



What is the biggest problem facing California's juvenile courts? There are several candidates: inadequate resources for kids and families, un-coordinated service delivery, and judicial overload (too many cases and too few judges) all come to mind. I am going to suggest that the biggest problem is judicial rotation. What? Has Edwards lost it? How can judicial rotation (the movement of judges from assignment to assignment) be important to the success of the juvenile court? I will try to explain.

California is a rotation state. Each year (on average) judges move from one assignment to another. Most state courts do not rotate their judges. Juvenile court judges are appointed or elected for their career. In many states the juvenile court judicial position is separate from other parts of the court system. Thus, juvenile court judges (and judicial officers) remain in their position for years. Most of the judges I have worked with around the country have been in their juvenile court assignments for 15, 20 or 25 years.

I hasten to add that California is one of only a few states where juvenile court judges have the same status as all trial judges in the state. Most states relegate the juvenile court judge to a subordinate role, a lower form of judge in the trial court hierarchy.

So what is the matter with judicial rotation? It works well with civil, criminal and other trial departments, why not in juvenile court? Juvenile court judges have much more to do than try cases. Juvenile court judges are the leaders of the juvenile court system, a court-driven system that attempts to meet the needs of the most at-risk youth and families in the community and the needs of the community by providing solutions to difficult problems. The success of any court is its ability to ensure that parties receive due process of law and that cases are disposed of in a timely fashion. But in the juvenile court success also depends on how well the system works. How well are cases screened out and services delivered to those youths and families who do not appear in court? For cases that reach court, what services are available for youths and families? Are community resources available to the families that appear in court? Are there volunteers working with families?

Establishing a court system that truly serves the youths and families who appear in court is a long-term, complex enterprise. In fact, the work to improve our juvenile courts will never be complete, but insofar as court projects are identified and implemented, consistent leadership over time is critical. Many projects take years. When judges rotate, the transfer of commitment, energy and vision may mean that certain projects are forgotten. I remember one Chief Probation Officer who told me he liked the rotation process because it meant that the probation department had the experts and the judges were always rookies. If they didn't like a particular judge, they only had to hold their collective breaths for a year and the judge was gone.

Children and families appear in juvenile court over long periods of time. A typical dependency case can last for years and the trend in delinquency cases is for the court to review the case at the time

of dismissal, often a year after the petition was filed. Judges can and should develop important, meaningful relationships with the youths and families who appear in their courts. Families know who "their judge" is. They understand what the judge wants them to do and they will return to court to show the judge what they have done. All of these incentives are reduced when the judge is no longer there.

One Judge - One Family is a term often used around the country. It refers to a legal system that ensures that the same judge hears one family's case from start to finish. In this system the judge knows the family and holds the family, the attorneys, and the service providers accountable for their conduct. Accountability is reduced significantly when a new judge hears a case and does not have knowledge of what has happened, what expectations the prior judge set, and what concerns the family has expressed to that judge.

In 1989, the Judicial Council recognized the importance of longer assignments in juvenile court when it adopted Standard of Judicial Administration 5.40 (then SJA 24). It states in its first sentence that

"The presiding judge of the superior court should assign judges to the juvenile court to serve for a minimum of three years. Priority should be given to judges who have expressed an interest in the assignment."

The Advisory Committee Comment argued that because of "...the unique nature of the proceedings in juvenile court, the juvenile court judge should be willing to commit to a tenure of three years." This period of time permits the judge to become acquainted with the "total juvenile justice complex [and] provides continuity to a system that demands it."

Only some of California courts have followed SJA 5.40. Many still rotate juvenile court assignments annually. Some put the newest judge in the assignment until the next judge is appointed, and, of course, a large number assign juvenile court work to subordinate judicial officers.

It now occurs to me that this column should be addressed to presiding judges since they are the judges who make judicial assignments each year. Many judges have told me that they wanted to stay in juvenile court, but that the P.J. had different plans for them. So when you become presiding judge some day, do not forget the importance of continuity in the juvenile court assignment. Start with the juvenile assignment and work with your predecessor and successor presiding judges to ensure the continuity that the juvenile court deserves, that the law recommends, and that experience has proven works best for the children and families that we serve.