

**Improving Outcomes Together:**  
**Court and Child Welfare Collaboration**

**Overview**

The dependency court and the child welfare agency are both responsible for protecting children and mending families. Yet, too often, the court and the agency work on their common goals independently of one another.

This paper explores the ways in which juvenile and family courts and child welfare agencies across the country are sharing data and information, and collaborating with one another outside the courtroom in order to improve outcomes for the children in their care.

In states and communities across the nation, courts and agencies are forming substantive collaborations which not only unite them in achieving their common goals, but are outcome-oriented efforts to improve the performance of both in achieving safety and permanence for children. Michigan Supreme Court Chief Justice and Pew Commission on Children in Foster Care member Maura Corrigan states, “It is incumbent upon us to collaborate with each other for the sake of the children.”

Innovative examples of court and agency collaboration can be found in communities across the nation: from a partnership in the Florida juvenile court with a child development expert to create a series of evidence-based parenting programs, to an effort in Kentucky to include university doctoral candidates in efforts to improve outcomes for children in foster care, to the Children’s Justice Initiative in Minnesota, which encourages communication between and informed decision-making by the Judiciary and Department of Human Services.

Nationally, the Pew Commission released a series of recommendations targeted at reforming federal financing and court oversight of foster care; several of the recommendations focus on the importance of collaboration among courts, child welfare agencies, and their respective personnel.

The dependency court plays a unique role. Unlike a criminal court, the dependency court is not punitive in nature. Unlike civil courts, they do more than resolve disputes. Dependency courts serve both to protect children and to try to rehabilitate parents and families. Cindy Lederman, Administrative Judge of the Eleventh Judicial Court, Miami-Dade County, Florida, Juvenile Division, states: “If I am to be successful, I have to heal people, modify human behavior. You can’t do this job just by adjudicating cases.”

Without active collaboration between child welfare agencies and courts, both can be hindered in fulfilling their responsibilities. More importantly, according to Miriam Aroni Krinsky, Executive Director of the Children’s Law Center of Los Angeles, “Without someone to coordinate disparate elements, children end up falling through the inevitable cracks and suffering in ways large and small.”

There are a number of elements which can contribute to successful collaboration: crafting a simple mission statement can unite all partners in their endeavor; structuring regular meetings can keep collaborative efforts on a timeline; adopting a business-like approach can encourage an emphasis on accountability and results; and thinking “outside the box” in directing the process can result in creative partnerships to improve outcomes for children.

Collaboration can effect real change often in the crucial area of service delivery for children and families. This includes: speeding the delivery and improving the quality of services available for families and children; emphasizing the importance of substantive multidisciplinary training for court and agency personnel; and initiating the use of mediation in these cases.

There are some perceived roadblocks to collaboration including: judicial ethical concerns; and limited time available given the high caseloads facing judges (and agency personnel).

Collaboration requires commitment from its members in the form of time, effort, energy, and resources. Yet to those who have experienced the power of collective work to transform systems, and to improve the lives and outcomes of children in foster care, the effort is an investment worth making.

## **Introduction**

The dependency court and the child welfare agency both work to protect children and mend families. Despite the fact that both entities are vested with the shared responsibility of ensuring that children are protected from harm, too often courts and agencies work at cross-purposes rather than in concert.

At the release of the Pew Commission's recommendations to reform the nation's foster care system, Michigan Supreme Court Chief Justice and Pew Commission member Maura Corrigan described the problems that dependency courts face in fulfilling their responsibility to the children in their care, and the need to partner with child welfare agencies: "Courts are charged with determining whether a child should be returned home with services or placed in foster care. Courts terminate parental rights; they finalize adoptions...(Yet) courts are awash in dependency cases; attorneys who practice in this area are often overworked, inadequately trained, and underpaid. Those who work in the justice system are often unsure how to deal with these difficult cases because we lack uniform practice standards. Too, although we share responsibility for these children with executive branch agencies, courts and agencies often don't do a good job of communicating or working together. Birth parents and other interested parties often don't get the chance to communicate with the courts. The combined result: children languish in the court system instead of advancing towards permanency."

According to Judge Nancy Salyers, former Presiding Judge of the Cook County Juvenile Court's Child Protection Division and co-director of Fostering Results, a public education and outreach project of the University of Illinois at Urbana-Champaign

supported by a grant from The Pew Charitable Trusts, “Collaboration between courts and agencies is in the best interests of the child for whom they share responsibility. When courts and child welfare agencies work together, share information, and engage in activities like cross-training, children can attain the safety, security and permanence they need.”

