goal Change/Termination Decrees vacated, determining that there was no evidentiary basis for denying Parents' request to place N.M. in kinship foster care; (Board Exhibit 4(G))
- r. The Superior Court opined that Judge Younge's action, of repeatedly ordering that N.M. remain in non-kinship foster care, was contrary to the case law on the best interests of the child, and did not comply with the Child Protective Services Law.

53. On June 7, 2016, Judge Younge presided over a Termination of Parental Rights Hearing in *In the Interest of S.M.C.-B., a Minor*, Docket No. CP-51-AP-0000455-2016; *In the Interest of S.E.C.-B., a Minor*, Docket No. CP-51-AP-0000453-2016, and *In the Interest of S.D.C., a Minor*, Docket No. CP-51-AP-0000456-2016. (Board Exhibit 5(A), Transcript)

- a. During the June 7, 2016 Hearing, Judge Younge entered Decrees and Orders for Termination of Mother's parental rights, and changed Children's permanency goal to adoption;
- b. On July 1, 2016, Mother filed a Notice of Appeal and a Concise Statement of Errors Complained of on Appeal in both cases;
- c. On June 30, 2017, the Superior Court issued the Memorandum and Orders, affirming in part and vacating in part the Decrees terminating parental rights, and vacating the Orders changing the permanency goal to adoption; (Board Exhibit 5(B))
- d. The Superior Court remanded the cases for further consideration of the best interests of Children under 23 Pa.C.S. § 2511(b), particularly the psychological and emotional effects of termination of Mother's parental rights on Children.

54. On August 17, 2017, Judge Younge presided over a Non-Placement Review Hearing in three Dependency matters: *In the Interest of D.C., a Minor*; CP-51-DP-0113327-2009; *In the Interest of D.J.M., a Minor*, Docket No. CP-51-DP-0001315-2015; and *In the Interest of D.M., a Minor*, Docket No. CP-51-DP-0001316-2015. (Board Exhibits 12(A), Transcript & 12 (B), Audio)

- a. The August 17, 2017 Hearing was scheduled for 11:30 a.m., but instead began at 5:37 p.m. and ended at 6:12 p.m.;
- b. Judge Younge rushed the Hearing by interrupting Case Manager Kelli Seibert's testimony on direct examination by Assistant City Solicitor Bennette Harrison;
- c. Judge Younge accelerated the Hearing by interfering with, interrupting, and posing her own questions during the cross-examination of Case Manager Seibert by Child Advocate Colleen Swim; and

- d. Judge Younger repetitively referred to the late time of day while impatiently presiding over the hearing.

55. On November 30, 2017, Judge Younger presided over a Termination of Parental Rights (TPR) Hearing in *In the Interest of K.R., a Minor*, Docket Nos. CP-51-DP-0000933-2016; and *In the Interest of B.T., a Minor*, Docket No. CP-51-DP-0000935-2016.

- a. Mother's counsel, Brian McLaughlin was not present in the courtroom when Judge Younger called the case, because he was summoned by Judge Robert Rebstock, and unexpectedly detained for a lengthy hearing, in a nearby courtroom;
- b. Judge Younger announced that Attorney McLaughlin was in contempt of her Order that the cases "Must be Tried" and issued a Rule to Show Cause why he should not be held in contempt;
- c. Judge Younger bifurcated the contempt matter from the TPR cases and listed the contempt proceeding for December 7, 2017;
- d. On December 7, 2018, Judge Younger realized that the rule returnable, which she had issued, was incorrect and discussed several possible continuance dates for the Contempt Hearing;
- e. Attorney McLaughlin appeared on January 8, 2018, for what he thought was the continuance date for the Contempt Hearing, but Judge Younger did not conduct the Contempt Hearing on that date; (Board Exhibit 7(C), Transcript (Dec. 19, 2017))
- f. Judge Younger did not send a Continuance Notice to Attorney McLaughlin for a new date for the Contempt Hearing;
- g. On January 23, 2018, Attorney McLaughlin appeared in Judge Younger's courtroom on a Family Court matter, separate from the Contempt Hearing; (Board Exhibits 7(A), Transcript (Jan. 23, 2018))
- h. On January 23, 2018, Judge Younger conducted the Contempt Hearing, held Attorney McLaughlin in civil contempt and fined him \$750; and
- i. Attorney McLaughlin was not aware that the Contempt Hearing would occur on January 23, 2018 and had no witnesses present in the courtroom.

56. On February 7, 2018, Judge Younge presided over the Permanency Review Hearing in *In the Interest of J.Y., A Minor*, Docket No. CP-51-DP-0001224-2017. (Board Exhibits 15(A), Transcript & 15(B), Audio)

- a. J.Y., an 18 year-old female high school student, was on a Board Extension program and living with Foster Parents since September 2017;
- b. DHS Social Worker William Henning informed Judge Younge that J.Y.'s boyfriend, G.N., was spending overnights at the foster home;
- c. After a brief discussion with Foster Father about G.N. staying overnight at the foster home, Judge Younge became angry and promptly ruled that J.Y. was discharged from the Board Extension program;
- d. Judge Younge did not hear testimony from J.Y. or her attorney prior to ordering that J.Y. be discharged from the Board Extension program.

C. Demeanor

57. While presiding over cases in Family Court, Judge Younge repeatedly demonstrated an improper demeanor that was impatient, discourteous, disrespectful, condescending and undignified.

58. While presiding over cases in Family Court, Judge Younge repeatedly spoke harshly, yelled, screamed and berated attorneys, social workers, and others who appeared before her.

59. At the April 27, 2016 Permanency Review Hearing, in *In the Interest of J.C., A Minor*, Docket No. CP-51-DP-0000802-2014, Judge Younge demonstrated an improper demeanor on the bench in Family Court as follows: (Board Exhibits 16(A), Transcript & 16(B), Audio)

- a. J.C. was adjudicated Dependent because Mother did not have appropriate housing;
- b. At an April 13, 2016 Hearing, Judge Younge ordered DHS to move J.C. out of the group home because of testimony that some of the other girls came into her room in the middle of the night and beat her up, also referred to as "jumped;"

- c. DHS Social Worker Ishmael Jiminez was handling the case at the time, but did not timely facilitate the move of J.C. to another group home;
- d. While J.C. remained in the group home, some of the other girls "jumped" her again and took her clothes and personal belongings; and
- e. DHS Social Worker Ishmael Jiminez was not present at the April 27, 2016 Permanency Review Hearing.

60. Judge Younge reacted in an angry manner to the testimony that DHS had not facilitated the move of J.C. out of the group home in a timely manner;

61. Judge Younge demonstrated a disrespectful and demeaning attitude about DHS Social Worker Jiminez when she exclaimed:

The Court: Let me tell you something. Ishmael - - and this is court order. Ishmael Jiminez can never darken the threshold of [Courtroom] 5[A]. I would not believe his tongue if it were notarized. And honest to goodness, I mean that."

(Board Exhibits 16(A), N.T. Permanency Hearing 24:9-13 (Apr. 27, 2016) & 16(B), Audio Segment 1148 at 11:49:43-11:49-54)

62. Current DHS Social Worker Julia Ressler tried to inform Judge Younge that J.C. may have been the instigator in a couple of fights at the group home.

63. Judge Younge reacted to Ms. Ressler's statement in a loud, angry manner, yelling and cursing in front of Ms. Ressler, DHS counsel, Attorney James Wise, Attorney Aaron Mixon and others. (Board Exhibit 16(A), N.T. 28:11-29:25 & Board Exhibit 16(B), Audio at Segment 1153 at 11:54:03-11:55:32)

64. During the Hearing in *In the Interest of J.C., A Minor*, Judge Younge demonstrated an impatient, discourteous and disrespectful demeanor toward DHS Social Workers and others with whom she deals in an official capacity. (Board Exhibit 16(A), N.T. 2-3 (list of individuals at the Apr. 27, 2016 Hrg.))

65. On February 7, 2018, Judge Younge presided over the Permanency Review Hearing in *In the Interest of J.Y., A Minor*, Docket No. CP-51-DP-0001224-2017, and demonstrated an improper demeanor toward litigants and others who appeared before her in Family Court. (Board Exhibits 15(A), Transcript & 15(B), Audio)

66. Pennsylvania law provides for extended foster care for an individual who is less than 21 years old, was adjudicated dependent prior to age 18, and remains under the jurisdiction of the court based on certain criteria, such as the child is a student in high school or post-secondary school. Those youth who meet the criteria may receive adoption and guardianship subsidies up to age 21. Such extended foster care is known as a "Board Extension." See 42 Pa.C.S.A. §§ 6302 (Definition of Child at (3)) & 6351(f)(8.1).

67. The February 7, 2018 Permanency Hearing pertained to whether J.Y. was compliant with the Board Extension and continued to qualify for foster care:

- a. J.Y., an 18 year-old female high school senior, was on a "Board Extension" and had lived with Foster Parents since September 2017;
- b. During the hearing, Judge Younge heard testimony pertaining to J.Y.'s poor attendance at school, her recent illness and hospitalizations, diagnosis and medical documentation;
- c. Judge Younge repeatedly questioned whether J.Y. was truant, and thereby non-compliant with her Board Extension;
- d. DHS Assistant City Solicitor Lindsay Cordes, Esquire, requested that Judge Younge discharge J.Y., claiming that the foster home had been detrimental to her staying on course with the Board Extension;
- e. Guardian Ad Litem Jane Kim asked for a short date to produce the records and testified that the foster parents took J.Y. to medical appointments, set up tests and did a lot to facilitate resolution of her health issues;

- f. Judge Younger set a short date for a discharge-planning meeting, with the condition that if the requested records were produced and demonstrated that the absences were excused, she would reconsider the Board Extension;
- g. DHS Social Worker William Henning informed Judge Younger that G.N., J.Y.'s boyfriend of three years, was staying overnight at the foster home;
- h. DHS Social Worker Henning advised Judge Younger that G.N. had not been cleared by DHS;
- i. Judge Younger stated that the rules for foster care provide that a person over the age of fourteen, who spends five hours or more in a foster home, must be cleared;
- j. Judge Younger questioned Foster Father about G.N.'s visits at the foster home; and
- k. Foster Father admitted that G.N. had spent the night in the foster home, on average of one night per week since J.Y. turned 18 years old.

68. Judge Younger reacted to Foster Father's statement about G.N. in an angry manner and screamed the following:

The Court: Oh, we're done here. Let me tell you something. Crazy, crazy, crazy. Call me crazy. I'm not paying caregivers to allow hookup here.

(Board Exhibits 15(A), N.T. Permanency Review Hrg. 46:3-6 (Feb. 7, 2018) & 15(B), Audio Segment 1309 at 1:10:32-1:10:43)

69. When Foster Father attempted to respond, Judge Younger continued to yell and abruptly discharged J.Y. from the Board Extension for foster care as follows:

The Court: I'm just - - I don't care if she's eighteen. I don't care if she's eighteen. Not on my watch. This is over. Over, over, over, over, over. That's it. Not doing it. I mean like really? I'm done. Done, done, done. This is over. Discharged. Discharged.

(Board Exhibits 15(A) N.T. 46:8-13 & 15(B), Audio Segment 1309 at 1:10:43-1:11:04)

70. During the February 7, 2018 Permanency Hearing in *In the Interest of J.Y., A Minor*, Judge Younger exhibited an impatient, undignified, discourteous and

disrespectful demeanor toward J.Y., Foster Parents and others with whom she deals in an official capacity. (Board Exhibit 15(A) N.T. 2-3 (list of individuals at Hearing)); 46:8-47:1 & 15(B), Audio Segment 1309 at 1:10:43-1:11:36)

71. On August 17, 2017, Judge Younge presided over a Non-placement Review Hearing in three Dependency matters: *In the Interest of D.C., a Minor*; CP-51-DP-0113327-2009; *In the Interest of D.J.M., a Minor*, Docket No. CP-51-DP-0001315-2015; and *In the Interest of: D.M., a Minor*, Docket No. CP-51-DP-0001316-2015. (Board Exhibit 12(A), Transcript & 12(B) Audio)

- a. The August 17, 2017 Hearing was scheduled for 11:30 a.m., did not begin until 5:37 p.m. and ended at 6:12 p.m.;
- b. On direct examination, Kelli Seibert, Case Manager at Turning Points for Children, a Community Umbrella Agency, testified about the current status of the Dependency cases;
- c. During the Hearing in *In the Interest of D.C., D.M. and D.J.M., Minors*, the testimony demonstrated that Mother had tested positive during a drug screen; and
- d. At the conclusion of the Hearing, Judge Younge entered an Order for Protective Custody of Children, to which Children and Mother objected.

72. Judge Younge impatiently interrupted Case Manager Seibert's testimony on direct examination and stated:

The Court: I'm surprise[d] these children are still home. Because if you can't turn around a supervision case in two years, the kids don't need to be in the home.

(Board Exhibits 12(A), N.T. Non-Placement Review Hrg. 13:18-21 (Aug. 17, 2017) & 12(B), Audio Segment 1743 at 5:45:41-5:45:52)

73. When Child Advocate Colleen Swim, Esquire, began the cross examination of Case Manager Seibert, Judge Younge impatiently and repeatedly interrupted, challenging the relevancy of her questions.

74. Judge Younge impatiently and repeatedly interfered with, and rushed the cross examination, rapidly firing questions at Case Manager Seibert as follows:

The Court: Did she actively engage in drug and alcohol as she's been court ordered to do? Is she doing dual diagnosis as she's been court ordered to do? Are these children truant as she's been court ordered to do? We've been sitting here for two years doing the same thing with the same results. So what are you going to do different because supervision isn't working out on this case?

(Board Exhibits 12(A), N.T. 18:13-21 & 12(B), Audio Segment 1748 at 5:50:19-5:50:40)

75. Child Advocate Swim vigorously advocated for Mother and explained the numerous instances of progress she made in caring for D.C., D.J.M. and D.M. She requested a higher level of supervision within the home.

76. When Child Advocate Swim advocated that Case Manager Seibert was the third case worker assigned to the case in six months, Judge Younge responded in a disrespectful manner, twice saying "So what?" and concluding with the following:

What does that have to do with Mom picking up a blunt and smoking it? What does that have to do with that?"

(Board Exhibits 12(A), N.T. 19:9-18 & 12(B), Audio Segment 1748 at 5:51:03-5:51:14)

77. During the August 17, 2017 Hearing in *In the Interest of D.C., D.M. and D.J.M., Minors*, Judge Younge was impatient because of the late hour.

78. Judge Younge exhibited her impatience when she stated:

The Court: And tell me why at 5:50 I'm not placing three kids at the Bar of the Court right now.

(Board Exhibit 12(A), N.T. 18:23-25 & 12(B), Audio Segment 1748 at 5:50:41-5:50:45)

79. Judge Younger again exhibited her impatience and focus on the time, rather than the testimony, when she stated:

The Court: Well, I'm telling you where I'm at behind the preposition [sic]. Where I'm at at 5:58 is that these kids should not remain in the home . . . , but at 27 months, you can't still talk about supervision and what Mom is not doing. I'm not having it. That doesn't fly for me.

(Board Exhibit 12(A), N.T. 27:4-17 & 12(B), Audio Segment 1753 at 5:58:06-5:58:36; Segment 1758 at 5:58:37-5:58-45)

80. During the August 17, 2017 Hearing in *In the Interest of D.C., D.M. and D.J.M., Minors*, Judge Younger presented with a poor demeanor and attitude.

81. During the August 17, 2017 Hearing in *In the Interest of D.C., D.M. and D.J.M., Minors*, Judge Younger appeared frustrated and upset.

82. During the August 17, 2017 Hearing in *In the Interest of D.C., D.M. and D.J.M., Minors*, Judge Younger made inappropriate facial expressions that were disdainful and sarcastic and rolled her eyes when she was displeased.

83. During the August 17, 2017 Hearing in *In the Interest of D.C., D.M. and D.J.M., Minors*, Judge Younger demonstrated an impatient, undignified and discourteous demeanor toward the litigants, attorneys, caseworkers and others with whom she deals in an official capacity. (Board Exhibit 12(A) N.T. 2-3 (list of individuals at Hearing))

84. On February 16, 2018, Judge Younger presided over an Adjudicatory Hearing in *In the Interest of S.J., A Minor*, Docket No. CP-51-DP-0000111-2018; *In the Interest of B.R., A Minor*, Docket No. CP-51-DP-0000112-2018; and *In the Interest of J.J., A Minor*, Docket No. CP-51-DP-0000113-2018, pertaining to truancy matters. (Board Exhibits 17(A), Transcript & 17(B), Audio)

- a. William Gibbons, Esquire, of Community Legal Services, represented Mother at the February 16, 2018 Adjudicatory Hearing;
- b. At the February 16, 2018 Adjudicatory Hearing, Judge Younge adjudicated Children Dependent; and
- c. At the February 16, 2018 Adjudicatory Hearing, Judge Younge ordered that Mother be held in custody until Child[ren] are delivered to DHS. (Board Exhibit 17(A), N.T. Adjudicatory Hrg. 24:12-27:13 (Feb. 16, 2018))

85. During the February 16, 2018 Adjudicatory Hearing, Judge Younge demonstrated an impatient and disrespectful demeanor toward Mother and Attorney Gibbons, belittling their explanations as to the truancy of Children. (Board Exhibits 17(A), N.T. Adjudicatory Hrg. 20:18-23:24 & 17(B), Audio Segment 1200 at 12:04:02-12:05:41; Segment 1205 at 12:05:41-12:06:11)

86. During the February 16, 2018 Adjudicatory Hearing, Judge Younge demonstrated an arrogant, condescending, cold and uncaring demeanor.

87. During the February 16, 2018 Adjudicatory Hearing, Judge Younge displayed disdainful facial expressions and a negative attitude.

88. During the February 16, 2018 Adjudicatory Hearing, Judge Younge used a loud voice and yelled at Mother intermittently.

89. During the February 16, 2018 Adjudicatory Hearing, Judge Younge rolled her eyes and shook her head each time that Mother attempted to speak. (Board Exhibit 17(A), N.T at 2-4 (Individuals present at the Adjudicatory Hearing))

90. On March 16, 2016, Judge Younge presided over a Termination of Parental Rights Hearing in *In the Interest of A.N.P., A Minor*, Docket No. CP-51-AP-0000804-2015 and demonstrated an improper demeanor toward Mother and her attorney, John Capaldi, Esquire. (Board Exhibits 13(A), Transcript & 13(B), Audio)

- a. During the Hearing, Mother stated that she felt ill and stepped out into the hallway;

- b. When Mother declared, "I'm getting sick," Judge Younger responded:

The Court: Okay, bye. Your [sic] excused. Your [sic] excused.

(Board Exhibit 13(A), N.T. T.P.R. Hrg. 36:22-24 (Mar. 16, 2016))

- c. When Attorney Capaldi stated, "She's getting sick," Judge Younger responded:

The Court: Whatever. You don't have a client.

(*Id.* at 36:25-37:2);

- d. Judge Younger impatiently told Attorney Capaldi that he had seven minutes to put on his case, denying his request for a five-minute recess; (*Id.* at 37:4-13)

- e. Judge Younger refused to let Attorney Capaldi check on his client to see if she needed assistance and impatiently said:

The Court: You know what, doesn't she have her fiancé out there. He'll see to it if she's sick or not. Let's go. Let's do this case.

(*Id.* at 37:14-20)

- f. During the Hearing, Attorney Capaldi informed Judge Younger that Mother's testimony was the offer of proof regarding her mental health treatment;

(*Id.* at 40:4-12)

- g. Judge Younger would not allow Mother to return to the courtroom to testify about her mental health or anytime thereafter, and stated:

The Court: Oh, and I'm not allowing her to come back in. So that testimony is out the window because she walked out without permission of the Court. Even if she was sick she should have had the courtesy to let me know that. So her disdain for the Court has been noted. Keep going.

(*Id.* at 40:14-20)

- h. After witness testimony, Attorney Capaldi again asked for leave to check on Mother; (*Id.* at 41:9-12)

- i. Judge Younger denied the request and insisted on completing the case without permitting Mother back in the courtroom; (*Id.* at 41:13-18)

j. Judge Younge claimed that Mother left the court without permission:

The Court: So she has waived her opportunity to give testimony in her own hearing because without leave of the Court she decided to just get out.

(*Id.* at 41:20-23)

k. Judge Younge refused to allow Attorney Capaldi or James Wise, Esquire, Counsel for DHS, to deliver argument at the end of the hearing; (*Id.* at 42:1-9)

l. When Mother attempted to reenter the courtroom, Judge Younge reacted with anger and impatience and again refused to allow Attorney Capaldi to check on his client ; (*Id.* at 42:9-19) and

m. At the conclusion of the TPR Hearing, Judge Younge entered an Order for the involuntary termination of Mother's parental rights to Child.

91. After Judge Younge entered the TPR Order, Attorney Capaldi placed his objection on the record. (*Id.* at 45:3-4)

92. Judge Younge responded in an undignified and improper manner when she placed her own objection on the record:

The Court: Absolutely. And also note my objection to mother walking out in the middle of the hearing and not giving the Court notice.

