

Children in Alaska's Courts

Community Conversations

Sponsored by the Alaska Court System



REPORT ON REGIONAL RECOMMENDATIONS

Children's Justice Community Roundtables & Public Forums

Anchorage, Barrow, Bethel, Fairbanks & Juneau
April-November 2004



Carol Naniruar Oulton's First Grade Class from Ayaprun Elitnavvik School in Bethel performs at the Opening Session of the Bethel *Children in Alaska's Courts* forum.

Children in Alaska's Courts **REPORT ON REGIONAL RECOMMENDATIONS**

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[See Listings in Appendices]**

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Introduction

Each year, thousands of cases affecting Alaska's children are heard in Alaska's courts. Most are divorce or custody cases brought in the wake of family break-up, where courts must decide issues of child custody, visitation, and child support. Others are cases of domestic violence, where similar issues of custody, visitation and support must be decided to protect the welfare of any children involved. Still others are "Child in Need of Aid" cases, designed to protect children who are victims of child abuse or neglect. Finally, many are juvenile delinquency cases, which address acts committed by children that would be crimes if committed by adults.



Bethel Clerk of Court Natalie Alexie, Bethel Chief Deputy Clerk Regina Johnson, Alaska Supreme Court Justice Walter Carpeneti, and 4th Judicial District Presiding Judge Niesje Steinkruger enjoy the opening dance at the Bethel forum with a young guest.

An ongoing goal of the Alaska Court System is to ensure that courts work as effectively and efficiently as possible in cases affecting children. Each day in Alaska's courts, a wide range of individuals, organizations and agencies interact in these cases, in a variety of ways—whether as attorneys or treatment providers, teachers or guardians ad litem. Each day, countless children and families are impacted in some way by the courts' decisions. Meeting the court system's goals of effectiveness and efficiency requires seeking information and input from both groups--those professionally involved in the cases on a day-to-day basis, and those most affected by them.

The *Children in Alaska's Courts* project was born of a desire to seek professional and public feedback on what's working and what isn't in the court system's responses to cases affecting children. Through support from the national State Justice Institute, the Alaska Court System received a grant to conduct five regional forums across Alaska

during 2004. Between April and November 2004, *Children in Alaska's Courts* forums were held in Barrow (April 9), Anchorage (May 19), Juneau (July 12), Fairbanks (September 15) and Bethel (November 10). Each community forum consisted of two parts—(1) a luncheon and early afternoon session of roundtable discussions involving members of the “children’s justice community”—people regularly involved in the cases; and (2) a late afternoon public forum. To ensure statewide court participation and involvement, an Alaska Supreme Court Justice and several statewide and regional court administrators took part in each community’s forum events.



L-R: Anchorage Superior Court Judge Sharon Gleason, 3rd Judicial District Presiding Judge Dan Hensley, and Alaska Supreme Court Justice Dana Fabe attend the Anchorage Public Forum in the Supreme Court Courtroom.

In Anchorage, Bethel, Fairbanks and Juneau, participants from the children’s justice community were divided into four roundtables, each of which focused on one of the following types of cases: Child in Need of Aid, Juvenile Delinquency, Domestic Violence, and Divorce/Custody. In Barrow, which hosted the first forum, roundtables were not divided by case type, and each addressed the same topic: state-tribal relationships in children’s cases. Barrow forum planners chose a different focus because the Native Village of Barrow is one of the few tribes in the state that has successfully petitioned for exclusive jurisdiction over its tribal children in child welfare cases. Also, the four-roundtable format used in other regions was adopted after the Barrow forum took place.

In all communities, each roundtable was asked to identify for their specific case type (1) the strengths of the current system; (2) the challenges or weaknesses of the current system; and (3) potential solutions to problems with the current system that might be feasible for the future. After a period of brainstorming, the roundtables were asked to select the top priorities for each topic. These lists of priorities were collected and conveyed to the public at the beginning of the public forum. Members of the public were then offered the opportunity to comment on the priorities of the children’s justice community, or to offer ideas and recommendations of their own.

Over 300 concerned Alaskans participated in the *Children in Alaska's Courts* forums, and this report collects the many ideas and recommendations that were generated. The

information contained in the following chapters flows from the creative energy, experience and expertise of many people, and is intended as an important resource for future decision-making. The Alaska Court System is pleased to distribute this report to all who participated in the forums, as well as to court officials, agency representatives, legislators, and others who have a role to play in the laws, policies and procedures that affect the welfare of children in our courts.



L-R: Native Village of Barrow Tribal Judges Dorothy Edwardsen and Ellen Sovalik, 2nd District Presiding Judge Michael Jeffery, NVB Tribal Judge Mabel Panigeo, and Alaska Supreme Court Justice Warren Matthews at the Barrow *Children in Alaska's Courts* forum.

Overview of Project Methodology

The *Children in Alaska's Courts* project format helped create an environment conducive to an open exchange of ideas and information, and succeeded in fostering strong community involvement in all regions. Soliciting the views of the children's justice community in the afternoon roundtable sessions helped ensure the receipt of pragmatic information from those most familiar with the justice system. Eliciting public participation and comment during the public forums helped ensure receipt of information from the court-user standpoint. Including judicial officers and court staff as key figures in the process served the dual purpose of educating the public about the court's role in children's cases and educating court personnel about public concerns. Many participants in the forums expressed their appreciation for the opportunity to voice their views, and to hear the views of others, in a constructive, problem-solving manner.

THE VOICE OF THE "CHILDREN'S JUSTICE COMMUNITY"

About 40 members of the "children's justice community" in each regional community were invited to a luncheon and afternoon of roundtable brainstorming sessions designed to identify strengths, challenges, and solutions in the court's responses to cases affecting children. In Barrow, all roundtables focused on the theme *State and Tribal Courts Working Together for the Future of our Children* because of the unique state-tribal relationship in Barrow children's cases. In subsequent forums, four separate roundtables were organized to focus on the four types of cases most likely to affect children: Child in Need of Aid (CINA), Juvenile Delinquency (JD), Domestic Violence (DV), and Divorce/Custody (D/C).

Prospective participants for the roundtables were identified based on their role and experience in cases affecting children. Recommendations were solicited from agency representatives, presiding judges, local judges, and court staff, and invitations and confirmations were generally handled by the project director. Although the roundtables were not always as full and complete as hoped because of scheduling conflicts among prospective participants, most were adequately diverse to ensure that a wide range of perspectives were presented. Lists of roundtable participants for each forum are included in the Appendices.

The agenda for the roundtable sessions was designed to first introduce the statewide court officials and explain the purpose of the gathering. Next, all participants were encouraged to introduce themselves and offer brief remarks, to acquaint people with each other. Even in smaller communities, many people had not met before and were not always aware of each other's programs or role in children's cases. After the introductions to the full group, the sessions broke into the four roundtables divided by case type, for discussions on the three designated topics (strengths, challenges/weaknesses, solutions) and prioritization of their ideas and recommendations for presentation to the public. A sample forum agenda is included in the Appendices.

In each community, participating judicial officers and court staff served as facilitators and reporters for each roundtable. The facilitator's role was to keep discussion flowing, ensure that all participants had the opportunity to speak, and keep the group focused on the brainstorming and prioritizing tasks at hand. The facilitators also "reported out" the roundtable priorities to the public at the beginning of the public forum. The reporter's

role was to write down all ideas and suggestions generated as clearly as possible on large poster sheets, and to record the group's priorities.

THE VOICE OF THE PUBLIC

A public reception was held in each community for one-half hour between the end of the roundtable sessions and the beginning of the public forum. This informal gathering was a key component of the forum format because it gave facilitators and reporters time to finalize the priorities from the roundtable sessions and to post both the brainstorming and priorities lists for viewing at the public forum. The receptions also gave members of the public an opportunity to visit with judicial officers and other members of the children's justice community.

The public forums were generally held in the largest courtroom of each local courthouse—typically the supreme court courtroom. Statewide court officials made introductory remarks, followed by reports by each judicial officer/facilitator on the recommendations from the roundtable groups. After the reporting out, a forum facilitator moderated comments from the audience and the project coordinator wrote them down on poster sheets visible to all. Attendance was fairly strong at the public forums, as follows: Anchorage—55+; Barrow—25; Bethel—65+; Fairbanks—45; and Juneau—35. Public attendees were encouraged to sign in at the forums in order to receive the final project report, and many did so. After each public forum, the lists of brainstorming ideas and priorities from the roundtable sessions, along with all public comments, were transcribed verbatim for this report.

COMPILING THIS REPORT

To ensure the integrity of participants' ideas and suggestions, all roundtable lists and public comments are included here as they were originally recorded, with little or no editing. These include the lists found in: (1) the *Regional Roundtable Priorities* tables for each case type and topic in each of the four main chapters of this report; (2) the *Unprioritized Brainstorming Lists* in the Appendices; and (3) the *Public Comment* lists, also in the Appendices.

Special mention should be made about the Barrow roundtable priorities lists. The Barrow forum followed a unique format that addressed state-tribal relationships generally, not the four specific types of cases that were the focus of later forums. Because the state-tribal issues discussed in Barrow pertain most closely to CINA cases, most of the priorities for the Barrow forum are presented in the Child In Need of Aid section of this report. A few additional Barrow priorities that applied specifically to juvenile delinquency cases are included in the Juvenile Delinquency section of this report. Because of the difference in the way the Barrow forum was organized, there are no Barrow priorities in the Domestic Violence and Divorce/Custody sections of this report, although some of the ideas and recommendations made may still apply to these types of cases.

To help identify issues raised from region to region for each case type and topic, the project coordinator has compiled lists of *Recurring Themes in Regional Roundtable Priorities*, which follow the tables of *Regional Roundtable Priorities* throughout the text. Here, the information from the regional forums is summarized in a manner as true to the

original text as possible, but with some editing. Priorities that address similar themes are grouped, then listed in order of the frequency with which the themes were mentioned. Attribution is made to the regional roundtables from which the priorities arose using the following abbreviations: Anchorage—A; Barrow—Ba; Bethel—Be; Fairbanks—F; and Juneau—J.

The lists of “recurring themes” are intended to highlight topics of common concern across regions of the state. However, these lists should not be interpreted as identifying statewide priorities, since the forums offered no opportunity for statewide prioritization. In addition, the fact that an idea or suggestion was mentioned in only one regional forum doesn’t make it a less important idea—it may simply mean that that it is original and unique.

To help organize regional public comment in a meaningful way, the public comments for each forum were also grouped and summarized by case type and frequency in the lists labeled *Public Comment Summary* that appear in the final section of the text. Again, this was done not to suggest prioritization of ideas and recommendations, because the public forums were not asked to prioritize the concerns and comments raised. Rather, these groupings are intended solely to show where common patterns appear, and to make the information easier to review.

Because the methodology used in the *Children in Alaska’s Courts* forums is new, and designed specifically for this project, the Alaska Court System welcomes feedback and suggestions for improvement. Please forward comments and suggestions to the project coordinator at the following address:

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Using This Report

The *Children in Alaska's Courts* forums were designed to gather as much information as possible in a short time from a diverse group of professionals and members of the public. The project employed a new and unique approach to information-gathering not previously undertaken by the Alaska Court System: the use of informal "community conversations" to capture ideas and suggestions from those most involved in and most affected by specific types of cases. The strength of the project format was its success in bringing large and diverse groups of people together for brainstorming and practical problem-solving. The information generated is useful, timely, and focused on pragmatic concerns.

Throughout the *Children in Alaska's Courts* roundtables and public forums, court officials emphasized that the court's role in the forums was predominantly that of a listener--to hear participant's ideas and recommendations, not to weigh or debate them. Similarly, the goal of gathering the ideas and recommendations into this report is to circulate them widely for further consideration by all concerned, not to evaluate or rank them, or to assess their feasibility. Accordingly, this report should be viewed more as a workbook of practical and timely ideas than as a final action plan. The court system is committed to following up on the *Children in Alaska's Courts* recommendations in a timely and meaningful way. Further review and evaluation of the information presented will be undertaken in the coming months to assess the specific recommendations and determine appropriate actions in response.

In addition to the court's review process, other individuals and agencies are encouraged to review and address the many issues raised by the forums. Many good ideas here do not require statewide court action, or any court action, to implement. Forum participants and community members who receive this report are encouraged to direct their own creative energies to the recommendations made, and to identify ways that everyone can contribute to improved community responses to the needs of our children. The court system is grateful for the energy, enthusiasm and dedication of those who took part in the *Children in Alaska's Courts* project, and to all who use the information presented here to help improve the welfare of Alaska's young people.



Judge Patricia Collins, facilitator of the Juneau Juvenile Delinquency roundtable, hosts discussion on the courthouse plaza.

Regional Roundtables



Bethel Superior Court Judge Leonard Devaney, L, facilitates the Bethel Child in Need of Aid roundtable in his courtroom.



Justice Dana Fabe, 2nd from right, facilitates discussion at the Anchorage Child in Need of Aid roundtable while (L-R) Chad Holt, Private Attorney; Dianne Olsen, Attorney General's Office, and Brenda Aiken, Alaska Court System, observe.

