On November 18, 2004, Judge Leonard P. Edwards of the Superior Court of Santa Clara County received the William H. Rehnquist Award for Judicial Excellence at a ceremony in the Great Hall of the U.S. Supreme Court in Washington, D.C. The award is presented annually by the National Center for State Courts to a state court judge who exemplifies the highest level of judicial excellence, integrity, fairness, and professional ethics. Judge Edwards is the first juvenile court judge to receive the award.

Through Judge Edwards’s efforts, the Santa Clara County juvenile dependency court was designated a national model by the National Council of Juvenile and Family Court Judges. This court is one of the most visited in the country: hundreds of legal professionals travel there to observe and learn the model practices that Judge Edwards has implemented, such as dependency court mediation, family group conferencing, direct calendaring, and court coordination. In 1999, Judge Edwards established one of the country’s first dependency drug treatment courts, which has been named a Mentor Court by the National Association of Drug Court Professionals.

Judge Edwards also works closely with the Judicial Council and the Administrative Office of the Courts—he is a past member of the council and currently serves on the Family and Juvenile Law Advisory Committee and on this journal’s editorial review board. We are pleased to reprint below Judge Edwards’s remarks on receiving the Rehnquist Award.—Ed.

This is a historic occasion for me and for all of my colleagues who sit on the juvenile court bench. It is worthy of comment that someone who every day presides over the cases of children should appear in the Great Hall to receive the nation’s most prestigious judicial award. How can it be that someone who has devoted his professional life to the well-being of abused and neglected children, to the correction and rehabilitation of youth, and to the rights of victims of violence emerges from all of the more well known judges in our country? After all, the United States Supreme Court has had very little to say about the work that hundreds of my colleagues around the country and I perform. Since the case of In re Gault1 in 1967, there have been fewer than 10 Supreme Court decisions regarding juvenile delinquency issues. There have

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been even fewer decisions regarding the law relating to child abuse and neglect. I cannot ever recall finding references to United States Supreme Court decisions in the legal briefs or arguments presented by attorneys in my court. In a way we juvenile judges have worked in the shadows of the court system.

So it is a unique event that the Supreme Court and the National Center for State Courts are honoring a juvenile court judge. The Rehnquist Award is a clear and powerful statement that a judge working with abused and neglected children and their families is important; that to work with the victims of domestic violence is important; that to convene the community around issues relating to at-risk children and families is important; that to oversee family crises in order to provide good outcomes for children is important. For that is what we in the juvenile court are charged to do. This award will help move the juvenile court out of the shadows of the court system and into the mainstream, where it belongs.

I believe the work of our juvenile and family court judges is critical to the future of our nation. That is a bold claim, but let me explain. Judges in the juvenile court are charged with keeping children safe; restoring families; finding permanency for children; and holding youth, families, and service providers accountable. Every day hundreds of judges make thousands of decisions regarding children in crisis. We decide whether a child should be removed from parental care, whether a child has committed a delinquent act, whether a child should be committed to the state for correction, whether parental rights should be terminated. When parenting fails, when informal community responses are inadequate, our juvenile and family courts provide the state’s official intervention in the most serious cases involving children and families. We are the legal equivalent of an emergency room in the medical profession. We intervene in crises and figure out the best response on a case-by-case, individualized basis. In addition, we have to get off the bench and work in the community. We have to convene child- and family-serving agencies, schools, and the community around the problems facing our most vulnerable and troubled children. We have to ask these agencies and the community to work together to support our efforts so that the orders we make on the bench can be fulfilled. We have to be the champions of collaboration.

