

**COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE**

COURT OF JUDICIAL DISCIPLINE  
OF PENNSYLVANIA

AUG 20 2019

RECEIVED AND FILED

IN RE:

Lyris F. Younge :  
Court of Common Pleas :  
First Judicial District : 2 JD 2019  
Philadelphia County :

**TO: LYRIS F. YOUNGE**

**You are hereby notified that the Pennsylvania Judicial Conduct Board has determined that there is probable cause to file formal charges against you for conduct proscribed by Article V, § 17(b) and the Disrepute and Administration of Justice Clauses of § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania, and 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. The Board's counsel will present the case in support of the charges before the Pennsylvania Court of Judicial Discipline.**

**You have an absolute right to be represented by a lawyer in all proceedings before the Court of Judicial Discipline. Your attorney should file an entry of appearance with the Court of Judicial Discipline within fifteen (15) days of service of this Board Complaint in accordance with C.J.D.R.P. No. 110.**

**You are hereby notified, pursuant to C.J.D.R.P. No. 302(B), that should you elect to file an omnibus motion, that motion should be filed no later than thirty (30) days after the service of this Complaint in accordance with C.J.D.R.P. No. 411.**

**You are further hereby notified that within thirty (30) days after the service of this Complaint, if no omnibus motion is filed, or within twenty (20) days after the dismissal of all or part of the omnibus motion, you may file an Answer admitting or denying the allegations contained in this Complaint in accordance with C.J.D.R.P. No. 413. Failure to file an Answer shall be deemed a denial of all factual allegations in the Complaint.**

## **COMPLAINT**

AND NOW, this 20<sup>th</sup> day of August, 2019 comes the Judicial Conduct Board of the Commonwealth of Pennsylvania and files this Board Complaint against the Honorable Lyris F. Younge, Judge of the Court of Common Pleas of the First Judicial District, Philadelphia County, alleging that Judge Younge has violated the Code of Judicial Conduct and Article V, §§ 17(b) and 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania, as more specifically delineated herein.

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 Younge had significant experience with Child Dependency matters.

3. Between 2003 and 2013, then Attorney Younge 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 Younge 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 Younge 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 Younge 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 Younge from the Family Division to the Statutory Appeals Section of the Civil Division, effective July 2, 2018.

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 is probable cause to file formal charges against Judge Younge in this Court.

**A. Inordinate Delay**

**JCB File No. 2018-090**

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 Superior Court Case Flow Manager Lisa Eldridge 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 Case Flow Manager Eldridge 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 Case Flow Manager Eldridge 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 2017.

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

<u>Date</u>	<u>Overdue Opinions</u>	<u>From</u>	<u>Subject</u>
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
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**. JCB File No. 2018-459.

- 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**. JCB File No. 2018-090.

- 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;
- 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;
- c. The 1925(a)(2)(ii) Opinion was due on October 26, 2016;
- d. On May 12, 2017, Judge Younge untimely filed the 1925(a)(2)(ii) Opinion;
- e. On October 18, 2017, the Superior Court filed its Memorandum and Order, reversing Judge Younge's September 1, 2016 Order; and
- f. Judge Younge failed to list *In the Interest of S.S., 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.

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**. JCB File No. 2018-090.

- 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 Younge untimely filed the 1925(a)(2)(ii) Opinion;



- e. On January 4, 2017, the Superior Court filed its Memorandum, affirming the May 5, 2016 Order; and
- f. Judge Younge 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.

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 Younge filed the 1925(a)(2)(ii) Opinion, **184 days late**. JCB File No. 2018-323.

- a. On December 8, 2016, Judge Younge presided over a Permanency Review Hearing and entered an Order for N.M. to remain in foster care;
- 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 Younge 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 Younge filed the 1925(a)(2)(ii) Opinion **52 days late**. JCB File No. 2018-323.

- a. On October 26, 2017, Judge Younge 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**. JCB File No. 2018-090.

- 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;
- 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; and
- 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.

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**. JCB File No. 2018-090.

- 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;"
- b. On December 20, 2016, Mother 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."

34. In the Children's Fast Track Appeals, *In the Interest of K.R., A Minor*, Docket No. 587 EDA 2018 and *In the Interest of B.T., a Minor*, Docket No. 588 EDA 2018, Judge Younge filed the 1925(a)(2)(ii) Opinion **129 days late**. JCB File No. 2018-090.

- a. On January 23, 2018, Judge Younge presided over the Contempt Hearing of Attorney Brian McLaughlin and entered an Order, holding him in civil contempt of court and fining him \$750;
- b. On February 21, 2018, Attorney McLaughlin filed a timely 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 March 23, 2018;
- d. On July 31, 2018, Judge Younge untimely filed the 1925(a)(2)(ii) Opinion;
- e. On April 29, 2019, the Superior Court issued its Memorandum and Order, vacating the January 23, 2018 Order; and
- f. Judge Younge failed to list *In the Interest of K.R., A Minor* and *In the Interest of B.R., A Minor*, on her June 2017 703 Report Form, even though the Opinion was greater than 90 days overdue on June 30, 2018, the last day of the reporting period.

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 Younge filed the 1925(a)(2)(ii) Opinions **121 days late**. JCB File No. 2018-362.

- a. On December 1, 2017, Judge Younge presided over the Adjudicatory Hearing and entered an Order adjudicating Q.R., and L.R. Dependent;
- 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

Younge adjudicated N.M. Dependent and entered an Order, holding H.R. in Contempt of Court;

- 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 Younge 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.

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 Younge filed the 1925(a)(2)(ii) Opinion **55 days late**. JCB File No. 2018-090.

- a. On April 27, 2016, Judge Younge 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;"
- 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; 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."

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**. JCB File No. 2018-090.

- a. On August 3, 2017, Judge Younger 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;
- 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 Younger untimely filed the 1925(a)(2)(ii) Opinion; and
- e. On July 30, 2018, the Superior Court filed its Opinion, vacating the contempt decision.

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

- a. On April 26, 2016, Judge Younger 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;"
- 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 Younger 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.

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 Younger filed the 1925(a)(2)(ii) Opinions **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;
- 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.

