

It's Personal!!! Unique Role and Responsibilities of Juvenile Court

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Learning Objectives

- Understand the purpose and importance of the juvenile court
- Understand the unique role and responsibilities of judicial officers in juvenile court
- Understand the importance of the judicial leadership role (both on-the-bench and off-the-bench) in child welfare
- Understand your own leadership style and the components of effective judicial leadership

Learning Objectives (In Human Terms)

- Understand that everything you do (and don't do) in child welfare cases will determine:
 - ▶ Whether a child can stay safely home
 - ▶ If they can't stay safely home, whether they will stay within their family and with siblings and whether they will achieve timely, safe reunification
 - ▶ Or, if needed, timely and safe alternative permanence

Juvenile Court Today

What is Juvenile Court?

- ▶ Juvenile court is a unique institution that combines social and legal attributes to serve public interests relating to children and families
- ▶ Legal issues in child welfare cases overlay critical human issues
 - ✓ Almost never—in my experience—is the question whether there is a problem; it is how to solve the problem

The Role of the Judge in Child Abuse and Neglect Cases

Remember Judge Joseph Wapner?
In Child Welfare Cases, You Ain't Him/Her!!



The Role of the Juvenile Court Judge

- Doesn't the judge just decide cases?
 - ▶ Not in juvenile court!
 - ▶ The juvenile court judge must do much more than decide cases
- The juvenile court is the original problem solving court
- The role of the juvenile court judge involves leadership functions
 - ▶ The judge must connect with system stakeholders and the community to address the needs of the children and families before the court

Responsibilities of the Dependency Court Judge

- Parens patriae surrogate
- Gatekeeper
- Jurist of law and fact
- Administrator of due process
- Inquiring magistrate of well-being, safety and plan for children in care
- Applier of therapeutic/restorative justice principles

Responsibilities of the Judge Presiding Over Child Abuse and Neglect Cases

- Permanency Plan for the child
- Monitor services provided
- Set standards which the juvenile system will be governed
- Provide leadership to community and ALL participants in the juvenile court system

Responsibilities of the Judge Over Guardians ad Litem

- GAL duties under §48.235(3), unless granted leave by the court:
 - ▶ Meet with the child
 - ▶ Assess the appropriateness and safety of child's environment
 - ▶ If old enough to communicate, interview child and determine child's goals and concerns regarding his/her placement, make clear and specific recommendations to the court
- *Paige KB v. Molepske*, 580 NW 2d 289 (Wis Supreme Court 1998).
 - ▶ In overseeing the conduct of a GAL, the circuit court plays a vital role, for in a custody dispute, the circuit court must be the vanguard for the best interests of the child. Accordingly, the circuit court must not idly wait for or blindly rely on a GAL's recommendation. Rather, the court, at each stage of the proceeding, should inquire into the method of analysis utilized by the GAL, the time and effort expended by the GAL, and the reasons supporting the GAL's actions and recommendations.

The Role of the Judge - Who are you?

- A social worker; an administrator; a child development expert; a psychologist; a parent coach, a motivator; an ASFA cop; a terminator???
- You are all of these and a leader directly responsible for assuring the safety, well being and permanence of these children

The Role of the Judge

- Did you know you have the authority and responsibility to determine “intake policy” and court services in child welfare cases? [§48.06 (1)]
 - ▶ What in-home services are provided to prevent out-of-home care (OHC)?
 - ▶ What efforts are undertaken to identify fit and willing relatives and keep siblings together?
 - ▶ What rehabilitative services are being provided to assure safe return of children to their homes?

The Role of the Judge

- What leadership/oversight are you providing off the bench to assure these services and the safety, well-being, and permanence of our children?

Role of the Court (It starts at the beginning)

- At Temporary Physical Custody (TPC), demonstrated safety risk warranting intervention?
- If so, what have they done to control or remediate the risk to avoid OHC? [§48.21 (5)]
- If OHC, fit and willing relatives---if not, why not? [§ 48.355 (1), §48.38 (4)(bm)]
 - ▶ Have you asked the parent about relatives? [§48.21 (3)]
 - ▶ Have we identified dad? Resolve paternity/swab them § 48.299 (6).

