

deal of temptation to tell litigants how we really feel. Of course to some degree this is a problem faced by judges everywhere, at all levels. I imagine, never having discussed it with them, that Chief Justices Roberts and George even have the wish sometimes to tell lawyers and litigants where to get off. Still, the imperatives that the judge represents the entire judiciary, and the that the judiciary must - absolutely - be seen as calm and judicious, as civil and courteous, as wise and detached...these things require a great deal of the judge in small claims just as they place requirements on the training and wisdom of judges in the higher courts.

Finally - a word of definition. To my mind, having tried (I have done some rough math to figure this out) in the neighborhood of 30,000 small claims matters, I have come to the conclusion that judging small claims is indeed "real" judging, if I may use a presumptuous adjective. The monetary stakes in the cases are of course not great, at least comparatively. But the importance to the litigants and the demands on the judge are every bit as taxing as in the higher jurisdictions. We denominate the claims as "small," but the judge who successfully handles small claims month in and month out cannot be said to have a small assignment.

JUVENILE COURT CORNER: INTERIM HEARINGS

I confess that I am a control freak. When a child and family come before me with problems, I try to understand what has happened and then help them solve their problems and improve their family life. When a plan is established, I follow it closely making sure that the parents understand what they are expected to do, that the social worker understands what she needs to do, that the child or children are well cared-for, and that results occur within statutory time-lines.

One problem I discovered early in my time on the juvenile dependency bench made my monitoring of each case more difficult. The statutory framework had enormous jumps in time. After disposition there is a six month period before the six month review (W & I 366.21[e]). Then after the six month review, there is another six month period before the twelve month review (W & I 366.21[f]). I found that some parents came to the six month review just starting their case plans. Some had just met the social worker, while others had not started or had only recently started visiting their children. In other cases the issue of paternity had dragged on for months and in still others the resolution of ICWA issues was incomplete.

When parents have not been fully engaged in their case plan at the six month review, there is a likelihood that they will be unsuccessful in completing their rehabilitation and will lose permanent custody of their children. Of course, if one of the children in the case was under three, the six month review could be the end of reunification services (W & I 366.21[e]).

My response to these problems has been to review all cases between the statutorily mandated hearings. I have resorted to interim reviews. An interim review is a court ordered hearing that is scheduled between mandated hearings. It can address any issue that the court believes is important. Since there are many issues I believe are important in child protection cases, I have developed several protocols and procedures for these hearings.

This has not been an easy process. There are a couple of reasons why interim hearings should be kept to a minimum. First,

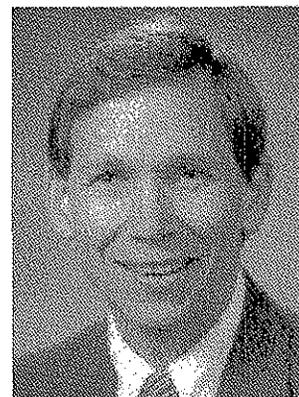
they take up court time. Dependency calendars are known for being busy and time-consuming. Adding extra cases to an already overloaded calendar must be done with caution. Second, the Department of Children's Services (the Department) does not want to add extra work for their social workers, especially extra social reports.

The first issue is best dealt with by making the hearing as short as possible, making it just a check-up about parental progress and the resolution of critical issues.

The fact that it may take some time on occasion may actually save court time in the future as the steps taken at an interim review may prevent failures in the system from growing over time.

To address the second issue, I met with the Director of Children's Services, and we discussed the issues around interim reviews at some length. We agreed that the best way to meet the needs of the court and the Department was to develop a one page court report with many of the questions on the report form easily answered in a Yes/No format. Then we identified the issues that should be included in each type of interim review.

"Type of interim review"? Yes, I had dreamed up a number of different types of interim review. First, the 30 or 45 day case plan review. This review checked to see if paternity issues had been resolved, ICWA issues had been addressed, the social worker had met with the parents, visitation had begun and the parents were working on their case plan. There was also the 90 day review. Most of our judicial officers believed this review was absolutely necessary in six month cases (366.21[e]) when services might be terminated at the six month review. The 90 day review was a check-up, again to see that the parents were fully engaged in their case plan.



