

**NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES
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**TESTIMONY
Subcommittee on Healthy Families and Communities
Committee on Education and Labor
UNITED STATES HOUSE OF REPRESENTATIVES
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**PROPOSED REAUTHORIZATION OF THE JUVENILE JUSTICE AND
DELINQUENCY PREVENTION ACT**

Madam Chair and members of the Subcommittee on Healthy Families and Communities, thank you for this opportunity to testify before you here today. I am Kim Berkeley Clark, Administrative Judge of the Allegheny County Family Court in Pittsburgh, Pennsylvania, and I am here on behalf of the National Council of Juvenile and Family Court Judges and judges across the nation who hear our nation's most difficult cases – those related to children and families. Our caseloads include issues such as child abuse and neglect, juvenile delinquency, domestic violence, substance abuse, mental health, divorce and a myriad other issues affecting society today.

We are pleased to have this opportunity to comment on the proposed reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDP) of 1974 and continuation of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) of the U.S. Department of Justice, Office of Justice Programs. We appreciate the Subcommittee's attention to this important task. The National Council of Juvenile and Family Court Judges (NCJFCJ) supports the reauthorization of the JJDP and the continuation of OJJDP. When the JJDP was originally enacted in 1974, many

representatives of the NCJFCJ testified before the U.S. Senate in support of the legislation. The NCJFCJ continues today in its support of the JJDP and continuation of the OJJDP.

The Need for the Office of Juvenile Justice and Delinquency Prevention

The Office of Juvenile Justice and Delinquency Prevention has served a critical role in supporting the field of juvenile justice since its inception. OJJDP has provided critical education, technical assistance, research and statistics, and publications to all disciplines involved in the juvenile justice arena. These programs have proven effective in improving court practice in the handling of cases related to children, youth and families. Professionals who are supported by the work of OJJDP include judges, attorneys (public defenders, prosecutors, and child advocates), juvenile probation officers, detention personnel, child welfare professionals, volunteers, treatment providers and a wide variety of other juvenile justice professionals.

Juvenile court judges who oversee cases involving children, youth and families can help effect changes in the behavior of the youth who appear before them. Judges are in a unique position to be able to hold others accountable. This includes not only the youth before them, but also their family members, schools and the many other professionals within the system. Seasoned judges throughout the nation report that they are seeing multiple generations of the same family over time. Judges realize that they must break the cycles of abuse, delinquency, substance abuse, and other issues negatively impacting families today in order to sustain their efforts in providing better outcomes for children and families.

The role of the juvenile and family court judge has evolved significantly over time. Where judges were once primarily responsible for making decisions in a case as impartial magistrates with little connection to the children, youth and families before them, judges now have assumed multiple additional roles. Juvenile and family court judges today are working with children and their families, the attorneys assigned to their cases, social workers, probation personnel, schools, substance abuse counselors, treatment providers and others to find the best solutions to the issues confronting our nation's families. Judges are working with stakeholders in their courts and communities to develop better ways of doing business. Judges are reaching out into the community to identify, develop or import resources necessary to meet the needs of children and families in their caseloads. And finally, judges are reaching out to policy makers to request support for best practices and to request needed resources to improve the system's response to child maltreatment, substance abuse, juvenile delinquency and more. Judges understand the importance and benefits of collaborating with other system professionals and communities to improve outcomes for children and families.

The National Council of Juvenile and Family Court Judges

The National Council of Juvenile and Family Court Judges is the nation's oldest judicial membership organization. Now celebrating its 70th year, the NCJFCJ has more than 2,000 members. With support of the Office of Juvenile Justice and Delinquency Prevention, NCJFCJ has worked for decades to provide education, technical assistance, research, statistics, publications and other assistance to judges and professionals in the field.

The NCJFCJ provides training/education, technical assistance and other resources to as many as 20,000 to 30,000 professionals annually. The focus of this work is to provide judges and others with the latest state-of-the-art information and tools to enable them to make better decisions on behalf of children and families, to guide systemic change in their communities, and to understand the issues faced by the families whose cases they must hear on a daily basis. Topics addressed by the NCJFCJ include: child abuse and neglect, juvenile delinquency, domestic violence, substance abuse, and family law issues, among other topics. A significant portion of this work is funded by OJJDP.