Many of these roles are not traditional for a judge. Yet for juvenile court judges they are essential if the work of the court is to be successful and if court orders will be carried out. The role of the juvenile court judge is unlike any other. In the traditional judicial role, deciding a legal issue may complete the judge’s task; however, in deciding the future of a child or family member, the juvenile court judge must, in addition to making a legal decision, be prepared to take on the role of an administrator, a collaborator, a convener, and an advocate.
Perhaps I can give you an idea of these multiple roles in the context of a typical case. When I removed three children from a young drug-abusing mother last month, at the initial hearing I was able to recommend that she receive a substance abuse assessment available in our courthouse and administered by experts from the drug and alcohol service providers in our community. When her attorney nominated her for our dependency drug treatment court, our drug court team, including representatives from a wide range of service providers, accepted her on the condition that she enter a residential drug treatment facility, engage in substance abuse treatment, and participate in counseling. In the months ahead she will receive services from a social worker, a public health nurse, a housing expert, and a mentor from our Mentor Moms program, which assigns graduates from the drug court to counsel current clients; attend a special parenting class that will bring her and her children together with other mothers, their children, and Head Start and Early Start teachers; and receive other services as needed. All of her children will be represented by an experienced attorney. Moreover, one or more of her children will have a trained volunteer, a Court Appointed Special Advocate, assigned to assist them through this difficult time in their lives. All this has become possible because in my role as a juvenile court judge I have been able to reach out to agencies, service providers, and the community with the request that they work with me and the other members of the court system on behalf of children and families who come before the juvenile court. In essence, I asked for help and they responded to my request. I met with leaders of agencies and service providers, and I convened meetings bringing all members of the drug court team together in order to organize the drug court, to provide expert substance abuse assessors available in the courthouse, and to have the substance abuse treatment community work with the court. These are examples of the nontraditional work of the juvenile court judge. These are the kinds of tasks that my colleagues and I undertake every day as juvenile court judges. These tasks also exemplify the complexities that recovery and rehabilitation involve during the family reunification process in juvenile dependency court.

It is very likely that this mother will reunify safely with her children—the majority in our juvenile court do—but even if she does not, the children will have a permanent home. They will likely be adopted by a family member or a foster family, the same family they have been placed in concurrently during the reunification period.

Each day juvenile court judges hear cases, one by one. Although a single case will obviously make an immense difference for a particular family, it may not seem significant to the entire community. Yet these cases in the aggregate will make a great difference to our society. Last year I did some research with the staff at the National Council of Juvenile and Family Court Judges to determine just how many judicial decisions are made on a daily basis in our nation’s juvenile courts. We concluded that there are approximately 30,800 hearings held each working day.
That is, at least 30,800 children and their families come before a judicial officer who will decide as to their status. The child may be a baby or a teen. The case may involve abuse or neglect, children in need of supervision, or delinquency. The hearing may be at the beginning, the middle, or the end of the case. Some may be review hearings to determine whether a plan is working out; others may be much more serious—whether a child is to be removed from her parent’s home, whether a youth will be committed to the state for correction, whether parental rights will be terminated. This is the law in action: judge after judge trying to determine what intervention is necessary on behalf of a child in crisis.

You all know about problem-solving courts. Every state judiciary has drug courts, and many are developing mental health courts and other types of courts dedicated to solving challenging issues facing our citizens. The juvenile court is the original problem-solving court. The juvenile court was America’s first and most significant contribution to world criminology. Originated as a reform, the juvenile court combines social and legal attributes to serve public interests relating to children and families. It was founded in recognition that children are different from adults and that the law should address children’s issues from a perspective that acknowledges those differences. The juvenile court was envisioned as the setting where societal intervention on behalf of children would take place if parenting failed to ensure that children were properly raised. The hallmark of the juvenile court is individualized justice. From the beginnings of the juvenile court over 100 years ago, juvenile court judges have worked with social workers, probation officers, and others to devise individual plans for each child who comes before the court.

All 50 states and the District of Columbia have a juvenile court. All state legislatures have recognized the importance of having a legal institution devoted to the well-being of children. I would like to give you an update on the state of juvenile courts today. The juvenile court is one of the unsung success stories in our country. Our juvenile court judges are doing a good job. This may come as a surprise to some of you. After all, some commentators have criticized the juvenile court. Because of the confidentiality that shrouds much of what happens in the juvenile court, many in the public do not know what happens there. Many in this room are working to make the juvenile court process more transparent. Yet as overcrowded as our courtrooms are, as stressful as the work of these courts is, as difficult as the decisions are that judges have to make every day, our juvenile and family courts have never been stronger or more effective than they are today.

Unfortunately, the nation has a distorted picture of what happens in our juvenile courts. We seem to read only about the tragedies, the children who are killed by their parents or who are lost in foster care or who commit terrible crimes. These sensational news accounts are utterly misleading. Yes, tragedies do happen, but the real news, the good news, is that the juvenile court is a strong, vibrant institution.
Perhaps more significantly, our juvenile courts are making improvements to their operations at a pace never before imagined.

