Suspensions and Expulsions: It’s Time for a Change
By Judge Leonard Edwards (Ret.)

ALSO:
Tribal Jurisdiction Expanded in VAWA 2013
By Judge Steven Aycock (Ret.)

Toward a Conceptual Framework for Trauma-Informed Practice in Juvenile and Family Courts
By Shawn C. Marsh, Ph.D., and Carly B. Dierkhising, MA

Seven Easy Steps to Building a Nonprofit Group to Support Your Juvenile Court
By Jessica M. Pearce
RESEARCH CONFIRMS
BOYS TOWN’S LASTING EFFECT

Comprehensive Research | Unmatched Care | Life-Changing Results

A recent follow-up study finds former youth from Boys Town’s out-of-home placements experience a positive impact

- 84% are attending school or have graduated
- 79% have remained arrest-free
- 93% say Boys Town had a positive impact on their lives

To learn more about the lasting changes young people experience at Boys Town, visit boystownadmissions.org or contact us by email at boystownadmissions@boystown.org

BOYS TOWN
Five hundred twenty-five thousand six hundred minutes,” the number of minutes in a year says the song from the award winning Broadway musical, “Rent”. “Goodness, gracious sakes,” the late John Wooden would say. Those minutes go fast. My year as President of the NCJFCJ is rapidly coming to a close, and all I can say is that it was a blast. I enjoyed being an ambassador for the organization because it is so easy to represent an organization like this one that has for so many years done such great work to benefit at risk children and families in our nation. This year is no different, and if it’s any indication, next year will be even better because of the great staff and judges who do this important work and support our organization. However, the strongest evidence of the great work that the NCJFCJ does is reflected in the subject matter of our 76th Annual Conference in Seattle, Washington.

Our conference workshops mirror some ongoing and newer efforts of the NCJFCJ. An example of one of our ongoing efforts relates to our work on disproportionality, in particular child welfare. Our Courts Catalyzing Change Initiative which produced the CCC bench card, that research has shown to have a positive impact on this problem, will be given a six year review in one of our workshops. The juvenile justice side of this issue is covered in another workshop.

Our workshop entitled “Making the Grade: The Judicial Role in Keeping Kids in School and Out of Court” follows up on our 2012 resolution on this subject and our letter to Vice President Biden earlier this year as his committee considered initiatives on school safety. Our Juvenile Law Committee continues to consider this issue and many of our organization’s judges are vigorously pursuing and presenting at other conferences on their efforts to deal with this.

In the last issue of Today Magazine, I wrote of our proposed resolution on judicial action to address the problem of domestic minor sex trafficking. Our Board of Trustees adopted that resolution in February and several of our members have participated in forums sponsored by congress and other organizations on this problem. Our conference includes three workshops on domestic child sex trafficking.

I also wrote of the work of our Psychotropic Medication Committee. By the time of publication here, the NCJFCJ will either have adopted the committee’s proposed resolution on standards for judges on how to deal with psychotropic medication issues or we will be close to it. Once again our conference will be addressing the issue of whether we are medicating youth in our systems.

The work of our busy Military Committee will be reflected in workshops on the needs of women veterans and more. Our resolutions in support of ICWA, which we also highlighted on our letter of support to Congress for the passage of the Violence Against Women’s Act, will also be covered. Our work related to crossover kids reflected in a 2009 resolution and further expanded upon in our Project ONE initiative advocating for commensurate services no matter which court door a child or family enters our court systems is covered as well. A plenary session discussing finance reform in child welfare, a topic of a 2011 NCJFCJ policy statement, is being sponsored by Casey Family Programs which is spearheading a national effort to develop a consensus proposal to present to Congress.

Following up on recommendations from the Report of the U.S. Attorney General’s National Task Force on Children Exposed to Violence, we are presenting four workshops and a plenary session to address a number of trauma related issues including a workshop on developing a trauma informed courthouse.

These are only some of the highlights of our conference which will also cover other significant issues, including domestic violence, family court issues, and more. Our conference shows that our organization not only talks the talk when it comes to important issues that our courts face on a daily basis, but also walks the walk in following up on those issues in order to assist our judges and others in achieving the best outcomes possible for those involved with our systems.

I hope to see a large turnout for this terrific conference in the great city of Seattle. Bring your families and invite your colleagues and friends. And don’t forget to invite them to join the NCJFCJ. As I have said on a number of occasions, through this organization and its members, “we’ve made the world a better place and will continue to do so.” Thanks again for allowing me the privilege of serving as this year’s President and best of luck to our incoming President, Judge Dave Stucki from Ohio.

Best Regards,

[Signature]

Judge Michael Nash
Los Angeles, California
Toward a Conceptual Framework for Trauma-Informed Practice in Juvenile and Family Courts

SEE PAGE 18

Contents

8 National Center for Juvenile Justice Celebrating 40 Years By Melissa Sickmund, Ph.D.

12 COVER STORY: Suspensions And Expulsions: It’s Time for a Change By Judge Leonard Edwards (Ret.)

17 Tribal Jurisdiction Expanded in VAWA 2013 By Judge Steven Aycock (Ret.)

18 Trauma-Informed Practice in Juvenile and Family Courts By Shawn C. Marsh, Ph.D. and Carly B. Dierkhising, MA

25 Silent Partner: Military Pension Division - Present Value By Mark F. Sullivan

26 Seven Easy Steps to Building a Nonprofit Group to Support Your Juvenile Court By Jessica M. Pearce

IN THIS ISSUE
3 President’s Message
5 CEO’s Message
6 Member News
11 International Outreach
14 Upcoming Events
22 Our Work
How many times have you heard this? If you don’t like something, change it. If you can’t change it, change your attitude. Or maybe this? Change is inevitable. Nobody likes change. Change is hard.

If I had a dollar for every time I’ve heard some well-meaning friend, family member, or colleague tell me their view on “change”, I’d probably own the Mona Lisa.

It’s no secret the NCJFCJ has undergone many changes in the past couple of years. Dealing with change can be daunting. Throughout the process, for some it has been inspiring, positive, even hopeful. For others, it has been challenging, disruptive, stressful, or for a few, life altering. To quote Deepak Chopra, “all great changes are preceded by chaos.”

The technology of the 1980s and 1990s bears almost no resemblance to what exists today. In the same way, our jobs and organizations probably bear little resemblance to that time. Companies rearrange their organizational structure, reduce their staffs, outsource their operations, and upgrade their systems. Change requires flexibility.

This will be our last issue of TODAY magazine. Throughout its 21 year history, we’ve covered hundreds of topics ranging from improving outcomes for youth in foster care to how to incorporate tribal values in the courtroom, and from domestic minor sex trafficking to elder abuse. We’ve transitioned from a member’s only publication to having the content available to all our website viewers. In continuing to reach as many people as possible, it’s time to transition again, embracing new media and incorporating it into our work. The features available in the TODAY magazine will continue to be published in a new format.

Last summer, the NCJFCJ launched a monthly newsletter highlighting recent work, upcoming events, and news from like organizations. This newsletter has been well-received and will continue to be sent monthly. In addition, we plan to launch a Member’s Newsletter later this year that will go more in depth about our current initiatives and highlight our Member’s awards and appointments in the field. We’ll continue to publish feature articles on the “Latest News” section of our website that will be available to all interested in our work.

If you don’t currently receive our monthly newsletter in your inbox, visit www.NCJFCJ.org and click “Sign Up to Receive E-mails” in the upper left. To receive all NCJFCJ news, in addition to conference discounts and other exclusive information from the field, I invite you to become a member of the NCJFCJ.

In the end, what I know for sure is that change is constant, and to exist IS to change. Theodore Roosevelt said, “The best thing you can do is the right thing; the next best thing you can do is the wrong thing; the worst thing you can do is nothing.” I keep this quote in my top desk drawer at my office---maybe it’s time to change it to be my screensaver on my iPad!

My Best,

Mari Kay Bickett, JD
Chief Executive Officer
Judge Kathy Delgado Honored as National CASA Judge of the Year

“Judge Delgado is respected by her colleagues as someone who is knowledgeable, compassionate, innovative, and committed to the work of the juvenile court.” - Jennifer Mendoza, Juvenile Court Programs Coordinator, 17th Judicial District

The quality that makes Judge Kathy Delgado stand out above the rest is her clear and obvious passion for children. She brings a spirit of collaboration and a sense of heart to the juvenile courts, and treats children and youth with kindness, dignity, and respect.

Judge Delgado routinely introduces programs that are new, innovative, and untested. Others may come to the table with skepticism, but her passion ultimately wins them over.

One of Judge Delgado’s first ground-breaking initiatives was to encourage youth and adolescents to attend court so that their voices may truly be heard. Under her leadership, abused and neglected children are now given a true voice in court, a sense of empowerment, and an understanding of the processes that often control their lives. Judge Delgado takes away the scariness of the judge and the courts. She helps children better understand the process through welcoming practices including holding “Kids & Judges Days,” when children can relax in an informal environment.