As an example of the NCJFCJ work funded by OJJDP, from 1992-1995, in response to a systemic need for a document that outlined best practices in handling child abuse and neglect cases, the NCJFCJ developed the *RESOURCE GUIDELINES: Improving Court Practice in Child Abuse & Neglect Cases*.¹ This document was published in 1995, and was endorsed by the Conference of Chief Justices, the American Bar Association and the Conference of State Court Administrators. This document was foundational in the sea change underway today in improved practice by judges, court professionals, child welfare professionals and others in handling dependency cases. National programs, state initiatives and individual jurisdictions have used this document as a blueprint for change - as many as 30,000 copies have been disseminated nationally to date. Significant positive results have been noted and a few of these are listed below:

- In the Congressional drafting of the Adoption and Safe Families Act of 1997, the *RESOURCE GUIDELINES* was used as a guide for best practices as contained within the legislation;

¹ *RESOURCE GUIDELINES: Improving Court Practice in Child Abuse & Neglect Cases* (1995). National Council of Juvenile and Family Court Judges, Reno, NV. Available online at <<http://www.ncjfcj.org/images/stories/dept/ppcd/pdf/resguide.pdf>>

- State Court Improvement Programs, as supported by the U.S. Department of Health and Human Services, used the document to assist states in developing state court improvement program plans;
- The Pew Commission's Report on Foster Care was largely based upon the principles stated in the *RESOURCE GUIDELINES*.

The OJJDP-funded Victims Act Model Courts Project at the NCJFCJ was developed to identify courts willing to change practice and ready to embrace the key principles of the *RESOURCE GUIDELINES*. This Project provides Model Courts with the training, technical assistance, evaluation and research needed to improve practice in jurisdictions; statewide implementation is an additional goal in many of these courts. Currently, 31 jurisdictions around the country serve as Model Courts; these courts are committed to improving court practice and to serving as models for other courts nationwide outside the project as they strive to improve practice. Model Courts, as laboratories for change, provide a basis of information to others regarding successes and failures, what works and what doesn't work. Model court personnel serve as trainers, mentors, site hosts and guides in sharing their work far beyond the 31 Model Courts involved in this project.

Listed below are examples of success in the Victims Act Model Courts Project.²:

- **Of the courts involved in the project, three are the nation's largest juvenile or family court systems.** These include: Cook County (Chicago) Child Protection Division of the Juvenile Court, New York City Family Court, and Los

² *Status Report 2005: A Snapshot of the Child Victims Act Model Courts Project* (2006). National Council of Juvenile and Family Court Judges, Reno, NV. Available online at <<http://www.ncjfcj.org/content/blogcategory/365/434/>>

Angeles County Juvenile Court. At one time, these three jurisdictions alone represented nearly half of the nation's children in foster care. Thanks to a decade of focused collaboration between the courts and system stakeholders and the NCJFCJ, the total number of children in foster care in these courts and nationwide has begun to decrease. In each of these jurisdictions caseloads have been examined, issues delaying timely permanency have been addressed, and adoptions have increased, among other accomplishments. As a result, the numbers of children in foster care in these three jurisdictions have significantly decreased over time. In Cook County alone, a caseload of over 50,000 children in out-of-home care in 1996 has been reduced to fewer than 10,000. Caseloads in Los Angeles County have dropped from over 50,000 children in foster care in 1997 to 30,000 most recently.

- **Innovations in courts resulting from the work of the NCJFCJ's Model Courts Project have proven inspirational to others.** For example, Adoption Saturday was initiated in the Los Angeles County Juvenile Court in 1998. In order to clear a backlog of adoption cases in that court, Presiding Judge Michael Nash initiated an event which enlisted the help of volunteer judges, court staff, attorneys, social workers and others on a Saturday. Volunteers were immediately forthcoming and during that first Adoption Saturday event, hundreds of cases were heard. The court's celebratory atmosphere on that date has inspired additional events each year in Los Angeles County. In 2006, that court celebrated its 23rd Adoption Saturday; thousands of adoptions have been finalized since that first Adoption Saturday event.

- **National Adoption Day** – Additionally, the Adoption Saturday event has been used as a model for National Adoption Day sponsored each year by the Dave Thomas Foundation for Adoption. This event is held on the Saturday before Thanksgiving and is next scheduled for November 17 in 2007. During its initial year, this event drew only a handful of courts. However, in 2006, National Adoption Day was celebrated in all fifty states, the District of Columbia, and Puerto Rico, during 250 adoption events. These events resulted in adoption of 3,300 children nationwide – in one day.

