

Josh Weber:

Good afternoon, everyone. Welcome. My name is Josh Weber. I oversee the Juvenile Justice program at the Council of State Governments Justice Center. If you're unfamiliar with the CSG Justice Center, we're a national nonprofit organization that supports states and counties across the country to improve outcomes for youth and adults in the justice system. Really happy to have hundreds of you tuning in today for our [inaudible 00:00:29] on courting judicial excellence.

Josh Weber:

We're going to be discussing the critical role that juvenile courts and judges play for hundreds of thousands of young people across the country every year. Juvenile court judges are arguably the most important public figures in the juvenile justice system, but many states have not really assessed whether juvenile courts and the decisions they make support or hinder improved public safety in youth outcomes.

Josh Weber:

In many states, youth who become involved in the justice system may appear before a judge that isn't specialized in juvenile court practice and may never have received any training in adolescent development or juvenile justice research and best practice. Even within states, there can be significant differences from one county to the next or even one courtroom to the next, between the experience and expertise of judges, which can result in vastly different outcomes for similar youth.

Josh Weber:

Those decisions have lifelong consequences for young people's future and so it's critical that the judges who are handling those cases have the experience, expertise and tools they need to make the best decisions possible. To further understand the differences across and within states, the Council of State Governments Justice Center in partnership with the National Council of Juvenile and Family Court Judges conducted an analysis last year of how courts that handle juvenile delinquency cases are structured and operate in all 50 states.

Josh Weber:

Today you're going to hear more about the findings from our study and our recently released national report, including five key recommendations for how states can strengthen their juvenile courts to make their juvenile justice systems more efficient, effective, and equitable. I'm going to start by providing a brief presentation to review our study findings and those five key recommendations.

Josh Weber:

Then I'm really grateful to be joined by a distinguished panel of judicial and state court administrative guest, to react to the report and to have a discussion about the findings and recommendations in state best practices. As you watch the rest of the event, I encourage you to join in today's discussions with comments and questions. You can do this in two ways. On social media, using the hashtags listed below or in the comment box at the bottom of your screen. Our team is standing by to respond.

Josh Weber:

I also want to let you know that our recording and a transcript of today's event will be available on the Justice Counts website in the coming days. Thank you all again for tuning into this important work.

Before we move to the presentation though, I want to provide an opportunity for Judge Hiram Puig-Lugo, who is the current president of the National Council of Juvenile and Family Court Judges, and who was our partner on this important work, who's also going to provide some opening remarks.

Judge Hiram E. Puig-Lugo:

Hello, everyone. It is my honor and pleasure to represent the National Council of Juvenile and Family Court Judges in this conversation. We are the oldest judicial membership organization in the country. Despite our name, our membership includes all types of court-related professionals from attorneys and court managers to mental health professionals and supervision officers. We're not all just judge.

Judge Hiram E. Puig-Lugo:

Our mission is to provide judges, courts, and court-involved professionals with information and skills to improve outcomes for families and children who come into contact with the court system. Our focus includes juvenile justice, child welfare and family violence. We pursue our mission in four ways. One of them is through education. We have two conferences per year.

Judge Hiram E. Puig-Lugo:

The one in the spring is dedicated entirely to juvenile justice. The one in the summer is all things family court related, juvenile justice, child welfare, domestic relations, family violence, and every other family-related topic. Our annual conference that's coming up in July between the 17th and the 20th in Reno, Nevada is our 85th anniversary, so please come join us.

Judge Hiram E. Puig-Lugo:

In addition to conferences, we offer training programs, which we call Judicial Institutes on a variety of topics year round. These are programs that are put in place and developed with the assistance of federal funding. Many of them are free or at a minimal cost for those of you who wish to attend. The topics include child welfare. We have a Child Abuse and Neglect Institute. We have a National Family Violence Institute. We have a Domestic Child Sex Trafficking Institute.

Judge Hiram E. Puig-Lugo:

In addition to the conferences and the institutes, we have webinars. Please check our website ncjfcj.org. You can find free websites there, but that's not all that you can find. You can find the research that we do to make sure that juvenile justice reform continues, that courts and policymakers are well informed when it comes to juvenile justice issues.

Judge Hiram E. Puig-Lugo:

Indeed, a prime example of our work on the research side is this report, the Courting Judicial Excellence in Juvenile Justice, a 50-state study that we have worked collaboratively with the Council for State Governments Juvenile Justice Center, and thanks to the funding from the State Justice Institute. Aside from studies like this one, we have the Juvenile Justice GPS. You can go into our website and see how different states address the various issues and the data related to each jurisdiction.

Judge Hiram E. Puig-Lugo:

We, like the Council for State Governments, believe that it is important for judges to make informed decisions based on data, based on research, based on science, not just anecdote, instinct or belief.

Separate and apart from the research, we have other materials on our website, bench cards, publications. We have the Bench Card bank. You can find any issue that you could possibly come across in your courtroom at ncjfcj.org.

Judge Hiram E. Puig-Lugo:

We understand that youth are the future of the country and that we as judges must do what we can to make sure that those youth have productive and constructive lives. That we provide the services and support they need, not only for their benefit, but for the benefit of society as a whole. It's a pleasure to be here. Thank you for attending.

Josh Weber:

Now we're going to start with a brief summary of our report and our key study findings and recommendations. Just to talk a little bit more about the purpose of this study and what we were hoping to accomplish, the analysis was conducted in 2021. It was a 50-state study. We looked at how courts across the country handle juvenile delinquency cases and how they're structured and operate. Our goals were really threefold.

Josh Weber:

The first is to uplift the critical role that juvenile court judges play in really shaping youth outcomes, family outcomes, public safety and community outcomes, and the importance of the juvenile court as a specialty of practice. Second, we wanted to understand for ourselves and for the field, whether and how all 50 states really position and support juvenile court judges to make decisions and whether they're being placed in a position to make those decisions in ways that research has shown works to improve public safety in youth outcomes.

