



BUSINESS MEETING OF THE GENERAL MEMBERSHIP July 30, 2019

Exhibit I: 2018-2019 Resolutions adopted by the Board of Directors/ Executive Committee

- Resolution in Support of the Best Practices and Principles of the *Enhanced Juvenile Justice Guidelines: Improving Court Practice in Juvenile Justice Cases* (Pending vote July 27, 2019)
- Resolution regarding Animal Cruelty and its Link to Other Forms of Violence (Pending vote July 27, 2019)
- Regarding Sex Offender Registration Requirements for Youth Younger Than Age 18
- In Support of Reauthorization of the Violence Against Women Act (VAWA)
- In Recognition of the 70th Anniversary of the *Juvenile & Family Court Journal*

In addition, the Executive Committee supported the following:

- *Childhood Outcomes Need New Efficient Community Teams (the CONNECT Act)*
- *Eliminating Debtor's Prison for Kids Act of 2019*



Resolution in Support of the Best Practices and Principles of the *Enhanced Juvenile Justice Guidelines: Improving Court Practice in Juvenile Justice Cases*

WHEREAS, the National Council of Juvenile and Family Court Judges provides cutting-edge training and technical assistance to courts handling juvenile justice cases across the nation; and

WHEREAS, the National Council of Juvenile and Family Court Judges developed and published the original *Juvenile Delinquency Guidelines* to help courts identify problem areas, plan for change, and implement improvements in handling of juvenile delinquency cases; and

WHEREAS, the National Council of Juvenile and Family Court Judges used the original *Juvenile Delinquency Guidelines* as a blueprint to provide training and technical assistance to judges from courts across the nation presiding over juvenile justice cases; and

WHEREAS, many juvenile courts have used the original *Guidelines* to make significant, systemic improvements which have improved outcomes for youth and families across the nation; and

WHEREAS, the new *Enhanced Juvenile Justice Guidelines* build on the foundational material included in the original *Guidelines*; and

WHEREAS, the *Enhanced Juvenile Justice Guidelines* incorporate the most recent improvements in recommended court practice, recognizing advances in neuroscience, an understanding of adolescent development, and juvenile specific rulings from the Supreme Court; and

WHEREAS, the National Council of Juvenile and Family Court Judges recognizes the importance of the *Guidelines* and the impact on the entire juvenile justice system.

NOW THEREFORE BE IT RESOLVED, that the National Council of Juvenile and Family Court Judges endorses the *Enhanced Juvenile Justice Guidelines*, and encourages and supports the dissemination and implementation of these best practices and principles nationwide.

Adopted this xxth day of July, 2019
By the NCJFCJ Board of Directors
Orlando, Florida

RESOLUTION REGARDING ANIMAL CRUELTY AND ITS LINK TO OTHER FORMS OF VIOLENCE

WHEREAS, the National Council of Juvenile and Family Court Judges (NCJFCJ) is an organization committed to upholding the rights of all parties and victims, the safety of all family members, and the safety of the community;ⁱ

WHEREAS, empirical research demonstrates a direct linkⁱⁱ between animal cruelty and interpersonal violence including intimate partner abuse,ⁱⁱⁱ child abuse,^{iv} and elder abuse;^v

WHEREAS, 99% of pet owners consider their animals to be “companions” or “family members”;^{vi}

WHEREAS, animal abuse can be used as a tool to control other members of the household and is therefore inextricably linked to the abuse suffered by human victims;^{vii}

WHEREAS, federal law and many state laws acknowledge that there is a link between animal abuse and domestic violence by including companion animals in protection order enforcement laws,^{viii} or by requiring cross-reporting between animal control and child welfare departments;^{ix}

WHEREAS, studies show that a child’s or teenager’s abuse of animals could be a sign that the individual has been abused^x or that intervention is necessary to prevent that individual from harming others;^{xi}

WHEREAS, 43% of school shooters between 1988 and 2012 had histories of abusing animals and the majority of those histories included hands-on violence against household pets, such as dogs or cats;^{xii} and

WHEREAS, more than 35% of adult protective services workers report that their clients have talked about their pets being threatened, injured, killed, or denied care by a caregiver;^{xiii}

NOW, THEREFORE, BE IT RESOLVED:

The NCJFCJ recognizes that animal cruelty is a crime of violence and may be indicative of past or future violent acts.

The NCJFCJ recognizes that in the context of juvenile and family court cases including cases of domestic violence, because of the demonstrated link to the safety of human beings at the hands of the animal abuser, when animals are subjected to cruelty, the court should consider the welfare of such abused animals in reaching its decisions.

