

**IN THE SUPERIOR COURT OF PENNSYLVANIA
EASTERN DISTRICT**

Nos. 2190 EDA 2026 and 2191 EDA 2026

In the Interest of: Q.H., a Minor

In the Interest of: S.H., a Minor

APPEAL OF: S.V.

**BRIEF FOR AMICI PENNSYLVANIANS FOR MODERN COURTS
AND YOUTH EMPOWERMENT FOR ADVANCEMENT HANGOUT**

Appeal from Orders entered July 6, 2026, and July
22, 2026, denying petition for access and requests for access to documents and
proceedings at CP-51-DP-0000081-2025 and CP-51-DP-0000082-2025, before
Hon. Deborah L. Canty

Mary Catherine Roper (PA No. 71107)
Carly McIntosh, Certified Legal Intern
Borey Chea, Certified Legal Intern
ADVOCACY FOR RACIAL & CIVIL JUSTICE CLINIC
3501 Sansom Street
Philadelphia, PA 19104
mproper@law.upenn.edu
arc.camci@law.upenn.edu
arc.bchea21@law.upenn.edu

October 21, 2026

TABLE OF CONTENTS

	Page
INTRODUCTION AND INTEREST OF AMICI	1
SUMMARY OF THE ARGUMENT	4
ARGUMENT	6
A. Pennsylvania Law Requires Open Courts and Allows for Restrictions Only to the Extent Necessary to Protect a Compelling Government Interest.	6
B. Unnecessary Closure of Juvenile Proceedings Blocks the Benefits of Public Access.	10
1. Access to Juvenile Proceedings Improves Case Outcomes Through Community Support.	11
2. Public Access to Juvenile Proceedings Promotes Better-Informed Courts.	19
3. Public Access to Juvenile Proceedings Promotes Trust and Legitimacy in the Justice System.	23
CONCLUSION	26
CERTIFICATES OF COMPLIANCE WITH WORD LIMIT	27
EXHIBITS	
Exhibit A: Caterina Roman and Mona Baishya, <i>YEAH Philly's Violent Crime Initiative: Outcomes, Expansion and Scalability</i> , Temple University Department of Criminal Justice (2025)	
Exhibit B: Public Citizens for Children and Youth, <i>Courtwatch: Juvenile Justice in Philadelphia</i> (2012)	

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Commonwealth v. Contakos</i> , 499 Pa. 340, 453 A.2d 578 (1982)	6
<i>Fields v. City of Phila.</i> , 862 F.3d 353 (3d Cir. 2017)	23
<i>Globe Newspaper Co. v. Superior Ct.</i> , 457 U.S. 596 (1982)	23
<i>In re J.B.</i> , 39 A.3d 421 (Pa. Super. 2012)	4, 7, 8, 12
<i>In re M.B.</i> , 819 A.2d 59 (Pa. Super. 2003)	4, 7
Pa. Const. art. I, § 11, <i>Storms ex rel. v. O’Malley</i> , 779 A.2d 548 (Pa. Super. 2001)	6
<i>Publicker Indus., Inc. v. Cohen</i> , 733 F.2d 1059 (3d Cir. 1984)	6
<i>R.W. v. Hampe</i> , 626 A.2d 1218 (Pa. Super. 1993)	7
Statutes	
42 Pa.C.S. § 6336	3, 4, 9, 10
42 Pa.C.S. § 6352	13
42 U.S.C. § 5106a	9
42 U.S.C. § 5101(b)	9
Minn. Stat. § 260C.163, subd. 1(c) (2025)	8
Minn. Stat. § 518.168	8
Pa. Const. art. I, § 11	4
Rules	
Mich. Ct. R. 3.925(A)(2)	8

Other Authorities

- ACLU of Pennsylvania, *The Philadelphia Community Bail Fund, the Youth Art Self Empowerment Project, and individual plaintiffs v. Arraignment Court Magistrates of First Judicial District*, ACLU Pa.,
<https://www.aclupa.org/cases/philadelphia-community-bail-fund-youth-art-self-empowerment-project-and-individual-plaintiffs/#documents> 22
- Emily Bazelon, *Public Access to Juvenile and Family Court: Should the Courtroom Doors be Open or Closed?*,
18 Yale L. & Pol’y Rev. 155 (1999) 19
- Brief for Cato Institute, American Civil Liberties Union of Pennsylvania, & Pennsylvanians for Modern Courts as Amici Curiae Supporting Respondents, *Phila. Bail Fund v. Arraignment Court Magistrate Judges*, 976 F.3d 302 (2020),
<https://www.law.georgetown.edu/icap/wp-content/uploads/sites/32/2020/06/PBF-3d-Cir.-Amicus-Brief-of-ACLU-PA-et-al.-6-5-2020.pdf>. 22
- Cynthia A. Calkins & Murray Millar, *The Effectiveness of Court Appointed Special Advocates to Assist in Permanency Planning*,
16 Child & Adolescent Soc. Work J. 37 (1999) 17
- Fostering Child Well-Being and Helping Them Achieve Their Full Potential*,
CASA GAL For Child., <https://nationalcasagal.org/our-impact/research-and-effectiveness/> 18
- Martha Gershun & Claire Terrebonne, *Child Welfare System Interventions on Behalf of Children and Families: Highlighting the Role of Court Appointed Special Advocates*,
48 Current Probs. in Pediatric & Adolescent Health Care 215 (2018) 17
- Carolyn Greene, Jane B. Sprott, Natasha S. Madon & Maria Jung, *Punishing Processes in Youth Court: Procedural Justice, Court Atmosphere and Youths’ Views of the Legitimacy of the Justice System*,
52 Canadian J. Criminology & Crim. Just. 527 (2010) 24
- Paul Heaton, *Gideon’s Promise Versus Gideon’s Reality: Resource Shortfalls in Pennsylvania Public Defense* 1 (2024),