Yet, according to Miriam Krinsky, executive director of the Children’s Law Center of Los Angeles, “As the system currently operates, there is a conspicuous lack of cohesive and collaborative parenting – and no collective sense of accountability – for the individual child. As a result, far too many problems are left unidentified or unresolved because the various arms of the government responsible for raising these youth operate in silos and not one takes overall responsibility for ensuring the well being and success of foster children.”

In states and communities across the country, courts and agencies are forming substantive collaborations to achieve their common goals. Martha Grace, Chief Justice of the Massachusetts Juvenile Courts states, “We all have to ask the same question: ‘What do kids need?’” Justice Corrigan agrees. “It is incumbent upon us to collaborate with each other for the sake of the children.”

### **National Efforts towards Collaboration**

Nationally, there have been a series of efforts to encourage court and agency collaboration. Most recently, in May 2004, the Pew Commission released recommendations to reform foster care. Composed of some of the nation’s leading child welfare experts, administrators of child welfare agencies, judges, social workers, public policy makers, foster and adoptive parents and a former foster youth, the nonpartisan

commission was charged with developing recommendations to improve outcomes for children in foster care. The Pew Commission released a set of recommendations focused on reforming federal financing and court oversight of foster care, including court/agency collaboration.

Several key recommendations highlight the need for effective collaboration in order to promote the protection and well being of children. Specifically, the Commission recommends:

- That the Department of Health and Human Services (HHS) require that the state IV-E plans, program improvement plans, and Court Improvement plans demonstrate effective collaboration;
- HHS should require states to establish state commissions on children in foster care, ideally co-directed by the each state's child welfare agency director and Chief Justice;
- That Congress appropriate \$10 million to train court personnel – a portion of which should be used for joint training of child welfare agency staff and court personnel;
- That courts and agencies at the local and state levels collaborate and plan for the collection and sharing of all relevant data and information that can aid in making better decisions and creating better outcomes for children.

Indeed, the Commission's report states, "Collaboration should recognize that the children and families involved with the child welfare system are often simultaneously engaged with other community agencies and services – schools, health care, mental health, child care, and others. Children and families are better served when these multiple community partners come together on their behalf."

Following their release, a number of national and state child welfare organizations and judicial entities issued resolutions supporting the recommendations. They include: the National Council of Juvenile and Family Court Judges, the Conference of Chief Justices and Conference of State Court Administrators, the North American Council on

Adoptable Children, the Judicial Council of California, and the Texas Supreme Court Task Force on Foster Care.

### **State Efforts towards Collaboration**

Formal efforts to reform foster care through collaboration are underway in several states. Utah has created a high-level commission to explore implementation of the Pew Commission's recommendations. The group is co-chaired by Chief Justice Christine Durham and former Governor Olene Walker.

In Washington, the first meeting of the state's Commission on Foster Care took place in January 2005. Washington State has a long history of collaboration, beginning formally in 1995 with a planning grant from the Kellogg Foundation. A leadership group was subsequently formed, which currently includes Bobbe Bridge, Chief Justice of the Washington Supreme Court and Uma Ahluwalia, Assistant Secretary of the Washington child welfare agency. According to Marie Jamieson, Director of Catalyst for Kids, which facilitates the group, the statewide use of family group conferencing is one of many notable accomplishments of the state's collaborative efforts.

In Arizona, a groundbreaking Children's Cabinet formed by Governor Janet Napolitano ensures high-level leadership, visibility and support for addressing the needs of Arizona's foster youth. The Children's Cabinet was created with the express purpose of coordinating – at a state leadership level – all government agencies that provide services to abused and neglected children.

Similarly, the Minnesota Judiciary and Department of Human Services have come together to craft a more effective model for attending to the needs of foster youth. A joint

effort known as the Children’s Justice Initiative (CJI) bridges the gap between judicial and child welfare leaders.

