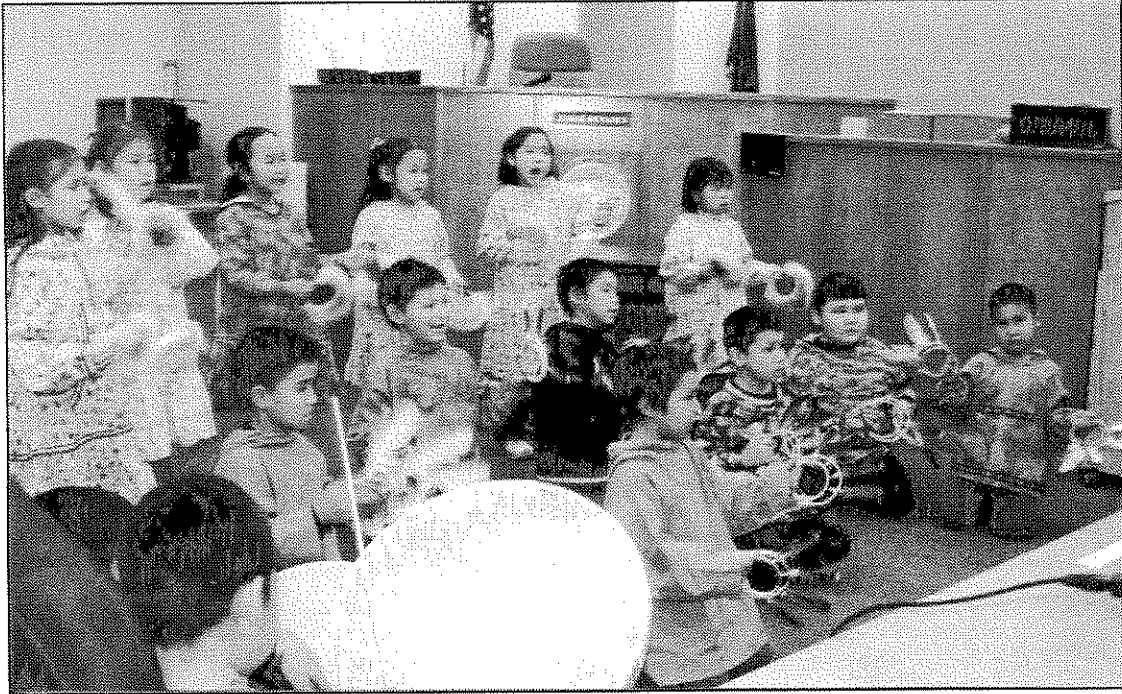


## APPENDIX



Carol Naniruar Oulton's First Grade Class from Ayaprun Elitnaurvik 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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## APPENDIX A-1

### CHILD IN NEED OF AID [CINA] ROUNDTABLE

*Children in Alaska's Courts Forum*

Anchorage, Alaska

May 19, 2004

### UNPRIORITIZED ROUNDTABLE LISTS

#### STRENGTHS:

Mediation/Family Group Conferencing

Family to Family

- Mt. View Foster Homes
- Social workers work group discussions

Institutional players collaborate

State-Tribal Judicial Education

- Designated children's court system
- Rooms/space available
- Dedicated MASTER ½ hour prior to meeting

Settlement Conference (Automatic)

- 80% success rate
- Availability of superior court judges →
- Ability of attorney's to predict cases that need attention

Positive reinforcement by judges

- Preliminary indication → Judge

Ability to "jump-start" negotiation process

Tribal Involvement

- Trials set in timely manner
- More interest in cases
- Judge's understanding improved

Care Court

CINA Publication/Literature

- Parents gather to understand process
- Interagency gatherings

CINA Procedures project

## CHALLENGES/WEAKNESSES:

### Discovery (P.C.) Probable cause

- Adequate time to prepare
- Get information to Tribes quickly

### High turnover of OCS workers (Human Resources issue)

- Burnout
- Extended Stress
- Filling positions → process
- Lack of clerical support training
- Multiple cases
- Service
- Calls
- Tasks
- Visitations
- Paper work
- Legal documents
- Smaller worker case load

### OCS under-funded

- Social worker change
- Resources for rehab. services needs improvement (inadequate)
- OCS visitation inadequate
- Inadequate frequency, duration
- Quantity and quality
- Lack of attorneys
- Delay court orders
- Lack of AG's

### Time lag in proposed order after hearing

### Inadequate performance by social workers

### Teenagers

- How to respond/handle
- Transition services
- More court review
- Connection with service provider

### System overload

- Lack of specialized training (Medicaid, SSI)

### Mediation – Maintain current funding levels

- No Expansion
- \$ to maintain current level
- Oversee project mediators
- Loss of 3 year grant \$

Non-attorney and family understanding of procedures and terms, etc.

Procedure hard to grasp

Earlier Tribal involvement in meaningful way

- Access/Communication

Conference call phone lines

- Working phones
- Children's court voice mail

Notice to tribes in advance

- Responsible party?
- Lack of notice/change

Consistency of tribal involvement

- (Varies with tribe)
- (Varies with location)
- (Varies with attorney)

Bed space residential treatment

Multiple judges handling case

SOLUTIONS:

[Note: No unprioritized solutions list was created by the Anchorage roundtable; all suggested solutions are included in the priority lists in the main text.]

## APPENDIX A-2

### JUVENILE DELINQUENCY [JD] ROUNDTABLE

*Children in Alaska's Courts Forum*

Anchorage, Alaska

May 19, 2004

### UNPRIORITIZED ROUNDTABLE LISTS

#### STRENGTHS:

##### Collaboration

- Judicial Role – Master Hitchcock
  - Helping each other
  - Juvenile Justice Working Group – Master Hitchcock
  - Reclaiming Futures – Robert Wood Johnson, United Way
- Place for Kids
  - Juvenile Assessment Center – MOA bid pending. – Lt. Cobb
  - TYPE – ANJC/DJJ/CITC/U/A – MAT-SU has it in place
- Judicial Oversight by Juvenile Justice Working Group
  - Making A Difference – DJJ/VOA/AYC
  - Youth Development Commission
    - Broad-based/40 agencies (Leader?)

##### Court Role – Juvenile Justice Working Group

- Court Involvement in Reclaiming Futures
  - Judicial Fellowship – J. Officer @ RC site
  - Individual Ct. level – Master Hitchcock does hearings for RC
  - National

##### Dedicated Children's Court – Big Strength

- Assigned Lawyer
- Numbers justify it in Anchorage with Dedicated Court
- Experienced Judicial Staff
  - Great resource to Juvenile Justice community
  - Historical perspective/consistency (avoids the wide variety of ways things can be interpreted statewide)
  - Awareness/openness to change and doing things differently – re: needs of kids

##### Frequent Interagency Contact/Communication/Collaboration

- Ex., regular notice of case management changes, etc
- Regular fix-it meetings; continual effort to improve the process
- Responses to legislative changes
- Quicker response to juvenile cases vs. regular cases

##### Improved Attention to Needs of Victims

- DJJ/VFJ advocate collaboration
- Helps keep realistic expectations

Support for Creative Solutions like Youth Court

- Education of teenagers in juvenile justice
- Reduce delinquency

Bench/Bar Meetings (Criminal)

- Provides forum for regular exchange

Good strong people – well-educated, dedicated

“Directive to Contact” – DJJ prints and provides to APD

- Officer gives parents a forum to contact DJJ, allows quicker intervention, avoids further problems
- Started with Making a Difference collaboration
- Very direct impact on how fast kids get to court; much better
- Addresses juvenile crime in the beginning, whether or not taken to court

Municipally – Funded Officers to DJJ

- Allows greater attention @ the front end, for early and effective intervention
- Educates community about effectiveness of early intervention

Emphasis on Early Intervention (Lots of effort and examples)

- Can reduce entry to court system
- Ex., Loss prevention group – businesses fax juvenile shop-lift reports (Fred Meyer's, Nordstrom, WalMart)
- Helps ensure that the 'little stuff' doesn't go unaddressed
- Makes Juvenile Justice response more likely
- Ex., Officers in Schools

Facilities & Agencies Available

- Lots more options here

School Collaboration

- Sit in on lots of groups
- Officers in schools – 2/high school in Anchorage

### **CHALLENGES/WEAKNESSES:**

New Case Management System

- New numbers make it harder to track juvenile's history

Judicial Services is not as accessible in Boney Courthouse; potentially unsafe situations

- Especially right after judge leaves
- Family, juvenile erupt

Facility Space – people on two floors – leads to inefficiencies

- Communication problems
- Lack of waiting area for victims, etc.



#### Lack of Public Understanding About What Happens in Juvenile System

- Victims expecting immediate restitution, etc.
- Misconceptions about what happens in Juvenile Justice system
- Kids and community think nothing serious will be the consequence

#### No Feedback on Outcomes

- Builds sense that there's no response
- Lowers confidence of public/officers that juvenile crimes are taken seriously
- (Mat-Su Youth Court– Letter to reporters/officers)

#### Persistent Behavior Problems

- Lack of adequate consequences
- Officer sees kid doing same thing again and again
- 10 – 15% of cases

#### Reduced Funding for Agencies

#### Confidentiality Restrictions can Prevent/Undermine Ability to

- Promote Public Understanding
- No vehicle to share information
- “Understood by few and misunderstood by many”

#### Arraignment Process is Slow and Long

- Some solutions underway (video)
- Delays in information from intake officers
- Explanations can take long time – of Juvenile Justice system, charges, rights, etc.
- All with pressures to get right to court
- Scope of arraignments is wider than adult court; detention review more complicated (includes plea negotiation)

#### Case Management System

- No early assignment of case numbers
- Problems identifying related files
- Database not consistent with other agencies

#### Making sure there's a determination of Public Defender Eligibility

- Need improved qualifying mechanism and/or strong oversight

#### Time – Not enough for Hearings

- Ex., 4th time on one hearing because can't get enough at once on the calendar
- Restitution case – 4-6 weeks out; victims return each time
- Often a question of what will be handled by a Master, what will be handled by Judge

### Trial Scheduling

- Pre-trial conferences could be earlier in the process
- Issue of Master's time – 4-6 weeks out for scheduling

### Out-of-Custody Arraignments

- Ensure more time
- Extend number of slots

## **SOLUTIONS:**

### Arraignment Video/Educational Efforts

- Division of Juvenile Justice
- Shown to kids @ facility or for out-of-court, @ appointments
- Originally one for victims, parents, kids referred (vs. to court)
- Makes more consistent message
- Ensures accuracy
- Fosters understanding all around
- Reduces time at court hearing
- (Assess what works)

### Victim Information Effort – to help them navigate the court system

- Brochure needs wider distribution (Division of Juvenile Justice/VFJ collaboration)
- Needs to be more coordination between agencies on educational materials
- Bring in OVR to collaborate

### Educate the Public as a Whole

- How the system operates
- How they can help
- Emphasize Public Relations in the Court System
- Consider a Public Information Officer

### Expand FLSHC Information (clinics, websites, etc.) to include an overview of Juvenile Justice system

### Alaska Judicial Council can Examine Juvenile Cases for Outcomes:

- Educational impacts – what reaches kids
- Duration of cases
- Outcomes of cases
- These could be shared systematically; where individual information wouldn't be useful because confidential

### Add "Consumer Satisfaction" Assessment for those involved/impacted by the Juvenile Justice System

- Youth Courts have good models
- Use forms? Questionnaire?
- Add to website?

