Best practice 2. Transcript.

We are going to start discussing best practice 2 at this point: the role of the judge. I am Meghan Fitzgerald, FTC Training Coordinator at AOC, and facilitator of these online modules.

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While I am here to facilitate, these modules are only a small portion of the work being done on Best Practice for FTCs in Washington State. We have a full team of Child welfare and court professionals funded by grant from the Office of Juvenile Justice and Delinquency Prevention that are all working on this project. Please check my introduction video and our website for additional information

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Using the Family Treatment Court Best Practice Standards published in 2019, our learning goals for this module focus on understanding the six basic provisions identified that define best practices for a judicial officer in an FTC. As well as to gain clarity about how each particular member of a local family treatment court can support the judicial officer in their role.

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Let's pause for a moment before we jump into the content to reflect on your local court practices. If you aren’t currently a part of an FTC, jump ahead to the second question

Now I’d like you to think over this prompt, “Does the judge or commissioner of your FTC set a tone for the court that you believe is in line with best practice standards?”

Some examples of areas you might think about: Does your court feel inclusive? Are concerns addressed immediately? Do professionals feel heard and included? Do participants feel safe supported and heard? Are inequities and biases addressed?

After you’ve thought that over also: Identify a few qualities of a judicial officer that seem critical, to you, to being effective in this role.

You won’t be asked to turn these in, but they may be useful as you’re thinking over this module’s content. Consider pausing this video here and writing down your thoughts to reflect on after you’ve completed this session.

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The role of a judicial officer in a family treatment court is diverse and complex. The judicial officer Serves as a critical member of the local operational team. They also have a unique ability to bring together local stakeholders and community members. Some research says that their relationship with the participants of FTC may be one of the most deciding factors towards the success. Of that participant. With the support of their locally, their local family treatment court team. And an involved oversight and or steering committee. Alternating between these different roles can be smooth and effective. Their leadership will help encourage members to identify shared values. To voice concerns and to find common ground. As well as to create sustainability for that family treatment court. In the long term.

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This best practice standard contains 6 provisions. Just a note, this video will cover these provisions in a slightly different order in this module than they are found in the best practice guide. But for convenience I'll state them here exactly as you'll see them on page 32 and 33 in the FTC best practice booklet or PDF. Provision a. Is convening partners provision B? Judicial decision making. Provision C. Participation in Pre-court staffing. Provision D interaction with participants. Provision E professional training. And provision F length of judicial assignment to FTC.

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Provision one, convening partners focuses on creating structures such as an oversight committee, steering committee, and that core operating team to develop FTC with a sustainable and effective practices and procedures. From here let's think about how the judicial officer can help to convene all of those different teams and committees and harness the collective power of those groups to meet the needs of the families suffering from substance use disorder in their community.

When a family treatment court is new or when an established court desires growth and change from previous practices, community involvement is practical to understand all of the funding, services, and other assistance available. The judicial officer is better able than most to bring together leaders from the community, relevant service providers, child welfare professionals and community partners. When assembling a committee for oversight or guidance, it is critical that the members are able to make or influence decisions about what happens to the families an FTC serves. A judicial officer is uniquely positioned to ask others to share their expertise.

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In addition, the judicial officer will bring together the local team for discussion and planning, and work to create space to respectfully discuss participants in the family treatment court and make decisions about an appropriate therapeutic response. This isn't an easy position to hold, particularly with a team that truly cares about their clients and may, at times, advocate fiercely for their welfare, also the teams can become quite large, and at times have opposing opinions about the best course of action. Judicial officers typically have the power, influence, and ability to bring forth a team that is multidisciplinary, share similar values, and a similar mission and vision for their work (and hopefully assist in wrangling them into a productive and effective team as well). We know that an FTC cannot function without the whole operational team working together, we without leadership, they can be equally ineffective.

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This brings us to Precourt staffing as the next provision we will discuss best practice 2. A short quiz will come up on your screen If you would like to receive credit for this training, CLEs, CJEs, or a certificate of completion please make sure to use your correct name and work email. I'll give you just a minute to complete that.

