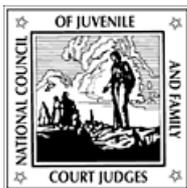


EXECUTIVE SUMMARY OF THE GREENBOOK INITIATIVE 2002 JUDGES' TOOLBOX MEETING



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GREENBOOK INITIATIVE
2002 JUDGES' TOOLBOX MEETING
JULY 11 - 12, 2002
BOSTON, MASSACHUSETTS

EXECUTIVE SUMMARY

As public institutions and private organizations increasingly rely on collaboration to address complex social problems and promote system change, courts, and in particular judges, are being asked to join in these efforts, educate themselves about the issues, and become actively engaged in the change process.

The National Council of Juvenile and Family Court Judges (National Council) introduced the concept of judicial Toolbox Meetings for the federal *Greenbook* Initiative (Initiative) demonstration sites in July 2001. Toolbox Meetings provide a space for judges from the six *Greenbook* demonstration sites to examine critical policy issues, build capacity, discuss system-specific needs and strengths, and develop action plans to enhance and complement local implementation efforts. Similar meetings are held annually for all three key systems involved in the Initiative by the *Greenbook* Technical Assistance Team, whose members include the American Public Human Services Association (APHSA), the Family Violence Prevention Fund (FVPPF), and the National Council.

Approximately 23 judges attended the Toolbox Meeting in Boston, Massachusetts, which was the second toolbox for the court system. This Toolbox Meeting was expanded to include an optional day where judicial participants could visit local agencies addressing co-occurrence issues.

THURSDAY, JULY 11, 2002 – DAY ONE

MEETING OBJECTIVES

- Increased understanding of the role of community-based agencies and the underlying principles that guide their work in addressing the overlap of domestic violence, child maltreatment, and substance abuse.
- Learning about trends in agencies that have been at the forefront in responding to the needs of battered women and their children.
- Increased understanding of the dynamics of domestic violence through participant-observer experiences.

The Boston area houses numerous agencies that have been at the forefront of addressing the intersection of domestic violence and child maltreatment, including the Massachusetts Department of Social Services' Domestic Violence Unit and the Boston Medical Center's Child Witness to Domestic Violence Project. Participants spent the morning hearing from these programs, which provided an opportunity to ground the day in a discussion of these programs and key issues such as reasonable efforts, the impact on children of witnessing domestic violence, and the development of related policies.

DOMESTIC VIOLENCE INTERVENTIONS IN A CHILD PROTECTION SERVICES' ENVIRONMENT
Crystal Jackson, Training Coordinator & Virginia Peel, JD, General Counsel

The Massachusetts Department of Social Services (Mass DSS) is known for its Domestic Violence Unit, which initially focused on improving case practice by building internal capacity and developing and expanding resources through collaborations with local community agencies. Presenters provided an overview of the Domestic Violence Unit and led a discussion about the impact of the Adoptions and Safe Families Act of 1997 (ASFA) on the child welfare and the court systems.

Lessons Learned:

Presenters described the ongoing journey of the staff of the Domestic Violence Unit to meet the needs of the families they serve and shared some of the lessons learned along the way, including:

- The needs of non-offending parents and their children must guide practice.
- The agency needs to shift its focus from blaming battered women to holding batterers accountable.
- System change is a slow process with hills of hope and valleys of despair.
- Intervention and prevention must be connected and linked with community efforts to develop prevention strategies to address the overlap of domestic violence and child maltreatment.

ASFA & Living with Reasonable Efforts:

Mass DSS developed a series of recommendations to address the challenges that ASFA presents in domestic violence cases. These strategies help shift the focus from victim blaming to the systems responsible, service providers, and communities that share in building solutions. The suggested strategies include:

- Defining reasonable efforts and good practice in domestic violence cases;
- Establishing policy and practice guidelines, training, and support;
- Building partnerships with the legal and mental health communities; and
- Identifying who is accountable—and for what (child protection agency vs. service providers vs. community, i.e. informal helping networks).

In addition to these recommendations, presenters discussed the important role that judges can play to improve outcomes for battered women and their children. Judges should require documentation of reasonable efforts from child welfare agencies, involve informal family supports, bring advocates and other domestic violence service providers to the table, and educate themselves about and address overrepresentation in their courts.

Discussion points raised by participants:

- What does it mean to provide reasonable efforts in child protection cases that involve domestic violence? Does “reasonable efforts” vary from community to community? Are they dependent upon available resources? Is there an opportunity through the *Greenbook Initiative* to address these questions?
- Judges need assistance in developing sanctions for batterer accountability that fit within the scope and philosophy of the dependency court system.
- The impact of ASFA time limits on poor families needs to be tracked, and whether these outcomes contribute to overrepresentation of children of color in the child welfare system needs to be explored.

SHELTER FROM THE STORM: CLINICAL ASSESSMENT & INTERVENTION WITH YOUNG CHILDREN WHO WITNESS VIOLENCE
Betsy McAlister Groves & Ellen Laughton, JD

Representatives from the Boston Medical Center's Child Witness to Domestic Violence Project (Project) presented information on the effects of exposure to domestic violence on children and the interventions that are being used to address their immediate and long-term needs.

