



**RESOLUTION REGARDING THE  
UNIFIED MODEL COURT CONCEPT PAPER  
OF THE NCJFCJ CROSS-OVER COMMITTEE**

WHEREAS, national data and local experience substantiate that an increasing number of youth and their families are simultaneously involved in multiple court cases where the same issues manifest themselves in different arenas; and

WHEREAS, achieving positive outcomes for each child depends on effective intervention in all the underlying issues and success depends upon the effective engagement of agencies and systems that have primary authority and responsibility in each area of need; and

WHEREAS, the committee's goal in the Unified Model Court Concept Paper is for the Council to "lead the charge" in changing the working relationships, culture, and operating environment of the juvenile and in family court and its community partners through judicially-led collaborations; and

WHEREAS, The National Council would do this through training on collaboration and best practices; research and publications on best practice; and facilitating the ongoing cross-system implementation of evidence-based practice through the "Model Court" paradigm; and through other methods outlined in the Concept Paper or developed through this work.

THEREFORE, BE IT RESOLVED, the NCJFCJ Board of Trustees endorses the Cross-Over Committee's Unified Model Court Concept Paper dated July 21, 2009, and supports development of a plan by NCJFCJ management, in consultation with the Cross-Over Committee, to implement where feasible its specific recommendations.

*Adopted by the NCJFCJ Board of Trustees by electronic vote, October 13, 2009.*



NATIONAL COUNCIL OF  
JUVENILE AND FAMILY COURT JUDGES

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**NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES  
CROSS-OVER COMMITTEE**

**Unified Model Court Concept Paper**

July 21, 2009

Statement of the issue:

National data and local experience substantiate that an increasing number of youth and their families are simultaneously involved in multiple court cases where the same issues manifest themselves in different arenas: dependency, delinquency, domestic violence, and family law proceedings. A youth who has been adjudicated delinquent is subsequently removed from the home where he was abused or neglected and placed in foster care. A teenager whose parents are involved in a high-conflict divorce commits an assault at school. A dependent adolescent returns to a home where a protection order is in place against a domestic violence perpetrator who is seeking custody in a divorce case. A dependent teenager living in a group home is charged with criminal damage after putting his fist through a door in anger.

A closer look reveals that many of these cases arise out of common circumstances, which include some combination of the following:

- Families experiencing high conflict
- Parental and/or youth substance abuse
- Parental and/or youth mental illness
- Exposure to domestic violence
- Physical, sexual and/or emotional abuse of youth
- Physical, emotional and/or educational neglect of youth
- Youth with unmet special education needs
- Parents involved in criminal activity and/or incarcerated

Achieving positive outcomes for each child depends on effective intervention in all the underlying issues. Yet courts operating independently on each case are likely to work at cross-purposes with counter-productive results. And, even when judges work together, the collective “court” alone has neither the expertise, nor the authority, nor the resources to achieve the desired outcomes. Success depends upon the effective engagement of agencies and systems external to the court that have primary authority and responsibility in each area of need: schools, child welfare agencies, behavioral health providers, domestic violence advocates, juvenile probation, and the community, among others.

There is currently no one program that will provide all the solutions for all of these youth and their families. Rather, solutions must be developed in each area of need, led by the agency or system having primary responsibility and expertise, and provided in an integrated manner that promotes overall success.

There is no one model for integrated service delivery that will work everywhere. Each jurisdiction has different demographics, laws, rules, institutions, organizational cultures, operating environments and allocations of resources, power and responsibility. The mechanism for effective multi-system response to these complex cases must be tailored through locally-created collaborations involving all relevant community partners.

There are numerous public and private organizations and institutions working to improve court practice in both the juvenile and family law arenas. There appears to be consensus that, in order to achieve better outcomes in these complex cases, courts must work in external collaboration with other community agencies. However, each new initiative uses collaboration as a tool to achieve specific results in clearly defined and time-limited projects, rather than focusing on the importance of the collaboration as a strategy to create better outcomes.

### Collaboration as the Focal Point for Ongoing Reform

The Cross-Over Committee believes that success in these complex cases can only be attained – and maintained – by changing the relationships, culture, and operating environment of the court and its community partners. The Committee believes that the court reform should focus on creating and sustaining an ongoing collaboration whose primary purpose is to operationalize an oxymoron: to institutionalize change. In other words, reform should not be viewed as a time- and goal-limited project, but rather as a continuous process designed to

- Implement evidence-based practice, as we know it and as it evolves, across the spectrum of court and agency practice, tailored to local conditions, resources and constraints;
- Anticipate and jointly plan for changing conditions;
- Provide a coordinated response to unanticipated changes; and
- Engage in ongoing evaluation of effectiveness in achieving positive outcomes.