Child in Need of Aid



The Juneau Child in Need of Aid roundtable, facilitated by Presiding Judge Larry Weeks, included, L-R: Le Florendo, Tlingit-Haida Central Council; Robert Meachum, Public Defender Agency; Judge Weeks; Jeannie Hale, Office of Children's Services; Janine Reep (standing), Office of Public Advocacy; Laaree Hugonin, Alaska Network on Domestic Violence & Sexual Assault; Martha Stevens, CINA Mediator; and Jan Rutherford, Attorney General's Office

CINA Strengths

Regional Roundtable Priorities

<p style="text-align: center;"><u><i>Anchorage</i></u></p> <ul style="list-style-type: none"> ▶ Mediation/Family Group Conferencing <ul style="list-style-type: none"> • (Automatic) Settlement Conference (80% success rate) • Availability of Superior Court Judges • Ability of attorney to predict cases that need attention • Preliminary indication by judge <ul style="list-style-type: none"> • Judge's ability to "jump start" process ▶ Institutional Cooperation and Collaboration <ul style="list-style-type: none"> • Parents gather to understand process • Interagency gatherings • CINA Procedure Project • Family to Family – Mt. View Project • Social worker group discussions ▶ Family Care Court 	<p style="text-align: center;"><u><i>Bethel</i></u></p> <ul style="list-style-type: none"> ▶ Children are being placed with relatives and not being removed from their communities ▶ Tribes are successfully intervening in CINA cases; tribes can find good placements and are getting involved ▶ Family group conferencing is strong and mediation is working. They work because they are community-based, in English and Yupik, family centered and respectful of family decisions, and successful in incorporating traditional values into the process.
<p style="text-align: center;"><u><i>Fairbanks</i></u></p> <ul style="list-style-type: none"> ▶ Efficient and effective court procedures, proceedings and decisions are timely <ul style="list-style-type: none"> • Early appointments of attorneys/GALs • File management ▶ Telephonic proceedings, with good technology ▶ Increased respect for solving problems locally and in tribal courts 	<p style="text-align: center;"><u><i>Juneau</i></u></p> <ul style="list-style-type: none"> ▶ Communication/Accessibility <ul style="list-style-type: none"> • Court is receptive to community and practitioners' concerns and adopts methods (brown bags, etc.) to foster ongoing input; judges are caring and committed ▶ Strong Case Management <ul style="list-style-type: none"> • The same judge is assigned throughout a child's case, to both CINA proceedings and any later adoption case • Things stay on track and proceed quickly, with few continuances • Case conferences, status conferences, and "30-day meetings" keep people informed • Calendaring is prompt ▶ Judges have training and experience applying the Indian Child Welfare Act (ICWA); court is receptive to tribal issues

Barrow

- ▶ State & Tribe:
 - Work together & respect each other
- ▶ The Native Village of Barrow [NVB] has:
 - High tribal enrollment
 - Sophistication
 - Conciliatory approach & great credibility with people it serves
 - Good local knowledge and help with placements
 - Respect for state court, attorneys & others involved
- ▶ The State Court:
 - Recognizes tribal court's ability to work directly with families and be respected by them
 - Is flexible and willing to work with NVB agencies
 - Judge Jeffery is a respected authority figure
- ▶ Many agencies:
 - Offer social services
 - Have lots of direct personal contact with tribes & good communication
- ▶ The School District:
 - Has a central record keeper who tracks services to a child, parent or guardian, and helps them access services
- ▶ Existence of Wellness Courts; fosters state/tribal collaboration
- ▶ Court Appointed Special Advocate [CASA] Program
- ▶ Increasing cultural awareness in the community
- ▶ People aren't afraid to talk about their problems & embrace healing

Child in Need of Aid -- Strengths

Recurring Themes in Regional Roundtable Priorities

- **INCREASED TRIBAL INVOLVEMENT IN CINA CASES [4 Regions—Ba, Be, F & J].** Four of the five regional roundtables that addressed CINA cases identified increased tribal involvement as a positive development. The Barrow roundtables focused exclusively on state-tribal relationships and listed a number of strengths, including (1) mutual respect and cooperation between the state court and tribal court, (2) the recognition by the state court that the tribe can work directly with families and be respected by them, and (3) the tribe's credibility with the people it serves, good local knowledge and help with placements. Bethel participants in the CINA roundtable recognized that tribes are successfully intervening and getting involved, and are finding good placements for children that allow them to remain in their communities with relatives. In Fairbanks, participants noted positively the increased respect for solving problems locally and in tribal courts. Finally, the Juneau CINA group identified state court judges' training and experience in applying in the Indian Child Welfare Act as a key strength, along with the court's receptivity to tribal issues.
- **COMMUNICATION, COOPERATION & COLLABORATION [3 Regions—A, Ba & J].** Three regions identified on-going efforts to work together by those involved in CINA cases as a key strength. Anchorage participants identified several initiatives for institutional cooperation and collaboration, including (1) parents gathering to understand the process; (2) interagency gatherings; (3) the CINA procedure project; (4) the Family to Family project in Mountain View; and (6) social worker group discussions. Barrow participants noted improved communication between agencies and tribes as a result of direct personal contact, along with local state court flexibility and willingness to work with tribal agencies. "Working together & respecting each other" was an overarching positive theme. Juneau participants indicated that the state court is receptive to the concerns of practitioners and the community, and adopts methods such as brown-bag lunches to foster ongoing input.
- **MEDIATION & FAMILY GROUP CONFERENCING [2 Regions—A & Be].** The Bethel roundtable indicated that "family group conferencing is strong and mediation is working." These mechanisms work well in CINA cases because they are community-based, bilingual, family-centered and respectful of family decisions. They also succeed in incorporating traditional values into the process. In Anchorage, these methods combined with the availability of superior court judges for automatic and early settlement conferences, have led to successful settlements in 80% of CINA cases referred.
- **STRONG COURT CASE MANAGEMENT [2 Regions—F & J].** Two regions reported that efficient and effective court procedures keep CINA cases moving smoothly and ensure timely decisions. In Fairbanks, early appointments of GALs and attorneys and good file management were key to getting cases underway smoothly. "Brian"—the Fairbanks children's clerk—was cited as a particular strength. In Juneau, positive management steps included: (1) assigning the same judge throughout a child's case—to both CINA proceedings and any later adoption; (2) keeping cases on track and proceeding quickly, with few continuances; (3) holding regular case conferences, status conferences, and "30-day meetings" to keep people informed; and (4) calendaring hearings and trials promptly.

- **FAMILY CARE COURT [1 Region--A].** Anchorage participants identified the new Family Care Court as a promising strength. Applying therapeutic court principles to CINA cases allows parents with substance addiction to focus on sobriety and rehabilitation while working to regain custody of their children.
- **TELEPHONIC PROCEEDINGS [1 Region--F].** According to the Fairbanks CINA roundtable, the availability of telephonic proceedings, and the good technology that allows them to go smoothly, facilitates tribal participation and ensures input from the child's community.
- **COURT APPOINTED SPECIAL ADVOCATE (CASA) PROGRAM [1 Region--Ba].** The development of a local CASA program in Barrow, which will train and oversee special volunteer advocates for children in CINA cases, is an important strength.
- **WELLNESS COURTS [1 Region--Ba].** According to the Barrow roundtables, development of courts that focus on treatment for alcoholic defendants opens the possibility of strong state/tribal collaboration to address the problem of alcohol abuse.



Kathleen Sam and Peter Demosky of the Nulato Tribal Council offered a tribal perspective at the Fairbanks Child in Need of Aid roundtable.

Gina Douville of the Association of Village Council Presidents (AVCP) Tribal Justice Center participates in the prioritization process at the Bethel Child in Need of Aid roundtable.



Child in Need of Aid--Challenges/Weaknesses

Regional Roundtable Priorities

<i>Anchorage</i>	<i>Bethel</i>
<ul style="list-style-type: none">▶ Lack of Resources<ul style="list-style-type: none">• Human Resources<ul style="list-style-type: none">• Turnover OCS Workers<ul style="list-style-type: none">▪ Burnout▪ Stress▪ Multiple caseloads• Lack of specialized training• Underfunded• Timeline to fill positions with new employees• Lack of clerical support• Other:<ul style="list-style-type: none">• Rehab services• Visitation• Attorneys▶ Access to Court/Communication<ul style="list-style-type: none">• Notice to tribes in advance by attorney• Understanding of procedures, terms by non-attorney• Consistency of tribal involvement▶ Response to teenagers<ul style="list-style-type: none">• How to respond• Connection to service providers• Transitional services	<ul style="list-style-type: none">▶ Treatment services necessary to comply with case plan are often unavailable, especially for:<ul style="list-style-type: none">• Juveniles with behavior problems• Those needing residential treatment▶ Court should honor “Children’s Week” and not bump or continue CINA cases. The delays interfere with success of cases; CINA cases are just as important as criminal cases and have comparable timelines and should be given priority because the stakes for the children and families are so high.▶ State-tribal relations sometimes become adversarial because of breakdowns in communication. Direction should be towards cooperation.



Participants in the Anchorage Child in Need of Aid roundtable, L-R: Karen Largent, Alaska Court System Mediation Coordinator; Charlotte Garnand, Cook Inlet Tribal Council; Superior Court Judge Mark Rindner; Pat Hackley, CASA Program; Justice Dana Fabe, Facilitator; Donna Goldsmith, Alaska Inter-Tribal Council; Dianne Olsen, Attorney General's Office; Doris Bergeron, Office of Children's Services; Lisa Nelson, Attorney General's Office; James Parker, Office of Public Advocacy; and Brenda Aiken, Alaska Court System, Reporter.



Superior Court Judge Randy Olsen, left front, facilitates the Fairbanks Child in Need of Aid roundtable as Superior Court Judge Mark Wood makes a point.

Fairbanks

- ▶ Parents find themselves in a confusing process with limited ability to understand the process because of trauma, drugs, alcohol, and other impairments in judgment. Delays in appointment of attorney or guardian ad litem (GAL) can mean no one to talk to for two to three days. Needs to be information available early on. Judges often don't spend enough time addressing parents directly, slowly, and clearly at initial hearing to overcome their confusion and intimidation.
- ▶ State still fights tribal jurisdiction when resources could be spent on other things
- ▶ Early notification of tribes, relatives, parents (especially father) and others doesn't often occur, which leads to cumbersome delays in the process and unnecessary foster placements when relatives are able and willing to care, etc.
- ▶ Need more attention to mental health and developmental delays of kids in custody, which occur in 50% of cases; need earlier overview of developmental disabilities (DD) and intervention

Juneau

- ▶ Phone/Teleconference System – constant problems that erode access to court for hearings, conferences, etc.
- ▶ Tension between federal Adoption and Safe Families Act (ASFA) law and ICWA compliance—AFSA imposes timelines that can undermine or conflict with the need to provide active efforts to reunify parents with their children under ICWA
- ▶ Lack of training and qualifications for Guardians ad Litem (GAL); need for more active GALs in cases
- ▶ Ambiguity and philosophical differences among judges and practitioners about the court's proper role in determining visitation, information gathering, placement decisions, paternity determinations, home studies, etc., and in ensuring parental awareness of the implications of the court's actions

Barrow

- ▶ Lack of sufficient funding & lack of available services
 - Alcohol & FAS assessments are expensive, difficult & delayed
 - Counseling services are needed; especially for stress management
 - E.g., a hotline
 - Inadequate facilities, especially for parents & children who want help
 - Three to six-month wait for services
- ▶ Lack of knowledge & communication among agencies and in the community
 - Lack of training & education for both agencies & community about issues such as mandatory reporting & confidentiality
 - Lack of community understanding and support leads to public venting over decisions and high stress for those making them
 - Too few preventive efforts like “Baby Think It Over” project for teens; “too crisis-driven”
- ▶ Court procedures have “too many layers,” and require a “large learning curve” for agency staff with no/limited court experience
 - The challenge of not having an institutional memory leads to fear
 - Process can cause long delays that are “bad for kids, agencies & families”
- ▶ Jurisdictional uncertainty leads to questions; enforcement options are unclear
- ▶ Lack of local GALs, and lack of funding for GALs to visit and become familiar with the culture
 - GAL qualifications
 - CASA courses and training

Child in Need of Aid--Challenges/Weaknesses

Recurring Themes in Regional Roundtable Priorities

- **TREATMENT SERVICES ARE UNAVAILABLE IN A TIMELY WAY [3 Regions—Ba, Be & J].** Case plans for family reunification almost always include treatment of some kind, yet several regional roundtables identified a lack of appropriate treatment services as a major challenge to timely completion of these plans. Barrow participants cited inadequate services for counseling and for alcohol and Fetal Alcohol Syndrome (FAS) assessments, which lead to delays of 3-6 months for families in crisis. Also, available services are “crisis-driven, not preventive,” with few facilities offering assistance to parents and children who want help on their own. Bethel participants cited a lack of treatment options for juveniles with behavioral problems, or for those needing residential treatment. Juneau participants identified the tension between the federal Adoption and Safe Families Act (ASFA) and the Indian Child Welfare Act (ICWA) as a major challenge. ASFA imposes timelines for reunification that can interfere with the “active efforts” that are required to reunify parents and children under ICWA.
- **STATE-TRIBAL RELATIONSHIPS ARE SOMETIMES ADVERSARIAL OR UNCLEAR [3 Regions—Ba, Be & F].** Three regional roundtables identified uncertainty and tension in state-tribal relationships as a challenge in CINA cases. The Barrow region cited “jurisdictional uncertainty” in cases involving tribal children as an ongoing source of questions. Bethel participants observed that relationships can become strained by lack of communication, and the focus can shift away from cooperation. In Fairbanks, roundtable participants identified state challenges of tribal jurisdiction as a concern, when “resources could be spent on other things.”
- **LACK OF UNDERSTANDING OF THE CINA PROCESS [3 Regions—A, Ba & F].** Several regions identified a lack of public understanding of the CINA process as a serious challenge. Anchorage participants noted the difficulty faced by non-attorneys in understanding court procedures as a key weakness in court access and communication. Barrow roundtables cited the lack of community understanding and support as a serious impediment that leads to highly stressful situations for those involved in child protection. This is compounded by a lack of education and training for agencies and community members on issues such as mandatory reporting and confidentiality, and a lack of communication between agencies about procedures and resources. Barrow also noted that child protection workers themselves often have limited court experience, and fear the process because there is a “large learning curve” and no institutional memory of procedures. Fairbanks participants noted that parents in CINA cases find themselves in a crisis with little ability to understand what’s happening because of trauma, drugs, alcohol, and other impairments in judgment that led to CINA intervention. Delays in the appointment of attorneys or GALs can mean no one to help explain the situation for several days. Also, judges are not always mindful of the need to speak to parents—slowly and directly—during the initial court hearings, to overcome their confusion and intimidation.
- **NEED FOR MORE LOCAL GUARDIANS AD LITEM (GALs) & GAL QUALIFICATIONS & TRAINING [2 Regions—Ba & J].** Two regions identified a need for more active and qualified GALs. Barrow participants cited a lack of *local* GALs in many communities, which means they don’t visit very often or become familiar with local culture; Juneau participants cited a need for more active GALs in cases there. Both Barrow and Juneau sessions cited a lack of training and qualifications for GALs as a significant challenge in CINA cases.