The NCJFCJ calls for judges to afford the time and resources necessary to address animal cruelty allegations associated with cases that come before the court to achieve just results and prevent future violence against both humans and animals.

The NCJFCJ recognizes the gravity of animal cruelty perpetrated by juveniles as it may indicate the juvenile has been or is being abused, and early intervention is essential to addressing the harm that such abuse has caused the juvenile and to preventing the juvenile from committing future violent acts.

The NCJFCJ encourages juvenile and family court judges to consider exposure to animal cruelty and trauma-informed assessment and interventions in disposition orders for juveniles found to have engaged in animal cruelty.

The NCJFCJ encourages juvenile and family court judges to consider the safety of all household members, as well as their pets and other animals, when assessing cases concerning domestic violence, child abuse, and elder abuse, and when deciding issues related to protection orders, visitation, and custody.

The NCJFCJ encourages juvenile and family court judges to consider the safety of children, the elderly, intimate partners, and other household members when assessing cases that include allegations of abuse to animals.

The NCJFCJ calls for collaboration and communication among various welfare agencies including those devoted to animal welfare, child welfare, and the care of the elderly and individuals with disabilities to better detect and address concurrent forms of abuse.

The NCJFCJ supports measures which minimize an abuser's access to animals, including the issuance of protection orders and the implementation of limitations on contact with or possession of animals.

The NCJFCJ does not support sentencing animal abusers to serve community service at animal shelters or other organizations which permit or require unsupervised contact with animals.

The NCJFCJ recognizes that many forms of animal abuse stem from underlying psychological issues and, therefore, supports efforts to increase access to offense-specific psychological assessment, evaluation, and treatment for individuals charged with animal cruelty offenses.

The NCJFCJ will collaborate with allied organizations and experts to develop and make available educational resources and trainings to assist judges in better understanding the issues and implications of juvenile and family court cases involving animal cruelty.

Adopted by xxx on xxx, July XX, 20xx, xxx, xxxx.

RESOLUTION REGARDING SEX OFFENDER REGISTRATION REQUIREMENTS FOR YOUTH YOUNGER THAN AGE 18

WHEREAS, the Adam Walsh Act, Public Law 109-248 requires that certain youth younger than age 18 be placed on sex offender registries;ⁱ and

WHEREAS, research shows that placing youth on sex offender registries does not advance public safety and can actually make communities less safe;ⁱⁱ and

WHEREAS, research confirms that reoffending rates for youth who offend sexually are extremely low and that juvenile sexual reoffense risk assessments have been validated for predicting sexual reoffending;ⁱⁱⁱ and

WHEREAS, research demonstrates that most youth who sexually offend respond well to evidence-based early intervention and treatment programs; and

WHEREAS, a substantial proportion of youth who sexually offend have themselves been victims of sexual assault as children;^{iv} and

WHEREAS, youth of color^v and children subjected to abuse or neglect, and children in foster care are at greater risk of being placed on registries; and

WHEREAS, a substantial proportion of youth sexual offending is intra-family and families often desire resources to allow them to keep the family together rather than forced separation that often results from residency restrictions imposed as part of registration requirements;^{vi} and

WHEREAS, the negative collateral consequences of placing youth on sex offender registries are well documented and include suicide, homelessness, difficulty attending school, unemployment, and increased risk of being the victim of sexual abuse; and

WHEREAS, implementing the Adam Walsh Act's juvenile registration requirements can be very costly for states; and

WHEREAS, states have challenged the requirements of the Adam Walsh Act, for example, Pennsylvania's sex offender registration requirements for youth were successfully challenged and the Pennsylvania Supreme Court deemed mandatory lifetime registration unconstitutional for young people holding that the registration requirements violate juvenile offenders' due process rights by using the irrebuttable presumption that all juvenile offenders "pose a high risk of committing additional sexual offenses."^{vii}

NOW, THEREFORE, BE IT RESOLVED:

The NCJFCJ recognizes that juvenile court judges have a responsibility to care for and protect youth within their jurisdiction, as well as to promote community safety, and therefore supports efforts to prevent youth from being placed on sex offender registries.

The NCJFCJ recognizes that most youth have the capacity to change, particularly given that youth do not yet have fully developed and mature brains and neurological systems, and believes that they should be given an opportunity to change, even when they have caused harm.

The NCJFCJ shall continue to educate judges and others with all available information and data on the harms to both public safety and to youth that result from the placement of youth on sex offender registries, community notification, and associated requirements.

The NCJFCJ remains committed to educating judges and others on the best practices and evidence-based interventions and treatment programs for youth who sexually offend.