Josh Weber:

Third, we wanted to provide a set of recommendations, best practice examples from states across the country, really designed to motivate and inform state efforts, national efforts to strengthen the role of the juvenile court, to give judges who make decisions every day on delinquency cases, the tools, the resources and support they need in order to be effective.

Josh Weber:

In terms of what we did in the study, a number of parts of it, we reviewed the literature on juvenile court standards, best practices and judicial effectiveness. There's not much specifically on how judges handle delinquency cases, but we looked at the research that did exist. We did a national survey of juvenile court judges in the field, and we got over 450 responses from judges who handle delinquency cases across the country.

Josh Weber:

Then we did our 50-state policy and practice scan. We looked at state statute, we looked at court rules. We basically did interviews with administrative court staff and/or judges in all 50 states, as well as the District of Columbia, to review how juvenile courts are structured and their policies and practices.

Josh Weber:

Then finally, we conducted a set of focus groups with juvenile court judges, with state court administrative offices and with national juvenile and court expert organizations to help shape and guide our recommendations.

Josh Weber:

Our report and our findings are structured around five recommendations. The first recommendation really is around encouraging states to establish specialized dedicated juvenile and family court judges that are responsible statewide for hearing delinquency cases.

Josh Weber:

Why that recommendation? Well, we found a couple of things in our study. First is only one-third of states have mostly dedicated family court judges, which often oversee both juvenile justice and child welfare cases. Very few states, if any, or even locales, have judges that are specifically devoted to juvenile justice.

Josh Weber:

Surprisingly, in most states, the judges that are hearing delinquency cases that are making those important decisions are general court judges that often don't have any specific training and expertise on family court and juvenile justice issues. In contrast, 90% of our survey respondents expressed that it was somewhat or very important for judges to specialize in juvenile and family court cases in order to make effective decisions.

Josh Weber:

We also found in the states that don't have dedicated family court or juvenile courts, case assignments and rotation lengths, there often was no state policies or court rule guidance on how long a judge might sit on the bench and handle delinquency cases and then be rotated to criminal cases or civil cases. Instead, those decisions are often made at the discretion of a local presiding judge or senior judges at the state level.

Josh Weber:

So across states, and even within the same state, the nature of the judge who's handling a delinquency case, their experience, their level of expertise, their knowledge on juvenile justice research and best practice can vary dramatically from one county and even one courtroom to the next. As a result, public safety and outcomes for youth can be determined by geography and not by best practice.

Josh Weber:

In terms of specific reforms related to this recommendation, it's encouraging all states to establish specialized dedicated juvenile and family court judges statewide. Importantly, those judges should have the same authority and the same stature as judges who handle other types of cases.

Josh Weber:

Just like there are pediatricians, there are doctors that specialize in providing medical care to kids, just like there are specialized teachers who handle elementary or high school cases, shouldn't the judges who are making critical decisions on public safety and on youth and families that can affect their entire

life course and life outcomes be dedicated and specialized because youth are just so developmentally different than adults?

Josh Weber:

Likewise, is encouraging states to establish background and experience requirements for the juvenile and family court judges that are appointed or elected. Just like pediatricians and elementary and high school teachers and other specialized professionals, daycare facilities that work with kids and adolescents have to go through rigorous and specific training and ongoing professional development, again, shouldn't the judges who have to work with these young people and make decisions on their cases, have the background and the education and the specialized training to be able to make those decisions every day?

Josh Weber:

If states don't go in that direction and don't have specialized juvenile and family court judges, then at least enacting statewide standards on juvenile court rotations. Not leaving those decisions up to individual discretion, but having state policies that help shape those rotations and a rotation should at least be three years long.

Josh Weber:

We found in many states judges were on the bench and dealing with delinquency cases for a year or two years and then would get rotated to something different. That's just not long enough to even understand juvenile justice case law, let alone best practices and make decisions accordingly.

Josh Weber:

The second recommendation is really ensuring all judges, whether those are dedicated delinquency judges or just general judges who have delinquency cases have the information and tools and the data they need to make decisions based on what research shows works to improve public safety and youth outcomes.

Josh Weber:

Again, the study findings, just a selection of those mentioned in the report. A lot of states require or have risk and needs assessments. What we found is that less than half of states actually require that those risk and needs assessments are used predispositionally and that the results are provided to judges and legal parties on the case to inform their dispositional decision-making. Then less than 20% of states actually provide annual training to judges on the use of those risk and needs assessments.

Josh Weber:

The information may exist, but it's not regularly being provided to all judges so that they have that objective data-driven research based information to guide their dispositional decision-making. Likewise, states generally have more robust tools and best practice guides around child welfare, but less than half of states have such resources for judges specifically on juvenile justice.

Josh Weber:

Another key part of having judges have the information they need to make good decisions is getting that input directly from youth and families. But almost 70% of judges who we surveyed reported that no

judges in their state or only some judges in their state regularly engaged youth and families in the dispositional process.

Josh Weber:

In terms of recommendations, not just enough to have a risk assessment, but really statutorily require that that risk assessment, as well as mental health and trauma screenings are conducted predisposition. That those results are provided to the court and have to be considered by the court in making dispositional decisions.

Josh Weber:

It's also really critical that state court administrative offices develop best practice guides, other kinds of decision-making tools and critically data. Data on juvenile justice, best practices, not just nationally, but in a given state and how kids are faring in the juvenile justice system in that state so that judges and administrators can use that data to inform their decisions.

Josh Weber:

Third is to establish court rules and supports that make youth and family engagement, not just something that some judges do some of the time, but really a commitment that all judges engage youth and families in a formal way. That it is part of not just the culture, but really the policy and practice of how juvenile courts operate.

Josh Weber:

Our report highlights a number of best practices and recommendations, whether it's youth and family navigators, whether it's giving youth and families a more formal voice during the dispositional process, whether it's rethinking the very traditional court settings and having more informal settings that youth and families like team meetings might feel more comfortable and more vocal. There's a variety of things that state delinquency courts can and should be doing to support youth and family engagement in the decision-making process.