- <https://www.law.upenn.edu/institutes/quattronecenter/reports/indigent-defense-funding/> 14
- Colleen C. Katz & Jennifer M. Geiger, *The Role of Court Appointed Special Advocates (CASAs) in the Lives of Transition-Age Youth with Foster Care Experience*, 40 Child and Adolescent Social Work J. 17 (2021) 18
- Samantha Melamed, *The Co-founder of a Philly Youth Program Went to Court as an Advocate — and Was Arrested*, Phila. Inquirer (Sep. 14, 2023), <https://www.inquirer.com/news/yeah-philly-cofounder-james-aye-juvenile-court-arrest-20230914.html> 3
- Eva McKinsey et al., *Trauma Informed Courts? How Judges May Influence Kids' Experiences of Court*, 108 Judicature 15 (2025) 11
- Michigan Law Review, *The Public Right of Access to Juvenile Delinquency Hearings*, 81 Mich. L. Rev. 1540 (1983) 23
- New PA Rules Require Juvenile Courts to Address Education and Health Care Needs of Youth in Child Welfare, Juvenile Justice Systems*, Juv. L. Center (May 9, 2011), <https://jlc.org/news/new-pa-rules-require-juvenile-courts-address-education-and-health-care-needs-youth-child> 13
- Claire Angelique R.I. Nolasco, Aneta Spaic & Michael S. Vaughn, *Media Access to Juvenile Proceedings: Balancing the Tightrope Between Privacy Rights and Freedom of the Press*, 43 Int'l J. L. Crime & Just., 643 (2015) 19
- Pennsylvania Juvenile Court Judges' Commission, *2024 Pennsylvania Juvenile Court Annual Report* 35 (2024), <https://www.pa.gov/content/dam/copapwp-pagov/en/jcjc/documents/publications/annual-reports/2024%20juvenile%20court%20annual%20report.pdf> 14
- Pennsylvanians for Modern Courts, *Philadelphia Bail Watch Report* (Oct. 2023), <https://online.fliphtml5.com/jfyyb/qtzx/> 21

- Pennsylvanians for Modern Courts, *Philadelphia Bail Watch Report: Early Bird Review* (June 2024), <https://www.pmconline.org/sites/default/files/2024-08/PhiladelphiaBailWatchReportJune2024.pdf> 21, 22
- Philadelphia Bail Fund & Pennsylvanians for Modern Courts, *Philadelphia Bail Watch Report*, Pennsylvanians for Mod. Cts. (Oct. 15, 2018), <https://www.pmconline.org/resources/philadelphia-bail-watch-report> 21
- B.J. Saunders, G. Lansdell & J. Frederick, *Understanding Children's Court Processes and Decisions: Perceptions of Children and Their Families*, 27 Youth Justice (2020) 12
- Jane B. Sprott & Carolyn Greene, Trust and Confidence in the Courts: Does the Quality of Treatment Young Offenders Receive Affect Their Views of the Courts?, 56 Crime & Delinq. 269 (2010) 24
- Hersh C. Waxman et al., *The Long-Term Effects of the Houston Child Advocates, Inc., Program on Children and Family Outcomes*, 88 Child Welfare 23 (2009) 18
- Vicky Weisz, Twila Wingrove, Sarah J. Beal & April Faith-Slaker, Children's Participation in Foster Care Hearings, 35 Child Abuse & Neglect 267 (2011) 25

INTRODUCTION AND INTEREST OF AMICI¹

Amici curiae are two Pennsylvania-based organizations united by their appreciation for the benefits of opening court proceedings. *Amici* write to remind the Court that the question of open courts is not only a question of access by the press but also impacts the community's ability to support its youth and work with the courts to ensure the best outcomes for participants and the public.

Pennsylvanians for Modern Courts (PMC), founded in 1988, envisions a Pennsylvania judicial system in which everyone who participates is assured impartiality, fairness, accessibility and respect. A key tenet of Pennsylvanians for Modern Courts' work is to engage and educate Pennsylvanians to foster a better understanding of local courts, and their place in the judicial system. To that end, PMC operates PMC Watches™, a program that trains citizen court watchers to observe, record and offer recommendations on court proceedings. It serves as a means of data collection, provides an opportunity for community members to gather firsthand insight into how justice is administered, and maintains the transparency of the court by having volunteers present during proceedings.

Youth Empowerment for Advancement Hangout (YEAH Philly) is a Black-led, community-based nonprofit in Philadelphia. YEAH Philly works with teens

¹ No party or party's counsel authored this brief in whole or in part or contributed money to fund preparing or submitting this brief. Nor did any other person contribute money to fund preparing or submitting it.

and young adults directly impacted by violence with a special focus on those involved in the juvenile legal system facing violent charges. YEAH Philly engages in several programs to support system-involved youth, including accompanying young people to their juvenile delinquency proceedings, at their request.

Through its Violent Crime Initiative (VCI), YEAH Philly provides holistic, individualized case management to young people who have been charged with violent or gun crimes.² A core part of the program involves accompanying young people to their court dates upon their request. Dedicated staff accompany youth to hearings, speak on their behalf, and provide useful information about a young person's education and home life to inform case outcomes. Advocates can also speak about young people's family backgrounds, pledge to hold the clients accountable for their actions and ensure that they receive help from a supportive and caring community. Lastly, advocates can commit to ensuring that their clients adhere to the terms of their probation, which sometimes includes community service organized by YEAH Philly.