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 Younge 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 Younge 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 Younge 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. JCB File No. 2018-090.

- 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, vacating the Decree and Orders for termination of Mother's parental rights and goal change of adoption, and remanded the case for another hearing; and
- h. On February 8, 2017, Judge Younger 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 Younger presided over a Dependency Hearing in *In the Interest of K.C., a Minor*, Docket No. CP-51-DP-0000905-2016. JCB File No. 2018-090.

- a. During the hearing, Judge Younger 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, 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;
- 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-00015141-2005; *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 and N.B., a Minor*, Docket No. CP-51-DP-0000922-2016. JCB File No. 2018-090.

- 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 of 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 Younger'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 Younger 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*, 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 Younger's decisions in all four cases, to determine whether reasonable efforts were made to prevent or eliminate the removal of Children from the home;
- h. The Superior Court determined that Judge Younger 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 removal from the home; and
- i. On remand at the May 15, 2018 Permanency Hearing, Judge Younger 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 Younger presided over an Adjudicatory Hearing in *In the Interest of G.S., a Minor*, Docket No. CP-51-0002329-2016. JCB File No. 2018-090.

- a. At the October 21, 2016 Shelter Care Hearing, Judge Younger 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 Younger 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, Mother filed a Motion for Reconsideration. Judge Younger did not enter an Order deciding the Motion for Reconsideration;

- d. On December 20, 2016, Mother 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 Younge 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 Younge 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;
- 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 for reasonable efforts to prevent or eliminate removal 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. JCB File No. 2018-090.

- 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.

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. JCB File No. 2018-090

- 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; 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.

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. JCB File No. 2018-323.

- 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 Younger transferred legal custody of N.M. to DHS and placed her in foster care;
- c. On July 7, 2016, Judge Younger presided over an Adjudicatory Hearing, heard testimony and entered an Order, adjudicating N.M. and her then-two-year-old brother, N.M., Dependent;
- d. In the July 7, 2016 Order, Judge Younger removed Children from Parent's care, placed N.M. in kinship foster care with Paternal Grandmother, and placed N.M. in non-kinship foster care;
- e. On August 18, 2016, Judge Younger adjudicated N.M. Dependent with supervision and reunified him with Parents;
- f. On August 18, 2016, Judge Younger refused Parent's request to place N.M. in kinship foster care;
- g. On December 8, 2016, Judge Younger 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;"
- 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 Younger conducted additional hearings, wherein she refused to admit expert medical reports offered to explain N.M.'s rib fractures;
- k. Judge Younger filed the 1925(a)(2)(ii) Opinions on August 10, 2017, 184 days late;
- l. Judge Younger continued to keep N.M. in foster care, denying her placement in an approved kinship foster care home;
- m. On October 26, 2017, Judge Younger 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; and
- 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. JCB File No. 2018-090.

- 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; and
- 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. JCB File No. 2018-362.

- 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 Younge repetitively referred to the late time of day while impatiently presiding over the hearing.

55. On November 30, 2017, Judge Younge 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. JCB File No. 2018-090

- a. Mother's counsel, Brian McLaughlin was not present in the courtroom when Judge Younge called the case, because he was summoned by Judge Robert Rebstock, and unexpectedly detained for a lengthy hearing, in a nearby courtroom;
- b. Judge Younge 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 Younge bifurcated the contempt matter from the TPR cases and listed the contempt proceeding for December 7, 2017;
- d. On December 7, 2018, Judge Younge 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 Younge did not conduct the Contempt Hearing on that date;
- f. Judge Younge 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 Younge's courtroom on a Family Court matter, separate from the Contempt Hearing;
- h. On January 23, 2018, Judge Younge 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 of in *In the Interest of J.Y., A Minor*, Docket No. CP-51-DP-0001224-2017. JCB File No. 2018-144.

- 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; and
- 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.

**JCB File No. 2018-090**

*In the Interest of J.C., A Minor*

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:

- 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. I would not believe his tongue if it were notarized. And honest to goodness, I mean that."

N.T. Permanency Hearing 24:9-13 (Apr. 27, 2016).

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.

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.

**JCB File No. 2014-144**

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.

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 and referred to as a "Board Extension."

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 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;
- g. 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;
- h. DHS Social Worker Henning advised Judge Younge that G.N. had not been cleared by DHS;
- i. Judge Younge 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 Younge 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 Younge 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.

N.T. Permanency Review Hearing 46:3-6 (Feb. 7, 2018).

69. When Foster Father attempted to respond, Judge Younge 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.

*Id.* at 46:8-13.

70. During the February 7, 2018 Permanency Hearing in *In the Interest of J.Y., A Minor*, Judge Younge exhibited an impatient, undignified, discourteous and disrespectful demeanor toward J.Y., Foster Parents and others with whom she deals in an official capacity.

**JCB File No. 2018-362**

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. JCB File No. 2018-362.

- 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.

N.T. Non-Placement Review Hearing 13:18-21 (Aug. 17, 2017).

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?

*Id.* at 18:13-21.

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?"

*Id.* at 19:16-18.

77. During the August 17, 2018 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.

*Id.* at 18:23-25.

79. Judge Younge 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.

*Id.* at 27:4-17.

80. During the August 17, 2018 Hearing in *In the Interest of D.C., D.M. and D.J.M., Minors*, Judge Younge presented with a poor demeanor and attitude.

81. During the August 17, 2018 Hearing in *In the Interest of D.C., D.M. and D.J.M., Minors*, Judge Younge appeared frustrated and upset

82. During the August 17, 2018 Hearing in *In the Interest of D.C., D.M. and D.J.M., Minors*, Judge Younge made inappropriate facial expressions that were disdainful and sarcastic and rolled her eyes when she was displeased.

83. During the August 17, 2018 Hearing in *In the Interest of D.C., D.M. and D.J.M., Minors*, Judge Younge demonstrated an impatient, undignified and discourteous demeanor toward the litigants, attorneys, caseworkers and others with whom she deals in an official capacity.

**JCB File No. 2018-422**

84. On February 16, 2018, Judge Younge 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.

- 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.

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.

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.

**JCB File No. 2018-090**

*In the Interest of A.N.P., A Minor*

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-DP-0000423-2013 and demonstrated an improper demeanor toward Mother and her attorney, John Capaldi, Esquire.