According to Minnesota Chief Justice Kathleen Blatz, the Minnesota CJI examines the system through the eyes of a child. The CJI breaks down traditional communication barriers among those who work in the child welfare system and creates a vehicle for collaborative and informed decision making on behalf of children. All stakeholders are part of a leadership team, convened by judicial and child welfare leaders, which meets regularly to resolve systemic barriers inhibiting the ability of children to succeed. Chief Justice Blatz reports that, instead of protecting turf, participants are working together toward the best interests of the child without compromising the important and different roles of each governmental entity.

### **The Affect of CFSRs and Program Improvement Plans**

The federal Child and Family Service Reviews (CFSRs) have also heightened states’ awareness of the need to meet specific, measurable outcomes for children. Increasingly, the child welfare community is focused on meeting the safety, permanency and well-being needs of children. While fiscal sanctions may result from failure to meet these measures, it is more a desire to improve practice and outcomes for the nation’s most vulnerable children that has motivated states to work on comprehensive Program Improvement Plans (PIPs).

Many PIPs feature collaborative initiatives. Marie Jamieson, Director of Catalyst for Kids in Washington, says that change has to be cross-systemic - “change in just one area won’t hold over time.” According to Helen Jones-Kelley, Executive Director of Montgomery County, Ohio Children’s Services and member of the Pew Commission,

affecting change in, and collaboration between, the child welfare agency and the courts ensures that “everyone in the chain of care will go about their work with a similar purpose, similar philosophy and similar skills.”

In Ohio, a project called “Beyond the Numbers” originated as a response to the CFSRs, but now goes beyond responding to federal mandates, seeking to proactively improve practice throughout the state through collaboration. Led by Chief Justice Thomas J. Moyer, it brings agencies and courts together to actively identify problems and create solutions.

When a group speaks with one voice about the need for change, legislatures are more likely to respond positively. In Massachusetts, the Permanency Coalition effectively lobbied the legislature to fund mediation after the court oversaw two successful pilot programs. There are now 40 mediators in Massachusetts who perform permanency mediation.

In the current climate of limited resources and financing for child welfare programs, collaboration can be an effective tool to marshal resources, affect policy and practice and encourage community support. Some teams have been able to obtain support through grant funding or through the creation of public and private community partnerships, such as those between universities and businesses.

### **The Dependency Court: A Unique Role**

The dependency court judge plays a unique role in serving both the parties who appear before it and the community which it serves. Dependency courts, unlike other courts, serve to protect and rehabilitate. Former Judge and current Director of the Indiana

Department of Child Services James Payne refers to the dependency court as a therapeutic court, describing it as “a complex system that requires a lot of resources.”

Unlike a criminal court or general civil court, the dependency court is actively involved in fashioning solutions. An integral part of those solutions often involves the delivery of services, a common area of collaboration. The nature of the work demands that it be multidisciplinary.

Yet without cooperation and collaboration, dependency courts cannot fulfill their responsibilities. They cannot hold timely and meaningful permanency hearings unless the agency provides complete, accurate, timely information. Courts must recognize the importance of thorough judicial findings, providers must gather necessary information, and agencies must devise strategies to provide the information in a useful format and in a timely manner. Thus, no one party holds the key to effective permanency planning hearings.

According to Nancy Salyers of Fostering Results, “Only when judges have as much information as possible about the child before them, their wants and needs, can we ensure that children in foster care can have the safe, permanent and loving families that they need. Collecting and sharing this information is a responsibility that courts should undertake with child welfare agencies.”

Judges can be critical in bringing people to the table and ensuring follow-through. Everyone interviewed for this article agreed that when a judge calls a meeting, people attend. Similarly, judges can use their unique position to ensure that tasks are accomplished and objectives met, increasing the likelihood of ongoing participation. Former Judge and current Director of the Indiana Department of Child Services James

Payne stated, “It lowers resistance over time when people see that things get done-- and they come back.”

Judges can also provide continuity, sometimes lacking in the child welfare community where worker turnover is often high. That continuity can ensure that initiatives do not lose momentum or cease with the departure of individual team members.

### **The Agency’s Role**

The child welfare agency oversees the safety and well-being of children in the dependency system. Because the agency holds responsibility to keep children safe, agency leadership plays a crucial role in successful collaboration. When the agency is committed to change, it inspires the confidence of others.

Agencies often have the benefit of working with all the parties at the table and can bring a more global perspective to problems. They also have access to data and statistics not available to other members. Because agencies must meet federal mandates, they can keep others abreast of relevant developments and practice implications.

