



Judicial Leaderships and Linked Systems: Recommendations from the Field

Funded by the U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime (OVC), the Linking Systems of Care for Children and Youth Demonstration Project (LSC) was undertaken by four demonstration states (Illinois, Montana, Ohio, and Virginia) to develop strategies, products, and processes to streamline access to care and coordination of systems for children, youth, their families and caregivers who have been exposed to violence and victimization.

The purpose of this document is to provide judges information about the potential role and expectations judicial officers and court personnel might have in linked systems for children, youth, families, and communities. In addition to the specific issues that might bring a family into the court system, many families have experienced harm from their involvement in healthcare, child welfare, school, and justice systems. These harms often arise from systemic racism and other institutional and individual biases. One of the main goals of judges who work with families (during some of the most challenging times in their lives) is to provide people with resources that safely and effectively address their core obstacles to safety and well-being.

Implementing an approach that coordinates systems such as courts, healthcare, schools, child welfare, or the myriad of other entities that provide familial support, has been the overriding goal of the LSC project. Such an endeavor is more effective and holistic when judges are involved.

We are of the firm belief that successful community-court partnerships occur where there are initial and ongoing efforts to create trusting relationships of mutual respect and mutual goals centered on better outcomes for children, youth and families.

As a separate branch of government and a profession that adheres to the code of judicial ethics, judges are limited to certain types of involvement in community initiatives. However, there has been recent recognition that judges cannot and should not do their work in isolation. As the role of courts have changed, so have the rules of conduct. These changes allow community members to learn from the unique expertise a judge

possesses about the law, and what judicial officers need from systems in order to do their job more effectively. Innovations and changes to current systems of care, can create alliances and partnerships early in the development process and create a framework for communication as the projects are developed, thereby creating an increase in judicial engagement during implementation of projects. Since a significant segment of youth and families would benefit from linked systems, judicial involvement through family court, juvenile justice, dependency, or status offenses, would allow for success and sustainability of project improvements to resources, processes, and outcomes.

The isolation that is inherent to a judicial role places distance between judges and those in the community. The power differential can cause an even wider rift between a judge and those who are relying on their judgments, including those living in poverty, people without homes, trauma survivors, or people of color. Unfortunately, this may lead to perceptions of unfairness, injustice, and failure to treat people with equanimity.

Judges stand in a position separate and distinct from co-existing executive and non-governmental agencies that provide community services to communities. In many jurisdictions, the court's call to explore, define, and develop a collaboration for a specific purpose can provide a neutral space to begin communication and cooperation to begin the process of innovating to serve youth and families, and ultimately resolve problems and remove barriers to the ultimate collaboration that leads to success.

There are often existing barriers between the judiciary and community organizations; however, these can be acknowledged or mitigated for, in partnership. Please consider:

- Ethical issues that determine what can and cannot be discussed;
- Appearances of impropriety for a number of professionals including judges and other court personnel;
- Deciding who should be involved and who defines the makeup of the collaboration;
- Time and resources for all involved;
- Failure to discuss and overcome history and/or distrust;
- Community perceptions of the role of the judge and the court in serving youth;
- Power imbalances affect both perception and reality. Judges and courts should be reflective of, and supportive of the people they serve and ensure that all services and processes exemplify equity and inclusion: Clear any clouds of misinformation and distrust;
- Ensure there is a desire to engage and to work to remove any impediments to engagement;
- Define ways to build a foundation of trust, dignity, and respect for all members of the collaborative;
- Assume good intentions; and
- Be ready to listen humbly.

A significant segment of the youth and families receiving enhanced services will likely also be justice-involved, with perhaps child welfare involvement, or juvenile justice jurisdiction. Judges will always have 'dual status' youth cases, that is, those young people involved in both systems. Those cases highlight the enormous value of linked systems. Many of the cases judges see involve marginalized and vulnerable families most in need of coordinated and linked services.

The following are recommendations designed to both alleviate judicial concerns about the depth and breadth of their involvement, and to make their involvement more effective in the community they serve.

1. Gain a better understanding of the role of the judge in the context of community leadership.

The National Council of Juvenile and Family Court Judges has developed tools and trainings that focus on community engagement in an ethical and practical manner. Many judges over the years have relied on these tools to engage in community-based programs in a positive and constructive manner. Across the country, judges have been involved in their communities being able to access financial resources that led to the establishment of supervised visitation centers, better case management, better collaboration of services, and the building of Family Resource Centers.

