

Summit on Unified Family Courts: Serving Children and Families Efficiently, Effectively, and  
Responsibly  
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Remarks As Prepared

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It's about our children.

If there's one thing we can all bring to—and take from—this conference, that's it. It's about our children.

Over the next two days, you will use your expertise and experience to discuss court structures, bureaucracies, funding issues, politics, and other important and difficult issues. You are doing a wonderful thing by taking the time to work them out here.

If we want to truly succeed at this conference, however, we must not lose sight of the simple fact of why we're here.

It's about our children. Think of them the next two days and beyond.

As you hear the experts and discuss issues among yourselves today and tomorrow, remember:

- Our children do not choose to get their parents divorced.
- They do not choose to be abused and neglected.
- They do not choose to witness violence in their homes.
- They do not choose to be assigned to foster care.
- They do not choose to be in households where alcohol and drugs are abused.
- They do not choose their adoptive or foster parents.
- They do not choose the amount of child support they need. And they do not choose whether their parents will meet their child support obligations.
- They don't choose the terms of their parents' visitation and custody rights.
- And, as many of us would argue, our children do not choose the limitations on their lives that lead them to behavior like chronically skipping school, committing vandalism and violence, and behaving in other ways that are both self-defeating and destructive of our society.

These are the reasons our children and their problems wind up in our courts. We're lucky if their problems even come before our courts. Too often, the underlying problems of destructive behavior among our youth are lost in the shuffle of too many lawyers, too many case workers, and too

many judges. Many times they're ignored by the professionals among us who are not trained to be aware that the problems even exist.

We owe it to our children who have been failed—whether by their families, their schools, their peers, or their communities—to provide them the best justice we can.

We cannot turn our backs on them. When our courts handle family problems with a fragmented approach, this is what happens. A unified family court is the best way to ensure that we do not overlook these problems.

You know that. That's why you're here. Our communities are grateful for your efforts.

The American Bar Association is pleased to cosponsor this Summit on Unified Family Courts with the University of Baltimore Center for Families, Children, and the Courts.

The ABA has long recognized the potential of unified family courts as a way to meet the legal and protection challenges of children and families. Twenty-seven years ago, in 1980, the ABA first expressed its support for unified family courts in its Juvenile Justice Standards Relating to Court Organization and Administration. In those standards, the ABA committed itself to the principle that every state court system should establish unified family courts throughout the entire state.

Since 1980, we have taken steps to make unified family courts a reality throughout the country.

Immediately after the 1993 release of the ABA's report called *America's Children at Risk*, the association created its Steering Committee on the Unmet Legal Needs of Children. Its first policy recommendation to the ABA House of Delegates, in 1994, was to define the elements that constitute a unified family court.

In 1998, the ABA Standing Committee on Substance Abuse, chaired today by my friend Barbara Howard, worked with judges, lawyers, and family advocates in six sites across the country to develop and implement unified family courts. The committee emphasized collaboration among the court, the local bar association, and the community at large as a way to break through institutional and community barriers.

Also in 1998, the ABA Standing Committee on Substance Abuse sponsored a summit like this one to encourage states to establish unified family courts. Today's summit is a follow-up to that successful event.

The theme of today's summit is a key part of the American Bar Association's activities this year. We are marshalling our resources to focus on an initiative called Youth At Risk.

- We are looking at the reasons some children find their way in life while others wander aimlessly and still others become completely lost.

- We are finding answers based on interviews and roundtable discussions throughout the country with lawyers, judges, social service leaders, and youth themselves.
- We expect that there are many opportunities for our courts to guide these young people in the right direction.
- Our preliminary work has identified the concept of "one family—one judge" through unified family courts as an ideal way to help our at-risk youth.

One suggestion that repeatedly comes up involves delinquency and status offender jurisdiction, particularly as it relates to "crossover" kids. These are the youth who shift between the child welfare and juvenile justice systems. Their family histories suggest that rather than being treated—or perhaps prosecuted—as a delinquent or status offender, they should be responded to as a child, a child who has been abused, neglected, or abandoned.

We have seen the positive outcomes that come from diverting or intervening early with youth who run away from home, are truant from school, are beyond their parents' control, or are otherwise engaging in misbehavior that would not be a crime if they were adults.

Juvenile status offenders and their families, if they must come before the court, should be served by a judicial process that addresses their needs as a family and includes a diversionary program to prevent unnecessary and prolonged court involvement.

A final area of concern involves foster children who age out of the system when they turn 18.

One recommendation we've heard is that every unified family court should have jurisdiction over youth in foster care. Many propose that the court should be legislatively empowered to continue its jurisdiction in a youth's case after his or her 18th birthday.

When the court's jurisdiction ends, or the court chooses to simply dismiss all cases upon a youth turning 18, we lose an important opportunity for us to ensure that youth receive appropriate transitional services from child welfare agencies. Our courts can play an important role in monitoring the educational, vocational, housing, health, and other services that young people need to make a positive transition to adult independence.

I recently went to Memphis and joined Tennessee Governor Phil Bredesen as he announced a mentoring program for foster care kids as they age out of the system.

During this trip, I met a young woman named Becky at Youth Villages, a nonprofit that provides help for 11,000 troubled young people in six states. It offers a treatment foster care program, which Becky joined.

Becky described many painful years in state custody. By 18, drugs and alcohol had consumed her life. She said, "My first Thanksgiving and Christmas out of state custody, I slept in a crack house. At 18 years old I was completely lost."

Eventually, Becky returned to Youth Villages' Transitional Living Program and turned her life around. Today, she's in college.

Becky seems to be a success story, but so many young people like her are not. At any given time, state courts and child welfare agencies in the United States must assume responsibility for the safety and well being of more than half a million children in foster care. What happens to those foster youth who age out?

As you do your work here and when you return to your work at home, please remember kids like Becky and all the other children and youth whose families and their problems appear before the courts.

Thank you Dean Holmes, Mr. Belgrad, and the University of Baltimore's Center for Families, Children, and the Courts for hosting us here today with the ABA and its Standing Committee on Substance Abuse and Center for CLE. And thank you all for coming here to work on these difficult but solvable issues.

It's been said that a society that turns its back on children will not be able to turn its back when those children become adults. Today, we are taking steps to turn toward our children and do our utmost to provide them with the justice they need and deserve.