ANCHORAGE, ALASKA—Strict adherence to the American principle of separation of powers should not stop members of the three branches of state government from coming together to improve child welfare and juvenile justice services to vulnerable children.

That was the feeling at a panel discussion Aug. 13 at the CSG National and CSG West Annual Conference moderated by Nevada Supreme Court Justice Nancy Saitta.

Nan Waller, circuit court judge in Multnomah County, Ore., said much of her most important work is done when she isn’t on the bench.

“I see the time off the bench as valuable to the time on the bench,” she said. “The stakes are too high. We need to all come together and come up with planning that makes sense to children and their families. Judges do have the advantage of when you call a meeting, everyone comes."

Waller said when Multnomah County officials studied the children in the juvenile justice and child welfare systems, they found the agencies were spending tremendous amounts of money with horrific outcomes. In her court, she said, one child had 35 out-of-home placements.

With a grant from the Casey Family Foundation, Oregon officials undertook an initiative to address the disproportionate rate of children of color in the foster care system. Waller said the study found the same disproportionality continued into delinquency, then the juvenile justice system and, ultimately, the prison system.

New wrap-around services for children involved in multiple state systems now focus on coming up with one plan for each child and and even gives them a voice in their own planning.

“Things are looking different for our children and families,” Waller said. “There is less detention. Children aren’t becoming a rolling stone from system to system.”

Steve Teske, chief judge of the Georgia Juvenile Court of Clayton County, said sometimes officials get stuck on the phrase, separation of powers. That’s the wrong focus, he said.

“Until we figure it out, we are going to hate each other,” Teske said. “We go into the blame game. The
children will lose.”

Teske said officials from all three branches of government should start talking about the infrastructure for reform. Too often, he said, reforms are passed and then, after patting themselves on the back, leaders walk away. A diverse commission made up of expert members who are consistently focused on reform may serve states better.

“The purpose is to go year to year,” Teske said. “It never stops looking at the issue.”

Such an infrastructure provides the information necessary for good decisions. Otherwise, Teske said, “good people in a broken system make broken decisions.”

Colorado Rep. Beth McCann, who has worked on children’s issues from the perspective of a prosecutor as well as a legislator, agreed the involvement of all three branches is important. But, she said, there are limits to that involvement.

“Judges can only give factual data,” McCann said. “They can’t opine. Traditionally, judges have not considered it proper to be in the community.”

Legislators also are under political pressure when it comes to juvenile justice, said McCann, and they may not always realize the impact of their bills. She suggested that rather than thinking about being soft or hard on crime, legislators and other officials should be “smart on crime.”

Finally, there is the issue of money. McCann said there was a time in Colorado when legislators were not even allowed to introduce bills that had any fiscal impact.

Hasan Davis, former commissioner of the Kentucky Department of Juvenile Justice, recommended that all parties involved in juvenile reform adopt a vision that children should be safe and supported and provided a path to success. He also asked people to remember that being brought into the criminal justice system should be the last option for children.

“We disconnect children having trouble from all the supports that will help them become responsible adults,” Davis said.

Most kids in the system are low-level offenders, Davis said. If they were adults, they would have been fined and sent home. States should be finding ways to focus on treatment, not punishment, he said.

Saitta echoed the call for more cooperation.

“Talk more amongst yourselves and across lines,” she said. “The bottom line is you have to find a hero in each branch of government. Make sure they are at the table with you.”

Saitta added a special call to action for the judicial branch.

“One thing you are not supposed to be is an activist,” she said. “But we can’t sit back and just call the balls and strikes. We proudly wear the label activist.”
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