Josh Weber:

Our third recommendation is to require that all judges who hear delinquency cases receive at least a minimum of training on adolescent development and juvenile justice research, both prior to taking the bench and on an annual basis thereafter. What we found is most states lack orientation training requirements that are specific to juvenile justice case law research and best practice.

Josh Weber:

In some cases, that's just a minimal amount of training for dedicated family court judges, but for more general practice judges, which is the majority of judges that hear delinquency cases, in many states, we were surprised to find judges could take the bench, judges could serve for years on the bench and never be required to receive any kind of orientation or training, not just to research and best practice, but even broader juvenile justice case law.

Josh Weber:

Related, only a third of states actually require judges who handle delinquency cases to obtain at least a minimum number of hours of juvenile justice training on a yearly basis. Very few states were even more

detailed in those specific training requirements, such as adolescent development, evidence-based practices, implicit and explicit bias. A real reluctance, or just not a lot of requirements from most states to make sure the judiciary has the training they need to make effective decisions.

Josh Weber:

At a minimum, we encourage that all judges who handle delinquency cases, they should receive at least a basic orientation to juvenile justice case law research and best practice before they start on the bench ideally, or if that's not possible because they have to fill an active vacancy, then at least within a certain number of months of starting on the bench.

Josh Weber:

Thereafter, all judges, and again, not just family court judges, but really any judge who's handling delinquency cases as part of their caseload should be required to at least have some level of training on juvenile justice annually. Appreciate that those judges have a lot of different types of cases, but delinquency cases, cases involving young people are very distinct from adult or several kinds of cases, and grounding in that adolescent development is incredibly important.

Josh Weber:

For states that have less resources or not as sophisticated training capacity, both in alternative, but also potentially critical supplementary support, is establishing a formal system of mentoring and of judicial shadowing. A number of states shared with us that they're doing that already and find that kind of peer-to-peer mentoring, establishing a peer support system, can be really an important way to help both uplift the importance of juvenile court practice and a dedicated approach, as well as to the critical research and best practices that should be informing those decisions.

Josh Weber:

Our fourth recommendation is more of system-based, and it's really around establishing dedicated judicial forums, initiatives, and supports statewide that are specifically focused on strengthening the juvenile court. Importantly, there also is resources that are needed to do that. We're actually calling on the federal government to establish a court improvement project initiative.

Josh Weber:

There's currently one that supports states around child welfare, but that funding largely can't be used by states around juvenile justice. Establishing those federal resources and supports is critical to undergirding this recommendation.

Josh Weber:

Again, what did we find? We found that most states lack dedicated family court administrative supports, let alone juvenile justice specific administrative supports. As I mentioned, because there is federal funding available for child welfare court improvements, we heard from a lot of states that their administrative supports, their improvement initiatives, to the extent that their focused on youth and family issues are largely focused on child welfare and juvenile justice often gets left out.

Josh Weber:

There's often less attention and dedicated resources to it because of the lack of federal government support. Federal funding could play a key role, but either way, states should consider how they can dedicate more expert time and administrative attention to supporting the hard work that judges do on delinquency cases.

Josh Weber:

We also found that judges in our survey cited the emotional nature of juvenile cases and burnout rate as the number one barrier preventing judges more generally from committing or specializing to juvenile court practice. Really speaks to not just the importance of administrative supports, but emotional wellbeing and other kinds of supports that judges really feel are lacking, especially in these difficult cases.

Josh Weber:

We also found that most states lack formal judicial kind of forums, working groups, leadership groups at either the state level or at the local level dedicated specifically to juvenile justice court and system improvement. Again, to the extent that those existed, largely focused on child welfare and not really focused nearly as much on the juvenile justice system.

Josh Weber:

In terms of recommendations for specific policy and practice changes in this area, one is developing a statewide system of dedicated both administrative and emotional supports for family and juvenile court judges. Again, that might require some resources around staffing, but there are also supports through NCJFCJ, through other judicial groups, through national organizations that states can leverage. There's a number of best practices laid out in our report.

Josh Weber:

But really justice judges need to be specialized administrators and staff who have that juvenile justice experience and expertise that can support courts, because courts play a vital role, not just on individual cases, but they are the conveners in the juvenile justice system. When they call for a meeting, people attend. They can play a critical role in system-wide improvements, but they need staffing support to be able to really take up that mandate.

Josh Weber:

Second is really creating ongoing collaboratives at both the state and local level to improving the juvenile court. That can be statewide delinquency judicial leaders that meet on a regular basis to review case law, to help identify policy and priority needs for reform and who can help do coordination and support to judges across the state. Or, it could be more local level collaboratives that are focused on juvenile justice services and how to ensure that kids who are going through court get connected to the services they need to help address their needs.

Josh Weber:

Then finally, as mentioned, having either the existing court improvement project, that's supported by the Department of Health and Human Services that states can use that funding, not just for child welfare, but also for juvenile justice, or creating a new funding structure.

Josh Weber:

Finally, last but not least, the fifth recommendation is around data and the importance of identifying statewide performance measures for juvenile court judges and encouraging states to really collect and use data to strengthen decision-making and accountability. What we found is states really struggle in this area.

Josh Weber:

Most states have not established performance criteria or metrics for their juvenile courts, other than basic measures like case processing time or caseloads. Most states don't have a formal system of checks and balances to really assess how are judges doing when it comes to delinquency cases? Are their decisions aligned with research and best practice? What does that mean for how we can improve what we're doing statewide?

Josh Weber:

Key recommendations in this area is really around identifying performance measures and criteria for evaluating just like every other branch of government, the effectiveness of judges when it comes to delinquency cases and whether their decisions, dispositional decisions, detention decisions, length of stay decisions, out-of-home placement decisions really align with research and best practice.