A true friend and supporter of the CASA program, Judge Delgado not only helps recruit, swear-in, and honor volunteers, she also ensures that the CASA program is always at the table and involved in projects that involve abused and neglected children. Through her actions and her words, Judge Delgado demonstrates her unwavering commitment to the well-being of children in her court.

(Reprinted by permission from the National CASA website)

Judge Peggy Walker Joins Task Force on Domestic Violence

The NCJFCJ congratulates Judge Peggy Walker, Juvenile Court of Douglas County, Georgia on her recent invitation to join the Task Force on Domestic Violence. As an important leader and domestic violence resource in the state of Georgia, Judge Walker will be instrumental in helping to establish a domestic violence training and technical assistance advisory group for the State. The purpose of the Task Force is to assist courts in the development of coordinated community responses to domestic violence in Georgia, including:

- Creating a Domestic Violence Courts Training Curriculum;
- Identifying courts requiring domestic violence technical assistance around the state;
- Providing training opportunities on domestic violence issues to the judiciary and court personnel;
- Linking local courts with local and national technical assistance providers;
- Finalizing and distributing standards and best practices for domestic violence courts in Georgia.

Georgia is currently ranked 10th in the nation for the rate in which men kill women in single-victim homicides and most of these homicides are domestic violence-related. Judge Walker’s decision to commit to membership on the Task Force will: (1) improve courts’ responses to domestic violence, (2) insure that victims are not falling through the cracks and being re-victimized by the court system, and (3) encourage offender accountability and a coordinated community response.

Judge Korey Wahwassuck Appointed to Fill Ninth Judicial District Vacancy

Governor Mark Dayton of Minnesota recently appointed NCJFCJ member Judge Korey Wahwassuck as District Court Judge in Minnesota’s 9th Judicial District, Itasca County, Grand Rapids.

Prior to this appointment, Judge Wahwassuck was Associate Judge of the Leech Lake Band of Ojibwe Tribal Court. She served as a tribal attorney for the Leech Lake Band of Ojibwe, and was a solo practitioner in Missouri and Kansas. She received her Bachelors degree in Journalism and JD from the the University of Missouri.
become a member ... lead the change

As the nation’s oldest judicial membership organization, NCJFCJ members lead the development and implementation of policy and practice for our nation’s children and families seeking justice.

Not only does membership provide a direct link to key stakeholders and access to a number of resources, but NCJFCJ members are part of a community of colleagues working toward the common goal of giving every family and child in the judicial system access to fair, equal, effective, and timely justice.

This year, look for new training and educational opportunities, enhanced technical assistance, and additional resources to assist judges and court personnel in their everyday work.

Become a member today, and together, we can lead the change in our communities and across the nation.

Visit www.NCJFCJ.org for more information or call (775) 784-6012.
NCJJ started in a small room in University of Pittsburgh’s Cathederal Learning Center (inset photo). Today they occupy the 2nd floor of the Rivertech Centre in Pittsburgh, PA.

The National Center for Juvenile Justice (NCJJ) began in 1973 with funding raised by then Allegheny County juvenile court judge, Maurice Cohill, an NCJFCJ Board member at the time. Judge Cohill thought that given the importance of the decisions made from the bench in the lives of children and their families, it would be good for the NCJFCJ to have a research department. The planning effort began in 1967. Judge Cohill persisted and eventually raised enough money in his home town of Pittsburgh, Pennsylvania to hire a Director and open for business. That Director was Hunter Hurst III and the rest, as they say, is history.

Excerpt from Judge Cohill’s message in NCJJ’s first annual report:

It is with a great deal of personal pleasure that I write this introduction to the first annual report of the National Center for Juvenile Justice. I became involved with the National Council of Juvenile and Family Court Judges in planning for the Center in 1967, and what then seemed like an impossible dream came true in the fall of 1973.

Arrangements have been made to locate the Center at the University of Pittsburgh, School of Law, and a committee of judges did an exhaustive job in reviewing candidates for the
Forty years involves far too many projects to list them all. Suffice it to say that NCJJ has had a major role in juvenile justice in the U.S. not only through national data collection, but through data and system improvement efforts at the local, state, and national levels. NCJJ also has a major role in disseminating research, statistical, statute, and practice information to the field and to the public. NCJJ will continue to articulate the need for data-driven decision making and work to assist jurisdictions in applying data to decision making and continue to work with jurisdictions to help them in their system reform efforts.

For four decades, NCJJ has provided technical assistance, conducted research and provided objective, factual information that professionals and decision makers in the juvenile and family justice system can use to increase effectiveness. NCJJ’s success stems from a unique blend of technical skill and practical experience that has enabled us to make complex research and statistical information practically understood by juvenile justice professionals and decision makers.

I joined NCJJ in the fall of 1986, when NCJJ had just turned 13. I now have the honor of serving as NCJJ’s third Director. I’d like to reiterate two of Hunter’s points above. First, the fact that we are still here thriving after 40 years says something about our work (and our luck). Second, we have the best employees anywhere. The quality of their work is without parallel. Our funding is strong with more than $3.25 million in projects for the coming year. NCJJ staff can look to the money and run and you had some luck that was not all bad.

Some of our good luck was being founded by a strong organization — The National Council of Juvenile and Family Court Judges, having an able and willing Board of Fellows — chaired from the beginning by a stalwart, Hon. Maurice B. Cohill, Jr., and a generous response from local foundations, corporations, and the U.S. Department of Justice. With that kind of start up, all that remained was finding good employees and giving them their head. On this last count, we hit the jackpot!

We have the best employees in the Western hemisphere. The quality of their work is without parallel.

So, in 1975, NCJJ established itself as the collector of juvenile court case records for the newly established Office of Juvenile Justice and Delinquency Prevention (OJJDP), continuing a project that dates back to the 1920s. That project, the National Juvenile Court Data Archive, remains at the core of NCJJ’s work today. NCJJ is now also involved in several other national Department of Justice data collections.

So, in 1975, NCJJ established itself as the collector of juvenile court case records for the newly established Office of Juvenile Justice and Delinquency Prevention (OJJDP), continuing a project that dates back to the 1920s. That project, the National Juvenile Court Data Archive, remains at the core of NCJJ’s work today. NCJJ is now also involved in several other national Department of Justice data collections.

So, in 1975, NCJJ established itself as the collector of juvenile court case records for the newly established Office of Juvenile Justice and Delinquency Prevention (OJJDP), continuing a project that dates back to the 1920s. That project, the National Juvenile Court Data Archive, remains at the core of NCJJ’s work today. NCJJ is now also involved in several other national Department of Justice data collections.

The major highlight of the year as far as I am concerned is just around the corner. It now appears reasonably certain that the Center will be awarded a contract by the U.S. Department of Justice to collect juvenile court statistics nationally. This task was originally done by the U.S. Children’s Bureau in 1926. We have already begun the process of collecting 1974’s statistics. This achievement provides us with the capacity to be of service to courts as well as researchers, planners, and legislators.

This project to date is a tribute to the imagination and foresight of the National Council of Juvenile and Family Court Judges for their efforts in designing and supporting a truly relevant and practically useful National Center for Juvenile Justice.

Excerpt from Judge Cohill’s message in NCJJ’s 30th anniversary annual report:

In our early years, the Center faced a number of potential problems: What would the research community think about a judges’ organization doing research on judicial issues? How would the NCJFCJ staff in Reno react to another staff across the country in Pittsburgh? Where would the money come from?

There have been positive answers to all of those problems. The Center is recognized by the research community as a responsible, reliable, and independent resource. The staff in Reno and the staff in Pittsburgh get along very well, despite the inconvenience of distance and time zones.

The money has always gotten here—sometimes later than we would have liked, sometimes not as much as we would have liked, but always enough to keep us keeping on. Life in the non-profit world is never easy—even when so much depends on the vagaries of Congress, the economy, and our success with grant proposals. Nevertheless, the Center is a vital and viable instrument benefitting the juvenile justice system and those whom the system is intended to benefit.

Excerpt from Hunter Hurst’s message in NCJJ’s second annual report:

The major highlight of the year as far as I am concerned is just around the corner. It now appears reasonably certain that the Center will be awarded a contract by the U.S. Department of Justice to collect juvenile court statistics nationally. This task was originally done by the U.S. Children’s Bureau in 1926. We have already begun the process of collecting 1974’s statistics. This achievement provides us with the capacity to be of service to courts as well as researchers, planners, and legislators.

This project to date is a tribute to the imagination and foresight of the National Council of Juvenile and Family Court Judges for their efforts in designing and supporting a truly relevant and practically useful National Center for Juvenile Justice.