(*Id.* at 45:5-7) (Board Exhibit 13(B), Audio Segment 1604 at 4:08:27-4:08:37)

93. Although Judge Younge excused Mother from the courtroom, she repeatedly demeaned Mother during the Hearing, falsely claiming that she left the courtroom without permission, demonstrated a lack of courtesy and disdain for the court, failed to give notice to the court that she was leaving the courtroom and waived her opportunity to give testimony by exiting the court without permission. (Board Exhibits 13(A), N.T. 36:15-37:20 & 13(B), Audio Segment 1559 at 4:00:42-4:01:30; Board Exhibits 13(A), N.T. 39:21-40:20 & 13(B), Audio Segment 1559 at 4:03:06-

4:03:47; Board Exhibits 13(A), N.T. 41:9-42:19 & 13(B), Audio Segment 1604 at 4:04:46-4:05:54)

94. At the March 16, 2016 TPR Hearing in *In the Interest of A.N.P., A Minor*, Judge Younger demonstrated an impatient, undignified, discourteous demeanor toward Mother and Attorney Capaldi and others with whom she deals in an official capacity. (Board Exhibit 13(A), N.T. 2 (list of individuals present at TPR Hearing))

95. On March 16, 2016, Judge Younger presided over a Permanency Review Hearing in *In the Interest of Z.V., a Minor*, Docket No. CP-51-DP-0001269-2015, and exhibited an improper demeanor toward Maureen Pie, Esquire, Counsel for Mother. (Board Exhibit 14(A), Transcript & 14(B), Audio)

- a. During the Hearing, Judge Younger changed the Court's goal from reunification to adoption;
- b. Attorney Pie objected on the basis that there was no Petition for a goal change pending in the case;
- c. Attorney Pie questioned Judge Younger about the goal change to adoption, stating that she needed to be clear on the record that Judge Younger was changing the Court's goal;
- d. Judge Younger impatiently responded to Attorney Pie as follows:

The Court: The DHS goal is now - - the permanency goal is now adoption. I'm not going to repeat myself.

(Board Exhibit 14(A), N.T. Permanency Review Hrg. 16:17-19 (Mar. 16, 2016))

- e. When Attorney Pie continued to seek clarification of the goal change, Judge Younger screamed at Attorney Pie as follows:

The Court: I said the DHS permanency goal is adoption. The Court - - there's been no petitions filed. I understand that because believe it or not I've been doing this a long time. I got it.

(*Id.* at 17:2-6)

96. During the March 16, 2016 Permanency Review Hearing in *In the Interest of Z.V., a Minor*, Judge Younge screamed at Attorney Pie and displayed an angry, arrogant, condescending tone of voice. (Board Exhibit 14(A), N.T. 16:13-17:11 & 14(B), Audio Segment 1400 at 2:02:08-2:02:40))

97. After Judge Younge screamed at her, Attorney Pie attempted to apologize. (Board Exhibit 14(A), N.T. 17:7-10)

98. Judge Younge responded to Attorney Pie's apology in a dismissive, demeaning manner, stating, "Okay. Done." (*Id.* at 17:11)

99. During the March 16, 2016 Permanency Review Hearing in *In the Interest of Z.V., a Minor*, Judge Younge displayed an impatient, discourteous demeanor toward Attorney Pie and others with whom she deals in an official capacity. (Board Exhibit 14(A), N.T. 2 (list of individuals at the Permanency Review Hrg.))

100. On December 14, 2016, Judge Younge presided over an Immunization Hearing in *In the Interest of A.W., Jr., a Minor*, Docket No. CP-51-DP-0001428-2016; *In the Interest of S.W., a Minor*, Docket No. CP-51-DP-0001513-2016; *In the Interest of J.W., a Minor*, CP-51-DP-0001514-2016; and *In the Interest of M.S., a Minor*, Docket No. CP-51-DP-0001515-2016 and demonstrated an improper demeanor toward Claire Leotta, Esquire, counsel for Mother. (Board Exhibits 18(A), Transcript)

101. At the prior December 6, 2016 Hearing, Judge Younge entered a Continuance Order for the December 14, 2016 Hearing, with a start time of 2:00 p.m. (Board Exhibit 18(B), Continuance Order (Dec. 6, 2016))

102. Attorney Leotta was also attached to another hearing before Judge Furlong on the afternoon of December 14, 2016.

103. The December 14, 2016 Immunization Hearing began at 1:45 p.m.

104. At the start of the hearing, Attorney Lisa Visco introduced herself to Judge Younge and stated that she was “standing in for Clair Leotta [for Mother] until she arrives.” (Board Exhibit 18(A), N.T. Immunization Hrg. 7:1-2 (Dec. 14, 2016))

105. On December 14, 2016, Attorney Leotta arrived at Judge Younge’s courtroom at 1:59 p.m. for the Immunization Hearing.

106. Upon Attorney Leotta’s arrival at the December 14, 2016 Immunization Hearing, Judge Younge interrupted the proceedings to confront Attorney Leotta about her alleged communications with other individuals about the start time of the hearing. (*Id.* at 23:7-26:12)

107. During the December 14, 2016 Immunization Hearing, Judge Younge displayed an angry, discourteous and impatient demeanor as she reprimanded and warned Attorney Leotta in open court about her failure to appear at 1:00 p.m. for the Immunization Hearing.

108. During the December 14, 2016 Immunization Hearing, Judge Younge’s improper demeanor toward Attorney Leotta caused her to cry in open court, in front of her client and her colleagues. (*Id.* at 2-3 (list of individuals present at Immunization Hearing))

109. On November 30, 2017, Judge Younge presided over a Termination of Parental Rights Hearing in *In the Interest of K.R., a Minor*, Docket No. CP-51-DP-0000933-2016 and *In the Interest of B.T., a Minor*, Docket No. CP-51-DP-0000935-2016 and demonstrated an improper demeanor toward Brian McLaughlin, Esquire, counsel for Mother.

- a. The two juvenile dependency cases, *In the Interest of K.R., a Minor* and *In the Interest of B.T., a Minor* were complex, had already been continued and were marked, “Must Be Tried;”

- b. Attorney McLaughlin signed in at Judge Younge's court prior to the start of the November 30, 2017 Hearing, scheduled to begin at 1:00 p.m.;
- c. Judge Rebstock, by and through his Court Crier, had summoned Attorney McLaughlin to his courtroom on another matter, where he was unexpectedly delayed;
- d. When Judge Younge called the cases, *In the Interest of K.R., A Minor* and *In the Interest of B.T., A Minor*, Attorney McLaughlin was not present in her courtroom;
- e. Prior to Attorney McLaughlin's return to Judge Younge's courtroom, Judge Younge announced that he was in contempt of her Order; and
- f. Upon his return to Judge Younge's courtroom, Attorney McLaughlin handled another unrelated dependency matter before Judge Younge, who did not mention the contempt issue to him.

110. Following the unrelated dependency matter, Attorney McLaughlin attempted to apologize to Judge Younge, but she refused to speak with him.

111. During the week of December 4, 2017, following a hearing on another matter, Judge Younge was rude, arrogant and dismissive to Attorney McLaughlin, when he attempted to speak with her about his absence from her courtroom on November 30, 2017 in *In the Interest of K.R., A Minor* and *In the Interest of B.T., A Minor*.

D. Contempt and Detention of Parents

112. On November 30, 2017, Judge Younge presided over a Termination of Parental Rights Hearing in two juvenile dependency cases, which were complex, had already been continued and were marked, "Must Be Tried." *In the Interest of K.R., a Minor*, Docket No. CP-51-DP-0000933-2016 and *In the Interest of B.T., a Minor*, Docket No. CP-51-DP-0000935-2016.

- a. Brian McLaughlin, Esquire represented Mother in the *In the Interest of K.R., a Minor* and *In the Interest of B.T., a Minor*;

- b. Attorney McLaughlin signed in at Judge Younge's court prior to the start of the November 30, 2017 Hearing, scheduled to begin at 1:00 p.m.;
- c. While waiting for Judge Younge to assume the bench, Judge Rebstock sent his Court Crier to summon Attorney McLaughlin to appear in his nearby courtroom on a separate matter;
- d. Attorney McLaughlin informed Judge Younge's Court Crier that he was summoned to Judge Rebstock's courtroom and the Court Crier agreed to inform Judge Younge;
- e. Attorney McLaughlin went to Judge Rebstock's courtroom, where he was unexpectedly detained for a lengthy hearing in a delinquency matter;
- f. When Judge Younge called the cases, *In the Interest of K.R., A Minor* and *In the Interest of B.T., A Minor*, Attorney McLaughlin was not present in her courtroom;
- g. Judge Younge continued the matters based on Attorney McLaughlin's failure to appear when the cases were called;
- h. Prior to Attorney McLaughlin's return to Judge Younge's courtroom, Judge Younge announced that he was in contempt of her Order that the cases, *In the Interest of K.R., a Minor* and *In the Interest of B.T., a Minor*, must be tried;
- i. Upon his return to Judge Younge's courtroom, Attorney McLaughlin handled another unrelated dependency matter before Judge Younge, who did not mention the contempt issue;
- j. Following the unrelated dependency hearing, Judge Younge refused to speak with Attorney McLaughlin;
- k. Judge Younge issued a Rule to Show Cause why Attorney McLaughlin should not be held in contempt, since the cases, *In the Interest of K.R., a Minor* and *In the Interest of B.T., a Minor*, were marked, "Must Be Tried;"
- l. The next week, following a hearing in another matter, Attorney McLaughlin attempted to apologize to Judge Younge;
- m. Judge Younge bifurcated the contempt proceeding from the termination of parental rights matter and listed the contempt proceeding for December 7, 2017;
- n. At the December 7, 2017 hearing, Judge Younge recognized that she did not issue the appropriate rule returnable and needed to set a new date for the Contempt Hearing;

- o. On December 7, 2017, Judge Younge discussed several possible dates, but the Hearing ended without scheduling a date certain for the Contempt Hearing;
- p. On January 8, 2018, Mr. McLaughlin appeared for what he thought was the scheduled Contempt Hearing and waited for hours, but Judge Younge did not conduct the Contempt Hearing that day;
- q. Attorney McLaughlin did not receive a Continuance Notice for a new date for the Contempt Hearing;
- r. On January 23, 2018, Attorney McLaughlin appeared in Judge Younge's courtroom for a Family Court matter, separate from his own Contempt Hearing;
- s. On January 23, 2018, Judge Younge conducted the Contempt Hearing, held Attorney McLaughlin in civil contempt of court and fined him \$750; (Board Exhibit 7(A), Transcript)
- t. Attorney McLaughlin filed a Motion for Reconsideration, which Judge Younge denied.

113. Attorney McLaughlin, by and through his attorney, Karen D. Williams, Esquire, filed an appeal in the Superior Court, claiming that Judge Younge accessed the adoptions docket, entered a continuance Order for his Contempt Hearing, which Attorney McLaughlin would have no reason to check, and entered a new hearing date of January 23, 2018 for the contempt matter. *In the Interest of K.R., a Minor*, Docket No. 587 EDA 2018; *In the Interest of B.T., a Minor*, Docket No. 588 EDA 2018.

114. On appeal, Attorney McLaughlin claimed that he had no notice of the new date, January 23, 2018, for the Contempt Hearing, no understanding of the basis for the contempt and no opportunity to prepare his defense, including calling Judge Rebstock as a witness.

115. On April 29, 2019, the Superior Court issued its Memorandum and Order, vacating Judge Younge's January 23, 2018 Order, in which Judge Younge held Attorney McLaughlin in contempt. (Board Exhibit 7(C))

116. An element of civil contempt is that the contemnor must act with wrongful intent. (*Id.* at 5, citing *KM.G. v. H.M.W.*, 171 A.3d 839, 844 (Pa. Super. Ct. 2017).)

117. The Superior Court determined that Attorney McLaughlin was “caught between the directions of two judges” and there was no evidence that he “displayed intentional disobedience or an intentional disregard for the lawful process toward Judge [Younge.]” (*Id.* at 7)

118. The Superior Court concluded that Judge Younge erred as a matter of law and abused her discretion in finding Attorney McLaughlin in civil contempt.

119. On January 24, 2018, Judge Younge presided over an Adjudicatory Hearing pertaining to truancy of three siblings. *In the Interest of S.J., A Minor*, Docket No. CP-51-DP-0000111-2018; *In the Interest of B.R., A Minor*, Docket No. CP-51-DP-0000112-2018; *In the Interest of J.J., A Minor*, Docket No. CP-51-DP-0000113-2018.

- a. Mother and Children were not present at the January 24, 2018 Hearing, where Judge Younge deferred adjudication and issued a Continuance Order in each of the three cases, ordering that Mother fully comply with DHS, allow an appropriate home assessment and cooperate with truancy services;
- b. In the January 24, 2018 Continuance Orders, Judge Younge ordered that Mother and Child appear at the next hearing and directed DHS to subpoena Mother; (Board Exhibits 17(C), Continuance Order & 17(D), Subpoena)
- c. On February 16, 2018, Judge Younge presided over the Adjudicatory Hearing where Mother appeared but Children were not present; (Board Exhibits 17(A), Transcript & 17(B), Audio)
- d. At the February 16, 2018 Hearing, Mother told Judge Younge that she did not know that Children were required to appear at the Adjudicatory Hearing; (Board Exhibits 17(A), N.T. Adjudicatory Hrg. 28:5-11 (Feb. 16, 2018) & 17(D) (Subpoena))

- e. On February 16, 2018, based on the truancy records of S.J., B.R. and J.J., Judge Younger adjudicated all three Children Dependent, with the Petitions to remain open, and removed Children from Mother's home; (Board Exhibit 17(A), N.T. 24:15-25:8)
 - f. During the February 16, 2018 Adjudicatory Hearing, William Gibbons, Esquire, of Community Legal Services, attorney for Mother, requested that Judge Younger permit Children to remain in Mother's home with DHS supervision; (*Id.* at 25:11-18)
 - g. At the February 16, 2018 Adjudicatory Hearing, Judge Younger ordered that Mother be held in custody until Children were produced to DHS and stated:

"That's my order. So, how do you want to do this? I think we just put Mom in a cell 'till I get these babies. I'll be here 'til four o'clock."
- (*Id.* at 26:5-8) (Board Exhibit 17(B), Audio Segment 1205 at 12:08:08-12:08:19)
- h. Attorney Gibbons objected to the Orders of Protective Custody and the Order to detain Mother;
 - i. The Sheriff Deputies handcuffed Mother and moved her to a holding cell with bars on the second floor of the courthouse; and
 - j. Judge Younger did not hold a Contempt Hearing prior to ordering that mother be held "in a cell 'till I get these babies."

120. On February 16, 2018, Mother became upset when the Deputy Sheriff placed her in handcuffs.

121. According to Mother, on February 16, 2018, after the Deputy Sheriff placed Mother in handcuffs, Judge Younger told her:

"You have 2½ hours to get those children here. If you don't get them here, I am having a bus sent here and have you sent up to 'State Road.'"

122. The Philadelphia Department of Prisons is comprised of Curran-Fromhold Correctional Facility, The Detention Center, the Philadelphia Industrial

Correctional Center, and Riverside Correctional Center, all of which are located on State Road in Philadelphia.

123. For purposes of this Complaint, all of Judge Younge's quoted statements about sending an individual to "State Road" mean incarcerating that person at a Philadelphia prison.

124. Based on Mother's request by telephone, maternal Grandmother picked up Children at school and delivered them to DHS, a two and one-half-hour process.

125. Mother was distraught about being behind bars, unable to care for Children, and under threat to be transported to a Philadelphia prison.

126. On February 19, 2018, Judge Younge presided over a Shelter Care Hearing and entered Orders, placing Children in foster care, and issued a Stay Away Order against Mother as to Children and their schools.

127. There were no aggravating circumstances pertaining to Children's truancy.

128. There were no allegations of abuse, neglect or safety risk pertaining to Children.

129. Based on her experience before Judge Younge, Mother lost trust in judges generally and in their ability to be impartial.

130. On February 7, 2017, Judge Younge presided over a Dependency Hearing and adjudicated E.O. and B.O. dependent. *In the Interest of E.O., a Minor*, Docket No. CP-51-DP-0000227-2017; *In the Interest of B.O., A Minor*, Docket No. CP-51-DP-0000228-2017.

- a. In the February 7, 2017 Adjudicatory Order, Judge Younge ordered E.O. and B.O. to remain in Foster Care and Parents to have weekly supervised visits at DHS, line of sight/hearing, at the discretion of Children, which may be modified at the discretion of the parties;

- b. The February 7, 2017 Adjudicatory Order did not place limits on phone contact between Parents and Children, E.O. and B.O.;
- c. On August 3, 2017, Judge Younge presided over a Permanency Hearing in *In the Interest of E.O., a Minor, In the Interest of B.O, a Minor, and In the Interest of A.O., a Minor*, Docket No. CP-51-DP-0000124-2017 (older sibling of E.O. and B.O.) where she heard testimony that Father called Children, E.O. and B.O., ten times per day and met with them following court proceedings; (Board Exhibit 10(A), Transcript)
- d. At the August 3, 2017 Permanency Hearing, Father denied the allegations about the repeated phone calls to, and meetings with Children, E.O. and B.O.; (Board Exhibit 10(A), N.T. Permanency Hrg. 23-25 (Aug. 3, 2017))
- e. On August 3, 2017, Judge Younge entered a Permanency Review Order, finding Parents had unauthorized contact with the Children, E.O. and B.O., and ordered the following:
 - “Father to be held in contempt on State Road for 7 days due to violating court order;”(Board Exhibits 10(B) & 10(C), Permanency Review Orders (Contempt Orders at Findings/Orders, Progress Notes))
- f. On August 10, 2017, Judge Younge presided over a Status Hearing where she entered an Order releasing Father from incarceration.
- g. On August 14, 2017, Father filed a Notice of Appeal and a Concise Statement of Matters Complained of on Appeal in *In the Interest of E.O., a Minor, Appeal of Father*, Superior Court Docket No. 2641 EDA 2017 and *In the Interest of B.O., A Minor*, Superior Court Docket No. 2643 EDA 2017, which the Superior Court consolidated.

131. On July 30, 2018, the Superior Court filed its Opinion, vacating the August 3, 2017 contempt decision in 2641 EDA 2017 and 2643 EDA 2017, and remanding for further proceedings. The Superior Court determined that Judge Younge:

- a. Failed to understand the difference between direct and indirect criminal contempt;
- b. Failed to provide Father with due process rights that must be afforded to individuals accused of indirect criminal contempt; and

- c. Imposed an impermissible sanction of incarceration, rather than a fine, upon the finding of indirect criminal contempt against Father.

(Board Exhibit 10(D), *In the Interest of E.O., a Minor, In the Interest of B.O., a Minor, Appeal of Father*, 195 A.3d 583 (Pa. Super. Ct. 2018).)

132. On November 3, 2017, Judge Younge presided over a Permanency Review Hearing in *In the Interest of A.O., a Minor*, Docket No. CP-51-DP-0000124-2017, *In the Interest of E.O., a Minor*, Docket No. CP-51-DP-0000227-2017, and *In the Interest of B.O., a Minor*, Docket No. CP-51-DP-0000228-2017. (Board Exhibit 10(E), Transcript (Nov. 3, 2017))

- a. A.O. is the older sibling of E.O. and B.O.
- b. During a prior January 27, 2017 Dependency Hearing, Judge Younge adjudicated A.O. Dependent and ordered her placement in Foster Care;
- c. On November 3, 2017, A.O., was not present at the Permanency Review Hearing because she was attending Eckerd College in Florida, while remaining under the supervision of the Court and continuing to receive services via a Board Extension;
- d. During the November 3, 2017 Permanency Review Hearing, Community Umbrella Agency Worker Latoya Coffee testified that A.O. requested mental health outpatient services because Father allegedly called her and made negative statements to her; (Board Exhibit 10(E), N.T. Permanency Hrg. 9:16-23 (Nov. 3, 2017))
- e. At the November 3, 2017 Permanency Review Hearing, Ms. Coffee testified that A.O. expressed that she did not want a stay away order for Father and no such Order existed; (*Id.* at 9:24-10:3)
- f. During the November 3, 2017 Permanency Review Hearing, Father denied the allegations; (*Id.* at 27:20-30:6)
- g. Franklin Bennett, Esquire represented Father and argued that there was no court Order prohibiting Father from calling A.O. and therefore, a finding of contempt was improper; (*Id.* at 63:6-65:6)
- h. On November 3, 2017, Judge Younge entered Orders in *In the Interest of A.O., a Minor, In the Interest of E.O., a Minor and In the Interest of B.O., a Minor*, finding Father in contempt of court for allegedly violating Court

Orders and sentencing him to 14 days of incarceration. (Board Exhibits 10(E), N.T. 67:15-68:6 & 10(F), 10(G) & 10(H) Permanency Review Orders. (Contempt Orders at Findings/Orders, The Court Further Orders at 2))

133. On September 20, 2017, Judge Younge presided over an Adjudicatory Hearing involving Mother and her Newborn Child. *In the Interest of Y.C., a Minor*, Docket No. CP-51-DP-0002438-2017. (Board Exhibit 19(A), Transcript)

- a. Mother and Newborn Child had tested positive for opiates at the hospital when Mother gave birth;
- b. Mother declined to permit the hospital to hold Newborn Child for five days of monitoring and the hospital notified DHS;
- c. DHS filed a Petition to Adjudicate Newborn Child Dependent and did not describe any present danger;
- d. DHS did not petition the Court to adjudicate the four older Children Dependent;
- e. [Omitted per stipulation of the parties]
- f. At the September 20, 2017 Adjudicatory Hearing, Judge Younge adjudicated Y.C. dependent with the Petition to remain open and entered an Order for Protective Custody (OPC) as to Y.C. and his four siblings. [She] adjudicated all five Children Dependent and ordered supervised visits as to all Children. *In the Interest of B.C., Jr., a Minor*, Docket No. CP-51-DP-0002536-2017; *In the Interest of A.C., a Minor*, Docket No. CP-51-DP-0002539-2017; *In the Interest of J.C., a Minor*, Docket No. CP-51-DP-0002537-2017; *In the Interest of Z.B., a Minor*, Docket No. CP-51-DP-0002538-2017; (Board Exhibit 19(A), N.T. Adjudicatory Hrg. 41:3-12 (Sept. 20, 2017)); and
- g. At the September 20, 2017 Adjudicatory Hearing Judge Younge ordered the courtroom Deputy Sheriffs to handcuff Mother and her fiancé, B.C., and to confine them until DHS located the five Children at school and at the babysitter, and placed them in protective custody. (*Id.* at 41:10-21)

134. During the September 20, 2017 Adjudicatory Hearing, Mary Ann Galeota, Esquire, representing Mother, and Craig Sokolow, Esquire, representing Father, objected to Judge Younge's decision to adjudicate all five Children dependent and to detain parents. (*Id.* at 42:4-8.)