- **DELAYED NOTICES TO TRIBES, RELATIVES, ABSENT PARENTS & OTHERS [2 Regions—A & F].** The two most urban regions identified the need for earlier notice to tribes as a key challenge. Anchorage participants identified the tribal notice issue as a significant aspect of the problem with court access and communication in CINA cases. Fairbanks participants stressed the need for earlier notification of tribes, relatives, parents and others, to avoid “cumbersome delays in the process and unnecessary foster placements when relatives are able and willing to care (for the child).”
- **LACK OF AGENCY RESOURCES & FUNDING [2 Regions—A & Ba].** The Anchorage regional roundtable cited a lack of resources for the Office of Children’s Services as the foremost challenge. Human resource limitations included (1) high staff turnover because of burnout, stress, and multiple caseloads; (2) lack of specialized training; (3) lack of funding; (4) long vacancies in staff positions; and (5) lack of clerical support. Other limited resources cited included rehabilitative services, visitation services, and attorney services. Barrow roundtables also identified a lack of sufficient funding as a weakness in the system, along with human resource issues such as inexperienced staff.
- **AVOIDABLE DELAYS IN HEARINGS & TRIALS [2 Regions—Ba & Be].** Delays in the resolution of children’s cases are “bad for kids, agencies and families” according to Barrow roundtable participants. According to Bethel participants, the practice of “bumping” children’s cases to accommodate criminal cases can interfere with the success of the case plan. In their view, CINA cases have statutory deadlines that are as important as those in criminal cases, and CINA cases should be given priority because the stakes for children and their families are so high.
- **AMBIGUITY IN COURT’S ROLE [1 Region--J].** According to the Juneau roundtable, philosophical differences exist among judges and practitioners about the court’s proper role in overseeing the actions of the Office of Children’s Services. Some argue that the court role is limited to making the specific legal findings required by state and federal law, while others advocate a broader role that encompasses directives about information gathering, visitation, placement, paternity determinations, home studies, etc. This tension fosters disputes that can be costly in time and human resources.
- **INADEQUATE ATTENTION TO MENTAL HEALTH AND DEVELOPMENTAL DELAYS [1 Region--F].** According to the Fairbanks roundtable, children in state custody are not always screened in a timely way for mental health needs or developmental delays, yet these delays are found in over 50% of the children involved in CINA cases. Delays in screening mean delays in providing treatment and assistance.
- **INADEQUATE RESPONSE TO TEENAGERS LEAVING CUSTODY [1 Region--A].** According to the Anchorage roundtable, the CINA system does not adequately respond to the needs of teenagers leaving state custody. More effort is needed to offer transitional services and connect them to service providers.
- **POOR TELECONFERENCING SYSTEM [1 Region--J].** Juneau roundtable participants identified the lack of an adequate phone system as a constant source of problems. Poor teleconferencing facilities have eroded access to court for hearings and case conferences, which in turn have delayed action and progress.

Child In Need of Aid--Solutions

Regional Roundtable Priorities

<u><i>Anchorage</i></u>	<u><i>Bethel</i></u>
<ul style="list-style-type: none">▶ Teenagers<ul style="list-style-type: none">• Earlier court review and directive to assist transition out of O.C.S.• Specialization of social workers to work with teens ▶ Resources<ul style="list-style-type: none">• Increase funding (\$)<ul style="list-style-type: none">- OCS staff (clerical) to “free up” Social Worker and “speed up” discovery- Attorneys- Mediation/Family Group Conferencing- Specialized training/networking- Social Workers- Increase resources for:<ul style="list-style-type: none">▫ Residential and Outpatient treatment▫ Beds▫ Culturally relevant treatment• Increase volunteers (CASA model) for childcare, mentoring, transportation, etc.• Greater state recognition of available tribal resources ▶ Access/Communication<ul style="list-style-type: none">• Preprinted form filled out in court → Permanency Hearing Calendaring Orders sent to intervening Tribes• Technology to Improve Access.<ul style="list-style-type: none">- Multi-line phone system (Kenai Model)- Improved conference call• Notice to tribe<ul style="list-style-type: none">- Court contact number other than voice mail (Judge provide in scheduling)- Court sends written notice• Update/Distribute CINA material• Develop and require viewing by parents of explanatory CD/Video (SJL Grant?)	<ul style="list-style-type: none">▶ Preserve “Children’s Week” ▶ Explain things better to parents; develop materials in Yupik ▶ Include children who are old enough in the court process and decision making ▶ Make sure that planning for village services includes more Native people

Fairbanks

- ▶ Specialized Family Court
 - Greater judicial expertise on issues
 - Greater efficiency/smooth procedures
 - More accessibility

- ▶ Support Tribal Child Protection Efforts
 - Provide more support for the tribal role in CINA work; if a tribe wants to handle a case, it should be able to
 - Foster cross training between tribal social workers and Office of Children's Services (OCS) social workers on their respective roles in child protection

- ▶ More information for parents, to address confusion and alienation, and more time by judges explaining the situation directly to parents, in non-legal terms, in court. Direct eye-to-eye contact with parents helps greatly. Other educational efforts should also be pursued.

Juneau

- ▶ Confirm plan and funding (2005) for phone/teleconferencing system

- ▶ Promote closer court review of active efforts at all critical stages of a CINA case, such as requiring statements on the record of specific efforts made and ensuring that judicial officers detail specific efforts in court orders; increase support and funding for programs and services such as treatment and supervised visitation

- ▶ Consider a joint court/Office of Public Advocacy project (grant) to develop standards and provide GAL training and qualifications/oversight

- ▶ Refer the issue of ambiguity in the court's role to the CINA Court Improvement Project (CIP) and the CINA Rules Committee, and recommend that 1st District Judges consider a pilot project to address this and reach consensus where appropriate



Janine Reep of the Office of Public Advocacy, R, raises an issue while Jeannie Hale of OCS and Robert Meachum of the Public Defender listen at the Juneau Child in Need of Aid roundtable.

Magistrate Katherine Bachelder of the Alaska Court System confers with Jennifer Reynolds of the Office of Children's Services at the Fairbanks Child in Need of Aid roundtable.



Barrow

- ▶ Foster openness & opportunities to communicate
 - Continue & expand existing entities such as the Legal Providers meetings at the Law Library (hosted by the state court) and the Wellness Coalition
 - Use tribal approach of inviting a wide circle of people (teachers, etc.) to learn all issues affecting a child
 - Improve coordination across disciplines through improved use of email and technology; establish protocols for exchanging information and records
 - Hold roundtables of court and agency personnel twice annually to clarify and learn what NVB (Native Village of Barrow) does & what the state court does; regularly address changes in service parameters
 - Develop a cheat sheet on procedures in both state and tribal courts
 - Improve follow-up and feedback on cases between courts and agencies
- ▶ State agencies and tribes can work together on a model agreement for foster parent coverage and cooperation
 - Can use the “welfare pass-through” process as a model
 - Federal funds to the state can be “passed through” to groups without a direct government-to-government relationship
 - NVB can use a “state package” to qualify foster parents
- ▶ Community Outreach
 - Monthly “emails” on issues
 - Focus on youth who were in the system, role of child welfare worker, etc.
- ▶ Address lack of counseling services by investigating local/traditional counselors
 - Pursue state certification of traditional counselors
 - Recognize the therapeutic value of traditional and cultural values & skills
- ▶ Support the Alliance for the Mentally Ill



Native Village of Barrow participants in the *Children in Alaska's Courts* forum, from L-R:
Back Row: Tribal Judge Ellen Sovalik, Social Services Worker Louisa Riley, Tribal Judge Dorothy Edwardsen; Executive Director Elsie Itta.
Front Row: Marjorie Solomon; Social Services Director Dorcas Stein, Tribal Judge Mabel Panigeo.

Child in Need of Aid -- Solutions

Recurring Themes in Regional Roundtable Priorities

- **SUPPORT TRIBAL CHILD PROTECTION EFFORTS [3 Regions—A, Ba, F].** Several regions recommended that the state support the role of tribes in child protection cases. Anchorage suggested “greater state recognition of available tribal resources.” Barrow offered many specific recommendations, including (1) using a “tribal approach” in CINA cases that includes a wide circle of people (teachers, etc.) who are familiar with a child; (2) developing “cheat sheets” on state and tribal court procedures; (3) sponsoring roundtables twice annually to help tribal and state courts learn what each does; and (4) investigating ways for the state and tribes to work together to arrange financial coverage for tribal foster parents. Fairbanks participants recommended providing more support to the tribal role in CINA cases, and specifically suggested that “if a tribe wants to handle a case, it should be able to.” The Fairbanks group also suggested more cross-training programs for tribal and state social workers, so each understands their respective roles in child protection.
- **DEVELOP MORE INFORMATIONAL MATERIALS FOR PARENTS [3 Regions—A, Be, F].** Several roundtables urged the court to undertake educational efforts to help parents understand what happens in a CINA case, and to address the confusion and alienation they encounter. Anchorage participants recommended a video on the process that could be required viewing for parents in CINA cases, as well as updates to the court’s public information materials on the CINA process. Bethel recommended “explain(ing) things better to parents; develop materials in Yupik.” Fairbanks suggested educational efforts to provide more information for parents, including direct explanations of the process by judicial officers in court—slowly, in non-legal terms, and with “eye-to-eye contact.”
- **FOSTER ACCESS, COMMUNICATION & COORDINATION [3 Regions—A, Ba & J].** Several roundtables recommended that the court system examine ways to improve court access and communication in CINA cases. Anchorage participants recommended: (1) pre-printed forms to be filled out and distributed in court at the earliest possible stage that identify court dates through the permanency hearing and are sent to intervening tribes; (2) technology to improve access, such as a multi-line phone system and increased conference-calling capacity; and (3) notices to the tribes that include a court contact number other than voice mail and are sent directly by the court. Barrow echoed the recommendation for increased use of communication technology to improve coordination across disciplines, and the development of protocols for email and other technologies that would permit exchanges of confidential information such as school and health records. Barrow participants also recommended the continuation and expansion of existing interagency groups, such as the Barrow Wellness Coalition and Legal Providers, and urged improvements in the follow-up and feedback on cases between courts and agencies. Juneau urged the court system to follow through with plans for an improved phone and teleconferencing system.
- **EXPAND AVAILABLE RESOURCES [2 Regions—A & J].** Lack of resources for a variety of services often hampers progress in CINA cases. The Anchorage roundtable recommended a three-part strategy to address these shortfalls: (1) increase funding for core services such as OCS clerical staff, attorneys, mediation/family group conferencing, specialized training & networking, and social workers, and increase resources for “residential and outpatient treatment, beds, and culturally relevant treatment;” (2) increase

the use of volunteers for such services as child care, mentoring, and transportation; and (3) foster greater recognition and use of tribal resources. Juneau participants echoed these ideas more generally by recommending increased support and funding for services such as treatment and supervised visitation.

- **DEVELOP SPECIAL PROTOCOLS FOR TEENAGERS [2 Regions—A & Be].** Both Anchorage and Bethel roundtables identified gaps in services to older children and teenagers in CINA cases. Anchorage participants suggested that earlier court review occur for teenagers about to transition out of state custody, to ensure that the case plan addresses their special needs. Also, social workers should be trained to specialize in working with teens. Bethel participants recommended that “children who are old enough” should be allowed to participate in the CINA court process and decision-making.
- **CONDUCT COMMUNITY OUTREACH ON CINA ISSUES [2 Regions—Ba & Be].** Two regions recommended more community outreach about CINA cases. Barrow suggested fostering openness and opportunities to communicate by such steps as: (1) monthly emails about particular issues of interest; (2) inviting youth who were in the system and are now adults to relay their stories; (3) explaining the role of child welfare workers, and (4) focusing on “how to stay out of the system.” Bethel participants endorsed the idea of making sure that planning for village services includes more Native people.
- **ESTABLISH A SPECIALIZED FAMILY COURT [1 Region—F].** Fairbanks participants suggest that a court devoted to family cases such as CINA would foster greater judicial expertise on the issues, greater efficiency in court procedures, and more accessibility.
- **PRESERVE “CHILDREN’S WEEK” [1 Region—Be].** The practice of setting aside one week each month for children’s cases has worked well in Bethel to ensure timely and efficient resolution of cases. Agencies, attorneys, parties and the court can focus their attention, travel is minimized, and consistency is assured. “Children’s Week” should not be “bumped” to accommodate criminal cases except in extraordinary circumstances.
- **CONSIDER JOINT COURT/OPA GUARDIAN AD LITEM [GAL] PROJECT [1 Region--A].** Anchorage participants recommended that the court system and the Office of Public Advocacy work jointly to pursue grant funding or other resources to establish consistent GAL qualifications and ensure adequate GAL training.
- **RESOLVE AMBIGUITY IN JUDGE’S ROLE [1 Region--J].** Juneau participants suggest that the issue of whether the state court judge may direct agency action in a CINA case, or must instead defer to agency action and limit the judicial role to making findings required by law, be referred to the CINA Court Improvement Project (CIP) and the CINA Rules Committee. They also recommend that the judges in the 1st Judicial District (Southeast) consider a pilot project to address the issue.



Children's Court Master William Hitchcock emphasizes a point at the Anchorage Juvenile Delinquency roundtable. L-R: Karen Hawkins, Attorney General's Office; Linda Moffitt, Division of Juvenile Justice; Master Hitchcock; Stephanie Cole, Administrative Director, Alaska Court System; and Lt. Gardner Cobb, Anchorage Police Department.

Juvenile Delinquency



Bernard Gatewood, Superintendent of the Fairbanks Youth Facility, introduces himself at the beginning of the Fairbanks roundtable session, which was held in the jury assembly room of the Rabinowitz Courthouse.

Juvenile Delinquency--Strengths

Regional Roundtable Priorities

<p style="text-align: center;"><u>Anchorage</u></p> <ul style="list-style-type: none"> ▶ Collaboration – Long-standing effort to ensure regular interagency contact and communication; several existing effective programs ▶ Dedicated Children’s Court – Experienced judicial staff; aware of broader issues; open to change; resource to JJ community ▶ Early Intervention – Commitment in community to addressing the “small stuff” and avoiding court (i.e. extensive diversion opportunities) 	<p style="text-align: center;"><u>Bethel</u></p> <ul style="list-style-type: none"> ▶ Focused and dedicated personnel/players ▶ Non-adversarial approach; informal ▶ Resources available within community ▶ Restorative approach in treatment and culturally sensitive
<p style="text-align: center;"><u>Fairbanks</u></p> <ul style="list-style-type: none"> ▶ Non-adversarial primary approach ▶ Alternate avenues - e.g., Youth Court Program ▶ Dedicated personnel/players e.g., Mental Health Probation Officer ▶ Coordination with schools after system involvement 	<p style="text-align: center;"><u>Juneau</u></p> <ul style="list-style-type: none"> ▶ Creativity in finding services <ul style="list-style-type: none"> • DIVERSION/Restorative justice • Graduated response to offenders • Alternatives to lock-up ▶ Access to the court <ul style="list-style-type: none"> • Ensuring prompt hearings • Due process, good representation ▶ Youth Court ▶ Communication <ul style="list-style-type: none"> • Court to agencies • Inter-agency • Judges helping to facilitate communication

Barrow

- ▶ The state and tribal courts have an open relationship and a shared vision, and work together on behalf of kids. Some examples include:
 - Truancy cases: The Native Village of Barrow, the North Slope Borough Public Safety Department, the school district, and the state courts have identified truancy cases as critical to the community. They have worked together to hold kids and families accountable through weekly truancy hearings in state court.
 - Minor Consuming Alcohol cases: state and tribal courts are addressing ways to ensure more accountability in MCA cases.