- 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 Younge responded:

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

T.P.R. Hearing Transcript 36:22-24 (Mar. 16, 2016);

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

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

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

- d. Judge Younge impatiently told Attorney Capaldi that he had seven minutes to put on his case, denying his request for a five-minute recess;
- e. Judge Younge 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 37:17-20;

- f. During the Hearing, Attorney Capaldi informed Judge Younge that Mother's testimony was the offer of proof regarding her mental health treatment;
- g. Judge Younge 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;
- i. Judge Younge denied the request and insisted on completing the case without permitting Mother back in the courtroom;
- 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;

- l. When Mother attempted to reenter the courtroom, Judge Younger reacted in with anger and impatience and again refused to allow Attorney Capaldi to check on his client; and
- m. At the conclusion of the TPR Hearing, Judge Younger entered an Order for the involuntary termination of Mother's parental rights to Child.

91. After Judge Younger entered the TPR Order, Attorney Capaldi placed his objection on the record.

92. Judge Younger 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.

93. Although Judge 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.

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.

*In the Interest of Z.V., a Minor*

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.



- a. During the Hearing, Judge Younge 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 Younge about the goal change to adoption, stating that she needed to be clear on the record that Judge Younge was changing the Court's goal;
- d. 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.

N.T. (Mar. 16, 2016); and

- e. When Attorney Pie continued to seek clarification of the goal change, Judge Younge 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.

97. After Judge Younge screamed at her, Attorney Pie attempted to apologize.

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.

**JCB File No. 2018-459**

100. On December 14, 2016, Judge Younger 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-0001513-2015; *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.

101. At the prior December 6, 2016 Hearing, Judge Younger entered a Continuance Order for the December 14, 2016 Hearing, with a start time of 2:00 p.m.

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 Younger and stated that she was "standing in for Clair Leotta [for Mother] until she arrives." N.T. 7:1-2 Immunization Hearing (Dec. 14, 2016)

105. On December 14, 2016, Attorney Leotta arrived at Judge Younger'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 Younger interrupted the proceedings to confront Attorney Leotta about her alleged communications with other individuals about the start time of the hearing.

107. During the December 14, 2016 Immunization Hearing, Judge Younger 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.

**JCB File No. 2018-090**

***In the Interest of K.R., a Minor and In the Interest of B.T., a Minor***

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**

##### **JCB Case File No. 2018-090**

###### ***In the Interest of K.R., a Minor and In the Interest of B.T., a Minor***

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 Younger 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 Younger 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 Younger's courtroom, Judge Younger 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 Younger's courtroom, Attorney McLaughlin handled another unrelated dependency matter before Judge Younger, who did not mention the contempt issue;
- j. Following the unrelated dependency hearing, Judge Younger refused to speak with Attorney McLaughlin;
- k. Judge Younger issued a Rule to Show Cause why Attorney McLaughlin should not be held in contempt, since the cases, the *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 Younger;
- m. Judge Younger 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 Younger 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 Younger 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 Younger 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 Younger'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; and
- 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.

116. An element of civil contempt is that the contemnor must act with wrongful intent.

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.]"

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.

**JCB File No. 2018-422**

*In the Interest of S.J., B.R., and J.J., Minors*

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;
- c. On February 16, 2018, Judge Younge presided over the Adjudicatory Hearing where Mother appeared but Children were not present;
- 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;
- e. On February 16, 2018, based on the truancy records of S.J., B.R. and J.J., Judge Younge adjudicated all three Children Dependent, with the Petitions to remain open, and removed Children from Mother's home;
- f. During the February 16, 2018 Adjudicatory Hearing, William Gibbons, Esquire, of Community Legal Services, attorney for Mother, requested that Judge Younge permit Children to remain in Mother's home with DHS supervision;
- g. At the February 16, 2018 Adjudicatory Hearing, Judge Younge 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."

N.T. Adjudicatory Hearing 26:5-8 (Feb. 16, 2018);

- 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, 2016, 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 Younger'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 Younger 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.

**JCB File No. 2018-090**

*In the Interest of E.O., a Minor and In the Interest of B.O., a Minor*

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;
- c. On August 3, 2017, Judge Younge presided over a Permanency Hearing, where she heard testimony that Father called Children ten times per day and met with them following court proceedings;
- d. At the August 3, 2017 Permanency Hearing, Father denied the allegations about the repeated phone calls to, and meetings with Children;
- e. On August 3, 2017, Judge Younge entered a Permanency Review Order, finding Parents had unauthorized contact with the Children and ordered the following:

"Father to be held in contempt on State Road for 7 days due to violating court order;"
- f. On August 10, 2017, Judge Younge presided over a Status Hearing where she entered an Order releasing Father from incarceration; and

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*, Superior Court Docket No. 2641 EDA 2017 and *In the Interest of B.O., A Minor*, Superior Court Docket No. 2643-2017, which the Superior Court consolidated.

131. On July 30, 2018, the Superior Court filed its Opinion, vacating the contempt decision 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.

**JCB File No. 2018-090**

*In the Interest of Y.C., B.C., Jr., A.C., J.C. and Z.B., Minors*

132. 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.

- 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. At the September 20, 2017 Adjudicatory Hearing, Judge Younge refused to permit Mother to testify or present documentary evidence;

- f. At the September 20, 2017 Adjudicatory Hearing, Judge Younge 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; and
- g. At the September 20, 2017 Adjudicatory Hearing Judge Younge ordered the courtroom Deputy Sheriffs to handcuff Mother and her fiancée, B.C., and to confine them until DHS located the five Children at school and at the babysitter, and placed them in protective custody.

133. 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.

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

135. 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.

N.T. Adjudicatory Hrg. 43:2-4 (Sept. 20, 2017).

136. On May 21, 2018, Judge Joseph Fernandes presided over Mother's Hearing, reversed the prior adjudication of dependency, and permitted Children to return home to Mother.

**JCB File No. 2018-362**

*In the Interest of Q.R and L.R., Minors*

137. 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-CR-DP-0003031-2017.

- 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.,
- 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.

