
JUDICIAL RESPONSIBILITY IN A BUDGET CRISIS ENVIRONMENT

POLICY STATEMENT



The National Council of Juvenile and Family Court Judges' (NCJFCJ) Well-Being Committee met in January 2009 and discussed its deep concern that the well-being of children and families will suffer during times of budget reductions. This statement was adopted as a policy of the NCJFCJ by its Board of Trustees in January 2009.

Juvenile Court Judges are vested under federal and state law with significant responsibility to the children and families involved in our courts. We must ensure that children and their parents receive appropriate services designed to support safe placement of children with their families, return of children to their families, or, when that is not possible, placement in safe, stable and permanent homes. At all stages of a juvenile proceeding, Judges are required to determine whether or not a child welfare agency has made reasonable efforts to prevent foster care placement and to achieve permanency for children in foster care. This inquiry is case specific and requires the court to vigorously explore the efforts made to keep families together or to find permanent homes for children who cannot live safely with their parents. During times of budget crisis, it is often asserted that budget reductions relieve a child welfare agency of making reasonable efforts to provide services. Federal law does not make such an exception.

The National Council of Juvenile and Family Court Judges affirms that when the government intervenes to protect children from harm, those children and their families must receive the services necessary to ameliorate the conditions causing government intervention. State and Federal governments must continue to meet their lawful obligation to protect and improve the lives of children involved in juvenile court proceedings throughout our nation. The NCJFCJ encourages judges to insist on appropriate service delivery for these, the most vulnerable, of our nation's children. Judges must also exercise all available authority to ensure that the needs of families involved in juvenile proceedings are adequately addressed. Reasonable efforts findings are a powerful tool to ensure children and families get the services they need even in a difficult budget environment.

These children and their families face some of the most enduring and perplexing challenges of our time. Mental illness, drug and alcohol addiction, sexual and physical abuse, domestic violence, incarcerated parents, and neglect are part and parcel of the lives of children we see in our courtrooms each and every day. How we address those issues for these children while they are in our care, in part, determines their ability to choose an adult life free from those challenges. The NCJFCJ encourages judges to provide information on the federal and state level to help officials making budgetary decisions understand both the profound need for appropriate services for children and families in our juvenile courts, and the long-term costs and consequences of our failure to provide those services.

***For further information, please contact:
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