YEAH Philly advocates accompany their clients to court as “persons accompanying a party or a victim for his or her assistance,” 42 Pa.C.S. § 6336(d). Nonetheless, they have repeatedly been excluded from proceedings involving their

² Caterina Roman and Mona Baishya, *YEAH Philly's Violent Crime Initiative: Outcomes, Expansion and Scalability*, Temple University Department of Criminal Justice (2025), available at https://yeahphilly.org/wp-content/uploads/FinalReport_ImpactScalability_September2025.pdf (Exhibit A).

clients, often with little to no explanation from the court. In one proceeding, the *Philadelphia Inquirer* reported that YEAH Philly was removed despite the young person audibly requesting the advocates' presence.³

YEAH Philly has a particular interest in this case because of its implications for public access to all proceedings under the Juvenile Act, including delinquency proceedings. While the instant case focuses on dependency proceedings, its holding will have implications for all juvenile court hearings, including those delinquency hearings central to Yeah Philly's work.

YEAH Philly and PMC do not have access to the Orders appealed from this case, which remain sealed. *Amici*, therefore, cannot address whether the court below erred in its application of the law or review of the record. *Amici* write, instead, to emphasize the importance of opening courts, including proceedings under the Juvenile Act, to appropriate parties and with appropriate safeguards for the interests of the litigants. That openness is required by our Constitution and is essential to the integrity of our judicial system.

SUMMARY OF THE ARGUMENT

The Juvenile Act, by default, excludes from dependency proceedings and many delinquency proceedings anyone who is not the "parties, their counsel,

³ Samantha Melamed, *The Co-founder of a Philly Youth Program Went to Court as an Advocate — and Was Arrested*, Phila. Inquirer (Sep. 14, 2023), <https://www.inquirer.com/news/yeah-philly-cofounder-james-aye-juvenile-court-arrest-20230914.html>.

witnesses, the victim and the counsel for the victim, [and] other persons accompanying a party or a victim for his or her assistance,” while allowing the court to admit “any other person as the court finds have a proper interest in the proceeding or in the work of the court.” 42 Pa.C.S. § 6336(d). That provision is in conflict, however, with our constitutional mandate that “[a]ll courts shall be open.” Pa. Const. art. I, § 11.

This Court has, appropriately, held that the constitutional mandate prevails, and that proceedings under the Juvenile Act are presumed open, and may only be closed upon a showing that (1) closure serves a compelling governmental interest and (2) no less restrictive means exist to serve that interest. *In re M.B.*, 819 A.2d 59, 62 (Pa. Super. 2003) (dependency proceedings); *In re J.B.*, 39 A.3d 421, 428 (Pa. Super. 2012) (delinquency proceedings).

Closure is not justified, therefore, solely by the need to protect the children involved in such proceedings from being publicly identified and from public dissemination of sensitive information about them. The no-less-restrictive-means inquiry is fact-specific—a court must evaluate whether there is any alternative to closure—including partial closure, or orders that certain information not be shared—that would protect the interests at stake. Other courts have used these, and other measures, to protect privacy without closing family court proceedings. Because the orders denying Mr. Volk’s petition for access are not public, *Amici*

cannot provide an analysis of whether the court below properly applied the governing standards or adequately considered whether narrower restrictions could protect the interests supporting closure.

What *Amici* can provide is the case for ensuring that closure of proceedings under the Juvenile Act is not the default, but that courts make every effort to respect and protect the constitutional mandate of open courts. Access to court proceedings benefits both litigants and the courts. Community advocates can provide emotional support, help young people navigate stressful proceedings, connect them with services, and communicate information about their circumstances that may otherwise be unavailable to the court. Opening proceedings also allow advocates and other community members to observe juvenile proceedings and contribute to informed discussion and reform of the juvenile justice system.

Finally, access to court proceedings promotes trust in the justice system. Research shows that young people's experiences with courts can shape their perceptions of whether legal institutions are fair and legitimate. Allowing individuals with a legitimate interest in a young person's proceeding to observe and support that process promotes transparency and demonstrates that juvenile courts operate within established legal rules. Enforcing the constitutional presumption of open courts does not preclude protection for privacy, but is

essential to preserving the support, informed decision-making, and legitimacy that meaningful access provides.

ARGUMENT

A. Pennsylvania Law Requires Open Courts and Allows for Restrictions Only to the Extent Necessary to Protect a Compelling Government Interest.

Our Constitution declares that “[a]ll courts shall be open,” and our common law, as well, establishes a presumption of public access to the courts. Pa. Const. art. I, § 11, *Storms ex rel. v. O’Malley*, 779 A.2d 548, 569 (Pa. Super. 2001) (“In Pennsylvania, the common law, the first amendment to the United States Constitution, and the Pennsylvania Constitution, all support the principle of openness.”). The Supreme Court has noted “our virtually unbroken history of public trials and openness in criminal trials.” *Commonwealth v. Contakos*, 499 Pa. 340, 344, 453 A.2d 578, 580 (1982) (plurality opinion). The First Amendment to the United States Constitution secures a right of public access to civil courts, as well as criminal proceedings. *Publicker Indus., Inc. v. Cohen*, 733 F.2d 1059, 1061 (3d Cir. 1984) (“We hold that the First Amendment does secure a right of access to civil proceedings.”).