Josh Weber:

Then last is really trying to establish a transparent and collaborative performance system. When it comes to appointments and retention of judges, most states told us they don't have a formal process to the extent that feedback is collected.

Josh Weber:

It is often only from attorneys and the bar association, but whether it's probation officer's perceptions, and most importantly, youth and families who are experiencing the juvenile court, establishing a more robust, comprehensive system of feedback loops so judges can hear how they're doing, get feedback on ways that they can improve and ultimately can be held accountable for policies, practices, decisions like the rest of the system that improve public safety and youth outcomes.

Josh Weber:

We are now going to move on to our panel discussion and are grateful to be joined today by a distinguished group of guests for today's conversation. We have four panelists. Our panelists include the Honorable Hiram Puig-Lugo, associate judge, Superior Court of the District of Columbia, and also the president of the National Council of Juvenile and Family Court Judges.

Josh Weber:

Honorable Amy Nechem, chief justice of the Massachusetts juvenile court, Honorable Edwina Mendelson, who's the deputy chief administrative judge for Justice Initiatives with New York State Unified Court System and David Edelblute, manager of the Children and Family Section of the Supreme Court of Ohio. Thank you all so much for joining this important discussion today.

Josh Weber:

I want to start out with a first broad question. Our study really found that most states haven't established the infrastructure or the supports necessary to position judges statewide that handle delinquency cases to make really effective research-based decisions. I'm curious, were you surprised at this broad finding? Why do you think it is important for states to really strengthen the role of the judiciary within the juvenile justice system? Judge Puig-Lugo, I'd like to start with you for your reactions.

Judge Hiram E. Puig-Lugo:

Thank you, Josh. I was not surprised with the recommendation because it reflects the way that juvenile courts are organized in the country. There is no uniform way of doing it. Different states do it in different ways. Even within a state, you might have it done different ways, depending on whether a court will [inaudible 00:29:04] rural or an urban area.

Judge Hiram E. Puig-Lugo:

It is important to do as much as we can to create uniformity in the practice, even though the rules and the processes might be different from one place to the other. One of those ways is through education. Make sure the judges have the knowledge, the preparation, the training, the information that they need to serve juvenile courts.

Judge Hiram E. Puig-Lugo:

Because ultimately, when you think about it, juvenile court is about making sure that youth don't come back into the system as adults. That they can lead [inaudible 00:29:42] rewarding life. That will not happen if we don't do what needs to be done at the front end of their lives.

Honorable Amy L. Nechtem:

If I may, in Massachusetts... Well, first let me answer your first question of whether or not I was surprised by the findings. Having had an opportunity to connect as chief justice in Massachusetts with the other leaders across the nation, I am aware of the varying differences in juvenile justice and child welfare judiciaries. We're fortunate in Massachusetts to have a statewide system of child welfare and juvenile justice in a specialized court with judges that are trained in this particular area.

Honorable Amy L. Nechtem:

It is important for, excuse me, states to strengthen the role of the judiciary in the juvenile justice system. Because as I like to say, the juvenile court are the first line of opportunity for children, for youth and for families, it's an opportunity for diversion, an opportunity for intervention, opportunity prevention for any further access to the juvenile justice system.

Honorable Amy L. Nechtem:

In Massachusetts, the juvenile court is juvenile justice and child welfare. We are focused on the entire family. We know that children come into the court. The first question we ask is, what is going on in that child's life? As the judiciary in our community, as particularly juvenile justice and child welfare, our role is to act as conveners and ensure that the conversation in our communities is about how best we can support these young people by way of diversion.

Honorable Amy L. Nechtem:

In Massachusetts, the Criminal Reform Act in 2018 established juvenile diversion opportunities for our youth, as well as restorative justice in our community so that we ensure that we, as judges, are upfront in intervening and providing those resources for our youth and our families.

Honorable Edwina G. Mendelson :

Hello everyone. I wasn't surprised, joining in with my colleagues who are not surprised by the findings that we have here. I will add to the question is I think it's a matter of the volume that also contributes to the issue that we're discussing today. In New York City, our busiest area within the state of New York, juvenile delinquency cases represent only 3% of the busy family court docket where these cases are heard.

Honorable Edwina G. Mendelson :

We address other issues involving children, child custody, visitation, family offense, and child welfare in that very same court with those very same judges. I think a part of the reason that we do not have this infrastructure that we are looking for is a matter of numbers. But we who are in the field and our leaders in the field, we know that juvenile and youth justice is an evolving field. It is a critically important field.

Honorable Edwina G. Mendelson :

When we take time to catch up, and it's important for us to catch up with what the sciences are telling us about adolescent brain development and other impactful interventions and the impact of those interventions in promoting success for young people in our communities, I think that as a nation, we will be able to do better in this space.

Honorable Edwina G. Mendelson :

When I think of us as evolving it's only four years ago that we in New York State raised the age of criminal responsibility from 16 to 18. That's very, very recent applying what we know about adolescent brain development. I think that we are primed to do better in this space.

Honorable Edwina G. Mendelson :

I think that juvenile justice cases occupy a unique position in our courts because the situations that the young people and their families are involved with, it intersects with many other systems of justice, including the criminal justice system, if we're not successful, child welfare and other types of family court proceedings.

Honorable Edwina G. Mendelson :

I think that as others have mentioned that appropriate interventions leading to successful outcomes is what we're all looking for, but a renewed focus in this area would be welcome.

Josh Weber:

David, do you want to share your thoughts?

David Edelblute:

Sure. I'd like to first preface my comments by saying that I was a court administrator at a local juvenile court for 21 years prior to taking my current position. I'm not an attorney. My background is actually in

research and family and child. I think a lot of key points were already hit on. Judge Nechtem really brought out what I think is one of the key points as judges as conveners.

David Edelblute:

Youth and families coming into our courts, if we look at that as more of a symptom than a cause, what we really have the power of doing with juvenile courts is really changing communities and changing the lives of families, because we're not only impacting that one youth that comes into court, but we're impacting an entire family that goes with that.