(over)

The other most popular interim review came after parental rights had been terminated. It was designed to determine the progress towards adoption. Several attorneys questioned why such a hearing was necessary. I reminded them that judges have a responsibility to ensure that dependent children reach timely permanency, and if the agency does not move the adoption process along quickly, the court may be obliged to make a "no reasonable efforts" finding. This is a requirement of the Adoption and Safe Families Act of 1997. This post-termination review made it necessary for the court to understand the adoption process including home studies and other formal steps necessary to complete an adoption.

Still there are other types of interim reviews, usually addressing a specific issue that deserves close attention and that cannot wait until the six month review hearing. For example, the receipt of psychological evaluations may be the reason for an interim review, just as the first appearance of a father might necessitate such a review.

In 2008 I sent out 2 stamps (and an ink blotter) to each juvenile court judge in the state along with instructions. The stamps are a type of interim review. They should be stamped on the inside cover of the dependency file and filled out as the case proceeds. They address many of the issues discussed

above - paternity, ICWA, date of removal of a child and more. They are meant to remind the judicial officer of the importance of these issues and the importance of resolving them early in the case.

Interim hearings work. We know this anecdotally from our daily work in the juvenile court. But we are further supported in this conclusion by the success of collaborative or problem solving courts, including Family Drug Treatment Courts. In these courts, there are frequent reviews - the court closely monitors the progress of each client sometimes on a weekly basis. In the dependency context, we know that Family Drug Treatment Courts result in treatment starting sooner, more treatment episodes, higher reunification rates, and less time in foster care.¹

Interim reviews are a best practice. They need to be approached cautiously so that all members of the dependency team understand their purpose. Once installed, both children and families will benefit.

Endnote:

1. Worcel, S., Green, B., Furrer, C., Burrus, S., Finigan, M., "Family Treatment Drug Court Evaluation," NPC Research, Portland, OR, March, 2007.

CJA LEGISLATIVE DAY *Jordan Posamentier, CJA Legislative Counsel*

CJA held its sixth annual Legislative Day on June 8 in an effort to keep the judiciary in the Legislature's sites as it harrowed through this year's dismal budget. Each year members from CJA's Executive Board and Legislature Relations Committee assemble at the Capitol to improve and forge new relationships with legislators by meeting one-on-one with them and their staff. Legislative Day serves to educate legislators about the role of the judiciary as a co-equal branch, and to advocate for bills that are most important to the judges. Few bills required such heavy advocacy this year, so instead, CJA grew its good will by conveying a message of solidarity - that no one is exempt from the pains and difficulties pervading this year's budget. CJA's legislative advocate, Mike Belote, and the AOC's Director of the Office of Governmental Affairs, Curt Child, lead a detailed briefing session during the morning, discussing the severe budget cuts to the courts as well as the then-pending court furloughs plan.

The day's success was punctuated at the end of the morning's briefing session by a visit from Assembly Member Noreen Evans (D - Santa Rosa). As chair of the Assembly Budget Committee and member of the Assembly Committee on Judiciary, Assembly Member Evans extended her deep gratitude to the judiciary for bearing the cuts and the furloughs. She painted a dire picture of the drastic budget cuts the Legislature was facing, and deeply appreciated the judges being part of the solution.

In the afternoon, seventeen CJA participants met with upwards of twenty assembly members, senators, their staff, and the Governor's staff. Participants were encouraged to set appointments with legislators in their geographic area, which yielded excellent results.

Among the scheduled visits were visits with Senators Roy Ashburn, Gilbert Cedillo, Mark DeSaulnier, Loni Hancock, Carol Liu, and Rod Wright; and Assembly Members Chuck Calderon, Connie Conway, Mike Davis, Hector De La Torre, Danny Gilmore, Mike Feuer, Warren Furutani, Diane Harkey, Fiona Ma, Tony Mendoza, Pedro Nava, Anthony Portantino, Jim Silva, Van Tran, Lois Wolk, Mariko Yamada, and Mike Villines.

I staffed a central meeting point for judges to go to between their appointments so that they could provide feedback on the day's progress, and so they could team up with other participants on other legislative appointments. Each participant was equipped with a packet I put together, which included talking points about the budget's affect on the judiciary, as well as a new brochure for Day on the Bench, a program jointly sponsored by CJA and the Bench-Bar Coalition, where legislators visit a judicial officer in their district to get acquainted with day-to-day court operations and challenges. *continued on page 13*