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Thank you for participating in that quiz. Best Practice 2 calls for full participation of a judicial officer in pre-court staffing. In some cases, this may not be occurring, because of concerns about Ex Parte communication or other ethical considerations. If this is the case in your court, I would highly recommend that you consult with other judicial officers (we at AOC would be happy to connect you with someone) and consider a change to the format of staffing to make sure that the judge and all parties are able to participate on a regular basis. In fact, as I’ve shown here, an analysis of the data from three major studies including 125 evaluations and 32, 719 participants in drug courts across the nation found that “Team Engagement” in which all of the team members attend case staffing and court sessions was one of 7 practices that related to “higher graduation rates, lower recidivism, and greater costs savings” You can download that study from the [link provided here and on our website.](https://npcresearch.com/wp-content/uploads/Best_practices_in_drug_courts_20122.pdf) The citation is also found on page 38 of your FTC best practice manual

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In a pre-court staffing the judicial officer often takes a back seat to all of the other professionals (click) and really takes on a role of a listener, learner, and leads from the back as one might say. (click) However, they also are the expert in the room on judicial canons and relevant case law. They may also be called on to (click) set the tone of their FTC in regards to confronting bias, to being sure equity is enforced and that the goal of the team is to be objective in providing context to the case during staffing (though of course the whole team takes responsibility for this as well). Ultimately, they are responsible for upholding ethical court conduct and decision-making in these cases, based on the expert opinions of the FTC team, and the participants themselves. A well-organized staffing focus on problem solving will prepare the Judicial Officer to better engage with the participant during their hearing.

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Provision B, this is where I start to get little out of order. Provision B is fairly straightforward, so I won’t say much. I’ll just quote from the Family Treatment Court Best Practice guide page 34 and say “the judge is ethically bound to exercise independent discretion and make independent decisions after hearing from all parties and reviewing the relevant facts and applicable laws.” Not a simple task, but well within the abilities of our amazing judges.

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Your FTC team, AOC, and CFF offer trainings on a regular basis that many of our judicial officers already attend, so I won’t focus on this long. There are three areas that should be considered for training of both the judicial officer and for your whole team. They are: 1) Training on relevant topics to the whole FTC or to the judicial role. This might include Sud treatment, including medication assisted treatment (MAT), child welfare, legal and constitutional issues, or racial equity topics to name a few. 2)Cross-training within the operational team. This should include experts within the team teaching each other about their expertise, as well as team building training when needed, for meeting moderation, mission and vision development, or shared planning. And last but not least, 3) Shared learning experiences, consultation, and networking with other judicial officers, both from a learning perspective and from a teaching perspective when that's appropriate. One of our grants goals is to facilitate opportunities for this though list serv development, regular state meetings, and community of practice conversations.

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Provision F of the best practice standard is that a judge presides over the FTC for at least two consecutive years in order to maintain continuity for children, parents and for families, and longer if possible. Because Washington Counties very in rotation timing, succession planning is also relevant here. While training can be provided to new judicial officers, observation of pre-court staffing's, hearings, and the team’s processes will allow for a smoother transition.

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If you have observed or participated in an FTC hearing, you are already well aware of the impact a judge can have on the participants' success. The best practice standard here gives some excellent guidance on the hearing, which primarily is a conversation between the judge and the particpant. The judge should aim to spend spends at least three minutes talking to each participant as this has been found to have the highest level of success. That interaction depends on the stage of recovery, of course and may require more or less time depending on what the court needs to respond to. One note of caution, often we plan a docket that saves longer issues for the end, or the beginning, or maybe saved celebrations for a particular time, because it is logistically easier, however, consider that other participants and staff might benefit from seeing those celebrations or theraputic responses, and that it might help them to know what is ahead for them (both positive and negative). It is also important to focus on being family centered where possible. Ask the participant about their parenting goals, how visits, or parenting time is going, ask about doctors’ appointments and educations, and any unmet needs or parenting challenges That child or  parent are having relationship while they are engaged in  dependency. . If any responses are necessary make sure to explain why both for this client and for others that are in the courtroom and maybe want to see what might happen in  regard to certain behavioral challenges

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When we think about where these clients are coming from, we also should consider that this may be their first time having a supportive experience in court. The may have encountered systemic racism in the court system, they almost certainly have some trauma associated with the courts. In counseling, there is a term for how patients should be treated called, “Unconditional Positive Regard. Which essentially just means that in order to be successful at having patients open up, be honest, and be successful in treatment, therapists must treat them as though as though no action that they have done will diminish who they are as a person. Their personhood, their value, comes first. A judicial officer might consider taken a similar approach. With understanding. Compassion. Unconditional positive regard. In combination with the use of therapeutic responses to behavior, and trauma informed court practices, the judicial officer can make every participant feel like their voice is heard, and feel empowered to make the changes they need to make to build a healthier family.

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