N.T. Adjudicatory Hearing 33:14-17 (December 1, 2017).

- p. Attorney Larin requested that Judge Younge issue grant a Motion to Compel against N.R., an adult woman;
- q. Judge Younge announced from the bench that she would hold H.R. in custody until the baby, N.M., was delivered to DHS.
- 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.
- 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.
- t. After further discussion about related matters, Judge Younge 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.

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

139. On December 1, 2017 Judge Younge 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.

Order of Adjudication and Disposition-Child Dependent (Dec. 1, 2017).

140. 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.

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

142. In her 1925(a)(2)(ii) Opinion, in reliance on the Juvenile Act, Judge Younge 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.

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.

*In the Interest of Q.R., a Minor*, 199 A.3d 458, 469-470 (Pa. Super. Ct. 2018).

144. The Superior Court determined the Contempt Order to be void because the Juvenile Act did not support the incarceration of H.R.

**JCB file No. 2018-459**

*In the Interest of A.W., Jr.; S.W.; J.W.; M.W. & R.W., Minors*

145. 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.

146. 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.

147. 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.

N.T. T.P.R. Hearing 383:20-25 (Oct.12, 2017).

## **E. Charges**

### **Count One**

#### **Delay, Competence, Diligence and Cooperation**

##### **A. Canon 2, Rule 2.5(A)**

148. By virtue of some or all of the conduct set forth in Part A, Judge Younge violated Canon 2, Rule 2.5(A) of the Code of Judicial Conduct.

149. 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.

Canon 2, Rule 2.5(A)

150. By her conduct of failing to implement an effective tracking system for the timely filing of 1925(a)(2)(ii) Opinions in Children's Fast Track Appeals, or to monitor compliance with the filing deadlines, Judge Younge failed to perform judicial and administrative duties competently and diligently.

151. By her repetitive conduct of failing to timely file 1925(a)(2)(ii) Opinions, Judge Younge failed to perform judicial and administrative duties competently and diligently in the following Children's Fast Track Appeals:

<u>Case Name</u>	<u>Days Late</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
<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> <i>In the Interest of S.M.C.-B., A Minor</i> <i>In the Interest of S.D.C., A Minor</i>	163
<i>In the Interest of G.S., A Minor</i>	153
<i>In the Interest of K.R., A Minor</i> <i>In the Interest of B.T., a Minor</i>	129
<i>In the Interest of Q.R., A Minor</i> <i>In the Interest of L.R., A Minor</i>	121
<i>In the Interest of K.S., A Minor</i> <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>	55
<i>In the Interest of E.O., A Minor</i> <i>In the Interest of B.O., A Minor</i>	47
<i>In the Interest of K.C., A Minor</i>	41
<i>In the Interest of D.C., A Minor</i> <i>In the Interest of D.J.M., A Minor</i> <i>In the Interest of D.M., A Minor</i>	35

152. By all of the conduct set forth above, Judge Younge violated Canon 2, Rule 2.5(A) of the Code of Judicial Conduct.

**B. Canon 2, Rule 2.5(B)**

153. By virtue of some or all of the conduct set forth in Part A, Judge Younge violated Canon 2, Rule 2.5(B) of the Code of Judicial Conduct.



154. 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).

155. By her conduct of failing to address and eliminate the backlog of 1925(a)(2)(ii) Opinions in Child Fast Track Appeals, first brought to her attention by the Superior Court in July 2016, Judge Younge failed to cooperate with other judges and court officials in the administration of court business.

156. By her July 2016-May 2018 conduct of repeatedly failing to timely file 1925(a)(2)(ii) Opinions in Children's Fast Track Appeals, Judge Younge failed to cooperate with other judges and court officials in the administration of court business.

157. By her conduct of failing to implement an effective tracking system in her chambers pertaining to the filing deadlines for 1925(a)(2)(ii) Opinions in Children's Fast Track Appeals, Judge Younge failed to cooperate with other judges and court officials in the administration of court business.

158. By all of the conduct set forth above, Judge Younge violated Canon 2, Rule 2.5(B) of the Code of Judicial Conduct.

## **Count Two**

### **Supervisory Duties**

159. By virtue of some or all of the conduct set forth in Part A, Judge Younge violated Canon 2, Rule 2.12(A) of the Code of Judicial Conduct.

160. 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).

161. By her conduct of failing to supervise and manage her law clerks regarding the timely filing of 1925(a)(2)(ii) Opinions in Children’s Fast Track Appeals, Judge Younge failed to require her court staff to act in a manner consistent with her obligations under this Code.

162. By her conduct of failing to require her law clerks to implement an effective tracking system to manage the timely filing of 1925(a)(2)(ii) Opinions in Children’s Fast Track Appeals, and failing to monitor compliance with the filing deadlines, Judge Younge failed to require her court staff to act in a manner consistent with her obligations under this Code.

163. By all of the conduct set forth above, Judge Younge violated Canon 2, Rule 2.12(A) of the Code of Judicial Conduct.

### **Count Three**

#### **Compliance with the Law**

164. By virtue of some or all of the conduct set forth in Part A & D, Judge Younge violated Canon 1, Rule 1.1 of the Code of Judicial Conduct.

165. Rule 1.1 is titled “Compliance with the Law” and provides:

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

Canon 1, Rule 1.1.

166. The Terminology section of the Pennsylvania Code of Judicial Conduct of 2014 defines “law” as follows:

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

Pa.C.J.C. Terminology (Pa.C.J.C. 2014)

167. Pennsylvania Rule of Judicial Administration No. 703(B) provides, in pertinent part:

(2) Every judge shall compile a semi-annual report stating whether the judge has any matter that has been submitted to the judge for decision and remains undecided for ninety days or more as of the last day of the reporting period.

Pa.R.J.A. No. 703(B)(2).

168. Every judge must file the 703 Report Form with the Court Administrator of Pennsylvania and file copies with the president judge and court administrator.

Pa.R.J.A. No. 703(D)(3).

169. Pennsylvania Rule of Judicial Administration 703(D) provides, in pertinent part:

(1) The report covering the preceding period of July 1 through December 31 shall be filed on or before January 20, and the report covering the preceding period of January 1 through June 30 shall be filed on or before July 20.

