

Luzerne County Timeline

Prepared by Juvenile Law Center

1999 – Juvenile Law Center files appeal to PA Superior Court for thirteen year old boy who was placed in a facility by Judge Mark Ciavarella. The appeal argues that adjudication must be reversed. Child not represented by counsel, no constitutional waiver of counsel, and child's nod of his head in response to the judge's question was constitutionally invalid guilty plea.

January 3, 2001 – PA Superior Court overturns Ciavarella's order adjudicating the boy delinquent. Court finds that Ciavarella violated law requiring him to inform the child of his right to counsel. Published reports following Superior Court decision quote Ciavarella: "I'll never do it again."

October 1, 2005 – PA Supreme Court distributes Rules of Juvenile Court Procedure that confirm right to counsel in juvenile court. Rules say only the child - not parents - may waive right to counsel after colloquy by the court (judge required to read series of specific questions to make certain child understands consequences of waiving counsel). Waiver must be knowing, intelligent, and voluntary.

January 2007 – Since 2005, state records show more than 50% of juveniles appeared in Luzerne County Juvenile Court without counsel – nearly ten times the state average. Nearly 60% of delinquency dispositions for youth without counsel in 2005 and 2006 resulted in out-of-home placements.

April 17, 2007 – Fifteen year old girl creates MySpace parody of assistant principal. Charged with harassment. Juvenile Probation gives mother form to waive counsel – she signs. Ciavarella does not inform girl of right to counsel and does not conduct required colloquy. Accepts girl's admission of guilt without legally required explanation of consequences. Orders girl to be placed in a facility for indefinite period of time.

April-May 2007 – Girl's mother contacts Juvenile Law Center for help. Juvenile Law Center files writ of *habeas corpus* motion, requesting girl's release. Ciavarella orders new trial. Girl appears before Ciavarella again, this time with legal representation by Juvenile Law Center. Released on consent decree.

Summer 2007 – Writs of *habeas corpus* filed on behalf of several Luzerne County youth. Juvenile Law Center and pro bono counsel gain successful release of children - but Luzerne County maintains a much higher than state average placement rate.

April 28, 2008 – Juvenile Law Center files Application for Extraordinary Relief in the PA Supreme Court for all youth who appeared in Luzerne County court without legal representation and were adjudicated since October 2005 when Juvenile Court procedures were mandated. King's Bench Petition argues that children's waivers and guilty pleas were invalid. Made without constitutionally required colloquies. Waivers were not voluntarily and knowingly given.

June 2008 – PA Attorney General and PA Department of Public Welfare join in Juvenile Law Center Application for Extraordinary Relief. Both DPW and Attorney General cite alarming Luzerne County statistics of adjudicated youth and out-of-home placements. Raises serious questions of legality of proceedings. Luzerne County District Attorney and Administrative Office of Pennsylvania Courts file briefs urging the Supreme Court not to take jurisdiction – "not a matter of immediate public importance."

December 22, 2008 – After six months without response from Supreme Court, Juvenile Law Center renews Application for Extraordinary Jurisdiction to alert the Court to the gravity of the situation in Luzerne County. Filing reminds Court that juvenile adjudications have long-lasting consequences creating barriers to educational opportunities and employment.

January 8, 2009 – PA Supreme Court issues a once sentence denial of Juvenile Law Center's Application to review Luzerne County cases. Court offers no explanation for denial.

January 26, 2009 – US Attorney's office files fraud charges against Ciavarella and Conahan. Judges enter guilty pleas and face up to 87 months imprisonment.

January 29, 2009 – Juvenile Law Center files Application for Reconsideration to the Supreme Court to take immediate action and exercise jurisdiction over the cases of all youth adjudicated delinquent by Ciavarella from 2003 through May 2008.

February 2, 2009 – PA Supreme Court issues press release announcing it would vacate previous order denying Juvenile Law Center's petition. Court will now cooperate with Juvenile Law Center to assure justice is served.

February 11, 2009 – PA Supreme Court issues order granting Juvenile Law Center's Application and appointing Judge Arthur Grim as Special Master to review and recommend remedial actions.

February 26, 2009 – Juvenile Law Center and Hanglely Aronchick Segal & Pudlin file civil lawsuit in federal court. Two other civil lawsuits also filed in federal court.

March 26, 2009 – PA Supreme Court approves First Interim Report and Recommendations of Special Master. Investigation confirms: substantial number of juveniles appeared without counsel and did not knowingly and intelligently waive their right to counsel. Identifies routine deprivation of children's constitutional rights to appear before impartial tribunal and be heard. Supreme Court's order authorizes Special Master to issue individual orders to vacate adjudications and expunge records for first group of identified youth. Supreme Court notes: additional recommendations for other cases will follow.