David Edelblute:

As Judge Mendelson said, the science is evolved so quickly and is constantly evolving. We know so much more than when I started 25 ago about what's effective, what's worthwhile and what not to do more importantly, that I feel that there needs to be a specialization, there needs to be education, there needs to be a culture that respects the fact that juvenile court judges have a key role in society and their communities.

Josh Weber:

Thank you, David. Before we move on to the next question, Judge Mendelson, I do want to follow up with something that you said, which we heard in our study, which is oftentimes even in a family court context, juvenile justice can get short shrift because the number of delinquency cases are just so much smaller than child welfare cases. One of the things we also pointed out though, is that there's a rising concern right now in many communities around youth violence.

Josh Weber:

I know that that's happened in New York. On one hand, that's a challenge to juvenile court and other system stakeholders really maintaining a commitment to juvenile justice reform. But it also seems like maybe, to your point, there's an opportunity here when juvenile justice is getting more attention to not be reactive and go backwards. But to say, "This is why the court is so important so it has the tools and resources and needs to make good public safety decisions."

Josh Weber:

I'm wondering if you can speak to that a little bit and what you've seen happening in New York.

Honorable Edwina G. Mendelson :

Thank you for that question. We could talk about New York, but this is actually a national problem. The increase that we are seeing in crime, in violent crime, after many, many years of a steady decline.

Honorable Edwina G. Mendelson :

We engage in a number of system transformation efforts in New York, including our Close to Home initiative, as well as our recent Raise the Age implementation, which were major, major reform endeavors that were done with the courts taking a great leadership role, but also the executive branch and legislative branch and community-based organizations, all paying attention to youth justice in a successful way and in a collaborative way in terms of changing our policy.

Honorable Edwina G. Mendelson :

We, or I find it to have been... both of those endeavors truly, truly successful because even now we are still saying it's 3%. We still have a [inaudible 00:38:00] small amount of children on our dockets. In terms of juvenile delinquency cases in our family courts, we have shrunk our juvenile justice system by 70% at all touchpoints over the last 10/20 years.

Honorable Edwina G. Mendelson :

We are at a point now where we are in danger of losing the gains that we had made, where in confinement of young people as the first step and as a necessary step for all arrests, we've gone away from that.

Honorable Edwina G. Mendelson :

I'm just afraid that the focus on the increase in violence, as I mentioned, it's complicated in terms of determining what the causes are of this uptake, but we are, those who are in this work and have been working at it very, very hard and are interested in maintaining those very important successes that we've gained, we are all in in terms of making sure we use this as an opportunity.

Honorable Edwina G. Mendelson :

What does the science tell us? What does the data tell us? Which interventions have the best outcomes? Those are the types of things that your report is recommending, and that those who are involved in really maintaining true system transformation are interested in as well.

Josh Weber:

Thank you, judge. Justice Nechem Massachusetts really does in many ways reflect some of the report recommendations around having a specialized family court system, a special focus on juvenile justice. Wonder if you can speak to some of those recommendations in the report. I imagine this issue that Judge Mendelson was mentioning, judges are probably really well-positioned in Massachusetts to be leaders around juvenile justice reform.

Honorable Amy L. Nechem:

Yeah. No. Thank you, Josh, for the question. The two recommendations that stand out for me are of course, establishing specialized dedicated juvenile courts to hear juvenile justice and child welfare cases. Massachusetts is poised, and I feel very... How would I say? It is a benefit to the work that we do because we are statutorily designed in a structure that allows for a specialized juvenile court that hears juvenile justice, child welfare, children requiring assistance.

Honorable Amy L. Nechem:

There are seven specialized court departments in Massachusetts I say that are specialized in the types of subject matter that they hear. District court, probate and family, land court, housing court superior and on, so that we are a court that's dedicated and trained to handle these cases.

Honorable Amy L. Nechem:

Not many states have a chief justice of a juvenile court. My role as the administrative head of the juvenile court, responsible for administration policy, practice, updating rules, standing orders, transmittals, acting as a... We talked about a convener to multidisciplinary child-serving stakeholders. So

that any initiative that is driven by the juvenile court can be vetted by our community so that we have the approval and the understanding what each of our agencies require.

Honorable Amy L. Nechtem:

All of our judges come up through the ranks, through having have practiced in juvenile justice, child welfare, and they are appointed by the governor, particularly because of their strength in this area. As a result of being a head of a chief justice administration of a court, I am responsible for the education, at least biannually and in regional conferences, to address those issues of trauma-informed decision-making to understand what a youth is going through.

Honorable Amy L. Nechtem:

Mental health issues, substance abuse issues, ACEs which allows us to understand what trauma a child has been impacted by in a family or otherwise in our community. Then we can respond in kind with initiatives. We've devised a differentiated case management through our pathways program. We have now launched the first in the nation of a child welfare juvenile justice resource mapping by county to determine where the gaps are and resources in our communities, so that we can strengthen the prevention and intervention.

Honorable Amy L. Nechtem:

In addition, we are looking for a more robust access to justice and user experience through a virtual resource hub. I could go on, I feel again, a privilege to have this structure statutorily in Massachusetts, so that we can affect our community with ensuring positive outcomes or moving towards positive outcomes for our children and families by educated and specialized jurists in this area and attorneys and probation officers and core clinicians. We're an important core.

Honorable Edwina G. Mendelson :

I can speak to the third recommendation, which is to require all judges who hear delinquency cases to receive training on adolescent development and juvenile justice research prior to taking the bench and annually thereafter. I made mention recently of our new law in New York, relatively new, raising the age of criminal responsibility to 18.

Honorable Edwina G. Mendelson :

Along with that new law that went into effect in 2018, almost four years ago, there is, for the first time, a statutory requirement for specialized training for the judges though, that are in the adult criminal superior court addressing the most serious of cases. All of the felony cases for 16 to 18-year-olds and the very serious violent felony cases for those who are as young as 13 years old under our juvenile offender laws.