#### Publish Statistics

- Let public know of community and court's successes in Juvenile Justice cases
- Positive victim experiences
  - Restitution
- Address that something is being done by the system

#### Create a Public Information Bank Among all Agencies/Courts

- Ensure Collaborative Effort

#### Emphasize extent of youth involvement

#### Facility Issues

- Implement facility plan that ensures more private space to conference – redesign 2nd Floor Boney; needs \$
- Eliminate split floor
- Examine ways to reclaim non-court space

#### Improve Court Process by Continued Interagency Communication

#### Collaboration, with a focus on the Juvenile Justice System

- Develop preliminary ideas for trial scheduling, arraignment issues
- Assess capacity for restitution hearings, which tend to be the most long and involved
- Reconstitute juvenile interagency case management meetings; include Victims for Justice

## APPENDIX A-3

### **DOMESTIC VIOLENCE [DV] ROUNDTABLE**

*Children in Alaska's Courts Forum*

Anchorage, Alaska

May 19, 2004

### UNPRIORITIZED ROUNDTABLE LISTS

#### STRENGTHS:

Reassignment to Superior Court of DVROS

- Cuts down on redundant hearings
- Accountability up

Supervised visitation plus exchange services and subsidies

- Allows kids to see other parent (don't feel abandoned)
- Accountability for parents
- Independent/impartial observer
- Takes burden off APD (exchanges)

Substantive law prohibiting parents from returning to victim's home

Ease of getting Domestic Violence Restraining Order

Alaska Court System willing to collaborate to secure outside resources for victims (also for attorneys)

Language line available for AS 18.66 hearings (except for Alaska Native languages)

DV Facilitator in FLSHC

"Outside" resources (STAR, AWAIC, etc.)

Use of resources to train judicial officers leads to increased knowledge/awareness

#### CHALLENGES/WEAKNESSES:

Potential 5th Amendment problem

- Defendant charged criminally cannot defend self in Civil Domestic Violence Restraining Order hearing; see also HB 385

Language line doesn't offer Alaska Native languages; also would be better if we see it in any DR case involving Domestic Violence; inconsistent use

Ease of getting Domestic Violence Restraining Orders – the "victim - respondent" and manipulation of system

HB 385 – Responding to it

- Training – do a checklist
- Need for more hearing time

Failure to explain difference between Title 18 and DR “no contact” orders - Implications for enforcement

- Coercive impact on Victim

Unclear to respondents that it is not violating order by initiating contact

Not enough Judicial Officers

- Dockets too crowded to accommodate longer evidentiary hearings in 6 months
- Orders – decisions now have more (now 12 month) severe/long-term consequences

Inconsistent terms in orders: Civil Domestic Violence Restraining Order vs Criminal vs DR; leads to confusion and to more violations; also too many hearings and judges

Victims and respondents are not entitled to publicly appointed counsel in Title 18 hearings

When Title 18 order is entered in DR case, clerk is not sending the order to be entered into APSIN

Child custody evaluator not generally available to do study in DVRO custody decisions

Difficult for law enforcement to understand/enforce “mutual” orders and orders that allow all kinds of expectations

Lack of kid friendly visitation areas for incarcerated parents (all criminal cases, not just domestic violence)

Substantive Law – no discretion to permit DV Criminal Defendant to return to residence (ex: siblings, parent/child)

No monitoring for DVIP

Research needed on long term efficacy of DVIPs

No resources for LEP parties

### **SOLUTIONS:**

Checklists and other information for judicial officers and clerks and judge's assistants

(Language line) doesn't offer Alaska Native languages; also would be better if we could use it in any DR case involving Domestic Violence; inconsistent use

Explore barriers & potential benefits of One Family, One Judge (DVRO, DR, CINA and Criminal)

Secure more resources to ensure better decisions in DV custody decisions

- DV custody investigator and DV training for CI
- Judicial Officer(s)
- Case Manager

Expand use of language line to all civil DV cases (i.e., DR + CINA)

Alaska Native Medical Center – can we use their interpreters? (Also, Alaska Native Justice Center)

Frequent, ongoing chances for judicial officers to receive training and exchange practice tips; start with HB 385

**APPENDIX A-4**

**DIVORCE/CUSTODY [D/C] ROUNDTABLE**

*Children in Alaska's Courts Forum*

Anchorage, Alaska

May 19, 2004

**UNPRIORITIZED ROUNDTABLE LISTS**

[Note: The Anchorage Divorce/Custody Roundtable created lists of priorities only, which are included in the main text of this report.]

#### Table 4

Open relationship + shared vision between state and tribal court. Examples: truancy cases – NVB + schools identify truant kids and state court has weekly truancy hearings. People see this as being effective for kids. Also MCA cases – unity of vision.

#### Table 5

NVB has high tribal enrollment

Because people don't know where to go for services—grant funding vagaries, etc—school district has a central record keeper to keep track of what's happening with child, parent, guardian

Lots of direct personal contact between agencies and tribes; has led to improved communication

Increasing cultural awareness; media is used well to show people working together, bilingually

People aren't afraid to talk about their problems; not afraid to embrace healing

### **CHALLENGES/WEAKNESSES:**

#### Table 1

Enforcement options—whether tribal courts will do so given parents' denial re: offense.

Inadequate facilities – especially parents & children who want help

- Help turns on problems with the law or threats to rights, not need or interest

Counseling Services – The need for stress management

- Ex., hotline

3–6 month wait for services

Lack of community understanding and support – high stress of a public position, such as judge for NVB

- community venting on VHF compounds stress
- stress contributes to high turnover

Lack of local GAL's—lack of funding for GAL's to visit and become familiar with the culture

- GAL qualifications?
- State CASA courses and training (OPA?)

Lack of sufficient funding

#### Table 2

Lack of available services—getting assessments is expensive, difficult, delayed

- alcohol
- FAS



Lack of knowledge & communication among agencies about procedures and resources.

- inability to obtain or share information

Jurisdictional uncertainty leads to questions

### Table 3

Lack of education & training for both agencies & community

- ex., mandatory reporters' duties
- ex., teacher has no choice; there's a law
- ex., address confidentiality

Large learning curve on court process

- Agency staff with no/limited court experience

Long delays in the process

- bad for kids, agencies, families

Too many layers to the process; people trying to do the right thing get bogged down

### Table 4

Lack of services

- counseling
- FAS assessment

Too crisis-driven; not preventive

- ex – "Baby Think it Over" a great project  
(Teens care for fake baby that cries and records injuries)

FEAR—the challenge of not having the institutional memory of all procedures

## **SOLUTIONS:**

Foster openness & opportunities to communicate

Agencies & courts taking responsibility to move things along; being proactive to solve community problems

- Ex. TRUANCY –
  - commitment by school district, police department, NVB, court, etc.
  - lots of investment & cooperative effort.
  - 3 teachers/court calendar
  - short-term investment → long term gain
  - full community support

Increase access to counseling by investigating LOCAL/TRADITIONAL Counselors, to address lack of counseling services

- therapeutic value of tradition/cultural values & skills
- use more state certification of traditional counselors

Use tribal approach of inviting wide circle of people (teachers/etc.) to learn all issues affecting a child

Develop a cheat sheet on procedures in both state and tribal courts

Foster Parent \$ issue—NVB can use “state package” to qualify foster parents

- NVB can't get state \$ because no government–government relationship

State agencies & tribes can work together on model for foster parent coverage & cooperation.

- Welfare pass-through as a model?
- Federal funds to state can be “passed through” to groups without direct government-government relationship

Twice annual roundtables of agency & court personnel to clarify & learn what NVB does/what state court does

- regularly address changes in service parameters

Continue/expand Legal Providers meetings @ Law Library

- agencies
- issues
- hosted by state court; announced via media/email

Continue/expand Wellness Coalition

Community Outreach, coordinated

- 1x/month “emails” of issues
- focus on youth who were in system & are now adults
- focus on role of child welfare workers
- focus on how to stay out of the system

Support NAMI (National Alliance for the Mentally Ill)

Improve Follow-up/Feedback on cases between courts and agencies

Improve coordination across disciplines

- use email & technology as mechanisms for exchanging information; establish protocols for mental health records, school records, etc.

**APPENDIX B-2**

**CHILDREN'S JUSTICE COMMUNITY ROUNDTABLE PARTICIPANTS**

*Children in Alaska's Courts Forum*

Barrow, Alaska

April 9, 2004

**"State-Tribal Courts Working Together for the Future of Our Children"**

<p><u>Facilitators:</u>  <b>Justice Warren Matthews</b>, <i>Alaska Supreme Court</i>  <b>Presiding Judge Michael Jeffery</b>, <i>Barrow Superior Court</i>  <b>Presiding Magistrate Karen Hegyi</b>, <i>Barrow District Court</i>  <b>Sue Bowen</b>, <i>Judicial Assistant, Barrow Trial Courts</i></p>	<p><u>Reporters:</u>  <b>Helen Hickmon</b>, <i>Law Clerk, Barrow Trial Courts</i>  <b>Susanne DiPietro</b>, <i>Project Facilitator</i>  <b>Barbara Hood</b>, <i>Project Facilitator</i></p>
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## APPENDIX C-1

### **CHILD IN NEED OF AID [CINA] ROUNDTABLE**

*Children in Alaska's Courts Forum*

Bethel, Alaska

November 10, 2004

### UNPRIORITIZED ROUNDTABLE LISTS

#### STRENGTHS:

Good communication and teamwork approach; people involved have experience and familiarity

Court staff are receptive to scheduling issues and others; Mona and Lillian are very accommodating with juggling the calendar

Children's Week meetings (Thursdays) allow for communication

- 1 time/month with all parties involved (focuses on administrative issues, not cases)
- Week devoted to trials in CINA

Parties attend; Guardian Ad Litem (GAL), Attorneys – come prepared

Permanency hearings are set 12 months out, at temporary custody hearing; keeps it in sight

Court is respectful of clients (parents and tribal reps)

Having children's week is efficient and helpful – trials only/week/month

Familiarity with the community of CINA participants

Court recognizes Office of Children's Services (OCS) resource limitations

Parties play roles well; come prepared; understand their role and understand the process from different perspectives

Reports are coming in; people are aware that they're mandated reporters. People want to do what they can to help kids and will report to tribe or agency so something is done.

Family/group conferencing is strong and mediation is working

- Community based
- English and Yupik
- Family centered
- Combine traditional values with process

Tribes are successfully interviewing in CINA cases

Tribes can find good placements and are beginning to get involved

Training on Indian Child Welfare Act (ICWA) and ICWA involvement is much greater than 13 years ago

Children are being placed with relatives and extended families and not being removed from their communities

Children in Need of Aid are victims; juveniles (juvenile delinquency) are victims of circumstances and should be distinguished

Foster parents and relatives are willing to take in children; "You treat them like your own kids; there is no difference"

Tribal and other involvement in finding good homes is high; Yupik culture is very extended, family-centered and Bethel OCS recognizes this

Good contact by OCS with ICWA workers and good ICWA worker involvement in safety checks

Relatives take kids in to keep them in the family and keep them safe

Good explanations to parents, especially in Yupik, drives it home and they're more motivated to work with the system instead of against the system; Magistrate Hoffman has very positive impact

Health care and other services are being brought to villages by Yukon Kuskokwim Health Corporation (YKHC) and others (tribal groups, etc.)—much increased over past

More transfers to tribal courts; build on community-based intervention

### **CHALLENGES/WEAKNESSES:**

Scheduling difficult; every court change wastes time. Every court date change is another day taken from workers doing their real jobs; probably due to competition between criminal and CINA/civil system

Bumps for criminal trials (Criminal Rule 45) – big problem, especially when children's week itself is bumped

- Affects adjudication /disposition/permanency – extends and delays them far beyond statutory timelines

Court should honor Children's Week; not make CINA cases the back-burner cases; court's job is to have a heavy hand in this and not let other parties govern its time

Not enough GALs

- Need community-based advocate like Court Appointed Special Advocate (CASA) to support the GAL role
- Tried before but never sustained

Rescheduling from continuances because parties unavailable, not ready, etc.