Pa.R.J.A. No. 703(D)(1).

170. By her conduct of failing to list *In the Interest of S.S., A Minor*, Docket No. 3002 EDA 2016, on her January 2017 703 Report, Judge Younge failed to comply with Pa.R.J.A. No. 703.

171. By her conduct of failing to list *In the Interest of N.O.W., A Minor*, Docket No. 1749 EDA 2016, on her January 2017 703 Report Form, Judge Younge failed to comply with Pa.R.J.A. No. 703.

172. By her conduct of failing 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*, Docket Nos. 2051 EDA 2016, 2053 EDA 2016, and 2054 EDA 2016, on her January 2017 703 Report Form, Judge Younge failed to comply with Pa.R.J.A. No. 703.

173. By her conduct of failing to list *In the Interest of K.R., A Minor* and In the *Interest of B.R., A Minor*, Docket Nos. 587 EDA 2018 and 588 EDA 2018, on her June 2017 703 Report Form, Judge Younge failed to comply with Pa.R.J.A. No. 703.

174. Pennsylvania Rule of Appellate Procedure No. 1925(a)(2)(ii) 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).

175. By her repetitive conduct of failing to timely file 1925(a)(2)(ii) Opinions in the following cases, within 30 days of receipt of the Notice of Appeal and Concise Statements of Errors Complained of on Appeal, Judge Younge failed to comply with Pa.R.A.P. No. 1925(A)(2)(ii):

<u>Case Name</u>	<u>Days Late</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
<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> <i>In the Interest of S.M.C.-B., A Minor</i> <i>In the Interest of S.D.C., A Minor</i>	163
<i>In the Interest of G.S., A Minor</i>	153
<i>In the Interest of K.R., A Minor</i> <i>In the Interest of B.T., a Minor</i>	129

<u>Case Name</u>	<u>Days Late</u>
<i>In the Interest of Q.R., A Minor</i> <i>In the Interest of L.R., A Minor</i>	121
<i>In the Interest of K.S., A Minor</i> <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>	55
<i>In the Interest of E.O., A Minor</i> <i>In the Interest of B.O., A Minor</i>	47
<i>In the Interest of K.C., A Minor</i>	41
<i>In the Interest of D.C., A Minor</i> <i>In the Interest of D.J.M., A Minor</i> <i>In the Interest of D.M., A Minor</i>	35

176. In Pennsylvania, there are three elements for a finding of civil contempt when an individual fails to obey a court order:

- a. The contemnor must have notice of the Order;
- b. The contemnor's action of violating the Order must be willful; and
- c. The contemnor's action arises from wrongful intent.

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

177. At the January 23, 2019 Contempt Hearing in *In the Interest of K.R., a Minor* and *In the Interest of B.T., a Minor*, there was no evidence presented that Brian McLaughlin, Esquire, had acted with wrongful intent when he arrived late for the November 30, 2017 Termination of Parental Rights Hearing In Judge Younge's courtroom.

178. By her January 23, 2019 conduct of holding Attorney McLaughlin in civil contempt of court and imposing a \$750 fine, in the absence of a showing of wrongful intent, Judge Younge failed to comply with the law.

179. By her February 16, 2018 conduct, in *In the Interest of S.J., B.R., and J.J., Minors*, of ordering that Mother be confined to a cell and threatening to send

Mother to a Philadelphia prison if Children were not delivered to the Court in two and one half hours, without providing Mother with notice or a contempt hearing, Judge Younge failed to comply with the law.

180. In Pennsylvania, a party who disobeys a Court Order outside the presence of the court may be charged with indirect criminal contempt.

181. 42 Pa.C.S.A. § 4132 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.

182. In Pennsylvania, a judge may punish an individual who engages in indirect criminal contempt by imposition of a fine. Imposition of a term of incarceration is restricted to cases of direct criminal contempt. 42 Pa.C.S.A. § 4133 provides:

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

183. At the August 3, 2017 Permanency Hearing in *In the Interest of E.O., A Minor* and *In the Interest of B.O., a Minor*, Judge Younge ruled that Father violated her February 7, 2017 Order by his conduct outside the presence of the Court, an indirect criminal contempt.

184. By her August 3, 2017 ruling in *In the Interest of E.O., A Minor* and *In the Interest of B.O., a Minor*, that Father was in contempt of court, without providing

him with his due process rights of notice and a contempt hearing, Judge Younge failed to comply with the law.

185. By her August 3, 2017 Order in *In the Interest of E.O., A Minor and In the Interest of B.O., a Minor*, ordering that Father “be held in contempt State Road for 7 days due to violating court order,” Judge Younge erroneously imposed a prison sentence for Father’s alleged indirect criminal contempt, and thereby failed to comply with the law.

186. By her September 20, 2017 conduct in *In the Interest of Y.C., B.C., Jr., A.C., J.C. and Z.B., Minors*, 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, without providing Mother and B.C. with notice and a contempt hearing, Judge Younge failed to comply with the law.

187. By her December 1, 2017 conduct in *In the Interest of Q.R., a Minor*, and *In the Interest of L.R., a Minor*, of threatening to send Mother to a Philadelphia prison if N.R. did not deliver N.M. to DHS, without providing Mother with her due process rights of notice and a contempt hearing, Judge Younge failed to comply with the law.

188. By her December 1, 2017 conduct in *In the Interest of Q.R., a Minor*, and *In the Interest of L.R., a Minor*, of issuing an Order, holding Mother in Contempt of Court, ordering Mother to be incarcerated until N.R. delivered N.M. to DHS, and ordering that Mother “be brought down to the next court date” if she is not yet released from custody, without providing Mother with her due process rights of notice and a contempt hearing, Judge Younge failed to comply with the law.

189. By her December 1, 2017 conduct in *In the Interest of Q.R., a Minor*, and *In the Interest of L.R., a Minor*, of ordering that Mother, a non-custodial grandmother be incarcerated and conditioning Mother's release on N.R. delivering N.M. to DHS, when N.M. was not a subject child of the Adjudicatory Hearing, Judge Younge failed to comply with the law.

