

The Pandemic, Technology, and the Juvenile Dependency Court

The Covid-19 pandemic has changed all of our lives, including the way that courts operate. Technology has made it possible for judges to hear cases online, with the parties, attorneys, court staff, and judge all participating through WebEx, Zoom and other similar technologies. Judges are discovering that these hearings work.

The question arises: will courts continue to use these technologies when the pandemic is over? There are good reasons to say Yes. The parties will save time and money. They will be able to stay at home or at work and not spend hours in the courthouse. Transportation problems will be eliminated. The same is true for attorneys. While not everyone has a computer, most people do have some kind of cellphone or smart phone which permits communication with multiple parties.

While I am supportive of using online contacts with the court, I also believe that appearing in person before a judge has some significant benefits. This is particularly true in the juvenile dependency court. When a child has been removed from parental custody, appearing in court is a significant event. Learning directly from a judge the consequences of a juvenile dependency case is a critical first step in the process of reunification with a child. The emphasis that a judge can give to a nervous or frightened

parent cannot as effectively be accomplished in a Zoom meeting. The judge has a great deal of information to give to the parents, and the judge should be trying to develop a working relationship with them.

Some parents do not take the proceedings in juvenile dependency court seriously. They are in denial that there are problems or they have other, “more important”, issues to address in their lives. The judge knows this and will try to focus their attention to the most important issue – changing behavior so that reunification will be achieved. The other critical message the judge must give is that failure to change behavior may result in the permanent loss of parental rights. That message is so important that it must be delivered in person. From my experience, in initial hearings, if I did not have the parents’ attention about the seriousness of the proceedings, I felt I had not done my job.

I have a proposal. Parents must be present at the initial/detention hearing. Thereafter, they also must be present at the adjudication and dispositional hearings as well as the permanency planning and termination of parental rights hearings, if such hearings are necessary. The judge may order interim hearings to check to see if visitation is occurring, if services are in place, to review a psychological report, to determine paternity, or to determine whether the ICWA applies to the case. These hearings can take place online. In this way, the judge has established a working relationship with the parents through in-person contacts, but the judge’s oversight of the case includes more frequent and less time-consuming hearings online.



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