Signed court orders are slow in being returned to the social worker; attorneys get them more timely (maybe)

- Can't get services to child without an order
- Schools
- Health care (YKHC)

No longer using the protocol of attaching a proposed order to the emergency petition; immediate orders essential

- After 98/99 changes, new forms weren't filed with the order; AGs started filing them and tailoring them

ICWA not complied with by OCS workers

### SOLUTIONS:

Make sure planning for village services includes more Natives

Set aside 1-2 hour slot/each week for ICCs – knowing that hearings won't be set at this time would be a big help; Ex., therapeutic court happens at a set time weekly and folks know not to conflict with this

Annual retreat for parties usually involved to address how to work together more efficiently; coincide it with ICWA trainings and processes

Concurrent planning on children's matters – always have a Plan B

Full faith and credit for tribes; tribes need control over destiny, and children are our future.

- Tribes have had to be reactive instead of proactive; tribes are not against OCS

State judges need to attend more statewide ICWA conferences, to have clearer understanding of tribe's perspective

Ensure timely notice of all court proceedings (including ICCs) goes to tribes and ICWA workers

Translators for cases when needed, plus using lay language and avoiding legal terms

Explaining things better to parents

- Maybe a video in English and Yupik to explain CINA

Parents need to have attorneys at first hearing

- Create a form with attorney contact information on it
- Use pamphlet on CINA more widely
  - Make available in Yupik

Make information on case more accessible

- Video
- Audio
- Brochure
- They have the people to talk to, but don't know questions to ask

Children should be included in court processes and decisions

- If they are old enough, they should be involved, especially if 15, 16 and older
- Ask the kids (failure to do this is a big complaint of former foster kids)

Notices to kids when 12 and over

## APPENDIX C-2

### **JUVENILE DELINQUENCY [JD] ROUNDTABLE**

*Children in Alaska's Courts Forum*

Bethel, Alaska

November 10, 2004

### UNPRIORITIZED ROUNDTABLE LISTS

#### STRENGTHS:

Yupik speaking judge

Supportive atmosphere or tone in dealing with youth needs/problems

Non-adversarial approach; informal

Focused and dedicated personnel/players

Resources available within community

Restorative approach in treatment and culturally sensitive

Good programs at youth facility

#### CHALLENGES/WEAKNESSES:

Foreign system imposed on culture; can be insensitive

Recruitment/hiring of staff that can understand and meet the needs of culture

Only one detention facility for region and in Bethel; limits parent access; geographic challenge

Waiting for someone else, or the system, to solve problems or meet individual needs

Lack of awareness of preventive services in some communities in region

Education of public regarding juvenile facility services and law

Identify key points of contact within each village; e.g., tribal court contact

#### SOLUTIONS:

Hold more court hearings in villages

Identify and motivate local resources and do better at utilizing them; e.g., Napaskiak Trial Court



Identify a better way to handle Minors Consuming Alcohol (MCA)/Diversion program

More local In-patient treatment service funding

## APPENDIX C-3

### DOMESTIC VIOLENCE [DV] ROUNDTABLE

*Children in Alaska's Courts Forum*

Bethel, Alaska

November 10, 2004

### UNPRIORITIZED ROUNDTABLE LISTS

#### STRENGTHS:

Judges grant protection order appropriately

Domestic Violence Restraining Order (DVRO) procedure is "user friendly"

Teamwork approach – police work with victims' services organizations, school district, Child Advocacy Center (CAC)

Once DVRO is served, court and police take them seriously

There is a process for the defendant to receive child support

Victims' services program is strong and includes parenting classes – open to public – (and child care is offered)

#### CHALLENGES/WEAKNESSES:

Bethel court does not have most recent version of DV petition and long term order

Child Support affidavit forms – not getting them to the defendant, the respondent; also, the parties may not be filling them out even if they have them

Custody decisions in DVROs – not enough information to make best decision for children

Parents use DVRO process to get a custody decision

OCS pressure Mom into getting an order

Difficult to get DVROs served: travel time, manpower, respondent does not know about hearing

Manpower shortage at Department of Public Safety (DPS) → delay entering order into Alaska Public Service Information System (APSIN)

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

Mutual violence – how to decide custody?

How to include the child's voice/perspective in such a difficult arena as DV?

**SOLUTIONS:**

Establish an interagency, multi-disciplinary DV Task Force, even though we're not sure people have time/energy to come to more meetings – communication

Reach out to tribal resources – for example, at a tribal gathering

Yukon Kuskokwim Health Corporation (YKHC) could get training for staff about how to offer a BIP

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

Raise awareness among public of fact that alcohol exacerbates problem of DV

DV cases involving children are referred to Office of Children's Services (OCS) and OCS follows up and tells the reporter what the outcome was

Is there some entity (OCS? Office of Public Advocacy?) that could send a social worker to be the child's voice in the criminal DV case?

**APPENDIX C-4**

**DIVORCE/CUSTODY [D/C] ROUNDTABLE**

*Children in Alaska's Courts Forum*

Bethel, Alaska

November 10, 2004

**UNPRIORITIZED ROUNDTABLE LISTS**

**STRENGTHS:**

Court's commitment to resolving family cases quickly; trials scheduled relatively quickly

- Give them attention
- Move them through
- Treat them as important
- Try to do the right thing

Procedures less formal; court responsive, flexible, less bureaucratic

Bifurcation of cases--lets custody issues get resolved earlier

Court office prompt and responsive; honest about workload and how quickly they can respond

"Save the Children" video

Receptive to counseling and alternative dispute resolution

Patience and helpfulness to pro se litigants

Family Law Self Help Center (FLSHC) – 800 number works, forms on website

Community good at "lower resources litigation"

- Fewer experts, depositions

Small community – people

- Aware of resources available in community, e.g., churches

Collegial relationship among family lawyers and with court; reduces conflict generated by lawyer egos

Attorneys treat Custody Investigators and churches respectfully

**CHALLENGES/WEAKNESSES:**

Should be clearer on Child Support (CS) orders earlier

Early – scheduling hearing/conference with judge within 30 days after answer (before disclosures due) with parties; include brief instructions on rules:

- Presumption that marital property will be divided 50/50
- Presumption that shared custody is in best interest of child
- Child support is pursuant to 90.3
- Non-custodial parent is going to get visitation
- Supervised visitation is not going to be ordered unless....
- Court is going to order child support, not going to let parents trade off child support

More formality in terms of disclosures

Custody orders/agreements don't adequately address travel costs

### **SOLUTIONS:**

Child Support Enforcement Division (CSED) sets up mechanism for calculating child support so that people with access to computers can print off forms or fill them out on line to make the computation.

Court time: hard to get before a judge for non-expedited matters; if lose court date, hard to get back on calendar; hard to get on calendar for more than ½ hour, even with contested hearing

Regular visits with custody investigator, two times/year

More ADR resources:

- Judges for settlement conferences – 3 weeks/year
- Mediation training for local clergy and others

Counseling support services and other resources for kids

- Help for parents to help kids
- Groups for kids in divorcing families

Uncertainty around HB 385

- Identify early on whether HB 385 is issue; if so, hold early evidentiary hearing to make findings
- Continuing Legal Education ((CLE) (or series of CLEs) on HB 385

Training for local clergy on family law mediation (very limited availability of counseling, therapy, or mediation for adults)

More custody investigator resources and regularly scheduled visits – 2 times/year for a week – April and October

Video links to magistrate courts

Interactive version of parenting plan

- Make shortened version of model parenting plan
- More appropriate to region
- Length of plan intimidating

Discuss paperwork – it's daunting

**APPENDIX C-5**

**CHILDREN'S JUSTICE COMMUNITY ROUNDTABLE PARTICIPANTS**  
*Children in Alaska's Courts Forum*  
 Bethel, Alaska  
 November 10, 2004

<b><u>Divorce/Custody:</u></b>	<b><u>Juvenile Delinquency:</u></b>
<p>Facilitator: <b>Judge Dale Curda</b>, <i>Bethel Superior Court</i>                      Recorder: <b>Christine Johnson</b>, <i>ACS Deputy Director</i></p> <p><b>Lorin Bradbury</b>  <i>Psychologist</i>  <b>Peter Braveman</b>  <i>Child Custody Investigator</i>  <b>Meghan Gaughan</b>  <i>Tundra Women's Coalition</i></p> <p><b>Michelle Power</b>  <i>Angstman Law Office</i>  <b>Mark Regan</b>  <i>Alaska Legal Services Corporation</i>  <b>Deborah Reichard</b>  <i>Guardian ad Litem</i></p>	<p>Facilitator: <b>Magistrate Ana Hoffman</b>, <i>Bethel District Court</i>                      Recorder: <b>Ronald Woods</b>, <i>Area Court Administrator</i></p> <p><b>Katherine Amik</b>  <i>Napaskiak Tribal Court</i>  <b>Devinder Brar</b>  <i>Assistant District Attorney</i>  <b>Marvin Hamilton</b>  <i>Public Defender Agency</i>  <b>Nicholai Joekay</b>  <i>Napaskiak Tribal Court</i>  <b>Pat Leeman</b>  <i>Superintendent,                      Bethel Youth Facility</i>  <b>Dave Matthews</b>  <i>Bethel Youth Facility</i>  <b>Nate Peters</b>  <i>Public Defender Agency</i></p> <p><b>Rick Scherry</b>  <i>Juvenile Probation</i>  <b>Erin Smith</b>  <i>Tundra Womens Coalition                      Child Advocacy Center</i>  <b>Vince Weber</b>  <i>Yukon Kuskokwim Health Corp., Mental Health</i>  <b>Cathy Wold</b>  <i>Tribal Justice Specialist,                      AVCP</i>  <b>Patty Zulkosky</b>  <i>Bethel Youth Facility</i></p>
<b><u>Domestic Violence:</u></b>	<b><u>Child in Need of Aid:</u></b>
<p>Facilitator: <b>Magistrate Craig McMahon</b>  <i>Bethel District Court</i>                      Recorder: <b>Susanne DiPietro</b>, <i>Project Facilitator</i></p> <p><b>Natalie Alexie</b>  <i>Bethel Clerk of Court</i>  <b>Megan Crow</b>  <i>Lower Kuskokwim School District, Social Worker</i>  <b>Evelyn Day</b>  <i>YKHC Emergency Services</i>  <b>Michelle Dewitt</b>  <i>Director,                      Tundra Women's Coalition</i></p> <p><b>Winnie Kelly-Green</b>  <i>Tundra Women's Coalition</i>  <b>Diana Lucente</b>  <i>Alaska Legal Services Corporation</i>  <b>Lt. Peter Mlynarik</b>  <i>Department of Public Safety</i>  <b>Sgt. Terry Stonecipher</b>  <i>Bethel Police Department</i></p>	<p>Facilitator: <b>Judge Leonard Devaney</b>  <i>Bethel Superior Court</i>                      Recorder: <b>Barbara Hood</b>, <i>Project Coordinator</i></p> <p><b>Elena Aluskak</b>  <i>Tundra Women's Coalition</i>  <b>Laura Baez</b>  <i>YKHC-Behavioral Health</i>  <b>Lucy Bayies</b>  <i>Cooperative Extension Service, UAF</i>  <b>Daniel Bill</b>  <i>YKHC-BHS</i>  <b>Shirley Cartwright</b>  <i>Office of Children's Services</i>  <b>Margaret Chase</b>  <i>Orutsaramuit Native Council</i>  <b>Joan Dewey</b>  <i>Office of Children's Services</i>  <b>Gina Douville</b>  <i>AVCP Tribal Justice Center</i>  <b>Jennifer Joannis</b>  <i>Attorney General's Office</i></p> <p><b>Brian Kay</b>  <i>Office of Public Advocacy</i>  <b>Yvonne Kinegah</b>  <i>Office of Children's Services</i>  <b>Vicki Koehler</b>  <i>Office of Children's Services</i>  <b>Temple Martin</b>  <i>Attorney General's Office</i>  <b>Agatha Nevak</b>  <i>Foster Parent</i>  <b>Christi Pavia</b>  <i>Attorney General's Office</i>  <b>Sally Russell</b>  <i>Bethel Therapeutic Court</i>  <b>Richard Slats</b>  <i>Orutsaramuit Native Council</i>  <b>R. Thor Williams</b>  <i>Guardian ad Litem</i></p>