Honorable Edwina G. Mendelson :

Those cases begin in the adult superior court in new youth parts were created, but those youth parts are presided over by family court judges. For those cases that are the felonies for these cases for the 16 to 18-year-olds and the juvenile offender cases, those judges are required to have training in four different areas. The four areas are juvenile justice, adolescent development, custody and care of youth, and effective treatment methods for reducing unlawful conduct by youth.

Honorable Edwina G. Mendelson :

I was privileged to participate in developing the curriculum that we created in the New York State court system pursuant to the Raise the Age law, which my office assisted in leading the implementation of. But that's for the cases that are in the adult superior court, many of them end up being transferred by what we call removal to the juvenile and family court in New York State, which is the family court.

Honorable Edwina G. Mendelson :

The family court handles all of the misdemeanor cases of young people under age 18 as juvenile delinquency cases, as well as the felony cases of young people under age 16. Those cases transfer pursuant to our new Raise the Age law. The family court judges who are doing this work day in and day out, there's no statutory requirement for that type of training, but I will tell you, we make so much training and professional development available to our family court judges throughout the state.

Honorable Edwina G. Mendelson :

In New York City, the family court judges are specialized in the sense that most juvenile delinquency judges in New York City have complete dockets of juvenile delinquency matters. They are very steeped in the practice area. Throughout the state, some judges are full-time handling juvenile justice cases and others have a mixed calendar.

Honorable Edwina G. Mendelson :

But the training that we provided for the judges for Raise the Age, that's available to all of our judges, and we continue to work on making sure that the curriculum is what it should be, because this is an evolving area of law, as well as social science.

David Edelblute:

As far as recommendation number four goes, Ohio was highlighted in the report. I think one of the highlights was really our Advisory Committee on Children & Families. In, I think it was 2002, then Chief Justice Moyer established the Advisory Committee on Children & Family. It basically consists of stakeholders. Majority are judges, but stakeholders across different disciplines, all members are appointed by the chief justice for three-year terms. They can serve a maximum of three years. We do get a healthy rotation.

David Edelblute:

We're a non-unified court system in Ohio so really a lot of what we do is really trying to set best practices. We promulgate rule and we really try to create a culture of excellence among anything involving children and families. We have multiple jurisdictions that we work with in that advisory committee, but then we have subcommittees to specialize in different areas, including domestic relations, adult guardianship, child welfare, and then juvenile delinquency.

David Edelblute:

Our juvenile delinquency subcommittee then promulgates rule, they develop tool kits, they develop bench cards, trainings, and pilot sites when we'd want to do innovative practices. An example would be a dual status initiative we're doing right now. Other supports that we provide, we do the usual judge's orientation. It's a two-part series. It's mandatory for judges.

David Edelblute:

There is a section on juvenile courts, but just like many other states, it's really not adequate in itself. It's only a couple of days long. We do provide ongoing education. We do that through a couple of different forms. Probably the most effective one is the Ohio Association of Juvenile Court Judges. True to Tocqueville, Ohio is big on associations, and that's where common people gather together around a cause and try to address it.

David Edelblute:

Our judges' association to me is probably one of the more influential ways of actually moving the way we look at juvenile courts from the aspect of a judge. We also have mentors. New judges do get mentors that work with them. They usually have similar types of courts, and it's an ongoing relationship going forward with that.

David Edelblute:

Then one of the aspect we've added recently is new judge visits. What I typically do is wait about nine months after a judge has taken office and I go out and visit them in their court and maybe bring some staff. The premise is really to talk about what services we provide, because we provide a larger way of it. But it also gives us a feeling for where their court is and what their thought process is.

David Edelblute:

Because if we wait for only the people that come to the classes or come to the meetings, we're probably not talking to the [inaudible 00:49:34] we need to talk to. We try to go out and meet with them and set up. I think two years ago, we had 20 new juvenile court judges in just one year. It became a daunting task, especially with COVID, but we did a number of onsite visits as well as we did a lot of Zoom.

David Edelblute:

It was basically if you're like a magistrate or had been involved in juvenile justice for a while, we did a Zoom. If you're brand new to the system, we came out and visited you. That was pretty exciting to go forward.

David Edelblute:

I also wanted to speak to two other things. I think money drives change a lot of times, and Ohio is unique that it has a program called RECLAIM Ohio, which is actually not administered by the judiciary. It is administered by our Department of Youth Service. RECLAIM Ohio streams that local courts can utilize, utilizing best practices to provide community programming to help keep youth out of the juvenile justice system and really out of the state youth detention system.

David Edelblute:

What it does is a couple of different things. One of them is that if you are able to successfully reduce the number of commitments you have to a state facility, you get more money. Now, the strings with that is how you spend that money. The money has to be spent, it has to be evidence-based. You have to collect data, you have to follow different guidelines with it. If you want to send a youth over to a state facility too, you have to use a uniform assessment tool before you make that decision.

David Edelblute:

Then we also require that in other levels throughout the whole spectrum of the juvenile court system going forward. We also provide judicial education ongoing. We have a judicial college that provides education for judges, as well as providing education for court personnel. We have an Association of Juvenile Court Administrators. We all get together and talk to each other. We have various specializations areas that we work for.

David Edelblute:

I think the other piece that I would want to highlight is we also have spontaneous associations that form. To give you an example, just like in many other states, we're having a large gun issue in Ohio. The judges for the five largest courts in Ohio decided let's get together and let's try to work together and figure out what's working, learn from each other and develop some strategies that may be effective. That just happened on its own.

David Edelblute:

There's another one on IV-E funding and juvenile courts that are drawing down and it spontaneously came together. They saw a common problem that they have and they're working together to address it. There's a lot of different things going on with that, but the point being is if you have that focus that not only do you get the change in the individual jurisdiction, you get that aggregate change because you're changing the level of expectation. You're changing the culture of the judiciary within the state.