The NCJFCJ encourages federal, state, territorial, and tribal governments to recognize that treatment for most youth who sexually offend will improve public safety and reduce reoffending more effectively than placing youth on registries.

The NCJFCJ urges Congress and state legislatures to provide increased funding to better meet both the short- and long-term treatment needs of child victims of sex crimes and sexual exploitation.

The NCJFCJ urges Congress and the state legislatures to provide increased funding for assessment and effective treatment interventions for youth adjudicated for sexual offenses.

The NCJFCJ believes that registration, community notification, and associated requirements are warranted in only in a limited number of cases involving especially violent sexual offending, thus, the offenses for which youth are considered for sex offender registration should be significantly narrowed to include only the most violent crimes.

The NCJFCJ urges Congress to amend Public Law 109-248 to restore judicial discretion regarding registration in cases involving youth who were younger than age 18 at the time of their offense, so that such decisions can be made on a case-by-case basis and be guided by valid sexual reoffending risk assessments.

The NCJFCJ urges state, territorial, tribal, and local governments to develop procedures to allow offenders to retroactively petition for removal from sex offense registries and associated community notification requirements individuals who were required to register based upon convictions or adjudications for offenses that occurred when they were younger than age 18.

Adopted by the NCJFCJ Board of Directors on Saturday, March 16, 2019, Henderson, Nevada.

References

- Finkelhor, D., Ormrod, R., and Chaffin, M. (2009). Juveniles Who Commit Sex Offenses Against Minors. *Juvenile Justice Bulletin*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- Harris, A. Lobanov-Rostovsky, C. (2009). Implementing the Adam Walsh Act's Sex Offender Registration and Notification Provisions: A Survey of the States. *Criminal Justice Policy Review*. 21(2) 202–222.
- Juvenile Law Center. (2014). In the Interest of J.B., et al. Philadelphia, PA: Juvenile Law Center. Available: <https://jlc.org/cases/interest-jb-et-al>.
- Letourneau, E.; Levenson, J.; Bandyopadhyay, D.; Sinha, D.; Armstrong, K. (2010). Evaluating the Effectiveness of Sex Offender Registration and Notification Policies for Reducing Sexual Violence against Women. Available: <http://NCJRS.gov>.
- Pittman, N. and Parker, A. (2013). *Raised on the Registry: The irreparable harm of placing children on sex offender registries in the U.S.* New York, NY: Human Rights Watch. <https://www.hrw.org/report/2013/05/01/raised-registry/irreparable-harm-placing-children-sex-offender-registries-us>
- Puzzanchera, C., Smith, J., and Kang, W. (2018). "Easy Access to NIBRS Victims, 2016: Victims of Violence." Available: <https://www.ojjdp.gov/ojstatbb/ezanibrsv/>
- Ronis, S. T., & Borduin, C. M. (2007). Individual, family, peer, and academic characteristics of male juvenile sexual offenders. *Journal of Abnormal Child Psychology*, 35, 153–163.
- SEARCH, the National Consortium for Justice Information and Statistics. (2009). *SEARCH Survey on State Compliance with the Sex Offender Registration and Notification Act (SORNA)*. Sacramento, CA: SEARCH.
- Supreme Court of Pennsylvania 107 A.3d 1 (Pa. 2014).

Endnotes

- ⁱ Title I of the Adam Walsh Act, also known as the Sex Offender Registration and Notification Act (SORNA), has been codified in large part at 42 U.S.C. § 16911 *et. seq.*^[1]
- ⁱⁱ Letourneau, E. J. & Armstrong, K. S. (2008). Recidivism rates for registered and nonregistered juvenile sexual offenders. *Sexual Abuse: A Journal of Research and Treatment*, 20, 393-408; Letourneau, E. J., Bandyopadhyay, D., Sinha, D., & Armstrong, K. S. (2009). The influence of sex offender registration on juvenile sexual recidivism. *Criminal Justice Policy Review*, 20, 136-153. Registration policies do not improve public safety. Studies show that registration has no effect on sexual and nonsexual violent recidivism. In other words, the rate at which juveniles commit new offenses – an already low number – is not affected by registration.
- ⁱⁱⁱ Caldwell, M. (In Press). Quantifying the decline in juvenile sexual recidivism rates. *Psychology, Public Policy and Law*. Caldwell (2016). Quantifying the decline in juvenile sexual recidivism rates. *Psychology, Public Policy, and Law*; Caldwell (2010). Study characteristics and recidivism base rates in juvenile sex offender recidivism. *International Journal of Offender Therapy and Comparative Criminology*, 54, 197-212. Sexual recidivism rates for youth who sexually offend are vanishingly low. There are now more than 100 published studies evaluating the recidivism rates of youth who have sexually offended: the average 5-year recidivism rate is less than 3%.
- ^{iv} Pittman, N. (2015). Reanalysis of interview data. Unpublished. *Raised on the registry: The irreparable harm of placing children on sex offender registries in the U.S.* Human Rights Watch. ISBN: 978-1-62313-0084
- ^v Pittman, N. and Parker, A. (2013). *Raised on the Registry: The irreparable harm of placing children on sex offender registries in the U.S.* New York, NY: Human Rights Watch.
- ^{vi} Pittman, N. and Parker, A. (2013). *Raised on the Registry: The irreparable harm of placing children on sex offender registries in the U.S.* New York, NY: Human Rights Watch.
- ^{vii} *In re J.B.*, 107 A.3d 1 (Pa. 2014); Supreme Court of Pennsylvania 107 A.3d 1 (Pa. 2014). The Pennsylvania State Supreme Court has provided the most comprehensive ruling to date, making a range of legal arguments against juvenile registration (Most fundamentally, the Court held that juvenile registration violates a child's right to due process by creating a faulty but "irrebuttable" presumption that all juvenile sex offenders are dangerous.