The Project was established in 1992 to address the needs of young children (age six and younger) who suffered significant emotional trauma after witnessing violence. The program offers mental health counseling, advocacy, play therapy, parent support, and case management services. Additionally, the Project offers specialized evaluations and domestic violence training to guardians *ad litem*.

Discussion points raised by participants:

- Does the provision of both treatment and evaluative services by a single agency create a conflict of interest?
- What are the challenges around complying with mandated reporting requirements?
- How do practitioners distinguish between the abuser and the victim in a way that avoids blaming the victim for her batterer's violence?
- What is the difference between, and what are the implications of, custody evaluations and forensic assessments?
- How do practitioners work with children who are fearful of and resistant to contact with their battering parent?

Participants acknowledged that improving outcomes for these families involves change and that it is a slow and challenging process that requires the voice of children, broad-based partnerships, and a willingness to think outside the box.

SITE VISITS

Site visits to community service providers in the Boston area offered participants a rare opportunity to interface with direct service providers, observe interventions, gain insights into the treatment issues and challenges, and dialogue with staff members and clients.

A. Batterers' Intervention

Brockton Family & Community Resources, Inc.

The program based on the Duluth power and control model is 12-months in length and facilitated by a coed team. The clients in this program were court-ordered, male, and were convicted of a domestic violence offense.

The men talked about their experiences in the program and what motivates them to continue the intervention process. Most acknowledged that it took awhile to accept responsibility for their abusive behavior as well as the impact it was having on the victim and their children. They found the treatment process helpful, particularly the camaraderie and support that develops among the men.

B. Supervised Visitation

Brockton Family & Community Resources, Inc.

Visits at this center are supervised by a team, which includes a mental health provider. Parents arrive before the children so that the team can go over the structure of the visit and address any issues that have emerged since the last visit. During the visit, one team member takes detailed notes (referred to as process recording) while another observes. Participants had the opportunity to observe a supervised visitation between a mother and her three young children.

C. Battered Women and Substance Abuse

Turning Point Safe Recovery Program

This is a residential drug treatment program for battered women, which addresses their sobriety and safety issues in tandem. Most of the women have open child protection cases. The treatment process can last from six to 12 months. The success of the program requires and depends on real team effort and commitment. Clients discussed some of their ongoing challenges and unmet needs, which include having access to a broader range of services that focus on economic self-sufficiency, stable housing, and strategies to address cases involving multiple fathers.

D. Navigating the System: From a Battered Woman's Perspective

Guidance Center, Inc. – Children with Voices Program

Participants met with battered women whose children are receiving mental health services through the Children With Voices Program. The discussion focused on the experiences, challenges, and frustrations that battered women face in reaching out to the court system to protect their children from further emotional and physical trauma. The women believe that the court can play a critical role in supporting battered women's efforts to create safety for their children by:

- Enlisting the aid of domestic violence experts when making custody and visitation determinations;
- Recognizing that batterers frequently use the court system to continue their campaign of harassment and intimidation against the adult victim; and
- Speaking to the women directly in the courtroom and listening to what they have to say.

The participants agreed that the site visits reinforced their need to:

- Be involved in their communities;
- Increase their knowledge about the dynamics of domestic violence, especially batterers' behavior and how that behavior translates and plays out in the judicial system;
- Receive feedback from their consumers; and
- Become familiar with their local resources and know what expertise in domestic violence and child maltreatment they have.

FRIDAY, JULY 12, 2002 – DAY TWO

MEETING OBJECTIVES

- Explore the role and responsibility of the judiciary in the *Greenbook* Initiative and discuss how they impact collaboration and how collaboration impacts the judiciary.
- Foster opportunities for self-reflection, peer-to-peer learning, and action planning.

On the second day participants shared successes, challenges, and goals around their involvement in their local *Greenbook* projects, seeking input from their peers on how to move forward on the latter two. Additionally, participants discussed policy issues that have emerged across the sites.

The participants also identified ways in which being part of the local collaborations has assisted them, including giving them time to think about issues they see every day in their courtroom, forming relationships with those in the domestic violence community, and seeing the bigger picture for families dealing with domestic violence and child maltreatment.

As the day progressed critical areas of practice were discussed and participants shared their experiences.

What is the impact of judicial ethics on collaboration?

- Some judges hide behind ethical precepts, but in some areas the rules have not allowed judges to become involved.
- The days of a judge coming out of his chamber only to hear litigants are gone.
- Judges need clear guidance on the issue of judicial ethics.
- Local discussions have bridged some misunderstanding about the ethical constraints on collaboration and have opened up dialogue between the judiciary and the domestic violence community.
- As partnerships are developing, complex issues are arising around *ex parte* communications. Judges must maintain neutrality.

What can the judiciary do better?

- Lose some of the formality,
- Listen to our partners,
- Reach out to other judicial colleagues,
- Explain the realities of the court system so that partners have reasonable and realistic expectations, and
- Address the training needs of other non-judicial court personnel.

