



# Child Abuse and Neglect Institute

Improving Outcomes for Children and Families  
MODULE: Introduction to the Leadership Role of  
the Judge

National Council of Juvenile and Family Court Judges





# IMPROVING OUTCOMES FOR CHILDREN AND FAMILIES

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Establishing the Foundation ....

The Leadership Role of the Judge

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# LEARNING OBJECTIVES

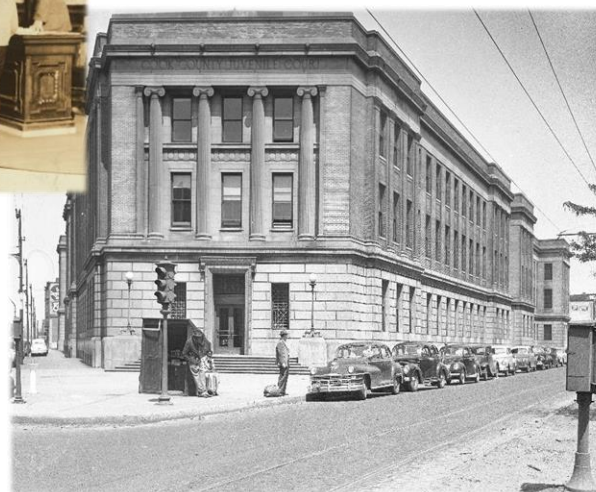
Over the course of the next few days ...

- ◉ Understand the purpose and importance of the juvenile court
- ◉ Understand the unique role and responsibilities of juvenile court judges
- ◉ 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



# JUVENILE COURTS DEVELOPMENTAL HISTORY

Emergence of a philosophical belief that the state owes children protection from harm, behavioral support and the chance at rehabilitation



The First Juvenile Court -Cook  
County, Illinois  
(established 1899; photos 1912 & 1944)



# JUVENILE COURT TODAY

Juvenile court is a unique institution that combines social and legal attributes to serve public interests relating to children and families



# PURPOSE OF JUVENILE COURT

- Ensure children are raised to become productive citizens
- Protect children from abuse and neglect
- Preserve and strengthen families so they can raise their children without state interference



# ROLE OF THE JUVENILE COURT

- ⦿ Explain and provide due process
- ⦿ Transfer of responsibility for the child to a non-parent
- ⦿ Protect the child's rights, even when a ward of the state
- ⦿ Articulate, establish, or reinforce community norms governing the care and protection of children



# 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 JUDGE IN CHILD ABUSE AND NEGLECT CASES

- ◉ 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 IN CHILD ABUSE AND NEGLECT CASES

- ⦿ Permanent 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



# UNIQUE ROLE OF THE JUDGE IN CHILD ABUSE AND NEGLECT CASES

- Includes many non-traditional functions
  - **judicial, administrative, collaborative and advocacy components**
- Decisions set standards w/in community and systems connected to the court
- Ensure systems work efficiently and fairly
- **Judicial leadership both on and off-the-bench**



# LEADERSHIP ROLE OF THE JUDGE

- Juvenile and family court judges lead from the bench in cases when they:
  - Fully exercise their oversight role
  - Hold all stakeholders accountable for substantive hearing process and timely case processing



# REASONS FOR JUDICIAL OVERSIGHT

- ◉ Court/agency involvement is simultaneous
- ◉ Multiple person/agency involvement creates potential for delay, error and conflict
- ◉ Court sets and adjusts direction and plan
- ◉ Court approves placement, visits and services
- ◉ Court enforces participants' involvement
- ◉ Court ensures all steps that can be taken are being taken



# JUDICIAL OVERSIGHT - THE BIG PICTURE

- ◉ To ensure that every child that should be in care is in care, but not a single child more
- ◉ To ensure that every child that is in care is in a safe, nurturing placement that is supportive of the permanency plan



*A Home Would be Heaven -  
Silvia, Age 13, foster youth  
From Foster Youth Art Initiative,  
Texas Department of Family and  
Protective Services*