Resolution in Support of Reauthorization of the Violence Against Women Act (VAWA)

WHEREAS, the NCJFCJ recognizes that issues of domestic violence, sexual assault, dating violence, and stalking occur at any age; and

WHEREAS, the NCJFCJ has joined in public and private partnerships to address and improve the justice system's response to these issues since 1987; and

WHEREAS, the NCJFCJ has worked to advance social change in courts and communities across the country to enhance the safety, well-being, and stability of domestic violence victims and their children through judicial education, technical assistance, and policy development; and

WHEREAS, the NCJFCJ has provided and stands ready to provide education, technical assistance, advocacy, information resources and expert testimony on the impacts of domestic violence on our society and the court system; and

WHEREAS, the NCJFCJ has supported the Violence Against Women Act, the Office on Violence Against Women, and efforts to improve the justice system's response to domestic violence issues nationwide in resolutions adopted in 1999, 2001, and in 2017; and

WHEREAS, the NCJFCJ has endorsed the Conference of Chief Justices resolution supporting the Violence Against Women Act and the importance of the Act's provisions and programs to provide funding to all entities involved in addressing domestic violence, sexual assault, dating violence, and stalking; and

WHEREAS, the bipartisan Violence Against Women Act of 2019 includes critical improvements to existing law and invests in prevention, access to justice for Native survivors, protections for victims of dating violence and stalking, enforcement of court orders, and safe housing for survivors; and

NOW, THEREFORE, BE IT RESOLVED, that the National Council of Juvenile and Family Court Judges Congress, the President, and the Department of Justice to support bipartisan legislation reauthorizing the Violence Against Women Act and continuing appropriations to ensure uninterrupted program operation for judicial education on domestic violence issues, judicial response and good practice, and to sustain and ensure that state courts are able to access federal grant funds to implement the provisions and programs of the Violence Against Women Act.

Adopted by the NCJFCJ Board of Directors on Saturday, March 16, 2019, Henderson, Nevada.



RESOLUTION IN RECOGNITION OF THE 70th ANNIVERSARY OF THE *JUVENILE & FAMILY COURT JOURNAL*

WHEREAS, on May 22, 1937, the National Council of Juvenile and Family Court Judges (NCJFCJ) was established by judges who came together with a vision of strengthening the juvenile and family court systems, and to share knowledge, provide support, and exchange ideas with colleagues on a national level; and

WHEREAS, NCJFCJ addresses a wide range of complex issues impacting the well-being of children and families encompassing juvenile delinquency, child abuse and neglect, divorce and the custody of children, substance abuse, domestic violence, trauma, and mental health; and

WHEREAS, NCJFCJ provides advanced education, practice-based resources, training, technical assistance, and publications with current data and statistics based on specialized research to better inform policies and best practices that promote justice for children and families; and

WHEREAS, in 1949, NCJFCJ began publishing the *Juvenile & Family Court Journal* to better provide current information and research to judges, court administrators, attorneys, social workers, probation and detention officers, and other professionals across the country working in the fields of child welfare and family law/child custody; and

WHEREAS, the *Juvenile & Family Court Journal* is a quarterly, peer-reviewed publication presenting articles on topics related to the fields of juvenile and family justice, including juvenile delinquency, child abuse and neglect, domestic violence, substance abuse, and child custody and visitation with approximately one journal each year being devoted to an indepth discussion of a single relevant subject; and