190. By all of the conduct set forth above, Judge Younge violated Canon 1, Rule 1.1 of the Code of Judicial Conduct.

#### **Count Four**

#### **Improper Demeanor**

191. By virtue of some or all of the conduct set forth in Part C, Judge Younge violated Canon 2, Rule 2.8(B) of the Code of Judicial Conduct.

192. Rule 2.8 is titled "Decorum, Demeanor, and Communications 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).

193. By her April 27, 2016 conduct in *In the Interest of J.C., A Minor*, of making a derogatory statement about DHS Social Worker Ishmael Jiminez, during the Permanency Review Hearing, Judge Younge failed to be patient, dignified and courteous to litigants, witnesses, lawyers and others whom she deals in an official capacity.

194. By her April 27, 2016 conduct *In the Interest of J.C., A Minor*, of exhibiting an angry, impatient demeanor toward Julia Ressler, DHS Social Worker, James Wise, Esquire, Counsel for DHS, and Aaron Mixon, Esquire, Counsel for Father,



and others, during the Permanency Review Hearing, Judge Younge failed to be patient, dignified and courteous to witnesses, lawyers and others with whom she deals in an official capacity.

195. By her February 7, 2018 conduct in *In the Interest of J.Y., A Minor*, of exhibiting an angry and impatient demeanor during the Permanency Review Hearing, Judge Younge failed to be patient, dignified and courteous to attorneys and others with whom she deals in an official capacity.

196. By her August 17, 2017 conduct 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*, of interrupting the attorneys and social workers and exhibiting an impatient attitude during the Non-Placement Review Hearing, Judge Younge failed to be patient, dignified and courteous to litigants, witnesses, lawyers and others with whom she deals in an official capacity.

197. By her August 17, 2017 conduct 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*, of rolling her eyes, shaking her head and exhibiting disdainful and sarcastic facial expressions during the Non-Placement Review Hearing, Judge Younge failed to be patient, dignified and courteous to litigants, witnesses, lawyers and others with whom she deals in an official capacity.

198. By her December 14, 2016 conduct in *In the Interest of A.W., A Minor*, of exhibiting an angry, confrontational demeanor toward Claire Leotta, Esquire, for her late arrival at the Immunization Hearing, Judge Younge failed to be patient, dignified and courteous to a lawyer with whom she deals in an official capacity.

199. By her February 16, 2018 conduct 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*, of rolling her eyes,

bobbing her head, displaying disdainful facial expressions, and exhibiting a negative attitude during the Adjudicatory Hearing, Judge Younge failed to be patient, dignified and courteous to litigants, witnesses, lawyers and others with whom she deals in an official capacity.

200. By her February 16, 2018 conduct 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*, of exhibiting an arrogant and condescending demeanor toward Mother during the Adjudicatory Hearing, Judge Younge failed to be patient, dignified and courteous to litigants, witnesses, lawyers and others with whom she deals in an official capacity.

201. By her February 16, 2018 conduct 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*, of yelling at Mother during the Adjudicatory Hearing, Judge Younge failed to be patient, dignified and courteous to litigants, witnesses, lawyers and others with whom she deals in an official capacity.

202. By her February 16, 2018 conduct 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*, of rolling her eyes and shaking her head at Mother whenever she attempted to speak during the Adjudicatory Hearing, Judge Younge failed to be patient, dignified and courteous to litigants, witnesses, lawyers and others with whom she deals in an official capacity.

203. By her March 16, 2016 conduct in *In the Interest of A.N.P., A Minor*, of making repetitive callous, demeaning comments about Mother getting sick and leaving the courtroom during the Termination of Parental Rights Hearing, Judge Younge failed to be patient, dignified and courteous to litigants, witnesses, lawyers and others with whom she deals in an official capacity.

204. By her March 16, 2016 conduct in *In the Interest of A.N.P., A Minor*, of insisting that Attorney John Capaldi present his case at the Termination of Parental Rights Hearing, without allowing Mother to return to the courtroom to provide testimony, Judge Younge failed to be patient, dignified and courteous to litigants, witnesses, lawyers and others with whom she deals in an official capacity.

205. By her March 16, 2016 conduct in *In the Interest of A.N.P., A Minor*, of putting her own objection on the record about Mother walking out of the courtroom during the Termination of Parental Rights Hearing, Judge Younge failed to be patient, dignified and courteous to litigants, witnesses, lawyers and others with whom she deals in an official capacity.

206. By her March 16, 2016 conduct in *In the Interest of Z.V., A Minor*, of yelling and screaming at Attorney Pie in an angry manner during the Permanency Review Hearing, Judge Younge failed to be patient, dignified and courteous to litigants, witnesses, lawyers and others with whom she deals in an official capacity.

207. By her March 16, 2016 conduct in *In the Interest of Z.V., A Minor*, of exhibiting an arrogant, condescending tone of voice during the Permanency Review Hearing, Judge Younge failed to be patient, dignified and courteous to litigants, witnesses, lawyers and others with whom she deals in an official capacity.

208. By her November 30, 2017 conduct in *In the Interest of K.R., a Minor* and *In the Interest of B.T., a Minor*, of refusing to speak with Attorney McLaughlin, when he attempted to explain his absence from her courtroom, Judge Younge failed to be patient, dignified and courteous to litigants, witnesses, lawyers and others with whom she deals in an official capacity.

209. By her conduct, during the week of December 4, 2017, of exhibiting a rude, arrogant and dismissive demeanor toward Attorney McLaughlin when he attempted to explain his absence from her courtroom, Judge Younge failed to be patient, dignified and courteous to litigants, witnesses, lawyers and others with whom she deals in an official capacity.

210. By all of the conduct set forth above, Judge Younge violated Canon 2, Rule 2.8 of the Code of Judicial Conduct.

### **Count Five**

#### **Ensuring the Right to Be Heard**

211. By virtue of some or all of the conduct set forth in Part B, Judge Younge violated Canon 2, Rule 2.6(A) of the Code of Judicial Conduct.

212. 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).

213. By her March 16, 2016 conduct in *In the Interest of A.N.P., a Minor*, of refusing to permit Mother to re-enter the courtroom after feeling ill, and thereby denying her the opportunity to testify, introduce evidence and cross-examine witnesses, Judge Younge failed to accord to every 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.