ABOUT THE AUTHOR:
Melissa Sickmund, Ph.D., Director of the National Center for Juvenile Justice, can be reached at 412–246–0824 or msickmund@ncjj.org. Visit www.ncjj.org to learn more about NCJJ.
YLS/CMI 2.0™
Gender- and Culturally-Informed.

The Youth Level of Service/Case Management Inventory 2.0 (YLS/CMI™ 2.0) is a gender and culturally-informed, strength focused risk/needs tool that reliably and accurately classifies and predicts re-offending within male/female juvenile populations.

- Expanded age range - 12 to 18 years
- Significant minority representation in normative sample
- Guidelines that instruct users to consider gender-specific factors, as well as, the importance of minor risk/need factors and non-criminogenic needs
- Assessment items that address culturally-informed responsivity factors
- Large U.S. sample of over 15,000 juveniles
- U.S. norms by gender and setting
- Provides an opportunity for users to evaluate strengths

mhs.com/YLSCMI2

For more information on the YLS/CMI 2.0 and the JIFF, please contact client services, at 1-800-456-3003.

JIFF® Juvenile Inventory For Functioning®
Interviews the youth or caregiver for you!

An innovative web-based, live-voice interview that assesses a youth’s day-to-day functioning across critical life domains, represented in subscales.

The JIFF is used to rapidly assess youth, evaluate outcomes, and assist with service coordination. No training or administrative time is required, making the JIFF a perfect tool for front line staff.

The JIFF’s rapid assessment process can be used within Juvenile Justice to help reduce adjudication rates and improve outcomes for those who enter the system.

mhs.com/JIFF
For many years, the National Council of Juvenile and Family Court Judges (NCJFCJ) has placed a strong emphasis on sharing resources and promising practices with juvenile and family law professionals from around the globe. Visitors who are invited to the United States under the auspices of the Department of State’s International Visitor Leadership Program regularly meet with NCJFCJ staff about the program objectives set for their visit.

On February 19, 2013, the NCJFCJ was privileged to host a contingent from South and Central Asia to discuss the administration of justice and the rule of law. The eight judicial participants from Afghanistan, Pakistan, Maldives, and Sri Lanka met with NCJFCJ staff and discussed a variety of topics including uniform state and legal separation laws, pregnancy and divorce, alimony, child support, same sex marriage, child custody and adoption, fault/no fault divorce, domestic violence issues, juvenile justice, and the structure and practice of the courts that hear these cases.

The NCJFCJ met with delegates from Brazil in February to discuss programs, initiatives, and the nature and dynamics of cooperative efforts to combat trafficking in persons at all levels. This group discussed the role of government agencies and private sector organizations to protect, assist, and provide social reintegration of victims of trafficking. They also examined strategies, promising practices, and challenges in combating trafficking through law enforcement and prosecution, victim/survivor services, and public outreach.

In April, the NCJFCJ hosted a group from Israel who explored women’s political leadership in the United States, the strategies women use to get elected to political office and the variety and scope of American women’s involvement in law. Also in April, a group of six judicial participants from Saudi Arabia visited to discuss promoting training for Saudi Judges in international best practices, support efforts to codify law and improve case management, learn how commercial courts can operate in an expedient and transparent manner so that contracts are enforced and disputes are resolved, and improve the legal environment and facilities in an integrated justice system.

A group of judges and lawyers representing nine different countries in Central and South America met with NCJFCJ staff in May to examine the underlying principles of the United States judicial and legal systems and the culture of lawfulness in the United States. Objectives for this meeting included gaining a deeper understanding of the civil, criminal, juvenile, and military justice systems in the United States and examining the administration of courts, case management, jury trial, and alternative dispute resolution.

NCJFCJ Hosts International Visitors

By Diane Barnette
Suspensions And Expulsions: It’s Time for a Change

By Judge Leonard Edwards (Ret.)

A student blows up at a teacher. The teacher’s authority is challenged. Emotions rise – the “F” word is used and the student is removed from class, sent to the principal’s office, and possibly suspended from school for a few days. A repeat performance will likely result in expulsion.

Sadly, this happens every day in schools across the country. In 2006 more than 3.3 million students were suspended out-of-school at least once and 102,000 were expelled. California schools suspended more than 700,000 students in school year 2010-2011 and expelled 18,000. The majority of suspensions were for minor misbehavior such as “disruptive behavior,” “insubordination,” or school fights. In 2008, 43% of all suspensions were for “willful defiance” or “insubordination.” The suspension rate for students of color is disproportionately higher than for white peers. In 2009-2010, for example, 7 percent of all California students were suspended compared to 18 percent of African American students and 11 percent of American Indian students.

Children placed in foster care have more school suspensions than comparison groups. Studies show that attachment to school and peers is among the factors that contribute to school success and reduce the likelihood of disciplinary involvement. Because foster children often change schools, it makes it more difficult for them to feel attached to a school.

Suspensions are bad for students and bad for the community. Suspended students fall behind in their school work, are often unsupervised at home while parents work, and schools with high suspension rates score lower on state accountability tests and rank lower in National Assessment of Educational Progress (NAEP) achievement ratings in mathematics, writing, and reading than schools with lower suspension rates. Suspended students are twice as likely to repeat a grade and drop out of school. As California Chief Justice Tani Cantil-Sakauye noted in her State of the Judiciary speech, school suspension triples the odds of having contact with the juvenile justice system. One study indicated that one-quarter of students involved in the school disciplinary system had contact with the juvenile justice system.

Castle Redmond, a former teacher and case manager in Oakland Unified School District (Oakland, California) said that “suspending kids does not increase graduation rates, increase student health, or make schools safer. Suspended kids come back, and when they do,
they feel less connected to the school and more resentful to the adults on campus.”

Suspensions and expulsions are not necessary. At least that was the conclusion of Garfield High in East Los Angeles, home of the famous movie, Stand and Deliver, featuring Jaime Escalante. A couple of years ago, the administrators at Garfield High decided not to suspend students from school. Teachers were suspicious of the plan, believing that their authority to maintain discipline in the classroom would be eroded. Parents were fearful that dangerous youths would take control of the school. School leadership brought the community together, including parents, teachers, students, administrators, and others. The planning took several years, but the results were impressive. Their suspensions decreased from 510 to 1 in 2010-2011 and only 1 again in 2011-2012. Graduation rates and academic achievement increased and the school atmosphere improved significantly. (For details Google “Fix School Discipline – Garfield High”).

Other schools have had similar if not as spectacular results. Lincoln High School in Walla Walla, Washington, (a continuation school) modified its approach to student discipline. As the principal explained, “It sounds simple. Just by asking kids what's going on with them, they just started talking. It made a believer out of me right away.” Lincoln's suspensions dropped from 798 to 135 in one year.

Juvenile court judges have an opportunity to take a leadership role in persuading school principals and administrators to re-think their suspension and expulsion policies. Developing on-campus alternatives to suspensions and expulsions will keep students in school while keeping the campus safe. In California Standard of Judicial Administration 5.40(e) contains several provisions encouraging judges to provide leadership in the community to address the needs of at-risk children. Subdivision 6 states that “judges of the juvenile court … are encouraged to maintain close liaison with school authorities and encourage coordination of policies and programs.” Juvenile court judges are the logical community leaders to start this discussion.

Juvenile court judges can convene the school leaders and others to rethink suspension and expulsion policies. By encouraging the development of on-campus interventions short of suspension and expulsion, school officials will be closing the “pipeline from school to prison” that Judge Steven Teske speaks of. “Zero Tolerance” does not work as it was intended. Schools that implement zero tolerance policies are not safer. Moreover, many students who are excluded from the school system later are excluded from mainstream society. Garfield High School has demonstrated that schools can preserve the safety and integrity of the learning environment without resort to suspensions and expulsions.

Addressing these issues presents a challenge and an opportunity for our local communities throughout the country. There is no reason why we should be suspending and expelling as many students as we are. It may take a juvenile court judge to bring this issue to the attention of the community. Judges can start by contacting principals and members of local school boards and convening meetings around the suspension and expulsion issues. We can learn from Garfield High School and create more progressive and successful school suspension and expulsion policies. That will lead to even more student success in our schools and less involvement in the juvenile justice system.

ABOUT THE AUTHOR:
Judge Leonard Edwards (Ret.) is past president and long-time member of the NCJFCJ. He served as a Superior Court Judge in Santa Clara County for 26 years. Judge Edwards now works as a consultant, educator, and trainer.

“Suspended students are twice as likely to repeat a grade and drop out of school. As California Chief Justice Tani Cantil-Sakauye noted in her State of the Judiciary speech, school suspension triples the odds of having contact with the juvenile justice system. One study indicated that one-quarter of students involved in the school disciplinary system had contact with the juvenile justice system.”