Just as drug courts have demonstrated their effectiveness through research and evaluation, so too have our juvenile courts begun to demonstrate excellent results. Even in those jurisdictions where individual juvenile courts are struggling with a lack of resources, they have started the court improvement process. Court practice has improved in every state, principally because of national court improvement efforts by such organizations as the National Council of Juvenile and Family Court Judges and the National Center for State Courts, and because of the support of the federal government (in particular, the Office of Juvenile Justice and Delinquency Prevention) and charitable foundations such as the David and Lucile Packard Foundation, the Pew Charitable Trusts, the Dave Thomas Foundation for Adoption, and the Robert Wood Johnson Foundation. Working with judges and researchers, these organizations have developed what we refer to as best practices for juvenile courts. Improved technology, technical assistance, and a broad array of training opportunities have resulted in courts’ learning quickly about what is happening in other courts. Initiatives such as the federal Court Improvement Program and the Model Courts Project of the National Council of Juvenile and Family Court Judges have given courts the opportunity to learn about best practices that other jurisdictions are using. Judicial leadership has made it possible for these courts to make significant improvements in court operations.

Let me give some examples. Ten years ago the National Council of Juvenile and Family Court Judges published a book called the Resource Guidelines for Abuse & Neglect Cases. It carefully outlined the time and judicial resources necessary to operate a successful child protection courtroom. This had never been done before. The Resource Guidelines were immediately embraced by the Conference of Chief Justices and the American Bar Association but, more important, became a practice guide for courts across the country. Now, after we have watched court after court aspire to follow the Resource Guidelines, we know that best practices result in fewer children coming into foster care and that those who do enter care have fewer placements and reach permanency more quickly.

The better results can be measured. Seven years ago three jurisdictions—New York City, Los Angeles County, and Cook County, Illinois—accounted for approximately 150,000 children in out-of-home care under the supervision of the juvenile court, almost one-third of the national total of children in foster care. All three of these courts are part of the model courts initiative directed by the National Council of Juvenile and Family Court Judges. All three committed to improve practice by reference to the Resource Guidelines. All three had strong judicial leadership: Judge Nancy Salyers and Presiding Judge Patricia Martin Bishop in Chicago, Chief Judge Judith
Kaye and Administrative Judge Joseph Lauria in New York City, and Judge Michael Nash in Los Angeles. Today there are fewer than 60,000 children in care in these jurisdictions, a decline of over 60 percent. As a result of the Resource Guidelines’ best-practices recommendations, fewer children are in out-of-home care and those that do enter care stay there for a shorter period of time.

Another example is Tucson (Pima County), Arizona, also a model court site, under the leadership of Commissioner Stephen Rubin. The National Center for Juvenile Justice recently completed an exhaustive study of juvenile court practice in the Tucson juvenile court after best practices based on the Resource Guidelines were implemented. The results were dramatic. Following the guidelines, the Tucson juvenile court reduced the time a child waits for a permanent home, the time a child remains in out-of-home care, and the time it takes to dismiss a child protection case—all by 30 to 60 percent. These results are positive for children, but they also resulted in significant foster-care cost savings to the local, state, and federal governments. The Chief Justice of Arizona and other state leaders were so impressed by the results that they took steps to make every juvenile court in Arizona a model court and to have all of Arizona’s juvenile courts implement best practices as described by the Resource Guidelines. In Minnesota, under the leadership of Chief Justice Kathleen Blatz, the entire state judiciary has organized a juvenile court project called Through the Eyes of the Child. Chief Justice Blatz has used organizational techniques similar to those of the model courts, has brought together and created teams in each jurisdiction, and set goals for court improvement for each and every county in Minnesota. I have seen the enthusiasm that the Minnesota judges, court administrators, and attorneys have for this project and for their collaboration with children’s services administrators and service providers. This is court improvement at its best.

For those of you who have not visited the new Washington, D.C., juvenile court, I urge you to do so. Under the leadership of Chief Judge Rufus King III and Presiding Judge Lee Satterfield, and following the Resource Guidelines, our nation’s capital (another model court) has adopted best practices that will quickly show positive results for the children who appear in their family court.