214. By her March 16, 2016 conduct in *In the Interest of A.N.P., a Minor*, of failing to warn Mother, as she exited the courtroom feeling ill, that she would proceed

with the hearing and might terminate Mother's parental rights in her absence, Judge Younge failed to 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.

215. By her March 16, 2016 conduct in *In the Interest of A.N.P., a Minor*, of refusing to permit Mother's counsel, John Capaldi, Esquire, from offering argument on behalf of Mother, Judge Younge failed to 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.

216. By her April 26, 2016 conduct in *In the Interest of K.C., A Minor*, of ruling that DHS made "no reasonable efforts," without hearing testimony from DHS on that issue, Judge Younge failed to 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.

217. By her April 27, 2016 conduct 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*, of ruling that DHS made "no reasonable efforts," without hearing testimony on that issue, Judge Younge failed to 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.

218. By her November 21, 2016 conduct in *In the Interest of G.S., a Minor*, of ruling that DHS made "no reasonable efforts," without hearing testimony from DHS on that issue, Judge Younge failed to 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.

219. 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 DHS goal from reunification to adoption, Judge Younge failed to 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.

220. By her 2016-2017 conduct in *In the Interest of N.M., A Minor*, of refusing to admit medical reports offered to explain N.M.'s rib fractures, Judge Younge failed to 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.

221. By her August 17, 2017 conduct 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*, of repeatedly interrupting direct and cross-examination testimony, Judge Younge failed to 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.

222. By her August 17, 2017 conduct 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*, of rushing the Non-Placement Review Hearing because of the late hour, Judge Younge failed to 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.

223. By her September 1, 2016 conduct in *In the Interest of S.S., a Minor*, of entering an Order adjudicating S.S. dependent, and ordering that S.S. be removed from home and placed in foster care, based on a non-transcribed side-bar discussion, and in the absence of any testimony or evidence on the record, Judge Younge failed

to 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.

224. By her January 23, 2018 conduct in *In the Interest of K.R., a Minor, and In the Interest of B.T., a Minor*, of conducting a Contempt Hearing, without providing proper notice of the continuance date and time to the parties, including Brian McLaughlin, Esquire, or his counsel, Judge Younge failed to accord to every person or entity who had a legal interest in a proceeding, or that person or entity's lawyer, the right to be heard according to law.

225. By her January 23, 2018 conduct in *In the Interest of K.R., a Minor, and In the Interest of B.T., a Minor*, of holding Attorney McLaughlin in contempt of court and fining him \$750, without providing him an opportunity to call defense witnesses, Judge Younge failed to accord to every person or entity who had a legal interest in a proceeding, or that person or entity's lawyer, the right to be heard according to law.

226. 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 every 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.

227. By all of the conduct set forth above, Judge Younge violated Canon 2, Rule 2.6(A) of the Code of Judicial Conduct.

### **Count Six**

#### **Promoting Confidence in the Judiciary**

228. By virtue of some or all of the conduct set forth in Parts A, B, C & D, Judge Younge violated Canon 1, Rule 1.2 of the Code of Judicial Conduct.

229. 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.

230. By her pattern of conduct of inordinate delay in filing 1925(a)(2)(ii) Opinions in Children's Fast Track Appeals, Judge Younge failed to act 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.

231. By her pattern of conduct of failing to ensure the right to be heard in Children's Dependency and Termination of Parental Rights cases, 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.

232. By her 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, 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.

233. By her pattern of conduct of exhibiting an improper demeanor toward litigants, witnesses, attorneys, social workers and others with whom she deals in an official capacity, 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.



234. By her pattern of conduct of holding parents in contempt and ordering their detention, without conducting a contempt hearing, 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.

235. By all of the conduct set forth above, Judge Younge violated Canon 1, Rule. 1.2 of the Code of Judicial Conduct.

### **Count Seven**

#### **Impartiality and Fairness**

236. By virtue of some or all of the conduct set forth in Parts B, Judge Younge violated Canon 2, Rule 2.2 of the Code of Judicial Conduct.

237. 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.

238. By her April 26, 2016 conduct in *In the Interest of K.C., A Minor*, of failing to apply the appropriate standard of law when ruling that DHS failed to make reasonable efforts to prevent or eliminate the need for removal of Child from the home, Judge Younge failed to uphold and apply the law and failed to perform all duties of judicial office fairly and impartially.

239. By her April 27, 2016 conduct in *In the Interest of K.S., a Minor*, *In the Interest of T.B., a Minor*, *In the Interest of N.B., a Minor*, and *In the Interest of M.B., a Minor*, of failing to apply the appropriate standard of law when ruling that DHS failed to make reasonable efforts to prevent or eliminate the need for removal of

Child from the home, Judge Younge failed to uphold and apply the law and failed to perform all duties of judicial office fairly and impartially.

240. By her November 21, 2016 conduct in *In the Interest of G.S., A Minor*, of failing to apply the appropriate standard of law when ruling that DHS failed to make reasonable efforts to prevent or eliminate the need for removal of Child from the home, Judge Younge failed to uphold and apply the law and failed to perform all duties of judicial office fairly and impartially.

241. By her March 16, 2016 conduct in *In the Interest of Z.V., a Minor*, of entering an Order changing the DHS Goal to Adoption without conducting a goal change hearing, as required under Pa.C.S. § 6351(e) & (f), Judge Younge failed to uphold and apply the law and failed to perform all duties of judicial office fairly and impartially.

242. By her June 7, 2016 conduct in *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*, of entering Orders for Termination of Mother's Parental Rights, without adequate consideration of the best interests of Children under Pa.C.S. § 2511(b), Judge Younge failed to uphold and apply the law and failed to perform all duties of judicial office fairly and impartially.

243. By her September 1, 2016 conduct in *In the Interest of S.S., A Minor*, of entering an Order adjudicating Child dependent, ordering the removal of Child from the home and placed in foster care, without taking testimony on the record, Judge Younge failed to uphold and apply the law and failed to perform all duties of judicial office fairly and impartially.

