

National Council of Juvenile and Family Court Judges

Key Principles for Permanency Planning for Children

For over 25 years, the National Council of Juvenile and Family Court Judges (NCJFCJ) has been a national leader in the implementation of federal and state laws written on behalf of abused and neglected children and their families. As the nation's oldest judicial membership organization, the National Council has provided training and written materials for thousands of judges in every state in the country.

In January of 1998, the Board of Trustees of the National Council asked its Permanency Planning for Children Advisory Committee to draft a statement of Key Principles for Permanency Planning. The Committee met several times to develop this statement of Key Principles, approved by the NCJFCJ Board of Trustees in July 1999.

1. Child Health and Safety

All children have the right to a healthy and safe childhood in a nurturing, permanent family, or in the closest substitute to a family setting.

Protecting children from abuse and neglect by their parents/caretakers is the primary goal of the child welfare system.

2. Permanency for Children

All children are entitled to a safe, permanent and nurturing home in order to reach their full potential as human beings.

It is preferable that permanency be accomplished within a child's own family, but if that is not possible, it should be accomplished in a family setting.

From the time a child enters the child welfare system, all participants in that system and all levels of the judicial system must strive to achieve permanency for the child.

Judges must do all they can to ensure that children 16 years of age or older receive services to prepare them for independent living, even while planning for adoption or other permanent plan.

3. Family Preservation

Consistent with child safety, families should be preserved, reunified and strengthened so that they can successfully rear their children.

Judges must use their legal authority to ensure that social and protective services are immediately available to families whose children have been placed at risk of abuse or neglect. The services should be easily accessible, adequate, appropriate and delivered in a culturally competent framework.

4. Judicial Leadership

Judges must ensure that the courts they administer provide efficient and timely justice for children and their families.

Judges must ensure that their juvenile and family court system has the capacity to collect, analyze, and report aggregate data

relating to judicial performance, including the timely processing of cases to ensure the achievement of permanency for children who are under court jurisdiction.

Judges must convene and engage the community in meaningful partnerships to promote the safety and permanency of children.

5. Adequate Resources

There must be sufficient resources for the court hearing abuse and neglect cases. These resources include adequate judicial officers, court staff, attorneys and guardians ad litem, technological support and space. In addition, there must be sufficient supportive services for families, including mental health services, counseling, educational/parenting programs, and domestic violence and substance abuse services.

6. Judicial Oversight of Children and Families

Judges must provide oversight of children and families under court jurisdiction to ensure that these children are safe and have a permanent home in a timely fashion and that the parents/caretakers receive due process of law.

Court systems should be organized such that where possible the same judge presides over the entire child welfare case from the shelter hearing through permanency, including any adoption.

Judges must use the full extent of their authority to protect children, to keep them and other family members safe, and to hold accountable those who endanger children and other family members.

Judges must exercise their authority to order state/local agencies to provide reasonable and necessary services to children and families under court jurisdiction to ensure safe, permanent outcomes for children and a fair opportunity for parents to become competent and safe caretakers.

7. Alternative Dispute Resolution Techniques

All juvenile and family court systems should have alternative dispute resolution processes available to the parties. These include family group conferencing, mediation and settlement conferences.

Judges should encourage and support the development and maintenance of alternative dispute resolution processes in their court systems and ensure that they are staffed by qualified, well-trained professionals.

8. Courtroom Civility

Judges should ensure that the courtroom is a place where all who appear are treated with patience, dignity and courtesy.

9. Cultural Sensitivity/Competence

All members of the court system must strive to learn and respect the ethnic and cultural traditions, mores and strengths of those who appear before the court.

To this end, courts must ensure that legal materials for families are available in their native languages, that certified interpreters can assist families throughout the court process and that services are designed with appropriate cultural understanding.

10. Competent & Adequately Compensated Representation

All parties in child welfare proceedings should be adequately represented by well-trained, culturally competent and adequately compensated attorneys and/or guardians ad litem.

State and local governments must provide the financial means to accomplish this principle.

11. Collaboration

The juvenile court must encourage and promote collaboration and mutual respect among all participants in the child welfare system.

The court should regularly convene representatives from all participants in the child welfare system so as to improve the operations of the system.

Judges should convene the community so that professionals, volunteers, agencies and politicians can join together to work on behalf of children and families.

Judges should regularly appear in the community in order to inform the community about children and families in the child welfare system and to develop better working relationships with schools, service organizations, health care providers and volunteers.

Judges should encourage cross-training among all members of the child welfare system.

Judges should encourage the development of volunteer programs, particularly Court Appointed Special Advocate Programs and foster care review boards, to assist children and families within the courts and the child welfare system.

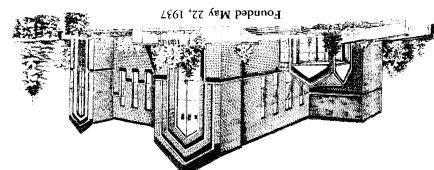
Conclusion: These Key Principles for Permanency Planning must guide the actions of the National Council of Juvenile and Family Court Judges, the Permanency Planning for Children Advisory Committee, and the judges who serve in our nation's courts. These Key Principles should be disseminated to judges and members of juvenile and family court systems throughout the country and should be implemented consistent with the Canons of Judicial Ethics.

For more information about the NCJFCJ Permanency Planning for Children Department, or any aspect of the "Key Principles" guiding department activities, contact the NCJFCJ Permanency Planning for Children Department, Training and Technical Assistance Resource Division, University of Nevada, Reno, P.O. Box 8970, Reno, NV 89507, (775) 327-5300, e-mail: ppp@pppncjfcj.org.

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