- ▶ The existence of Wellness Courts provides a good opportunity for state-tribal collaboration

- ▶ *[For other strengths in state-tribal relationships that may pertain to juvenile delinquency, please see the Barrow lists in the Child in Need of Aid chapter.]*



Bethel Magistrate Ana Hoffman, L, visits with Katherine Amik of Napaskiak Tribal Court during a break in the Bethel Juvenile Delinquency roundtable session.

Juvenile Delinquency—Strengths

Recurring Themes in Regional Roundtable Priorities

- **DIVERSION PROGRAMS & EARLY INTERVENTION [3 Regions—A, F & J].** Several communities stressed the importance of early intervention and diversion programs. Anchorage participants cited community commitment to addressing the “small stuff” without court through extensive diversion opportunities as a top strength of the current system. Fairbanks and Juneau both specifically cited the importance of Youth Court. In addition, Juneau participants identified “creativity in finding services” for diversion and restorative justice, graduated responses to offenders, and alternatives to lock-up as key strengths.
- **DEDICATED & FOCUSED PERSONNEL [3 Regions—A, Be & F].** Two roundtables cited specialized and focused personnel as important strengths. In Anchorage, the dedicated Children’s Court, with a full-time Master devoted to CINA and delinquency cases, was viewed as a strong resource. Fairbanks participants gave positive marks to dedicated personnel such as the Mental Health Probation Officer. In Bethel, participants referred to “focused and dedicated personnel/players” as the greatest strength of the system.
- **COMMUNICATION & COLLABORATION [3 Regions—A, Ba & J]** The Anchorage, Barrow and Juneau roundtables identified regular contact and communication between those involved in juvenile delinquency cases as positive developments. Anchorage cited “several existing effective programs” for interagency collaboration, and Juneau specifically cited judicial efforts to facilitate communication between the courts and agencies involved. Barrow noted the “open relationship and shared vision” between state and tribal courts and agencies.
- **NON-ADVERSARIAL APPROACH [2 Regions—Be & F].** Juvenile delinquency cases are typically handled more informally and less confrontationally than criminal cases, with a focus on restorative justice principles. Both Bethel and Fairbanks participants cited this non-adversarial approach as a key strength of the system.
- **ACCESS TO THE COURT [1 Region—J].** Juneau participants identified prompt hearings, good representation, and due process in juvenile delinquency cases as top strengths.
- **RESOURCES AVAILABLE IN THE COMMUNITY [1 Region—Be].** Bethel identified the availability of resources within the community, including treatment resources that take a restorative, culturally sensitive approach, as a key strength.
- **COORDINATION WITH SCHOOLS AFTER SYSTEM INVOLVEMENT [1 Region—F].** Fairbanks recognized that schools play an important and positive role in working with young people after their involvement in the juvenile delinquency system.

Juvenile Delinquency Challenges/Weaknesses

Regional Roundtable Priorities

<p style="text-align: center;"><u>Anchorage</u></p> <ul style="list-style-type: none"> ▶ Lack of Public Understanding of Juvenile System; perception that there are few, if any, consequences ▶ Facility and Space Issues – Lack of courthouse space for parties and victims; distance from security, inefficiencies and communication difficulties ▶ Court Process Issues – Case management changes have caused problems tracking kids and cases; time allotted for proceedings inadequate; trial scheduling improvements needed 	<p style="text-align: center;"><u>Bethel</u></p> <ul style="list-style-type: none"> ▶ Waiting for someone else, or the system, to solve problems or meet individual needs ▶ Only one detention facility for region (in Bethel); limits parent access; geographic challenge ▶ Lack of awareness of preventive services in some communities in region
<p style="text-align: center;"><u>Fairbanks</u></p> <ul style="list-style-type: none"> ▶ Lack of funding for preventive services <ul style="list-style-type: none"> • Lack of resources geared towards special populations • Lack of long-term treatment modalities • Lack of public awareness of available services ▶ Communication from schools to system players <ul style="list-style-type: none"> • Zero tolerance vs. treatment • Suspension exclusion with no alternative ▶ Public exposure of juveniles (in-custody) <ul style="list-style-type: none"> • Lack of court commitment to mental health court • Prosecution by District Attorneys vs. Attorney Generals • Charging delay • Over zealousness • Lack of training on differentiation ▶ Runaways 	<p style="text-align: center;"><u>Juneau</u></p> <ul style="list-style-type: none"> ▶ Confidentiality. Lack of record privacy results in delays in treatment or no treatment (i.e. therapy, etc....may come back to haunt them as adults in felony cases) <ul style="list-style-type: none"> • Entire child protection file available to adult probation ▶ Finding ways to address Juvenile Delinquent cases in RURAL COMMUNITIES <ul style="list-style-type: none"> • Limited contact with minor <ul style="list-style-type: none"> - Probation - Attorney - Judge • Tough to enforce in rural village <ul style="list-style-type: none"> - Limited supervision ▶ Lack of tribal involvement ▶ Failure of Office of Children's Services to intervene when necessary and failure to communicate with Juvenile Probation and schools ▶ Lack of foster placement and foster care coordination

Barrow

- ▶ *[There were no challenges/weaknesses in state-tribal relationships offered at the Barrow roundtables that were specific to juvenile delinquency cases. However, for other challenges/weaknesses from the roundtables that may pertain to juvenile delinquency, please see the Barrow lists in the Child in Need of Aid chapter.]*



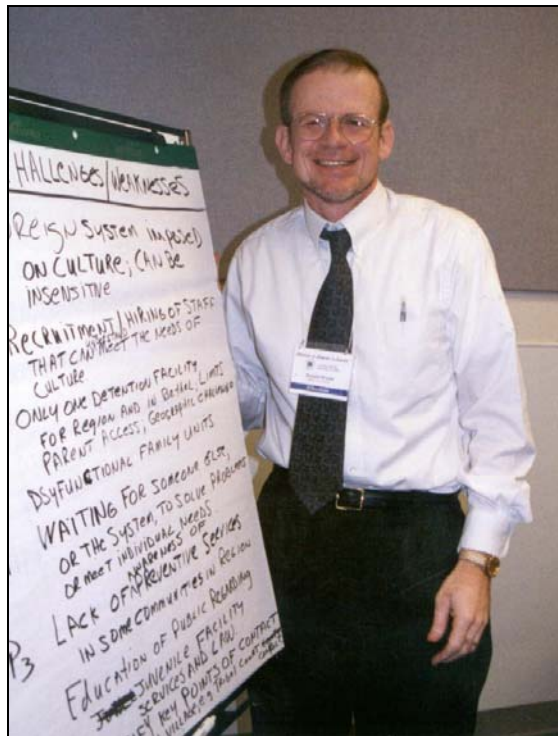
Roundtable participants at the Barrow *Children in Alaska's Courts* program.

Juvenile Delinquency Challenges/Weaknesses

Recurring Themes in Regional Roundtable Priorities

- **SERVING RURAL COMMUNITIES [2 Regions—Be & J].** Two roundtables identified problems serving rural communities as major challenges in juvenile delinquency cases. The Bethel roundtable suggested that “waiting for someone else, or the system, to solve problems or meet individual needs” is a weakness in many communities. Also, having only one detention facility in Bethel takes juvenile offenders out of their villages, and geographical distances limit parental access during periods of detention. Juneau participants listed several factors that need to be addressed in rural areas, including (1) limited contact with the minor by probation officers, attorneys and judges; and (2) difficulty enforcing state court orders in villages, where supervision is limited. Juneau also cited a lack of tribal involvement in juvenile delinquency cases as a major weakness.
- **LACK OF EARLY SOCIAL SERVICES INTERVENTION [2 Regions—B & J].** Two roundtable groups flagged as a prime challenge the lack of early intervention for at-risk youth through schools and social services. Fairbanks cited the lack of communication from schools to “system players” when youth get into trouble, and the policies of “zero tolerance vs. treatment” and “suspension exclusion with no alternative.” Juneau cited the failure of the Office of Children’s Services to intervene when necessary or communicate with Juvenile Probation and schools.
- **LACK OF AWARENESS OF PREVENTIVE SERVICES [2 Regions—Be & F].** Two regions cited a lack of public awareness about preventive services as a weakness in the juvenile justice system. Bethel suggested that some communities do not know what’s available to assist at-risk youth. Fairbanks cited a lack of funding for preventive services generally, which leads to a lack of resources for special populations and long-term treatment modalities, in addition to contributing to low public awareness.
- **PUBLIC EXPOSURE & LACK OF CONFIDENTIALITY [2 Regions—F & J].** The Fairbanks roundtable identified the public exposure of juveniles in custody as a significant problem, and listed the following as contributing factors: (1) lack of court commitment to a mental health court; (2) prosecutions handled by the District Attorney’s office instead of the Attorney General’s office; (3) charging delays; (4) overzealousness; and (5) lack of training on differentiation. The Juneau roundtable identified threats to the confidentiality of juvenile delinquency records as the most serious challenge. The lack of record privacy can lead to delays in treatment or no treatment, since therapy can “come back to haunt them” as adults in felony cases, when the entire child protection file is available to adult probation officials.
- **LACK OF PUBLIC UNDERSTANDING OF THE JUVENILE SYSTEM [1 Region—A].** In Anchorage, participants agreed that a lack of public awareness and understanding about what happens in the juvenile system has led to a perception that juvenile delinquents are not held accountable for their actions, which in turn erodes needed public support.
- **LACK OF COURTHOUSE SPACE [1 Region—A].** In Anchorage juvenile delinquency cases, inadequate space for parties and victims—spread over two floors—has led to inefficiencies and communication difficulties, and the distance from security has led to safety issues.

- **COURT PROCESS PROBLEMS [1 Region—A].** Several problems with court procedures were identified as key challenges by the Anchorage roundtable, including (1) case management changes that make it harder to track kids and cases; (2) inadequate time allotted for proceedings, which causes them to be too spread out; and (3) trial scheduling difficulties.
- **RUNAWAYS [1 Region—F].** Fairbanks identified “runaways” as a problem population that the current system doesn’t well address.
- **LACK OF FOSTER PLACEMENTS [1 Region—J].** Juneau participants identified the lack of foster placements and of foster care coordination as a significant problem.



Ron Woods, Area Court Administrator for the 4th Judicial District, serves as the reporter for the Bethel Juvenile Delinquency roundtable.

Juvenile Delinquency--Solutions

Regional Roundtable Priorities

<p style="text-align: center;"><u>Anchorage</u></p> <ul style="list-style-type: none"> ▶ Foster public education about how the juvenile justice system operates; pursue studies (e.g., Alaska Judicial Council) on outcomes of cases; develop and publish statistics on outcomes; add a “customer satisfaction” component; emphasize youth role in making the system work (youth courts, etc.) ▶ Redesign Facilities – Eliminate separate floors for children’s court; expand private space for attorneys, parties and victims ▶ Improve Court Process (trial scheduling, arraignment problems, lack of time for proceedings, long duration of restitution matters) by reconstituting juvenile justice interagency case management meetings, including victims groups (VFJ, DVR) 	<p style="text-align: center;"><u>Bethel</u></p> <ul style="list-style-type: none"> ▶ Identify and motivate local resources and do better at utilizing them; e.g., Napaskiak Trial Court ▶ Hold more court hearings in villages
<p style="text-align: center;"><u>Fairbanks</u></p> <ul style="list-style-type: none"> ▶ Executive/Legislative commitment to prevention vs. punishment ▶ Regarding funding, this state has money; act like it! <ul style="list-style-type: none"> • In-state, long-term psychological services (same for Fetal Alcohol Syndrome) • Funded local substance abuse treatment for juveniles • Greater involvement/presence of rural families (video link) • Family ordered participation in treatment • Transitional programs for aging-out JDs • Adapt to all forms of family units ▶ Early assessment/receptiveness to social services delivered within school system ▶ Real Mental Health Court in Fairbanks ▶ One family, one judge, in all matters 	<p style="text-align: center;"><u>Juneau</u></p> <ul style="list-style-type: none"> ▶ Confidentiality <ul style="list-style-type: none"> • Legislative change or alternate to court process ▶ Rural communities: <ul style="list-style-type: none"> • More personal contact • Appoint local Magistrates as Special Masters • More in-person hearings • Regular scheduled visits to rural courts • Notification to tribe of delinquency proceedings • Tribal courts/Healing and Wellness Courts/Youth Courts ▶ Enhanced tribal involvement. <ul style="list-style-type: none"> • Tribal representation at hearings (parallel to CINA approach) ▶ Office of Children’s Services – greater involvement; restructuring; more resources ▶ Increase foster placement options <ul style="list-style-type: none"> • Encourage statewide information center regarding foster placement resources

Barrow

- ▶ Agencies and courts should be proactive to solve the community's problems and take responsibility to move things along. A good example is the combined effort to address truancy, which has entailed:
 - Commitments by the school district, police department, tribe, & court
 - Lots of investment and cooperative effort
 - Three teachers for each weekly court calendar
 - Recognition that the short-term investment will lead to long-term gain
 - Full community support

- ▶ *[For other solutions in state-tribal relationships that may pertain to juvenile delinquency, please see the Barrow lists in the Child in Need of Aid chapter.]*

Elsie Itta, Executive Director, Native Village of Barrow; Penney Kennedy, Division of Juvenile Justice; & Jackie Ward, North Slope Borough, discuss the relationship between state and tribal courts at the Barrow roundtables.