Role of the Court (It starts at the beginning)

- Are the siblings together? If not, why not? Are they visiting each other? [§ 48.21 (5); § 48.38 (4)]
 - ▶ Remember siblings are still siblings even after adoption. [§ 48.38 (4) (br) 1.]
- Keeping children in same school?
- If OHC, how quickly and often can we facilitate family interaction if safe?
- If OHC, have you told the parent they just went on the 15-month time clock?
[Adoption and Safe Families Act (ASFA); § 48.417]

Role of the Court (It starts at the beginning)

- Is this a WICWA child/family? If so, § 48.028.
- Duty of the court to:
 - ▶ Fully cooperate with, and in many cases to defer to, Indian Tribes and Tribal Courts
 - ▶ Promote stability of Indian Tribes and families
 - ▶ Respect minimum standards established for OHC of Indian children
 - ▶ OHC, when necessary in homes reflecting value of Indian culture and maintaining ties to Indian culture and tribe

Role of the Court (Initial Appearance/Plea, Disposition, and Permanency Hearings)

- If in home, are we adequately controlling the safety risks?
- If OHC, do they still need to be out—is there still an uncontrolled risk?
 - ▶ Are they with relatives, which can include the parent of a sibling who has legal custody of that sibling. [§ 48.02 (15)]
 - ▶ Are siblings placed together?
 - ▶ Parent progress, appropriate services to remediate risk and get children safely home

Role of the Court (Initial Appearance/Plea, Disposition, and Permanency Hearings)

- Do we anticipate a safe return?
 - ▶ “Why can’t the child be returned home today?”
- Should we concurrently plan?
- Is this a reasonable efforts not required case?
- How do we get these children to safe, timely permanence?

Role of the Court Trauma-Informed Practice

- Acknowledging and understanding impact of past trauma on participants
 - ▶ What You Say: Communication Counts
 - ▶ What You Do: Court Processes and Procedures
 - ▶ How You Do It: Courtroom & Courthouse Experience
- See Trauma-Informed Benchcards & Essential Components of Trauma-Informed Judicial Practice (see online materials)

What is Trauma?

- SAMHSA defines individual trauma as that which results from an event, a series of events or set of circumstances that is experienced by an individual as physically or emotionally harmful or threatening and having lasting adverse effects on the individual's functioning and physical, social, emotional or spiritual well being.
 - ▶ Trauma = event + experience + effect

Adverse Childhood Experiences (ACE) Study

- More than two-thirds of the population report experiencing one ACE, and nearly a quarter have experienced three or more.



Childhood Trauma

An event that a child finds overwhelmingly distressing or emotionally painful, often resulting in lasting mental and physical effects.

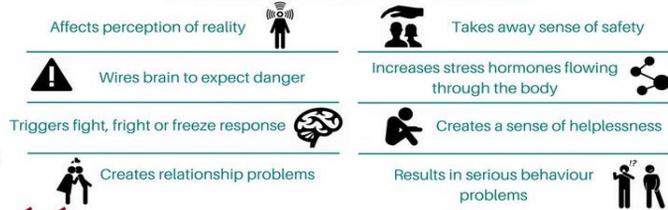
2x
more likely to develop
DEPRESSION

3x
more likely to develop
ANXIETY DISORDERS

Common causes:



LONG-TERM IMPACTS:



“The initial trauma of a young child may go underground but it will return to haunt us”
James Garbarino

PREFRONTAL CORTEX (PFC)
"Thinking Centre"

Underactivated

Difficulties concentrating & learning.