135. Judge Younge did not conduct a Contempt Hearing in this matter.

136. Judge Younge responded to the objections as follows:

The Court: . . . they [parents] just have to comply with the Court Order. If you guys don't get the children, the parents will remain in custody.

(*Id.* at 43:2-4)

137. On May 21, 2018, Judge Joseph Fernandes presided over a Permanency Review Hearing, reversed the prior adjudication of dependency, and permitted Children to return home to Mother.

138. On December 1, 2017, Judge Younge presided over an Adjudicatory Hearing in *In the Interest of Q.R.*, Docket No. CP-51-DP-0003030-2017; and *In the Interest of L.R.*, Docket No. CP-51-DP-0003031-2017. (Board Exhibits 8(A), Transcript & 8(B), Audio)

- a. DHS had filed a Dependency Petition to adjudicate Q.R. and L.R. dependent;
- b. At the December 1, 2017 Adjudicatory Hearing, Judge Younge admitted the Child Protective Services Report and heard testimony of the social worker who conducted the investigation, alleging that Mother, H.R., physically abused Q.R.;
- c. At the December 1, 2017 Adjudicatory Hearing, Judge Younge adjudicated Q.R. and L.R. Dependent;
- d. Testimony at the December 1, 2017 Adjudicatory Hearing demonstrated that H.R.'s adult child, N.R., and her infant child, N.M., were living in H.R.'s home;
- e. N.M. was not included in the DHS Dependency Petition;
- f. Judge Younge ordered DHS to place N.M. in foster care;
- g. N.R. was not present at the hearing and was not a party to the Adjudicatory Hearing;

- h. During the December 1, 2017 Dependency Hearing, Judge Younge ordered that H.R. be incarcerated until N.R. delivered the baby, N.M., to the custody of DHS;
- i. H.R.'s counsel, Elizabeth Larin, Esquire, repeatedly objected to the incarceration of H.R.;
- j. Judge Younge refused to grant Attorney Larin's request to call N.R. on the telephone;
- k. Judge Younge refused Attorney Larin's request that police officers provide assistance at H.R.'s home, to deliver N.M. to the custody of DHS;
- l. Judge Younge threatened H.R. with imprisonment, without conducting a contempt hearing;
- m. Judge Younge questioned H.R. as to the whereabouts of N.R and N.M.;
- n. H.R. responded that she did not know the whereabouts of N.R. and N.M.; (Board Exhibit 8(A), N.T. Adjudicatory Hrg. 33:4-19 (Dec. 1, 2017))
- o. Judge Younge threatened to send H.R. to a Philadelphia prison:

The Court: Okay. Well, that's going to be a problem for you because you're going to be on this van to State Road. I'm going to hold you in States custody until I get the baby.

(*Id.* at 33:14-17) (Board Exhibit 8(B), Audio Segment 1425 at 2:26:56-2:27:26)

- p. Attorney Larin requested that Judge Younge grant a Motion to Compel against N.R., an adult woman; (Board Exhibit 8(A), N.T. 42:6-8)
- q. Judge Younge announced from the bench that she would hold H.R. in custody until the baby, N.M., was delivered to DHS; (*Id.* at 41:8-10; 42:12-14)
- r. Attorney Larin objected, based on H.R.'s inability to purge the contempt since H.R. could not guarantee that N.R. would deliver N.M. to DHS; (*Id.* at 42:15-24)
- s. Judge Younge denied Attorney Larin's request that a police assist go to H.R.'s home to find N.R. and N.M. and deliver them to DHS; (*Id.* at 43:18-44:9)

t. After further discussion about related matters, Judge Younger stated:

The Court: I'm just holding [H.R.] until such time as [N.M.] is produced to the Department. And once she is -
- once DHS has the baby then [H.R.] can be released from custody.

(*Id.* 47:20-24)

139. Judge Younger did not conduct a contempt hearing or provide H.R. with the due process required when holding an individual in contempt.

140. On December 1, 2017 Judge Younger entered an Order, holding H.R. in contempt of court as follows:

Court is holding [H.R.] in contempt of court, and [H.R.] is permitted to be released once [N.M.] is brought down to DHS. DHS to notify the sheriffs unit on[c]e [N.M.] is obtained. If [H.R.] is not released, [H.R.] is to be brought down to the next court date.

(Board Exhibits 8(C) & 8(D), Orders of Adjudication and Disposition, Child Dependent (Contempt Orders at Findings/Orders at 2))

141. On December 29, 2017, H.R. filed a Notice of Appeal to the Superior Court and a Statement of Errors Complained of on Appeal in both cases. *In the Interest of: Q.R., a Minor*, Docket No. 230 EDA 2018 and *In the Interest of: L.R., a Minor*, Docket No. 232 EDA 2018.

142. On May 31, 2018, Judge Younger untimely filed the 1925(a)(2)(ii) Opinions in the Superior Court.

143. In her 1925(a)(2)(ii) Opinion, in reliance on the Juvenile Act, Judge Younger denied that she held H.R. in contempt and stated that she temporarily incarcerated H.R. in the best interests, welfare and safety of N.M.

144. By its November 20, 2018 Opinion and Order, the Superior Court reversed Judge Younger's December 1, 2017 Order and stated:

The [Juvenile] Act does not provide for the incarceration of a non-custodial grandparent to compel a grandchild's surrender. Notably, N.M. was not even a subject child of the adjudicatory hearing before the trial court.

(Board Exhibit 8(E), *In the Interest of Q.R., a Minor, Appeal of Mother, H.R., In the Interest of L.R., a Minor, Appeal of Mother, H.R.*, 199 A.3d 458, 469-470 (Pa. Super. Ct. 2018).)

145. The Superior Court determined the Contempt Order to be void because the Juvenile Act did not support the incarceration of H.R. (*Id.* at 470)

146. On October 12, 2017, Judge Younge presided over a Termination of Parental Rights (TPR) Hearing in *In the Interest of A.W., Jr., a Minor*, Docket No. CP-51-DP-0001428-2016; *In the Interest of S.W., a Minor*, Docket No. CP-51-DP-0001513-2016; *In the Interest of J.W., a Minor*, CP-51-DP-0001514-2016; *In the Interest of M.W., a Minor*, Docket No. CP-51-DP-0001515-2016; and *In the Interest of R.W., a Minor*, Docket No. CP-51-DP-0000180-2017. (Board Exhibits 19(A), Transcript & 19(B), Audio)

147. During the TPR Hearing, Judge Younge announced from the bench that she determined that it was in the best interest of Children to change the Permanency Goal to Adoption. (Board Exhibit 19(A,) N.T. T.P.R. Hrg. 383:5-8 (Oct.12, 2017))

148. After granting a request for Protective Orders for all of the social workers present on the case, Judge Younge immediately threatened to issue a Contempt Order and incarcerate any person who violates the Protective Orders:

The Court: . . . If there is any incident that stems from my ruling, I will hold the person in contempt, and they will be at State Road for six months.

(*Id.* at 383:20-25; Audio Segment 1739 at 5:43:42-5:44:08)

III. Discussion

Count One: Delay, Competence, Diligence and Cooperation

A. Canon 2, Rule 2.5(A)

Rule 2.5 is titled, "Competence, Diligence and Cooperation," and provides in pertinent part:

(A) A judge shall perform judicial and administrative duties competently and diligently.

The duty to render decisions in cases that are ripe for resolution is an implied but essential duty of office. *In re Smith*, 687 A.2d 1229 (Pa.Ct.Jud.Disc. 1996) at 1233. To prevail on a charge of delay under *Smith*, the Board must prove by clear and convincing evidence that the respondent judge has failed or neglected to perform the judicial duty of timely deciding cases. The burden then shifts to the respondent judge to "provide an explanation or justification for the untimely rendering of decisions." *Id.*

Judge Younge repeatedly failed or neglected to perform her duty to timely file 1925(a)(2)(ii) Opinions in 24 Children's Fast Track cases, some of which were consolidated for purposes of appeal. Rule 1925 states:

Rule 1925. Opinion in Support of Order

(a) Opinion in support of order

(2) Children's fast track appeals. – In a children's fast track appeal:

(ii) Upon receipt of the notice of appeal and the concise statement of errors complained of on appeal required by Rule 905(a)(2), the judge who entered the order giving rise to the notice of appeal, if the reasons for the order do not already appear of record, shall within 30 days file of record at least a brief opinion of the reasons for the order, or for the rulings or other errors complained of, which may, but need not refer to the transcript of the proceedings.

Pa.R.A.P. No. 1925(a)(ii) (enacted March 2009). Pursuant to this rule, Judge Younge had an explicit, unequivocal duty in all Children’s Fast Track cases to meet the 30-day deadline for filing her 1925(a)(2)(ii) Opinions.

Consideration of the reasoning behind the enactment of the Children’s Fast Track rules is essential to recognizing the need for a different standard to evaluate a single instance and a pattern of inordinate delay in appeals from dependency and TPR rulings. In 2008, the Appellate Court Procedural Rules Committee published its proposal to amend the Pennsylvania Rules of Appellate Procedure to incorporate specific rules to expedite appeals in juvenile cases and requested comments on its recommendations. The introduction to the proposed amendments, as submitted to the bench and bar, included the following language:

“While timeliness is important in all court disputes, it is particularly important in cases involving the rights and interest of children- especially those who are involved in and forced to remain in unstable and sometimes violent circumstances. **Because childhood is so short, time-wise, and children need stable and safe environments, it is critical that timely and efficient decision-making occurs by those who exercise legal decision making authority over children.** This is especially so in cases involving custody, paternity, dependency, termination of parental rights and adoption.

We observe that the Superior Court does operate a system wherein, among others, appeals involving custody, paternity, dependency, termination of parental rights and adoption are treated by the Court on a “fast track” basis (“family fast track”). The current family fast track system expedites these appeals once they arrive at the chambers of the judges of the Superior Court. **This process, however, does not expedite the process from decision by the trial court until the appeal reaches the chambers of the judges.”**

(Board Exhibit 20, Pa. Appellate Court Procedural Rules Comm. Proposal to Amend Pennsylvania Rules of Appellate Procedure at 1 (2008) (emphasis added)) The preceding language emphasizes the integral role that the trial judge plays in

facilitating the fast track goals of the Superior Court. It also illustrates the adverse impact that Judge Younge’s conduct of unreasonable delay had on the lives of children, who, along with their families, relied on the Court for timely and efficient decision-making to ensure safe and stable environments.

Judge Younge admits generally that she repeatedly failed to timely file 1925(a)(2)(ii) Opinions in Children’s Fast Track appeals. (Findings of Fact ¶ 15) She also admits to the specific factual averments of inordinate delay in each of the 24 cases set forth in Section A of the Amended Board Complaint. (Findings of Fact ¶¶ 15, 27-33, 35-39) In the following Children’s Fast Track appeals, the delay in filing the 1925(a)(2)(ii) Opinions far exceeded any reasonable time period.

| <u>Case Name</u> | <u>Days Elapsed After Due Date</u> |
|--|------------------------------------|
| <i>In the Interest of A.W., Jr., S.W., J.W. and M.W., Minor Children</i> | 261 |
| <i>In the Interest of S.S., A Minor</i> | 197 ¹ |
| <i>In the Interest of N.O.W., A Minor</i> | 192 |
| <i>In the Interest of N.M., A Minor</i> | 184 |
| <i>In the Interest of S.E.C.-B., A Minor</i> | 163 |
| <i>In the Interest of S.M.C.-B., A Minor</i> | |
| <i>In the Interest of S.D.C., A Minor</i> | |
| <i>In the Interest of G.S., A Minor</i> | 153 |
| <i>In the Interest of Q.R., A Minor</i> | 121 |

¹ Even with the remand from the Superior Court for lack of a Docketing Form in *In the Interest of S.S., a Minor*, Judge Younge filed the 1925(a)(2)(ii) Opinion 164 days after appellate counseled filed the Docketing Form, and 128 days after the Superior Court vacated the remand. From any vantage point, Judge Younge’s delay in filing her 1925(a)(2)(ii) Opinion was unreasonable and unjustifiable and precluded the Superior Court from considering the appeal in an expedited manner. (Findings of Fact ¶ 28)

In the Interest of L.R., A Minor

(Findings of Fact ¶¶ 27-30, 32-33 & 35)

According to *Smith*, the requisite mental state for a charge of failure to perform a judicial duty is a “knowing or reckless disregard of important duties of office or the negligent disregard of a significant duty of office.” *Id.* at 1236. We find Judge Younge possessed the requisite mental state described in *Smith*. She had considerable prior experience in Family Court matters. Prior to becoming a judge, she worked for 10 years as a Deputy City Solicitor for Philadelphia DHS and another 18 months on its Executive Team. The Children’s Fast Track appeal Rules were enacted in 2009, while Attorney Younge was a DHS Deputy Solicitor. (Findings of Fact ¶¶ 2-3, 10)

Judge Younge knew that it was her responsibility to timely file 1925(a)(2)(ii) Opinions. Within six months of assuming the bench, she was fully aware that she was not meeting the 30-day filing deadline in multiple cases. On July 24, 2016, Judge Younge’s first law clerk reached out to the Superior Court via email on her behalf to request an extension of time in six Children’s Fast Track appeals. (Findings of Fact ¶¶ 40, 17) Judge Younge followed up by personally contacting the Superior Court on July 7 and 8, 2016, to request another extension of time in eight Children’s Fast Track Appeals. Subsequently, the Superior Court repeatedly initiated communications with Judge Younge’s second law clerk through a series of eleven emails about the backlog of 1925(a)(2)(ii) Opinions. The backlog grew unabated to a high of 41 overdue Opinions in February 2018 and by March 27, 2018, Judge Younge still had 34 Children’s Fast Track appeals in which her 1925(a)(2)(ii) Opinions were overdue. (*Id.* at ¶¶ 20-25)

Once Judge Younge became aware of the backlog of 1925(a)(2)(ii) Opinions, she had an absolute duty to resolve the problem. The July 1, 2016 resignation of her first law clerk, in the midst of the beginning stages of the backlog, was a clear signal that she needed to take remedial action. (Findings of Fact ¶ 18) After hiring a new clerk, Judge Younge had a clear duty to track the Children's Fast Track appeals and to monitor the compliance of her chambers with adhering to the 30-day deadline for filing the 1925(a)(2)(ii) Opinions. (Findings of Fact ¶¶ 19, 41-45)

Furthermore, Judge Younge had the opportunity to follow the practical advice set forth in the Dependency Benchbook, such as placing on the record a clear statement of the reasons for her orders. In so doing, Judge Younge had the opportunity to submit a brief statement to the Superior Court, indicating the place in the trial record transcript, which demonstrated the basis for her orders. Rule 1925(a)(2)(ii) states that a trial judge may file a brief Opinion within the 30-day period without referencing the transcript, as long as it includes the reasons for the Orders, and a response to the errors set forth in the appellant's Concise Statement. (Board Exhibit 21, Pa. Dependency Benchbook, Ch. 17.3 at 17-2) Judge Younge failed to employ any of these procedural strategies as a means to fulfill her judicial duty of complying with the Children's Fast Track Rules.

On May 10, 2018, Family Court Administrative Judge Murphy and Supervisory Judge Olszewski asserted their authority and assigned her to "Chambers Weeks" because of the pattern of inordinate delay in drafting and filing her 1925(a)(2)(ii) Opinions in multiple cases. As of May 21, 2018, Judge Younge still had a voluminous backlog of 21 Children's Fast Track appeals in which her Opinions were overdue. Finally, on June 11, 2018, President Judge Sheila Woods-Skipper reassigned Judge

Younge from the Family Division to the Civil Trial Division, Statutory Appeals Section, effective July 2, 2018. (Findings of Fact ¶¶ 6, 7, 25, & 26) (Board Exhibit 1)

Despite Judge Younge's knowledge of her obligation to timely file 1925(a)(2)(ii) Opinions in Children's Fast Track appeals, she fell short of an essential duty of her judicial office. By failing to perform her judicial and administrative duties competently and diligently, Judge Younge violated Canon 2, Rule 2.5(A) of the Code of Judicial Conduct.

B. Canon 2, Rule 2.5(B)

Judge Younge also violated Canon 2, Rule 2.5(B) of the Code of Judicial Conduct. Rule 2.5(B) provides:

(B) A judge shall cooperate with other judges and court officials in the administration of court business.

Canon 2, Rule 2.5(B). Judge Younge failed to cooperate with other judges and court officials and the Superior Court in administering court business pertaining to Children's Fast Track appeals.

Six months after assuming the bench, Judge Younge had already fallen behind in her duty to file 1925(a)(2)(ii) Opinions in Children's Fast Track appeals. In June and early July 2016, she reached out to the Superior Court to request extensions of time in the first group of appeals from her rulings in dependency and TPR cases. However, those proactive communications ended on July 8, 2016. (Findings of Fact ¶¶ 17, 20, 21 & 25)

Beginning on July 20, 2016, the Superior Court was compelled to closely monitor Judge Younge's increasing backlog of 1925(a)(2)(ii) Opinions and to repeatedly contact Judge Younge, through her law clerk, in a series of eleven emails about the problem cases. Each of the emails, with attachments, informed Judge

Younge of the delinquent records and overdue opinions. Some included requests for estimates of the dates of the anticipated completion of the 1925(a)(2)(ii) Opinions. (Findings of Fact ¶¶ 22-25) Judge Younge had a duty to cooperate with the Superior Court judges and clerks, who were tasked with the oversight of the compliance of trial court judges with the Children's Fast Track system. That duty necessarily called for Judge Younge to take affirmative steps to resolve the backlog of 1925(a)(2)(ii) Opinions in an expedited manner. Her failure to take necessary remedial action interfered with, and had a deleterious effect on the administration of court business at both the trial court level and the Superior Court level.

From June 2016 through May 2018, Judge Younge failed to address and eliminate the mounting backlog in the Children's Fast Track appeals. In each of the delayed Children's Fast Track appeals, the trial court clerk was compelled to wait for Judge Younge to file her 1925(a)(2)(ii) Opinion before sending the requisite complete trial court record to the Superior Court. Barring receipt of the trial court records, the Superior Court was precluded from fulfilling its judicial duty to expedite its consideration and decision-making in the numerous delayed Children's Fast Track appeals arising from Judge Younge's Orders.

The Superior Court even offered a means to expedite one case, *In the Interest of G.S., a Minor, Appeal of D.H.S.* Docket No. 124 EDA 2017. Judge Younge's 1925(a)(2)(ii) Opinion was due on January 19, 2017. Nearly five months after the due date, on June 9, 2017, the Superior Court suggested to Administrative Judge Murphy that Judge Younge submit a written request to the Superior Court for a remand of *In the Interest of G.S., a Minor* back to the trial court to reconsider the issue of "no reasonable efforts." The basis for the suggestion was that the Superior

Court had already decided the exact same issue on appeal in two of Judge Younger's prior cases, *In the Interest of K.C., a Minor, Appeal of DHS*, 1620 EDA 2016, and *In the Interest of K.S., T.B., M.B. and N.B., Minors, Appeal of DHS*. Docket Nos. 1662 EDA 2016, 1684 EDA 2016, 1677 EDA 2016 and 1681 EDA 2016. Judge Younger refused the opportunity to expedite the case, insisting that the issue in *In the Interest of G.S., a Minor* was distinguishable from the prior appeals. (Findings of Fact ¶¶ 33 & 49)

This failure to cooperate delayed the case even further. On June 22, 2017, Judge Younger finally filed her 1925(a)(2)(ii) Opinion in *In the Interest of G.S., a Minor*, 153 days after the January 19, 2017 due date. This unreasonable and unjustifiable delay impeded the Superior Court from timely considering and deciding the case. The Superior Court issued its Opinion and Order on October 2, 2017, in accord with the recent precedent in *In the Interest of K.C., a Minor* and *In the Interest of K.S., T.B., M.B. and N.B., Minors*, and remanded the case. (*Id.*) (Board Exhibit 6(B) *In the Interest of G.S., a Minor*, No. 124 EDA 2017, slip op. (Pa. Super. Ct. Oct. 2, 2017.)

Judge Younger knew that it was her responsibility to meet the 30-day filing deadline in all Children's Fast Track appeals. In June and July of 2016, only six-months into her judicial term, Judge Younger was acutely aware that she had not met the 30-day deadline in the first group of Children's Fast Track appeals. Yet, she avoided that duty, ignoring Notices of Appeal and Concise Statements of Matters Complained of on Appeal, and failing to discuss the appellate issues with her law clerk. (Findings of Fact ¶¶ 17, 20, 21, 40-45)

Judge Younger's disregard for the repetitive communications from the Superior Court about the ever-increasing backlog of overdue 1925(a)(2)(ii) Opinions in her chambers, and her failure to pursue alternative means to rectify the backlog, prove by clear and convincing evidence that Judge Younger failed to cooperate with other judges and court officials in the administration of court business. Therefore, Judge Younger violated Canon 2, Rule 2.5(B) of the Code of Judicial Conduct.

Count Two: Supervisory Duties

Judge Younger also violated Canon 2, Rule 2.12(A) of the Code of Judicial Conduct. Rule 2.12 is titled "Supervisory Duties" and provides, in pertinent part:

(A) A judge shall require court staff, court officials, and others subject to the judge's direction and control to act in a manner consistent with the judge's obligations under this Code.

Canon 2, Rule 2.12(A).