Juvenile Delinquency--Solutions

Recurring Themes in Regional Roundtable Priorities

- **IMPROVE SERVICES TO RURAL COMMUNITIES [3 Regions—Be, F, J].** A variety of suggestions were made to better serve rural villages. In Bethel, these included (1) identifying and motivating local resources such as tribal courts, and doing a better job at utilizing them; and (2) holding more state court hearings in villages. Fairbanks recommended fostering the involvement and presence of rural families through such means as video links. Juneau suggested (1) more personal contact with rural communities; (2) appointing more local magistrates as special masters for JD cases; (3) more in-person hearings and regular visits to rural courts; and (4) more emphasis on tribal courts, healing and wellness courts, and youth courts. Juneau participants also recommended enhancing tribal involvement by allowing tribal notice and representation at JD hearings, as in CINA cases.
- **EARLY SOCIAL SERVICES INTERVENTION [2 Regions—F & J].** Two regions recommended enhanced social services involvement in the juvenile justice system. Juneau recommends promoting greater involvement by the Office of Children's Services when cases have child protection issues, with restructuring and more resources as necessary. Fairbanks recommends promoting earlier assessment of at-risk youth through social services delivery within the school system.
- **PREVENTION VS. PUNISHMENT [1 Region—F].** The Fairbanks roundtable stressed the need for lawmakers and agency leaders to reaffirm the commitment to prevention over punishment in the state's juvenile delinquency laws, and named it as their top priority.
- **PROTECT CONFIDENTIALITY [1 Region—J].** The threat of public exposure can hamper treatment and rehabilitation of juveniles. Juneau participants identified as their top priority the need to protect confidentiality—either through a legislative change or an alternate to the court process.
- **FOSTER PUBLIC EDUCATION [1 Region—A].** Because individual juvenile delinquency cases are usually confidential, the public is not familiar with the juvenile justice system and common misconceptions occur. Many have the perception that delinquents are not held accountable for their actions. The Anchorage roundtable recommends that the juvenile justice community pursue studies and develop and publish statistics on the outcomes of cases to foster public understanding and confidence in the system. The role of youth themselves in making the system work—through such mechanisms as Youth Court--should be emphasized.
- **PROMOTE PROACTIVE COMMUNITY COLLABORATIONS—Ex, TRUANCY [1 Region—Ba].** The Barrow roundtable recommends that the court system cooperate with community initiatives to address specific problems. For example, the court in Barrow has worked closely with the public safety department, tribe, and schools to address the problem of truancy. All concerned have committed significant time and resources to ensuring that truants and their families are held accountable, by establishing a protocol for filing charges in court and establishing a weekly court hearing. The message that school attendance is important, and legally required, is having a positive impact on attendance, and delinquency rates have declined.

- **REDESIGN COURT FACILITIES [1 Region—A].** Limited space in court facilities can threaten the confidentiality and efficiency of juvenile delinquency cases. The Anchorage roundtable recommends that children’s court be consolidated on the same floor, and that adequate private space be made available for attorneys, parties and victims.
- **IMPROVE COURT PROCESS [1 Region—A].** The Anchorage roundtable recommends that the juvenile justice interagency case management meetings should be reconstituted to address problems with court process, such as (1) difficulties in trial scheduling; (2) lack of consolidated time for proceedings; and (3) the long duration of restitution matters. Victims groups should be included in the meetings.
- **ESTABLISH A MENTAL HEALTH COURT IN FAIRBANKS [1 Region—F].** Fairbanks participants recommend a Mental Health Court for juveniles, modeled in part after the Anchorage Mental Health Court that has proven effective for adults.
- **ESTABLISH “ONE FAMILY, ONE JUDGE” POLICY [1 Region—F].** The Fairbanks roundtable recommends that the court consider assigning cases to ensure that the same judge hears all cases involving the same family and child—whether Juvenile Delinquency, CINA, Divorce/Custody, Domestic Violence or other matters.
- **INCREASE FOSTER PLACEMENT OPTIONS [1 Region—J].** Juneau participants recommend that more efforts be made to increase placement of juvenile delinquents in foster care when appropriate, such as development of a statewide information center regarding foster placement resources.



Participants in the Anchorage Juvenile Delinquency roundtable include, L-R (back row): Linda Wilson, Public Defender Agency; Linda Moffitt, Division of Juvenile Justice; Karen Hawkins, Attorney General's Office; Karen Shaff, Volunteers of America; Lisa Albert-Konecky, Mat-Su Youth Court; & Presiding Judge Dan Hensley, Facilitator. L-R (front row): Anchorage Children's Master William Hitchcock; Lt. Gardner Cobb, Anchorage Police Department; & Phil Carella, Alaska Native Justice Center.



Robyn Carlisle of the Juneau Municipal Prosecutor's Office and Justice Robert Eastaugh of the Alaska Supreme Court (facilitator) listen to comments at the Juneau Domestic Violence roundtable.

Domestic Violence



Susanne DiPietro, Alaska Court System, records comments at the Anchorage Domestic Violence roundtable.

Domestic Violence--Strengths

Regional Roundtable Priorities

<p style="text-align: center;"><u>Anchorage</u></p> <ul style="list-style-type: none">▶ Alaska Court System is willing to collaborate with other agencies to secure resources for parties and attorneys▶ Alaska Court System's grant to provide supervised visitation and exchange services in domestic violence cases▶ Good use of resources to train judicial officers → increased knowledge and awareness▶ Practice of re-assigning DVROS to Superior Court judges who are handling the custody case	<p style="text-align: center;"><u>Bethel</u></p> <ul style="list-style-type: none">▶ Domestic Violence Restraining Order (DVRO) procedure is "user friendly"▶ Teamwork approach – police work with victims' services organizations; school district; Child Advocacy Center (CAC)▶ There is a process to receive child support
<p style="text-align: center;"><u>Fairbanks</u></p> <ul style="list-style-type: none">▶ Troopers, Police - reading out loud domestic violence restraining orders when served; this is standard operating procedure▶ Young people (teens) can access the domestic violence restraining order system; this intervention helps send the message that certain behavior is not acceptable; court and other players are open to letting young people use the system (Preventive; Break the Cycle)▶ Civil domestic violence restraining order relief is available fast and petitioners are given necessary information from the clerks▶ Judges' awareness of related cases (other domestic violence criminal custody files pulled)▶ Consistent and timely responses to violations of orders (violation prosecution is deterrent word on street)	<p style="text-align: center;"><u>Juneau</u></p> <ul style="list-style-type: none">▶ Court system and judges recognize that DV is different from other kinds of violence▶ Judges recognize that children who witness DV are negatively impacted▶ Protective order process works well, including availability of protective orders on weekends and to people in outlying areas

Domestic Violence--Strengths

Recurring Themes in Regional Roundtable Priorities

- **DOMESTIC VIOLENCE RESTRAINING ORDER (DVRO) PROCESS [3 Regions—Be, F, J].** Several regional roundtables identified accessibility of the procedures for domestic violence restraining orders as a prime strength of the current system. Bethel participants described the process as “user friendly.” Fairbanks participants cited the fact that “relief is available fast and petitioners are given necessary information from the clerks.” Juneau participants agreed that the process “works well” and specifically cited the “availability of protective orders on weekends and to people in outlying areas.”
- **COMMUNITIES TAKE TEAMWORK APPROACH [2 Regions—A & Be].** According to Anchorage roundtable participants, a key strength is the court system’s willingness to collaborate with other agencies to secure resources for parties and attorneys. Bethel participants also cited the positive impact of a teamwork approach, noting that the police work cooperatively with victims’ services organizations, the school district and children’s agencies.
- **JUDICIAL TRAINING HAS LEAD TO INCREASED AWARENESS [2 Regions—A & J].** Both the Anchorage and Juneau roundtables cited an increased knowledge and awareness of domestic violence issues among judicial officers as a strength in current DV cases. Anchorage identified judicial training as a good use of resources, and Juneau identified two specific areas of impact: (1) judges recognize that domestic violence is different from other kinds of violence; and (2) judges recognize that children who witness domestic violence are negatively affected.
- **CONSOLIDATION OF DVRO CASES WITH RELATED CASES [2 Regions—A & F].** The practice of re-assigning DVRO files to superior court judges handling related custody cases was viewed as a strength by the Anchorage roundtable. Similarly, the Fairbanks roundtable viewed the judge’s awareness of related cases, achieved by pulling and reviewing criminal, family, and prior DV files, as a strength.
- **READING DVRO ORDERS ALOUD WHEN SERVED [1 Region—F].** In Fairbanks, the troopers and police read domestic violence restraining orders to respondents when the DVRO orders are served, as standard operating procedure. Fairbanks participants identified this as a key strength.
- **COURT’S GRANT FOR SUPERVISED VISITATION & EXCHANGE SERVICES [1 Region—A].** The court system has received a grant to provide supervised visitation and exchange services in domestic violence cases, which the Anchorage roundtable ranked highly as a strength of the system.
- **TEENS CAN ACCESS THE DVRO SYSTEM [1 Region—F].** Fairbanks participants viewed the ability of teenagers to access the DVRO system as an important factor in helping break the cycle of violence. The process sends the message that domestic violence is not acceptable, and serves a preventive as well as protective purpose.

- **CONSISTENT & TIMELY RESPONSES TO DVRO VIOLATIONS [1 Region--F].** According to Fairbanks participants, the “word on the street” is that violations will be prosecuted, which has a deterrent effect.
- **CHILD SUPPORT IS AVAILABLE [1 Region—Be].** Bethel participants cited the availability of child support through the DVRO process as an important factor for the welfare of children involved.



Amalia McCarthy of Tlingit-Haida Central Council introduces herself during the Juneau luncheon for roundtable participants.



Presiding Judge Niesje Steinkruger facilitates the Domestic Violence roundtable at the Fairbanks forum while Susanne DiPietro, statewide Judicial Education Coordinator, serves as reporter.

Domestic Violence--Challenges/Weaknesses

Regional Roundtable Priorities

<p><u>Anchorage</u></p> <ul style="list-style-type: none"> ▶ Not enough Judicial Officers/calendar time to hold longer evidentiary hearings ▶ Language line should be used in any DR case involving domestic violence – also we need Alaska Native languages ▶ Inconsistency in orders (criminal, civil, etc.) ▶ HB 385 – how to respond? <ul style="list-style-type: none"> • Training • More hearing time 	<p><u>Bethel</u></p> <ul style="list-style-type: none"> ▶ No Batterer Intervention Program (BIP); this is needed, even if alcohol treatment is given ▶ Alcohol – not enough treatment and we think that alcohol increases DV incidents ▶ How to include the child's voice/perspective in such a difficult arena as DV?
<p><u>Fairbanks</u></p> <ul style="list-style-type: none"> ▶ Do not have supervised exchange and visitation with night + weekend + holiday service (McDonalds, Safeway, Fred's) ▶ Do not have court based advocate and facilitator (assists both parties regarding 6 month order, temporary custody) ▶ Office of Children's Services (OCS) does not follow through after (20 day) domestic violence restraining order expires, and OCS does not help teens who are respondents to domestic violence restraining order filed by parents ▶ No safe place for teens that is also a place where teens will stay ("teen friendly") 	<p><u>Juneau</u></p> <ul style="list-style-type: none"> ▶ No state-sanctioned batterer intervention program ▶ How to compel defendant to attend a batterer program? Is this the court's responsibility? ▶ No supervised visitation center ▶ GALs, custody investigators and mediators do not seem to take seriously the negative impact of batterers on children

Domestic Violence -- Challenges/Weaknesses

Recurring Themes in Regional Roundtable Priorities

- **NO STATE-SANCTIONED BATTERER INTERVENTION PROGRAM [2 Regions—Be & F].** Both the Bethel and Juneau roundtables prioritized the lack of a batterer intervention program in their regions as the major challenge in cases involving domestic violence. Bethel participants indicated that even in the cases where alcohol contributes to domestic violence, alcohol treatment alone will not address the problem. Juneau participants cited the difficulty compelling a defendant to attend a batterer program, and asked whether the court should have this responsibility.
- **INADEQUATE SERVICES FOR SUPERVISED VISITATION [2 Regions—F & J].** Two communities—Fairbanks and Juneau—cited inadequate services for supervised visitation as a drawback in DV cases. Fairbanks specifically identified the lack of supervised exchange and visitation services on nights, weekends, and holidays. Juneau specifically identified the lack of a supervised visitation center.
- **NOT ENOUGH JUDICIAL OFFICERS & CALENDAR TIME [1 Region—A].** In Anchorage, a lack of available judicial officers and limited calendar time makes longer evidentiary hearings difficult to schedule in a timely way.
- **INTERPRETER SERVICES INADEQUATE [1 Region—A].** Anchorage identified the lack of interpreter services as a weakness in DV cases, and suggested that the “Language Line” service needs to be available in any custody case where domestic violence is involved. Also, more interpreters are needed for Alaska Native languages.
- **NOT ENOUGH ALCOHOL TREATMENT [1 Region—Be].** Bethel participants identified alcohol abuse as a frequent factor in domestic violence in the region, and cited the lack of adequate alcohol treatment services as a major challenge.
- **NO COURT-BASED ADVOCATE OR FACILITATOR FOR DVRO CASES [1 Region—F].** Fairbanks participants identified the lack of a court-based DV facilitator to assist parties with temporary custody and 6-month orders as a weakness in the system.
- **INCONSISTENCY IN COURT ORDERS [1 Region—A].** The Anchorage roundtable ranked “inconsistency in orders (criminal, civil, etc.)” as a foremost weakness. When cases involving the same incidences of domestic violence are pending in both civil and criminal courts, court orders may be inconsistent or in conflict.
- **LACK OF FOLLOW-UP BY OFFICE OF CHILDREN’S SERVICES [1 Region—F].** Fairbanks participants identified weaknesses in OCS’s responses to DV cases, namely (1) lack of agency follow up on a family with children after a 20-day DVRO expires; and (2) lack of agency assistance to teenagers who are respondents in DVRO proceedings filed by their parents.
- **NO SAFE PLACE FOR TEENAGERS DISPLACED BY DOMESTIC VIOLENCE [1 Region—F].** Fairbanks participants suggested that shelters that exist to aid teenagers caught in DV situations are not “teen-friendly” places where teens are likely to stay.

- **CHILD’S VOICE ISN’T HEARD IN COURT [1 Region—Be].** The absence of a mechanism to ensure that a child’s voice and perspective are heard in domestic violence cases was viewed as a weakness by the Bethel roundtable.
- **INADEQUATE REGARD FOR NEGATIVE EFFECTS OF BATTERERS ON THEIR CHILDREN [1 Region—J].** Juneau participants suggested that guardians ad litem, child custody investigators & mediators don’t take the impact of batterers on their children seriously enough.
- **RESPONSE TO NEW LEGISLATION—HB 385—UNCLEAR [1 Region—A].** Anchorage participants indicated that recent legislative changes creating a presumption against perpetrators of domestic violence in child custody decisions will present the challenges of more training and more hearing time.