Other issues:

- Some of our partners are in fiscal crisis. We want to support them, and make changes that will not disappear when the money does.
- Collaboration with other systems is not new for the judiciary. However, what is challenging is understanding the judge's role in relation to consumers.
- Judges are being asked to be mini-experts on all subjects related to families.
- How can courts develop partnerships with gatekeepers in ways that promote change?
- What is the court's role in identifying gaps in services and resources in the community and assisting in the development of any needed resources?
- How can courts share information, especially given the confidentiality issues raised around new positions, electronic filing, and shared databases?

What is or would be helpful?

- Opportunities to share experiences. Many judges operate in isolation.
- Guidance as to what comes after domestic violence 101 and 201.
- Information on vicarious trauma.
- Learning what is the real impact of our rulings on families.
- Assistance with assessing institutional and individual bias and developing a better understanding of what cultural competence means.
- Information on best practices regarding court structure – specialized courts vs. unified courts.

ISSUES & TRENDS BREAKOUT SESSIONS

Participants broke out into four groups to discuss the following identified issues and trends:

1. Judicial Ethics

How do judges balance their leadership role with professional constraints? What changes can or should be made on this issue? How can others assist the courts in this issue? What complications and new opportunities arise by participation in the initiative?

Outcomes: The participants recommended that judges educate their partners and the community about their limitations, develop a rationale that links improvements in the administration of justice with judicial participation, and craft a resolution that sets reasonable guidelines for such involvement. The group drafted a resolution that was later presented to and subsequently adopted by the Membership Assembled in Conference at the National Council's 65th Annual Conference.

2. Advocacy

What role do child and domestic violence advocates currently play in local initiatives? What do you need from these professionals? What recommendations can be made in the area of training, screening, resources, etc.? How can judges participate in making these changes? What are some concerns and challenges around adding these players to the current system? How can this be addressed?

Outcomes: Participants discussed current practice concerning the role of domestic violence advocates in court proceedings, the advantages and disadvantages of incorporating domestic violence advocacy into dependency court proceedings, and the significant impact that advocates can have on improving outcomes for battered women and their children.

3. Risk Assessments

How do judges assess whether there is an overlap issue in their courtroom? Is this a proper role for judges to play? What other professions could the judges look to for this information? Why are judges seeking this information themselves? What unintended consequences could there be for judicial screening?

Outcomes: As a result of this discussion, participants mapped out a judicial decision-making matrix for assessing risk in domestic violence cases. They recommended that best practices in this arena include assessing perpetrator lethality, identifying precipitating factors, and documenting the effects on the adult victim and the children who witness. Other issues raised included ethical and evidentiary considerations around judicial involvement in the risk assessment process, and unintended consequences that could lead to an increase in the overrepresentation of children and families.

4. Cultural Competency & Over- and Under-representation

What do these issues actually mean for the court? Are the local initiatives addressing cultural competency and overrepresentation? If yes, is there a connection being made between these issues? What role should the court play? How can judges examine this issue personally as well as systematically?

Outcomes: Participants recommended that courts develop a fairness instruction that is triggered by environmental cues that promote and remind individual judges and other court personnel to use the instruction at each decision-making point. To help address over-and under-representation issues, resources as well as non-systemic responses should be available at initial points of entry. Courts need to create a concierge-type person who is knowledgeable about resources and can assist families in understanding and navigating the court system. Courts need to provide translators who can address both the lingual and ethnographic needs of families.

DEMONSTRATION SITE TEAM WORK

Representatives from each demonstration site described a moment of true realization or enlightenment since beginning this collaborative work, a moment when they saw the local initiative's efforts come to fruition, and a formidable moment when this work presented a significant challenge. Communities then were paired and asked to discuss challenges they face locally and begin to action plan around these challenges.

Some of the strategic areas discussed included:

- Clarification around roles
 - Take responsibility for educating the community and others about the judge's role, including being very specific as to what they can and cannot do;
 - Hear from partner agencies to clarify any misconceptions about their role;
 - Reach out to partner agencies to assist in facing challenges that emerge from participating in the collaboration; and
 - Realize that judges are being asked to step out of their role as fact-finder and become problem-solvers. This transition takes time and requires support, patience and understanding from other system partners.

- Steps that can be taken to support other members of the collaborative
 - Offer assistance and reach out to partners;
 - Be open to addressing more thorny issues;
 - Listen; and
 - Be honest.

- What is meant when we talk about "the court" as a system in this process? For example, who is missing at the table? As judges what can we do to bring them in? What role would judges like these individuals to play?

- Are there power differentials at the collaborative tables? If so, what are a few things that judges can do to address this?
 - Judges need to listen, slow down, and be willing to learn about the other partners, including their strengths, concerns, and limitations.

- What are some things that the collaborative partners can assist judges with in order to have better safety outcomes for battered women and their children?
 - Judicial officers need honest feedback in order to make better decisions as well as information and training on risk assessment, specialized domestic violence units, and funding for court-based services.

Participants were asked to write down three things that they will carry back to their communities/local projects about this meeting.