## APPENDIX D-1

### **CHILD IN NEED OF AID [CINA] ROUNDTABLE**

*Children in Alaska's Courts Forum*

Fairbanks, Alaska

September 15, 2004

### UNPRIORITIZED ROUNDTABLE LISTS

#### STRENGTHS:

Reporting requirements and deadlines are being included in orders

- More timely proceedings
  - Quarterly reports
- Helps everyone keep on track and keep calendars clear

Date of next hearing is in check-box on first page of order

Lots more information is available online and otherwise – court website is fantastic – online calendar, updated every ½ hour

Family Law Self Help Center (FLSHC) is great – very helpful

Court website connects to Alaska Legal Services Corporation (ALSC) forms – not typically for CINA cases, but some apply

Appointments of Guardian ad Litem (GAL)/Attorney – court could send order out first

Court is keeping cases moving

- Hearings are held promptly
- Timeliness of hearings in motion practice is good; judges are on time, organized

Very responsive to getting attorneys appointed for parents

Court has set up lots of hearings, etc., telephonically

- Very helpful to villages
- Ability to link in lots of people
- Good quality audio – participants can be heard

Early consideration of mediation – order date and time from court

Good court staff who care about the result; experienced and dedicated attorneys

One judge/one day for CINA cases – working as best it can – reduces conflicting calendars, etc.

Cross-training fosters smooth transition--when staff moves on; successors groomed



State court scheme is similar to tribal court scheme for determining the outcome of cases

Emerging pattern of deferring to tribal courts and solving local problems locally; state judges give more and more deference to tribes and more tribes are involved

Within last year, more cooperation in state with tribal courts (before, more cooperation from outside state courts than Alaskan courts)

Availability of mediation

Court allows filings by FAX from bush communities

Very helpful clerks ("Brian") and administrative assistants are helpful

CINA files move faster than others, everything flows; judges have what they need; attorneys for parents; GALs for kids – ensure no breakdowns in these procedures

Calendaring includes mediations and referrals to mediator by FAX, based on known schedule--smooth process; dates are selected at the hearing; internal scheduling of mediation services works well

### **CHALLENGES/WEAKNESSES:**

Don't know which attorneys and GALs are involved at the initial hearing; clients know they're going to court, but don't know allegations; *need early appointments*

Initial petitions don't get to judge, attorneys and OPA in time – up to 2-day delays; *system problem.*

Tribes and Tanana Chiefs Conference (TCC) don't always get timely notice

- TCC doesn't go unless tribe calls; but has authority to represent
- Tribal representations might also attend with notice
- Judges inquire at initial hearing regarding tribal child? Notice?
- *TCC represents all Interior villages but Venetie & Arctic Village*

Earlier identification of tribes and other relatives (non-Indian Child Welfare Act [ICWA]) who could care for (ICWA) child

Many members of court don't understand Office of Children's Services (OCS)/ social worker's role or limitations and can have unreasonable expectations; *education*

Hearings are very stressful for parents; instructions/directions need to be slow and clear, but often aren't; parties and counsel aren't always available for questions:

- Social worker
- Attorney
- GAL

Judges have different styles of communication; some direct statements to parents directly, with good effect, and some don't; *important to speak to parents*

Licensing standards for state care can prevent tribal families from qualifying, despite willingness to provide care

50% of kids in custody have developmental delays and these needs have often been long neglected; yet medical exams may not include developmental exam or other assessments (mental health, etc.)

- Needs to be early overview of developmental disabilities
- Needs to be intervention before jail
- Judge can direct physical and developmental exam
- OCS developmental screen @ initial stage

Court doesn't always inquire regarding notifications to:

- Foster parents
- Paternity issues – Who's the dad?

Delays can lead to termination trial dates with a father still unaccounted for; *"don't bifurcate parents"*

Needs to be early meeting of the parties that allows court to inquire early and often about key issues – *court's inquiry is powerful*

Increase time spent at first hearing – parents need face-to-face time, not pamphlets

Parents don't understand, are very intimidated, and there's no one to talk to; Judge's decision is fast and hard to comprehend

- Judge should take time at 1<sup>st</sup> hearing to explain to parents what's happening; *people listen to the black robe*

Court rules committee has a draft CINA GAL rule and it needs to be adopted

Parents need someone to work with, on the phone or 1:1; paper or writings are very hard to digest in a stressful situation

Need for more cross-training – judges can't be experts on everything

OR

Revamp the system to have a specialized judge/court for CINA cases/family cases that can develop expertise (domestic violence (DV), CINA, etc.)

Tribes are still fighting for jurisdiction; state should foster tribal role instead

- Issues arise – parents from different tribes and either parent can object to transfer
- Original jurisdiction – not at issue much
- Intervention jurisdiction – usually OK
- Transfer jurisdiction – now conflicts; Attorney Generals (AGs) fight transfer; *different administrations have different policy*

Earlier consideration of mediation

Court should distinguish personnel issues and systems issues, and not address personnel issues publicly--competency of social worker vs. overtaxed system

- AG meetings regarding social worker dropping ball; problem individual

Need more OCS/social worker resources, and recognition of limits in the meantime

- Job shadow by court personnel of OCS
- No imposition of unrealistic duties by court; more understanding by the court
- OCS recognizes that it's an adversarial process and that there are standards that must be met

Process is very confusing for families; sometimes it's a traumatic situation, or drug/alcohol effect, and they can't understand it

They're given little or no information: this is the process, this is the number to call, etc.; they may have a 2-3 day lag before appointment of an attorney or the ability to seek an attorney at pre-trial services

Earlier information about the system; no information source for CINA presentation

### **SOLUTIONS:**

Judges can take more time to explain situation in non-legal terms, in court—the equivalent of a Rule 11 advisement: *"This is the big picture..."* *Direct eye contact with the parent.*

Video – like custody or arraignment, that can be viewed in a private place, which explains the process by stages (caution: not effective if you compare jail video, plus timing may not be right)

Parenting class focused on the process, like the Center for the Community Interest (CCI) version, which allows 1:1 questions and answers weekly; different types of learning materials could be made available, tuned to different needs

Online program on the website: expand court system's family law website to CINA

Parents will listen to the court and cooperate more with OCS and treatment folks if the court reinforces the directions to them

More support for the role OCS has to protect children

- Resources
- Cross-training
- Whatever else helps

More support for tribal role; if the tribe wants a case and thinks it can handle it, it should be able to

Tribal social worker training on OCS role:

- OCS social worker training on tribal role
- OCS/Tribal cross-training

More counseling services, available early on—not 6 months, 18 months later—especially in villages where none are available

Recognize role of Court Appointed Special Advocate (CASA) in serving families and kids – OPA will file pleadings identifying CASAs

OCS and village social workers to have joint conferences and professional trainings

State and village judges should have joint training to promote better understanding and communication

Florida has done innovative things on health care status of children in foster care; we can review and incorporate

Court (judge) or clerk should look for certification of notice and ensure all are served before hearing, because some folks fall off; *(this may be court error; should happen)*

Specialized family courts

- More accessibility
- Eliminates many of the procedural/navigating system problems
- Judges more familiar with family law; great expertise
- Keeping judges involved across the cases lets them see patterns and overlap in families

Focus on the kids for better end results, not making our jobs easier

Increase judicial inquiry: develop checklist for judges

- ICWA nominees
- Screenings for mental health, developmental disability (DD), physical, etc.
- Notification issues: Paternity, relative placements

Equivalent of pre-trial order in criminal case – Who plays this role? Social worker?

Make OCS case plan/60 day reviews, etc., available in court process – either via GAL or to all parties; make internal review data and checklists more accessible, because few people have a handle on details of a case

Dovetail court information classes into existing parenting programs such as Resource Center for Parents and Children (RCPC) to which OCS directs parents

Notification issues:

- Law requires petition within 24 hours of emergency custody; court must set hearing within 48 hours of petition
- Problem: process is started by a phone call instead of a petition
  - So – AG's can stop calling and wait to file within 24 hours and no hearing is held before petition filed (delays not good)

OR

- Adopt process where:
  - No action by court before petition filed
  - Judicial assignments before hearing to Public Defender (PD), OPA, tribe
  - Appointment orders go out before hearing
  - Judges could set emergency hearings at X time on each judges day, so SW can tell parent where to be and what time to be there when custody is taken, just like police
  - All petitions need to go through AG's office before filing, like DA filing of criminal complaints

## APPENDIX D-2

### **JUVENILE DELINQUENCY [JD] ROUNDTABLE**

*Children in Alaska's Courts Forum*

Fairbanks, Alaska

September 15, 2004

### UNPRIORITIZED ROUNDTABLE LISTS

#### STRENGTHS:

Dedicated personnel/players, e.g., Mental Health Probation Officer

Non-adversarial primary approach

Alternate avenues - e.g., Youth Court Program

Coordination with schools after system involvement

#### CHALLENGES/WEAKNESSES:

Lack of funding for preventive services

- Lack of resources geared towards special population
- Lack of long-term treatment modalities
- Lack of public awareness of available services

Public exposure of juveniles (in-custody)

- Lack of court commitment to mental health court
- Prosecution by District Attorney's vs. Attorney General's office
- Charging delay
- Over zealousness
- Lack of training on differentiation

Runaways

Communication from schools to system players

- Zero tolerance vs. treatment
- Suspension exclusion with no alternative

#### SOLUTIONS:

Hearings with judge at facility to avoid public exposure of juveniles

Consistent expectations system wide (Child in Need of Aid, JD, etc.)

Executive/Legislative commitment to prevention vs. punishment

Early assessment/receptiveness to social services delivery within school system

Real Mental Health Court in Fairbanks

One family, one judge, in all matters

Return JD's to AG's

Juvenile issues working group including judges and youth meeting quarterly

Regarding funding, this state has money; Act like it!

