

A Call to Action: Improving the Court's Response



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How to the Improve Handling of Cases Involving Very Young Children

- ▶ Serve as a community leader.
- ▶ Convene a court-based group to focus on child welfare cases involving very young children.
- ▶ Testify or publicly advocate for policies or legislation.
- ▶ Educate the public.
- ▶ Participate on committees and other professional groups.

How to Lead Successful Court-Community Collaborations

- ▶ Exercise your leadership.
- ▶ Seek research-based reforms.
- ▶ Seek procedural enhancements.
- ▶ Ensure services are child-focused.
- ▶ Evaluate, evaluate, evaluate.



The lives of very young children are profoundly affected by the decisions you make every day in your courtroom. This guide shares knowledge about early brain development, healthy attachment, and other health and developmental considerations in cases involving very young children. With this knowledge, you have many opportunities to influence not only the individual cases you see every day, but also systemic changes that will improve outcomes for the youngest children in the child welfare system.

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Your decision-making role as a juvenile and family court judge is critical to the safety and well-being of very young children, their families, and their communities. You know well your responsibility to ask the right questions, require the right assessments and services, and demand accountability from service providers, child welfare agencies, and the lawyers appearing in your courtroom. What can you do in your role off the bench to advocate for system improvements that will improve outcomes for court-involved families?

The National Council of Juvenile and Family Court Judges has long called on its member judges to serve in a broader role that includes leadership in assessing the needs of children in the court and acting as advocates and catalysts for change in developing resources and implementing policies and procedures:

Family court judges must take a leadership role to improve the administration of justice for children and families within the courts, in their communities, state capitols, and nationally. It is essential for family court judges to be active in the development of policies, laws, rules and standards by which these courts and their allied agencies and systems function.¹

Not only can you be a powerful voice within the court system, you are also uniquely positioned to know the problems faced by the children and families who come before you every day. As a prominent and influential member of the community, you can help identify the unmet needs of very young children and their families, which in turn will benefit your community.

You can engage in a variety of activities that promote the administration of justice within your state's judicial code of conduct. These activities benefit the court, the community, and the children and families the court serves:²

Serve as a community leader.

Your leadership can help identify unmet needs of very young children in the court system and the services needed to address those needs. For instance, there is growing awareness of the need for early, preventative dental care for very young children in foster care. In your leadership role, you can help raise attention to this issue and reach out to community health centers or local dental care providers to identify services for infants and toddlers in care.

Convene a court-based group to focus on child welfare cases involving very young children.

Many judges have acted as community leaders to establish a variety of court-related services and programs, including court appointed special advocate (CASA) programs, family drug treatment courts, and specialized courts focusing on the unique needs of infants and toddlers in the court system.³

Testify or publicly advocate for policies or legislation.

Juvenile court judges have testified before state legislatures on issues such as the value of subsidized adoptions, the benefit of statewide child representation models, and the need for appropriate and sufficient reunification services. You can share your views based on your judicial experience by consulting with or testifying before local, state or national legislative or executive branch officials. You can also encourage support for adequate resources to provide the services needed by very young children in the court system. Many judicial professional organizations provide an avenue for this type of testimony or consultation.

Educate the public.

Share issues related to very young children by speaking before community and civic groups, writing newsletter articles or letters to the editor, and writing articles for scholarly journals that can influence the work of other courts. Educating the public about the need for parent-child psychotherapy or other services that promote positive parenting can bolster support for such programs within the community. If you have established a special court-based program or service for very young children in your court (such as a family drug court for parents of infants and toddlers), describing such efforts through professional journals can help other judges replicate successful programs in their own courts.

Participate on committees and other professionals groups.

You can join professional groups and committees that address the needs of court-involved children. Groups exist at the national level (such as the National Council of Juvenile and Family Court Judges or the American Bar Association's Judicial Division) and the state level. State judicial associations can have a significant impact on legislation and policy impacting the needs of children. Your state supreme court may have a commission or committee on foster care or other related issues where your expertise could help shape the state's response to very young children in care.