At a recent meeting of the model courts here in Washington, D.C., our lead judges and National Council of Juvenile and Family Court Judges staff discussed strategies that would make it possible to expand best practices statewide across the country. We discussed how Arizona, New Jersey, Minnesota, and Georgia are expanding model court practices to the entire state. With our successes over the past few years, we are confident this type of expansion can be accomplished in all states in the next decade. Be prepared for another revolution in juvenile court improvement. Next year the National Council of Juvenile and Family Court Judges will publish resource guidelines for juvenile delinquency cases, addressing best
practices in our nation’s juvenile courts. These guidelines should usher in a new national confidence in the juvenile delinquency court and a legislative shift to keep more children in the juvenile court, where they belong, where they will receive individualized justice, where accountability and rehabilitation go hand in hand, and where programs that have been proven successful are utilized by the court and court-serving agencies. The national trend of waiving youth to the criminal court has already started to reverse itself; the delinquency guidelines will accelerate that process. The court improvement efforts that will flow from the guidelines’ publication will lead to a fresh look at the juvenile court by judicial leaders, policymakers, and members of the community.

Court improvement successes have led to a new spirit among judges in juvenile and family courts across the nation. More and more judges are choosing the juvenile court as an assignment and as a career. In most court systems the juvenile court is no longer the training ground for other judicial assignments. Many chief justices and presiding judges have taken an interest in the juvenile court and have devoted time and energy to juvenile court improvement. Juvenile and family courts are getting more respect from the judiciary and from the community. We on the juvenile court appreciate this interest and attention because we believe that our work is critical to the well-being of our communities and of our nation. We respectfully ask for more. We ask that juvenile courts be placed in the judicial hierarchy at the highest level of trial court in each of our states. That is what we do in California, where we have one level of trial court, the superior court, and all judicial business including juvenile court matters is conducted at that level. We know that placing the juvenile court on a status equal to that of criminal and civil trial courts has sent a clear message that the judiciary values the work of the juvenile court. Perhaps not surprisingly, more California judges are choosing juvenile court not as a steppingstone to a different assignment but as an important part of their judicial careers. When I first took the juvenile court assignment in 1985, I was the only judge who indicated an interest in remaining there. Now numerous younger colleagues ask me when I am going to retire—they would like my job.

Over the years I’ve traveled to more than 40 states as a judicial educator. I’ve seen a new spirit every place I visit. In state after state judicial leaders have shown an increased desire to learn from other states and from organizations with expertise to offer. Judges are asking, How can I do my job better? How can I improve outcomes for the children and families who come before me? This spirit is all it takes to start courts on the path to excellence. A little competitive edge mixed in can accelerate the process. When I tell a court system that the court in a neighboring jurisdiction has made significant improvements in court operations, the quick response is often that “we can do better than they can.” For example, when I learned that Administrative Judge Cindy Lederman in Miami, Florida, Sheryl Dicker in New York, and the Zero to Three project in Washington, D.C., had creative
ideas for the care of infants in foster care, I read what they had written, consulted with them, and invited some of them to come to one of our trainings in my home county. My purpose was clear: I wanted to see if they could teach us how to do our jobs better. Based on what we learned, we have made numerous changes in how we deal with infants and their families in our court system.

One message I care deeply about and deliver wherever I go is that children belong in families, preferably their own families, and that congregate care and large detention centers are seldom the best choice for a child. Social science and child development expertise have demonstrated that congregate care is developmentally inappropriate and often harmful to children. This should not be a surprise to anyone who has studied juvenile law because this conclusion reflects the legal principles established in both state and federal law. Over the past 25 years Congress has passed two major pieces of legislation relating to the judicial role in child protection and finding permanent homes for children, the Adoption Assistance and Child Welfare Act of 1980 and the Adoption and Safe Families Act of 1997. These federal statutes and the state statutes implemented to conform to them govern what we as juvenile court judges do in child abuse and neglect cases. Moreover, it was Congress that passed the Juvenile Justice and Delinquency Prevention Act of 1974, 30 years ago. Acknowledging the harm that can be done to children by older, hardened criminals, this legislation forbade the placement of children in adult jails and prison. Now we realize that even same-age peers can teach one another about crime while in custody. Nevertheless, juvenile courts throughout our country and in many parts of the world continue to place children in institutions— orphanages, group homes, large youth prisons, and other forms of congregate care. My colleagues often respond that they have no choice.