Juneau Domestic Violence roundtable participants weigh priorities.

Domestic Violence -- Solutions

Regional Roundtable Priorities

<p style="text-align: center;"><u>Anchorage</u></p> <ul style="list-style-type: none"> ▶ Secure more resources to ensure better Domestic Violence custody decisions <ul style="list-style-type: none"> • Domestic Violence custody investigator • Judicial officers • Case manager ▶ Explore barriers plus potential benefits of “one judge - one family” (DVRO, DR, Criminal and CINA) ▶ Expand use of language line to all civil Domestic Violence cases ▶ Prepare checklists and other information for judicial officers, clerks, and judges’ assistants 	<p style="text-align: center;"><u>Bethel</u></p> <ul style="list-style-type: none"> ▶ Educate the children (for example, in school health class) about DV ▶ Educate parents about effects of DV on children – video? To be required in DV cases ▶ Is there some entity (OSC, Office of Public Advocacy (OPA?)) that could send a social worker to be the child’s voice in the criminal DV case?
<p style="text-align: center;"><u>Fairbanks</u></p> <ul style="list-style-type: none"> ▶ Court talk to OCS about no follow up after expiration of domestic violence restraining order - What information do you need? What can we do? ▶ Court administrator to work with local organization to craft Safe Havens grant (visitation exchange; supervised visitation) ▶ Options for batterer intervention (“DV treatment”) need to be effectively communicated to the defendant (i.e., information is clear and immediate) <ul style="list-style-type: none"> • What programs are available; cost • How to get in <ul style="list-style-type: none"> - To defendants - Domestic violence restraining order folks - Attorneys for domestic violence restraining order folks ▶ Food (court lunches) ▶ Safe place for teens: Joel's Place? Family focus? Parenting education? 	<p style="text-align: center;"><u>Juneau</u></p> <ul style="list-style-type: none"> ▶ More training for GALs, custody investigators and mediators on the negative effects of witnessing domestic violence for children, and judges should appoint those who have had training ▶ Legislative change: Allow defendants to credit treatment fees to fines in criminal cases ▶ Legislative change: State statutes governing mandatory reporting of child maltreatment to OCS may not be clear that a child involved in a DV situation should in some cases be reported to OCS

Domestic Violence--Solutions

Recurring Themes in Regional Roundtable Priorities

- **CONFIRM ROLE OF OFFICE OF CHILDREN'S SERVICES [3 Regions—Be, F & J].** Discussions in three communities led to recommendations to clarify the role of OCS in various DV contexts, namely: (1) Fairbanks recommended protocols for OCS follow-up, when children are involved, after the expiration of a DVRO; (2) Juneau suggested that statutes and rules clarify more strongly that maltreatment of children in DV situations may trigger mandatory reporting to OCS; and (3) Bethel urged that some entity—OCS or OPA—send a social worker to “be the child’s voice” in a criminal DV case.
- **MORE TRAININGS, JUDICIAL GUIDES & GATHERINGS [3 Regions—A, F & J].** Several roundtables made specific recommendations about ways to better prepare the legal and professional communities to respond to children’s issues in domestic violence cases, including: (1) Juneau urged more training for Guardians ad Litem, child custody investigators and mediators about the negative effects on children of witnessing domestic violence; (2) Anchorage encouraged the court to prepare checklists and other readily accessible information for judicial officers, clerks, and judicial assistants; and (3) Fairbanks recommended more luncheons or other gatherings to foster communication between the entities involved.
- **MORE PREVENTIVE EDUCATION—OF CHILDREN, PARENTS & PERPETRATORS [2 Regions—Be & F].** The Bethel roundtable gave its highest priority to educating children in the schools about domestic violence—through health classes or others. Bethel participants also recommended more education for parents about the harmful effects of domestic violence, through outreach efforts such as a video. Parents involved in DV cases could be required to review the video. In Fairbanks, participants urged that alleged perpetrators be provided with more clear and immediate information about DV treatment options (“batterer intervention”), and that this information be disseminated widely.
- **SECURE MORE RESOURCES TO ENSURE BETTER CUSTODY DECISIONS [1 Region—A].** Anchorage participants recommended that additional resources be pursued for (1) domestic violence child custody investigator, (2) domestic violence case managers, and (3) additional judicial officers.
- **EXPLORE PROS & CONS OF “ONE JUDGE-ONE FAMILY” [1 Region—A].** Anchorage recommended further consideration of the benefits and barriers to a “one judge—one family” approach, which would ensure that all cases involving the same children and family (Domestic Violence Restraining Orders, Divorce/Custody, Criminal, or Child in Need of Aid) are heard by the same judicial officer.
- **LEGISLATIVE CHANGE TO ALLOW CREDIT FOR TREATMENT FEES [1 Region—J].** Juneau recommended that defendants in criminal domestic violence cases be allowed credit against their criminal fines for the cost of treatment.
- **SAFE HAVENS GRANT FOR VISITATION EXCHANGE & SUPERVISED VISITATION [1 Region—F].** Fairbanks participants recommended that the court system team with a local organization to pursue a grant from Safe Havens for visitation services.

- **EXPAND USE OF “LANGUAGE LINE” TO ALL CIVIL DV CASES [1 Region—A].** Language line provides immediate interpreter services via telephone.
- **CREATE A SAFE PLACE FOR TEENS [1 Region—F].** Teens in domestic violence situations need a place that is safe, but also a place where they are likely to stay. A safe place could also provide early intervention such as parenting education.



Participants in the Anchorage Domestic Violence roundtable, L-R:

David Reineke, Public Defender Agency; Maggie Humm, Alaska Legal Services Corporation; Magistrate Suzanne Cole, Alaska Court System; Susanne DiPietro, Judicial Education Coordinator, Alaska Court System; Robin Bronen, Catholic Social Services Immigration & Refugee Services Program; Superior Court Judge Morgan Christen, Facilitator; Officer Carla Culbreth, Anchorage Police Department; Karen Lee, Alaska Native Justice Center; JoAnn Chung, Anchorage Municipal Prosecutor's Office; Harry Brod, Men & Women Center; Officer Rhonda Street, Anchorage Police Department; Jonathan Lack, Private Attorney; and Laverne Robinson, Alaska Women's Resource Center.



Bethel Superior Court Judge Dale Curda reports on the recommendations of the Divorce/Custody roundtable at the Bethel *Children in Alaska's Courts* Public Forum.

Divorce/Custody



Alaska Supreme Court Justice Walter Carpeneti takes notes while facilitating the Juneau Divorce/Custody roundtable with Kari Robinson, Alaska Network on Domestic Violence and Sexual Assault; and Tony Sholly, Juneau Private Attorney.

Divorce/Custody Strengths

Regional Roundtable Priorities

<p style="text-align: center;"><u>Anchorage</u></p> <ul style="list-style-type: none">▶ Family Law Self Help center and Website▶ More effective case management, e.g., standing orders, status conferences, time standards▶ Civil Rule changes – 90's + 26.1.▶ Judges are open to change, with focus on impact on children.	<p style="text-align: center;"><u>Bethel</u></p> <ul style="list-style-type: none">▶ Court's commitment to family cases<ul style="list-style-type: none">• Judges give them attention• Move them through• Treat them as important• Try to do the right thing▶ Less formal procedures; court is responsive, flexible, not bureaucratic▶ Family Law Self Help Center
<p style="text-align: center;"><u>Fairbanks</u></p> <ul style="list-style-type: none">▶ Mediation and settlement resources, including model parenting plan, are available to parties, with cost no obstacle. Early settlement avoids the "boomerang" effect, and the cost and trauma to children.▶ Custody Investigator's Office ensures investigation, expertise, and neutrality. The office also contributes to settling cases through the mandated class, "Helping Child through Divorce," and through the "Listen to the Children" video. Judicial referrals for consultation in dissolution cases are also helpful.▶ Family Law Self-Help Center provides good accessibility for <i>pro se</i> litigants	<p style="text-align: center;"><u>Juneau</u></p> <ul style="list-style-type: none">▶ Mediation (Non Domestic Violence Cases)<ul style="list-style-type: none">• Grant-Funded• Private▶ Best interests standard▶ Court forms/Family Law Self-Help Center▶ Judges (Trained)

Divorce/Custody--Strengths

Recurring Themes in Regional Roundtable Priorities

- **FAMILY LAW SELF-HELP CENTER [4 Regions—A, Be, F & J].** All four regional roundtables that specifically addressed divorce/custody cases identified the Family Law Self-Help Center as one of the key strengths in the system. The greater accessibility provided through such mechanisms as self-help court forms and the FLSHC website was particularly mentioned.
- **TRAINED & COMMITTED JUDGES [3 Regions—A, Be & J].** Three regional roundtables identified the court system's judges as strengths in family law cases. In Bethel, participants recognized "the court's commitment to family cases" as the top strength, as manifested by the willingness to "give them attention, move them through, treat them as important, and try to do the right thing." In Anchorage, participants viewed judges as "open to change with a focus on the impact on children." Juneau participants ranked "trained" judges as an important strength.
- **MEDIATION [2 Regions—F & J].** Juneau participants ranked the availability of both private and grant-funded mediation (in cases not involving domestic violence) as the prime strength in family cases. Fairbanks also rated mediation and settlement resources, such as model parenting plans, as the highest priority strength. Early settlement, Fairbanks participants noted, avoids the "boomerang effect," and the resulting "cost and trauma to children."
- **GOOD COURT PROCEDURES [2 Regions—A & Be].** Two regional roundtables specifically recognized court procedures in divorce/custody cases as a top strength. Anchorage participants identified "more effective case management, e.g., standing orders, status conferences, & time standards" as positive developments. Bethel participants identified "less formal procedures" as helpful in the cases, and indicated that the court "is responsive and flexible, not bureaucratic."
- **CUSTODY INVESTIGATOR'S OFFICE [1 Region—F].** The Fairbanks roundtable ranked the Custody Investigator's Office highly for its "investigation, expertise, and neutrality," as well as its contributions to settling cases. The Fairbanks CCI presents a class that is mandated for parents in divorce/custody disputes, "Helping Your Child Through Divorce," and a video, "Listen to the Children," that help parents focus on what their children are going through. Judicial referral of dissolution cases to the CCI for consultation is also viewed as a strength by the Fairbanks group.
- **BEST INTEREST STANDARD [1 Region—J].** Juneau roundtable participants ranked the statutory adoption of the "best interest" standard as a top strength in custody determinations, because it ensures a focus on needs of the children involved.
- **RULE CHANGES [1 Region—A].** Anchorage roundtable participants viewed the adoption of rule changes affecting divorce/custody cases as positive developments, specifically "the 90's" (Civil Rules 90.1, 90.3, and 90.4—90.7 relate to divorce/custody cases) and Civil Rule 26.1, which addresses discovery and disclosure in divorce actions.

Divorce/Custody -- Challenges/Weaknesses

Regional Roundtable Priorities

<p style="text-align: center;"><u>Anchorage</u></p> <ul style="list-style-type: none">▶ Need for earlier intervention & “triage” of cases, including post-decree actions▶ Need for more consistent procedures▶ Lack of enforcement of court orders; need for greater use of sanctions for violations▶ Need for on-going training for judges and attorneys and other professionals on issues related to children, e.g., domestic violence, child development, substance abuse▶ Need for more creativity to address changing needs + resource limitations	<p style="text-align: center;"><u>Bethel</u></p> <ul style="list-style-type: none">▶ Uncertainty around HB 385▶ Lack of counseling and support services for children and adults (including Alternative Dispute Resolution [ADR])▶ Need early involvement by court
<p style="text-align: center;"><u>Fairbanks</u></p> <ul style="list-style-type: none">▶ Limited resources for <i>pro se</i> litigants leads to limited understanding of the legal process and unrealistic expectations. Families & parents may expect the legal system to solve all their problems, even non-legal ones.<ul style="list-style-type: none">• Lack of substantive information• Lack of legal advice for indigent persons• Failure to plan ahead or understand consequences to children• Parenting plan may be intimidating & cumbersome▶ Custody cases are crisis-driven because of a lack of prevention and early intervention efforts when families start having concerns regarding custody▶ Limits on child custody investigator resources leads to restricted rural access and delays in the filing of reports, which can in turn delay trial dates and other proceedings. The inability to predict which cases will settle or which will become complex makes it difficult to allocate resources.▶ New law changes make decisions more complex and difficult in domestic violence cases. Deciding custody in the domestic violence context is difficult, and the new law may create confusion and stretch resources.	<p style="text-align: center;"><u>Juneau</u></p> <ul style="list-style-type: none">▶ Adoption of rule prohibiting Guardians ad Litem (GALs) from testifying (including lack of uniform enforcement)▶ Lack of court custody investigators▶ Lack of on-going training for all parts of the system, including mandatory training for GALs in areas such as domestic violence

Divorce/Custody--Challenges/Weaknesses

Recurring Themes in Regional Roundtable Priorities

- **NEED FOR EARLY INTERVENTION [3 Regions—A, Be & F].** Three regional roundtables ranked the need for earlier intervention as one of the greatest challenges in custody cases. The Anchorage group urged an early “triage” of cases—including post-decree actions. Bethel participants stressed the need for early court involvement. Fairbanks suggested that the lack of early intervention and prevention when families start having concerns regarding custody means that custody cases are too often “crisis-driven.”
- **NEW DOMESTIC VIOLENCE LAW (HB 385) [2 Regions—Be & F].** New legislation that creates a presumption against an award of custody to a perpetrator of domestic violence raised concerns in two regions. The Bethel roundtable identified uncertainty surrounding the law as the primary challenge and weakness. The Fairbanks group identified several factors in implementation of the law that will make custody decisions more complex and difficult, including: (1) courts already face difficulties in dealing effectively with domestic violence allegations in custody cases, and the decision on whether DV has occurred is often a difficult one; and (2) the presumption may lead to a “run” on DV courts that will stretch already limited resources.
- **ACCESS TO CHILD CUSTODY INVESTIGATORS [2 Regions—F & J].** Juneau roundtable participants identified a lack of Child Custody Investigators (CCIs) as a key weakness in the handling of family law cases. Fairbanks participants cited a lack of CCIs to serve the rural areas, and the limited access of rural families to the classes and other services that the CCI office provides. The Fairbanks group also identified the lack of adequate CCI resources as a contributor to delays in CCI reports, which can result in delayed trials and a prolonged legal process for the families involved. The number of referrals, lack of knowledge about which cases will settle, and the unexpected complexity of some cases were also cited as drains on CCI resources that lead to delay.
- **NEED FOR ONGOING TRAINING [2 Regions—A & J].** Both the Anchorage and Juneau roundtables cited the need for “on-going” training on issues related to children for all involved in family cases. Trainings should address topics such as domestic violence, child development and substance abuse. The Juneau group recommended in particular that Guardians ad Litem (GALs) receive mandatory training on such issues as domestic violence.
- **PROBLEMS RELATED TO PRO SE LITIGANTS [1 Region—F].** The Fairbanks roundtables cited on-going difficulties related to the number of *pro se* (self-represented) litigants as the highest challenge in family cases. These include: (1) limited access to the Family Law Self-Help Center; (2) no place to get legal advice; (3) limited understanding of the legal process; (4) lack of substantive information; and (5) unrealistic expectations about what the court can do to solve their problems. In addition, *pro se* parents in the midst of a custody crisis may be unable to plan ahead or understand consequences of their actions on their children, and may find the court’s Model Parenting Plan too intimidating and cumbersome to use.
- **COURT RULE BARRING GAL TESTIMONY [1 Region—J].** Juneau participants cited changes to Civil Rule 90.7, which established the role of GALs as advocates instead of fact-witnesses and restricted the ability of GALs to testify, as the prime challenge in divorce/custody cases.