In California, after the Adoption Assistance Act of 1980 was passed, the agency and the court decided they needed to hold a summit to discuss the implications of the new law. That summit has grown over the years, and is now called the Beyond the Bench Conference, which attracts over 1000 multidisciplinary participants per year, and often focuses on collaboration issues.

In Washington State, the leadership meets four times per year to select priorities and set a common agenda. The Kids First Agenda incorporates the agency’s federally mandated Program Improvement Plan.

## **The Role of the Court Improvement Program**

Each state has a Court Improvement Program (CIP), funded by federal dollars and charged with helping state dependency courts improve their practices. In some states, CIP programs have provided invaluable support for collaborative efforts. In Virginia, the CIP has been instrumental in establishing and supporting a state-wide system of best practice courts.

The CIP supports regular interdisciplinary meetings, which include the best practice courts and groups such as the Court Appointed Special Advocates (CASA), the mental health agency and the child welfare agency. They can be instrumental in bringing groups together, providing a forum for airing problems, and providing training, information and other resources. CIP programs have played a key role in setting standards and planting new ideas, then providing the follow-up needed to support positive change. They can help ensure that improvements are systematic, long-term, and are applied statewide rather than only locally. Just like a family following a court's dispositional plan, a group starting a collaborative effort needs support and resources to ensure success.

## **Keys to Collaboration**

A successful collaboration can build bridges between agencies, reduce inefficiency created by poor communication, and improve the system's ability as a whole to serve children. In examining instances of successful collaboration that have occurred and are occurring across the country, several themes emerge.

### ***Creating an Outcome Oriented Mission Statement***

Crafting an outcome oriented mission statement can serve as a springboard, uniting all partners in their goals. The mission statement also reminds participants that while their roles may differ, they all work for the same purpose. An effective mission statement can and should be brief. Minnesota's mission statement is simple and outcome-oriented:

*“The mission of the Minnesota Children’s Justice Initiative (CJI) is to ensure that, in a fair and timely manner, abused and neglected children involved in the juvenile protection court system have safe, stable, permanent families.”*

CIP Director Judy Nord added that when Chief Justice Kathleen Blatz began bringing people together to improve the system, she encouraged everyone to look at issues through the eyes of the child. The attitude embodied in that simple statement encourages everyone to keep their sights focused on the same goal.

As in all endeavors, the success of collaboration can be predicted by the degree of commitment of its individual members. This commitment, often referred to as “buy-in,” is regarded as crucial to fostering an atmosphere of common goals and commitment. Working together on an outcome-oriented mission statement can help foster buy-in among members by focusing them on the specific accomplishments they seek to achieve by collaborating.

### ***Regular, Structured Meetings***

Collaboration can be statewide or local, but all successful collaborations use regular meetings as their primary forum for discussion. “What collaboration looks like may vary from community to community, state to state,” said Judge Salyers. “What works in one area may not be the best fit for another community. Courts and agencies may be dealing with very different problems and tending to the needs of different foster care populations.

What is most important is that agencies and courts are communicating and collaborating in their efforts to best serve the children in their care.”

These collaborations may be large or small; they may include a number of diverse players. While there is general agreement that a smaller group is more conducive to discussion, Judge James Burgess of Sedgwick County, Kansas, described a structure consisting of two complementary groups: one, a Permanency Council, is comprised of representatives from the child welfare agency, four dependency judges, and county representatives; the other, an Operations Board, consists of front-line workers and those more closely involved with day-to-day case management. The Operations Board identifies barriers and problems and brings them to the attention of the Permanency Council.

#### ***A Business-Like Approach***

Borrowing principles from the business world can help ensure success in coordinating and conducting meetings: using strategic planning, following agendas, and assigning specific tasks. Judge Jean Shepherd of Lawrence, Kansas, who participates in a collaborative effort with the mental health agency, describes the ideal meeting as being short, to-the-point, and providing useful information.

In Kentucky, business experts introduced concepts such as strategic planning, consistency of practice and uniform expectations, which, according to Former Chief Judge Richard FitzGerald, helped the team to keep a consumer-oriented focus. Judge FitzGerald said that courts are not used to thinking about having consumers but, he said, the court does provide a valuable service to individuals who are entitled to fundamental fairness and due process.

Following the first meeting, each subsequent meeting should accomplish the following: review work done since the prior meeting and make decisions about such work; set specific goals and tasks to take place before specific future meetings; and assign responsibilities for achieving those tasks.