Suspended students are twice as likely to repeat a grade and drop out of school. As California Chief Justice Tani Cantil-Sakauye noted in her State of the Judiciary speech, school suspension triples the odds of having contact with the juvenile justice system. One study indicated that one-quarter of students involved in the school disciplinary system had contact with the juvenile justice system.”
UPCOMING CONFERENCES AND TRAINING PROGRAMS

76th Annual Conference
July 14 to July 17, 2013
Seattle, Washington
The Westin Seattle

Join us in Seattle, Washington for our 76th Annual Conference, which will feature a wide range of juvenile and family law topics including child abuse and neglect, trauma, custody and visitation, judicial leadership, juvenile justice, sex trafficking of minors, family violence, drug courts, psychotropic medications, children testifying in court, juvenile detention alternatives, substance abuse, and the adolescent brain.

The mission of the Annual Conference is to provide cutting-edge information and tools to juvenile and family courts to support their efforts to improve case processing and outcomes for children, youth, families, victims, and communities with whom they work.

Child Abuse and Neglect Institute
September 30-October 4, 2013
Atlanta, Georgia
Please note, dates and venue are tentative

The Child Abuse and Neglect Institute (CANI) was created to provide training in dependency court best practices for judicial officers. Offered as a highly interactive, in-residence training program, CANI is aimed at judges who have been newly assigned to child abuse and neglect/dependency cases, or judges who have been presiding over these cases for some time and who want the latest information about best practice in this area. This week-long program will bring together local and national faculty to teach on core topics including: the role of the juvenile court judge; judicial leadership and ethics; federal child welfare legislation; substance abuse and permanency planning; medical issues in child abuse and neglect cases; child development, bonding and attachment, and trauma; ICWA and tribal-state court collaboration; former foster youth and reunified parents’ panels; and interactive case scenario discussions.

This program is designed to be a small, interactive training for judicial officers only. Space is limited to 50 participants and applications of interest will be reviewed with an eye towards keeping CANI geographically diverse by enrolling participants representing state and tribal courts from across the U.S. Please consider all judges in your state, including tribal judges, that may benefit from attending CANI.
UPCOMING CONFERENCES AND TRAINING PROGRAMS

Enhancing Judicial Skills in Elder Abuse Cases Workshop

August 11-14, 2013
Portland, Oregon
Crowne Plaza Portland Downtown Convention Center

Enhancing Judicial Skills in Domestic Violence Cases Workshop

September 29 to October 2, 2013
Atlanta, Georgia
Sheraton Atlanta Hotel

December 8 to December 11, 2013
Santa Fe, New Mexico
La Fonda on the Plaza

The National Judicial Institute on Domestic Violence (NJIDV), a partnership of Futures Without Violence (formerly Family Violence Prevention Fund), the National Council of Juvenile and Family Court Judges, and the U.S. Department of Justice, Office on Violence Against Women, offers a four-day, hands-on, highly interactive workshop that will help new and experienced state court and tribal court judges, and judicial officers to enhance their skills and ability to respond to cases involving elder abuse, neglect and exploitation.

A judge participating in this workshop will be better able to:

• Define elder abuse and identify common abuse tactics.
• Describe common excuses and myths related to perpetrators’ abuse of elders.
• Discuss the range of barriers that inhibit access to justice and safety for elders in court, and enhance physical, legal, and attitudinal accessibility for older adult victims.
• Rule on evidentiary and legal challenges that perpetuate discrimination against, or jeopardize the safety of, aging adults who are victims of abuse.
• Craft orders that preserve the dignity of elders, enhance victim safety, and hold perpetrators accountable.
• Develop and promote fair practices and procedures in the court and community that address the physical, financial, and emotional protection of older adult victims.
• Define the terms culture and cultural competence and enhance respect for the dynamics of difference in cases involving elder abuse.
• Develop a strategy and implement a mechanism to promote continued victim safety throughout and after court proceedings.
• Assess the potential impact of a judge’s role within the court and the larger community.

Participation is limited to 50 judges and judicial officers. Applications will be reviewed on a first-come, first-served basis.
Continuing Judicial Skills in Domestic Violence Cases Program

October 17-19, 2013
Minnetonka, Minnesota
Sheraton Minneapolis West Hotel

The National Judicial Institute on Domestic Violence (NJIDV), a partnership of Futures Without Violence (formerly Family Violence Prevention Fund), the National Council of Juvenile and Family Court Judges, and U.S. Department of Justice, Office on Violence Against Women presents the Continuing Judicial Skills in Domestic Violence Cases Program (CJS) which is specifically designed for judges who have successfully completed the Enhancing Judicial Skills in Domestic Violence Cases Workshop or an equivalent program. The CJS Program addresses judges' specific assignments at a more intensive level and introduces new topics of special interest. The CJS Program offers choices among three 1-day special topic courses and three 1.5-day court assignment courses. The Program begins Thursday at 8:00 a.m. and concludes on Saturday at noon.

This program is specifically designed for judges who have successfully completed the Enhancing Judicial Skills in Domestic Violence Cases Workshop or an equivalent program.

All state, tribal and territorial judges and judicial officers are eligible to attend the workshops, but priority will be given to judges from jurisdictions currently receiving one of the following OVW Grants: Court Training & Improvements Grant Program; Grants to Encourage Arrest Policies and Enforcement of Protection Orders; STOP Violence Against Women Formula Grants Program; Rural Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Child Abuse Enforcement Assistance Program; and Domestic Violence Transitional Housing Assistance Program. Priority is also given to OVW funded jurisdictions that send more than one judge.

The NCJFCJ has a full calendar of events and training opportunities lined up for 2013. Please visit our website at www.NCJFCJ.org/Educational-Opportunities for more information.
On March 7, 2013, President Barack Obama signed the new Violence Against Women Act (VAWA 2013) into law. While much of the new law remains the same as before, VAWA 2013 contains some significant changes. Three of the biggest and most controversial changes occurred in programs for the LGBTQ community, for immigrant victims of domestic violence, and for jurisdiction in Indian country.

VAWA 2013 includes sections expanding and clarifying the jurisdiction of Indian Tribes in domestic violence cases. Since a 1978 U.S. Supreme Court case, Indian Tribes and Nations have not had criminal jurisdiction over non-Indians accused of crimes on the Reservation. Either the federal courts or the state courts had jurisdiction. While VAWA 2013 does nothing to federal or state jurisdiction, it does allow Tribes to prosecute non-Indians in some domestic violence cases. The jurisdiction of the Tribes is limited to those non-Indian defendants who have ties to the Reservation. The Tribes are required to provide procedural safeguards similar to those found in the Bill of Rights.

In the previous versions of VAWA, Tribes had the express ability to enforce protection orders civilly, but there was no mention of their ability to issue protection orders. In fact, a federal court ruled that under the previous version of VAWA Tribes did not have jurisdiction to issue a protection order against a non-Indian where the petitioner was a member of a different Tribe.

Section 905 of VAWA 2013 now includes the following language: "a court of an Indian tribe shall have full civil jurisdiction to issue and enforce protection orders involving any person . . . " Section 905 was amended to override the federal court decision and to make clear that Tribes do have jurisdiction in these cases. “Specifically, it confirms the intent of Congress in enacting the Violence Against Women Act of 2000 by clarifying that every Tribe has full civil jurisdiction to issue and enforce certain protection orders against both Indians and non-Indians.” Section 905 “clarifies the intent of current law, namely that tribal courts have full civil jurisdiction to issue and enforce certain protection orders involving any persons, Indian or non-Indian.”

Native American women experience domestic and dating violence at a rate that is more than twice the rate of non-Indian women. This is the highest rate of victimization from violent crime of any group in the United States. Tribes now have full civil and expanded criminal jurisdiction to enhance safety for Indians living on reservations.

ABOUT THE AUTHOR:
Judge Steve Aycock (Ret.) is Judge-In-Residence for the National Council of Juvenile and Family Court Judges in Reno, NV

END NOTES:
Toward a Conceptual Framework for Trauma-Informed Practice in Juvenile and Family Courts

By Shawn C. Marsh, Ph.D. and Carly B. Dierkhising, MA

Trauma, trauma, trauma. Everywhere one turns today, trauma-informed practice is the hot issue for juvenile and family courts. Indeed, one of the most frequent requests for training received by the NCJFCJ over the last several years involves trauma or trauma-related topics. Since the start of 2013 alone, NCJFCJ staff has provided trauma-related training to over 1000 juvenile and family court professionals across the country. Together with partners such as the National Child Traumatic Stress Network (NCTSN), the NCJFCJ stands ready to assist juvenile and family courts to become trauma-informed.

THE DEBATE
While the level of interest in trauma by juvenile and family courts should be considered a success by trauma experts, important questions remain regarding the definition and scope of trauma-informed practice. In relation to these courts, the question has become: to what degree are juvenile and family courts responsible for identifying and considering trauma as a part of case processing? More importantly, what is actually meant by trauma-informed practice in juvenile courts? Based on recent meetings between social scientists and justice professionals—such as the convening held by the Juvenile Law Center in Philadelphia earlier this year—it seems safe to say there is no consensus on the answers to these questions. Rather, it is clear there remains substantial debate regarding the definition of trauma-informed justice, how and to what extent information on adverse experiences should be used, and what our understanding of toxic stress means specifically for juvenile court policy and practice.