- **LACK OF COUNSELING & SUPPORT SERVICES [1 Region—Be].** The lack of counseling and support services for both children and adults involved in custody disputes—including the limited availability of Alternative Dispute Resolution (ADR)—was identified as a major weakness in family cases by roundtable participants in Bethel.
- **LACK OF ENFORCEMENT OF COURT ORDERS [1 Region—A].** Anchorage roundtable participants stressed the need for greater use of sanctions for violations of court orders.
- **NEED FOR MORE CREATIVITY [1 Region—A].** The Anchorage group urged more creative solutions to changing needs and resource limitations in family cases.
- **NEED FOR MORE CONSISTENT PROCEDURES [1 Region—A].**



Anchorage family attorney Lynda Limon, R, shares an idea at the Anchorage Divorce/Custody roundtable. Other participants include, L-R: Wendy Lyford, Area Court Administrator, reporter; Superior Court Judge Sharon Gleason, facilitator; Glenn Cravez, Private Attorney; Allen M. Bailey, Private Attorney; Katherine Altneder, Family Law Self-Help Center (back to camera); Katherine Yeotis, Anchorage Child Custody Investigator; Elizabeth Still, Montgomery & Still; and Lynda Limon.

Divorce/Custody--Solutions

Regional Roundtable Priorities

<p style="text-align: center;"><u><i>Anchorage</i></u></p> <ul style="list-style-type: none"> ▶ Find resources to allow very early screening by a professional (prior to status conference) ▶ Single 'pretrial,' 'trial-setting' + 'post-judgment' orders ▶ More uniform response to 'discovery violations' and other court orders ▶ Make better use of trainers; e.g., schedule judicial conference speakers for training with other professionals before/after. Coordinate with other professional organizations – periodicals and publications on family issues. ▶ More structured bench/bar interaction on specific topics ▶ Follow through on recommendations 	<p style="text-align: center;"><u><i>Bethel</i></u></p> <ul style="list-style-type: none"> ▶ HB 385 <ul style="list-style-type: none"> • Identify early on whether HB 385 is an issue; if so, schedule early evidentiary hearing to determine applicability • Continuing Legal Education (CLE) (or series of CLEs) for judges and attorneys ▶ Lack of resources for parents and kids <ul style="list-style-type: none"> • Regular visits by custody investigator (two times/year); custody investigator (CI) could do parent education classes during these visits • More ADR resources <ul style="list-style-type: none"> - Judges for settlement conferences (three weeks/year) - Mediation training for local clergy and others • Support groups for kids in divorcing families • Education for parents and other family members to help kids cope with divorce ▶ Early intervention by court <ul style="list-style-type: none"> • Pretrial scheduling conference with parties and attorneys within 30 days of answer • Court would explain presumptions regarding custody, property division, child support, and visitation • Court would inquire about custody and support • Court would inquire about HB 385
<p style="text-align: center;"><u><i>Fairbanks</i></u></p> <ul style="list-style-type: none"> ▶ "Take the crisis out of custody." Offer "mini interventions/mediations" when problems arise, and other early intervention such as marriage skills workshops both before and during marriage, on such topics as: <ul style="list-style-type: none"> • merging finances • conflict resolution • communication • changes in legal status • preventative care • effects of conflict on children 	<p style="text-align: center;"><u><i>Juneau</i></u></p> <ul style="list-style-type: none"> ▶ Change the GAL rule so that GALs can testify ▶ Look for or devote funding resources for court custody investigators ▶ Change court rule to mandate GAL training ▶ Urge constituent agencies to provide training; court system can sponsor joint training

(Fairbanks con't.)

- ▶ Use Alaska Legal Services website (www.alaskalawhelp.org) to distribute pre-divorce class information (including video of class), and to increase referrals from rural areas; develop partnerships with the private bar to publicize and utilize the website and to develop content for it
- ▶ Support increased funding for Alaska Legal Services Corporation
- ▶ Provide increased training and education for judges on domestic violence, child development, abuse and sexual abuse as relates to children, and on the orders judges can fashion



Discussion at the Juneau Divorce/Custody roundtable includes, L-R: Tony Sholly, Private Attorney; Barbara Walker; and Debra Schorr, Schorr Advocacy & Investigation.

Divorce/Custody--Solutions

Recurring Themes in Regional Roundtable Priorities

- **INCREASED TRAINING AND EDUCATION [4 Regions—A, Be, F & J].** All four regional roundtables that addressed divorce/custody cases identified the need for more training for judges, attorneys, and other professionals involved in child custody determinations. Anchorage roundtable participants recommended making better use of visiting trainers by coordinating programs, and better use of educational resources by working together on periodicals or publications of mutual interest and benefit. They also urged more structured interactions between the bench and bar on specific topics. Bethel participants recommended specific Continuing Legal Education (CLE) seminars for judges and attorneys on the new legislation affecting cases that involve domestic violence (HB 385). The Juneau roundtable urged mandated GAL training, more constituent agency training, and court-sponsored joint training. Fairbanks recommended judicial training in particular, on domestic violence, child development, and child abuse, with special attention to the orders judges can fashion to address these issues.
- **EARLY SCREENING & INTERVENTION [3 Regions—A, Be & F].** Three regional roundtables identified the need for more early intervention in family cases. Fairbanks participants recommend more “mini-interventions/mediations” to “take the crisis out of custody.” They suggest marriage skills workshops both before and during marriage on a wide range of topics, including conflict resolution, communication, and the effects of conflict on children. Anchorage participants would ensure “very early” screening of a family by a professional, before the first status conference. The Bethel roundtable urged early court proceedings, within 30 days after an answer is filed, to allow the judge to (1) explain the presumptions regarding custody, property division, child support, and visitation; (2) inquire about custody and support; and (3) inquire about the applicability of HB 385 (the domestic violence presumption).
- **MORE RESOURCES FOR CHILD CUSTODY INVESTIGATORS [2 Regions—Be & J].** Juneau roundtable participants recommend devoting more funding and resources to Child Custody Investigators, which are lacking in the region. The Bethel roundtable cited a general lack of resources for parents and kids in custody cases, and specifically mentioned the need for more regular visits by the 4th District Child Custody Investigator (who is located in Fairbanks). The Fairbanks CCI should visit at least twice annually and conduct parenting classes during each visit.
- **EARLY IDENTIFICATION OF HB 385 APPLICABILITY [1 Region—Be].** Bethel participants proposed the early identification of whether domestic violence would be an issue, and the early scheduling of evidentiary hearings on the applicability of the new legislative presumption.
- **ALLOW GALs TO TESTIFY [1 Region—J].** The Juneau roundtable recommended that court rules (Civil Rule 90.7) be amended to once again allow GALs to testify.
- **IMPLEMENT SINGLE PROCEDURAL ORDERS [1 Region—A].** The Anchorage roundtable recommended that courts adopt single orders for the three main stages of a divorce/custody case: (1) pre-trial; (2) trial-setting; and (3) post-judgment.

- **MORE UNIFORM RESPONSE TO VIOLATIONS OF COURT ORDERS [1 Region—A].** Court responses to discovery violations and other violations of court orders should be consistent in order to foster trust and confidence in the court’s authority.
- **INCREASED USE OF ALASKA LEGAL SERVICES CORPORATION WEBSITE [1 Region—F].** The Fairbanks roundtable recommends enhancing the effectiveness of ALSC’s new website on substantive law, www.alaskalawhelp.org, by: (1) increasing referrals to the website through publicity and partnerships with private practitioners; (2) recruiting private practitioners to develop content for *pro bono* credit; (3) utilizing the website to distribute pre-divorce class information or video of classes.
- **SUPPORT INCREASED FUNDING FOR ALASKA LEGAL SERVICES CORPORATION [1 Region—F].**
- **FOLLOW THROUGH WITH RECOMMENDATIONS [1 Region—A].** Anchorage participants urged the court system and other entities involved to follow through with the professional community’s recommendations for improving divorce/custody cases. They noted that several recommendations that were identified and prioritized were made previously but never adopted.



Alaska Legal Services Attorney Jody Davis makes a point at the Fairbanks Divorce/Custody roundtable, which was facilitated by Justice Dana Fabe (center) and reported by Stephanie Cole (right), Administrative Director, Alaska Court System.



Alaska Supreme Court Justice Walter Carpeneti of Juneau offers welcoming remarks at the Bethel Public Forum.

Public Comment



Children in Alaska's Courts Project Facilitator Susanne DiPietro reports on the recommendations from the children's justice community roundtables at the Barrow public forum.

Public Comment Summary—Anchorage

Grouping & Summary of Comments by General Case Type

[Number of related comments is in brackets]

CHILD IN NEED OF AID:

- **TREATMENT FOR VICTIMS-TURNED-PERPETRATORS.** Lack of treatment or facilities for young (under 12) victims-turned-perpetrators; and no system for tracking which victims of sexual abuse are becoming perpetrators. [2]
- **INCREASED CLERICAL SUPPORT.** Need increased clerical support in CINA cases, both generally and to ensure timely responses to discovery requests. [2]
- **FASTER DISCOVERY.** Need streamlined discovery in CINA cases. [1]
- **NEED MORE FOSTER PARENTS.** Dearth of foster parents, due to lack of support, compensation, or indemnity. Need improved safety for foster parents. [1]
- **OCS & SERVICES.** Less dedication by OCS to services than in JJ (juvenile justice) system. [1]

JUVENILE DELINQUENCY:

- **DEDICATION TO REHABILITATION.** System shows genuine dedication to the rehabilitation of minors. [1]
- **LONG WAIT FOR MYC TREATMENT.** Juveniles in McLaughlin wait up to two years for a 6-12 month program of treatment. [1]

DOMESTIC VIOLENCE:

- **MORE JUDICIAL TRAINING ON DV ISSUES.** Need to increase judicial training and understanding on domestic violence generally and especially the impact of domestic violence on parties and children. Need to improve attitudes and end negative, sexist, and inappropriate remarks and perceptions by judicial officers. [3]
- **MORE LEGAL RESOURCES.** Need to increase legal resources for domestic violence cases in the region, including Mat-Su. [2]
- **LISTEN TO CHILDREN.** Need to listen to children in their response to domestic violence. [1]
- **HB 385.** New bill—HB 385—creates a presumption of custody against the DV perpetrator. [1]

DIVORCE/CUSTODY:

- **DIVORCE/CUSTODY LITIGATION IS TOO OVERWHELMING.** Divorce/custody litigation is difficult and overwhelming to court-users; it “shuts down lives and livelihoods” and can keep families and children “locked in” the system for years. [5]
 - The Alaska Judicial Council should conduct a study of “where the cogs are.”
 - Court processes should be reviewed to “limit emergencies to true emergencies.”
 - The process should be shortened, to save money and time.

- **FAMILY LAW SELF-HELP CENTER.** The Family Law Self-Help Center is a success. [3]
 - “The best thing the court has done.”
 - Resources need to be expanded in the Mat-Su Valley.

- **MEDIATION.** Mediation works well. [3]
 - Referrals to mediation for assessment should occur systematically, early in a case.
 - 24-hour availability should be considered.

- **EARLY ACCESS TO JUDGES.** There needs to be broader and earlier access by parents to judges to screen concerns and foster settlement. [3]

- **ENFORCEMENT OF COURT ORDERS.** There needs to be greater enforcement of court orders. [3]
 - Non-enforcement has broad social implications, and the court system should collect data to assess the extent of the non-compliance problem.
 - There is a lack of follow-through with violations of court orders, and too few sanctions are imposed.