- 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

### APPENDIX D-3

## **DOMESTIC VIOLENCE [DV] ROUNDTABLE**

*Children in Alaska's Courts Forum*

Fairbanks, Alaska

September 15, 2004

### UNPRIORITIZED ROUNDTABLE LISTS

#### STRENGTHS:

Court clerks are knowledgeable and help people file domestic violence restraining orders

Mental health clerk – Juvenile Delinquency Cases – special treatment where domestic violence is an issue

Ex parte domestic violence restraining orders filers get a hearing quickly (within 30 minutes)

Scheduling ex parte hearings with the judges is easy – they are accommodating

Early intervention with ex parte order is helpful in term of helping victims

Law enforcement understands dynamics and dangers of domestic violence – improved over previous years; very good compared to other states

Recognition that women can be the perpetrators

Service of domestic violence restraining orders very fast

Court coordination of custody cases plus domestic violence restraining order cases and criminal cases → more information for judges → better decisions, consistent orders

Frequently asked questions containing information about six month hearing are passed out @ ex parte hearing

Troopers read domestic violence restraining orders to the restrained person plus answer questions

Judges explain to defendants difference between civil order and criminal order – at arraignment, bail reviews → less confusion for restrained person/defendant

Grandparents are petitioning for restraining orders on behalf of minors

Telephonic participation in hearings

Domestic violence restraining order can be used by mother to avoid placement of child with Office of Child Services



Teens can get domestic violence restraining orders against each other to intervene in relationships at early stages (also gets parents' attention)

Comprehensive domestic violence laws that are enforced

### **CHALLENGES/WEAKNESSES:**

"Divorce by domestic violence" – race to courthouse to get custody of kids (see also HB 385)

Litigants using "old" domestic violence to get new custody orders (no new allegations) or modify orders that they don't like

No follow up by OCS after 20 day domestic violence restraining order expires – parents may go right back to earlier situation

Parent gets domestic violence restraining order against teen; teen is now CINA, but OCS does not help, and it seems that there is no response

HB 385 – we are concerned that the new emphasis on history of domestic violence could encourage the "race to the courthouse"; we have other concerns also

Lack of treatment options

- Behavior Intervention Plan + require time and money
- Rural communities
- Substance abuse

Safe and neutral exchange for children (need night and weekend service)

Access to supervised visitation

Court based advocate or facilitator

### **SOLUTIONS:**

[Note: There were no unprioritized lists of solutions for the Fairbanks Domestic Violence Roundtable; the prioritized list is included in the main text of the report.]

## APPENDIX D-4

### **DIVORCE/CUSTODY [D/C] ROUNDTABLE**

*Children in Alaska's Courts Forum*

Fairbanks, Alaska

September 15, 2004

### UNPRIORITIZED ROUNDTABLE LISTS

#### STRENGTHS:

Custody Investigator's Office

- Investigation
- Expertise
- Neutrality
- Settling cases
  - "Helping Child through Divorce" mandated class
  - "Listen to the Children" video

Judicial referral in dissolution cases to custody investigator's office for consultation

Parenting Plan

Mediation/settlement resources available to parties (cost no obstacle)

Early settlement avoids boomerang effect, cost and trauma to children

Good information collection to test and support effectiveness of programs

Judicial feedback to custody investigator, when offered

Judges and court custody investigator are accessible to private custody investigator

Availability of quality private custody investigator and mediators

Judicial education in area of child development, and sharing of those resources

Family Law Self-Help Center (FLSHC)—good accessibility for pro se litigants

Good working relationship between court and family bar

#### CHALLENGES/WEAKNESSES:

Lack of systematic feedback from judges and others to custody investigators regarding work and work product

Lack of on-site mediator

Limited resources of and access to FLSHC

Wait too long for custody investigator report resulting in delay of trial date

- Due to number of referrals, calendaring difficulties, and lack of knowledge of which cases will settle
- Lack of resources/ custody investigators
- Complexity of cases/can't predict

Law changes make decisions more complex and difficult

Deciding custody in domestic violence context where domestic violence decision is a difficult one

New law creates confusion and stretches resources – will lead to “run” on domestic violence courts

Lack of day-care at courthouse (parents without child-care resources have children accompany them to court)

Lack of prevention and early intervention when families start having concerns regarding custody; therefore custody cases are crisis-driven

For pro se, lack of substantive information

Parenting plan may be intimidating because too cumbersome

People without lawyers may not plan ahead or understand consequences for their children

No place for indigent persons to get legal advice

Difficulties of court dealing effectively with domestic violence allegations in custody cases

Courts don't have much support (lack of information) in temporary custody decision

Teens want to talk with judge

Families/parents expect courts to solve all their problems, including:

- Non-legal problems
- Pro se litigants have unrealistic expectations
- Custody/CINA interface: hard to get OCS records and complete picture (include access to court's CINA file)

Rural access to custody investigator services

- Limited referral due to limited resources
- Limited availability of class

Lack of toys for custody investigator office (resources + ways to clean them)

## SOLUTIONS:

Early mini-interventions/mediations "Take the Crisis out of Custody":

- Marriage Skills Workshops (premarital and during marriage)
  - Merging finances
  - Conflict resolution
  - Communications
  - Changes in legal status
  - Preventative care
  - Effects of conflict on children
- Crisis/Conflict Resolution Hot Line/Website (with consultation and mediation, masters provide resources to avoid court motions and modifications); "Writ of Assistance" procedure
- Visitation monitor/therapeutic court model

Dedicated family court

On-site FLSHC

More resources, phone lines for FLSHC

More resources – custody investigator's office

Use mediation grant funding to provide resources in custody investigator's office to facilitate settlement conferences

Refer settlement conferences to private sector when parties can afford

Creative funding sources/sliding scale for private custody investigator – stretch resources

Consistency in financial guidelines for qualifying for referrals to court custody investigator

Increase referrals to online resources:

- Publicizing and utilizing Alaska Legal Services Corporation's (ALSC) AlaskaLawHelp.com website; partnering with private lawyers
- Recruiting private practitioners to develop content (pro bono credit)

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

More training for court staff including custody investigator

Use ALSC LawHelp website to distribute (pre-divorce) class information – or videotape class

Custody investigators travel quarterly to give classes; other custody investigator services in rural areas

Educate magistrates to give class

Use videoconferencing for class

## APPENDIX D-5

### CHILDREN'S JUSTICE COMMUNITY ROUNDTABLE PARTICIPANTS

*Children in Alaska's Courts Forum*

Fairbanks, Alaska

September 15, 2004

<u>Divorce/Custody:</u>	<u>Juvenile Delinquency:</u>
<p>Facilitator: <b>Justice Dana Fabe</b>, <i>Alaska Supreme Court</i> Recorder: <b>Stephanie Cole</b>, <i>ACS Administrative Director</i></p> <p><b>Peter Braveman</b> <i>Child Custody Investigator</i></p> <p><b>Holly Byrnes</b> <i>Child Custody Investigator</i></p> <p><b>Julie Donahue</b> <i>Resource Center for Parents &amp; Children</i></p> <p><b>Jody Davis</b> <i>Alaska Legal Services Corp.</i></p> <p><b>Deborah Hayes</b> <i>Child Custody Investigator</i></p> <p><b>Judge Jane Kauvar</b> <i>Fairbanks District Court</i></p> <p><b>Jeri Lanier</b> <i>Family Centered Services of Alaska</i></p> <p><b>Randy Lewis</b> <i>Mediator</i></p> <p><b>Kim Griffith</b> <i>Alaska Court System</i></p>	<p>Facilitator: <b>Judge Richard Savell</b>, <i>Fairbanks Superior Court</i> Recorder: <b>Ron Woods</b>, <i>Area Court Administrator</i></p> <p><b>Lori Bodwell</b> <i>Attorney</i></p> <p><b>Marita Bunch</b> <i>North Star Youth Court</i></p> <p><b>Jennifer Cardin</b> <i>Family Centered Services of Alaska</i></p> <p><b>Capt. Steve Garrett</b> <i>Alaska State Troopers</i></p> <p><b>Bernard Gatewood</b> <i>Fairbanks Youth Facility</i></p> <p><b>John Hagey</b> <i>North Star Youth Court</i></p> <p><b>Wendy Leach</b> <i>North Star Youth Court</i></p> <p><b>Ruth Meier</b> <i>Alaska Court System</i></p> <p><b>Taber Rehbaun</b> <i>Big Brothers, Big Sisters</i></p> <p><b>Ken Roberts</b> <i>Fairbanks Community Mental Health Center</i></p> <p><b>Karla Taylor-Welch</b> <i>District Attorney's Office</i></p> <p><b>Ty Tigner</b> <i>Presbyterian Hospitality House</i></p>
<u>Domestic Violence:</u>	<u>Child in Need of Aid:</u>
<p>Facilitator: <b>Presiding Judge Niesje Steinkruger</b> <i>Fairbanks Superior Court</i> Recorder: <b>Susanne DiPietro</b>, <i>Project Facilitator</i></p> <p><b>Cindy Bole</b> <i>Alaska Court System</i></p> <p><b>Sheri Brechan</b> <i>Fairbanks Youth Facility</i></p> <p><b>Master Alicemary Closuit</b> <i>Alaska Court System</i></p> <p><b>Lt. Lee Farmer</b> <i>Alaska State Troopers</i></p> <p><b>Teresa Foster</b> <i>Attorney General's Office</i></p> <p><b>Judge Raymond Funk</b> <i>Fairbanks District Court</i></p> <p><b>Gayle Garrigues</b> <i>Attorney General's Office</i></p> <p><b>Andrea Greenberg</b> <i>University of Fairbanks</i></p> <p><b>Adam Gurewitz</b> <i>Public Defender Agency</i></p> <p><b>Jennifer Hite</b> <i>Public Defender Agency</i></p> <p><b>Brenda Mew</b> <i>Alaska Court System</i></p> <p><b>Magistrate Ron Smith</b> <i>Alaska Court System</i></p> <p><b>Coleen Turner</b> <i>Resource Center for Parents &amp; Children</i></p> <p><b>Magistrate Paul Verhagen</b> <i>Alaska Court System Nenana</i></p>	<p>Facilitator: <b>Judge Randy Olsen</b>, <i>Fairbanks Superior Court</i> Recorder: <b>Barbara Hood</b>, <i>Project Coordinator</i></p> <p><b>Sara Alden</b> <i>Office of Children's Services</i></p> <p><b>Jane Atkinson</b> <i>CASA</i></p> <p><b>Kathy Bachelder</b> <i>Alaska Court System</i></p> <p><b>Paul Canarsky</b> <i>Public Defender Agency</i></p> <p><b>Peter Demosky</b> <i>Nulato Tribal Council</i></p> <p><b>Julie Donahue</b> <i>Resource Center for Parents &amp; Children</i></p> <p><b>Brian Fisher</b> <i>Alaska Court System</i></p> <p><b>John Franich</b> <i>Office of Public Advocacy</i></p> <p><b>Tish Galvan</b> <i>Office of Children's Services--Licensing</i></p> <p><b>Poke Haffner</b> <i>Attorney General's Office</i></p> <p><b>Anna Huntington-Kriska</b> <i>Fairbanks Native Assoc.</i></p> <p><b>Pam Karalunas</b> <i>Fairbanks Children's Advocacy Center</i></p> <p><b>Jane Parrish</b> <i>Mediator</i></p> <p><b>Jennifer Reynolds</b> <i>Office of Children's Services</i></p> <p><b>Kathleen Sam</b> <i>Nulato Tribal Council</i></p> <p><b>Jennifer Schmidt</b> <i>Public Health Nurse</i></p> <p><b>Julie Webb</b> <i>Tanana Chiefs Conference</i></p> <p><b>Judge Mark Wood</b> <i>Fairbanks Superior Court</i></p>

## APPENDIX E-1

### **CHILD IN NEED OF AID [CINA] ROUNDTABLE**

*Children in Alaska's Courts Forum*

Juneau, Alaska

July 12, 2004

### UNPRIORITIZED ROUNDTABLE LISTS

#### STRENGTHS:

Caring and committed judges assigned throughout; same professionals (except social workers); **CONSISTENCY**

- Knowledgeable
- Get along and talk even in disagreement
- Judge in Child in Need of Aid (CINA) will do Adoption too
  - No breakdown in where the case is

Community is generally less litigious – attorneys and judges talk to each other; more cases settle

Judges have experience applying the Indian Child Welfare Act (ICWA)

- Parents represented
- Tribes notified
- Conferences and trainings ongoing

Things stay on track well; few long delays (new law may contribute)

- Things happen; few continuances
- Innovative streamlining – ex., CINA appointment order includes order for records; speed of resolution
- Public defender is present at first hearing; makes it work

Case conferences are a strength

- 30-day meeting
- Status conferences on the case plan
- Agenda (official) plus other significant issues
- Lawyers get a chance to speak with parents

Court good at immediate/prompt calendaring of motions and hearings

Brown Bag Meetings – twice a year with or without specific topics

Court receptive to community meetings re: proposed services

Court willing to speak with Guardians ad Litem (GALs), Court Appointed Special Advocates (CASAs), tribes; judges are receptive to the need to communicate and the lines of communication are open

Family group decision-making – court provides space to Tlingit-Haida Central Council (THCC) to provide this service

Resolution encouraged/facilitated by open communication or formal settlement conference; formal mediation or other alternative dispute resolution for CINA cases not as necessary because informal mediation is always occurring

Size of community allows strong communication/accessibility in and out of court

### CHALLENGES/WEAKNESSES:

Absence of Mediation/ Alternative Dispute Resolution alternatives; formal settlement mechanisms for:

- Placement
- Visitation

Phone system – not enough lines; teleconferencing problems BAD

Too little involvement in ensuring visitation between parents and kids, and lack of resources to facilitate visitation; both hamper reunification and delay proceedings

- Visitation should be addressed by the court up front/early on – schedule should be clear to parties much sooner
- Too little time available for supervised visitation: increase hours
- Lack of facility and staff for supervision
- Weekend hours—when parents most readily available—are usually unavailable
- Court needs to require people to solve visitation issues; can't necessarily solve them on its own

Difficulty getting family tree information to tribe/vice versa

- In standing order from court to provide relative information
- No one is doing it; information is not forthcoming for weeks/months
- Establish or define role of court to identify family?
  - Ask who dad is?
  - Where dad is?
- Establish or define role of court in fulfilling obligations that aren't specifically the court's
  - What are areas where court can facilitate?