244. By her conduct in *In the Interest of N.M., a Minor*, which began with her July 7, 2016 Order, of denying Parents' repeated requests to transfer N.M. from foster care to kinship foster care, with an approved and available relative, Paternal Grandmother, Judge Younge failed to uphold and apply the law pertaining to the best interests of the Child and failed to perform all duties of judicial office fairly and impartially.

245. By her December 8, 2016 conduct in *In the Interest of N.M., A Minor*, of threatening Parents, who complied with the requirements of the Child Protective Services Law, that N.M. cannot return to their home unless one of the Parents was "willing to say, 'This is how N.M. got injured,'" Judge Younge failed to uphold and apply the law and failed to perform all duties of judicial office fairly and impartially.

246. By all of the conduct set forth above, Judge Younge violated Canon 2, Rule 2.2 of the Code of Judicial Conduct.

### **Count Eight**

247. By virtue of some or all of the conduct set forth in Parts A, B, C & D, Judge Younge violated Article V, § 17(b) of the Constitution of the Commonwealth of Pennsylvania.

248. 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).

249. A violation of the Code of Judicial Conduct is an automatic derivative violation of Article V, § 17(b).

250. 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.

251. As a direct result of her violations of any or all of the Rules set forth above, Judge Younge violated Article V, § 17(b) of the Constitution of the Commonwealth of Pennsylvania.

### **Count Nine**

252. By virtue of some or all of the conduct set forth in Parts A, B & D, Judge Younge violated the Administration of Justice Clause of Article V, § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania.

253. 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).

254. By her June 24, 2016 through May 17, 2018 conduct of failing to timely file 1925(a)(2)(ii) Opinions in Children's Fast Track Appeals, Judge Younge prejudiced the proper administration of justice.

255. By her September 1, 2016 conduct in *In the Interest of S.S., a Minor*, of adjudicating Child Dependent and ordering his removal from the home and placement in foster care, without hearing testimony on the record, Judge Younge prejudiced the proper administration of justice.

256. By her December 1, 2017 conduct in *In the Interest of Q.R., A Minor* and *In the Interest of L.R., A Minor*, of issuing a Contempt Order against H.R. and ordering her to be held until N.M. is delivered to DHS, Judge Younge prejudiced the proper administration of justice.

257. By her August 3, 2017 conduct in *In the Matter of E.O., A Minor*, and *In the Interest of B.O., A Minor*, of holding Father in contempt and incarcerating him for seven days, Judge Younge prejudiced the proper administration of justice.

258. By her January 23, 2018 conduct in *In the Interest of K.R., A Minor* and *In the Interest of B.T., A Minor*, of holding Brian McLaughlin, Esquire, in contempt and fining him \$750, Judge Younge prejudiced the proper administration of justice.

259. By her March 16, 2016 conduct in *In the Interest of A.N.P., A Minor*, of refusing to permit Mother to reenter the courtroom to testify or for her counsel to present argument on behalf of Mother, Judge Younge prejudiced the proper administration of justice.

260. By her conduct, which began with her July 7, 2016 Order in *In the Interest of N.M., A Minor*, of denying Parents' repeated requests to transfer N.M. to approved kinship care, Judge Younge prejudiced the proper administration of justice.

261. By her December 8, 2016 conduct in *In the Interest of N.M., A Minor*, of threatening Parents that N.M. cannot return home unless one of them discloses how N.M. sustained her injuries, Judge Younge prejudiced the proper administration of justice.

262. As a result of all of the conduct set forth above, Judge Younge violated the administration of Justice Clause of Article V, § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania.

### **Count Ten**

263. By virtue of some or all of the conduct set forth in Parts A, B, C & D. Judge Younge violated the Disrepute Clause of Article V, § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania.

264. 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 . . . 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).

265. Judge Younge engaged in conduct so extreme that it brought disrepute upon the judicial office itself.

266. As a result of all the conduct set forth above, Judge Younge violated the Disrepute Clause of Article V, § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania.


WHEREFORE, Lyris F. Younge, Judge of the Court of Common Pleas, is subject to disciplinary action pursuant to the Constitution of the Commonwealth of Pennsylvania, Article V, § 18(d)(1).

Respectfully submitted,

RICHARD W. LONG  
*Chief Counsel*

August 20, 2019

By:

  
ELIZABETH A. FLAHERTY  
*Deputy Counsel*  
Pa. Supreme Court ID No. 205575

Judicial Conduct Board  
601 Commonwealth Avenue, Suite 3500  
Harrisburg, PA 17106  
(717) 234-7911

**COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE**

IN RE:

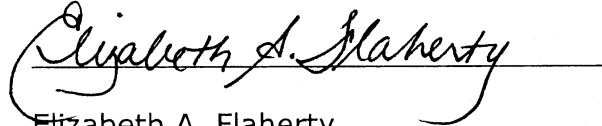
Lyris F. Younge :  
Court of Common Pleas :  
First Judicial District : 2 JD 2019  
Philadelphia County :

**CERTIFICATE OF COMPLIANCE**

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Judicial Conduct Board of Pennsylvania

Signature:

A handwritten signature in cursive script, reading "Elizabeth A. Flaherty", written over a horizontal line.

Name:

Elizabeth A. Flaherty  
Deputy Counsel

Attorney No.:

205575

**COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE**

IN RE:

Lyris F. Younge :  
Court of Common Pleas :  
First Judicial District : 2 JD 2019  
Philadelphia County :

**PROOF OF SERVICE**

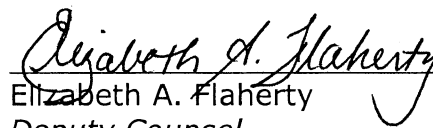
In compliance with Rule 122(D) of the Court of Judicial Discipline Rules of Procedure, on or about August 20, 2019, a copy of this *Board Complaint* was sent by UPS Overnight Delivery and via email to Charles M. Gibbs, Esquire, counsel to the Honorable Lyris F. Younge at the following address:

Charles M. Gibbs, Esquire  
McMonagle Perri McHugh Mischak Davis  
1845 Walnut Street, 19<sup>th</sup> Street  
Philadelphia, PA 19103

Respectfully submitted,

August 20, 2019

BY:

  
Elizabeth A. Flaherty  
Deputy Counsel

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