Judge Younger failed to require her law clerks, who were subject to her direction and control, to act in a manner consistent with her judicial obligations under the Code of Judicial Conduct.

Pursuant to the Code, Judge Younger had a duty to comply with the law, including Pennsylvania Supreme Court rules. (Pa.C.J.C. Canon 1, Rule 1.1.; Terminology (definition of "law") (2014)) Judge Younger knew that the Pennsylvania Rules of Appellate Procedure set forth her explicit judicial duty to timely draft and file 1925(a)(2)(ii) Opinions in Children's Fast Track appeals within 30-days of the filing of the Notice of Appeal and Concise Statement of Matters Complained of on Appeal. (Findings of Fact ¶ 40) Judge Younger delegated in full the task of drafting and timely filing the 1925(a)(2)(ii) Opinions to her law clerks. (Findings of Fact ¶ 41) As a result, Judge Younger had an affirmative duty to supervise the actions of her law

clerks and monitor their compliance with the 30-day filing deadline in Children's Fast Track appeals.

Nevertheless, as the backlog grew, Judge Younge neglected to discuss the existence of, or need for an effective tracking system with her second law clerk. (Findings of Fact ¶¶ 19 & 42) Judge Younge neglected to fulfill her duty to comply with Rule 1925(a)(2)(ii) and manage and supervise her law clerks' compliance with the Rule. She did not read the Notices of Appeal or Concise Statement of Errors Complained of on Appeal, or discuss the issues presented in the Children's Fast Track appeals with them. Judge Younge admits that she failed to manage and supervise her law clerks to ensure that her Opinions in the Children's Fast Track appeals were timely filed. (*Id.* at ¶¶ 40-45)

Early on in her tenure in Family Court, Judge Younge had an obligation to recognize that her hands-off approach was insufficient and not sustainable and to implement a different system in her chambers to meet the 30-day deadline to file 1925(a)(2)(ii) Opinions. Judge Younge's failure to timely file 1925(a)(2)(ii) Opinions in Children's Fast Track appeals, and to closely supervise the performance and compliance of her law clerks with the governing rules, proved disastrous and ultimately led to the Court Order, transferring her out of the Family Division. (Board Exhibit 1) By her failure to require her law clerks to act in a manner consistent with her obligations under the Code of Judicial Conduct, Judge Younge violated Canon 2, Rule 2.12(A).

Count Three: Compliance with the Law

Judge Younge violated Canon 1, Rule 1.1 of the Code of Judicial Conduct. Rule 1.1 provides:

A judge shall comply with the law, including the Code of Judicial Conduct.

Canon 1, Rule 1.1. The Board proved by clear and convincing evidence that Judge Younge failed to comply with the law governing judicial contempt power and failed to comply with Supreme Court Rules.

Between August 3, 2017 and February 16, 2018, Judge Younge failed to comply with the law governing contempt of court through the following conduct when she:

1. Incarcerated parents for contempt in three dependency cases without a legal basis;
2. Detained parents in holding cells with the threat of longer incarceration without a legal basis in two dependency cases;
3. Threatened to incarcerate parents in a TPR case, in the absence of any evidence of contempt; and
4. Improperly entered a contempt ruling against an attorney for civil contempt without providing due process and in the absence of a willful intent to disobey a court order or lawful process.

In Pennsylvania, a judge may enter a contempt ruling and impose an appropriate sentence against an individual for defiant conduct inside or outside of the courtroom. Pennsylvania statutory law provides, in pertinent part:

The power of the several courts of this Commonwealth to issue attachments and to impose summary punishments for contempt of court shall be restricted to the following cases:

. . .

(2) Disobedience or neglect by officers, parties, jurors or witnesses of or to the lawful process of the court.

42 Pa.C.S.A. § 4132. Imposition of a term of incarceration is restricted to cases of direct criminal contempt as follows:

Except as otherwise provided by statute, the punishment of commitment for contempt provided in section 4132 (relating to attachment and summary punishment for contempts) shall extend only to contempts committed in open court. All other contempts shall be punished by fine only.

42 Pa.C.S.A. § 4133. Therefore, a judge is empowered to punish an individual who engages in indirect criminal contempt by imposition of a fine, but may not impose a sentence of incarceration for the defiant conduct, committed outside of court.

Contrary to statutory law, on August 3, 2017, Judge Younger ordered the incarceration of Father in *In the Interest of E.O., A Minor* and *In the Interest of B.O., a Minor*, for criminal contempt even though the alleged conduct occurred outside of the courtroom. Docket Nos. CP-51-DP-0000227-2017 and 228-2017. At a prior February 7, 2017 Dependency Hearing, Judge Younger entered Orders for E.O. and B.O. to remain in foster care and Parents to have weekly supervised visits at DHS. The Orders did not restrict phone contact between Parents and E.O. and B.O. At the subsequent August 3, 2017 Permanency Hearing, Judge Younger heard testimony, alleging that Father called Children as often as ten times per day and met with them following court proceedings. Father denied the allegations.

At the conclusion of the Hearing, Judge Younger entered Orders, finding that Father had unauthorized contact with Children, and thereby violated her February 7, 2017 Order. (Findings of Fact ¶¶ 130(a)-(e)) The Orders contain the following language, sentencing Father to a term of incarceration:

“Father to be held in contempt on State Road for 7 days due to violating court order;”

(Board Exhibits 10(B) & 10(C)) In the absence of a Court Order, prohibiting or restricting phone contact between Father and E.O. and B.O., Father did not disobey

an Order or lawful process of court. Therefore, there was no legal basis for the August 3, 2017 ruling of contempt against him. Even if the February 7, 2017 Order prohibited phone contact, a violation of that Order outside of the courtroom would be an indirect criminal contempt. Pursuant to 42 Pa.C.S.A. § 4133, Judge Younge had no authority to impose a sentence of incarceration for an indirect criminal contempt.

On August 14, 2017, following his release from the seven day prison term, Father filed a Notice of Appeal and a Concise Statement of Errors Complained of on Appeal. Docket Nos. 2641 EDA 2017 and 2643 EDA 2017. Judge Younge filed the 1925(a)(2)(ii) Opinion on October 31, 2017, 47 days after the September 13, 2017 due date. (Findings of Fact ¶ 130(f), (g)); 37(d))

While the appeal was pending, on November 3, 2017, Judge Younge presided over a Permanency Review Hearing in the dependency cases pertaining to E.O. and B.O. and their older sister, A.O. *In the Interest of A.O., a Minor*, Docket No. CP-51-DP-0000124-2017. At a prior January 27, 2017 Dependency Hearing, Judge Younge adjudicated A.O. Dependent and ordered her placement in Foster Care. A.O. was not present at the November 3, 2017 Permanency Review Hearing because she was attending college in Florida, but she remained under the supervision of the Court and continued to receive services via a Board Extension. (Findings of Fact ¶¶ 132(a)-(c))

During the November 3, 2017 Hearing, Community Umbrella Agency Worker Latoya Coffee testified that A.O. requested mental health outpatient services because Father allegedly called her and made negative statements to her. Ms. Coffee testified explicitly that A.O. expressed that she did not want a stay away order for Father and no such Order existed. Father denied the allegations that he was calling A.O. and making negative statements to her. In response, Judge Younge announced from the

bench that she planned to hold Father in contempt of Court for violating the intent of her prior Order. Franklin Bennett, Esquire, representing Father, argued that there was no court Order prohibiting Father from calling A.O. and therefore, a finding of contempt was improper. (Findings of Fact ¶¶ 132(d)-(g)) (Board Exhibit 10(E), N.T. Permanency Review Hrg. 63:6-65:6 (Nov. 3, 2017))

Despite Attorney Bennett's on-point argument, Judge Younge once again entered Orders, finding Father in contempt of court for allegedly violating court Orders and sentencing him to 14 days of incarceration, twice as long as the August 2017 incarceration of seven days. (Findings of Fact ¶ 132(h)) (Board Exhibits 10(F), 10(G) & 10(H)) In the absence of a stay away Order or an Order prohibiting or restricting phone contact between Father and A.O., Father did not disobey an Order or lawful process of court. Therefore, there was no legal basis for the November 3, 2017 ruling of contempt. Even if the January 27, 2017 Order included a stay away directive or prohibited or restricted Father's phone contact with A.O., the allegedly improper calls occurred outside of court and therefore, would be an indirect criminal contempt. Pursuant to 42 Pa.C.S.A. § 4133, Judge Younge had no authority to impose the November 3, 2017 sentence of incarceration for an alleged indirect criminal contempt.

Significantly, Judge Younge entered the November 3, 2017 Contempt Orders while the appeal from the August 3, 2017 Contempt Orders was still pending in the Superior Court, and a mere three days after she untimely filed her 1925(a)(2)(ii) Opinion in that Children's Fast Track appeal. In its July 30, 2018 Opinion and Order, the Superior Court vacated Judge Younge's August 3, 2017 Contempt Order and Sentence for the following reasons:

- (1) Failure to understand the difference between direct and indirect criminal contempt;
- (2) Failure to provide Father with due process rights that must be afforded to individuals accused of indirect criminal contempt; and
- (3) Imposition of an impermissible sanction of incarceration, rather than a fine, upon the finding of indirect criminal contempt against Father.

(Findings of Fact 37(a)-(e)) (Board Exhibit 10(D), *In the Interest of E.O., A Minor, In the Interest of B.O., A Minor*, 195 A.3d 583, 588 (Pa. Super. Ct. 2018).)

By her August 3, 2017 ruling in *In the Interest of E.O., A Minor* and *In the Interest of B.O., a Minor*, holding Father in contempt of court in the absence of any evidence that Father failed to obey an Order or lawful process of court, Judge Younge failed to comply with the law. By her conduct of failing to provide Father with his due process rights of notice and a contempt hearing, Judge Younge failed to comply with the law. Finally, by her conduct of sentencing Father to "be held in contempt on State Road for 7 days due to violating court order," Judge Younge imposed an impermissible prison sentence for Father's alleged indirect criminal contempt, and thereby failed to comply with the law.

For all of the same reasons, Judge Younge failed to comply with the law by her November 3, 2017 ruling in *In the Interest of A.O., A Minor, In the Interest of E.O., a Minor*, and *In the Interest of B.O., A Minor*, holding Father in contempt of court, in the absence of a stay away or other Order prohibiting his communications with A.O. By her November 3, 2017 conduct of issuing a Contempt Order, without providing Father with his due process rights of notice and a contempt hearing, Judge Younge failed to comply with the law. Finally, by her November 3, 2017 Orders, sentencing Father to 14 days of incarceration, Judge Younge imposed an impermissible prison sentence for Father's alleged indirect criminal contempt, and thereby failed to comply

with the law. As a result of her August 3, 2017 and November 3, 2017 Contempt Orders in *In the Interest of E.O., B.O. and A.O., Minors*, sentencing Father to one week and two week prison terms, respectively, for alleged indirect criminal contempt, Judge Younge failed to comply with Pennsylvania law and thereby violated Rule 1.1 of the Code of Judicial Conduct.

Soon thereafter, Judge Younge again abused her contempt power when she incarcerated a grandmother overnight in a Philadelphia prison without a legal basis for her contempt ruling. On December 1, 2017, Judge Younge presided over an Adjudicatory Hearing of two siblings in *In the Interest of Q.R., A Minor* and *In the Interest of L.R., A Minor*. Docket Nos. CP-51-DP-0003030-2017 and CP-51-DP-0003031-2017. H.R. is the Mother of Q.R. and L.R. At the Adjudicatory Hearing, Judge Younge adjudicated Q.R. and L.R. dependent. Based on the testimony of DHS, Judge Younge believed that H.R.'s adult child, N.R., and N.R.'s infant child, N.M., were living in H.R.'s home. (Findings of Fact ¶¶ 138(a)-(d))

H.R. denied the allegation and told Judge Younge that N.R. and N.M. resided with N.R.'s boyfriend, but sometimes stayed with H.R. (Board Exhibit 8(A), N.T. Adjudicatory Hrg. 28:10-31:10 (Dec.1, 2017)) DHS had not filed a Petition for an Order of Protective Custody or a Dependency Petition as to N.M. Therefore, N.R. was not a party to the Adjudicatory Hearing and was not present in the courtroom that day. (Findings of Fact ¶¶ 138(e), (g)), (n)) Nevertheless, Judge Younge issued Orders for DHS to place N.M. in foster care and to incarcerate H.R. until N.R. delivered the baby, N.M., to DHS. Elizabeth Larin, Esquire, counsel for Mother, repeatedly objected to the incarceration of H.R. and suggested alternative means to deliver N.M. to DHS, such as calling N.R. on the telephone, issuing a Motion to Compel N.R. to

deliver N.M. to DHS, and sending police officers to assist DHS in locating N.M. Judge Younger refused to grant any of those requests. (*Id.* at ¶¶ 138(f), (h)-(k), (p)-(s))

When Judge Younger questioned H.R. as to the location of N.M. and N.R., H.R. stated that she did not know their whereabouts. In response, Judge Younger threatened to incarcerate H.R. at a Philadelphia prison as follows:

The Court: Okay. Well, that's going to be a problem for you because you're going to be on this van to State Road. I'm going to hold you in States custody until I get the baby.

(Board Exhibits 8(A), N.T. 33:4-17 & 8(B), Audio Segment 1425 at 2:26:56-2:27:26)) Attorney Larin vehemently objected, based on H.R.'s inability to purge the contempt, since H.R. could not guarantee that N.R. would deliver N.M. to DHS. Judge Younger further explained the condition for release of H.R. from prison:

The Court: I'm just holding [H.R.] until such time as [N.M.] is produced to the Department. And once she is – once DHS has the baby then [H.R.] can be released from custody.

(Board Exhibit 8(A), N.T. 47:20-24) Judge Younger did not conduct a contempt hearing or provide H.R. with the due process required when holding an individual in contempt of court. (Findings of Fact ¶¶ 138(m)-(p), (r), (t) & 139)

Within the Friday, December 1, 2017 Adjudicatory Orders in *In the Interest of Q.R., a Minor* and *In the Interest of L.R., a Minor*, Judge Younger ordered that H.R. be held in contempt of court as follows:

Court is holding [H.R.] in contempt of court, and [H.R.] is permitted to be released once [N.M.] is brought down to DHS. DHS to notify the sheriffs unit on[c]e [N.M.] is obtained. If [H.R.] is not released, [H.R.] is to be brought down to the next court date.

(Findings of Fact ¶ 140) (Board Exhibit 8(C) & 8(D), Orders of Adjudication and Disposition-Child Dependent (Dec. 1, 2017)) Judge Younger directed that the release

hearing date be scheduled for the following week. As a result, if N.R. did not deliver N.M. to DHS, H.R. would be subject to incarceration for an even greater period of time without a legal basis. (Board Exhibit 8(A), N.T. 47:18-49:13)

On December 29, 2017, H.R. filed a counseled Notice of Appeal to the Superior Court and a Statement of Errors Complained of on Appeal in both cases. *In the Interest of: Q.R., a Minor*, Docket No. 230 EDA 2018 and *In the Interest of: L.R., a Minor*, Docket No. 232 EDA 2018. On May 31, 2018, Judge Younge untimely filed the 1925(a)(2)(ii) Opinion in the Superior Court, 121 days after the January 29, 2018 due date. In her Opinion, Judge Younge denied that she held H.R. in contempt, and in reliance on the Juvenile Act, she stated that she temporarily incarcerated H.R. in the best interests, welfare and safety of N.M. (Findings of Fact ¶¶ 35, 141-143)

By its November 20, 2018 Opinion and Order, the Superior Court reversed Judge Younge's December 1, 2017 Order and stated:

The [Juvenile] Act does not provide for the incarceration of a non-custodial grandparent to compel a grandchild's surrender. Notably, N.M. was not even a subject child of the adjudicatory hearing before the trial court.

(Board Exhibit 8(E), *In the Interest of Q.R., a Minor and In the Interest of L.R., a Minor*, 199 A.3d 458, 469-470 (Pa. Super. Ct. 2018).) The Superior Court determined the Contempt Order to be void because the Juvenile Act did not support the incarceration of H.R. (*Id.* at 470) (Findings of Fact ¶¶ 141-145)

In sum, on December 1, 2017, Judge Younge ignored the sound arguments of H.R.'s counsel and abused her contempt power by the following threats and orders, without a basis in law:

1. Threatened to send H.R. to a Philadelphia prison if N.R. did not deliver N.M. to DHS, without providing H.R. with her due process rights of notice and a contempt hearing;

2. Held H.R. in Contempt of Court, ordering her to be incarcerated until N.R. delivered N.M. to DHS, and ordering that H.R. "be brought down to the next court date" if she is not yet released from prison, without providing H.R. with her due process rights of notice and a contempt hearing; and
3. Ordered that the release of H.R., a non-custodial grandmother, be conditioned on N.R. delivering N.M. to DHS, when N.M. was not a subject child of the Adjudicatory Hearing and N.R. was not a party to the Hearing.

By abusing her contempt power in *In the Interest of Q.R. and L.R., Minors*, Judge Younge failed to comply with the law and thereby violated Canon 1, Rule 1.1 of the Code of Judicial Conduct.

In two cases, Judge Younge detained the parents in the absence of any defiance of the law or Court Order. At the September 20, 2017 Adjudicatory Hearing in *In the Interest of Y.C., a Minor*, Judge Younge detained Mother and Father until Children were delivered to DHS without cause or a basis in law. Docket No. CP-51-DP-0002438-2017. DHS filed a Petition to Adjudicate Y.C. Dependent, but did not allege any present danger. At the Hearing, DHS presented testimony about Mother and her Newborn Child, Y.C., both of whom tested positive for opiates at the hospital. The hospital notified DHS because Mother declined to permit the hospital to hold Y.C. for five days of monitoring. (Findings of Fact ¶¶ 133(a)-(c)) Mother testified about the surrounding circumstances and explained that she complied with the hospital and DHS directives to pursue follow-up care for Y.C. (Board Exhibit 19(A), N.T. Adjudicatory Hrg. 23:20-27:23 (Sept. 20, 2017))

At the Hearing, the attorneys presented reports and argument about Y.C.'s siblings, B.C., Jr., A.C., J.C. and Z.B., all of whom were minors. DHS had not filed any Petitions for Orders for Protective Custody or adjudication as to the siblings. (*Id.* at 30:20-34:22) In the absence of any testimony about present danger in the home

or Petitions as to the four siblings, Judge Younge entered Orders for Protective Custody as to Y.C. and all four siblings, adjudicating all five children dependent, and immediately removing them from the family home with supervised visits. (*Id.* at 41:3-12) (Findings of Fact ¶¶ 133(d)-(f)) Docket Nos. CP-51-DP-0002536-2017; CP-51-DP-0002539-2017; CP-51-DP-0002537-2017 & CP-51-DP-0002538-2017.

Near the end of the Hearing, Judge Younge questioned Mother and her fiancé, B.C. (Father), about the current location of Children and they disclosed that three children were in school and two were with a babysitter. (Board Exhibit 19(A), N.T. 38:23-40:16) Despite their forthrightness, Judge Younge ordered the Deputy Sheriffs to handcuff Mother and B.C., and to confine them until DHS located the five Children and placed them in protective custody. (*Id.* at 41:13-43:4) (Findings of Fact 133(g)) Counsel for Mother and Father objected to the Orders to adjudicate all five children dependent and to detain Parents. Judge Younge responded to those objections:

The Court: . . . they [parents] just have to comply with the Court Order. If you guys don't get the children, the parents will remain in custody.

(Board Exhibit 19(A), N.T. 42:4-43:4)

Judge Younge's Orders to detain Mother and B.C. in the holding cell, with the threat of a longer term of confinement, was the equivalent of a contempt ruling. Judge Younge had not conducted a contempt hearing. (Findings of Fact ¶ 135)

Prior to the Adjudicatory Hearing in *In the Interest of Y.C.*, Parents (Mother and B.C.) had no notice that Judge Younge would remove all five Children from the home, no opportunity to prepare Children to go to foster care and no notice that they themselves would be detained. Parents displayed an appropriate temperament and

respectful demeanor during the Hearing. There were no Petitions for an Order of Protective Custody before the Court for four of the five children, or any allegations of a present danger in the family home

Pennsylvania law governing contempt requires notice of the alleged conduct, identification of the type of contempt at issue and a contempt hearing. In the instant case, Judge Younge ordered that Mother and B.C. be detained without providing them with any of their due process rights. These extreme measures were unwarranted, a deprivation of the liberty interests of Mother and B.C., and an abuse of judicial power. By her September 20, 2017 conduct in *In the Interest of Y.C., a Minor*, of ordering the Deputy Sheriffs to handcuff and confine Mother and B.C. and threatening to keep them in custody if Children were not delivered to DHS, Judge Younge failed to comply with Pennsylvania law governing contempt, and thereby violated Rule 1.1.

In the second detention case, at the February 16, 2018 Adjudicatory Hearing in *In the Interest of S.J., a Minor*, *In the Interest of B.R., a Minor* and *In the Interest of J.J., a Minor*, Judge Younge ordered that Mother be detained, with the threat of going to "State Road" if Children were not timely delivered to DHS. Docket Nos. CP-51-DP-0000111-2018; CP-51-DP-0000112-2018; and CP-51-DP-0000113-2018. During the Hearing, Judge Younge adjudicated all three Children dependent because of truancy issues and ordered their immediate removal from Mother's home.