This Court held, in *In re M.B.*, that the constitutional mandate that “[a]ll courts shall be open” extends to juvenile dependency proceedings, and that such proceedings are presumed open. 819 A.2d 59, 62 (Pa. Super. 2003). Under that

constitutional mandate, the party seeking to exclude the public must demonstrate that (1) closure serves a compelling governmental interest and (2) no less restrictive means exist to serve that interest. 819 A.2d at 60. The same presumption of openness and same test for exceptions to that mandate applies to juvenile delinquency proceedings. *In re J.B.*, 39 A.3d 421, 428 (Pa. Super. 2012).⁴

The requirement that no less restrictive means exist requires courts to consider whether a narrower restriction on access could adequately protect the interest supporting closure. In *In re J.B.*, this Court considered whether the news media could be admitted subject to a condition prohibiting publication of the juvenile's identity. 39 A.3d at 433. The Court rejected that alternative because extensive prior media coverage meant that even limited factual reporting, with the case's identity redacted, would cause the same privacy infringements as reporting without redactions. *Id.* at 433-34. The Court also agreed with the juvenile court's concern that continued media coverage of dispositional and review hearings could undermine the child's prospects for rehabilitation. *Id.* The Court therefore

⁴ Under the common-law approach, the party seeking closure must demonstrate that its interest in secrecy outweighs the presumption of openness. *In re M.B.*, 819 A.2d at 62 n.2. To overcome this presumption of openness, the party seeking closure must establish "good cause." *R.W. v. Hampe*, 626 A.2d 1218, 1221 (Pa. Super. 1993). Good cause exists when closure is necessary to prevent a clearly defined and serious injury to the party seeking it. *Id.* Thus, the common-law framework likewise requires a particularized justification for restricting access, rather than a generalized assertion that confidentiality is desirable.

concluded that, under the specific circumstances of that case, no alternative short of total closure would adequately protect the juvenile’s privacy. *Id.* This case illustrates that the no-less-restrictive-means inquiry is fact-specific—a court must evaluate whether a proposed alternative would adequately protect the interests at stake, rather than assume that total closure is necessary whenever juvenile privacy is implicated.

Other courts have implemented alternatives to closing juvenile proceedings—including partial closure, or orders that certain information not be shared. In Minnesota, for instance, child protection hearings are open to the public “absent exceptional circumstances.” Minn. Stat. § 260C.163, subd. 1(c) (2025). But the court may seal any portion of the record if it necessary “for the protection of the child’s welfare.” Minn. Stat. § 518.168. Michigan proceedings are also presumed open to the public, but court rules permit a party to a juvenile proceeding to file a motion to close the proceeding to the public based on the nature of the proceedings; and the age, maturity, and preference of the witness. Mich. Ct. R. 3.925(A)(2).

Indeed, the Juvenile Act itself makes clear that the public has an interest in some proceedings brought under that Act, and that attendance at Juvenile Act proceedings is not limited to the parties. Although the Juvenile Act on its face requires closure of most proceedings, it identifies some cases that must be open to

the public. 42 Pa.C.S. § 6336(e).⁵ And, even where proceedings are closed, the Act presumes access for “parties, their counsel, witnesses, the victim and the counsel for the victim, [and] other persons accompanying a party or a victim for his or her assistance,” while allowing the court to admit “any other person as the court finds have a proper interest in the proceeding or in the work of the court.” 42 Pa.C.S. § 6336(d). Likewise, the Child Abuse Prevention and Treatment Act (CAPTA) specifically gives states the flexibility to determine policies with respect to open courts, so long as such policies ensure the safety and well-being of the child and families. 42 U.S.C. § 5106a.

The Juvenile Act also expressly contemplates the protection of sensitive information in otherwise open proceedings. Section 6336(f) provides that in such proceedings the court retains discretion to maintain the confidentiality of specified mental health, medical, juvenile institutional documents, and juvenile probation records. 42 Pa.C.S. § 6336(f). These provisions demonstrate that the General Assembly has identified circumstances in which public access is required while preserving targeted protections for sensitive information.

If a proceeding falls within a statutory category requiring public access, a court cannot treat the proceeding as categorically closed merely because it involves a juvenile. For other proceedings, § 6336(d) identifies categories of persons the

⁵ The statute allows closure when the child and the attorney for the Commonwealth agree to do so. 42 Pa.C.S. § 6336(e).

court may admit, including persons whom it finds have a proper interest in the proceeding or in the work of the court. The statute thus gives courts a means to account for legitimate interests in access while preserving their authority to protect the child's best interests.

Because the orders denying Mr. Volk's petition for access are not public, *Amici* cannot determine whether the court below applied the governing standards or adequately considered whether narrower restrictions could protect the interests supporting closure. The governing law nevertheless requires a case-specific justification for restricting access. Where the Juvenile Act permits the court to consider admitting a person with a proper interest in the proceeding or in the work of the court, that determination must be made consistently with the constitutional presumption of openness.

B. Unnecessary Closure of Juvenile Proceedings Blocks the Benefits of Public Access.

Public access to juvenile proceedings can provide better outcomes for young people, provide helpful information for the Court, and bolster confidence and trust in the courts for participants and the public. These benefits weigh in favor of opening court proceedings, especially in instances where young people request community members to be present.

1. Access to Juvenile Proceedings Improves Case Outcomes Through Community Support.

Community groups like YEAH Philly provide emotional support and clarity to young people that can be integral to their success in court. A review of more than a decade of qualitative studies consulting young people in courts confirmed that, for young people, court is “inherently stressful,” disorienting, and upsetting.⁶ According to a survey of juvenile public defenders and juvenile court counselors published by Duke Law School’s Bolch Judicial Institute, “while feelings of anxiety could be ameliorated by court support services, these services [are] not available everywhere, and youth and their families often [feel like they are] not given the opportunity to participate in proceedings as much as they [would like].”⁷ Without support, court appearances can cause anxiety, embarrassment, fear, and lower self-esteem that disincentivize children from participating in their proceedings.⁸ In delinquency proceedings, where knowledge about the child’s needs, background, life circumstances, along with buy-in from the young person, are integral to court success, this disengagement comes at the cost of young people’s betterment.