- **MEASURING SUCCESS.** There needs to be a system for measuring success in cases. [2] Talking to teachers, clergy and others is one mechanism. [1]

Public Comment Summary-Barrow
Grouping & Summary of Comments by General Case Type
[Number of related comments is in brackets]

CHILD IN NEED OF AID (STATE COURT):

- **MORE SUPPORT FOR PARENTS.** More support should be provided to parents. [2]
 - An Indian Child Welfare Association should be established to promote the welfare of tribal children by helping parents and others who are hard-pressed to handle the process.
 - Both tribal and state courts should give more support to the parental role to ensure that tribal children are not adopted out of the community.
- **CHILD SUPPORT.** Procedures for child support can work unfairness to parents. [2]
 - When driver's licenses are revoked for non-payment, the parent can lose his or her livelihood.
 - When parental rights are relinquished, the child support agency should be advised so the child support obligation ends.
- **TRANSFER PROCEDURES.** Procedures for referring cases from state to tribal court are unclear and create conflicts. [2]
 - State court needs to develop rules for tribal court transfer and enforcement of tribal court orders.
- **COURTS SHOULDN'T "SIGN OFF" ON ORDERS.** Courts should not "sign off" on orders based on affidavits from social workers, but should ensure that allegations are investigated first. [2]
 - Judges shouldn't automatically order medication for kids in state custody (ex., Zolof).
 - Affidavits from social workers aren't always true.
- **TREATMENT.** Treatment availability is mostly outside the community; local community and residential settings are not good. [1]
- **GUARDIANS AD LITEM.** Guardians ad Litem (GALs) should be local, not from Fairbanks or Anchorage. "People need to understand the community and how the family is trying to cope." [1]
- **FAMILY ADVOCATES.** There are too few strong family advocates in the community. [1]
- **STATE COURT OMBUDSMAN.** The court system should have an Ombudsman, accessible through its website. [1]

CHILD IN NEED OF AID (TRIBAL COURT):

- **CLEARER RULES FOR TRIBAL JUDGES.** Tribal court should establish clearer rules governing tribal judges. [3]
 - The selection and confirmation of tribal judges should ensure membership input to avoid conflicts of interest
 - Criteria for serving as a tribal judge should be established
 - The delineation of responsibilities between tribal judges and administrators should be more clearly defined; judges shouldn't have both responsibilities.
- **WHALING CAPTAINS.** Local whaling captains and their judicial branch should be included in decision making about children, because children will become part of the whaling community. [1]
- **TRIBAL PUBLIC DEFENDERS.** Tribal court should designate tribal public defenders because parents may be poor and have no one to assist them in bringing their families back together. [1]
- **TRIBAL ORDER ENFORCEMENT.** North Slope Borough police should continue their practice of enforcing tribal court orders. [1]

Public Comment Summary-Bethel
Grouping & Summary of Comments by General Case Type
[Number of related comments is in brackets]

GENERAL:

- **ALASKA NATIVE NETWORK OF SERVICES.** The Alaska Native network of services for families (parenting classes, etc.) is not adequately tapped into by the state. [3]
 - For example, Orutsararmuit Native Council (ONC) offers parenting classes that should be coordinated with the state's classes.
 - The service network is primarily non-Alaska Native, when it should be ½ Alaska Native.
- **NAPASKIAK'S CREATIVE SOLUTIONS.** The village of Napaskiak has shown that a community can develop creative solutions by "thinking outside the box" and not waiting for others to solve its problems. As a result, it has become more functional and has more services available. [3]
- **STATE-TRIBAL RELATIONSHIP.** The adversarial role between tribes and the state is common and has been around for 40 years. There should be a timeline to address and resolve the state-tribal relationships. [2]
- **CHILD SUPPORT.** The state's Child Support Enforcement Division has too much power to coerce monetary child support when a parent is helping how he or she can. The state should pay more attention to how the parent is supporting the children in other ways. [2]
- **COMPLIANCE WITH COURT ORDERS.** There needs to be more follow-up on court orders to ensure compliance. [1]
- **LISTEN TO THE CHILDREN.** Children should be consulted more often. Better decisions will be made if they're included. [1]
- **INTERDISCIPLINARY MEETINGS & FORUM FOLLOW-UP.** The community should consider interagency multidisciplinary meetings [1] and the court should consider a two-year follow-up to the *Children in Alaska's Courts* forum to "measure where we've come." [1]

CHILD IN NEED OF AID:

- **UNQUALIFIED DECISIONMAKERS.** Decisions are being made about children by people who are unqualified to make them; more than one individual should be involved. [1]
- **TERMINATION OF PARENTAL RIGHTS.** Parents don't know what to do or who to contact when their parental rights are terminated. [1]

- **DEVELOPMENTAL DISABILITIES.** Courts need to request psychological reviews immediately when a child has developmental disabilities, not wait 60-90 days. [1]
- **15-MONTH RULE.** The 15-month rule regarding parental progress isn't working; treatment takes longer (but being in treatment can be good cause for stopping the clock). [1]
- **FOSTER PARENTS.** More Alaska Native foster parents are needed. [1]

JUVENILE DELINQUENCY:

- **MORE INFORMATION TO PARENTS.** Parents aren't provided with enough information about the juvenile justice system, and they often don't know or understand what's happening to their child. Procedures need to be clearer, and more information needs to be given to parents without them having to request it. [3]
- **INADEQUATE VILLAGE FOLLOW-UP AFTER TREATMENT.** Juveniles are returned to villages after treatment without adequate follow-up. After treatment, people go back to the same dysfunctional setting and lose the ground gained. Also, when a juvenile is returned, juvenile justice should work with both parents, not just one. One may have an alcohol problem, but the other may not. [3]
- **INADEQUATE FOLLOW-UP & ACCOUNTABILITY IN MINOR CONSUMING CASES.** Juveniles face a lack of appropriate follow-up and accountability in Minor Consuming Alcohol (MCA) cases. [3]
 - MCAs need to be addressed on a therapeutic basis, through YKHC or tribal diversion programs.
 - Courts need to direct and mandate treatment to put the weight of authority behind MCA cases.
 - Juveniles must be held accountable.
- **TRIBAL INVOLVEMENT.** Tribes should have notice of juvenile delinquency cases and should be able to give input and be involved. [2]
- **BETHEL YOUTH FACILITY.** The Bethel Youth Facility is a good facility and the programs are good—"they look after kids." [1]
- **KEEP KIDS IN-STATE.** It's important to keep kids in-state, not ship them out of state. [1]

DOMESTIC VIOLENCE:

- **BATTERER INTERVENTION PROGRAM.** Bethel is capable of running a successful batterer intervention program that is culturally grounded; there are experienced people in the community who can help. [1]
- **CLASS IN SCHOOLS.** The community could offer a Domestic Violence class to students to help them learn how to treat each other well. It could be modeled after

Mary Kapsner's history class, and could be taught at Bethel High School as part of its family and life skills program. [1]

DIVORCE/CUSTODY:

- [No comments specific to divorce/custody cases were offered by members of the public, although comments above related to child support, compliance with court orders, unqualified decision-makers, and listening to children could conceivably apply here as well as in the categories in which they are listed.]



Richard Slats of Orutsararmuit Native Council visits with Bethel elder Agatha Nevak and another forum participant at the public reception in the courthouse before the Bethel public forum.



Fairbanks Senator Gary Wilken visits with Superior Court Judge Randy Olsen, L., and Presiding Judge Niesje Steinkruger, R, at the Fairbanks Public Forum.



L-R: Judge Jane Kauvar, Judge Richard Savell, Justice Dana Fabe, Presiding Judge Niesje Steinkruger, Judge Randy Olsen, and Stephanie Cole, Administrative Director, Alaska Court System, at the Fairbanks public forum on *Children in Alaska's Courts*.

Public Comment Summary–Fairbanks

Grouping & Summary of Comments by General Case Type

[Number of related comments is in brackets]

GENERAL:

- **FOLLOW-UP.** The court system should ensure follow-up to the *Children in Alaska's Courts* forum through a working group that meets periodically to make sure recommendations move forward. [1]
- **YOUTH FOCUS GROUP.** The court should consider convening a youth focus group [1] and including youth in the discussions about fixing systems—“empower kids”. [1]
- **PROACTIVE PURSUIT OF GRANTS.** The system should design viable programs, then pursue needed grants. Too often, programs track the grants that fund them, not long-term viability. Be proactive regarding the ideal, and only then determine where to go for money. [1]
- **IN-STATE TREATMENT SERVICES.** There is a “huge need” for in-state counseling and treatment services. [1]

CHILD IN NEED OF AID:

- **INFORMING PARENTS.** The court should ensure that parents are advised about the CINA process before they go to court, and should recognize their fear and anxiety and try to address it. [1] Consider an arraignment-type video for parents in CINA cases. [1] Judges should address parents directly in court to allay their confusion. [1]
- **REPORTS OF HARM.** Create a pamphlet for a parent who has a report of harm to make, to provide information before a case gets started. [1] Mandate video recordings of all reports of sexual abuse or other abuse, so reports of harm are not used as weapons against families. [1] The Office of Children's Services (OCS) is very helpful in relaying reports of harm to the tribe. [1]
- **ENSURING EARLY & MEANINGFUL FIRST HEARING.** In CINA cases, the first hearing should be a meaningful hearing, and should occur right away. Parents' counsel should be advised early, and the first hearing with counsel should not take 2-3 weeks. [1] The court should discuss with the Public Defender, Attorney General, and others ways to get petitions filed and appointments made quickly. [1]
- **ROLE OF SCHOOLS.** Schools are a very important link in addressing the problems of children in the courts, and their inclusion in the discussions is commended, but there are glitches that remain to be resolved. [1]
- **RUNAWAYS.** OCS plays a positive role in addressing runaways by sending a social worker who specializes in runaway youth to regular agency meetings. [1]
- **PETITIONS.** The court can require that the OCS petition be shared. [1]

JUVENILE DELINQUENCY:

- **INFORMING PARENTS.** Consider an arraignment-type video for parents in Juvenile Delinquency proceedings. [1] There is very little information available to parents with kids at Fairbanks Youth Facility (FYF), and there needs to be a manual for parents. [1]
- **INVOLVING PARENTS & FAMILIES.** One parental visit per week for kids at FYF isn't enough to maintain ties, and it's also hard on siblings to maintain relationships. The inability to exchange photos and the requirement to visit in the multipurpose room also interfere with family relationships. FYF should consider allowing parents to have dinner with their child, and should include parents in meetings more often than during annual reviews. [1]
- **RECOGNIZING KIDS.** FYF should recognize kids who achieve, through an honor roll, etc. [1]
- **FYF STAFF & SIGN.** Fairbanks Youth Facility has an "excellent staff" and a "nice new sign." [1]
- **NO STAFF PSYCHOLOGIST AT FYF.** [1]
- **MENTAL HEALTH COURT.** There needs to be a "real" mental health court for juveniles. [1]
- **RETURN CASES TO ATTORNEY GENERAL'S OFFICE.** The duty to prosecute juvenile delinquency cases should be returned to the Attorney General's office from the District Attorney's office, to remove the adversarial approach of the adult system and ensure regular meetings and interaction with those involved. [1]
- **RESTITUTION UNFAIRNESS IN DIVORCE.** When parents divorce, one parent can escape paying restitution and the other can be required to pay it in full, because restitution orders are "joint and severable." [1]

DIVORCE/CUSTODY:

- **DEDICATED FAMILY COURT.** There should be a court dedicated to family cases. [1]
- **FAMILY LAW SELF-HELP CENTER.** The FLSHC has been very helpful to the tribe in two pending cases. [1]

Public Comment Summary–Juneau
Grouping & Summary of Comments by General Case Type
[Number of related comments is in brackets]

GENERAL:

- **OUTREACH TO YOUTH ON THEIR RIGHTS AND RESPONSIBILITIES.** The courts and schools should be more involved in working together to identify where problems come from. [1] Issues of importance to youth should be simplified and relayed to them in a compelling way, such as the “Cost of DUI” card being issued by the Division of Motor Vehicles, and Rex Lamont Butler’s video on interacting with police. [2] The Alaska Bar Association’s Law-Related Education Committee should consider publications for youth on their rights and responsibilities as they reach adulthood. [1]
- **ATTENTION TO YOUTH IN DISTRICT COURT CASES.** Youth are often victims of sexual assault, domestic violence, and other offenses that end up in district court, yet little is done for them and they are “lost in the system.” [1] There is no formalized system for kids in district court, and the Child in Need of Aid system isn’t always aware of them, even though the impact on their lives is great. [1] Guardians ad Litem can be appointed in district court cases, but they usually aren’t. [1]
- **TREATMENT.** Treatment people are leaving Alaska as programs are cut. [1] A grant has been submitted for a Wellness Court in Juneau, but it needs a treatment component—“can we set it up NOT to fail?” [1]
- **JUDGES SPEAKING WITH CHILDREN.** Sometimes GALs have an adversarial relationship with a parent and the GAL report may not reflect the child’s view accurately. Is it appropriate in these cases for the judge to speak with the child? Responses: (a) It can be done sometimes, but it’s a hard question. It can be done privately, without recording. [1] (b) It puts the child at the center of the case and can make them feel pressure. [1] (c) It can be very harmful, and lawyers who ask for a child’s testimony have usually “lost control of the case.” [1]
- **PRIVATE BAR INVOLVEMENT.** Because few members of the private bar have been able to participate in the *Children in Alaska’s Courts* forum, they should be sent the raw brainstorm ideas for their feedback. [1]

CHILD IN NEED OF AID:

- **LACK OF FUNDING.** A lack of available funding arises often, in many contexts. Funding is at the heart of many issues because it determines what active efforts can be made, and how timely they can be made. The main focus of the court’s lobbyist is the court system’s funding needs, but other agency funding issues might also be addressed insofar as they affect the courts. [1]

JUVENILE DELINQUENCY:

- **MINORS CONSUMING ALCOHOL (MCA) LAWS NEED TO BE RE-THOUGHT.** Laws don't do well at keeping people from alcohol and tobacco. The prohibition until the age of 21 creates a "forbidden fruit" concept that leads them to "go for it" when they come of age. [1]

DOMESTIC VIOLENCE:

- **REFERRALS TO OFFICE OF CHILDREN'S SERVICES.** There is no automatic referral of domestic assault cases to OCS. [1] When the prosecutor sends the 911 tape to the social worker, it's a good way to get OCS involved. [1]

DIVORCE/CUSTODY:

- **MEDIATION/PARENTING AGREEMENT.** Mediation is "very helpful and important." [1] The court system's parenting agreement form on the website (DR-475) is a great tool, and the "Two Homes" mediation video is well done. [1]
- **CHILD CUSTODY INVESTIGATOR.** The loss of the Juneau CCI "was huge." [1]
- **PARENTS' VIDEO.** The current system of showing the child custody video to parents every Monday at noon works well and is easier than the prior system of requiring a class during the CCI investigation. [1]



Participants in the Bethel *Children in Alaska's Courts* program from the Alaska Court System gather after the public forum. L-R, Standing: 4th District Area Court Administrator Ronald Woods; Alaska Supreme Court Justice Walter Carpeneti; 4th Judicial District Presiding Judge Niesje Steinkruger; Bethel Superior Court Judge Dale Curda; Bethel Superior Court Judge Leonard Devaney; Bethel Magistrate Craig McMahon; Bethel Magistrate Ana Hoffman; ACS Deputy Director Christine Johnson; Bethel Clerk of Court Natalie Alexie; and 4th District Child Custody Investigator Peter Braveman. L-R, Seated: Project Coordinator Barbara Hood and Project Facilitator Susanne DiPietro.



Dancers from the Ayaprun Eiltnaurvik School's Yupik Immersion Program perform at the Bethel forum.