



## **Key Principles for Permanency Planning for Children**

*Judging in juvenile court is specialized and complex, going beyond the traditional role of the judge. Juvenile court judges, as the gatekeepers to the foster care system and guardians of the original problem-solving court, must engage families, professionals, organizations and communities to effectively support child safety, permanency, and well-being. Judges must encourage the court system to respond to children and their families with both a sense of urgency and dignity. These key principles provide a foundation for courts to exercise the critical duties entrusted to them by the people and the laws of the land.*

### **Keep Families Together**

Families are the cornerstone of our society, and children have a right to grow up with their families as long as they can be safe. Each child and family deserves to be treated fairly and holistically, regardless of how and why they enter the court system. Judges must ensure that all children and each parent are afforded their constitutional rights to due process. Judicial determinations to remove children from a parent should only be made based on legally sufficient evidence that a child cannot be safe at home. Children and families must be an integral part of the planning and problem solving process.

### **Ensure Access to Justice**

Judges must ensure that the courtroom is a place where all who appear are treated with respect, patience, dignity, courtesy and as part of the problem-solving process. Juvenile courts must be child and family-centered and presumptively open to the public. Children and parents must have the opportunity to be present in court and meaningfully participate in their case planning and in the court process. It is the responsibility of Judges to see that all children and each parent are afforded their constitutional rights to due process.

### **Cultivate Cultural Responsiveness**

Courts must be welcoming and respectful to people of all races, legal, ethnic, and socio-economic statuses, honoring family in all its forms. All members of the court system must recognize, respect, and seek to preserve the ethnic and cultural traditions, mores and strengths of those who appear before the court. Judges must become aware of, and remediate to the extent possible, their own implicit biases that may adversely affect decision making.

### **Engage Families Through Alternative Dispute Resolution Techniques**

Judges should encourage and support the development of family-centered, culturally responsive forms of dispute resolution to allow families to craft effective court-sanctioned solutions to the issues that brought them before the court. Courts should support the development and use of appropriate dispute resolution techniques including mediation, family group conferencing, differential response, and encourage all to utilize the form that will be most beneficial to the children and parents in a particular case.

### **Ensure Child Safety, Permanency, and Well Being**

Children should remain at home as long as they can be safe. Removal of a child from the home should occur only as a last resort. Judges are responsible for proactively monitoring the safety of children and ensuring services are provided to maintain their safety no matter where they are placed. Judges are responsible for ensuring the physical, mental, emotional, reproductive health, and educational success of all children under the supervision of the court. If a parent is a victim of violence from the other parent/spouse/friend, the Judge should sanction plans that keep that victim safe as the best way to keep a child safe. When return to a parent is inappropriate, placement with kin or a responsible person with a significant relationship with the child is the first priority. No child should exit foster care without a life-long connection to a caring and responsible adult.

### **Ensure Adequate and Appropriate Family Time**

Consistent with child safety, relationships between and among children, parents and siblings are vital to child well-being. Judges must ensure that quality family time is an integral part of every case plan. Family time should be liberal and presumed unsupervised unless there is a demonstrated safety risk to the child. Sibling family time apart from parental family time should be considered. Family time should not be used as a case compliance reward or consequence.

### **Provide Judicial Oversight**

Judges must provide fair, equal, effective, and timely justice for children and their families throughout the life of the case, continually measuring the progress toward permanency for children. The same judge should oversee all cases impacting the care, placement, and custody of a child. Through frequent and thorough review, without needless delay, judges must regularly exercise their authority to set and monitor the timelines, quantity, quality, and cultural responsiveness of the services for children and families. Judges should ensure that there is communication, collaboration and cooperation among all courts handling cases involving any given family.

### **Ensure Competent & Adequately Compensated Representation**

Judges are responsible for ensuring that parties, including each parent, are vigorously represented by well-trained, culturally responsive, and adequately compensated attorneys who are committed to these key principles. Children should be parties to their cases. Children are entitled to representation by attorneys and guardians *ad litem* and Judges must ensure the child's wishes are presented to and considered by the court.

### **Advance the Development of Adequate Resources**

Juvenile and family courts must be appropriately supported. Courts must maintain a sufficient number of specially trained and permanently assigned judicial officers, staff, attorneys and guardians *ad litem* to thoroughly and effectively conduct the business of the court. Judges should continually assess the availability and advocate for the development of effective and culturally responsive resources and services that families need.

### **Demonstrate Judicial Leadership & Foster Collaboration**

Judges must convene and engage the community in meaningful partnerships to promote the safety, permanency, and well-being of children and to improve system responses. The juvenile court must model and promote collaboration, mutual respect, and accountability among all participants in the child welfare system and the community at large. To demonstrate the effectiveness of the system and to improve its ability to serve children and families, courts should strive to maintain data on every aspect of the process and use that data to identify and achieve system improvements. Judges must encourage regular and productive review of system-wide processes to foster the continual goal of improvement.

## **Technical Assistance Brief**

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