⁶ Eva McKinsey et al., *Trauma Informed Courts? How Judges May Influence Kids’ Experiences of Court*, 108 *Judicature* 15, 16 (2025); Julian D. Ford et al., *Trauma Among Youth in the Juvenile Justice System: Critical Issues and New Directions* 3 (2007).

⁷ McKinsey, *Trauma Informed Courts? How Judges May Influence Kids’ Experiences of Court*, *supra*, at 16.

⁸ *Id.* at 18; B.J. Saunders, G. Lansdell & J. Frederick, *Understanding Children’s Court Processes and Decisions: Perceptions of Children and Their Families*, 27 *Youth Justice*, 287-88 (2020).

These findings on youth experiences in court are evident in Pennsylvania, as well. In a court watching program in Philadelphia, well-educated, college professors, professionals and graduate students including law students, routinely found it “very difficult” to follow juvenile delinquency proceedings, despite receiving specific training on what to expect in court.⁹ Even some law students reported that the legal terms used in court “seemed a foreign language” and for all volunteers the “rapid pace” of court proceedings made it difficult to keep up.¹⁰ Importantly, the court watching volunteers found that very few young people spoke during their own proceedings.¹¹ The result is “a system that is often opaque, fragmented, and difficult for families and advocates to penetrate without expert support.”¹²

While Pennsylvania youth likely experience the same disorienting, disengaging experience described by aforementioned scholarship, Pennsylvania courts in particular stand to gain from active young people and information concerning their needs. In response to the “Kids for Cash” scandal in Luzerne County, the Pennsylvania Supreme Court amended state procedure to require that

⁹ Public Citizens for Children and Youth, *Courtwatch: Juvenile Justice in Philadelphia* 4 (2012), available at [Courtwatch-PCCY-2012.indd](#) (Exhibit B).

¹⁰ *Id.*

¹¹ *Id.* at 5.

¹² Roman et al., *YEAH Philly’s Violent Crime Initiative: Outcomes, Expansion and Scalability*, *supra*, at 5.

juvenile judges state on the record, among other things, the disposition of each case, the reason for the disposition and the goals, terms, and conditions of the disposition.¹³ The State Supreme Court also required that, before removing a young person from their home, courts find that out of home placement is the least restrictive placement consistent with the protection of the public and best suited to the child's needs.¹⁴ Understanding the education and health care needs of the young people appearing before the courts is central to the courts' ability to make these mandated findings in dispositional hearings. While the child's counsel is responsible for advocating these needs, meeting these standards may be challenging in Pennsylvania, where roughly two thirds of youth are represented by public defenders,¹⁵ and 60 of the state's 65 county public defender offices have attorney staffing levels below current standards.¹⁶

¹³ See 42 Pa.C.S. § 6352; see also, *New PA Rules Require Juvenile Courts to Address Education and Health Care Needs of Youth in Child Welfare, Juvenile Justice Systems*, Juv. L. Center (May 9, 2011), <https://jlc.org/news/new-pa-rules-require-juvenile-courts-address-education-and-health-care-needs-youth-child>.

¹⁴ See 42 Pa.C.S. § 6352.

¹⁵ Pennsylvania Juvenile Court Judges' Commission, *2024 Pennsylvania Juvenile Court Annual Report* 35 (2024), <https://www.pa.gov/content/dam/copapwp-pagov/en/jcjc/documents/publications/annual-reports/2024%20juvenile%20court%20annual%20report.pdf>.

¹⁶ Paul Heaton, *Gideon's Promise Versus Gideon's Reality: Resource Shortfalls in Pennsylvania Public Defense* 1 (2024), <https://www.law.upenn.edu/institutes/quattronecenter/reports/indigent-defense-funding/>.

Community volunteers can serve as a bridge between the court system and the knowledge it needs to support young people. Through YEAH Philly's Violent Crime Initiative, the organization has supported over 200 young people who have been charged with a violent crime, providing them with intensive court support, advocacy, and holistic services at their own request. Each month, YEAH Philly staff attend and provide advocacy and support at 40-75 hearings. The knowledge and emotional support provided by YEAH Philly is crucial. YEAH Philly works with young people to get them re-engaged in school and to find employment. Thus, they are well aware of their clients' educational needs and prepared to contribute to discussion concerning their special needs, progress with satisfying conditions and other and other questions related to the child's case or the court proceeding. Moreover, because YEAH Philly attends hearings at the request of the child, their presence is a key feature to ensuring that the child feels emotionally safe.¹⁷ Alleviating the child's anxiety creates conditions for the young person to engage in their court proceedings and progress plans and contribute key information.