A traumatised brain is "bottom heavy"

AMYGDALA
"Fear Centre"

Overactivated

Difficulty feeling safe, calming down, sleeping

ANTERIOR CINGULATE CORTEX (ACC)
"Emotion Regulation Centre"

Underactivated

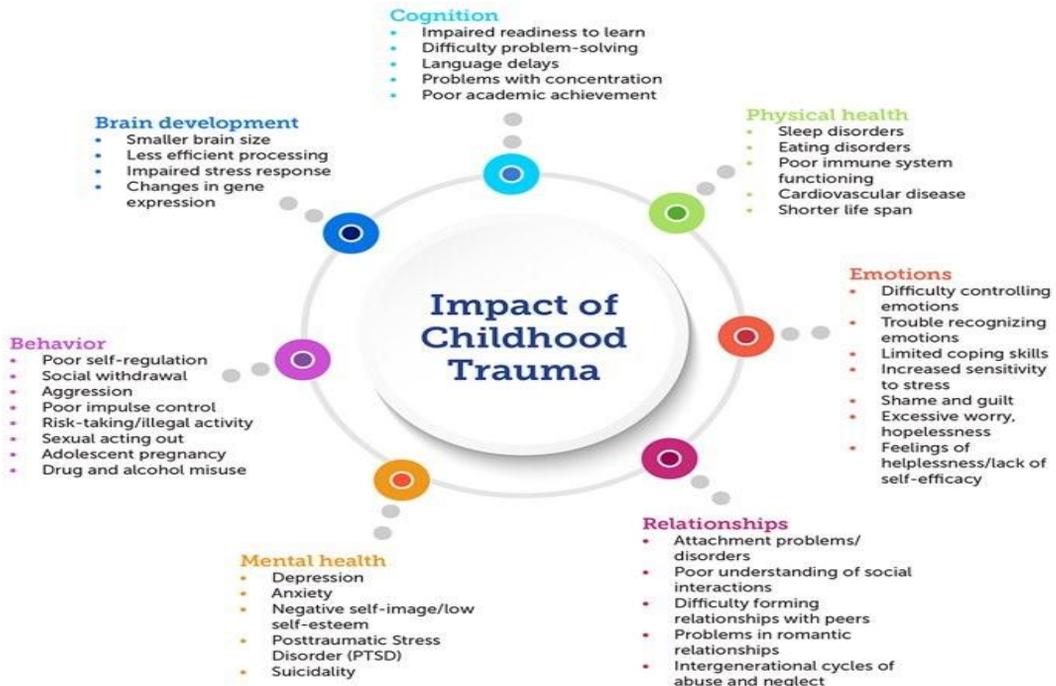
Difficulties with managing emotions.

Complex Trauma: a result of repetitive, prolonged trauma



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Impact of Childhood Trauma



Impact on Parents & Children

Enduring effects of trauma can lead to survival mode, which impacts an individual's ability to engage with the court process.

- Missed appointments for services (especially mental health)
- Mistrust of the system – the need for increased transparency and authentic engagement
- Aggressive reactions when questioned by judge, attorney, case worker, etc.
- Substance use
- Academic failure, poor school attendance
- Difficulty focusing, concentrating, appearing checked out
- Running away from home or placements

Core Principles of a Trauma-Informed Approach



Safety

Throughout the organization, patients and staff feel physically and psychologically safe



Trustworthiness & Transparency

Decisions are made with transparency, and with the goal of building and maintaining trust



Peer Support

Individuals with shared experiences are integrated into the organization and viewed as integral to service delivery



Collaboration

Power differences — between staff and clients and among staff — are leveled to support shared decision-making



Empowerment

Patient and staff strengths are recognized, built on, and validated — this includes a belief in resilience and the ability to heal from trauma



Humility & Responsiveness

Biases and stereotypes and historical trauma are recognized and addressed

Trauma Informed Approach

- Recognized as a best practice
- Universal approach and application
- Builds rapport and strengthens working relationships
- Decreases likelihood of case-interfering behaviors
- Increases willingness to be a collaborative partner
increases satisfaction and compliance
- More productive interactions and court appearances

It's Personal

- We are taught not to make cases personal. These cases are personal for the children and their families.
- We are a problem solving court vested with the personal responsibility to assure the safety, well-being and timely permanence of our children.
- Everything we do and don't do impacts their safety, well-being and permanence.

Removed Video



Part 1: <https://www.youtube.com/watch?v=IOeQUwdAjE0>

Part 2: <https://www.youtube.com/watch?v=I1fGmEa6WnY>