### ***Monitoring Outcomes – Information and Data Tracking***

Keeping good data helps ensure ongoing results. In Kentucky, the Administrative Office of the Courts focused on collecting data that would help inform good decisions about improving practice. That kind of accountability, based on sound business practice, helped to ensure that changes were meaningful.

### ***Directing the Process***

A critical part of ensuring successful collaboration is ensuring that the team of individuals is led by an individual who is “in charge” – who understands the mission, goals and timeline of the effort and works to ensure that meetings are organized and structured with these elements top-of-mind. Often, these efforts are led by an individual who is experienced either in previous collaborative efforts or who has a great deal of professional experience in child welfare and/or family law.

The Minnesota CIP, considered a leader in court collaboration, started the Children’s Justice Initiative (CJI) with 12 counties in 2000. It now encompasses every county in the state. Knowing that some counties might lag behind in their reforms, the Minnesota CIP put into place a system of mentoring judges. Judicial districts were created, comprised of clusters of counties. A judge in each district who had experience with the project, referred to as a leadership judge, was asked to mentor the less experienced lead county judges, to ensure the counties were meeting project expectations.

The project chair, a judge, offers support to the leadership judges. With multiple layers of expertise guiding the county initiatives, the counties are more likely to meet their own goals. Each county is guided by its own mission statement, and individual action plan, within the framework of the statewide goals.

### ***Encouraging Innovative Community Partnerships***

Another way to tap into valuable resources is to reach out to community partners outside the child welfare arena. Community partners may be able to swap services, lend free expertise or open up new funding streams. Kentucky has applied creative strategies and thinking to building partnerships. Former Chief Judge Richard FitzGerald considers building resources to be an important part of community collaboration. He refers to it as “building a network of champions.” Judge FitzGerald believes in including the business community, inviting a UPS business executive to sit on his advisory committee. Judge FitzGerald believes the child welfare community can raise efficiency and cut costs by learning from the business community.

Universities can be another good source of expertise. Kentucky included a PhD candidate as a consultant on their team to help structure their processes for efficiency. The consultant introduced business concepts, such as strategic planning, which helped the court identify their mission and goals. According to Judge Fitzgerald, with help from the business community, they were able to adopt a management focus with the goal of seamless delivery of services. Their business approach focused on issues like consistency of practice and uniform expectations. Judge Fitzgerald also felt that collecting data could contribute to their accountability. He enlisted assistance in order to get the kind of data

that would be useful in moving cases forward, especially those that had been languishing in the system for too long.

During her tenure as Presiding Judge of the Cook County Juvenile Court's Child Protection Division, Judge Nancy Salyers encouraged a number of collaborations. She regards the partnerships formed with local colleges and universities as particularly helpful. "I would encourage the court and the agency to forge partnerships with schools of social work by offering to provide access and data to graduate students looking for a thesis topic. This was a mutually beneficial arrangement – students got access, a unique area of study, and the opportunity to have their work make a real difference to the lives of children in the foster care system. In return, the court and agency received information that they could use, and the fresh perspective that an 'outsider' brings to analysis of a problem."

### **Using Existing Resources**

There are a number of organizations and research-based projects in existence which can assist courts and agencies in collaboration efforts. The Justice Management Institute, for example, is an independent, non-profit organization which marshals a wide range of resources, disciplines and techniques for improving the administration of justice. Created in 1993, JMI provides original research, direct technical assistance, workshops, professional publications and other continuing education programs, and has assisted a number of courts around the country in improving their case management, making better use of resources and incorporating problem-solving approaches.

In terms of accessing information on continuing judicial education, the Judicial Education Reference, Information and Technical Transfer Project (JERITT) is the

national clearinghouse for this information. Since 1989, JERITT has provided state, national and federal-system judicial branch educators with information on methods and practices, technical assistance, and other innovations. Access to this type of information on best practices and innovations is useful not only for judges and judicial personnel in improving their own performances, but can be shared with all of those participating in the collaboration process.

The National Resource Center on Legal and Judicial Issues provides assistance to states through a grant from the Department of Health and Human Services' Children Bureau. It provides technical assistance to both agencies and courts and often trains multidisciplinary audiences. It also publishes helpful books and periodicals and facilitates national discussion on important issues through their list-serves titled Child-Case and Child-Court.