This understanding can be deepened in different ways:

- a)** Develop relationships with other community stakeholders and judges who have the experience in engaging with communities. These judges may be sitting at the local or state level. The Office of State Court Administration in your jurisdiction may be aware of judges who have or are participating in collaborations or projects similar to LSC. They may also be engaged in the development of grants for these types of collaborations. Also speaking to retired judges and learning how they engaged the community during their tenure or in retirement, is helpful.
- b)** Learn of judges in other jurisdictions who have participated in LSC type collaborative projects. Speaking to colleagues around the country on their successes and challenges in developing these programs is a great resource. Having done the work, these judges are enthusiastic to share their knowledge and can refer fellow judges to others who have done or are doing similar work. We can also ask retired judges who may not have the same ethical constraints to engage in the collaborative.
- c)** Engage with judicial organizations that have the experience with community collaborative. The NCJFCJ has developed technical assistance programs which judges have relied upon in becoming both aware of who is available to offer guidance and to how to best access these systems.
- d)** Engage other judges in your jurisdiction as you do the work. Relationships are only as strong as their ability to be sustained. Once judges have been successful in

building relationships, they might also be active in informing their colleagues about what is happening and asking them to become involved. Once you rotate dockets or are no longer judging, there should be someone in place with the knowledge and heart to continue the collaboration. Succession planning is key to sustaining collaborative community projects.

2. Further develop trust-building skills.

Developing trust is crucial as a foundation for any relationship. Trust can be particularly challenging when systems have operated in silos for many years and at times have been placed in adversarial positions. One of the most effective ways to develop trust is listening in an open, non-judgmental manner. The ability to listen humbly is one of the greatest talents a judge can possess. This trait is particularly useful when engaging those providing resources to a community.

Becoming defensive and unreceptive to other's suggestions leads to people shutting down. Judges are in a good position to understand the impact of what is being said in their area of expertise, sharing that with others is crucial to the success of a project. However, there are times judges do not understand all the nuances of what others do, so staying receptive helps gain a better understanding.

Trust building also involves transparency and action. Since providers are reticent to approach and ask the local bench their thoughts on a project, judges may take the initiative in trust building initiatives. Depending on the history within the community, this may involve contacting agencies to indicate a willingness to become a partner: regardless of fault, be honest about past actions which created barriers; make commitments to not repeat past mistakes; and follow through with words and actions that are in line with a commitment to working together. Being genuinely interested in the work others are doing, expressing that interest, and celebrating their successes will deepen the trust and create an environment for meaningful collaboration. Research and visit the service providers in your community based, especially those who work with the people who appear before you in court

3. Recognize that change is necessary, yet difficult for people and the systems they create.

Developing comfort zones and getting stuck in routine seems to be part of human nature. Unfortunately, this mindset may lead to stagnation, re-affirming bad habits, and lack of recognition of issues. This may be true of judges as they settle into a routine. Even judges that have tried to rearrange the furniture in the courtroom have faced resistance (to say nothing of how the docket is managed!). Be mindful that systemic change is gradual, thoughtfully considered, and collaborative. Although one person with good intent may encourage change, to inspire the actions of others to embrace change takes a different skill set. Effective communication, listening, and a proper motivation can serve as the catalyst for substantial change.

Conclusion

Judges have become more informed about the correctness of active engagement in improving the practice of law, and that of course includes systems improvement. National and local judicial ethics now encourage judicial leadership to promote and educate on the law and legal processes. Judge who are interested in extra judicial community engagement have many resources available to ensure judicial ethical considerations are appropriately addressed. It is now clear that the rules and practice of judicial ethics support engagement, extra-judicial activities, and leadership as long as the activity is fair, impartial, involves all professionals involved with the courts, is not case-specific, and meets all other provisions of the Canons.

Building successful and sustainable relationships takes desire, time, respect, and humility from all involved. With the overriding belief that we are all better together, the community stakeholders and judicial partnership can create the support necessary for justice involved youth and families to thrive.

Additional Resources:

Redefining Judicial Leadership: Stories of Transformative Practice (2020)

Voices From the Bench: Judicial Perspectives on Handling Child Sex Trafficking Cases (2019)

[Can I or Can't I? Extra-Judicial Activity and Judicial Leadership \(2019\)](#)

If I Knew Then What I Know Now: Project Leadership in Multi-System Change Efforts to Address the Co-Occurrence of Domestic Violence and Child Maltreatment (2009)
Leadership – A Shared Responsibility in Systems Change

Building a Better Collaboration: Facilitating Change in the Court and Child Welfare System (2004)

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