

THE EVOLVING ROLE OF



The treatment of children who have committed delinquent acts, who are homeless, or who have been abused or neglected by their parents has changed dramatically over the past 120 years. In the 19th Century, children were prosecuted in the adult criminal courts, kept in jails along with adults and if they were homeless, placed in orphanages and other types of congregate care. By 1910, there were over 1,000 orphanages in the United States and their average size had grown significantly since the late 19th century. At the turn of the century, reformers created the first Juvenile Court in Chicago, IL. Shortly thereafter, Judge Ben Lindsey created a juvenile court in Denver, CO, and started the first probation program attached to the juvenile court where probation officers would follow the progress of juveniles in the community. In these early juvenile courts there were no lawyers and no rules of evidence for children before the court. The judge would meet with the child and decide his or her future based on that meeting.

In 1909, President Teddy Roosevelt called a White House Conference on Children bringing together the most prominent child advocates in the nation including two juvenile court judges, Judge Timothy Hudson from Chicago and Judge Ben Lindsey from Denver. At that conference the participants concluded that children belonged in a family setting, not in congregate care.

PAST PRESIDENT'S CORNER

BY: JUDGE LEONARD EDWARDS (RET.)

THE JUVENILE COURT

National policy seemed to move toward placing children in families. If they could not be placed in their own families, then they should be placed in a family setting. Foster care was born. However, foster homes as an alternative to congregate care grew very slowly in the 20th Century. It was only after the passage of Public Law 96-272, the Adoption Assistance and Child Welfare Act of 1980, that the number of children placed in foster care surpassed congregate care as the placement for children removed from their parents' home.

Placement policies have evolved over time. With the passage of the Fostering Connections Act of 2008, placement with relatives became the preference when a child was removed from parental care. With the Preventing Sex Trafficking and Strengthening Families Legislation of 2014, congregate care became the least preferred placement, and the legislation instructed judges, probation officers, and social workers to exert intensive efforts to remove children from congregate care and find them a family-like setting. These policy changes reflected studies which showed that placement in congregate care resulted in more frequent placement changes, less stability, and less permanency than in other placement options such as relative care.

Through the late 20th Century and 21st Century, juvenile courts have changed significantly. Best practices have been identified and court structure and judicial training have become more sophisticated. Collaborative Courts have sprung up across the country. The services offered to children and families have been vastly improved and many are evidence-based; that is, the services have been tested in the real world and have been demonstrated to have a positive impact on children and their families. For example, scientific changes in brain science have led to the realization that children have developing brains and should not be held as accountable as adults for their conduct. Moreover, we have learned that many children and families have been exposed to trauma. Services have been designed to take trauma into consideration when they are delivered.

Many if not most of these changes have been inspired by judges. Dissatisfaction with the old way of doing business, juvenile and family court judges have experimented with new ways of working with families. The person most responsible for overseeing the implementation of these changes is the juvenile court judge. The juvenile court judge is legally responsible for the care, custody, and control of children removed from parental care. No child is removed from home by the state without an order from a juvenile court judge.

If the probation department or social service agency decides to place the child in congregated care, it is the judge who must direct that department to find a family-like setting for the child.

The stakes are high. Our most vulnerable children who appear in our juvenile courts will either find a path to a successful, productive life or end up with a life of criminality, addiction, and failure.

How do judges know how best to perform this oversight responsibility? In an ever-more complex world with modern technology, new knowledge about brain development in children, and daily pressures of over-loaded court calendars, juvenile and family court judges need support. They need training in best practices both in and out of the courtroom. They need to learn about family drug treatment courts, dependency mediation, restorative justice, one judge-one family, the Indian Child Welfare Act, reasonable efforts, psychotropic medications, family finding, and many other innovative practices and laws that have been implemented over the past few decades. These innovations and laws have remade the juvenile court into a modern clinic where family problems and the needs of children are addressed numerous times every day.

The most effective way to learn best practices is from colleagues doing the same work in different jurisdictions around the country. That is the strength of the National Council of Juvenile and Family Court Judges (NCJFCJ). This judicial organization brings together the best juvenile and family court judges in the country, conducts research, develops best practices, and provides technical assistance to judges. It has been doing all this for more than 80 years.

Do you want to learn how to start a truancy court? A family drug treatment court? A mediation program? Do you want to improve court administration of cases involving children? These and so many more important issues and projects are just what the NCJFCJ can help your court address. Do you need the latest data on youth and crime, on the number of children removed

from home because of abuse and neglect, and the number of children transferred to adult court for prosecution? The NCJFCJ and its research division, the National Center for Juvenile Justice (NCJJ), can provide this information and much more.

When a judge returns from a training or conference sponsored by the NCJFCJ, the local staff at his or her court can be heard groaning “What has the judge learned at the conference? What changes will we be making?” Because that is what happens when judges meet at a conference and exchange ideas about how to improve juvenile court operations.

Juvenile and family courts have made significant changes over the past 120 years, and those changes have made these courts more effective in dealing with children in need and families in crisis. No longer do judges sit in chambers and talk with children and make decisions without lawyers. Instead, juvenile courts are sophisticated courts of law. Moreover, improvements and best practices continue to be discovered, such as those included in the Family First Prevention Services Act. As a result, there will always be much more for judges to learn. Training and technical assistance have become more important than ever. Being a member of the NCJFCJ can help judges and other justice system professionals accomplish the goals set out by our laws and will make our juvenile courts even more successful.

To encourage your colleagues to become members, share this link <https://www.ncjfcj.org/membership>.