The National Council of Juvenile and Family Court Judges is devoted to improving courts and systems practice. It provides practice-based resources, including continuing education, to jurisdictions and communities around the country. Additionally, NCJFCJ offers site-specific technical assistance, including evaluation and assessment, publications (many of which are available free on the NCJFCJ website, <http://www.ncjfcj.org/>), cross-site learning experiences, consultation with judges and multi-disciplinary team members, and the opportunity to participate in system reform efforts such as the Model Courts.

The National Center on State Courts (NCSC) provides leadership and service to state courts through original research, consulting services, publications, and national education programs. NCSC offers solutions that enhance court operations with the latest

technology; collects and interprets the latest data on court operations nationwide; and provides information on proven “best practices” for improving court operations.

“These types of resources are invaluable for judges and child welfare agency personnel who are engaging in collaborative efforts,” stated Nancy Salyers. “They serve two critical purposes – one, they are a wealth of information on best practice, and two, they serve as a reminder that they are not alone or isolated in their work; everyday, there are collaborative efforts happening all across the country.”

### **What Collaboration Can Achieve**

Holding regular meetings and inviting dialogue ease communication and create goodwill that make day-to-day operations run more smoothly. Using the strategies in the previous section, many collaborative systems have gone further, affecting real, tangible change in challenging areas. Some changes have been broad and sweeping; others smaller but still meaningful. Most importantly, they all mean better service to, and improved outcomes for, children and families.

#### ***Improved Service Delivery***

The success of a court case often depends on the quality and speed with which services are delivered. In tackling this core issue, collaborators have applied creative strategies with impressive results.

In Sedgwick County, Kansas, Judge Burgess addressed the problem of long waiting lists for mental health evaluations. Working with mental health professionals, a pared-down clinical assessment tool was designed which answered the judge’s questions, yet took less time to complete, thus reducing waiting time for reports. According to the judge, good communication allowed the parties to devise a successful solution.

### *Training*

A common initiative among collaborative teams is to provide training to its members as a way to foster growth and promote understanding. Apart from the actual substance of the training, collaborators say multidisciplinary training is a good way to stimulate dialogue.

In Virginia, the Best Practice Court initiative functions much like the Minnesota model described earlier, in that “model courts” set up their own collaborations in counties. These collaborations are supported by the statewide effort, led by Virginia CIP Director Leila Hopper, who has provided training in every locality in the state. Some common areas of training include compliance with IV-E requirements and the Adoption and Safe Families Act of 1997 (ASFA) requirements.

In Wichita, Kansas, multidisciplinary trainings are held once a month. Costs are reasonable, as trainers are drawn from local resources; including universities, hospitals and mental health clinics.

### *Mediation*

Judge Leonard P. Edwards of Santa Clara County, California is a champion of mediation, and his court has served as a model for other courts wishing to start similar programs. Judge Edwards credits collaborative effort with helping the program get off the ground. In Santa Clara, any case can be sent to mediation, but it is often reserved for the more complex, contentious cases.

### **Factors Affecting Court/Agency Collaboration**

Judicial reluctance to work with the child welfare community is sometimes seen as obstreperousness but may be grounded in concerns about ethics. Judges may fear that

meeting with the agency, which appears as a party before the court, could raise the question of bias in favor of the agency. Additionally, Judges must also abstain from *ex-parte* communication, i.e., talking about case specifics without all parties to the case being present.

“Judges are often hesitant to talk outside the courtroom about their problems and concerns inside the courtroom,” said Judge Nancy Salyers. In July 2004, Salyers spearheaded a first-of-its kind survey of more than 2,200 judges for *Fostering Results*, a national non-partisan education and outreach program working to improve child welfare practices. The survey provided an unprecedented, extensive overview of how judges who hear child dependency cases view their own courtrooms, and the hurdles to finding permanent families for children in foster care. “Many of the frustrations that judges expressed to us – the desire to receive specialized training, the need to access more services for children and families - can be greatly alleviated by collaboration between the courts and child welfare agencies.”

On the other hand, many judges feel it is their duty to improve the functioning of the court and regard collaboration as the most effective means of doing so. Judge Joseph Lauria, Administrative Judge of the New York City Juvenile Court, who has spearheaded a city-wide collaborative effort, said, “Everything we do affects each other. There is a ripple effect. So we have to work together.”