The good news I have to report is that in many cases we do have a choice. Utilizing modern technology we can and do find family members for children. Did you know that most of us in this room have more than 75 living relatives? This statement is based on Kevin Campbell’s work at Catholic Community Services of Western Washington. This statement applies to everyone in this room and, more significantly, every child in foster care. Our job as caretakers and overseers is to find that family and let them know that one of their relatives, a child, a member of their family, needs them. We have the technology today to find families, technology that was not available 10 years ago. Web technology and search engines make this possible. This search is worth our effort because we have learned that just because one or both parents are in jail or prison, we should not assume that other family members are either unavailable or unfit. Many of you have seen the movie Antwone Fisher and the remarkable story of a young boy caught in a foster-care system because his father was dead and his mother in prison. What he did not
learn until adulthood was that he had a large and loving extended family that lived very near him while he suffered through a childhood in multiple foster homes. When we in the juvenile court system learn that a child’s father has disappeared and his mother is in prison, we must not assume that the child has no relatives or that the relatives are unworthy of consideration. We need to start the search for relatives immediately. I can tell you that Antwone Fisher’s story about finding family can be a reality in every community in the country if we start paying more attention to family finding. It is my dream that the expanded use of family finding will literally dry up the foster-care system.

Does family finding work? Will the family respond? In most cases they do. Can families find the solution for the crises facing their children? I believe they can. There is something special about family. I am not a scientist, but child development experts tell me that we have a special relationship with those who carry our DNA. We are more likely to take that extra step and to make sacrifices for the person who is related to us. I have seen the power of family finding both in my own county and in Hawai‘i, where they practice Ohana family conferencing. I have been to a family group conference where 25 family members participated, some of whom traveled from other states. They all came for the same reason—the child. They all had something to contribute to the future of that child. They all helped devise a family plan. Large groups of family members ensure good results for a child even when the biological parents are unavailable.

Can we find families? One tactic is to ask about family throughout the entire case. That is what the State of Washington’s Legislature mandated two years ago when it passed legislation requiring social workers to ask about extended family at every stage of a child’s case. The results have been an almost twofold increase in family placements, from 19 to 37 percent—just from asking. I wouldn’t be surprised to see similar legislation introduced in California next year. That is not to say that there are not wonderful foster and adoptive homes for children. It is also not to say that all children must remain with family. But we have been halfhearted in our search for families for children in out-of-home care. We can do much better, and some courts and social service agencies around the country are proving this today. After all, our goal is to find permanent homes for children so we in the public sector can dismiss their cases and let them live normal lives. Family finding, family group conferencing, team decision making, and similar innovations permit us to identify family members, convene them, and permit them to come up with the best plan for each child’s future. Then we in the court and social services system can get out of the way. There is nothing more satisfying for a judge than to see a happy ending with a child in a loving home and to dismiss the case. I feel privileged to preside over that type of happy ending almost every day. It is what keeps me coming back to the emotional environment of the juvenile court each morning.
Of all the work I do, the most rewarding is the work with individual children and families in the courtroom. When children first come to the attention of the court, they have been beaten, neglected, traumatized, unloved, in need of a stable, loving family. Parents come before the court as drug addicted, victims or perpetrators of violence, with few or no parenting skills, with mental health and maturity challenges, and without support systems. The initial hearings are so sad that people in the room are in tears as they reflect on the tragedy of their lives and the lives of their children. Kleenex boxes line the tables. Juvenile court orders place children in safe, temporary homes, preferably with relatives, and the parents start the difficult process of reconstructing their lives. They participate in services, many substance-abusing parents (mostly mothers) enter our drug treatment court, some participate in groups focusing on the effects of domestic violence, and many receive mental health services. Most family members participate in substance abuse assessments and treatment plans as well as individual and family counseling. Parenting classes are frequently a part of the plan, including specialized classes, such as Parenting Without Violence. Child advocates will support the child through the process; and an attorney, a guardian ad litem, or both will speak for the child in all court hearings. Specialized services such as wraparound services will enable many children to remain with families rather than go to congregate care.