How to Lead Successful Court-Community Collaborations

Several courts around the country have implemented special dockets or courtroom procedures in response to the unique needs of infants, toddlers, and preschoolers. Successful approaches apply research to court practice to improve outcomes for very young, maltreated children. If your court has or is considering such a collaboration, your leadership and participation are key.

Healing the Youngest Children: Model Court-Community Partnerships,⁴ which describes the court-community collaborations in depth, identifies 13 components that help fuel their success. These components address systems change, a focus on services for very young children, procedural enhancements, and sustainability efforts. You play a vital role in each. Here's how:

Exercise your leadership.

The systems change component depends on a strong, proactive judge who leads the court's efforts focusing on very young children. Therefore, you play an essential role marshaling community services and assistance for young children and their families. You also have a unique ability to encourage action among public and private child-serving agencies. For example, convening a meeting to address the availability of parent and child mental health services in your community could bring together not only advocates for each of the parties in child welfare cases but also mental health service providers throughout the community.

Your strong judicial leadership draws on the assets of all the collaborative partners to support the mutual goals and efforts of the program. In addition to the court, it is essential to work with the child welfare agency, early childhood specialists, and attorneys who know how the special needs of very young children should guide their requests for services on behalf of their clients.

Seek research-based reforms.

Any coordinated effort or intervention to improve outcomes for very young children in the child welfare system should be based on sound research. Enlisting early childhood experts and other knowledgeable parties is therefore essential. Equally important is developing tools to help identify gaps in local services and monitor how any intervention is affecting children's well-being and progress. For instance, child-parent psychotherapy shows promising early outcomes for safe reunification of young children with their parents. The collaborating entities should assess whether the community has the capacity to provide sufficient mental health interventions for the parent and child together, and if not, pursue ways in which such therapy could be offered. Judges can inform the community about gaps in services and mobilize community leaders and resources to address those gaps.

Seek procedural enhancements.

Core components that fall under procedural enhancements include many that you influence directly. For instance, the frequency of case review hearings can be set from the bench. Time between review hearings should be shortened and used productively. Frequent case reviews ensure that very young children receive services that are effective and age-appropriate. Regular meetings of the collaborative team members can also help ensure case progress.

Ensure services are child-focused.

As a judge, you can also ensure the services you order are child-focused. Implement concurrent planning requirements; ensure the case plan provides frequent, regular visits; ensure all necessary services are ordered for every young child; and order evidenced-based services to meet the family's needs. You can also use your position within the court to support ongoing training and assistance for legal and child-serving professionals working in your courtrooms to learn about the impact of abuse and neglect on early development.

Evaluate, evaluate, evaluate.

Finally, you can request ongoing evaluation of efforts to improve outcomes for infants, toddlers, and preschoolers. Routine evaluation is essential to identify whether court deadlines are being met, appropriate services are being offered and provided, or if gaps in services exist. Evaluation can also help support additional funding requests.

Now is the Time to Act

By implementing the recommended practice tips provided in this guide, you can ensure they become common practice among the nation's juvenile dependency courts. Always demand complete and current information about the health status of the infants, toddlers, and preschoolers who come before you and ensure that their needs are met. Continue to identify innovative approaches to address the health and developmental needs of very young children involved in the child welfare and court systems.

Please share this guide with other judges and advocates in your community. Judges, judicial officers, court administrators, attorneys, guardians ad litem, social workers, medical and health professionals, and others working with very young children can work together to create court systems that serve the specific needs of infants, toddlers, and preschoolers. Working together, you can improve both their immediate well-being and their long-term health and permanency outcomes.

Endnotes

1. National Council of Juvenile and Family Court Judges. *Children and Families First: A Mandate for America's Courts*, 1993, 4.
2. *A Judge's Guide to Improving the Legal Representation of Children*. Edited by K. Grasso. Washington, DC: ABA Center on Children and the Law, 1998, 13.
3. Hudson, L. et al. *Healing the Youngest Children: Model Court-Community Partnerships*. Washington, DC: ABA Center on Children and the Law and Zero to Three, 2007.
4. Ibid.