



Judge Leonard Edwards
Santa Clara Superior Court (Ret.)

Working With Clients In Juvenile Court

The judge's role in juvenile court is different than in most other judicial assignments. In this paper I will be discussing the judicial role in juvenile dependency cases, but many of the observations will be equally applicable in juvenile justice cases.

The goals of the juvenile dependency court (child safety, changing parental behavior, provision of services for parents, timely permanency for the child and more) require the judge to modify his or her behavior regarding interactions with the parent. First of all, the judge must recognize the situation facing the parents. They are coming to court because they have allegedly abused or neglected their child. The child may have been removed from their care. They may not have seen the child or know where he or she is living. One or both parents may be in custody. They have little or no idea about what is happening to their child. Furthermore, they are coming before a judge. They do not know what the judge is going to do. Put them in jail? Yell at them? Tell them what terrible parents they have been? In short, they are in shock, terrified, petrified. They are not in a frame of mind that will enable them to understand what is happening when they face the judge. From my own experience as an attorney for children and parents, the most frequent question I received after a hearing before a juvenile court

judge was "what just happened in court?" Indeed, trauma science informs us that the parent most likely understands less than half of what the judge is saying.

Recognizing these facts about the clients a judge encounters in juvenile court, it becomes a challenge for the judge to communicate effectively with them. Unlike many other judicial assignments, the juvenile court judge wants to develop a positive working relationship with each client. The judge is not there to punish the client – punishment is the goal of other court proceedings, not juvenile dependency court. The goal (in most cases) is to rehabilitate the client through services and encouragement. Under the law, the first goal is to reunify the child with the parents in a safe home environment.¹ To accomplish this goal it is best if the judge shows interest in the parents and actively engages them in the proceedings. If the judge is bored and just goes through the advisement of rights like a bureaucrat, the parents will conclude that the judge doesn't care about them or their situation. Yet, these are the most important hearings in the court system. They have to do with the parent-child relationship and whether these parents will continue to rear their children.

I believe that the development of a positive working relationship starts with the first contact with the client. It involves respect,

patience, and engagement. The initial/detention hearing is the first and most important meeting with the parents. Failure to establish a positive relationship is critical as the parents need to get off to a good start. When the parents appear, I suggest a greeting – "Good morning, Mrs. Smith and Mr. Smith," along with eye contact with each parent. If there are relatives in the room, a similar greeting is appropriate. I begin my discussion with something like this: "I realize this is not an easy time in your life and that you are not certain what is happening. I hope to explain the proceedings, let you know your rights in these legal proceedings, and answer your questions." I speak slowly, sometimes very slowly, and I will repeat important statements, even asking if the parents understand what I am saying. I maintain eye contact throughout the hearing. I want to personalize my relationship with the parents. I tell them that I will be making orders throughout the case, and I want the parents to understand those orders and work with me to follow those orders – not resist them. I also want the parents to know that I want to help them reunite with their child so that they can leave the child welfare system and the courts, but that I will need their cooperation in order to accomplish those goals.

Continued on page 22

Juvenile Court Corner – continued from page 6

I also want to get their attention. Some parents do not realize what is at stake in juvenile dependency proceedings. They need to know that if they cannot change their behavior, they could lose their parental rights and someone else could raise their child. If that fact is not understood, the parents may not take court orders for services seriously. I might say: “you don’t want that to happen, do you? If one or both parents are crying or emotionally distraught, I believe they have understood the importance of the proceedings. However, at a review hearing when the parents have done little on their case plan, I conclude that I was not effective in explaining the serious consequences of the proceedings.

Showing respect and support should occur throughout the legal proceedings, even when the parents are struggling. I typically order a 30- or 45-day review of the case after the dispositional hearing so that I can make certain that the parents are engaged, that services are working well, and that regular visitation is taking place.² The law mandates a six-month review – however, six months is a long time, and parents can forget that they are coming back to see the judge. An interim review will be more likely to keep

their attention on their efforts to reunify with their child. If something is not working well, it can be adjusted early in the case at the interim review. If there is a problem, I am prepared to take the blame, for instance if there are long lines for a particular service, or transportation difficulties regarding visitation. I sometimes say, “It is our fault that the service plan is not working out well. We will make modifications today that will hopefully get us back on track.” This is an approach I learned in our Family Drug Treatment Court (Wellness Court) when a parent came in with a positive drug test. It usually results in a higher level of services, including possibly more testing, a change in living arrangements, or less contact with an undesirable person. We never used jail as a sanction – it should not be necessary as the most significant sanction is loss of one’s child. In California, jail as a sanction for not following the service plan is also against the law³.

At all review hearings, I try to say something positive about each parent’s efforts. Positive statements send a powerful message of support to the parents. As Judge Melinda Stewart, a long-time juvenile court judge told me: “the best way for me to engage is to start out with acknowledging

something positive about the parent and minors (this can be a bit of a challenge but it’s there!)...this warms the atmosphere so I follow up with questions and LISTEN to their answers about noncritical matters (attorneys always consent to this), and they then seem to relax a bit and respond and treat me as a fellow human instead of a big black robe! It’s amazing what can develop here.”

As a hearing comes to a conclusion, I repeat when the next hearing will be and what we will be discussing at that hearing. I ask if there are any other questions and then conclude with some encouragement. “I believe you can be successful in these proceedings. You seem to understand what is happening and what you need to do. I look forward to working with you in the weeks and months ahead.”

Judge Mike Clark who served in juvenile dependency court for years reminded me that judges should also say a word of encouragement to the social worker on the case. Social workers have a difficult job. They have to work with traumatized parents struggling to change their behaviors. And not just in the case before the court, but with an entire caseload of families. Saying an encouraging

word to the social worker and letting the parents know that the social worker will assist them at all stages of the case will support the social worker and help him or her develop a positive working relationship with the parents. I make similar comments to CASA volunteers, relative caretakers, and others involved in each case.

Juvenile court judges have a unique role in dependency cases. The law instructs us to help rebuild families that have encountered difficulties rearing their children. In order to do this, judges must understand the situation the parents are in, the fears they have appearing before a judge, and what types of encouragement will help the parents successfully change their behavior and provide a safe home for their child. 🍷

Endnotes:

- 1 Welfare and Institutions Code §300.1, West, 2019.
- 2 “Interim Hearings,” Autumn 2009, *The Bench*, the official magazine of the California Judges Association
- 3 “Sanctions in Family Drug Treatment Courts,” Winter 2010, *Juvenile and Family Court Journal*; *In re Nolan W.*, (2009) 45 Cal.4th 1217, 203 P.3d 454, 91 Cal.Rptr.3d 140.