A PUBLIC HEALTH APPROACH
Much of what we know about the long term impact of trauma on child and adult development, including involvement in justice systems, is best understood and applied through a public health approach. Put simply, early adversity puts children at risk for later involvement in the juvenile and criminal justice systems and ultimately poorer health outcomes later in life. With this trajectory in mind there are steps courts can take to better serve those that become system-involved. First, moving from a “sick – well” or “victim – offender” dichotomy to one of viewing those appearing in court as “injured” in some manner begins to change the landscape of how we view and respond to children and adults who become system-involved. This shift in how we view people in crisis reflects core values of a public health perspective which emphasizes health and well-being, and subsequently reframes what responses are likely to be most effective in promoting healing and recovery. Through the public health lens, when one views those appearing before the court as almost always injured in some way, a universal precautions approach then becomes necessary in our work.

What is a universal precautions approach to trauma? Similar to the policies and practices that emerged in response to HIV/AIDS whereby everyone was assumed to have the disease when blood exposure was a factor, a universal precautions approach to trauma assumes that people appearing in courts have experienced adversity in some manner. Thus the focus becomes ensuring environments are sensitive to limiting unnecessary arousal (e.g., reducing stress), practices reflect
an understanding of trauma triggers (e.g., well-designed security procedures), and policies are designed to help promote healing (e.g., screening and treatment). Inherent to this approach is that those that are not injured still benefit from the focus on safety and well-being that is instilled in trauma-informed court environments.

A CONCEPTUAL FRAMEWORK

Together with efforts to better define trauma-informed juvenile courts and what it means for environments, practice, and policies, there is now a call for a developmentally-informed juvenile justice system. In June of 2013, the National Academy of Sciences hosted a panel discussion on the merits of a developmentally-informed juvenile justice system. In that discussion, OJJDP Administrator Robert Listenbee outlined several key features about such a system, one of which was the need to thoughtfully approach the integration of developmental science with trauma-responsive interventions.

Further, Mr. Listenbee called for the use of implementation science in achieving this integration by supporting courts and other stakeholders to use—in a meaningful and lasting way—the science that has emerged regarding child and adolescent development over the last 20 years.

What does a developmentally-informed justice system look like? Much remains to be done to hone and implement such a structure, but research in the social and biological sciences provide some strong direction. In short, adolescents are different from adults and need to be treated as such. Developmentally-informed justice systems recognize this fact and institute practices and policies that reflect our understanding of differences that exist across age, gender, culture, etc. For instance, neuroscience has fundamentally changed our work with youth as witnessed by recent Supreme Court decisions that set the stage for embracing “adolescence as a mitigating factor”. Developmental science also teaches us that risk taking is normal in adolescence (and often considered adaptive), that adolescents have a less mature future orientation, and that there is an increased susceptibility to peer influences at this stage of development. This knowledge is emphasized in the National Academy of Sciences Final Report which provides examples of promising practices in working toward meaningful system reform. However, questions remain about how to directly apply this knowledge in the courtroom.

Fortunately, many developmental scientists would argue that a developmentally-informed approach to court practice is inclusive of trauma-informed practice because trauma and development are inextricably linked. In other words, being attuned to what a child, youth, or family needs to promote well-being and healthy development should incorporate consideration of prior adversities regardless of what “type” of case came to the attention of the court. This is exactly what Project ONE was developed to do as the natural evolution of the Model Courts Project.

APPROACHING INJURED PARTIES THROUGH THIS LENS

Approaching injured parties through this lens encourages responsiveness to children’s needs versus processing based on institutional missions, processes, or inertia.

Responding in a developmentally-informed manner is hypothesized to enhance a sense of procedural justice, more likely put in place supports and interventions that are tailored to the needs of children, youth, and families, and that improve outcomes. Only time and rigorous evaluation will confirm if this approach is supported. In the meantime, efforts continue to advance Project ONE in several pilot sites across the nation.

TRAUMA AUDITS

One effort to advance trauma-informed courts led by the NCJFCJ is the development of a protocol to conduct “trauma audits” of juvenile and family courts. A trauma audit is envisioned to thoroughly assess a court’s environment, practice, and policies for being sensitive to trauma, its impact on children and families, and how it may affect court processes. An initial pilot test of such an audit protocol was completed by the NCJFCJ and NCTSN earlier this year in a major jurisdiction in the Western United States, and results have elucidated several important next steps in developing, testing, and refining a protocol that can be taken to scale across the country. Trauma audits, thus far, strive to integrate an institutional ethnographic methodology with observation and file review as critical elements. Further, consumer perspectives are essential, and will likely serve as an initial point in evaluating the impact of modifications to environment, practice, and policy made as a result of the audit findings.

Much certainly remains to be done to integrate our current understanding of human development and the impact of trauma into our work in juvenile and family courts across the nation. These are exciting times, however, in that a consensus appears to be emerging that trauma and development are critical to consider in responding to our most vulnerable populations. This coming together of a science-informed call for reform is evidenced not only by the work of courts such as those in Tucson and Gila River, Arizona; Canton, Ohio; Louisville, Kentucky; and others—but by major federal initiatives such as the Defending Childhood Initiative. With thoughtful education, planning, and a sense of urgency it seems that we are at the brink of a paradigm shift in efforts to improve outcomes for all that appear in juvenile and family courts. We no longer need to convince stakeholders that trauma is an issue impacting many of our children and families; instead, we are now striving to aid in the implementation and evaluation of trauma-informed policies and practices. Our conceptual framework for these exciting next steps in trauma-informed practice will be developmentally appropriate, responsive, and grounded in science with the ultimate goal of improving the long-term health and well-being of children and families and disrupting intergenerational cycles of adversity.

ABOUT THE AUTHORS:
Shawn Marsh, Ph.D. is the Chief Program Officer over Juvenile Law Programs at the National Council of Juvenile and Family Court Judges (smarsh@ncjfcj.org).
Carly B. Dierkhising, MA is the Special Projects Manager at the Juvenile Justice National Center for Child Traumatic Stress (cdierkhising@mednet.ucla.edu).
Imagine a society where every man, woman, and child has access to fair, equal, and timely justice. That’s what we work toward every day at the National Council of Juvenile and Family Court Judges.

Your support will allow us to continue to fulfill our mission.

imagine the possibilities. Make a donation today.

Visit www.NCJFCJ.org or call (775) 784-6012.
Juvenile Law Center Trauma “Think Tank”

By Shawn Marsh, Ph.D.

Shawn Marsh, Ph.D., Chief Program Officer, Juvenile Law Programs, represented the NCJFCJ at a convening of national experts on trauma and advocacy coordinated by the Juvenile Law Center in Philadelphia, PA in late January 2013. Dr. Marsh joined others such as Robert Listenee (OJJDP Administrator), Dr. Sandra Bloom (founder of the Sanctuary Institute), Esta Soler (President of Futures Without Violence), Dr. Julian Ford (developer of TARGET-A treatment protocol for trauma exposure and a National Child Traumatic Stress Network representative), and Bob Schwartz (Executive Director and co-founder of the Juvenile Law Center) to outline the most current thinking on how to achieve a trauma-informed justice system. Over the course of the 1.5 day meeting, participants elucidated the challenges associated with helping implement universal precautions for trauma in courts and allied systems while maintaining robust protections for those appearing before the court. Of particular concern to the group was balancing the need to identify risk and protective factors to encourage resiliency while avoiding unnecessary system penetration associated with “helping” once a trauma history is identified. The meeting concluded with a shared agreement that the issue of trauma and being “trauma-informed” in the context of the legal system is still an emerging and highly complex issue that requires substantial further debate -- that at this point will be facilitated by an online discussion group involving the participants at the convening.

Project ONE Update

By Crystal Duarte, MPA

The mission of NCJFCJ’s Project ONE is to provide judges and allied professionals with a guiding model, training, technical assistance, and supporting research while they examine and modify practice to maximize judicial coordination of dependency, delinquency, and family law, including domestic violence cases, both within and among courts. Six sites are currently receiving technical assistance to fulfill this mission. The current phase of implementation has involved site visits to and strategic planning with the project sites. Visits have allowed staff to learn more about each site and the challenges and opportunities the sites face in creating a coordinated court system. The courts have created Project ONE collaboratives that are representative of the various systems serving families and are convening smaller work groups to discuss current practices in order to understand how families come to court and how the system responds to families. All of the courts have completed a self-assessment survey based on the project’s Key Principles. The surveys will assist staff and the sites in identifying areas for improvement.