An additional example of the significant work of the NCJFCJ as funded by the OJJDP is the Juvenile Delinquency Guidelines Project. In 2005, the NCJFCJ produced another pivotal document in changing court and systems practice. The *JUVENILE DELINQUENCY GUIDELINES: Improving Court Practice in Juvenile Delinquency Cases*³ was developed by a committee of system stakeholders, and when published was endorsed by the Conference of Chief Justices, the Conference of State Court Administrators, the National Association of Counsel for Children and the Bureau of Juvenile Justice, State of Michigan. This document provides a blueprint for systemic improvement in juvenile justice cases, and is now being used by a number of courts nationwide as they examine statutes and protocols, identify problem areas, plan for change and implement new practices and procedures. A Juvenile Delinquency Model

³ *JUVENILE DELINQUENCY GUIDELINES: Improving Court Practice in Juvenile Delinquency Cases* (2005). National Council of Juvenile and Family Court Judges, Reno, NV. Available online at <<http://www.ncjfcj.org/images/stories/dept/ppcd/pdf/JDG/juveniledelinquencyguidelinescompressed.pdf>>

Courts Project⁴ as funded by OJJDP is beginning to impact the system nationwide in ways demonstrated by the Victims Act Model Courts Project over the past ten years. Without the support of OJJDP to fund some of this work, the improvements in handling delinquency cases now beginning to emerge would not have been possible.

Another example of the work funded by OJJDP and produced by the NCJFCJ, is a series of three audio recordings available on CD. *Telling Our Stories from Juvenile Court, You Can Make a Difference – Stories from Juvenile Court* and *You Can Make a Difference III – More Stories from Juvenile Court*⁵ document success stories of troubled teenagers referred to the juvenile court, as well as how judges and court professionals can make a difference in a child's life. One of these success stories is that of former U.S. Senator Alan Simpson.

The Impact of the Office of Juvenile Justice and Delinquency Prevention

NCJFCJ believes that federal recognition of the uniqueness of juvenile courts and the children and youth under their watch should continue. We urge Congress, as it considers reauthorization of the Juvenile Justice and Delinquency Prevention Act, to consider the following:

- **The juvenile justice system is unique and provides a distinct and important focus on issues related to children and youth.** Juveniles are not miniature adults and must be treated differently than adult criminals. They are strongly

⁴ Juvenile Delinquency Model Courts are currently located in: Pima County, Tucson, AZ; El Paso County, El Paso, TX; Hamilton County, Cincinnati, OH; Erie County, Buffalo, NY; Lackawanna County, Scranton, PA; Buchanan County, St. Joseph, MO; and 3rd District Court (Salt Lake, Tooele & Summit Counties), Salt Lake City, UT.

⁵ *Telling Our Stories from Juvenile Court (2000), You Can Make a Difference – Stories from Juvenile Court (2002)* and *You Can Make a Difference III – More Stories from Juvenile Court (2002)*. CD Audio Recordings. National Council of Juvenile and Family Court Judges, Reno, NV.

influenced by their families and their peers, and often they can be diverted or rehabilitated from a life of crime with proper mentoring, programming and support. There is extant research showing that adolescent brains are not fully developed. With the infusion of medical and psychiatric research and collaboration with juvenile justice professionals, we are learning more all the time about how to better intervene and assist youth who appear before us. Juvenile courts are an important factor in changing behavior, and the programs supported by OJJDP provide judges and other system professionals with the knowledge, skills and tools needed to better serve the children and youth on their caseloads.

- **The juvenile justice system is a broadly focused arena which includes prevention (child protection) and juvenile delinquency. For a comprehensive approach to children and youth, this entire arena requires a special focus within OJJDP.** Recognizing this early on, over a decade ago a child protection division was created within OJJDP to focus on programming to address the needs of children who had been abused and neglected. The NCJFCJ has worked with OJJDP since 1992 to develop best practices in the handling of child abuse and neglect cases, to develop a blueprint for change, and to implement best practices and improved outcomes for children and families in jurisdictions across the nation. As previously noted, this Victims Act Model Courts Project serves as a cornerstone of the work of the Child Protection Division. Research has proven the link between child abuse and neglect and juvenile delinquency.⁶

⁶ Widom, C. (2000). *Childhood Victimization: EARLY Adversity, LATER Psychopathology*. Washington, D.C.: National Institute of Justice Journal.

- **Funding to state and national programs, through grants and cooperative agreements, which support training, technical assistance, publications, research, and model programs, provides a comprehensive and integrated approach to addressing juvenile justice issues.** The OJJDP, over time, has developed effective programs which provide a comprehensive approach to dealing with juvenile offenders, as well as children who have been abused or neglected, who are dealing with substance abuse issues, and whose needs cannot be met in any other way.
- **OJJDP's work in development of programs has changed the landscape in terms of government's response to juvenile delinquency.** The Office's support for programs in juvenile sanctions, juvenile delinquency model courts, juvenile drug courts, gangs, disproportionate minority contact, and others have provided support to jurisdictions across the nation as no other funding streams have.
- **Training for Judges.** Well-trained and skilled judges are critical to a well-functioning juvenile justice system that holds youth, families and system stakeholders (including themselves) accountable. Judges are responsible for holding youthful offenders accountable, ensuring community safety and providing for the needs of children and youth who have come into the system either through delinquent acts or through no fault of their own.

