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Permanency Through Collaboration Between Delinquency and Dependency Courts

Youth with cases pending simultaneously in the child welfare and juvenile justice systems often experience less favorable outcomes: they are more likely to be detained, usually spend extended time in the delinquency system, and exhibit higher rates of recidivism than youth without a foster care history.¹

Child welfare and juvenile justice proceedings are typically held separately, even when the same child is involved. This dichotomy can result in poor access to information, faulty communication between parties, and ill-fitting outcomes for the youth involved. Recent “dual-issue” initiatives seek to bridge this gap by fusing dependency and delinquency matters into one hearing. Heard by a single judge, this comprehensive technique fosters informed decision-making in order to provide the most appropriate and effective services possible for youth. Idaho is one state trying this approach in some courtrooms.

Idaho’s Framework for Success

Idaho’s statutory framework enables judges to hear dependency and delinquency matters at the same time. Idaho’s Child Protective Act permits a dependency court to consider delinquency matters if “it is in the best interests of the child or society.”² This provision is sometimes used to open delinquency cases for youth who refuse to participate in services (i.e., counseling) mandated in a dependency order. Likewise, Juvenile Rule 16 allows for the expansion of a delinquency case to a child protective case when there is “reasonable cause to believe” the juvenile defendant “is neglected, abused, abandoned, homeless, or whose parent(s) or other legal custodian fails or is unable to provide a stable home environment.”³

In addition, Idaho law explicitly allows free information exchange between the child welfare and juvenile justice systems. The Idaho Statewide Trial Court Records Systems (ISTARS) facilitates this exchange using a computerized data warehouse through which workers from both agencies can stay updated on their cases.

Judge Murray’s Courtroom

Judge Bryan K. Murray and state Court Improvement Director Debra Alsaker-Burke are paving the way for collaboration in Idaho’s dual-issue cases.⁴ From his bench in Bannock County, Judge Murray adjudicates the entirety of a family’s legal matters at once. This includes not only the dependency and delinquency claims pertaining to the child, but also related issues such as domestic violence, misdemeanor criminal proceedings against the parents, mental health concerns, and divorce and custody orders.

“When I first started this project” he says, “all the diverse cases were being handled by other judges.” This often led to redundant services or conflicting court orders, such as when a criminal judge issued a no-contact order for family members who were mandated to visit by their dependency judge. Murray began using dual-issue hearings to save court calendar time and provide more efficient service delivery to families. Combining cases also saves

time for the parties and attorneys, who need to schedule and attend fewer hearings.

While dependency and delinquency cases are not formally consolidated, they are scheduled for hearing and review in front of the same judge at the same time. All parties – including the youth, the parents, the child welfare agency, and juvenile justice agency – are expected to be present for both matters. Each type of case is adjudicated on its own merits and rules, after which both proceedings become more informal during the case planning process. Separate orders may be entered for each case, but they are coordinated with the other orders.

Although there is no formal evaluation data, Murray believes that collaborative hearings inevitably lead to better results for the children involved and faster resolution of cases. A wider array of participants are present, including parents, defense lawyers, GALs, therapists, social workers and probation officers. Each brings their knowledge of the family’s history and contributes to a collectively formulated, individualized plan intended to meet the youths’ needs while also holding them accountable for their behavior. “In essence, we are achieving permanency sooner,” he says.

One ancillary benefit of the dual-issue approach is that it has improved the historically minimal communication between child welfare and juvenile justice workers. Judge Murray reports that the agencies interact more frequently via phone, email, fax, and in-person meetings, as well as through ISTARS. This foundation enables workers to stay better informed of a client’s progress and efficiently delegate responsibility to meet a client’s needs.

Murray attributes the project’s success to its focus on “the family situation as a whole” and commitment to “a holistic multidisciplinary solution to problems instead of simply trying to solve one problem at a time.” He is currently working to get larger counties in Idaho to adopt his courtroom’s practice.