In order to succeed, the collaboration must operate within the full spectrum between the institutional and line-staff level. Leadership must agree on collaboration as an institutional value and model that behavior through active participation in the collaborative leadership body. Each institutional partner must also incorporate this model into its practice through cross-system training and the development of operational policies and procedures that support and require cross-system collaboration.

### Implications for NCJFCJ

As noted above, virtually every organization working in these fields supports implementing evidence-based practice through multi-system collaborations. While each organization has its strengths, NCJFCJ has consistently demonstrated its unique ability in two areas that have proven highly effective in achieving substantive system reforms:

1. Research and production of user-friendly publications on court-related evidence-based practice (collectively referred to as “Guidelines”), including but not limited to:
  - “RESOURCE GUIDELINES: Improving Court Practice in Child Abuse & Neglect Cases”
  - “Effective Intervention in Domestic Violence and Child Maltreatment Cases: Guidelines for Policy and Practice”
  - “ADOPTION AND PERMANENCY GUIDELINES: Improving Court Practice in Child Abuse and Neglect Cases”
  - “Juvenile Delinquency Guidelines”
  
2. Facilitating the ongoing cross-system implementation of evidence-based practice through the “Model Court” paradigm, characterized by the following:
  - Judicial leadership
  - Creating and sustaining a multi-system collaboration that endorses the relevant Guidelines
  - Training on the Guidelines for both leadership and line staff
  - Engaging in strategic planning
  - Setting annual goals and objectives for system improvement
  - Collecting and analyzing relevant data
  - Ongoing evaluation and reporting

The Committee believes that NCJFCJ should promote a nationwide initiative to adopt the Model Court concept as the most effective means of implementing and sustaining evidence-based practice, improving court practice and achieving successful outcomes for these complex, cross-jurisdictional cases. Equally important, NCJFCJ should emphasize the importance of sustainability and continuity, as conditions in and leadership of courts change over time. The Model Court should be seen as an initiative that promotes collaboration not simply as a concept but rather as an organizational environment that is understood and accepted as “the way we do business.”

Moreover, the Model Court concept should be freed from the artificial constraints of discrete legal subject matters. Instead of placing collaborations in separate silos (dependency, delinquency, domestic violence, or family law), NCJFCJ should encourage jurisdictions to create a collaboration with the breadth and flexibility to view the issues from a global, multi-disciplinary perspective and then prioritize focus areas based on local needs. For example, one jurisdiction could choose to focus initially on expediting dependency cases or identifying cases involving domestic violence, and in subsequent years change the focus to prevent youth from crossing over into the delinquency system. While the substantive law and practice issues will vary, the mechanism for assessment, training, goal-setting, implementation and evaluation remains the same.

The Committee understands that creation of a unified Model Court initiative is inhibited by the nature and constraints of current funding sources. However, there are a number of

steps that NCJFCJ can take to begin the process. The Committee recommends that the Executive Committee endorse and NCJFCJ management implement the following:

**Develop and implement the unified Model Court concept:**

- Promote and support **cross-NCJFCJ Departmental training and collaboration** with a view toward ultimately developing a unified Model Court initiative.
- Support **joint All-Sites Conferences** for current Model Dependency and Delinquency Courts, and encourage those jurisdictions not participating in both projects to fund additional participants working with cross-over issues.
- Work with sites that have engaged in both the Model Dependency and Model Delinquency Court projects to further develop and articulate the unified Model Court concept, illustrating how that concept can evolve to meet local needs and conditions.
- Support cross-site visits for those jurisdictions seeking to better integrate dependency, delinquency, domestic violence, and/or family law practice to those jurisdictions who have implemented successful cross-issue practices.

**Utilize existing funding, and develop new funding sources, to support a unified Model Court:**

- Wherever possible, utilize existing funding to **support joint technical assistance and training from PPCD, JFLD, FV and/or NCJJ for jurisdictions addressing cross-over issues**, in the broadest sense.
- **Develop new funding sources**, both public and private, which support cross-system collaboration, and development of related training and technical assistance resources.
- **Review all current grant awards** funded across NCJFCJ for common areas where work or funds can be coordinated in a more unified manner and request grant monitor authorization to revise project work plans and budgets to reflect these changes.

**Promote broader understanding of cross-over youth and the jurisdictional and system issues presented by these cases:**

- **Offer training at national conferences and support research and publication of articles** in professional journals.
- Support the development, publication and dissemination of **“Family Law Guidelines,”** as recommended by the JFLD Advisory Committee, with cross-Department participation.
- **Work closely with existing funders** to enhance their understanding of the effectiveness of ongoing, multi-system collaborations, and the need for funding that is not artificially restricted to dependency, delinquency, domestic violence, or family law work.