In California, a provision has been adopted that specifically authorizes judges to be community participants. This provision was adopted to encourage community focused strategic planning initiatives; while not strictly child welfare focused, it does serve as an example of the importance of judicial engagement in improving the court as well as the

community. Other jurisdictions have similar provisions, recognizing that a judge, while occupying a unique position of authority, should not separate himself or herself from the community which he or she serves, but should use that authority as a positive community force.

Most states have either adopted the American Bar Association Model Code of Judicial Ethics (the Model Code) or created their own rules addressing the same concerns. Canon 4 of the Model Code contains two provisions which support the role of the judge in improving the child welfare system:

*“Judges are, time permitting, encouraged to use their unique position to contribute to the improvement of the law, the legal system, and the administration of justice. They are also informed that complete separation of a judge from extra-judicial activities is neither possible nor wise; a judge should not become isolated from the community in which the judge lives.”* ABA Model Code of Judicial Ethics, Canon 4(B) Commentary (August 1990 edition).

Judges who have successfully led or participated in community teams have used a variety of techniques to minimize the possibility of ethical violation. Some of their recommendations include: bringing representatives of all parties in the court process to the table and setting ground rules to reduce the likelihood of judicial ethical breach. A protocol or written agreement, signed by all members, may effectively overcome judicial concerns about *ex-parte* communication. Establishing ground rules, especially about discussion of case specifics; becoming knowledgeable about applicable state ethics rules; and seeking advisory guidance when troublesome situations arise are all techniques which have been used to minimize the possibility of ethical violations.

Bringing all parties to the table will eliminate the appearance that the court is hearing only the agency’s side. Community participants should understand why the judge

may wish to opt for a membership that is broad and representative of all parties. Including parents' groups, parents' counsel, children's advocates, CASAs and others can help the judge feel more comfortable about participating.

Setting some ground rules can also reduce the likelihood of judicial ethical breach. A protocol or written agreement, signed by all members may effectively overcome judicial concerns about *ex-parte* communication. The agreement should specify that the group will not discuss case specifics and perhaps contain a provision that a meeting will be immediately suspended if the members continue a discussion which is improper for the judge.

Judges should make special effort to understand their specific state rules and laws in order to understand their specific restrictions. They should examine both state codes and ethical opinions. When a tricky situation arises, Judge Edwards advises seeking assistance from either state resources, or from the NCJFCJ, which maintains a hotline for judges seeking ethical guidance. NCJFCJ has also recently published a book entitled *Judicial Leadership and Ethics in Dependency Cases*, co-authored by Judges Tom Hornsby and Douglas Johnson, which provides further information and guidance.

A community wishing to forge a judicial partnership may wish to provide training and technical assistance to its judges. Before beginning their statewide Children's Justice Initiative Minnesota's Court Improvement Program brought in successful judges to speak to their judiciary about how to effectively collaborate with community partners, addressing ethical as well as practical concerns. Judy Nord, of the Minnesota CIP, referred to it as a "pep talk," indicating its importance in motivating the judges and setting a positive tone for the initiative.

Additionally, practical considerations may prevent judicial participation. Martha Grace, Chief Justice of the Massachusetts Juvenile Court, agrees that judges should participate in improving the system, but acknowledges that sometimes judicial caseloads are too high to allow frequent attendance at meetings. She believes this makes it even more important for her, as Chief Justice of the juvenile court, to take a leadership role in the community on behalf of the juvenile court judges.

The Pew Commission on Children in Foster Care recommended that each state's highest court take responsibility for the way their courts deal with children in foster care. Pew Commissioner and Michigan Supreme Court Justice Corrigan cited Minnesota's Chief Justice Kathleen Blatz, New York Supreme Court Chief Judge Judith Kaye and Chief Justice of the California Supreme Court Ronald George as examples of state court leaders who are championing children's issues: "Top-down leadership is absolutely essential if you are going to improve the way courts deal with dependency cases. A lack of leadership means a lack of accountability."

An example of state court leadership playing a critical role in encouraging outcome-oriented collaboration can be found in Perry County, Ohio. Perry County Judge Luann Cooperrider, past president of the Juvenile Court Judges of the Ohio Judicial Conference, has played an important role in leading her colleagues in bringing together juvenile court judges in seven regions of the state to learn more about the CFSSR and how court actions impact child welfare indicators.