David Edelblute:

As far as recommendation number five goes, we struggle with data every day. Our problem for us is we have lots of analysts and we have lots of people that can look at data, we just don't have the data. Like I said, we're a non-unified court system. We have lots of different case management systems out there, but we do our best to gather what we can.

David Edelblute:

A couple of different ways we do that is we do have a dashboard. It's on our front page of the Supreme Court of Ohio. You can look up individual judges' case rates, their overage rates, the rates of cases coming in, as well as dispositions with that. It's not a lot, but it's something and it gives us a start and it gives us a feel for what we need to have. We also have with RECLAIM Ohio, they're gathering a lot of data.

David Edelblute:

If you go to Department of Youth Services, Ohio Department of Youth Services RECLAIM website, you're going to find out all kinds of trends as far as racial and ethnic breakdowns, types of offenses and commitment rates. That breaks down by county as well. It's very transparent, it's very public-facing. Anybody can see it.

David Edelblute:

Also, we have 19 counties in the state of Ohio, we have 88 counties total, that are participating in JDAI, the Juvenile Detention Alternatives Initiative. Even though it's only less than a quarter of the counties, that encompasses 60% of the juvenile population, because all of our large metros are participating in that.

David Edelblute:

There's a heavy data collection emphasis on that and we're able to get a good feeling for what's working, what's not working, and also giving good guidance to those juvenile court judges about effective interventions and effective ways of running their courts going forward. Then I think the only two other pieces I would mention is we do have a case management section.

David Edelblute:

The case management section uses a continuous quality improvement model. LeanOhio is what it's called. It will go into a court and work with that individual court to help them improve the flow of their court hearings. What I'd love to see us do is something for our area where we're reviewing actual hearings and the quality of the hearings and the utilization of best practices we're using the standards set by the National Council to grade those hearings. It would be something I think would be really effective with juvenile courts.

David Edelblute:

Then finally, if we ever want to find out what an individual court is doing, we have requirements for annual reports. Every court has to submit an annual report that lists the dispositions of their court, that lists the interventions they have and what they're doing. It also has specifics around unruly status offenders and also school attendance, which is a key area for us to focus on.

Judge Hiram E. Puig-Lugo:

I'm glad to hear that Ohio is following the standards that NCJFCJ has set because that's why we set them, number one. Number two, I became familiar with the National Council when our current family court was configured back in 2002. We set up our system using technical assistance from NCJFCJ and the experience was so rewarding that I've been involved with the council ever since then.

Judge Hiram E. Puig-Lugo:

When I look at the study, I'm glad to see that the time and the effort was well spent because we're not doing that bad in terms of implementing the recommendations that are listed in the report. For example, although we don't have courts that are generally based in family court, judges are required to stay in family court for at least three years. When we have families come into the system, we implement one family one judge setups to avoid orders that conflict with each other.

Judge Hiram E. Puig-Lugo:

If a child is dual jacketed, as was mentioned earlier, once the delinquency case is resolved, it is sent to the child welfare judge for the child welfare judge to oversee the implementation, to make sure that both cases are handled in a way that ultimately facilitates a constructive resolution on both fronts, the juvenile justice and the child welfare. In terms of ensuring that judges have information, tools and data, we have been using risk assessment tools since virtually the court got started.

Judge Hiram E. Puig-Lugo:

I'm proud to say that during my tenure as presiding judge of the family court between 2014 and 2016, we developed the Sex-trafficking Assessment Review, which was the first scientifically validated risk assessment tool developed in the country to identify youth, both males and females, who were at risk of

being trafficked or who had been sexually trafficked, to make sure that we provided them with the necessary services to address their unfortunate experiences.

Judge Hiram E. Puig-Lugo:

As far as training, before judges come into family court they're required to undergo training so that they're familiar with the assignments into which they're about to step. The family court as a whole has a day-long training program in the fall, and every quarter, an afternoon Friday training at the courthouse.

Judge Hiram E. Puig-Lugo:

It's not just judges who are there. It's managers, it's attorneys, it's probation officers, it's social worker, it's law enforcement, it's mental health professionals, to make sure that not just the judges, but everybody with whom we work is up to date on developments, what works, doesn't work and best practices moving forward.

Judge Hiram E. Puig-Lugo:

We have in place performance measures. We collect data. I confess we could do a little bit better in terms of using that data to strengthen decision-making transparency, research alignment, and accountability, which is within recommendation number five. I'm glad to see the report and that we are doing a good job with implementing the vast majority of the recommendations here.

Judge Hiram E. Puig-Lugo:

I must say that the one that I found most interesting was number four, which calls for dedicated forums, initiatives, and supports, and then mentions the possibility of federal court improvement project, which is a great idea. But the conversation here is among representatives from New York, Massachusetts, Ohio, the Council for State Governments Juvenile Justice Center and the National Council for Juvenile Justice and we're asking the federal government to spend money, which is fine with me, but we're not the ones making the decision.

Judge Hiram E. Puig-Lugo:

So if we want that to happen, there frankly would have to be a concerted communication with people in Congress to make sure that the program is developed and put in place to support juvenile courts the same way that federal funds support child welfare courts through the child welfare version of the court improvement project.

Josh Weber:

Thank you, judge. Thank you all. I think it's [inaudible 01:00:04] from all of you how there are so many different ways in each of your jurisdictions that you're bringing juvenile courts together and trying to strengthen them. We have a couple of questions though in the chat that are all around the same thing, which is just how to get started.

Josh Weber:

If you're in a state, you might not have a unified juvenile court system, family court system, specialized system, what would be those first key steps you can take to move in this direction? Justice Nechtem, starting with you, if you were to give advice to another state, where would they start?

Honorable Amy L. Nechtem:

To follow up on our last speaker, the president of NCFFCJ, I would agree that any of the changes that you're going to make, not only federally, but locally in your own state, would require a conversation, a collaboration, a convening, and really building relationships with the three branches of government, not only the judiciary, the executive branch and the legislative branch.