WHEREAS, the *Juvenile & Family Court Journal* has supported the overall mission of NCJFCJ by providing to judges and related professionals education and the latest independent research and thinking on complex issues having an impact on the fields of child welfare, juvenile, and family law; and

WHEREAS, with the support of the *Juvenile & Family Court Journal* research and publication, judicial officers, attorneys, providers, and advocates are better able to develop and implement policies and best practices to ensure fair and effective justice for children and families; and

WHEREAS, the *Juvenile & Family Court Journal* articles relating to juvenile justice such as ***The Juvenile Court and the Role of the Juvenile Court Judge, The Balanced Approach to Juvenile Justice, The Juvenile Court At 100 Years Of Age: The Death of Optimism, Potential Impact of Research on Adolescent Development on Juvenile Judge Decision-making,*** and ***Gault's Promise Revisited: The Search For Due Process*** have greatly informed policy and juvenile justice reforms and have resulted in significant changes in treatment programs within the system as well as changes in the law; and

WHEREAS, the *Juvenile & Family Court Journal* articles relating to child welfare such as ***The Impact of Trauma on Child Development, Separation and Reunification: Using Attachment Theory and Research to Inform Decisions Affecting the Placements of Children in Foster Care, Pathways from Traumatic Child Victimization to Delinquency: Implications for Juvenile and Permanency Court Proceedings and Decisions*** and ***Relative Placement: The Best Answer for Our Foster Care System*** have informed policy and best practices and has resulted in legislative and child welfare system reforms; and

WHEREAS, the *Juvenile & Family Court Journal* articles relating to family violence such as ***Domestic Violence and Immigrants in Family Court, The War on Violence: Improving the Response to Domestic Violence in the Military,*** and ***Common Misconceptions in Addressing Domestic Violence in Child Custody Disputes*** have informed the field regarding best practices in cases at the intersection of family violence and child protection;

NOW, THEREFORE, BE IT RESOLVED that Members of the National Council of Juvenile and Family Court Judges remain committed to continuing efforts to ensure a fair and compassionate justice system for children and families and all others coming before our courts, by continuing to support and recognize the unparalleled contributions of the *Juvenile & Family Court Journal* through its dedicated research and writing on critical challenges facing the judiciary and other professionals working within these fields; and

BE IT FURTHER RESOLVED that NCJFCJ expresses appreciation and gratitude to the *Juvenile & Family Court Journal* Editorial Boards, staff, and publishers since 1949 and all contributing authors who have honored, supported and created the publication and to the readers, libraries, subscribers, and advertisers who have supported the publication and without whom it would not have thrived for 70 years.

Adopted by the NCJFCJ Board of Directors on Saturday, March 16, 2019, Henderson, Nevada.

References

- Berryessa, C. M. (2018). Potential Impact of Research on Adolescent Development on Juvenile Judge Decision-making. *Juvenile & Family Court Journal*, 69(3), 19-38.
- Blitzman, J. D. (2018). Gault's Promise Revisited: The Search For Due Process. *Juvenile & Family Court Journal*, 69(2), 49-77.
- Edwards, L. (2018). Relative Placement: The Best Answer for Our Foster Care System. *Juvenile & Family Court Journal*, 69(3), 55-64.
- Ford, J. D., Chapman, J., MACK, J. M., & Pearson, G. (2006). Pathways from traumatic child victimization to delinquency: Implications for juvenile and permanency court proceedings and decisions. *Juvenile & Family Court Journal*, 57(1), 13-26.
- Goldsmith, D. E., Oppenheim, D., & Wanlass, J. (2004). Separation and reunification: Using attachment theory and research to inform decisions affecting the placements of children in foster care. *Juvenile & Family Court Journal*, 55(2), 1-13.
- Hurst, E. H. (1998). The Juvenile Court at 100 Years of Age: The Death of Optimism. *Juvenile & Family Court Journal*, 49(4), 39-53.
- Jaffe, P. G., Crooks, C. V., & Poisson, S. E. (2003). Common misconceptions in addressing domestic violence in child custody disputes. *Juvenile & Family Court Journal*, 54(4), 57-67.
- MacDonald, J. P. C., & Tucker, D. D. (2003). The war on violence: Improving the response to domestic violence in the military. *Juvenile & Family Court Journal*, 54(4), 121-132.
- Maloney, D., Romig, D., and Armstrong, T. (1988). Juvenile Probation: The Balanced Approach. *Juvenile & Family Court Journal*, 39(3).
- Putnam, F. W. (2006). The impact of trauma on child development. *Juvenile & Family Court Journal*, 57(1), 1-11.
- Thronson, V. T. (2012). Domestic violence and immigrants in Family Court. *Juvenile & Family Court Journal*, 63(1), 63-76.