At the prior January 24, 2018 Hearing, Judge Younge ordered that Mother and Children appear at the February 16, 2018 Hearing. (Board Exhibit 17(C), Continuance Order (Jan. 24, 2018)) Mother was not present at the January 24, 2017 Hearing. Mother appeared at the February 16, 2018 Hearing in reliance on her Subpoena, which ordered her to appear at Family Court for the Hearing. The

Subpoena did not order her to bring Children to the Hearing. (Board Exhibit 17(D), Subpoena) Mother told Judge Younge that she did not know that she was required to bring Children to the Hearing that day. (Board Exhibit 17(A), N.T. Adjudicatory Hrg. 28:5-11 (Feb. 16, 2018). (Findings of Fact ¶¶ 119(a)-(e))

At the Hearing, Mother and her attorney, William Gibbons, Esquire, attempted to explain the reasons for the Children's truancy. (Board Exhibit 17(A), N.T. 14-23) As an alternative to removal, Attorney Gibbons requested that Judge Younge allow Children to remain in the family home with DHS Supervision to assist with the truancy issues. (*Id.* at 25:11-18) There were no aggravating circumstances pertaining to Children's truancy. There were no allegations of abuse, neglect or safety risk pertaining to Children. (Findings of Fact ¶¶ 119(f), 127-128)

Despite Attorney Gibbons' request, Judge Younge ordered that Mother be taken into custody until Children were delivered to DHS, and stated:

"That's my order. So, how do you want to do this? I think we just put Mom in a cell 'till I get these babies. I'll be here 'til four o'clock."

(Board Exhibits 17(A), N.T. 26:5-8 & 17(B), Audio Segment 1205:12:08:08-12:08:19) Attorney Gibbons objected to the Orders of Protective Custody and to the Order to detain Mother. (Findings of Fact ¶¶ 119(g)-(h)) After the Deputy Sheriffs placed Mother in handcuffs, Judge Younge threatened to incarcerate Mother at a Philadelphia prison if she did not timely arrange for Children to be delivered to DHS:

"You have 2½ hours to get those children here. If you don't get them here, I am having a bus sent here and have you sent up to 'State Road.'"

Based on Mother's request by telephone, maternal Grandmother picked up Children at school and delivered them to DHS, a two and one-half-hour process. Mother was distraught about being behind bars in the holding cell, unable to care for Children,

and under threat to be transported to a Philadelphia prison. (Findings of Fact ¶¶ 119(i), 120, 124-125)

Judge Young had alternative means of bringing Children into Protective Custody. She had the authority to compel DHS to pick-up Children at their respective schools and even to order a police escort to assist DHS if necessary. Instead, Judge Young chose the most drastic measures, detaining Mother behind bars in a holding cell, under threat to incarcerate her on "State Road." Mother had no notice that Children were to accompany her to the Hearing, no notice that Judge Young would remove Children from the home and no opportunity to prepare Children to go to foster care.

Judge Young ignored Pennsylvania law governing contempt, which requires notice of the alleged disobedience of a court Order or lawful process, identification of the type of contempt and a contempt hearing. Mother displayed an appropriate temperament and respectful demeanor during the Hearing. There was no indication that Mother would defy the Order to deliver Children. Yet, without providing Mother with notice or a contempt hearing, Judge Young ordered the detention of Mother and threatened to incarcerate her for a longer period on State Road if she failed to deliver Children to DHS within a limited window of time. These overly harsh measures were unwarranted, a deprivation of Mother's liberty interest, and an abuse of judicial power. By her failure to abide by Pennsylvania law governing contempt in *In the Interest of S.J., B.R., and J.J., Minors*, Judge Young failed to comply with the law and thereby violated Rule 1.1.

On January 23, 2018, Judge Young again abused her contempt power in ruling against Brian McLaughlin, Esquire without affording him due process and in the

absence of an essential element for the proof of civil contempt. In Pennsylvania, there are four elements for a finding of civil contempt when an individual fails to obey a court order:

1. The Order is definite, clear and specific;
2. The contemnor had notice of the Order;
3. The contemnor's action was willful; and
4. The contemnor committed the action with a wrongful intent.

K.M.B. v. H.M.W., 171 A.3d 839, 846 (Pa. Super. Ct. 2017).

The alleged civil contempt occurred at the November 30, 2017 TPR Hearing in *In the Interest of K.R., a Minor* and *In the Interest of B.T., a Minor*, Docket Nos. CP-51-DP-0000933-2016 and CP-51-DP-0000935-2016. The TPR case was marked, "Must Be Tried. Attorney McLaughlin, counsel for Mother, timely signed in for the 1:00 p.m. Hearing. While waiting for Judge Younge to call the cases, Judge Rebstock summoned Attorney McLaughlin to a nearby courtroom for a delinquency case, which turned into an unexpectedly lengthy proceeding. As a result, Attorney McLaughlin was not present in Judge Younge's courtroom when she called the TPR cases. (Findings of Fact ¶¶ 55(a), 109(a)-(d), 112 (a)-(d))

Based on Attorney McLaughlin's absence at the start of the TPR Hearing, Judge Younge announced that she was holding Attorney McLaughlin in contempt of court. Attorney McLaughlin attempted to apologize to Judge Younge that same day and again the following week, but Judge Younge was not receptive. (Findings of Fact ¶¶ 55(b), 109(e), 112(e)-(l)) Judge Younge bifurcated the contempt matter from the TPR cases, listed the contempt proceeding for December 7, 2017, and continued it on procedural grounds.

At the December 19, 2017 Hearing on the TPR cases, Attorney McLaughlin requested to withdraw from *In the Interest of K.R. and B.T., Minors* because the

allegation of contempt against him created an unfair bias for Mother. (Board Exhibit 7(C), N.T. Hearing 4:15-5:6 (Dec. 19, 2017)) During that same Hearing, Judge Younge continued the TPR matter until after the Contempt Hearing, which was scheduled for January 8, 2018. (*Id.* at 4:8-15) On January 8, 2018, Attorney McLaughlin and his counsel, Karen D. Williams, Esquire appeared for the rescheduled Contempt Hearing, but Judge Younge did not conduct the Hearing that day. Subsequently, no Orders continuing the Contempt Hearing were issued to Attorney McLaughlin or Attorney Williams. (Findings of Fact ¶¶ 55(c)-(f), 112 (m), (o)-(q))

On January 23, 2017, Attorney McLaughlin and Attorney Williams appeared before Judge Younge for the scheduled TPR Hearing in *In the Interest of K.R. and B.T., Minors*. (Findings of Fact ¶¶ 55(g), 112(r)) At the beginning of the Hearing, Judge Younge granted Attorney McLaughlin's Motion to Withdraw and proceeded to assign new counsel for Mother. (Board Exhibit 7(A), N.T. TPR Hearing 5:11-24 (Jan. 23, 2018)) Attorneys McLaughlin and Williams left the courtroom, but returned approximately 18 minutes later, per request of Judge Younge. (*Id.* at 13:7-14:23)

During the second segment of the Hearing, Attorney Williams first argued that there were numerous procedural defects, including a lack of notice that the contempt matter would be heard that day, no Rule identifying the type of contempt and no opportunity to present witnesses. (*Id.* at 15:4-21:17) Judge Younge acknowledged from the bench that she knew the facts and circumstances surrounding Attorney McLaughlin's absence from her courtroom during the November 30, 2017 TPR Hearing. (*Id.* at 23:14-25:5) She identified the contempt as civil and read select portions of precedential case law into the record. (*Id.* at 25:20-27:7)

Although Judge Younger read some of the elements set forth in *Marian Shop v. Baird*, 670 A.2d 671 (Pa. Super. 1996), she failed to identify the essential element of wrongful intent to disobey, contained within that very case. *Id.* at 673. After stating that the Order for the November 30, 2017 Hearing was definite and specific and that Attorney McLaughlin was aware of the Hearing, yet failed to appear “for whatever reason,” Judge Younger found Attorney McLaughlin in contempt of court. (Board Exhibit 9(A), N.T. 34: 9-17)

Again, Attorney Williams argued that willfulness is necessary to the proof for civil contempt and Attorney McLaughlin was not willful when he was detained in Judge Rebstock’s courtroom. (*Id.* at 39:17-40:2) Judge Younger reiterated her decision to hold Attorney McLaughlin in contempt and imposed a fine of \$750. (Findings of Fact ¶ 112(s)) Although Attorney Williams repeatedly stated that her client wished to testify, Judge Younger ignored the request. Judge Younger continued to discuss the imposition of sentence and concluded the Hearing without permitting Attorney McLaughlin to testify on the record. (Board Exhibit 7(A), N.T. 41:4-43:5) On February 21, 2018, Attorney Williams timely filed a Notice of Appeal in the Superior Court.

In its April 29, 2019 Memorandum and Order, the Superior Court vacated the January 23, 2019 Order, ruling that Judge Younger did not find that Attorney McLaughlin acted with wrongful intent, nor was there any evidence to support the required element. The Court stated:

“Caught between the direction of two judges, Appellant did not display an intentional disobedience or an intentional disregard of the lawful process toward the trial court.”

(Board Exhibit 7(C), *In the Interest of K.R., a Minor, In the Interest of B.T., a Minor, Appeal of Brian McLaughlin Esquire*, 587 EDA 2018, slip op. at 7 (Pa. Super. Ct. Apr. 29, 2019)) (Findings of Fact ¶¶ 112(t), 113-117)

At the January 23, 2019 Contempt Hearing, there was no evidence presented that Attorney McLaughlin acted with wrongful intent to disobey Judge Youngé’s November 16, 2017 Order to appear at the November 30, 2017 TPR Hearing.

By her abuse of the contempt power in the eight cases discussed in this section, Judge Youngé failed to comply with the law and thereby violated Rule 1.1.

Failure to Comply with Pennsylvania Supreme Court Rules

Judge Youngé failed to comply with Pennsylvania Rule of Appellate Procedure No. 1925(a)(2)(ii) and Pennsylvania Rule of Judicial Administration No. 703, and thereby violated the law. “Law” is defined within the Terminology section Code of Judicial Conduct, which provides:

Law – Refers to constitutional provisions, statutes, decisional law, Supreme Court Rules and directives, including the Code of Judicial Conduct and the Unified Judicial System Policy on Non-discrimination and Equal Opportunity, and the like which may have an effect on judicial conduct.

Pa.C.J.C. Terminology (2014). The Board proved by clear and convincing evidence that Judge Youngé failed to comply with Pennsylvania Supreme Court Rules and thereby failed to comply with the law, in violation of Rule 1.1.

Pursuant to the Rules governing Children’s Fast Track Appeals, Judge Youngé had an explicit duty to file a 1925(a)(2)(ii) Opinion within 30 days of the filing of the Notice of Appeal and the Concise Statement of Matters Complained of on Appeal. Pa.R.A.P. No. 1925(a)(2)(ii). The Rule provides:

Upon receipt of the notice of appeal and the concise statement of errors complained of on appeal required by Rule 905(a)(2), the judge

who entered the order giving rise to the notice of appeal, if the reasons for the order do not already appear of record, shall within 30 days file of record at least a brief opinion of the reasons for the order, or for the rulings or other errors complained of, which may, but need not, refer to the transcript of the proceedings.

Pa.R.A.P. 1925(a)(2)(ii). Judge Younge failed to timely file twelve 1925(a)(2)(ii)

Opinions in the following Children’s Fast Track Appeals:

| <u>Case Name</u> | <u>Days Elapsed After Due Date</u> |
|--|------------------------------------|
| <i>In the Interest of A.W., Jr., S.W., J.W. and M.W., Minors</i> | 261 |
| <i>In the Interest of S.S., a Minor</i> | 197 ² |
| <i>In the Interest of N.O.W., a Minor</i> | 192 |
| <i>In the Interest of N.M., a Minor</i> | 184 |
| <i>In the Interest of N.W.M., a Minor</i> | 52 |
| <i>In the Interest of S.E.C.-B., a Minor</i> | 163 |
| <i>In the Interest of S.M.C.-B., a Minor</i> | |
| <i>In the Interest of S.D.C., a Minor</i> | |

| <u>Case Name</u> | <u>Days Elapsed After Due Date</u> |
|---|------------------------------------|
| <i>In the Interest of G.S., a Minor</i> | 153 |
| <i>In the Interest of Q.R., a Minor</i> | 121 |
| <i>In the Interest of L.R., a Minor</i> | |
| <i>In the Interest of K.S., a Minor</i> | 55 |
| <i>In the Interest of T.B., a Minor</i> | |
| <i>In the Interest of M.B., a Minor</i> | |
| <i>In the Interest of N.B., a Minor</i> | |
| <i>In the Interest of E.O., a Minor</i> | 47 |
| <i>In the Interest of B.O., a Minor</i> | |

² Even with the remand from the Superior Court for lack of a Docketing Form in *In the Interest of S.S., a Minor*, Judge Younge filed the 1925(a)(2)(ii) Opinion 164 days after appellate counseled filed the Docketing Form, and 128 days after the Superior Court vacated the remand. From any vantage point, the unreasonable and unjustifiable delay violated Pa.R.A.P. No. 1925(a)(2)(ii) and thereby violated a Supreme Court Rule. (Findings of Fact ¶ 28)

In the Interest of K.C., a Minor 41

In the Interest of D.C., a Minor 35

In the Interest of D.J.M., a Minor

In the Interest of D.M., a Minor

(Findings of Fact ¶¶ 27-33 & 35-39). Although consolidated for purposes of appeal, the twelve overdue 1925(a)(2)(ii) Opinions pertained to the dependency or termination of parental rights cases of twenty-four children. Therefore, Judge Younge was compelled to consider each individual child's particular circumstances and include her decisions as to each of them within the consolidated 1925(a)(2)(ii) Opinions.

Judge Younge knew that it was her judicial responsibility, pursuant to the Rules governing Children's Fast Track appeals, to draft and file her Opinions in an expedited timeframe of 30 days. (Findings of Fact ¶ 40) Instead of complying with the Rule, between June 2016 and May 2018, Judge Younge continued in her ongoing pattern of inordinate delay with filing 1925(a)(2)(ii) Opinions. (Findings of Fact ¶ 15)

By May 10, 2018, Judge Younge's repeated failure to timely file her 1925(a)(2)(ii) Opinions was so egregious that Philadelphia Family Court Administrative Judge Murphy and Supervisory Judge Olszewski suspended Judge Younge's duties within Courtroom 5A and reassigned her to "Chambers Weeks." (Findings of Fact ¶ 26). Ultimately, by Order dated June 11, 2018, Philadelphia Court of Common Pleas President Judge Sheila Woods-Skipper reassigned Judge Younge out of the Family Court Division, where she was not complying with the Rules governing her duties, and reassigned her to the Civil Division. (Findings of Fact ¶ 7)

Moreover, Judge Younge's failure to comply with the Rule to timely file her 1925(a)(2)(ii) Opinions in 30 days had a negative effect on the appellate process. First, the delay prevented the trial court clerk from sending the trial court record to

the Superior Court. Second, the non-receipt of the trial court record prevented the Superior Court from expediting its consideration and decision of each of those Children's Fast Track appeals from Judge Younge's rulings. Third, the pattern of delay imposed a burden and increased workload on the Superior Court judges and staff to monitor Judge Younge's compliance, or lack thereof, with the applicable Rules, and to communicate with her about her delinquent records and overdue Opinions. (Findings of Fact ¶¶ 22-25)

Finally, Judge Younge's failure to comply with Rule 1925(a)(2)(ii) adversely impacted the lives of those twenty-four children, where every single day in a child's disrupted family life can make a difference. By her repetitive conduct of not meeting the explicit requirements of Rule 1925(a)(2)(ii) in Children's Fast Track appeals, Judge Younge failed to comply with the law and thereby violated Rule 1.1 of the Code of Judicial Conduct.

Based on the extreme delay in two of the Children's Fast Track Appeals, Judge Younge was required to list those cases on her January 2017 703 Report, but failed to do so. Pursuant to Pennsylvania Rule of Judicial Administration No. 703, all common pleas judges are required to file January and July 703 Reports with the Court Administrator of Pennsylvania and to file copies with the president judge and the local court administrator. The January 703 Report covers July 1 to December 31 and the July 703 Report covers January 1 to June 30. The reports must list cases, which are ripe for decision but remain undecided for greater than 90 days as of the last day of the respective reporting period, along with explanations for the delay. Pa.R.J.A. No. 703(B)-(D) (effective 1997).

By definition, a 1925(a)(2)(ii) Opinion is a "decision," governed by Rule 703,

which provides in pertinent part:

Decision includes the grant or denial of a pretrial, post-trial, or post-sentence motion or petition, non-jury verdict or decision, entry of an order or judgment, imposition of a sentence, or the filing of an opinion. A matter is submitted for decision even though briefs, transcripts, or reports have been ordered but have not yet been filed.

Pa.R.J.A. No. 703(B)(2)(a). Judge Younge's 1925 (a)(2)(ii) Opinion in *In the Interest of N.O.W., A Minor*, was due on June 25, 2016, yet she did not file the Opinion until January 4, 2017, 192 days after the 30-day filing deadline. Docket No. 1749 EDA 2016. (Findings of Fact ¶ 29) The consolidated 1925(a)(2)(ii) Opinion *In the Interest of S.E.C.-B, A Minor, In the Interest of S.M.C.-B, A Minor* and *In the Interest of S.D.C., A Minor*, was due on August 1, 2016, but Judge Younge did not file the Opinion until January 12, 2017, 163 days after the filing deadline. Docket Nos. 2051 EDA 2016, 2053 EDA 2016, and 2054 EDA 2016. (*Id.* at ¶ 32)

Not only did Judge Younge fail to meet the expedited 30-day deadline to file the Opinions in these two Children's Fast Track appeals, but she also far exceeded the 90-day time period of Rule 703(D), and failed to list the cases on her January 2017 703 Report. By her conduct of failing to list the inordinately delayed decisions in *In the Interest of N.O.W., A Minor*, and in *In the Interest of S.E.C.-B., S.M.C.-B. and S.D.C., Minors* on her January 2017 703 Report Form, Judge Younge failed to comply with Pa.R.J.A. No. 703. By her failure to comply with Pa.R.J.A. No. 703, as prescribed by our Supreme Court, Judge Younge failed to comply with the law, and thereby violated Rule 1.1 of the Code of Judicial Conduct.

Count Four: Improper Demeanor

Judge Younger violated Canon 2, Rule 2.8(B) of the Code of Judicial Conduct. Rule 2.8 is titled, "Decorum, Demeanor, and Communication with Jurors," and provides, in pertinent part:

(B) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity. . . .

Canon 2, Rule 2.8(B).

Judge Younger failed to be patient, dignified and courteous to litigants, witnesses, lawyers, social workers, parents and others with whom she dealt with in an official capacity.

Judge Younger admits to all the averments pertaining to her improper demeanor in Family Court, as set forth in the Board's Amended Complaint. This Court's jurisprudence and that of the Pennsylvania Supreme Court, supports a finding that by her pattern of conduct of improper demeanor, Judge Younger violated Rule 2.8(B).

In deciding whether a judge fails to abide by the Rule or Canon to treat others in a patient, dignified and courteous manner, this Court contemplates that although the temperament of judges may vary, there is no excuse for discourteous conduct:

We do not come to this conclusion unmindful that all judges do not come to their office with the same allotment of equanimity – some have a lower threshold of intolerance than others; but, whatever their idiosyncratic predispositions, in the conduct of their judicial duties there is no place for discourtesy.

In re Lokuta, 964 A.2d 988, 1032 (Pa.Ct.Jud.Disc. 2008), *aff'd*, 11 A.3d 427 (Pa. 2011). The *Lokuta* Court determined that the Respondent's "attitude and demeanor towards those with whom she came into contact in the course of everyday business of her judicial office" violated Canon 3A(3) of the former Code of Judicial Conduct.

Id. at 1031-1032. The witnesses in *Lokuta* presented testimony about numerous demeanor violations, “describing incident after incident, occurring continually, repeatedly, unpredictably.” *Id.*

In the recent case of, *In re Hladio*, this Court determined that the Respondent violated Rule 2.8(B) by his conduct of repeatedly failing to display the “vital qualities” of patience and courtesy toward litigants, attorneys, court staff and a constable. *In re Hladio*, 6 JD 2016, slip op. at 47-50 (Pa.Ct.Jud.Disc. Mar. 25, 2019). This Court announced, “. . . repeated discourtesy and improper demeanor cannot be allowed.” *Id.* at 47. Moreover, even a single instance of improper demeanor toward litigants is sufficient for a finding of a violation of the Rule requiring judges to exhibit patience, dignity and courtesy. *In re Marraccini*, 908 A.2d 377, 390 (Pa.Ct.Jud.Disc. 2006) (Respondent violated Rule 4C of the former Rules Governing Standards of Conduct of Magisterial District Judges by his belittling, sarcastic, demeaning behavior in addressing defendants).

In the instant case, Judge Younge failed to display the vital qualities of patience and courtesy when she repeatedly spoke harshly, and loudly to attorneys, social workers, and others who appeared before her. She demonstrated an impatient, discourteous, disrespectful and undignified demeanor while presiding over numerous cases in Family Court. (Findings of Fact ¶¶ 57 & 58)

For example, during an April 27, 2016 Permanency Review Hearing in *In the Interest of J.C., a Minor*, Judge Younge immediately reacted in an angry manner upon receiving testimony that J.C. was “jumped” (beat up) for the second time by girls at the group home where she resided. Docket No. CP-51-DP-0000802-2014. Judge

Younge became irate that DHS Social Worker Ishmael Jiminez, who was previously assigned to the case, had not followed through with her prior Order to relocate J.C. out of the group home. (Findings of Fact ¶¶ 59(a)-(e), 60-61) DHS Attorney James Wise stated that Mr. Jiminez, who was not present at the Hearing, understood that the bullying had stopped. Judge Younge harshly criticized and sarcastically demeaned Mr. Jiminez in front of all those present in the courtroom, and exclaimed:

The Court: Let me tell you something. Ishmael - - and this is court order. Ishmael Jiminez can never darken the threshold of [Courtroom] 5[A]. I would not believe his tongue if it were notarized. And honest to goodness, I mean that.