Tension between Adoption and Safe Families Act (ASFA) and ICWA

- Adoption and Safe Families Act mandates can be too quick (for tribe)
- Access to services can't be achieved within timelines dictated
- Active efforts are difficult to define when services are limited
- Ambiguities in interpretation of ASFA & ICWA lead to conflicts

Lack of statewide consistency

- Different judges doing different things in practice:
  - Some will query regarding family; some won't
  - Some will explore out-of-home placement; some won't

- Office of Children's Services/tribal representatives, etc., don't have clarity on procedures

Address philosophical differences about role of courts in ensuring that laws (ICWA/ASFA) are complied with

Home studies for placement –

- Should/can court order or must court defer to agency in timing/pursuit of these?
- Office of Children's Services' new direction is to perform early home studies for permanent placement

Court needs more flexibility or clarity in stepping outside court requirements when in the child's best interest

- Is it overstepping to:
  - Order Office of Children's Services to give treatment?
  - Order parents to identify family (and read petition)?
- Need to recognize regional/local differences
- Need to convene special court committee to resolve/review court role since the issue arises often

To what extent is court role increased in order to determine or ensure that active efforts/reasonable efforts are made?

Can court require answers to key questions to serve court improvement and efficiency?

- Use of standard checklists?
- Use of standard protocols to promote uniformity?

Lack of statewide consistency

- Different local legal cultures
- Different local legal needs
  - Discovery

Need information-sharing agreements – tribes seeking information on Anchorage case get entire file, when only a little information may be needed

Court notices don't always include tribe after intervention (clerical problem)

Court notices of changed hearing dates don't go to all parties in timely way

No standards or training for GALs

Need more active GALs in cases

Lack of judicial knowledge of chronic neglect and its effects



## SOLUTIONS:

Confirm funding to fix phone/teleconferencing system – 2005 Budget

Closer review of active efforts at critical stages of CINA Case = before termination

- Require statements on the record of actual efforts – Tribe, GAL, etc.

Orders should include specific active efforts rendered – not just cursory statement that they've been made

“Compelling Reasons” of ASFA allows delay to comply with ICWA. State-tribal disagreement is contemplated by ASFA & ICWA, but:

- Feels to tribe like ASFA is driving the cases – time frames add faster pace that's harder for tribe to track and difficult for tribal services to keep up with
- 12 months is too short for some tribal parents

More funding for programs and services to remedy parental problems

- Treatment
- Counseling

Increase availability of staff supervised visits (CSS, THCC)

- Holiday visits
- Weekend visits

New visitation center and staff

Refer issue of ambiguity in court's role to Court Improvement Project (CIP) and CINA Rules Committee; recommend to 1<sup>st</sup> District judges that they take the issue on and develop a pilot approach; recommend judicial education on the role of the court in ambiguous areas (ex., the difference between appropriate direction and over-stepping).

Court/Office of Public Advocacy should pursue grant to develop GAL standards and provide GAL training and quality control OR there should be more funding for the Office of Public Advocacy to oversee GAL qualifications

## APPENDIX E-2

### JUVENILE DELINQUENCY [JD] ROUNDTABLE

*Children in Alaska's Courts Forum*

Juneau, Alaska

July 12, 2004

### UNPRIORITIZED ROUNDTABLE LISTS

#### STRENGTHS:

Alaska Youth Military Academy

- Self respect
- Self-confidence

Due process - kids have the opportunity to represent their side and come up with alternative solutions; good attorneys represent these kids – able to outline for them the process, what to expect, options, likely outcome

DIVERSION/Restorative Justice/Creativity in finding services and graduated response to offenders/alternatives to lock-up; Resolution is 1<sup>st</sup> choice for everyone and encouraged

Access to court/ensuring prompt hearings in Child Protection cases; due process, good representation/counsel.

Communication – Court to agencies and interagency; judges role is helping to facilitate communication

Letting kids know what's going on (from the bench)

- "Judges talk" – Judicial nudge
- Kids know where they stand when they walk out of court

Mental Health Issues – more prominent now

- Diverting these kids into alternative placement

Youth Court

- Very beneficial
- More cultural program
- Very creative sentences

#### CHALLENGES/WEAKNESSES:

Confidentiality

- Lack of record privacy resulting in delay of treatment or no treatment (i.e., therapy, etc. may come back to haunt them as adults in felony cases)
- Entire child protection file available to adult probation

Finding ways to address Juvenile Delinquency cases in Rural Communities

- Probation, limited contact with minor
- Judges, limited contact with minor
- Tough to enforce in rural villages/limited supervision

Lack of tribal involvement

Failure of Office of Children Services to intervene when necessary and failure to communicate with Juvenile Probation and schools

Lack of Foster Placement and foster care coordination

- Resulting in denial of services to children 13 years old and younger

Delinquency forms – need to be updated

Equal Access to services/lack of services

- Nothing set up for prevention with respect to middle school kids

### **SOLUTIONS:**

Confidentiality:

- Legislative Change or Alternative to Court process

Rural Communities:

- More personal contact
  - Regular, scheduled visits to outlying courts/communities; appointing local magistrates as special masters
  - More actual hearings in person in outlying areas
  - Declaring a court day in outlying courts
- Method of notification to tribe of delinquency proceeding having a tribal representative at the hearing/parallel to CINA proceeding
- Tribal Court/ Healing & Wellness Court/ Youth Court

Lack of tribal involvement:

- Have tribal representative at hearing
- Standing order regarding: Children with tribal affiliation have someone from tribe at hearing

Office of Children's Services – failure to intervene

- Restructure Office of Children's Services
- More resources
- Smaller case loads

Foster placement – lack of

- Tribal Representation with respect to Native kids
- Encourage statewide exchange of information for foster care placement

## APPENDIX E-3

### **DOMESTIC VIOLENCE [DV] ROUNDTABLE**

*Children in Alaska's Courts Forum*

Juneau, Alaska

July 12, 2004

### UNPRIORITIZED ROUNDTABLE LISTS

#### STRENGTHS:

Recognition that domestic violence is a special kind of problem, different from other kinds of violence

Recognition that children as witnesses are affected by domestic violence

Intervention services for batterers available and ordered at sentencing; when children "exposed to" (witnessed/were present during) domestic violence incident, the defendant becomes aware of impact on children

Judges speak directly and knowledgably to the parents about the violence → "educating" defendants about effects of domestic violence on kids; important that the information comes from the authority of the judge

Protective order process works well, including being available on weekends and for people in outlying areas

Prosecutors (plus court) were consistent in ordering counseling on anger management as part of criminal sentencing (when we had a program – no longer operating)

Tlingit & Haida native men–12 week anger/stress/communication program; strength was that program was labeled "anger management" instead of Batterers Intervention Program (BIP)

Tlingit & Haida women's program for "victim defendants"

Judges recognize that alcohol use is not the cause of domestic violence–2 separate issues

HB 385 Chapter 111, SLA 2004, plus some interpretations of mandatory reporting statutes

#### CHALLENGES/WEAKNESSES:

Judges often don't make custody orders as part of ex parte domestic violence restraining order, even when petitioner is requesting a custody/visitation order

- Absence of any schedule puts petitioner in position of having to negotiate with defendant – dangerous
- Arguably, visitation should not be permitted

No supervised visitation center → seldom ordered

Mutual domestic violence restraining orders are sometimes still being issued in the same case; view that domestic violence restraining order process is only used to “keep parties apart”; problem: law enforcement does not know which person to arrest, or has to arrest both

Guardians ad Litem (GALs) plus custody investigators and mediators don't seem to take seriously the negative impact of batterers on children; “batterers are bad parents”;  
Training?

No BIP (but note: one program does not fit all batterers)

Need more support/education for children exposed to domestic violence; also, these programs are not court-ordered in the criminal process

Particularly with respect to Natives, lack of money to pay for attendance at programs

Lack of defendants' resources to pay fines, surcharges, restitution, public defender fees, etc.

Mediation should not be ordered in domestic relations cases involving domestic violence, especially without counsel; could be made available (not ordered) if people have counsel, mediator is trained, etc.

In context of custody/visitation orders, do not assume that the child who has been abused is the only one who isn't safe; others are not safe.

Judges need education regarding discipline vs. child abuse in criminal cases

In criminal context, how to protect child victims when case may have been referred to Office of Children's Services (OCS) and OCS will not give any information to the prosecutor? Also, criminal case and Child in Need of Aid (CINA) case are almost always assigned to different judges (District Court vs. Superior Court)

How to keep defendants in a program (if we had one)? Is this the court's responsibility?

Overbroad definitions of domestic violence – people who are not in an intimate relationship (for ex., cousins) are treated the same as husband-wife or other intimate partners; treatment is not one size fits all

- Sometimes, the judge has discretion, but sometimes not
- Parent/child, husband/wife, partner should be domestic violence

## **SOLUTIONS:**

Clarify legislation for mandatory reporting of child maltreatment to make clear that “fear assaults” and other domestic violence related situations with child victims are covered

Legislative change: authorize state defendants to credit treatment fees to fines in criminal cases

Judges should appoint custody investigators and mediators who have had training regarding the impact of witnessing domestic violence on kids, and also Lundy Bancroft's ideas in "The Batterer as Parent"

Training regarding above needed for GALs, Child Investigator Services, and mediators

## APPENDIX E-4

### **DIVORCE/CUSTODY [D/C] ROUNDTABLE**

*Children in Alaska's Courts Forum*

Juneau, Alaska

July 12, 2004

### UNPRIORITIZED ROUNDTABLE LISTS

#### STRENGTHS:

Grant-funded mediation and facilitation - when there is no domestic violence

Mediation (non-grant funded) - when there is no domestic violence

Parent videos when used in conjunction with Custody Investigator

Educated Judges

- Informed
- Trained

Best interest of children kept in forefront

New legislation

- Presumption against custody (Domestic Violence)

Family Law Self-Help Center

Civil Rule 100 (Mediation)

Court forms and packets

- Hard copy
- On-line

Courtesy of court

#### CHALLENGES/WEAKNESSES:

Lack of court custody investigators

No family court – Judges are generalists

- No Special Masters

No mandatory training for Guardians ad Litem (GALs) in areas such as domestic violence

Adoption of rule relating to the testimony of a GAL

- Lack of uniformity and enforcement

Lack of whole-hearted encouragement of mediation

Civil Rule 90.3 problems (child support)

- Basing future support on past earnings
- Retroactivity problems

Presumption of shared custody (physical)

Lying witnesses and the ability to find the truth

Adequate representation for all parties

Failure to grant custody in domestic violence cases

System encourages the worst

Bias against long-term interim order

Delay and cost of action

Lack of on-going training for all parts of the system

Court calendar too crowded

Court needs to be more direct with attire of witnesses

Lack of interpreters

### **SOLUTIONS:**

[Note: There were no unprioritized lists of solutions for the Juneau Divorce/Custody Roundtable; the prioritized list is included in the main text of the report.]



