

PERSPECTIVE • Feb. 23, 2010

Lack of Training in Juvenile System Risks Accountability

By Eugene Hyman

Juvenile judges represent the face of integrity for the juvenile court system, each with responsibilities that go far beyond being fair, neutral, and impartial.

The juvenile judge is required to hold accountable all who appear before the dependency and delinquency court, not just the juvenile and his or her parents. While the delinquency court is similar to a criminal court with respect to procedural due process, the court is trusted with the rehabilitation responsibilities that are not imposed in the adult criminal system.

Therefore, it is the responsibility of the court, *all* counsel, probation, probate investigators and social services to make sure that children receive the services they need in order to thrive and succeed. The court must be able to find and use all the helpful information available to make a best informed decision whenever possible.

Traditionally, juvenile judges are not involved in the training requirements or other prerequisites of prosecutors, public defenders (or conflict counsel), county counsel, social workers (in dependency) or probation officers. This leaves for the court, predominately, the task of reviewing appointed counsel and perhaps appointed experts, with respect to their qualifications. Rarely, if ever, are any further qualification reviews made. Nor are there any continuing professional education standards set.

This is a serious error that has allowed many who appear before the juvenile court in various roles to escape accountability for shortcomings that negatively impact our juvenile charges.

Rarely is one family in a single division of the court. Criminal, family, probate, dependency, and delinquency courts are frequent destinations. It is obvious that all would benefit by having a single judge adjudicating all cases involving one family. Regrettably, this reform is far off into the future.

In order to minimize harm to the family and the community, the next best plan would be one of collaboration, informed decision making, and consistent action taken by the courts.

This is only possible if each division of the court is made aware of the information contained in other

files of the court and if each judge and participant is able not only to obtain the same reports but have received the appropriate education and training to make informed use of the information. For example, too many prosecutors and defense counsel want to limit their participation in juvenile delinquency court to investigation, preparation, and litigation, and defer to others, such as probation officers or social workers, when the court acquires jurisdiction over a minor and a dispositional decision is needed.

Another example is in family court where a child and his or her family are most likely to be assessed by a family court evaluator who, while educated in child developmental issues, probably has little experience with the criminal, probate, dependency, or delinquency courts. Therefore, they are less likely to be able to utilize information coming from those courts.

A juvenile probation officer in delinquency court is not likely to have much education or experience regarding child developmental issues and is more likely to make dispositional recommendations based upon a preserved need to hold the juvenile accountable. Reports from the family, probate or dependency law divisions of the courts are therefore less likely to be utilized by the probation officer. More and more juvenile probation departments are presently viewing themselves as arms of law enforcement and less as agents of rehabilitation.

A common theme in family and juvenile dependency court is developmental psychology, which is important in custody decisions and in evaluating "best interest of children" recommendations, yet it is rare that attorneys, judges, and probation officers have that knowledge, thereby requiring that more reliance be placed on "experts."

Mental disorders have become more commonly diagnosed in juveniles, yet few understand the commonly prescribed medications and what results may be expected from their use. What kind of dispositional or custody orders are more likely to be most effective or harmful?

Alcohol and other drug abuse issues are frequently present in juvenile, probate, and family law cases, yet frequently those charged with making recommendations to the court do not fully understand best practices in order to address those issues in appropriate orders.

Take one look at our jail and prison population and it becomes obvious that most of those locked-up cannot read. It is therefore incumbent on all appearing in the juvenile courts to be experts on all aspects of educational issues and rights. All too often, no one in court is an expert on this issue and the matter is deferred to the supervising probation officer or social worker to work with the ward/dependent and the school. Without judicial review hearings for accountability purposes of all participants, this issue will not receive the attention it deserves.

Domestic violence related concerns also visit all divisions of the superior court - yet it is rare for the judges and attorneys to undergo specific training as to what danger signs to look for, what are the best evidenced based methods to protect victims and children, and how to hold batterers accountable, even in a non criminal setting.

It is up to the judges, prosecutors, and defense attorneys in delinquency court and dependency court to fully utilize additional information from each other and from the family and probate courts, which is only possible if they have received appropriate training in the different perspectives involved.

In this time of economic calamity, it is too easy to say that there are insufficient resources to provide the necessary training. To give credence to this argument is to abandon the court's responsibility and the responsibility of all who appear before the juvenile court or the other divisions of the court having jurisdiction over children.

Judges are required to be advocates for the juvenile system. They must be creative and secure the required training. Solely basing the ability to obtain educational resources on finding a pot of money is to do an injustice to those most vulnerable.

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