# LEADERSHIP ROLE OF THE JUDGE

*“Judges who embark on a path of excellence in handling of child abuse and neglect cases recognize the importance of achieving timely permanency through active judicial case oversight demonstrated by effective and timely case scheduling, by thorough hearings with informed and prepared participation by all parties, and by regular review hearings. A self-disciplined court can discipline the whole system.”*

*From: NCJFCJ (1999), Judge’s Guidebook on Adoption and Other Permanent Homes for Children.*



# LEADERSHIP ROLE OF THE JUDGE

- Juvenile and family court judges lead off the bench when they:
  - Address court and system challenges by encouraging/supporting/participating in
    - Multidisciplinary Training
    - Court Improvement Collaborative Teams
    - Efforts to Share Data





# LEADERSHIP ROLE OF THE JUDGE

*“Judges must convene and engage the community in meaningful partnerships to promote safety, permanency, and well-being of children to improve system responses. The juvenile court must model and promote collaboration, mutual respect, and accountability among all participants in the child welfare system and the community at large”*

Key Principles of Permanency Planning, NCJFCJ



# LEADERSHIP ROLE OF THE JUDGE

**Judicial responsibility for impartiality does not preclude judicial leadership.**



# NCJFCJ LEADERSHIP RESOLUTION

NCJFCJ 69th ANNUAL CONFERENCE  
JULY 16 - 19, 2006  
Milwaukee, Wisconsin

## Resolution No. 6

### RESOLUTION REGARDING JUDICIAL LEADERSHIP IN THE JUVENILE AND FAMILY COURTS

**WHEREAS**, the success of our nation's juvenile and family courts is directly related to the leadership provided by the juvenile and family court judges serving in them; and

**WHEREAS**, in consultation with the presiding judge of the court system and to the extent that it does not interfere with the adjudication process, these judges are encouraged to:

1. Provide leadership within the community in determining the needs and obtaining and developing resources and services for at-risk children and their families. At-risk children include delinquents, dependents and status offenders.
2. Investigate and determine the availability of specific prevention, intervention, and treatment services in the community for at-risk children and their families.
3. Exercise their authority by statute or rule to review, order, and enforce the delivery of specific services and treatment of children at risk and their families.
4. Exercise a leadership role in convening, developing, and maintaining programs of interagency cooperation and coordination among the court and the various public agencies that serve at-risk children and their families.
5. Take a leadership role in the formation of a community-wide network to promote and unify private and public sector efforts to focus attention and resources for at-risk children and their families.

Resolution No. 6  
Regarding Judicial Leadership  
In the Juvenile and Family Courts  
July 19, 2006  
Milwaukee, WI  
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6. Maintain close liaison with school authorities and encourage coordination of policies and programs.
7. Educate the community and its institutions through every available means including the media concerning the role of the juvenile court in meeting the complex needs of at-risk children and their families.
8. Encourage the development of community services and resources to assist homeless, truant, runaway, and incorrigible children.
9. Convene volunteers from the community to work with and mentor and support at-risk children.
10. Be familiar with all detention facilities, placements and institutions used by the court.
11. Act in all instances consistent with the public safety and welfare.

**NOW THEREFORE BE IT RESOLVED**, the National Council of Juvenile and Family Court Judges does support and approve this Resolution regarding judicial leadership in the Juvenile and Family Courts.

Adopted this 19<sup>th</sup> day of July, 2006  
By the Membership Assembled in Conference  
In Milwaukee, Wisconsin



# SUMMARY -JUDICIAL RESPONSIBILITY IN CHILD ABUSE AND NEGLECT CASES

- ◉ Judges must exercise strong judicial oversight of cases
- ◉ Court must hold system accountable
- ◉ Judges can be active in policy, rules and procedures development
- ◉ Judges must act as convener and advocate to ensure accountability
- ◉ Judges must hold participants accountable- including themselves
- ◉ Judges should exercise leadership both on and off- the- bench