## APPENDIX E-5

### CHILDREN'S JUSTICE COMMUNITY ROUNDTABLE PARTICIPANTS

*Children in Alaska's Courts Forum*

Juneau, Alaska

July 12, 2004

<u>Divorce/Custody:</u>	<u>Juvenile Delinquency:</u>
<p>Facilitator: <b>Justice Walter Carpeneti</b> <i>Alaska Supreme Court</i></p> <p>Recorder: <b>Neil Nesheim</b> <i>Area Court Administrator</i></p> <p><b>Kari Robinson</b> <i>Alaska Network on Domestic Violence and Sexual Assault</i></p> <p><b>Debra Schorr</b> <i>Schorr Advocacy &amp; Investigation</i></p> <p><b>Tony Sholty</b> <i>Juneau Attorney</i></p> <p><b>Dr. Joseph Sonneman</b> <i>Juneau Attorney/Mediator</i></p> <p><b>Barbara Walker</b></p>	<p>Facilitator: <b>Judge Patricia Collins</b>, <i>Juneau Superior Court</i></p> <p>Recorder: <b>Tracy VerVelde</b>, <i>Judicial Assistant, Juneau</i></p> <p><b>Joe Adelmeyer</b> <i>Division of Juvenile Justice, Johnson Youth Center</i></p> <p><b>Lieutenant Rodney Dial</b> <i>Department of Public Safety</i></p> <p><b>Doug Gardner</b> <i>District Attorney's Office</i></p> <p><b>Barb Mecum</b> <i>Dzantik'i Heeni Middle School</i></p> <p><b>David Seid</b> <i>Public Defender's Office</i></p> <p><b>Jason Wilson</b> <i>Tlingit-Haida Central Council</i></p>
<u>Domestic Violence:</u>	<u>Child in Need of Aid:</u>
<p>Facilitator: <b>Justice Robert Eastaugh</b> <i>Alaska Supreme Court</i></p> <p>Recorder: <b>Susanne DiPietro</b>, <i>Project Facilitator</i></p> <p><b>Robyn Carlisle</b> <i>Municipal Prosecutor's Office</i></p> <p><b>James Douglas</b> <i>Municipal Prosecutor's Office</i></p> <p><b>Blaine Hollis</b> <i>Juneau Attorney</i></p> <p><b>Walter Majoros</b> <i>Juneau Youth Services</i></p> <p><b>Amalia McCarthy</b> <i>Tlingit-Haida Central Council</i></p> <p><b>Natalie Powers</b> <i>AWARE</i></p> <p><b>Tom Wagner</b> <i>Juneau Attorney</i></p>	<p>Facilitator: <b>Presiding Judge Larry Weeks</b> <i>Juneau Superior Court</i></p> <p>Recorder: <b>Barbara Hood</b>, <i>Project Coordinator</i></p> <p><b>Le Florendo</b> <i>Tlingit-Haida Central Council</i></p> <p><b>Jeannie Hale</b> <i>Office of Children's Services</i></p> <p><b>Lauree Hugonin</b> <i>Alaska Network on Domestic Violence and Sexual Assault</i></p> <p><b>Robert Meachum</b> <i>Public Defender Agency</i></p> <p><b>Janine Reep</b> <i>Office of Public Advocacy</i></p> <p><b>Jan Rutherfordale</b> <i>Attorney General's Office</i></p> <p><b>Martha Stevens</b> <i>CINA Mediator</i></p>

## APPENDIX F

### PUBLIC COMMENTS--ANCHORAGE

*Children in Alaska's Courts Forum*

Anchorage, Alaska

May 19, 2004

Genuine dedication to rehabilitation of minors, throughout the juvenile justice system

- Downside: Juveniles in MYC 2 years awaiting 6 – 12 month program of treatment

OCS level of dedication to services less than JJ system.

Dearth of foster parents, due to lack of support, or compensation, or indemnity; need improved safety for FPs

Need streamlined discovery in CINA cases – need discovery Master or increased clerical support to ensure timely responses

Mediation very successful

Lack of follow-through with violations of court orders – child support, visitation; lack of sanctions

Mechanism within court system to collect data about orders not complied with; need to assess extent of the non-compliance problem. Non-enforcement of orders has wide social implications

System is broken because children are impacted very negatively and are in they system for years

Videos for kids on the various cases, plus other educational efforts

Need to track which victims (12 & under) are becoming perpetrators of sexual abuse; need facilities to treat these youngest victims, to ensure fewer in the system at later age

Lack of treatment/facilities for young (under 12) victims-turned-perpetrators

New bill HB 385 – presumption of custody > domestic violence perpetrator

Negative, sexist, inappropriate remarks & perceptions on domestic violence from judicial officers; need to open up, improve attitudes

Judicial training on domestic violence

Improved training of evaluators

Need enforcement of orders

Ensure court processes that allow litigants to remain employed; limit emergencies to true emergencies

Listen to children in their response to domestic violence

Shorten the process – decrease cost in \$ and years

Clients believe judges care

Don't get clients in front of judges quickly enough

Early settlement conferences to screen out concerns

Shortage of therapists in cases before trial

- Craft evaluation/therapy orders that protect the therapeutic relationship

Copying of Custody Investigator's report

- Develop list of approved copy companies who can pick up and copy overnight

Listening to tapes of hearings takes too long; need greater access in a more timely way

Lack of legal resources for domestic violence and domestic relations cases

FLSHC "best thing the court has done"

Litigation is difficult and overwhelming to court users, all-consuming; shuts down lives and livelihoods

Limited access by parents, especially in represented parties, to the judge; need to facilitate access

Increase judicial understanding of lasting impact of domestic violence on parties and kids

Limited resources in Mat-Su Valley for domestic violence, and FLSHC resources, and legal representation

Systemic referral to mediation in Divorce/Custody cases? Need for an assessment early on?  
(To ensure early resolution to the extent possible)

Measure success by talking to teachers, clergy and others

Ensure measurement mechanisms – which work, which don't

Increased clerical support in CINA, domestic violence, and other cases

↑ Mediation 24-hour, FLSHC, etc. – maybe we just need more of what we're doing

Alaska Judicial Council (AJC) study of "where the cogs are" in system that keeps families and kids locked in for years

## APPENDIX G

### **PUBLIC COMMENTS--BARROW**

*Children in Alaska's Courts Forum*

Barrow, Alaska

April 9, 2004

#### **PUBLIC CONCERNS:**

Conflict in referrals to tribal court

Affidavits from social workers that aren't true

Guardians ad Litem should be local, not from Fairbanks or Anchorage; people need to understand the community & how the family is trying to cope

Treatment availability mostly outside community; community & residential settings are not good

Lack of strong family advocates

Judges shouldn't sign off on orders re: medication for kids in state custody, ex, Zolofit

#### **PUBLIC SOLUTIONS:**

While children are in court, parents pay child support, and can lose livelihood when a driver's license is revoked for non-payment; end license revocations for child support non-payment

State courts should advise agency when parent has relinquished parental rights, so child support obligation is ended

Develop state court rules for tribal court transfer and enforcement of tribal court orders

Continue practice of North Star Borough Police enforcing tribal court orders; NSB has never turned NVB orders down, and this agreement could be extended

Ombudsman for the court system/website

Include local whaling captains association and their judicial branch, which is international; children will become part of the whaling community

Define responsibilities more clearly between judges and administrators; they shouldn't be doing both (judicial and administrative role)

Parents role should be supported more by both tribal and state courts. Too many tribal members are adopted out. "One year there were 105 from North Slope; 5 from

Southeast.” Numbers need to be available. [Per ASNA representative, 80% of North Slope cases lead to reunification; there are less than 10 cases in custody; per OCS representative, the 105 number is too high, but actual figures weren’t available at the forum.]

Investigating allegations—Someone should investigate an affidavit to avoid the parent being ‘marked’—and the family harmed; the judge shouldn’t just sign off

Incorporate tribal judge selection & confirmation process to ensure membership input; selection by the tribal council leads to potential conflict—making it look like a family

Define what constitutes a conflict of interest in tribal court; establish criteria for serving as a tribal judge

Establish an Indian Child Welfare Association to promote welfare of tribal children for parents & others who are hard-pressed to deal with the process

Tribal court should designate tribal public defenders—parents may be poor and have no one to assist them in bringing their families back together

## APPENDIX H

### PUBLIC COMMENTS—BETHEL

*Children in Alaska's Courts Forum*

Bethel, Alaska

November 10, 2004

Re: Juvenile delinquency cases – more information needs to be given to parents instead of having parents need to request it

If court order is made, there needs to be follow-up from the court re: compliance (Ex., counseling ordered but not given)

Other entities:

- Youth Probation: Procedures on interacting with parents should be clearer. Adversarial; parents don't know who to talk to; no communication with parents. It's a disservice to the child when the parent doesn't know what's happening to the child in the system.

Agrees that facility is good and programs there are good; they look after the kids.

Parents in juvenile delinquency cases are at "total loss" about what's happening

- More general information about rights of the parents and kids.

There are people in the system making decisions about children who are not qualified to make them; should be more than one individual

Important to keep kids in state; some people in system want to ship kids out of state

At Orutsararmuit Native Council (ONC), Dr. Lucy Bayles offers parenting classes – these should be coordinated with court's parenting classes

Same issues of 40 years ago are still here; solutions are fine-tuned but still the same

Network should be ½ people Alaska Native; we need to check our network and get names; there are always lots of people

The adversarial role between state and tribes is common everywhere; what are the timelines to address this – after 40 years?

Parenting classes – ½ dozen people in Bethel can do it -- when our network is primarily non-native, it means we haven't checked our native network for this and other services

Child Support Enforcement Division (CSED) – State of Alaska sometimes has too much power to coerce one or another parent to pay child support when the parent is helping how he/she can; we should ask how the parent is supporting the children

It hurts to see other children poorer than his children and he has to buy clothes and feed them; state doesn't sit down with parents to see who's supporting the children and how

Why aren't children consulted more often? You can make more rational decisions

If rights to a child are terminated, what can parent do; who can they contact?

Foster parents are needed

Minors Consuming Alcohol (MCA) cases – no consequence, no follow-up; the 2, 3, 4, 5 cases don't account for them (this is a statewide issue)

MCAs aren't handled on therapeutic basis – we need to find ways to address them

- Diversion program – Yukon Kuskokwim Health Corporation (YKHC)?
- Tribal diversion

Need the weight of the court behind MCA – something from court needed to direct/mandate treatment

Juvenile justice refers person to village but there's no follow-up on completion of treatment; need to identify people being sent home who are going back again and again

When referring juvenile to village, must work with both parents, not one parent – one may have alcohol problem, the other not

Must hold juveniles accountable

With Napaskiak people – thinking outside the box

(Mary Kapsner's history class) – why not also a Domestic Violence class? Help kids learn how to treat each other well (Bethel High School – family and consumer life skills class)

Applaud Joan H. – reminding us how long these issues have been around

Applaud Napaskiak for their creativity and remembering the wisdom of the elders

Juvenile delinquency weak link: tribes need more input and involvement

Problem: After treatment, people go back to dysfunctional setting and lose the ground gained

We have dysfunctional communities in the region – Napaskiak has tried to become more functional and as a result they have more services available

Tribes should have notice of juvenile delinquency cases as well as CINA cases, and be involved

Increasing number of younger offenders in the adult system (16, 17 year olds); very challenging to deal with

Will there be 2-year follow-up to Children in the Courts forums, to measure where we've come?