Programs of OJJDP are cost-effective and thoroughly evaluated. Statistics maintained through OJJDP-funded programs allow analysis both over time and from jurisdiction to jurisdiction. Information being developed by OJJDP-funded programs is

being widely disseminated through training, conferences, publications, websites and other electronic means.

The Office of Juvenile Justice and Delinquency Prevention has played a significant role in representing issues related to justice for children and youth within the U.S. Department of Justice since its inception. OJJDP serves various functions, including:

- providing a voice for juvenile justice and child welfare/delinquency prevention issues within the U.S. Department of Justice;
- supporting innovative programs for handling children, youth and their families;
- supporting research, training and technical assistance for juvenile justice system and cross-system professionals;
- providing national juvenile justice statistics;
- providing leadership in developing best practices and guiding courts and systems nationwide toward improved practice throughout the continuum – from prevention to diversion and beyond.

OJJDP's programs support development of assessment tools; assessment of systems practice; research on changing trends; research on best practices; use of early service delivery; development of technology; and removal of impediments for information-sharing among agencies.

Juvenile Justice Statistics – The Need for a Continued Focus by OJJDP

The need for a continued focus on juvenile justice issues by a federal agency mandated with that task remains a high priority for professionals in the field. National statistics provided by the National Center for Juvenile Justice, the research arm of the NCJFCJ, detail trends in the system.⁷ These trends note the need for continued vigilance and programming in the juvenile justice arena.

Arrest statistics from the Federal Bureau of Investigation show substantial growth in juvenile violent crime arrests from the late 1980s until 1994. This was followed by ten years of decline. However, this long-term downward trend was broken in 2005 with a small annual increase (2%) in Violent Crime Index Arrests. More specifically, 2005 saw an increase in juvenile arrests for murder (20%) and robbery (11%). It is significant to note that while juvenile male arrests for simple assault declined between the mid-1990s and 2005, female arrests increased. Without a focused office such as OJJDP to address these trends with new and innovative programs as they arise, there would be no ability within the justice community to reverse or address trends as needed.

Conclusion

The mission of OJJDP is to provide national leadership, coordination and resources to prevent and respond to juvenile delinquency and victimization. Through the wide range of programs implemented by that office, juvenile and family courts, juvenile justice systems, child welfare systems, and related fields are receiving critical training, technical assistance, support and encouragement to improve systemic response to issues related to children and youth. With the resources provided by OJJDP, juvenile and family courts are better able to serve those children and their communities. The NCJFCJ

⁷ Snyder, H. (in press). *Juvenile Justice Bulletin: Juvenile Arrests 2005*. Washington, D.C: OJJDP.

fully supports the reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974, and the continuation of the Office of Juvenile Justice and Delinquency Prevention.

On behalf of the National Council of Juvenile and Family Court Judges and individual judges nationwide, I would like to thank you for inviting me to participate in this hearing on this important piece of legislation. I would be pleased to answer any questions you may have.

ADDENDA

Footnote one. *RESOURCE GUIDELINES: Improving Court Practice in Child Abuse & Neglect Cases* (1995). National Council of Juvenile and Family Court Judges. Available online at <http://www.ncjfcj.org/images/stories/dept/ppcd/pdf/resguide.pdf>

Footnote two. *Status Report 2005: A Snapshot of the Child Victims Act Model Courts Project* (2006). National Council of Juvenile and Family Court Judges, Reno, NV. Available online at <http://www.ncjfcj.org/content/blogcategory/365/434/>

Footnote three. *JUVENILE DELINQUENCY GUIDELINES: Improving Court Practice in Juvenile Delinquency Cases* (2005). National Council of Juvenile and Family Court Judges, Reno, NV. Available online at <http://www.ncjfcj.org/images/stories/dept/ppcd/pdf/JDG/juveniledelinquencyguidelinescompressed.pdf>

Footnote five. *Telling Our Stories from Juvenile Court (2000), You Can Make a Difference – Stories from Juvenile Court (2002) and You Can Make a Difference III – More Stories from Juvenile Court (2002)*. CD Audio Recordings. National Council of Juvenile and Family Court Judges, Reno, NV. For copies, please email NCJFCJ at sgrabowska@ncjfcj.org.