The court frequently reviews the progress of the parents and children at subsequent hearings, and the structure of our court system ensures that the same judge will preside over all hearings for the same family from beginning to end. Some parents do not participate in services or are unsuccessful in their efforts to safely reunify with their children. These children will usually be adopted by relatives or foster parents. Other families—the majority—will make significant changes in their lives and be reunified with their children.

One reason for the optimism I have about the future of the juvenile court is the development of new services for children and families—services that have demonstrated success and that have resulted in better outcomes for children. When 14-year-old Sally (not her real name) came before me several years ago, she had been abused by her mother, her father was not available, and she was so depressed that she had attempted suicide on several occasions. The social worker recommended that she be placed in a mental hospital. I made that placement believing it was necessary to save her life. A few months later at a review hearing the social worker recommended that Sally be placed with a family member and given wraparound services. I was shocked. How could this be a safe placement when I had removed Sally from her home only a few months earlier? I was not familiar with wraparound services, but the agency had been using them successfully for over a year. Wraparound services take an ecological approach to the care and safety of
a child. A team of professionals, relatives, and community members work together to create an individualized 24-hour plan of supervision while the child lives with a family in the community.

I returned Sally to the relative and nine months later was able to safely dismiss her case. Since that time, using wraparound services, I have been able to place over a hundred children with their families. It is an example of how the juvenile court can use newly developed, carefully evaluated services to place children safely with families, where before they would be committed to institutions. For me, both professionally and personally, this has been nothing less than a miracle.

There is no greater joy than seeing a family successfully reunited, to see parents turn their lives around, gain self-esteem, and proudly walk into court with the confidence that they have become competent parents—and to see children happily accompanying their parents. I feel privileged to be able to preside over cases that produce such remarkable outcomes for children and families. Even in the cases in which the parents are unsuccessful, juvenile court judges are able to conduct adoption hearings, another joyful occasion where families and the court system celebrate the building of a new family through the adoption process. These are the main reasons I have remained in the juvenile court for most of my judicial career. Without these uplifting moments, the job of a juvenile court judge would be too emotionally draining for me and for most judges.

So when I tell you that in my own court in Santa Clara County we have reduced the number of children in foster care by 40 percent, that we are dramatically reducing the number of children in congregate care by utilizing family finding and wraparound services, that adoptions have increased fourfold, and that trials have been reduced significantly with the use of confidential mediation, that our juvenile dependency drug treatment court has provided a new and effective system of support for substance-abusing mothers, that our juvenile mental health court (the first in the world) has demonstrated to the country that youth with mental illness can be humanely and effectively treated by the juvenile court system, and that with judicial leadership in concert with community commitment a Court Appointed Special Advocate (CASA) program has been created with over 900 volunteers who are advocating on behalf of over a thousand children, you will understand that the good feelings that my colleagues in the juvenile court and I have are based on data and evaluation, not anecdotes.

Much of this work would not be possible were it not for our judicial leaders’ support for the work of juvenile and family court judges. When Chief Justice Ronald George and Administrative Director of the Courts William Vickrey make children and families a priority in their administration of the California court system, that means our judges have a better opportunity to operate successful courts. When
the California Judicial Council approved section 24 of the Standards of Judicial Administration over 10 years ago, it gave permission to all of our juvenile court judges to get off the bench and step up their advocacy on behalf of children, knowing that we are supported by our leaders in our efforts to work both in and out of the courtroom to secure better results for children and families. When organizations such as the National Council of Juvenile and Family Court Judges provide technical assistance and guidance to assist us, and when the United States Supreme Court and the National Center for State Courts award the William H. Rehnquist Award for Judicial Excellence to a juvenile court judge, that sends a message across this country that the work of the juvenile court is important and that to serve in the juvenile court is to make a significant contribution to children and families in crisis, to the community, and, ultimately, to the nation.

Mr. Justice Kennedy, thank you for this opportunity to speak to you tonight and for this wonderful award. I accept it personally and on behalf of juvenile court judges in California and across the country. We all are grateful for this recognition.

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