Praise and Concern

Like Murray, most judges participating in this dual issue project value the opportunity to establish a closer rapport with the families they serve. This approach encourages open and frank discussions among parties, allowing a judge to hear each family’s story as a complete narrative. Throughout the process, the judge speaks with the youth and parents about expectations, accountability and needed changes. Although each hearing takes longer, it is more efficient overall to hold one extended hearing rather than four or five separate ones.

Murray and his fellow dual-issue judges also show their support for the families outside of court by attending drug court graduations, visiting substance abuse treatment programs, and celebrating with those who are succeeding. In Murray’s district, the local sheriff organizes a camping trip for some of the court-involved youth. Judge Murray

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attends and uses the opportunity to get to know to the youth in an out-of-court setting.

Not everyone, however, is satisfied with Judge Murray's approach. "Public defenders and defense attorneys take issue with the fact that I know their clients so well," he admits. Most have been trained to zealously protect their clients' privacy, especially any outside matters that could stigmatize them in court. Still, Murray is confident that judges can make better decisions when they have a complete picture of the family dynamic. He says most lawyers praise the collaborative approach after participating in its results. They tend to request fewer continuances and enjoy the chance to create "a total package solution" for clients.

A special committee meets monthly to evaluate the collaboration process. It includes representatives from law enforcement, the school system, juvenile probation, juvenile detention, court clerks, and social workers. Although specific cases are not mentioned, the group discusses overarching issues such as case flow and communication among parties. The committee identifies ways to continually improve the project, coordinate better resources for families and make sure the process is working optimally for the children and community.

Although dual-issue courtrooms require more "time, energy, compromise, shifts in responsibilities, and sharing of control," Murray believes the effort is well worth it. The project has yielded more appropriate and lasting outcomes for Idaho youth and their families.

Tips for Creating a Dual Issue System

The following recommendations can help juvenile courts move towards a more collaborative approach.⁵

Identify Leaders for Systems Change

- Identify fellow workers who have the desire, ability and authority to start the collaboration, build trust, get "buy-in," and create a vision.
- Call for a meeting and arrive armed with examples of successes in other jurisdictions, areas of weakness in your own system, and proposed changes.

Establish an Ongoing Coordinating/Oversight Group

- Identify local or state stakeholders willing to meet regularly to plan, implement and modify the system (including social services, probation, education, etc.).

- If necessary, encourage them to take broad political action to ensure that the legislature will not pass laws that undermine the new system.

Create a Mechanism to Identify Dual System Children

- Establish a formal means of determining whether a child is involved in another system. Make this process accessible to both agencies and outside counsel.

Maximize Information Sharing

- Identify ways for workers to share information/records.
- Address any remaining barriers to information sharing (i.e. push for legislative changes, write memoranda of understanding, have information-sharing provisions included in court orders).

Emphasize Joint Planning

- Establish a system that requires workers to communicate regularly and plan jointly. Clearly frame the effort as a holistic, integrated approach.

Develop a Written Protocol

- Develop written documents that outline key participants' responsibilities, processes and procedures and when they apply, goals of the collaborative system, and a method for resolving interagency conflicts.

Teach About the New System

- Publicize the reform effort along the way.
- Provide training on any changes in protocols or documentation.
- Identify contact people for questions and concerns.

Conclusion

Collaboration between the dependency and delinquency courts is slowly emerging as an efficient way to handle dual system cases. Bringing agencies together alleviates stress on the child and family, improves communication, and encourages speedier and more positive outcomes for youth.

Rachael Pendleton and Allison Green

Notes

1. Herz, Denise C, Krisky, M. & Ryan, Joseph P. *Responses to Crossover Youth: The Role of Research and Practice Partnerships*. Child Welfare League of America. The Link, Vol 5, No. 1. pg. 1.
2. I.C. § 16-1613.
3. <http://www.isc.idaho.gov/rules/juv16.rul>.
4. The Honorable Judge Murray and CIP Project Director Debra Alsaker-Burke. Telephone Interview. 19 July 2007.
5. Weiss, C. *Improving Communication and Coordination Between the Child Welfare and Juvenile Justice Systems*. ABA Child Law Practice. Vol. 18 No. 9, pp. 141-148. November 1999.



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