(*Id.* at ¶ 61) (Board Exhibit 16(A), N.T. Permanency Hearing 24:6-13 (Apr. 27, 2016) & 16(B), Audio Segment 1148 at 11:49:35-11:49:54) Judge Younge's language about a DHS professional in front of his colleagues was disrespectful, demeaning and sarcastic.

Judge Younge continued to display an inappropriate demeanor in response to the testimony of the current DHS Social Worker, Julia Ressler, who stated that J.C. may have instigated some of the fights at the group home. The following exchange took place:

The Court: Okay. So how about this, I'm not receiving that from DHS and you can save it for the contempt hearing because it's easy to kind of make her the victim when we know you did not exercise good social work practice in this case. So I'll be damned if you're going to let that young lady and paint her out to be a victim as if she had not already been abused enough by coming into a system that doesn't protect her. We're not doing that at this hearing. I'm not that judge.

You know what, come back in ten days and I'm going to read you all the Riot Act and I don't care who feels some kind of way about it and everything like that but it's not going to happen in my courtroom ever, ever, ever, that a child should be at risk like that and DHS is on the clock because you know what, that's how you end up in the Daily News and this Judge is not going to be on the front page for

some nonsense like that. I'm not doing it. I'm not doing it for the second time we're having the same discussion. You're not going to make a court record and make this girl, oh she's the one who instigated. I'm not hearing that.

Mr. Wise: That wasn't what - -

Ms. Ressler: I'm just reporting what they told me.

The Court: Don't do it. I'm telling you don't do it because what supersedes that is she shouldn't have been there in [the] first place even if she was the instigator.

(Board Exhibit 16(A), N.T. 28:11-29:25 & 16(B), Audio Segment 1153 at 11:54:03-11:55:32) Judge Younge reacted to the testimony in a loud and angry manner, interrupting the direct examination of Ms. Ressler by DHS counsel James Wise, Esquire. During the April 27, 2016 Hearing, eleven individuals were present in Courtroom 5A and witnessed Judge Younge's impatient, discourteous and disrespectful attitude toward DHS employees. (Findings of Fact ¶¶ 62-64) Those eleven individuals included Attorney Wise, Social Worker Ressler, Aaron Mixon Esquire, representing Father, J.C., other professionals and Mother. (Board Exhibit 16(A), N.T. 2-3 (list of individuals at April 27, 2016 Hearing)) Realizing the impropriety of her intemperate conduct, Judge Younge left the bench to "calm down." (*Id.* at 30:20-22)

Apparently, Judge Younge was frustrated by the failure of DHS to timely follow her April 13, 2017 Order to relocate J.C. Despite Judge Younge's concerns about J.C.'s placement, she is compelled by the Code of Judicial Conduct to treat those who appear before her with respect, courtesy and patience. *See Lokuta*, 964 A.2d at 1032 ("... but, whatever their idiosyncratic predispositions, in the conduct of their judicial duties there is no place for discourtesy."). Judge Younge failed to meet that standard during the April 27, 2016 Hearing in *In the Interest of J.C., a Minor*.

During the February 7, 2018 Permanency Review Hearing in *In the Interest of J.Y., a Minor*, Judge Younge again engaged in an outburst about an unexpected turn of events in a dependency case involving J.Y., an 18 year-old female high school senior, who was on a “Board Extension” and living with Foster Parents. Docket No. CP-51-DP-0001224-2017. Pennsylvania law provides for extended foster care for an individual, who is less than 21 years old, was adjudicated dependent prior to age 18, and remains under the jurisdiction of the court based on certain criteria, such as the child is a student in high school or post-secondary school. Those youth who meet the criteria may receive adoption and guardianship subsidies up to age 21. See 42 Pa.C.S.A. § 6351(f)(8.1), Pa.C.S.A. § 6302(Child)(3). Such extended foster care is known and referred to as a “Board Extension.” (Findings of Fact ¶¶ 65-66)

For the majority of the February 7, 2018 Hearing, Judge Younge heard testimony pertaining to the reasons for J.Y.’s poor attendance at school, her recent illness and hospitalizations, diagnosis and medical documentation. Judge Younge questioned whether J.Y. was truant and thereby non-compliant with the Board Extension requirements. After testimony from the Guardian Ad Litem, Judge Younge set a short date for a discharge-planning meeting, with the condition that if the requested records were produced, and demonstrated that the absences were excused, she would reconsider the Board Extension. (*Id.* at ¶¶ 67(a)-(e))

Judge Younge then considered the request of DHS Solicitor Lindsay Cordes to discharge J.Y. Ms. Cordes asserted that the foster home placement had an adverse effect on J.Y.’s compliance with the Board Extension requirements. DHS Social Worker William Henning informed Judge Younge that G.N., J.Y.’s boyfriend of three years, was staying overnight at the foster home. Mr. Henning advised Judge Younge

that G.N. had not been cleared by DHS. Judge Younge recited the rule that a person over the age of fourteen, who spends five hours or more in a foster home, must be cleared by DHS. Upon questioning by Judge Younge, Foster Father stated that G.N. had spent the night in their foster home, on average of one night per week since J.Y. turned 18 years old. (*Id.* at ¶¶ 67(f)-(k))

Judge Younge reacted in an angry manner to Foster Father's statement about G.N. spending the night in the foster home, and loudly stated the following:

The Court: Oh, we're done here. Let me tell you something. Crazy, crazy, crazy. Call me crazy. I'm not paying caregivers to allow hookup here.

(Findings of Fact ¶ 68) (Board Exhibit 15(A), N.T. Permanency Review Hrg. 45:25-46:6 (Feb. 7, 2018) & 15(B), Audio Segment 1309 at 1:10:30 - 1:10:43) When Foster Father attempted to respond, Judge Younge continued to yell and abruptly discharged J.Y. from the Board Extension as follows:

The Court: I'm just - - I don't care if she's eighteen. I don't care if she's eighteen. Not on my watch. This is over. Over, over, over, over, over. That's it. Not doing it. I mean like really? I'm done. Done, done, done. This is over. Discharged. Discharged.

(Findings of Fact ¶ 69) (Board Exhibit 15(A), N.T. 46:8-13 & 15(B), Audio Segment 1309 at 1:10:43 - 1:11:04). Judge Younge loudly conveyed her subsequent statements, which were also intemperate and delivered in a derisive and undignified manner:

[G.N.] can come over all he wants. Not - - not with DHS supervision. Not on a Board-extension. We're not paying caregivers to do the hookup overnight. Not doing it. Not allowing it. No way.

So, we don't even have to talk about the medical records. You can have the medical records or not. You can have the medical records or not. I do not find that it's appropriate to have a child under DHS care - - I don't care if she's in a three-year relationship. I don't care

that [G.N.] is going to Central and that he's going to college. I don't even care that - - that [J.Y.]'s going to college.

(Board Exhibit 15(A), N.T. 46:14-47:1 & 15(B), Audio Segment 1309 at 1:11:05 - 1:11:36)

Judge Younge admits that during the February 7, 2018 Hearing, her demeanor toward J.Y., Foster Parents and others was impatient, undignified, discourteous and disrespectful. She displayed this unacceptable temperament before numerous individuals with whom she deals in an official capacity, including J.Y., Foster Parents, biological parents, attorneys, social workers and others. (Findings of Fact ¶ 70) (Board Exhibit 15(A), N.T. 2-3 (list of all the individuals at the February 7, 2018 Hearing))

During the August 17, 2017 Non-Placement Review Hearing in *In the Interest of D.C., a Minor, In the Interest of D.J.M., a Minor and In the Interest of D.M, a Minor*, Judge Younge's continuing pattern of an impatient demeanor took the form of interrupting and rushing testimony about the dependency matters of the three siblings. Docket Nos. CP-51-DP-0113327-2009, CP-51-DP-0001315-2015 and CP-51-DP-0001316-2015. The Hearing began at 5:37 p.m., over 6 hours after the scheduled start time of 11:30 a.m. (Findings of Fact ¶ 71(a))

During the direct examination of Case Manager Seibert, pertaining to Mother's compliance with services, Judge Younge impatiently interrupted and stated:

The Court: I'm surprise[d] these children are still home. Because if you can't turn around a supervision case in two years, the kids don't need to be in the home.

(*Id.* at ¶ 72) (Board Exhibit 12(A), N.T. Non-Placement Review Hrg. 13:18-21 (Aug. 17, 2017) & 12(B), Audio Segment 1743 at 5:45:41-5:45:52) Judge Younge repeatedly interrupted Child Advocate Colleen Swim, Esquire when she began the

cross-examination of Case Manager Seibert, challenging the relevancy of her questions. She also impatiently and repeatedly interfered with, and rushed the cross-examination, rapidly firing questions at Case Manager Seibert as follows:

The Court: Did she actively engage in drug and alcohol as she's been court ordered to do? Is she doing dual diagnosis as she's been court ordered to do? Are these children truant as she's been court ordered to do? We've been sitting here for two years doing the same thing with the same results. So what are you going to do different because supervision isn't working out on this case?

(Findings of Fact ¶¶ 73-74) (Board Exhibit 12(A), N.T. 18:13-21 & 12(B), Audio Segment 1748 at 5:50:19-5:50:40) Judge Younge exhibited her impatience concerning the late time of day when she stated:

The Court: And tell me why at 5:50 I'm not placing three kids at the Bar of the Court right now.

(Findings of Fact ¶ 78) (Board Exhibit 12(A), N.T. 18:23-25 & 12(B), Audio Segment 1748 at 5:50:41-5:50:45)

Child Advocate Swim requested a higher level of supervision for D.C., D.J.M. and D.M. in the home, advocating that Mother had made progress toward the goals and explaining that Ms. Seibert was the third caseworker assigned to the dependency matters in six months. Judge Younge responded in a disrespectful manner, twice saying "So what?" and concluding with the following:

What does that have to do with Mom picking up a blunt and smoking it? What does that have to do with that?

(Findings of Fact ¶¶ 75-76) (Board Exhibit 12(A), N.T. 19:9-18; Board Exhibit 12(B), Audio Segment 1748 at 5:51:03-5:51:14) When Attorney Swim posed questions about in home safety services, Judge Younge continued to exhibit her impatience and focus on the time, instead of the testimony, when she stated:

The Court: Well, I'm telling you where I'm at behind the preposition [sic]. Where I'm at at 5:58 is that these kids should not remain in the home. That is where I am. . . . [B]ut at 27 months, you can't still talk about supervision and what Mom is not doing. I'm not having it. That doesn't fly for me.

(Findings of Fact ¶ 79) (Board Exhibit 12(A), N.T. 26:24-27:17 & 12(B), Audio Segment 1753 at 5:58:06-5:58:36; Audio Segment 1758 at 5:58:37-5:58:45)

During the Hearing, Judge Younge persistently demonstrated a poor attitude and demeanor as exemplified by her failure to rule on the following objection by Attorney Swim:

Q: All right. And is he consistently receiving his therapy at Hispanic Community Center?

A: No.

Q: And was there an issue with Mom expecting him to walk himself to the therapy provider and he was not doing that?

Ms. Swim: Objection, leading.

The Court: What's the point? Please, just go ahead and ask the question. It's 5:43. Please continue.

(Findings of Fact ¶ 80) (Board Exhibit 12(A), N.T. 10:24-11:8 & 12(B), Audio Segment 1738 at 5:43:05-5:43:25) Judge Younge's response was disrespectful and discourteous toward Attorney Swim and she failed to maintain the dignity of the proceedings.

Judge Younge admits that she was frustrated and upset during the August 17, 2017 Hearing. However, that does not excuse her overt display of displeasure and an intolerant attitude at the Hearing through disdainful and sarcastic facial expressions and rolling her eyes. By the combination of her language, her tone of voice, her attitude and her inappropriate facial expressions, Judge Younge demonstrated an unacceptable judicial demeanor. Nine individuals were present in

Courtroom 5A during the Hearing, including Parents, attorneys and social workers. (Findings of Fact ¶¶ 80-83) (Board Exhibit 12(A), N.T. 2-3 (list of individuals at the August 27, 2017 Hearing))

Additionally, Judge Younge displayed an improper demeanor during the February 16, 2018 Adjudicatory Hearing *In the Interest of S.J., a Minor, In the Interest of B.R., a Minor* and *In the Interest of J.J., a Minor*. Docket Nos. CP-51-DP-0000111-2018, CP-51-DP-0000112-2018 and CP-51-DP-0000113-2018. During the Hearing, Judge Younge heard testimony about truancy issues with the three siblings. When Mother and her counsel, William Gibbons, Esquire, offered explanations for the truancy, Judge Younge demonstrated an impatient and disrespectful demeanor toward them and belittled their explanations. (Findings of Fact ¶¶ 84(a) & 85) (Board Exhibit 17(A), N.T. Adjudicatory Hrg. 20:18-23:24 (Feb. 16, 2018) & 17(B), Audio Segment 1200 at 12:04:02-12:05:41; Audio Segment 1205 at 12:05:41-12:06:11)

After rejecting Attorney Gibbons' request to resolve the truancy issue through DHS Supervision at the family home, Judge Younge adjudicated Children Dependent and ordered that Mother be held in custody until Children are delivered to DHS. Mother became upset when the Deputy Sheriffs placed her in handcuffs. She was distraught about not being able to care for her three children, S.J., B.R. and J.J., who were to be placed in foster care. Mother was also distressed about her confinement behind bars in the holding cell and about Judge Younge's threat to order her incarceration at a Philadelphia prison. (Findings of Fact ¶¶ 84(b)-(c), 119(i), 120, 121 & 125)

Judge Younge admits her poor demeanor. This negative attitude was intensified by Judge Younge's display of disdainful facial expressions and body

language, including rolling her eyes and shaking her head every time Mother attempted to speak. Furthermore, Judge Younge communicated with Mother in a loud voice and intermittently yelled at her. (Findings of Fact 86-89) Several individuals observed Judge Younge's poor demeanor during the February 16, 2018 Hearing, including counsel for DHS, the Child Advocate, Mother and Attorney Gibbons. (Board Exhibit 17(A), N.T. 2 (list of individuals at February 16, 2018 Hearing)) By her February 16, 2018 intemperate conduct in *In the Interest of S.J., B.R. and J.J., Minors*, Judge Younge failed to be patient, dignified and courteous to litigants, witnesses, lawyers and others with whom she deals in an official capacity.

During the March 16, 2016 Termination of Parental Rights Hearing in *In the Interest of A.N.P., A Minor*, Judge Younge demonstrated an improper demeanor toward Mother and her attorney, John Capaldi, Esquire. Docket No. CP-51-AP-0000804-2015. Part way through the Hearing, Mother declared, "I'm getting sick." Judge Younge responded:

The Court: Okay, bye. Your [sic] excused. Your [sic] excused.

(Board Exhibit 13(A), N.T. T.P.R. Hrg. 36:22-24 (Mar. 16, 2016)) When Attorney Capaldi stated, "She's getting sick," Judge Younge stated:

The Court: Whatever. You don't have a client.

(*Id.* at 36:25-37:2) Judge Younge impatiently told Attorney Capaldi that he had seven minutes to put on his case, denied his request for a five-minute recess and refused to let him check on his client to see if she needed assistance. Judge Younge insisted that the case proceed without interruptions as follows:

The Court: You know what, doesn't she have her fiancé out there. He'll see to it if she's sick or not. Let's go. Let's do this case.

(*Id.* at 37:14-20)

Judge Younger adamantly refused to permit Mother to return to the courtroom to testify about her mental health and accused Mother of exhibiting disdain for the Court. She stated:

The Court: Oh, and I'm not allowing her to come back in. So that testimony is out the window because she walked out without permission of the Court. Even if she was sick she should have had the courtesy to let me know that. So her disdain for the Court has been noted. Keep going.

(*Id.* at 40:14-20) Following witness testimony, Judge Younger denied Attorney Capaldi's repeated request to check on Mother. When Attorney Capaldi stated that Mother's testimony about her own mental health was a planned offer of proof, Judge Younger claimed that Mother had waived her right to testify as follows.

The Court: So she has waived her opportunity to give testimony in her own hearing because without leave of the Court she decided to just get out.

(*Id.* at 41:20-23) Judge Younger insisted on completing the case without permitting Mother back in the courtroom, and claimed that Mother left the court without permission.

Judge Younger refused to allow Attorney Capaldi or James Wise, Esquire, Counsel for DHS, to deliver argument at the end of the hearing. When Mother attempted to reenter the courtroom, Judge Younger reacted with anger and impatience and again refused to allow Attorney Capaldi to check on his client. (Findings of Fact ¶¶ 90(a)-(l))

At the conclusion of the TPR Hearing, Judge Younger entered a Decree and Orders for the involuntary termination of Mother's parental rights to Child and a goal change to adoption. After Attorney Capaldi placed his objection on the record, Judge

Younge responded in an undignified and improper manner when she placed her own objection on the record:

The Court: Absolutely. And also note my objection to mother walking out in the middle of the hearing and not giving the Court notice.

(*Id.* at ¶¶ 46(d), 90(m), 91-92) (Board Exhibit 13(A), N.T. 45:5-7)

Instead of focusing on Mother's due process rights and her medical needs, Judge Younge misconstrued Mother's behavior as an affront to her as judge. Contrary to her characterization of events, Judge Younge excused Mother from the courtroom when she said, "Okay, bye. Your [sic] excused. Your [sic] excused." (*Id.* at 36:22-24) Yet, Judge Younge repeatedly demeaned Mother during the Hearing and claimed that she demonstrated a lack of courtesy and disdain for the court, failed to give notice to the court that she was leaving the courtroom and waived her opportunity to give testimony by exiting the court without permission. (Findings of Fact ¶¶ 93) (Board Exhibits 13(A), N.T. 36:15-37:20 & 13(B), Audio Segment 1559 at 4:00:42-4:01:30; Board Exhibits 13(A), N.T. 39:21-40:20 & 13(B), Audio Segment 1559 at 4:03:04 – 4:03:47; Board Exhibits 13(A), N.T. 41:9-42:19 & 13(B), Audio Segment 1604 at 4:04:46-4:05:54) Numerous people observed Judge Younge's unacceptable demeanor from the bench, including Attorney Capaldi, DHS Assistant Solicitor Wise, the Child Advocate and other individuals. (Board Exhibit 13(A), N.T. 2 (list of individuals at the March 16, 2016 TPR Hearing))

On April 1, 2016, Mother of A.N.P. filed a counseled Notice of Appeal and Concise Statement of Errors Complained of on Appeal. In its January 30, 2017 Opinion, the Superior Court vacated the Decree and Orders and remanded the case for another hearing. (Findings of Fact ¶¶ 46(e) & (g)) Within its Opinion, the Superior Court cautioned Judge Younge about her duty to be patient, dignified and courteous

and informed her of its expectation that she be mindful of Rule 2.8 of the Code of Judicial Conduct during the TPR Hearing on remand. (Board Exhibit 13(C), *In the Interest of: A.N.P. a Minor, Appeal of: E.C.G., Mother*, 155 A.3d 55, 68-69 (Pa. Super. Ct. 2017).)

During the March 16, 2016 Permanency Review Hearing in *In the Interest of Z.V., a Minor*, Judge Younge displayed an improper demeanor toward Maureen Pie, Esquire, counsel for Mother. Docket No. CP-51-DP-0001269-2015. Attorney Pie objected to Judge Younge's decision to change the Court's goal from reunification to adoption because there was no Petition for a goal change pending in the case. Attorney Pie questioned Judge Younge about her ruling so as to clarify on the record that she was changing the Court's goal to adoption, despite the nonexistence of a Goal Change Petition. Judge Younge impatiently responded to Attorney Pie as follows:

The Court: The DHS goal is now - - the permanency goal is now adoption. I'm not going to repeat myself.

(Findings of Fact ¶¶ 95(a)-(d)) (Board Exhibit 14(A), N.T. Permanency Review Hrg. 16:17-19 (Mar. 16, 2016)) When Attorney Pie continued to seek clarification of the goal change, Judge Younge loudly stated as follows:

The Court: I said the DHS permanency goal is adoption. The Court - - there's been no petitions filed. I understand that because believe this or not I've been doing this a long time. I got it.