Courts should request psychological review immediately when child has developmental disabilities, not wait 60 – 90 days

15-month rule regarding parental progress in CINA case isn't working; treatment takes longer (court can find good cause, etc., for not strictly applying, and being in treatment can stop the clock)

Batterer intervention programs – Bethel is capable of running a successful program; it's possible to make them more culturally grounded

Perhaps an interagency multidisciplinary meeting (requested by roundtable)



## APPENDIX I

### **PUBLIC COMMENTS--FAIRBANKS**

*Children in Alaska's Courts Forum*

Fairbanks, Alaska

September 15, 2004

In Child in Need of Aid (CINA) cases, the first hearing should be a meaningful hearing, right away; parents' counsel should be advised early, and first hearing with counsel shouldn't take 2 – 3 weeks

Court could discuss with Public Defender (PD)/Attorney General (AG)/others ways to get petitions filed and appointments made quickly

Court can require that the Office of Children's Services (OCS) petition be shared

OCS has runaway social worker who comes to agency meetings regularly

Programs too often track the grants that fund them, not long-term viability; design the viable program, then pursue needed grants; be proactive regarding ideal, then determine where to go for money

Commend inclusion of schools; very important link; but there are glitches to be resolved

Parental Rights – 80 hours/report of harm. Should be mandated, video recordings of all reports of sexual abuse, other abuse; reports of harm can be used as a weapon against families and this would counter

Fairbanks Youth Facility (FYF) – Needs to be a Manual for parents with FYF Kids; very little information available; only one parental visit in a week isn't enough to maintain ties

- photos
- hard on siblings to maintain relationship
- rough where they meet – multipurpose room
- publicize kids who achieve – honor roll, etc.
- Could parents have dinner together?
- No staff psychologist
- No meeting with parents except by annual reviews; progress reports, are "IN House"

Excellent FYF staff; nice new sign

Judges should address parents directly in court; very confusing

Consider an arraignment-type video for parents in Juvenile Delinquency (JD) & CINA cases

Restitution – when divorced – written as joint and severable, so if one parent doesn't pay, other has to pay in full

OCS is very helpful at relaying reports of harm to the child to the tribe (Tanacross) and is helpful generally

FLSHC very helpful to the tribe (2 pending cases)

Court – Before parents go to court, should be advised about the process; court should recognize their fear and anxiety and try to address

Follow-up – working group to meet periodically to make sure the recommendations move forward

Need a real mental health court for juveniles

Juvenile delinquent cases should return to the AG's from the District Attorney's (DA's) to remove the adversarial approach of the adult system – need regular meetings and interaction

Dedicated family court for divorce/custody

Include youth in the discussion about fixing systems; empower kids

Consider youth focus groups

Pamphlet for a parent who has a report of harm to make; information before the court case gets started

Huge need for in-state counseling and treatment services

## APPENDIX J

### PUBLIC COMMENTS--JUNEAJ *Children in Alaska's Courts Forum* Juneau, Alaska July 12, 2004

Mediation – very helpful and important

Can judges speak with children? Sometimes Guardians ad Litem (GALs) have an adversarial relationship with a parent and their report may not reflect child's view accurately

- Downside: putting child at center of case and having them feel pressure
- Can be done sometimes, but hard question; can be done privately, without recording
- Lawyers who ask for child's testimony have lost control of case; can be very harmful

More private bar involvement in recommendations – send raw brainstorm ideas

Should courts and schools be more involved together to help identify where problems come from? Judicial outreach?

Cost of DWI, DUI – card is being put out by Division of Motor Vehicles – simplify an issue and relay it to youth in a compelling way

Law-Related Education Committee of the Alaska Bar Association should publish guides:

- "On being 18" – (Wisconsin Bar)
- (Similar booklet) – California Bar
- Possible topics:
  - Child support
  - Voting
  - Your rights and responsibilities upon becoming an adult

Lack of funding issue arises often, in many contexts. Are there any ways the court is specifically addressing these issues for children's cases?

- Money is heart of many issues because it determines what active efforts can be made, and how timely they can be
- Court lobbyist – Can address other agency funding issues, but the main focus is the court

Forms on website are appreciated; DR-475 parenting agreement is a great tool; "Two Homes" mediation video is also well done

Juneau parents are required to watch video; before, a class was required with the Child Custody Investigation, now parents just show up at Monday noon and it's been easier

Child Custody Investigation (CCI) – Loss was huge

Video – Rex Lamont Butler’s “How to Say No to the Cops”

Need a Video – District Court Assault Cases

- Kids are victims of Sexual Assault, Domestic Violence, etc. – What’s being done for them?
- District Court Kids get lost in system

GALs can be appointed in district court cases, but usually aren’t

No automatic referral of domestic assault cases to Office of Children’s Services

Minors Consuming Alcohol (MCA) needs to be re-thought – laws don’t do well at keeping people from:

- Alcohol/tobacco
- Prohibition until 21, then “go for it” → forbidden fruit concept

District Court Cases – Children in Need of Aid (CINA) cases aren’t always aware; impact is great – yet we do little to nothing (Ex., if a youth appears alone, with no parent, it should be tip-off that they need help, but there’s no formalized system for these kids)

911 tape sent to social worker by prosecutor – good way to get Office of Children’s Services involved

Status of Naltrexone/Wellness courts

- Grant has been submitted for Juneau Wellness Court – by Matt Felix, Substance Abuse Counselor.
- Needs treatment component – Can we set it up NOT to fail?

Treatment people are leaving Alaska and Juneau as programs are cut

APPENDIX K

SAMPLE AGENDA-BETHEL

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*Children in Alaska's Courts*  
*A Community Conversation*  
*Sponsored by the Alaska Court System*

Wednesday, November 10, 2004

Children's Justice Group Luncheon & Work Session: 11:00-3:00 PM  
Bethel Courthouse Bethel

AGENDA

LUNCHEON

- 11:00 **Welcome & Introductions**  
Judge Niesje Steinkruger, Presiding Judge, 4th Judicial District
- 11:05 **Remarks**  
Justice Walter Carpeneti, Alaska Supreme Court
- 11:10 **Purpose & Goals of *Children in Alaska's Courts***  
Barbara Hood, Project Coordinator, ACS
- 11:15 **Format for Work Session & Public Meeting**  
Susanne DiPietro, ACS Judicial Education Coordinator, Project Facilitator
- 11:20 **Participant Introductions (Affiliation, Experience, Special Issues of Interest)**  
Small group participants
- 11:50 **Break; Lunch served**

WORK SESSION

- 12:00 **Break-Out Into Roundtables (Working Lunch)**
- Table 1—CHILD IN NEED OF AID  
*Facilitated by Judge Leonard Devaney*  
*Reported by Barbara Hood*
- Table 2—JUVENILE DELINQUENCY  
*Facilitated by Magistrate Ana Hoffman*

*Reported by Ronald Woods*

Table 3—DOMESTIC VIOLENCE

*Facilitated by Magistrate Craig McMahon*

*Reported by Susanne DiPietro*

Table 4—DIVORCE/CUSTODY

*Facilitated by Judge Dale Curda*

*Reported by Christine Johnson*

**12:00 Identify STRENGTHS**

Through roundtable brainstorming, participants will identify current practices, procedures and policies, etc., that are working effectively to address the needs of children in the specific type of case being addressed.

**12:30 Prioritize STRENGTHS**

Attempt to reach consensus on the top 3-5 strengths from the list of those identified. In other words, if you could “bottle” and replicate certain practices to ensure their implementation in other courts or districts statewide, which ones would they be? *(Note: All strengths identified will be presented to the public forum and included in the final report; prioritizing helps clarify which items are viewed as most beneficial and important.)*

**12:45 Identify CHALLENGES & WEAKNESSES**

Through roundtable brainstorming, identify current court practices, procedures, and policies, etc., that are either not working effectively or not adequately in place to address the needs of children in the specific type of case addressed.

**1:30 Prioritize CHALLENGES & WEAKNESSES**

Attempt to reach consensus on the top 3-5 challenges or weaknesses from the list of those identified. In other words, if you could “wave a magic wand” and fix only certain practices, which ones would they be? *(Note: All challenges and weaknesses identified will be presented to the public forum and included in the final report; prioritizing helps clarify which problems are viewed as most pressing and critical.)*

**1:45 Break**

**2:00 Identify SOLUTIONS**

Through roundtable brainstorming, propose solutions to the challenges and weaknesses identified.

**2:45 Prioritize SOLUTIONS**

Attempt to reach consensus on the top 3-5 solutions from the list of those identified. In other words, if you could implement only certain solutions, which ones would they be? *(Note: All potential solutions identified will be presented to the public forum and included in the final report; prioritizing helps clarify which solutions participants view as most feasible and effective.)*

3:00 **Roundtables Adjourn**  
**Public Reception Begins**—Bethel Courthouse Lobby

3:30 **Public Forum**—Main Courtroom  
*Telephonic participation from outside Bethel is available on a limited basis by calling 866-231-8327 and entering 907-264-8230 as the conference code at the prompt. If questions or problems arise, please call 907-543-1105.*

# *Children in Alaska's Courts*

## *A Community Conversation*

*Sponsored by the Alaska Court System*

**Wednesday, November 10, 2004**  
**Bethel Courthouse, 204 State Highway, Bethel**

### **AGENDA**

#### **PUBLIC RECEPTION**

3:00 **Bethel Courthouse—Lobby**

#### **PUBLIC MEETING.**

**Note:** *Telephonic participation from outside Bethel is available by calling 866-231-8327 and entering 907-264-8230 as the conference code at the prompt. Space is limited, so please dial in promptly. If questions or problems arise, please call 907-543-1105 for assistance.*

3:30 **Bethel Courthouse—Courtroom 121**

3:30 **Welcome & Introductions—Justice Walter Carpeneti**

3:33 **Remarks—Judge Niesje Steinkruger**

3:36 **Purpose & Goals of *Children in Alaska's Courts*—Barbara Hood**

3:39 **Format for the Public Meeting—Susanne DiPietro**

3:42 **Presentation of the Children's Justice Community Roundtable Recommendations of top STRENGTHS, CHALLENGES/WEAKNESSES & SOLUTIONS for each subject area:**

- |                               |                          |
|-------------------------------|--------------------------|
| • <b>CHILD IN NEED OF AID</b> | Judge Leonard Devaney    |
| • <b>JUVENILE DELINQUENCY</b> | Magistrate Ana Hoffman   |
| • <b>DOMESTIC VIOLENCE</b>    | Magistrate Craig McMahon |
| • <b>DIVORCE/CUSTODY</b>      | Judge Dale Curda         |

4:00 **Public Comment**

Comments may be addressed specifically to the Children's Justice Community Roundtable recommendations or to other general issues regarding children in the courts. Procedural, logistical or substantive issues may be raised, but comments should focus to the extent possible on issues that the Alaska Court System can address administratively. Because judicial officers are participating in the forum, ethical rules prohibit discussion of specific pending cases or legal questions that may come before the courts.

5:00 **Door Prizes & Adjourn**