YEAH Philly's effect on young people's court participation is not incidental. YEAH Philly staff affirmatively educate its clients to understand the court process

¹⁷ Roman et al., *YEAH Philly's Violent Crime Initiative: Outcomes, Expansion and Scalability*, *supra*, at 3 ("Participants consistently described staff as reliable and ever-present, stating that "staff showed up" or "were always there for me." VCI staff not only accompany youth to court but often play a direct role in securing less punitive outcomes, such as diversion instead of detention, reduced sentencing, or home supervision with community support in place of incarceration.").

and build the confidence to speak up for themselves in court, helping them practice self-advocacy skills that foster engagement in their self-improvement. These interventions have tangible results beyond the courtroom. Researchers from Temple University's Department of Criminal Justice conducted a multi-year study of YEAH Philly's Violent Crime Initiative to document its effectiveness, as well as provide recommendations for its expansion.¹⁸ YEAH Philly's advocacy focuses on helping their clients to remain in the community with services instead of being sent to a state placement or incarceration. What YEAH Philly's clients gain from that intervention is remarkable. While the average young person in VCI comes to YEAH Philly disengaged from education, forty percent of YEAH Philly's clients reconnect with school during the program and a third graduate from high school in that time.¹⁹ Additionally, more than half of YEAH Philly clients gain employment with the support of YEAH Philly.²⁰

¹⁸ Roman et al., *YEAH Philly's Violent Crime Initiative: Outcomes, Expansion and Scalability*, *supra*, at i ("With support from the Neubauer Family Foundation, Temple University researchers conducted a two-phase participatory evaluation. This final phase focuses on three goals: (1) highlighting what makes VCI unique, (2) assessing outcomes for participants, and (3) examining readiness for sustainability and expansion.").

¹⁹ Roman et al., *YEAH Philly's Violent Crime Initiative: Outcomes, Expansion and Scalability*, *supra*, at 22.

²⁰ Roman et al., *YEAH Philly's Violent Crime Initiative: Outcomes, Expansion and Scalability*, *supra*, at 22.

In addition to re-engaging in the community, YEAH Philly clients stay out of legal trouble. A comparison between court-involved young people in YEAH Philly's VCI and a control group, the VCI group's arrest rate fell by forty one percent after the program, versus only a thirteen percent decline in the comparison group.²¹ For violent arrests, the contrast is even sharper: VCI participants experienced a roughly 40 percent reduction after starting the program, while the comparison group's violent arrest rate increased by about ten percent.²² In short, post-program changes among VCI youth are both larger in magnitude and favorable in direction, indicating substantially better outcomes for young people who participate in YEAH Philly's VCI than those who do not.

Pennsylvania's family courts have seen many of the same benefits through partnership with another set of community volunteers, Court Appointed Special Advocates (CASA). CASA volunteers advocate for the best interests of children who are navigating the often-overwhelming foster care and family court systems.²³ Volunteers ensure children's unique needs, from educational support to mental

²¹ Roman et al., *YEAH Philly's Violent Crime Initiative: Outcomes, Expansion and Scalability*, *supra*, at 24-25.

²² Roman et al., *YEAH Philly's Violent Crime Initiative: Outcomes, Expansion and Scalability*, *supra*, at 25.

²³ Martha Gershun & Claire Terrebonne, *Child Welfare System Interventions on Behalf of Children and Families: Highlighting the Role of Court Appointed Special Advocates*, 48 *Current Probs. in Pediatric & Adolescent Health Care* 215, 223 (2018).

health services, are identified and addressed.²⁴ CASA's role extends to the courtroom by providing detailed, child-focused reports to judges to ensure the court has a comprehensive understanding of each child's needs.²⁵ Like YEAH Philly, CASA's ability to support and articulate the needs of their clients leads to positive outcomes. One study found that children who are assigned CASA volunteers are much less likely to return to the child welfare system; the proportion of reentries is consistently reduced by half compared to their peers.²⁶ Children supported by CASA volunteers also experience significantly fewer placements, while in foster care, than children who do not have CASA support.²⁷ CASA's benefits are also reflected in their clients' educational experiences. Children supported by CASA tend to have better academic and behavioral performance in school, including being more likely to pass all of their courses and avoid expulsion.²⁸

YEAH Philly and CASA demonstrate how community volunteers can serve as friends to the court, contributing to the shared goal of the betterment of the

²⁴ *Id.* at 227-28.

²⁵ *Id.*

²⁶ *Id.* at 228.

²⁷ Cynthia A. Calkins & Murray Millar, *The Effectiveness of Court Appointed Special Advocates to Assist in Permanency Planning*, 16 Child & Adolescent Soc. Work J. 37, 42 (1999).

²⁸ Hersh C. Waxman et al., *The Long-Term Effects of the Houston Child Advocates, Inc., Program on Children and Family Outcomes*, 88 Child Welfare 23, 43 (2009).

child. When courts are closed, the ability of these groups to support young people and improve outcomes is hampered. Support by YEAH Philly is requested by lawyers and judges,²⁹ families and the youth themselves, however the young person must consent to participate in YEAH Philly programming to receive services. Responses from YEAH Philly participants show that their presence in court is important to building trust. Participants in the program speak favorably about having YEAH Philly present at their hearings stating, “staff showed up” or “were always there for me.”³⁰ CASA’s clients similarly refer to them as “fierce advocates.”³¹ When courts are closed, community volunteers’ ability to build trust and connection with young people is thwarted, and young people cannot get the support they need. Moreover, without the participation of a child, or someone with the requisite information to advocate for the child, courts risk losing important information about a young person to decide on treatment options and service plans, like the young person’s background, trauma, family history, and obligations.

²⁹ 24.7% of referrals to the VCI are made by judges and lawyers. Roman et al., *YEAH Philly’s Violent Crime Initiative: Outcomes, Expansion and Scalability*, *supra*, at 16.

³⁰ Roman et al., *YEAH Philly’s Violent Crime Initiative: Outcomes, Expansion and Scalability*, *supra*, at 3.