A critical component of Project ONE is understanding the experiences of children and families in the court system. Project sites are strongly encouraged to include court users, parents, victims, or youth with experience with various systems, in their collaborative groups. A recent example of successful inclusion of families in discussion and planning for systems change occurred at the New Orleans Project ONE site. Three parents, one of whom was accompanied by her two children, participated in the site’s Project ONE orientation. One of the youth served as the spokesperson for reporting her group’s ideas to the rest of the collaborative. She shared her group’s selection of the key principle of “adequate resources” as being a challenge. In rephrasing the issue in everyday language she reported, “basically, when you don’t have enough money.” This young lady illustrated how the input of families to discussions of problems and solutions grounds systems change work in clear and straightforward language that all can relate to. Focus groups and/or court user surveys will be used in all of the project sites to better understand the experience people have when accessing courts.

Over the next six months courts will:
• Continue to participate in regular conference calls and web-based meetings to network and share resources;
• Receive training on the Life Course Perspective (a theoretical model that considers how chronological age, relationships, common life transitions, social change, and environment shape people’s path through life from birth to death);
• Analyze the results of court user surveys or focus groups;
• Learn about the project’s required key indicators and receive technical assistance from NCJFCJ’s research team;
• Contribute to the development of a Project ONE All-Sites Conference program agenda; and
• Report on activities and intervention strategies.

For more information on Project ONE and to download the Key Principles go to http://www.ncjfcj.org/our-work/project-one.

Defending Childhood Initiative Update

By Elizabeth Whitney Barnes, JD

In September 2010, Attorney General Eric Holder launched the Defending Childhood Initiative focused on the exposure of children as victims of and witnesses to violence. “Children’s exposure to violence, whether as victims or witnesses, is often associated with long-term physical, psychological, and emotional harm. Children exposed to violence are also at a higher risk of engaging in criminal behavior later in life and becoming part of a cycle of violence.”

The NCJFCJ has supported the initiative since its inception particularly related to the following recommendations:
• Examine the needs of American Indian/Alaska Native children exposed to violence;
• Ensure that every professional and advocate serving children exposed to violence and psychological trauma learns and provides trauma-informed care and trauma-focused services;
• Increase collaborative responses by police, mental health providers, domestic violence advocates, child protective service workers, and court personnel for women and children who are victimized by intimate partner violence;
• Utilize models for integrated planning and intervention following initial police responses to domestic disturbances to law enforcement, mental health, child protective services, and domestic violence services agencies and courts should be disseminated nationwide;
• When domestic violence and child sexual or physical abuse co-occur, ensure that the dependency and family courts, the child protection system, and domestic violence programs work together to create protocols and policies that protect children.
Specific training and technical assistance activities implemented by the NCJFCJ supporting these recommendations include:

- Improving outcomes for Native American children. The 2011 Model Court Lead Judges’ Meeting focused on the historical trauma of native peoples and their experience in the child welfare system and the spirit and purpose of ICWA. Lead Judges committed to improved compliance with ICWA, to track their compliance, and to building true and meaningful collaborations with tribal courts and communities. Please see the ICWA compliance technical assistance bulletin at http://www.ncjfcj.org/resource-library/publications/improving-compliance-indian-child-welfare-act-guide-juvenile-and

- Trauma-informed judiciary. Judicial leadership plays an important role in both the dependency and juvenile justice systems to lead all stakeholders to a more trauma-informed approach to serving children and families. The NCJFCJ has conducted a “trauma audit” in Los Angeles related to the environment and practices and to guide the development of assessment tools and protocols that can bolster trauma-informed practices by judges and stakeholders. The NCJFCJ is beginning work on domestic child sex trafficking to identify children in our courts and ensure they are treated as victims with appropriate trauma-informed services.

- Improving outcomes for military families. The NCJFCJ has convened a Committee on Military Families, and conducted a needs assessment of its members on issues facing military families. Based on the needs assessment, a webinar training for judges was developed and presented, and is also available on-demand through the NCJFCJ’s website at http://www.ncjfcj.org/bridging-needs-military-families-and-courts. Recognizing the need to address this on a national scale, a planning meeting was held at Fort Benning, Georgia, to plan a “National Summit on Military Families at the Intersection of Juvenile and Family Courts.” The Summit will convene teams to discuss and develop action plans around sexual assault within the military, domestic violence and custody of children, among other critical issues.

- Reasonable efforts in child abuse cases with domestic violence. The NCJFCJ is developing a mini-conference to train judges and stakeholder teams on evaluation of reasonable efforts where domestic violence co-occurs with child abuse using a curriculum developed from the technical assistance bulletin “Reasonable Efforts Checklist for Dependency Cases Involving Domestic Violence” available here: http://www.ncjfcj.org/resource-library/publications/reasonable-efforts-checklist-dependency-cases-involving-domestic. In addition, the NCJFCJ is conducting baseline assessments of current court practice related to reasonable efforts analysis in cases where domestic violence co-occurs with child abuse in four Model Court sites. The assessment will examine current practice, comparing cases with domestic violence to cases without domestic violence. For more information on the Defending Childhood Initiative, please see: http://www.justice.gov/defendingchildhood/index.html

begun outreach efforts to government agencies and advocacy organizations to build a strong system collaborative on this issue.

The NCJFCJ’s project will include the convening of a national round table of judges and other experts to better understand the issue of trafficking, the development of a training curriculum for judges focused on the specific trauma experienced by victims, gender bias, identification of victims, and fashioning appropriate interventions and treatment plans. The NCJFCJ will then offer an intensive Judicial Institute to train judges and inform the development of tools that judges can use from the bench to best serve child victims of sex trafficking.

Civil Protection Order Implementation Guide Update

The NCJFCJ continues to engage communities in implementing the principles and strategies contained within its Civil Protection Orders: A Guide for Improving Practice (CPO Guide). In addition to providing broad-based technical assistance to professionals and communities in all 50 states, the NCJFCJ has embarked on several in-depth implementation efforts in regions where there has been strong interest and commitment to improving the civil protection order process using the CPO Guide.

The NCJFCJ is currently engaged in convening a summit and planning sessions in the mid-Atlantic region concerning inter-jurisdictional issues in the issuance, service and enforcement of civil protection orders. The summit will bring together judges, court personnel, law enforcement, prosecutors, advocates, civil attorneys, and other professionals involved in the protection order process. The summit will provide an important opportunity for stakeholders in the region to share information, experiences, and knowledge. It will also provide a valuable opportunity to build relationships across jurisdictional lines that will lead to improved practices and services for victims. The day-long summit will be followed by a day of working in multi-disciplinary groups to discuss concrete action plans in central areas of concern.

A key aspect of providing comprehensive technical assistance and training on the CPO Guide is the process of engaging local and regional stakeholders in the assessment of their community’s needs, and collaboratively developing a plan for addressing identified challenges. By using this evaluative process, communities are able to forge useful strategies and the NCJFCJ is able to design and deliver training and technical assistance, both of which are tailored to that community’s issues.

Family Court Enhancement Project

By Eryn Branch, MA

The NCJFCJ is pleased to announce the launch of the Family Court Enhancement Project (FCEP), a collaboration of four national partners: the NCJFCJ, the Battered Women’s Justice Project, the National Institute of Justice (NIJ), and the Office on Violence Against Women. The goal of FCEP is to determine which family court procedures, practices, and structures related to custody and visitation can help keep victims of domestic violence and their children safe from further violence and trauma.

A call for proposals was distributed widely in May 2013. Family courts from across the country submitted their proposals in June, and national partners will conduct site visits in semi-finalist communities throughout summer and early fall of 2013. Following site visits, the national partners will select two enhancement sites. FCEP sites will engage in ambitious assessment of their court processes.
protocols, and structures to identify what their court does well to support domestic violence victims, and where it may improve the experience of victimized parents and their children as they navigate the court system.

FCEP sites will have intensive support from staff and consultants of the partnering organizations as they develop and implement work plans to address the challenges they identify. Additionally, NIJ will provide support and leadership as the sites collect data about their services, and measure outcomes of this endeavor.

The NCJFCJ will provide updates on this project, and the findings of the FCEP sites, over the next two years.

2011 Legislative Update Released

By David Gamble, JD

On February 19, 2013, the NCJFCJ released its Family Violence Legislative Update: Volume 17. The Legislative Update is a yearly compendium that tracks and summarizes new domestic violence-related legislation passed in each state during the calendar year. Volume 17 addresses legislation passed in 2011.

One function of the annual Legislative Update is to hone in on new legislative trends in the domestic violence arena. This year, following the NCJFCJ’s comprehensive legislative research, and communication with state domestic violence coalitions, several clear trends emerged. Many states, in recognition of the dangerousness of stalking, threatening behaviors, and perpetrators’ interference with victim testimony and help-seeking, increased the penalties associated with these crimes.