(Findings of Fact ¶ 95(e) (Board Exhibit 14(A), N.T. 17:2-6) Judge Younge raised her voice to Attorney Pie and displayed an angry, arrogant, condescending tone of voice during the Hearing. When Attorney Pie attempted to apologize, Judge Younge responded in a dismissive, demeaning manner, stating, "Okay. Done." (Findings of Fact ¶¶ 96-98) (Board Exhibit 14(A), N.T. 16:13-17:11 & 14(B), Audio Segment 1400

at 2:02:08-2:02:40) Multiple people witnessed Judge Younge's defensive and disrespectful attitude and improper tone toward Attorney Pie, including DHS Counsel, James Wise, Esquire, the Child Advocate, the Case Manager, Mother and several other individuals. (Board Exhibit 14(A), N.T. 2 (list of individuals present at the March 16, 2016 Hearing))

During the December 14, 2016 Immunization Hearing in *In the Interest of A.W., Jr., a Minor, In the Interest of S.W., a Minor, In the Interest of J.W., a Minor, and In the Interest of M.S., a Minor*, Judge Younge abruptly interrupted testimony to unjustly reprimand Mother's counsel, Claire Leotta, Esquire, which caused her to be embarrassed in front of her colleagues. Docket Nos. CP-51-DP-0001428-2016, CP-51-DP-0001513-2016, CP-51-DP-0001514-2016 CP-51-DP-0001515-2016. The December 6, 2016 Continuance Order listed a 2:00 p.m. start time for the December 14, 2016 Hearing. (Board Exhibit 18(B), Continuance Order (Dec. 6, 2016)) Attorney Leotta was attached for another hearing that afternoon in Judge Furlong's courtroom, but arranged for Lisa Visco, Esquire to stand in for her at the Immunization Hearing before Judge Younge. (Findings of Fact ¶¶ 101-102, 104)

Judge Younge started the Hearing at 1:45 p.m. Attorney Visco announced that she was standing in for Attorney Leotta. Nevertheless, when Attorney Leotta entered Courtroom 5A at 1:59 p.m., Judge Younge stopped the testimony and confronted Attorney Leotta about her absence from the courtroom at 1:00 p.m., the intended start time for the Hearing. (*Id.* at ¶¶ 103, 105-106) (Board Exhibit 18(A), N.T. Immunization Hrg. 23:7-26:12 (Dec. 14, 2016)) Judge Younge displayed an angry, discourteous and impatient demeanor as she reprimanded and warned Attorney Leotta in open court about her failure to appear at 1:00 p.m. for the Immunization

Hearing. Judge Younger's improper demeanor toward Attorney Leotta caused her to cry in open court, in front of her client and her colleagues. (Findings of Fact ¶¶ 107-108)

It was inappropriate for Judge Younger to interrupt the proceedings to chastise Attorney Leotta from the bench, especially since she had arranged for Attorney Visco to represent Mother until she arrived at Court. Numerous individuals observed Judge Younger's angry, vindictive demeanor toward Ms. Leotta, including DHS counsel, the Child Advocate, Attorney Visco, Emily Cherniack, Esquire, Father, Mother and three social workers assigned to the case. (Board Exhibit 18(A), N.T. 2-3 (list of eleven individuals, other than Attorney Leotta, who were present at the December 4, 2016 Hearing))

On November 30, 2017, Judge Younger presided over a Termination of Parental Rights Hearing in *In the Interest of K.R., a Minor*, and *In the Interest of B.T., a Minor*, wherein the cases were marked "Must Be Tried." Docket Nos. CP-51-DP-0000933-2016 and CP-51-DP-0000935-2016. Brian McLaughlin, Esquire, counsel for Mother, timely signed in for the TPR Hearing, but was summoned to another courtroom by Judge Rebstock, where he was unexpectedly detained on another case. As a result, Attorney McLaughlin was not present in Courtroom 5A when Judge Younger called the TPR cases. Despite her knowledge that Attorney McLaughlin had been summoned to Judge Rebstock's courtroom, Judge Younger announced that he was in contempt of her Court Order for the TPR Hearing. That same day Attorney McLaughlin attempted to apologize to Judge Younger, but she refused to speak with him. (Findings of Fact ¶¶ 109(a)-(f))

During the week of December 4, 2017, following a hearing on another matter, Attorney McLaughlin again attempted to speak with Judge Younge about his absence from the courtroom during the November 30, 2017 TPR Hearing. Judge Younge concedes that when Attorney McLaughlin approached her during the week of December 4, 2017 to discuss the contempt issue, she was rude, arrogant and dismissive to him. (*Id.* at ¶¶ 110-111) By her admitted conduct of displaying a rude, arrogant and dismissive temperament toward Attorney McLaughlin, Judge Younge failed to be patient, dignified and courteous to a lawyer with whom she deals in an official capacity. Judge Younge's cumulative discourtesy and misconduct as described in this section unquestionably violated Rule 2.8.

Count Five: Ensuring the Right to Be Heard

Judge Younge violated Canon 2, Rule 2.6(A) of the Code of Judicial Conduct. Rule 2.6 is titled, "Ensuring the Right to Be Heard, and provides, in pertinent part:

(A) A judge shall accord to every person or entity who has a legal interest in a proceeding, or that person or entity's lawyer, the right to be heard according to law.

Canon 2, Rule 2.6(A).

Judge Younge repeatedly failed to accord to parents and guardians, to the lawyers representing parents and guardians, and to DHS the right to be heard according to law, and thereby violated Rule 2.6(A).

On March 16, 2016, while presiding over the TPR Hearing in *In the Interest of A.N.P., a Minor*, Judge Younge excused Mother from Courtroom 5A when she became ill. Docket No. CP-51-AP-0000804-2015. However, when John Capaldi, Esquire, counsel for Mother, repeatedly asked to check on Mother and to permit her to reenter

the courtroom, Judge Younge refused to grant those requests. (Findings of Fact ¶¶ 46(a) & (c), 90(a)-(b), (g) & (i))

Pursuant to the Pennsylvania Adoption Act, a judge is required to warn parents that if they fail to appear at a TPR Hearing, the judge will proceed with the hearing and may terminate their parental rights in their absence. 23 Pa.C.S. § 2513. Section 6388 of the Pennsylvania Juvenile Act provides that a party in a juvenile case has the right to testify, to present evidence and to cross-examine witnesses. 42 Pa.C.S. § 6338. Furthermore, Rule 1608(C)(1) of the Pennsylvania Rules of Juvenile Court provides that any evidence, including the parent's testimony, shall be offered to the court if it is helpful to the Court's decision.

In *In the Interest of A.N.P., a Minor*, Judge Younge did not warn Mother that despite her absence from the courtroom, the TPR Hearing would proceed and she might rule on the TPR Petition and the Petition for a goal change to adoption. (Findings of Fact ¶ 46(b)) After Mother left the Courtroom, Judge Younge impatiently directed Attorney Capaldi to put on his case in seven minutes, refused to let him call Mother to testify about her mental health, and denied his request to present argument on behalf of Mother. (*Id.* at ¶¶ 90(d), (g) & (k))

In its January 30, 2017 Opinion, the Superior Court vacated Judge Younge's Decree and Orders for termination of Mother's parental rights and goal change of adoption and remanded the case for a new TPR Hearing. (Board Exhibit 13(C), *In the Interest of A.N.P., a Minor, Appeal of E.C.G., Mother*, 155 A.3d 55, 68 (Pa. Super. Ct. 2017).) The Superior Court concluded that Judge Younge denied Mother her due process rights when she failed to warn her that the Hearing would proceed and the TPR and goal change to adoption rulings might issue in her absence. The Superior

Court also held that Judge Younge's refusal to allow Attorney Capaldi to call Mother to testify, "violated [her] constitutional guarantee to due process when it precluded her from the opportunity to be heard." *Id.*

By the following conduct, Judge Younge failed to ensure the right to be heard to Mother and Attorney Capaldi:

1. Truncating the TPR proceeding, refusing to permit Mother to reenter the courtroom, and denying her the opportunity to testify, introduce evidence and cross-examine witnesses;
2. Failing to warn Mother that she would proceed with the hearing and might terminate her parental rights in her absence; and
3. Refusing to permit Attorney Capaldi to call Mother as a witness and to argue on her behalf.

By her conduct in denying Mother her due process rights at the TPR Hearing in *In the Interest of A.N.P., a Minor*, as set forth above, Judge Younge failed to accord to Mother, a person who had a legal interest in the proceeding, or her lawyer, the right to be heard according to law.

In a series of three 2016 dependency cases, Judge Younge failed to hear or elicit testimony from DHS on requisite factors during the preplacement Adjudicatory Hearings, yet ruled that DHS failed to make reasonable efforts to prevent or eliminate the need for removal of children from the home. The consequences of a "no reasonable efforts" finding is that federal IV-E funding to cover the costs associated with the placement of each child is prohibited. (Board Exhibit 21(C), Pennsylvania Dependency Benchbook, 2nd Ed. (2014), Office of Children and Families in the Courts, Ch. 19, 19.19.1 at 19-33 to 19-34)

The Pennsylvania Juvenile Act provides that during an Adjudicatory Hearing, the appropriate legal standard for the preplacement inquiry includes whether the conditions in the child's home are contrary to the health, safety, and welfare of the

child and whether reasonable efforts were made to prevent or eliminate the need for removal of the child from the home. 42 Pa.C.S.A. § 6351(b). (Board Exhibit 21 (A), Ch. 6 at 6-11 to 6-12) Whereas, at a Permanency Hearing, which is a later phase of a juvenile case, the legal standard for the final placement inquiry includes whether the placement continues to be necessary and appropriate and whether reasonable efforts were made by the agency to finalize the placement plan. 42 Pa.C.S.A. § 6351(f). (Board Exhibit 21(B), Ch.12 at 12-33 to 12-34) The trial judge must assess the affirmative actions of DHS to make reasonable efforts to meet the various factors set forth at these distinguishable phases. Furthermore, the judge has a duty to elicit testimony on the reasonable efforts issue as follows:

“When possible, courts should ask questions to elicit the information needed to satisfy its belief that reasonable efforts have been provided.”

(Board Exhibit 21(A), Ch. 19.9.1, 19-34)

During the April 26, 2016 Adjudicatory Hearing in *In the Interest of K.C., A Minor*, Judge Younge applied the standard for a Permanency Hearing, rather than a preplacement Adjudicatory Hearing. Docket No. CP-51-DP-0000905-2016. Judge Younge failed to discuss or hear testimony from DHS about whether reasonable efforts were made to prevent or eliminate the need for removal of K.C. from the home. Judge Younge’s April 26, 2016 Order of Adjudication and Disposition included a ruling that DHS made “no reasonable efforts to prevent or eliminate the need for removal of Child from the home,” even though she failed to elicit testimony about the factors required for a preplacement hearing. (Findings of Fact ¶¶ 47(b)-(c))

In its February 24, 2017 Opinion and Order, the Superior Court vacated the ruling and remanded the case, based on Judge Younge’s failure to consider the

pertinent factors for a ruling on “reasonable efforts” at the preplacement Adjudicatory Hearing. (Board Exhibit 11(B), *In the Interest of K.C., a Minor, Appeal of The City of Philadelphia DHS*, 156 A.3d 1179 (Pa. Super. Ct. 2017).) By her April 26, 2016 conduct of ruling that DHS made “no reasonable efforts” to prevent or eliminate the need for removal of K.C. from the home, without hearing testimony from DHS on that issue, Judge Younge failed to accord to DHS, an entity who had a legal interest in a proceeding, or that entity’s lawyer, the right to be heard according to law.

Similarly, during the April 27, 2016 Adjudicatory Hearing in *In the Interest of K.S., a Minor, In the Interest of T.B., a Minor, In the Interest of M.B., a Minor, and In the Interest of N.B., a Minor*, Judge Younge applied the legal standard for a Permanency Hearing, rather than an Adjudicatory Hearing. Docket Nos. CP-51-DP-0015141-2005, CP-51-DP-0000921-2016, CP-51-DP-0000920-2016, and CP-51-DP-0000922-2016. Judge Younge heard testimony from DHS about services provided in the child dependency matters, including referrals for parenting services. Judge Younge’s April 27, 2016 Dependency Orders include the determination that DHS made “no reasonable efforts” to prevent or eliminate the need for removal of the children from the home.” (Findings of Fact ¶¶ 48(a)-(b)) However, as in *In the Interest of K.C.*, Judge Younge considered factors pertaining to the final placement of the children, rather than asking questions or requiring evidence relevant to the factors for a finding of reasonable efforts at the preplacement stage of the Adjudicatory Hearing.

A review of the April 27, 2016 transcript demonstrates that Judge Younge focused on whether DHS had a placement plan in place, or a concurrent placement

plan, when she concluded that no reasonable efforts were made. For example, she made the following statements during the Hearing:

“. . . because the fact that you don't have a placement today is enough for me to say no reasonable efforts;" and

"I don't know how I could give you all reasonable efforts . . . you guys had to have some indication that you were going to need placement. At least - - even if it's a concurrent plan so the Court would have some options"

(Board Exhibit 9(A), N.T. Adjudicatory Hrg. 27, 41 (Apr. 27, 2016)) These factors pertain to the Permanency Hearing phase of a juvenile matter, not to the preplacement Adjudicatory Hearing.

Furthermore, in her August 19, 2016 1925(a)(2)(ii) Opinion, Judge Younge stated that the basis for her finding of "no reasonable efforts" was that DHS failed to present a placement plan during the Adjudicatory Hearing. (Board Exhibit 9(B), 1925(a)(2)(ii) Family Ct. Opinion at 4-5 (Aug. 19, 2016)) Judge Younge's reliance on the non-existence of a placement plan was misplaced. Instead, she should have elicited testimony on the factors set forth at 42 Pa.C.S.A. § 6351(b). Those factors are clearly set forth in the Pennsylvania Dependency Benchbook. (Board Exhibit 21(A)-(C))

In its March 29, 2017 Memorandum and Order, the Superior Court opined that Judge Younge failed to make the necessary findings to form the basis for her ruling and that DHS made no reasonable efforts to prevent or eliminate the need for removing K.S., T.B., M.B. and N.B. from their home. The Superior Court vacated and remanded in part the April 27, 2016 ruling, to determine if DHS made reasonable efforts, based on the preplacement factors relevant at the Adjudicatory Hearing phase of the dependency cases. (Findings of Fact ¶ 48(g)) (Board Exhibit 9(C), *In the*

Interest of K.S., a Minor, In the Interest of T.B., A Minor, In the Interest of M.B., a Minor & In the Interest of N.B., a Minor, Appeal of Philadelphia DHS, Nos. 1662 EDA 2016, 1677 EDA 2016, 1681 EDA 2016 & 1684 EDA 2016, slip op. at 15 (Pa. Super. Ct. Mar. 29, 2017)) by her April 27, 2016 conduct in *In the Interest of K.S., T.B., M.B., and N.B., Minors*, of ruling that DHS made “no reasonable efforts” to prevent or eliminate the need for removal from the home, without hearing testimony on the required preplacement factors, Judge Younge failed to accord to DHS, an entity who had a legal interest in a proceeding, or its lawyer, the right to be heard according to law.

In a third similar case, during the November 21, 2016 Adjudicatory Hearing in *In the interest of G.S., a Minor*, Judge Younge ruled that DHS made “no reasonable efforts” to prevent or eliminate the need for removal of G.S. from the home. Docket No. CP-51-DP-0002329-2016. (Findings of Fact ¶ 49(b)) The Hearing transcript demonstrates that Judge Younge based the “no reasonable efforts” decision on the failure of the subcontracted social services agency to take G.S. to a follow-up medical appointment. (Board Exhibit 6(A), N.T. Adjudicatory Hrg. 19-23 (Nov. 21, 2016) (“How can I give reasonable efforts when she came in with a concussion that happened like a month ago?”).) This testimony is not relevant to the factors of 42 Pa.C.S.A. § 6351(b) because it does not pertain to affirmative actions or omissions by DHS to prevent or eliminate the need for removal of G.S. from the home.

Judge Younge approved the prior October 21, 2016 Master’s recommendation from the Shelter Care Hearing in *In the Interest of G.S, a Minor*, which found that DHS made “reasonable efforts.” (Findings of Fact 49(a)) In its October 2, 2017 Memorandum and Order, the Superior Court concluded that Judge Younge did not

elicit any testimony at the November 21, 2016 Adjudicatory Hearing to address the factors of § 6351(b) or that contradicted the prior findings that DHS made “reasonable efforts.” (Board Exhibit 6(B), *In the Interest of G.S., a Minor, Appeal of City of Philadelphia DHS*, No. 124 EDA 2017, slip op. at 67 (Pa. Super. Ct. Oct. 2, 2017).)

By her November 21, 2016 conduct in *In the Interest of G.S., a Minor*, of ruling that DHS made “no reasonable efforts” to prevent or eliminate the need for removal of G.S. from the home, without hearing testimony from DHS on that issue, Judge Younger failed to accord to DHS, an entity who had a legal interest in a proceeding, or its lawyer, the right to be heard according to law.

During the March 16, 2016 Permanency Review Hearing in *In the Interest of Z.V., a Minor*, the DHS goal was reunification of Z.V. with Mother and there was no Petition for a Goal Change pending before Judge Younger. Docket No. CP-51-DP-0001269-2015. Nevertheless, Judge Younger entered an Order, changing the goal from reunification to adoption without conducting a Goal Change Hearing. (Findings of Fact ¶¶ 51(b)-(d))

Pursuant to the Pennsylvania Juvenile Act, a goal change from reunification to adoption necessitates a Goal Change Hearing, including the presentation of testimony and evidence about the appropriateness of the permanency plan for the child, the parent’s compliance with the plan, and the progress toward the established placement goal. 42 Pa.C.S. § 6351(e)-(f). Whereas, the March 16, 2016 Hearing transcript demonstrates that Judge Younger relied solely on prior rulings by Judge Johnson in the *Z.V.* case and accepted only limited testimony from DHS. Judge Younger did not permit Mother’s counsel to present evidence or testimony on the

essential factors for a goal change. (Board Exhibit 14(A), N.T. Permanency Hearing 12-17 (Mar. 16, 2016) (“The Court is precluding any testimony about objectives as to mom.”))

In its March 23, 2017 Order and Opinion, the Superior Court vacated Judge Younge’s ruling and remanded the case for a new hearing on whether reunification of Z.V with Mother or a goal change to adoption was indicated. (Findings of Fact ¶ 52(f)) (Board Exhibit 14(C), *In the Interest of Z.V., a Minor, Appeal of D.S., Mother*, 158 A.3d 665, 671 (Pa. Super. Ct. 2017).) By her March 16, 2016 conduct in *In the Interest of Z.V., a Minor* of failing to conduct a Goal Change Hearing, prior to changing the goal from reunification to adoption, Judge Younge failed to accord to Mother, who had a legal right in the proceeding, or her lawyer the right to be heard according to law.

During the April 14, 2016 Shelter Care Hearing in *In the Interest of N.M., a Minor*, Judge Younge entered an Order, transferring custody of N.M. to DHS and placing her in general foster care. Born on February 12, 2016, N.M. was an infant who had sustained two rib fractures of unknown causation. At the July 7, 2016 Adjudicatory Hearing, Judge Younge heard medical testimony, made a finding of child abuse as to N.M., and entered an Order adjudicating N.M. and her brother, E.M, Dependent. At the conclusion of the hearing, Judge Younge ordered that N.M. be placed in non-kinship foster care and E.M. be placed in kinship foster care with Paternal Grandmother. (Findings of Fact ¶¶ 52(a)-(d)) (Board Exhibit 4(A), N.T. Adjudicatory Hearing 156:24-157:16 (July 7, 2016))

During the August 18, 2016 Dependency Hearing, Judge Younge refused Parents’ request to place N.M. with Paternal Grandmother. Four months later, at the

December 8, 2016 Hearing, she again refused the request of Parents and their counsel to place N.M. in kinship care “until there’s a determination as to the cause of N.M.’s injury.” (Findings of Fact ¶¶ 52(f)-(g)) At the December 8, 2016 Hearing, Judge Younge specifically stated that she would admit medical evidence that was relevant to the finding of abuse. (Board Exhibit 4(B), N.T. Dependency Hrg. 19:2-20:11; 22:7-14 (Dec. 8, 2016))

Parents filed counseled appeals to the Superior Court from Judge Younge’s December 8, 2016 denial of kinship care. While Parents’ appeals were pending, Judge Younge conducted additional hearings. Contrary to her December 8, 2016 statements, inviting medical evidence, Judge Younge refused to admit medical reports and expert testimony to explain the causation of N.M.’s rib fractures at subsequent hearings. (Findings of Fact ¶¶ 52(h), (j))

During the March 9, 2017 Hearing, Mother was represented by both Claire Leotta, Esquire and Mark Freeman, Esquire, who was newly hired to disprove parental abuse as the cause of N.M.’s two rib fractures. Judge Younge announced that Mother was not allowed to have two attorneys in the courtroom. She refused to hear Attorney Freeman’s statement about the medical evidence and expert testimony that he planned to present at a future hearing. Judge Younge concluded the proceeding without hearing any testimony on substantive issues or entering any Orders. (Board Exhibit 4(C), N.T. Dependency Hrg. 7:7-14:17 (Mar. 9, 2017) & 4(D), Audio Segment 1030 at 10:32:18-10:35:23; Audio Segment 1035 at 10:35:23-10:38:48) During the July 11, 2017 Hearing, Judge Younge again refused to permit Attorney Freeman to present testimony and evidence from two expert doctors, on behalf of Mother, about the medical causation of N.M.’s injuries. (Findings of Fact ¶ 52(j)) (Board

Exhibit 4(F), N.T. Hrg. 41:24-48:14 (July 11, 2017)) In its May 4, 2018 Opinion and Order, the Superior Court opined about Judge Younger's refusal to admit evidence pertaining to N.M.'s injuries:

"[A]t every hearing from March 2017 onward, she refused to allow such testimony, stating that the failure of Parents to appeal her earlier decision with regard to the etiology of N.M.'s injuries was final and could no longer be addressed."

(Board Exhibit 4(G), *In the Interest of N.M., a Minor, Appeal of J.C., Mother, Appeal of N.M., Father, In the Interest of N.W.M., a Minor, Appeal of N.M., Father, Appeal of J.C., Mother*, 186 A.3d 998, 1014 n.30 (Pa. Super. Ct. 2018).) By her 2016-2017 conduct in *In the Interest of N.M., a Minor*, of refusing to admit medical reports or allow expert testimony, offered to explain N.M.'s rib fractures, Judge Younger failed to accord to N.M.'s Mother and Father, who had a legal interest in the proceedings, or their lawyers, the right to be heard according to law.

During the August 17, 2017 Non-Placement Review Hearing in *In the Interest of D.C., a Minor, In the Interest of D.J.M., a Minor and In the Interest of: D.M., a Minor*, Judge Younger was focused on the late hour rather than the procedural rights of Children, Mother and their lawyers. Docket Nos. CP-51-DP-0113327-2009, CP-51-DP-0001315-2015 and CP-51-DP-0001316-2015. Judge Younger started the Hearing at 5:37 p.m., over 6 hours after the scheduled 11:30 a.m. start time, and frequently referred to the time of day while pressuring the participants to speed up the proceeding. (Findings of Fact ¶¶ 54(c)-(d), 71(a), 77-79)

Judge Younger repeatedly interrupted the direct examination of Case Manager Seibert about Mother's compliance with services. Judge Younger impatiently and repeatedly interrupted Child Advocate Colleen Swim, Esquire when she began the cross examination of Case Manager Seibert by challenging the relevancy of her

questions. She continually interfered with, and rushed the cross-examination by rapidly firing questions at Case Manager Seibert. (Findings of Fact ¶¶ 54 (a)-(d)) By these actions, Judge Younge unduly rushed the Hearing, rather than permitting the attorneys to elicit the planned and essential testimony to effectively represent their clients. By her August 17, 2017 conduct in *In the Interest of D.C., a Minor, D.J.M., a Minor* and *D.M., a Minor*, of rushing the Non-Placement Review Hearing, and limiting and controlling the testimony because of the late hour, Judge Younge failed to accord to D.C., D.J.M., D.M. or Mother, who had a legal interest in the proceeding, or their lawyers, the right to be heard according to law.