³¹ See *Fostering Child Well-Being and Helping Them Achieve Their Full Potential*, CASA GAL For Child., <https://nationalcasagal.org/our-impact/research-and-effectiveness/>; see also Colleen C. Katz & Jennifer M. Geiger, *The Role of Court Appointed Special Advocates (CASAs) in the Lives of Transition-Age Youth with Foster Care Experience*, 40 *Child and Adolescent Social Work J.* 17 (2021).

2. Public Access to Juvenile Proceedings Promotes Better-Informed Courts.

Open courts facilitate better informed courts, both by allowing community members to generate useful data for court administrators and government officials, and by allowing communities to educate themselves and broaden public discourse on policy matters related to the court. Many researchers and advocates promote the benefits of less secrecy in delinquency and dependency proceedings.³²

Pennsylvania courts have recognized the benefits of engaging the community in juvenile courts in the past. Following the 2009 Luzerne County scandal, then-Administrative Judge Kevin Dougherty of the Philadelphia Family Court Division welcomed a court watching program in Philadelphia's Juvenile delinquency courts.³³ Then-Judge Dougherty worked with the chief of Department Court Operations to facilitate access to the courts and decide how and what data volunteers would collect on the state of the juvenile courts.³⁴ Together, they reviewed the form used by the Courtwatch volunteers to collect data, assisted with scheduling, and responded to questions.³⁵ Robert Listenbee from the Defender

³² See Claire Angelique R.I. Nolasco, Aneta Spaic & Michael S. Vaughn, *Media Access to Juvenile Proceedings: Balancing the Tightrope Between Privacy Rights and Freedom of the Press*, 43 Int'l J. L. Crime & Just., 643, 645 (2015); *see also* Emily Bazelon, *Public Access to Juvenile and Family Court: Should the Courtroom Doors be Open or Closed?*, 18 Yale L. & Pol'y Rev. 155, 157 (1999).

³³ Public Citizens for Children and Youth, *supra*, at 3.

³⁴ *Id.*

Association and Kelley Hodge from the District Attorney's Office, and Public Citizens for Children and Youth (PCCY), a local non-profit, also worked with then-Judge Dougherty to train the Courtwatch volunteers.³⁶ The parties were united by their recognition that the courts system and young people stood to gain from opening courts to concerned community members. The program culminated in the 2011 Courtwatch Report, a robust document providing demographic data on the young people moving through the court system, updated information on the most common charges and types of hearings in juvenile court, and qualitative accounts of its day-to-day functions.³⁷ Importantly, the data collected by volunteers did not interfere with judges' ability to govern their courtrooms or conduct business. Instead, the Family Court judges who heard delinquency cases with volunteers present generally welcomed them into their courtrooms.³⁸ On several occasions, they invited the Courtwatch volunteers back to chambers to explain courtroom proceedings and respond to questions.³⁹

Amicus Pennsylvanians for Modern Courts is also familiar with the power of court watching programs. Although PMC has been unsuccessful in its efforts to

³⁵ *Id.* at 4.

³⁶ *Id.* at 3.

³⁷ Public Citizens for Children and Youth, *supra*, at 4.

³⁸ *Id.*

³⁹ *Id.*

observe Juvenile Court proceedings, PMC has partnered with the Philadelphia Bail Fund since 2018 to conduct a volunteer court-watch initiative observing preliminary arraignment hearings. Seventy-six volunteers observed 611 hearings in 2018, and the organizers issued a report with findings and recommendations.⁴⁰ PMC's reports have been particularly helpful in providing realistic data sets on government-initiated reform efforts. For example, PMC has produced reports cataloging community volunteers' observations of court proceedings enforcing the Early Bail Review initiative, a bail reform effort rolled out by the District Attorney, First Judicial District, and Defender Association in 2020.⁴¹ These court watching reports have provided both quantitative and qualitative data on court proceedings that are available to inform future decision making and effective policy.⁴²

Similar to PMC's efforts, the ACLU of Pennsylvania also conducted a court watching program in 2018 and 2019, in the basement courtroom where preliminary

⁴⁰ See Philadelphia Bail Fund & Pennsylvanians for Modern Courts, *Philadelphia Bail Watch Report*, Pennsylvanians for Mod. Cts. (Oct. 15, 2018), <https://www.pmconline.org/resources/philadelphia-bail-watch-report>.

⁴¹ Pennsylvanians for Modern Courts, *Philadelphia Bail Watch Report* (Oct. 2023), <https://online.fliphtml5.com/jfyyb/qtzx/>; see also Pennsylvanians for Modern Courts, *Philadelphia Bail Watch Report: Early Bird Review* (June 2024), <https://www.pmconline.org/sites/default/files/2024-08/PhiladelphiaBailWatchReportJune2024.pdf>.

⁴² Pennsylvanians for Modern Courts, *Philadelphia Bail Watch Report: Early Bird Review* (June 2024), *supra*.

arraignments are held in Philadelphia around the clock.⁴³ Staff and volunteers attended bail proceedings, sitting in on over 2,000 hearings in total.⁴⁴ Their efforts revealed significant patterns about bail proceedings in Philadelphia that were later used to inform the ACLU of Pennsylvania's legal advocacy before the Pennsylvania Supreme Court.⁴⁵

Beyond producing important information for the courts, open courts are an important feature of democratic participation and civic engagement. Community residents have an interest in the problem of American crime and the betterment of its young people.⁴⁶ Holding juvenile court proceedings outside of effective public view impairs the public discourse about these issues.⁴⁷ When the general public is effectively prevented from seeing how courts operate and make decisions about public safety and child wellbeing, the robust marketplace of ideas that the First

⁴³Brief for Cato Institute, American Civil Liberties Union of Pennsylvania, & Pennsylvanians for Modern Courts as Amici Curiae Supporting Respondents, *Phila. Bail Fund v. Arraignment Court Magistrate Judges*, 976 F.3d 302 (2020), <https://www.law.georgetown.edu/icap/wp-content/uploads/sites/32/2020/06/PBF-3d-Cir.-Amicus-Brief-of-ACLU-PA-et-al.-6-5-2020.pdf>.