In addition to domestic violence criminal penalties, legislators widely addressed domestic violence behaviors in the teen and young adult communities, enacting legislation addressing adolescent relationship abuse, sexting, cyber-bullying, and cyber-stalking. Finally, legislators recognized family practicalities that may arise in domestic violence cases by enacting legislation that addresses custody concerns of deploying military parents, as well as the ability of a court to make provisions regarding the possession of family pets when issuing domestic violence protection orders.

Legislative Updates serves as an invaluable resource to family violence advocates, judges, court officers, and the legislative community. To that end, the NCJFCJ looks forward to continuing the work of assisting those in the field with the release of its Family Violence Legislative Update: Volume 18, due for publication in summer 2013.

If you would like to receive a printed copy of the latest or previous volumes of the NCJFCJ’s Family Violence Legislative Update, please contact the NCJFCJ at (800) 527-3223. For an electronic version, visit http://www.ncjfcj.org/resource-library/publications/domestic-violence.

New Synergy Newsletter Available

By Amy Pincolini-Ford, JD

Synergy, the Resource Center on Domestic Violence: Child Protection and Custody’s (RCDV: CPC) twice yearly newsletter, is now available in print and electronic formats.

Synergy, Vol. 16, No. 1 (Winter 2013) marks two important milestones: it is the first issue ever guest-edited by a partner organization, Casa de Esperanza; and it is the first issue ever translated into Spanish. This issue is dedicated to immigration and child protection and custody issues in the context of domestic violence. It contains articles on the effects that anti-immigration laws have on U.S.-born children with parents who have been victims of domestic violence and have been detained or deported because of their immigration status; the obstacles that victims with limited English proficiency face in the judicial system; and an overview of a case that looks at whether immigration judges are required to inform non-citizens of their potential eligibility for U-Visas.

Casa de Esperanza operates the National Latin@ Network for Healthy Families and Communities (NLN), a U.S. Department of Health and Human Services funded resource center and one of 12 partners of the RCDV: CPC’s in the Domestic Violence Resource Network. The NLN exists to advance effective responses to eliminate violence and promote healthy relationships with Latina/o families and communities. The NLN addresses four primary issues: increasing access for Latinas/os experiencing domestic violence through training and technical assistance; producing culturally relevant tools for advocates and practitioners; conducting culturally relevant research that explores the context in which Latina/o families experience violence; and interjecting the lived realities of Latinas/os into policy efforts that better support Latina/o families.

For your issue of Synergy, please contact the RCDV: CPC at (800) 527-3223 or (800) 52-PEACE or visit http://www.ncjfcj.org/resource-library/publications/domestic-violence.

NCJFCJ Develops Two Day Judicial Workshop for Louisiana Judges

By Jessica Singer, JD

In 2012, the State of Louisiana reached out to the NCJFCJ and the National Center for State Courts (NCSC) to assist in using its 5% STOP (Services, Training, Officers, and Prosecutors) program grant funding from The Office on Violence Against Women to develop a judicial workshop for Louisiana judicial officers. The NCJFCJ; NCSC; Louisiana Protective Order Registry (LPOR), a program of the Judicial Administrator’s Office of the Louisiana Supreme Court; and the Louisiana Judicial College subsequently collaborated to develop a two-day judicial workshop on domestic violence designed specifically to meet the needs of Louisiana judicial officers.

On April 10, the NCJFCJ held a four-hour preview of this recently developed judicial workshop in Lafayette, Louisiana. The pilot workshop,

Enhancing Judicial Understanding and Response to Domestic Violence in Louisiana Courts, was led by some of the NCJFCJ’s most experienced facilitators, including member Judge Berryl Anderson and Judge Dale Pasell, as well as Jennifer Arsenian, JD. Approximately 30 participants attended the preview training, including judges and hearing officers representing district, appellate, municipal, family, juvenile, and city courts from throughout the state of Louisiana. Throughout the workshop, participants were challenged to expand their understanding of the dynamics of domestic violence and to apply that understanding to domestic violence cases in their courtrooms. Participants were also able to evaluate the impact of violence on adult victims and to explore their roles as judges in ensuring court access in their communities for cases involving domestic violence.

Moving forward, the NCJFCJ will be collaborating with Louisiana stakeholders to implement the full, two-day institute in early 2014. The initial institute will serve as a stepping stone towards the goal of eventually reaching all Louisiana judicial officers through the training. The NCJFCJ continues to guide the local advisory committee for this project in the development of a long-term implementation strategy, which includes identifying and cultivating local faculty using the NCJFCJ’s train-the-trainers approach. The NCJFCJ will also be working with its Louisiana partners over the next few months to develop and implement tailored, online training modules for Louisiana judges on the subjects of the dynamics of domestic violence and lethality.

The NCJFCJ looks forward to working with Louisiana to further the development of this training project. For more information on how the NCJFCJ can provide you with technical assistance or training, please contact jsinger@ncjfcj.org or at (775) 327-5152.
INTRODUCTION: SILENT PARTNER is a lawyer-to-lawyer resource for military family law issues. Comments, corrections and suggestions should be sent to the address at the end of the page.

SBP – By the Numbers

The survivor annuity option available with military retired pay is called SBP, the Survivor Benefit Plan. It continues a stream of income to the spouse, former spouse, or other beneficiary after the death of the servicemember or military retiree. When a divorce is pending or imminent, the lawyers on both sides should have a clear idea of what it is and how it works. Here’s a summary… “by the numbers.”

1. Exactly ZERO subsequent orders for SBP coverage can “restart the clock” on the one-year deadline explained below. In other words, you cannot retrieve the missed year by convincing the court to enter yet another order awarding SBP to a former spouse (FS) if it’s already been awarded in the first place.

2. • There is only ONE year in which to send to DFAS* the election form for former-spouse SBP coverage. See #2 below for an explanation of the two deadlines.
   • There is ONE DFAS location which accepts SBP application forms, and it’s located in London, KY. Transmit the forms and court papers there by registered or certified mail, return receipt requested (or by fax) to ensure that you have proof of receipt. The address is on any of the forms mentioned in this SILENT PARTNER.
   • Only ONE adult beneficiary is allowed for SBP. It cannot be subdivided between a current spouse and a former spouse. Tell the client to make a choice: “Your EX or your NEXT.”
   • DD Form 2656-1 is the form to use when the servicemember (SM) or retiree applies for former-spouse SBP coverage.

3. The TWO deadlines for SBP applications are: Election by SM/retiree must be done within one year of the divorce; a “deemed election” by the FS, when the SM/retiree fails or refuses to make the election required by court order, must be submitted within one year of the order granting SBP coverage.
   • TWO to three years after retired pay begins is the period in which the parties may agree to terminate SBP coverage (between the 25th and the 36th months after “pay status” for the retiree). This election cannot be reversed, and there is no refund of premiums already paid.

3. Guard and Reserve retirees have THREE options for SBP coverage when they receive their NOE (notice of eligibility) or “20-year letter.” Option A is to wait until pay status (usually age 60) to decide; this means no coverage in the interim period. No interim coverage also applies to Option B, which involves election of coverage but age 60 as the effective date (or when the SM would have turned 60 if death occurs before then). Option A, the only one which doesn’t require written spousal consent, is called “RCSBP,” or “Reserve Component SBP” and it means immediate coverage for the Guard/Reserve member. If the member fails to return the form to DFAS, the default choice will be applied, which is Option C.

4. FOUR percent is the approximate reduction needed to the former spouse’s pension share to shift payment of the entire premium to her or him in a retirement from active duty. There are tables and an Excel spreadsheet in The Military Divorce Handbook (Am. Bar Assn., 2nd Ed 2011) which allow more precision in the calculation. Without an adjustment or a decree requiring one party to pay the other directly, DFAS will take the premiums “off the top” before retired pay is divvied between the parties, since since that is divided in the same ratio as the pension itself (e.g., if John gets 70% of the pension, he pays 70% of the SBP premium).

5. • Fifty-FIVE percent (55%) of the selected base amount is the benefit paid out to the beneficiary. The base amount is the full retired pay (as the “default option”) or any amount down to $300 a month.
   • Fifty-Five (55) years old is the age limit for remarriage.
   • DD Form 2656-5 is the form which is used by a Guard or Reserve member to make one of the three choices set out above.
   • There are FIVE options for beneficiaries with SBP: spouse, former spouse, spouse (or former spouse) and child, child/children, and “interested party.”

6. SIX point five percent (6.5%) is the premium for those electing spouse/former spouse coverage in a retirement from active duty.
   • 2656-6 is the form to use for a permitted change of beneficiary, such as when a retiree remarries and there is no requirement for former-spouse coverage.

7. SEVEN words describe the single unchangeable rule for SBP: “You can not change the base amount.”

8. EIGHT words will do it for an SBP election clause: “John will elect former spouse SBP for Mary.”

9. One four NINE (149) is the number of the Dept. of Defense form (DD Form 149) used to apply to the appropriate Board for the Correction of Military Records (BCMR) when a deadline has been missed and the former spouse wants to get the military to change the records to allow coverage. There are BCMR’s for the Army, Navy, Air Force, Marine Corps and Coast Guard. The time to apply is within three years of the discovery of the error.