During the September 1, 2016 Adjudicatory Hearing in *In the Interest of S.S., A Minor*, Judge Younge failed to hear testimony on the record to form an evidentiary basis for adjudicating S.S. as Dependent. Docket No. CP-51-DP-0001823-2016. The Pennsylvania Juvenile Act requires DHS to prove by clear and convincing evidence the allegations in a Dependency Petition, requesting the Court to adjudicate a child dependent. 42 Pa.C.S. § 6341(a) & (c). A child may be adjudicated dependent if s/he, "while subject to compulsory school attendance, is habitually and without justification truant from school." § 6302, Definition Dependent Child at (5). Accordingly, at the September 1, 2016 Hearing, Judge Younge was required to hear or elicit testimony and evidence from DHS to prove by clear and convincing evidence that S.S. was required to go to school, but was repeatedly and unjustifiably truant. (See *also* Board Exhibit 21(A), Ch. 6, 6-12, Adjudicatory Hearing Summary, Key Questions pertaining to truancy)

In its Dependency Petition, DHS recommended that S.S. remain in Grandmother's home with supervision. Following an off-the-record sidebar

discussion with counsel, Judge Younge conducted an abbreviated proceeding. DHS did not present any witness testimony on the record about the facts set forth in its Dependency Petition pertaining to the truancy of S.S. Counsel for Grandmother, Aaron Mixon, Esquire, offered to place evidence on the record. However, Judge Younge responded that she would only allow documentation to refute the truancy, but did not want any testimony. Based solely on the sidebar discussion, which was not entered into the record, Judge Younge adjudicated S.S. dependent, ordered his removal from the home and placement in foster care, with exploration of placement in a residential juvenile facility. (Findings of Fact ¶¶ 50 (a)-(d)) (Board Exhibit 2(A), N.T. Adjudicatory Hrg. 6:8-17 (Sept. 1, 2016))

In its October 18, 2017 Memorandum and Order, the Superior Court reversed Judge Younge's September 1, 2016 Order, finding that there was no basis on the record for adjudicating S.S. as dependent. (Findings of Fact ¶ 50(f)) (Board Exhibit 2(C), *In the Interest of S.S., Appeal of M.J., Legal Guardian*, No. 3002 EDA 2016, slip op. at 7-9) (Pa. Super. Ct. Oct. 18, 2017).) By her September 1, 2016 conduct in *In the Interest of S.S., a Minor*, of adjudicating S.S. dependent, and ordering that he be removed from home and placed in foster care, based on a non-transcribed sidebar discussion, and in the absence of any testimony or evidence on the record, Judge Younge failed to accord to S.S. or his guardian, who had a legal interest in the proceeding, or their lawyer, the right to be heard according to law.

Prior to and during a bifurcated January 23, 2018 TPR and Contempt Hearing in *In the Interest of K.R., a Minor* and *In the Interest of B.T., a Minor*, Judge Younge failed to accord the right to be heard to Brian McLaughlin, Esquire, counsel for Mother, and his lawyer, Karen D. Williams, Esquire. Docket Nos. CP-51-DP-0000933-2016;

CP-51-DP-0000935-2016. The contempt allegation arose on November 30, 2017 at the TPR Hearing for K.R. and B.T., which was marked "Must Be Tried." Attorney McLaughlin had timely signed in for the TPR Hearing. However, Attorney McLaughlin was absent from Courtroom 5A when Judge Younge called the case because he was summoned to, and unexpectedly detained, at a lengthy hearing in Judge Rebstock's courtroom. Judge Younge issued a Rule to Show Cause why Attorney McLaughlin should not be held in contempt for his absence from her courtroom for the TPR Hearing. (Findings of Fact ¶¶ 55(a)-(b), 109(a)-(e), 112(a)-(k) & (m))

At the December 19, 2017 Hearing in the TPR matter, Attorney McLaughlin requested to withdraw as counsel, but the motion remained undecided. (Board Exhibit 7(C) N.T. Hearing 4:15-5:6 (Dec. 19, 2017)) Judge Younge continued the TPR matter until after the scheduled January 8, 2018 Contempt Hearing, which did not occur. (*Id.* at 4:8-15) (Finding of Fact ¶ 112(b)) Attorney McLaughlin appeared at the January 23, 2018 Hearing because he was still attached to the TPR cases. Neither Attorney McLaughlin nor Attorney Williams received notice that the Contempt Hearing was also scheduled for January 23, 2018. Judge Younge had not yet issued any notice about whether the contempt allegation was civil or criminal in nature. Judge Younge admits that Attorney McLaughlin was not aware that the Contempt Hearing would occur on January 23, 2018 and had no witnesses present in the courtroom. (Findings of Fact ¶¶ 55(f)-(g) & (i), 112(q)-(r), 114)

The January 23, 2018 transcript demonstrates that at the start of the Hearing, Judge Younge granted Attorney McLaughlin's Motion to Withdraw as Mother's counsel in *In the Interest of K.R. and B.T.* He and Attorney Williams then left the courtroom. Judge Younge granted a recess and sent a message for Attorneys McLaughlin and

Williams to return for the contempt matter. Upon their return, Attorney Williams vigorously argued against proceeding on the contempt matter, stating that they had no notice as to whether it was civil or criminal contempt, no notice that the contempt hearing would be held that day, and no opportunity to prepare witnesses or present testimony. (Board Exhibit 7(A), N.T. Hearing 5:11-24; 13:7-14:23; 25:6-12; 30:15-22; 32:21-33:10 (Jan. 23, 2018))

Judge Younge recited the facts underlying the allegation of contempt. She did not elicit any testimony from witnesses or state any facts as to whether Attorney McLaughlin willfully intended to violate her "Must Be Tried" Order, an essential element of civil contempt. (*Id.* at 23:14-26:21; 34:9-17) Toward the end of the Hearing, Attorney Williams repeatedly stated that her client wished to testify, but Judge Younge would not permit it. (*Id.* at 42:15-43:5) Judge Younge entered an Order, holding Attorney McLaughlin in civil contempt and imposed a fine of \$750. (Findings of Fact ¶¶ 55(h), 112(s))

In its April 29, 2019 Memorandum and Order, the Superior Court vacated Judge Younge's ruling on the basis that there was no evidence of, nor a finding by the Court that Attorney McLaughlin possessed a willful intent to disobey Judge Younge's Order for the November 30, 2017 "Must Be Tried" TPR Hearing. (Findings of Fact ¶¶ 115-118) (Board Exhibit 7(B), *In the Interest of K.R., a Minor, Appeal of Brian McLaughlin, Esq. & In the Interest of B.T., a Minor, Appeal of Brian McLaughlin, Esq.*, Nos. 587 EDA 2018 & 588 EDA 2018, slip op. at 7 (Pa. Super. Ct. Apr. 29, 2019).)

By her January 23, 2018 conduct of conducting a Contempt Hearing, without providing notice of the Hearing date and time or identifying the type of contempt,

Judge Younge failed to accord to Attorney McLaughlin, who had a legal interest in the proceeding, or his lawyer, the right to be heard according to law. Additionally, by her conduct of holding Attorney McLaughlin in contempt of court and fining him \$750, without providing him with an opportunity to call defense witnesses or to testify on his own behalf, and in the absence of any evidence of a willful intent to disobey, Judge Younge failed to accord to Attorney McLaughlin, who had a legal right in the proceeding, or his lawyer, the right to be heard according to law.

During the February 7, 2018 Permanency Review Hearing in *In the Interest of J.Y., A Minor*, Judge Younge suddenly discharged J.Y. from the Board Extension program in reliance on the statements of DHS and without hearing testimony from J.Y. or the Child Advocate relevant to overnight visits by G.N. Docket No. CP-51-DP-0001224-2017. J.Y., an 18 year-old female high school student, was on a Board Extension program and living with Foster Parents since September 2017. Following testimony about J.Y.'s medical issues and absences from school, Judge Younge questioned whether she was truant and thereby, non-compliant with the Board Extension requirements. However, Judge Younge agreed to reconsider the Board Extension if medical records were produced at the next hearing, which proved that the absences were excused for medical reasons. (Findings of Fact ¶¶ 56(a), 66, 67(a)-(f))

Next, DHS Social Worker William Henning informed Judge Younge that J.Y.'s boyfriend, G.N., was spending overnights at the foster home. After briefly questioning Foster Father about G.N.'s overnight visits, Judge Younge became irate and indulged in an undignified, vindictive tirade, screaming, ". . . I'm not paying caregivers to allow the hookup here." After speculating that J.Y. was engaging in

"hookups," without permitting J.Y. or Child Advocate Jane Kim to speak to the issue, Judge Younge abruptly discharged J.Y. from the Board Extension program. (Findings of Fact ¶¶ 56(b)-(d), 67(g), (j), 68-69) (Board Exhibit 15(A), N.T. Permanency Hrg. 45:25-47:7 (Feb. 7, 2018)) By her February 7, 2018 conduct in *In the Interest of J.Y., a Minor* of discharging J.Y. from the Board Extension program, without providing her or her lawyer with an opportunity to testify, Judge Young failed to accord to J.Y., a person who had a legal interest in the proceeding, or her lawyer, the right to be heard according to law.

By this pattern of conduct of failing to accord to each person or entity, who has a legal interest in the proceeding, or that person or entity's lawyer, the right to be heard according to law, Judge Younge violated Canon 2, Rule 2.6(A).

Count Six: Promoting Confidence in the Judiciary

Judge Younge violated Canon 1, Rule 1.2 of the Code of Judicial Conduct. Rule 1.2 is titled, "Promoting Confidence in the Judiciary," and provides:

A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

Canon 1, Rule 1.2. In its analysis of former Canon 2A, which is analogous to Rule 1.2, our Supreme Court stated:

"A judicial officer represents a public trust and the conduct of a judicial officer may bear upon the independence and integrity of the judiciary"

In re Carney, 79 A.3d 490, 506 (Pa. 2013). Recently, this Court held that a Respondent's repeated acts of misconduct, including an improper demeanor, retaliation and harassment toward staff, attorneys, litigants, police officers and other individuals who appeared before him violated Canon 1, Rule 1.2 of the Rules

Governing Standards of Conduct of Magisterial District Judges. *In re Hladio*, 6 JD 2016, slip op. at 48, 50 (Pa.Ct.Jud.Disc. Mar. 25, 2019) *See also In re Maruszczak*, 1 JD 2018, slip op. at 8 (Pa.Ct.Jud.Disc. Jan. 9, 2019) (Respondent's aggressive, rude, insulting and threatening conduct violated Rule 1.2 of the Code of Judicial Conduct).

In the instant case, the Board proved by clear and convincing evidence that Judge Younge engaged in repetitive acts of misconduct as follows:

1. A pattern of conduct of inordinate delay in filing 1925(a)(2)(ii) Opinions in Children's Fast Track Appeals;
2. A pattern of conduct of failing to ensure the right to be heard in Children's Dependency and Termination of Parental Rights cases;
3. A pattern of conduct of failing to uphold the law and perform her duties fairly and impartially in Children's Dependency and Termination of Parental Rights cases;
4. A pattern of conduct of exhibiting an improper demeanor toward litigants, witnesses, attorneys, social workers and others with whom she deals in an official capacity; and
5. A pattern of conduct of holding parents in contempt, including incarceration, and ordering the detention of other parents in holding cells with the threat of incarceration, without conducting a contempt hearing or adhering to Pennsylvania law governing contempt.

By the misconduct described herein, Judge Younge failed to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary and failed to avoid impropriety and the appearance of impropriety, and thereby violated Rule. 1.2.

Count Seven: Impartiality and Fairness

Judge Younge violated Canon 2, Rule 2.2 of the Code of Judicial Conduct. Rule 2.2 is titled, "Impartiality and Fairness," and provides:

A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.

Canon 2, Rule 2.2.

Judge Younge failed to uphold and apply the law, and to perform her judicial duties fairly and impartially in numerous dependency and TPR cases, and thereby violated Rule 2.2. Many of these cases are set forth in prior sections of this discussion. Judge Younge admitted to this charge in her Answer and the record includes many examples of her partiality.

One example of Judge Younge's partiality is as follows: Beginning with the July 7, 2016 Adjudicatory Hearing in *In the Interest of N.M., a Minor*, and continuing through the subsequent Hearings, Judge Younge failed to uphold and apply the Juvenile Act and entered partial and unfair rulings. Docket No. CP-51-DP-0000856-2016. The stated primary purpose of the Juvenile Act is to preserve the family unit. 42 Pa. C.S.A. § 6301(b)(1). Pursuant to the Act, where a judge believes that it is not appropriate to return a child to the parents' home, the judge is required to explore the options for placement of the child with a fit and willing relative, which is known as kinship care. § 6351(f.1)(4).

Judge Younge refused to consider leaving the child with any members of her extended family. An appeal was taken and in its May 4, 2018 Opinion and Order, the Superior Court opined:

"While this court must take and does take the issue of abuse of a child very seriously, the fact that a trial judge tells parents that unless one of them 'cops to an admission of what happened to the child' they are going to lose their child, flies in the face of not only the [Child Protective Services law], but of the entire body of case law with regard to the best interest of the child and family reunification. We find that the record herein provides example after example of overreaching, failing to be fair and impartial, evidence of a fixed

presumptive idea of what took place and a failure to provide due process to the two parents involved.”

(Board Exhibit 4(G), *In the Interest of N.M., a Minor, Appeal of J.C., Mother, Appeal of N.M., Father, In the Interest of N.W.M., a Minor, Appeal of N.M., Father, Appeal of J.C., Mother*, 184 A.3d 998, 1014 n.30 (Pa. Super Ct. 2018) (emphasis added).)

In considering her cumulative misconduct it is clear that Judge Younge failed to uphold and apply the law and failed to perform all duties of judicial office fairly and impartially, and thereby violated Canon 2, Rule 2.2 of the Code of Judicial Conduct.

Count Eight: Article V, § 17(b)

Judge Younge violated Article V, § 17(b) of the Constitution of the Commonwealth of Pennsylvania. Article V, § 17(b) provides, in pertinent part:

Justices and judges shall not engage in any activity prohibited by law and shall not violate any canon of legal or judicial ethics prescribed by the Supreme Court.

PA. CONST. art. V, § 17(b). A violation of the Code of Judicial Conduct is an automatic derivative violation of Article V, § 17(b). The Board proved by clear and convincing evidence that Judge Younge violated Rules 1.1; 1.2; 2.2; 2.5(A); 2.5(B); 2.6(A); 2.8(B) and 2.12(A) of the Code of Judicial Conduct. Therefore, as a direct result of those violations, Judge Younge violated Article V, § 17(b).

Count Nine: Article V, § 18(d)(1), Administration of Justice Clause

Article V, § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania.

Article V, § 18(d)(1) provides, in pertinent part:

A justice, judge or justice of the peace may be suspended, removed from office or otherwise disciplined for . . . conduct which prejudices the proper administration of justice.

PA. CONST. art. V, § 18(d)(1). Judge Younge’s pattern of misconduct of inordinate, unjustifiable delay in Children’s Fast Track Appeals, failure to comply with the law

governing contempt, failure to ensure the right to be heard and failure to uphold and apply the law prejudiced the proper administration of justice.

The test for a violation of the Administration of Justice Clause includes the following factors:

1. Whether the misconduct "departs from the standard expected of judges and has the effect of obstructing or interfering with the systematic operation or normal functions of the court;" and
2. Whether the judicial officer "acted with the knowledge and intent that the conduct would have a deleterious effect upon the administration of justice, for example by effecting a specific outcome."

In re Sullivan, 135 A.3d 1164, 1173 (Pa.Ct.Jud.Disc. 2016) (citing *In re Smith*, 687 A.2d at 1229, 1237-38).

Judge Younge's June 24, 2016 through May 17, 2018 misconduct of failing to timely file 1925(a)(2)(ii) Opinions in Children's Fast Track Appeals in especially when coupled with her other misconduct falls below the standard expected of a judge. This Court must weigh Judge Younge's misconduct in light of her explicit duty, her knowledge of that duty and the effect that her dereliction of duty had on the judicial system and the lives of children and their families.

Judge Younge's failure to comply with the Children's Fast Track Rules for filing her Opinions had the effect of obstructing and interfering with the systematic operation and normal function of both the Court of Common Pleas and the Superior Court. Because of Judge Younge's inordinate, unjustifiable delay in filing her Opinions, the clerk of the Court of Common Pleas could not timely submit the complete trial court record to the Superior Court in numerous Children's Fast Track Appeals. Consequently, the Superior Court could not begin its review of each of the delayed cases until it received the complete record. Moreover, the Superior Court

judges and staff were forced to expend time and resources to monitor Judge Youngé's compliance, or lack thereof, with the Children's Fast Track Rules and notify her about the growing backlog. (Findings of Fact ¶¶ 14, 16, 22- 26)

As a result the misconduct set forth above, Judge Youngé prejudiced the proper administration of justice and thereby violated Article V, § 18(d)(1).

Count Ten: Article V, § 18(d)(1), Disrepute Clause

Article V, § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania.

Section 18(d)(1) provides, in pertinent part:

A justice, judge or justice of the peace may be suspended, removed from office or otherwise disciplined for . . . conduct which . . . brings the judicial office into disrepute, whether or not the conduct occurred while acting in a judicial capacity.

Pa. Const. art. V, § 18(d)(1). In determining whether the Board has met its burden of proof for disrepute, this Court examines and weighs the particular facts on a case-by-case basis. *In re Shaw*, 192 A.3d 350, 370-71 (Pa.Ct.Jud.Disc. 2018) (*quoting In re Cicchetti*, 697 A.2d 297, 312 (Pa.Ct.Jud.Disc. 1997)). The Pennsylvania Supreme Court has recognized the need for the individualized approach in deciding cases of disrepute. *In re Carney*, 79 A.3d 490, 501 (Pa. 2013).

The test for a violation of the Disrepute Clause requires clear and convincing evidence that the judicial officer engaged in misconduct, which was "so extreme" that it brings disrepute upon the entire judiciary. *In re Segal*, 3 JD 2015, slip op. at 40 (Pa.Ct.Jud.Disc. July 21, 2016) (citing *In re Cicchetti*, 743 A.2d 431, 443-44 (Pa. 2000)). The Board must prove that the judge's misconduct harmed the reputation of that particular judge and damaged the reputation of the judicial office itself. *In re Berkhimer*, 930 A.2d 1255, 1258 (Pa. 2007) (citing *In re Zupsic*, 893 A.2d 875, 888 (Pa.Ct.Jud.Disc. 2005)). In

some judicial disciplinary cases, it is challenging to determine if the misconduct of the individual judge has adversely impacted the reputation of all judges:

“It is fair to say that the difficulty in deciding these cases has not been in determining whether the conduct is ‘bad’ or ‘reprehensible’ or whether it makes the particular judge ‘look bad;’ the difficulty has been in determining whether the conduct of the particular judge makes *everybody* ‘look bad,’ whether it makes judges *collectively* ‘look bad,’ whether the conduct gives *all* judges a ‘bad name’ - whether it is such that brings the office itself into disrepute.”

In re Merlo, 58 A.3d 1, 10 (Pa. 2012) (citing *In re Berry*, 979 A.2d 991, 998 (Pa.Ct.Jud.Disc. 2009) (emphasis in original)).

In deciding whether a judge’s misconduct rises to the level of disrepute, this Court applies the standard of “. . . the reasonable expectations of the public of a judicial officer's conduct.” *In re Carney*, 79 A.3d at 494. The analysis of the reasonable expectations of the public integrates the principle that a respondent judge represents the judicial office to members of the public and therefore his or her misconduct reflects back on the entire judiciary. *Berkhimer*, 930 A.2d at 1258-59. Therefore, this Court considers the evidence of misconduct “as if the public knows about it.” *In re Berry*, 979 A.2d at 999-1000. Here there is no question that the sum total of Judge Younge’s repeated and varied misconduct has brought disrepute upon the judiciary.

IV. Conclusions of Law

Judge Younge’s misconduct, constitutes the following violations of the Code of Judicial Conduct and the Pennsylvania Constitution:

- A. At Count One, Judge Younge violated Canon 2, Rule 2.5(A) and Rule 2.5(B).
- B. At Count Two, the Board has proved by clear and convincing evidence that Judge Younge violated Canon 2, Rule 2.12(A).

- C. At Count Three, Judge Younge violated Canon 1, Rule 1.1.
- D. At Count Four, Judge Younge violated Canon 2, Rule 2.8(B).
- E. At Count Five, Judge Younge violated Canon 2, Rule 2.6(A).
- F. At Count Six, Judge Younge violated Canon 1, Rule 1.2.
- G. At Count Seven, Judge Younge violated Canon 2, Rule 2.2.
- H. At Count Eight, the Board has proved by clear and convincing evidence that Judge Younge violated Article V, § 17(b) of the Constitution of the Commonwealth of Pennsylvania.
- I. At Count Nine, Judge Younge violated the Administration of Justice Clause of Article V, § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania.
- J. At Count 10, Judge Younge violated the Disrepute Clause of Article V, § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania.

The parties have ten days to file objections. A date for a Sanction Hearing will then be set.