⁴⁴ *Id.*

⁴⁵ACLU of Pennsylvania, *The Philadelphia Community Bail Fund, the Youth Art Self Empowerment Project, and individual plaintiffs v. Arraignment Court Magistrates of First Judicial District*, ACLU Pa., <https://www.aclupa.org/cases/philadelphia-community-bail-fund-youth-art-self-empowerment-project-and-individual-plaintiffs/#documents>.

⁴⁶ Michigan Law Review, *The Public Right of Access to Juvenile Delinquency Hearings*, 81 Mich. L. Rev. 1540, 1549 (1983).

⁴⁷ *Id.* at 1550.

Amendment was designed to ensure is diminished. *See Fields v. City of Phila.*, 862 F.3d 353, 359 (3d Cir. 2017) (identifying “citizen discourse on public issues” as “the highest rung of the hierarchy of First Amendment values” (internal quotation marks omitted)); *see also Globe Newspaper Co. v. Superior Ct.*, 457 U.S. 596, 606 (1982) (highlighting that the public’s ability to “participate in and serve as a check upon the judicial process” is “an essential component in our structure of self-government”). In short, open courts allow community members to engage with the court system in a productive manner by creating useful data for future policy decisions and educating the public on the day-to-day realities of its courts.

3. Public Access to Juvenile Proceedings Promotes Trust and Legitimacy in the Justice System.

Public access to judicial proceedings can foster confidence in the justice system by promoting transparency and fair treatment. Research examining young people’s experiences in juvenile courts suggests that their perceptions of the justice system’s legitimacy are associated with how they experience the judicial process.

In a study of young people appearing in a youth court in Toronto, Ontario published in 2010, Jane B. Sprott and Carolyn Greene found that perceptions of respectful treatment by judges and defense lawyers predicted young people’s broader views of the justice system’s legitimacy, even after accounting for satisfaction with case outcomes.⁴⁸ A separate study by Greene and her coauthors

found that a courtroom atmosphere characterized by confusion and unprofessionalism was associated with lower perceptions of legitimacy, even after accounting for young people's perceptions of how individual court actors treated them.⁴⁹ These findings suggest that young people's views of the justice system reflect not only the outcomes of their cases but also their experiences of the judicial process.

Research in dependency courts offers a complementary perspective. In a 2011 study, Vicky Weisz and her coauthors compared 43 children who attended foster care hearings with 50 children who did not attend their hearings in one Midwestern jurisdiction.⁵⁰ Children who attended their hearings reported greater trust in the judge, more positive perceptions of the judge's fairness, and a better understanding of their cases.⁵¹ Although this study examined children's attendance at their own hearings rather than public access, it suggests that experiences of

⁴⁸ Jane B. Sprott & Carolyn Greene, Trust and Confidence in the Courts: Does the Quality of Treatment Young Offenders Receive Affect Their Views of the Courts?, 56 *Crime & Delinq.* 269, 275 (2010).

⁴⁹ Carolyn Greene, Jane B. Sprott, Natasha S. Madon & Maria Jung, Punishing Processes in Youth Court: Procedural Justice, Court Atmosphere and Youths' Views of the Legitimacy of the Justice System, 52 *Canadian J. Criminology & Crim. Just.* 527, 537-40 (2010).

⁵⁰ Vicky Weisz, Twila Wingrove, Sarah J. Beal & April Faith-Slaker, Children's Participation in Foster Care Hearings, 35 *Child Abuse & Neglect* 267 (2011).

⁵¹ *Id.* at 269-71.

participation in dependency proceedings can be associated with children's trust in the court and perceptions of fairness.

While these studies do not establish that admitting members of the public or the press directly improves young people's perceptions of the justice system, they do show that young people's experiences of judicial proceedings matters to their confidence in the institutions responsible for their cases. The Juvenile Act recognizes that certain individuals with a proper interest in a proceeding or in the work of the court may be admitted, while preserving the court's authority to protect a child's best interests. Applying this framework allows courts to account for legitimate privacy interests without treating juvenile proceedings as categorically beyond public access.

CONCLUSION

For the foregoing reasons, *Amici* urges this Court to uphold the constitutional mandate that courts are presumptively open and ensure that no proceeding is closed without a full consideration of alternatives to closure.

Respectfully submitted,

/s/ Mary Catherine Roper

Mary Catherine Roper (PA No. 71107)
Carly McIntosh, Certified Legal Intern
Borey Chea, Certified Legal Intern
ADVOCACY FOR RACIAL & CIVIL
JUSTICE CLINIC

3501 Sansom Street
Philadelphia, PA 19104
mroper@law.upenn.edu
arc.camci@law.upenn.edu
arc.bchea21@law.upenn.edu

Date: October 21, 2026

Counsel for Amici

CERTIFICATE OF COMPLIANCE WITH WORD LIMIT

I certify pursuant to Pa.R.A.P. 2135 that this brief contains 5671 words, as determined by the word-count feature of Microsoft Word, the word-processing program used to prepare this petition, excluding the exempted portions of the brief.

CERTIFICATE OF COMPLIANCE

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

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served upon the parties via PACFile.

Dated: October 21, 2026

/s/ Mary Catherine Roper
Mary Catherine Roper