10. • TEN percent, the approximate percent of base amount paid by Guard/Reserve retirees for RCSBP coverage.
    • DD Form 2656-10 is what’s used to make a “deemed election” by the FS. This is done when the SM/retiree fails or refuses to make the election required by court order. It must be submitted within one year of the order granting SBP coverage.

*DFAS, the Defense Finance and Accounting Service, processes SBP applications for all of the uniformed services except the Coast Guard, and the commissioned corps of the Public Health Service and the National Oceanographic and Atmospheric Administration. Locations for the latter pay centers are found on the DD forms mentioned above.

**The SILENT PARTNER series of info-letters is prepared by Mark E. Sullivan (COL, USAR – Ret.), a family law attorney in Raleigh, N.C.. For comments or suggested changes, contact him at Sullivan & Tanner, 5511 Capital Center Drive, Suite 320, Raleigh, NC 27606; mark.sullivan@ncfamilylaw.com; or 919-832-8507.
Juvenile courts have a unique mission within the justice system, tasked with providing a balanced and measured response to a young person’s delinquent behavior. This requires a holistic approach with a wide array of services that not only holds the youth accountable but also addresses any underlying concerns which may have led to the delinquency, including trauma and mental health issues. In addition, most professionals in juvenile justice recognize that there are a number of ancillary services a young person and his or her family may need including transportation, housing assistance, educational supports, and basic health services. These professionals also see a need for pro-social activities, which are a crucial component in case planning, in order to help youth create lasting changes within their own lives. But how can a court afford to create dynamic programs which are responsive to the underlying causes of delinquency, incorporate ancillary services, and develop pro-social activities? For some courts the answer has been simple: start a 501C(3) nonprofit group, to work in concert with the court, to create wrap-around services to meet the needs of youth and their families. A 501C(3) is the most common type of nonprofit organization and is exempt from federal income tax. These types of organizations or groups may receive grants from foundations and donations made to them are tax deductible for individual donors and may be very beneficial for juvenile courts seeking to create more sustainable program components.

If you are thinking about starting a nonprofit to further serve the youth and families involved the juvenile justice system in your area and don’t know where to start, below are some suggested easy first steps to get started.

1. CREATE A NONPROFIT DEVELOPMENT TEAM

Creating a nonprofit organization is a lengthy process - expect to spend six to eight months on the project. A team approach can be helpful in navigating the nonprofit development world, consider forming a small group that can tackle the task. Be sure to include any court staff who have experience in creating a nonprofit organization or who have close ties to other nonprofits in the community. You’ll also want to include someone on your team with an interest in finance because the team will need to start thinking about the budget for the nonprofit from the very beginning. Consider using a GANTT chart (a type of bar chart which illustrates the start & finish dates of singular project elements) to help the development team stay on track and assign specific duties and tasks. For sample charts visit, http://www.gantchart.com/examples.html - GANTT CHARTS, sponsored by KIDASA Software

2. DETERMINE THE NEED FOR A NONPROFIT

Once a development team is in place, spend some time determining where (and if) there are gaps in services. Survey court staff and the children, youth, and families who are coming to court to find out what services they need. Ask veteran staff about programs that existed in the past, but may have been eliminated due to budget cuts. Conduct a brainstorming session and create a list of all goods and services court users might need or want. Once a “wish list” of services is developed, take an inventory of what nonprofits already exist in the community which may be serving these needs. In some cases you may not need to create your own nonprofit and instead linkages may be created with existing youth and family service organizations.

By Jessica M. Pearce
This may be accomplished by completing a “community mapping” exercise (visit the NCJFCJ’s website to download a free copy of the Community Mapping Exercise at: http://www.ncjfcj.org/sites/default/files/Community%20Partnership%20Map.pdf) with the development team, which will highlight any gaps in services, as well as highlight services the team may not have known about. As the development team explores resources in the community, try to find natural allies, community groups, and/or members that have not historically worked with the court system (like the faith-based community organizations) and invite them to sit on the board or other stakeholder committees involved in the justice system.

3. CHOOSE A NAME AND DEVELOP A MISSION STATEMENT

Your nonprofit will need to have its own unique name which will be used when applying for nonprofit status. Each state has its own rules which need to be followed when selecting a name and requirements can generally be found on a state’s business filing website. An easy way to locate a state’s business filing website is simply by Googling the state’s name and filing (i.e., “Nevada business filing”).

The team will also want to create a mission statement for the new organization. The Mission Statement will serve as the foundation for planning efforts and will establish a common vision and expectations. The Mission Statement should incorporate the purpose of the nonprofit, the targeted population, a description of program goals, and the reason why the court is developing a nonprofit.

Sample Mission Statement:
“The mission of Lending the Juvenile Justice System a Helping Hand is to provide wraparound services to all youthful offenders and their families to reduce substance use and criminal behavior, strengthen family and community ties, and improve educational opportunities by offering structured, strength-based services that will result in responsible citizenship and public safety.”

4. FILE ARTICLES OF INCORPORATION AND OBTAIN A FEDERAL EMPLOYER IDENTIFICATION NUMBER

At this stage in the development of the nonprofit organization, the development team should think about hiring/recruiting an attorney to assist with filing Articles of Incorporation and obtaining a federal employer identification number. Consider using the legal services of the local state’s Bar Association to find an attorney who specializes in nonprofit law. It may be possible to find an attorney who shares in the mission and will be willing to work pro-bono to assist with the filing process.

Articles of Incorporation are official statements, stating the creation of a particular organization and are important legal protection for individuals associated with the organization, as well as place responsibility for debts and liabilities on the organization rather than organization members or staff. Articles of Incorporation will need to be filed with the local state’s corporation’s office. The State’s Attorney General’s Office or Secretary of State’s Office will have all the details about what needs to be included in the Articles of Incorporation.

Once Articles of Incorporation have been filed, the team will be able to obtain a Federal Employer Identification Number which is the corporate equivalent of a social security number. Visit the IRS’ website at: http://www.irs.gov/Businesses/Small-Businesses-&-Self-Employed/Apply-for-an-Employer-Identification-Number-(EIN)-Online, to file any necessary forms with the IRS.

5. DEVELOP A BUDGET, RECORD KEEPING SYSTEM, AND ACCOUNTING PROTOCOL

The next step in creating a nonprofit organization is to develop a budget and business plan. This is a crucial step and can have long-term ramifications for the success of the organization. With that in mind, consider hiring a CPA who has experience with 501C(3)s.

Well maintained records are also vital to the success of a nonprofit. Determine who will maintain, both electronic and hard copies, of important corporate documents, including board meeting minutes, bylaws, Articles of Incorporation, financial reports, and other official records. Contact the appropriate agency in your state to determine what records they require nonprofit organizations to keep and the length of time for which they are to be retained.

Nonprofit organizations, particularly those developed in conjunction with the justice system, are under scrutiny regarding the expenditure of funds. The nonprofit board members need to be able to answer questions about accounting practices from the public, investors, and the government. The CPA or finance expert can help set up a system that will be appropriate for both immediate and future needs; they can also help open a bank account for the nonprofit organization.

6. FILE FOR NONPROFIT STATUS

The last step to complete for your nonprofit organization is to file for nonprofit status. The IRS website has forms and instructions for completing this last crucial step - http://www.irs.gov/Charities-&-Non-Profits/Application-for-Recognition-of-Exemption. Applying for state tax exempt status may be done by contacting your state Department of Revenue, county or municipal Department of Revenue, local Department of Revenue, and/or county or municipal clerk’s offices.

7. ELECT A BOARD OF DIRECTORS AND CREATE BYLAWS

Your nonprofit organization will need a Board of Directors and bylaws to operate at its most efficient level. Use the community inventory completed in Step 2 to find members of other nonprofit organizations, service clubs, and youth groups who may be willing to serve on your Board of Directors. When selecting a Board of Directors also be aware of any minimum size requirements imposed by your state.

Bylaws serve as a roadmap for the governance of nonprofits and should be well thought out and developed; work closely with the development team, the attorney and the selected Board to flesh out clear and comprehensive bylaws.

Creating a nonprofit, which serves the needs of youth and families involved in the juvenile justice system, can be a daunting task. But once an effective nonprofit group is established, the Board can begin to develop resources and provide services. A nonprofit can be a useful tool for the court and can interact with the community in a way that court personnel cannot (i.e., advocate for the program; find funding sources; collaborate with allied organizations), which is a considerable asset to the court.

ABOUT THE AUTHOR:
Jessica M. Pearce is a Projects Coordinator for the National Council of Juvenile and Family Court Judges in Reno, NV.
77th Annual Conference
chicago
July 13-16, 2014
Palmer House Hilton
$184 single/double
Visit NCJFCJ.org for details or call (775) 784-6012.