The process commences with the Ohio Supreme Court calling a regional meeting among the judges to familiarize them with the Child and Family Service Review process and outcome indicators, and discussing how judicial actions may impact these outcome

indicators. Then a second regional meeting is scheduled, adding in the children services director, along with the juvenile court judges and magistrates. Local CFSR outcomes are shared and discussed, and each of the county partner teams are given a case analysis form to use in examining what occurred during the life of a court case. The county team is also handed a group of ten local cases currently closed, which did not meet the CFSR permanency outcome indicator that measures whether cases achieved permanency within 24 months from the initial custody date. The detailed analysis takes about two hours per case, but counties that have done this together have gained critical insight as to how children's services handle cases, as well as how juvenile court actions negatively impact timely permanent decisions for children.

Two of the seven regions in Ohio have thus far had their joint meeting – the Northwest and Southwest regions and local follow-up meetings are in progress. Feedback from these meetings has been overwhelmingly positive, and has led to significant enlightenment for both the court and agency participants.

### **Conclusion**

Collaboration requires commitment from its members in the form of time, effort and, sometimes, money. But to those who have experienced the power of collective work to transform systems, the effort is an investment well worth making. This paper has provided many examples of the successes of collaboration between courts and agencies that can be found in communities across the country. Additionally, it has discussed national examples of projects and recommendations that encourage such partnerships.

Once a community begins to collaborate, the effort takes on its own momentum and becomes part of the culture. As Judge Edwards says, you “start to build each other into your daily work.”

The challenge with any positive change is to sustain and replicate it. Efforts to encourage collaboration nationally and within individual states and communities are both ongoing and constantly evolving.

Nationally, the National Center for State Courts, Fostering Results, the National Council of Juvenile and Family Court Judges, and key judicial personnel from across the country are working together to organize a judicial leadership summit to occur in late September 2005. The summit will emphasize the themes of the Commission’s court recommendations with particular emphasis on performance measures and collaboration. This conference, titled “Justice for Children: Changing Lives by Changing Systems,” will highlight successful examples of collaboration across the nation; identify “children’s champions” among those in the child welfare arena; and bring together child welfare and court personnel from across the country to share experiences and best practices. Each state will leave the summit with an action plan for making collaboration work in their communities.

In mission and spirit, this upcoming summit is similar to ‘*Permanency by the Numbers*’, an October 2004 conference planned by Fostering Results and the National Center for Adoption Law and Policy at Capital University Law School in Columbus, Ohio. The conference explored the challenges and benefits associated with the planning and implementation of data-driven strategies to improve caseflow management in dependency courts. Over 200 professionals from 20 states were in attendance, as were

national experts with experience as judges, court personnel, child welfare agency administrators, and state and national legislators.

Individual states, meanwhile, are not only engaged in ongoing collaboration efforts, but are exploring ways in which they can sustain these partnerships. For example, Minnesota, which has a long history of collaboration, is viewing sustainability as the next major challenge. To that end, Minnesota is collecting and analyzing data and information, in order to determine the next trail to blaze.

In many communities across the country, the seeds of collaboration have taken root and produced tangible improvements. Those communities demonstrate that strong leadership, a spirit of cooperation and openness to change can achieve goals, while building a structure that nurtures positive growth. In the true spirit of collaboration, we should all be watching and learning from the partnerships, across the country as we continue to build on our successes.

### ABOUT FOSTERING RESULTS

Fostering Results is a national, nonpartisan public education project to raise awareness of issues facing children in foster care. It is funded by a grant from The Pew Charitable Trusts to the Children and Family Research Center in the School of Social Work at the University of Illinois, Urbana-Champaign. The opinions expressed in this report are those of the authors and do not necessarily reflect the views of The Pew Charitable Trusts.

Website address: <http://www.fosteringresults.org>

### ABOUT THE ABA CENTER ON CHILDREN AND THE LAW

Established in 1978, the ABA Center on Children and the Law's mission is to improve children's lives through advances in law, justice, knowledge, practice, and public policy. The ABA Center on Children and the Law is a program of the American Bar Association Young Lawyers Division. This material has not been approved by the American Bar Association House of Delegates or Board of Governors and thus the viewpoints contained herein do not necessarily represent the official positions or policies of the ABA.

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