Honorable Amy L. Nechtem:

Because in order to statutorily enact a unified court, a court that is dedicated to juvenile justice and child welfare or whatever model the particular court is interested in, would require legislative enactment in my opinion.

Honorable Amy L. Nechtem:

Because we are statutorily designed with a strong, committed, supported administrative office with a chief justice, we're able to really set the bar high for our work in our courts, for our commitment to our initiatives, and to cross over into our multidisciplinary relationships with [inaudible 01:02:07] to build a strong systemwide strengthening of juvenile justice and child welfare in order to realize any possible changes.

Honorable Amy L. Nechtem:

To me and so many things that we do, it's building relationships and ensuring that we're all on the same page and wanting to put forward a statutory design that ensures that dedicated resources are provided from probation officers to our clinicians, to our judges, to even the staff and attorneys that practice in our courts are dedicated and trained in juvenile justice and child welfare matters.

Josh Weber:

Judge Mendelson, did you want to jump in on this?

Honorable Edwina G. Mendelson :

I do. I do. If I were to talk with a jurisdiction that wanted to get started, I would begin by stressing and making sure that they understood that undergoing impactful and transformative and successful systemwide change is going to take some time and a great deal of effort. I'm going to recall again, what I discussed earlier about our endeavors in New York State to implement the Close to Home and the Raise the Age, both deeply successful.

Honorable Edwina G. Mendelson :

But it took a great deal of time and meetings and convenings and difficult conversations where we often disagreed, but weren't disagreeable and came back again. You know what? I think we can learn. I happen to have the privilege of leading New York State's Child Welfare Court Improvement Project.

Honorable Edwina G. Mendelson :

I understand, and we have court improvement project liaison coordinators in every region of the state supporting our transformation work in our child welfare and supporting system improvement work in child welfare [inaudible 01:04:11] how that operates in the juvenile justice system while we're waiting for the legislative changes that will come our way. We don't have to wait for that, I think, to do some good work in this space.

Honorable Edwina G. Mendelson :

Or I think we would start by doing what family court judges do so well and what we've been taught by the National Council of Juvenile and Family Court Judges, to convene interdisciplinary meetings with members of the community in all the branches of government, but also not forgetting our community. Community-led organizations, community-based organizations, people with lived experience that have a stake in the outcomes of improvement in our juvenile justice space.

Honorable Edwina G. Mendelson :

Forming a committee, making sure you're careful about who you ask to lead it. I would suggest having two leaders from different entities, one, a community-based organization, and a judge. Judges are good leaders of these things because when we convene a meeting, people do tend to attend, whether they want to or not. They do come when we call upon them to join us, but don't let it be the judge only that's doing the leadership, someone from the communities.

Honorable Edwina G. Mendelson :

We have some really transformative juvenile justice working groups with a bar association that is co-led, a local bar association's juvenile justice committee in New York, is co-led by a prosecutor and a defense attorney. Magic happens in those committees in the space of juvenile justice and race equity work that they're doing so remarkably well.

Honorable Edwina G. Mendelson :

Beginning with creating a task force committee, a working group, making sure you are inclusive in who you invite and have people with lived expertise from the communities, including young people who may have been system-involved. What we know about child welfare, Nothing About Us Without Us, that should apply to our juvenile justice transformation because we can't transform our system by just having the so-called professionals like us in the room, trying to do the transformation without including members of the community.

Josh Weber:

Thank you, judge. We only have a few minutes left, but David, if you were giving a state court administrator advice on how to develop a dedicated administrative capacity around youth, around juvenile justice, what would be the one thing you would say here's a great place to start?

David Edelblute:

Well, I think just like Judge Mendelson said, let's get a committee together and let's have it headed up by a judge and somebody else, and let's bring people to the table. I will also say that bring education to the table too. That has been transformative. Having both sides of the bar there is great, but also having the stakeholders like education is helpful. Get people together and figure out what you have in common and work on those common goals.

Josh Weber:

Great. Judge Puig-Lugo, you can get the last word here. Any recommendations, whether it's from your perspective in D.C., or on behalf of the National Council of Juvenile and Family Court Judges, where should jurisdictions start when it comes to this kind of transformative change?

Judge Hiram E. Puig-Lugo:

Well, everybody who is important to address the issue needs to come to the table. I agree with what has been said about judges and court managers being the convening actors, but whether it's community-based organizations and prosecutors, defense council, community representatives, everybody needs to be there.

Judge Hiram E. Puig-Lugo:

What's also important is you also need the service providers involved. If there's people who work with mental health issues, if there's people who work with substance abuse issues, they need to be part of the conversation, so the approach is a comprehensive one.

Judge Hiram E. Puig-Lugo:

Make sure that you meet regularly, whether it's weekly, whether it's monthly. Make sure that each meeting ends with who is going to do what by the next time we see each other. When we see each other the next time, everybody who was supposed to do what needs to report on what they did. If we take those little steps, one at a time, we will get through the process, develop the strategies that we need and then put those strategies in place.

Josh Weber:

Thank you. Thank you, judge. Thank you to all of you. This really wraps up a fascinating but important conversation. Thank you all to those of you who tuned in. For those of you who tuned in, if you could, please take a minute to tell us what you thought about this event. A survey link is available now on social media and in the Vimeo chat.

Josh Weber:

This will be also delivered to you by email if you're already registered for the event. We really value your feedback. We want to know how we can support your efforts to improve the juvenile justice system, so please let us know.

Josh Weber:

If you preregistered for today's event, we'll also be sending an email with the recording of today's discussion. If you did not preregister, you can access this recording on the Justice Briefing Live website. We also encourage you to read the executive summary, or if you're up to it, the full report, which really details all of the recommendations that our panelists have been speaking of.

Josh Weber:

With that, thank you for joining us today. It's been a real pleasure being with you all and have a safe and pleasant week.