Supreme Court Commission on Children in the Courts – February 2005

Started by Chief Justice John Hendry. Chief Justice Hendry promised the Supreme Court would take action in response to the Commission’s findings and recommendations. Since its inception, co-chairs of the Commission have been Judge Inbody and Judge Johnson.

The goal of the Commission initially was to study appropriate steps for the judicial system to undertake to ensure that the court system is as responsive as possible for children who interact with, or are directly affected by the courts. The Commission is also viewed as the advisory board for the Court Improvement Project. The scope includes juvenile court issues (abuse/neglect, status offenses, and delinquency); domestic relations and custody determinations; criminal matters such as child abuse or domestic violence; and court reorganization possibilities (unified family court, state-wide separate juvenile court). The Commission originally met four times per year. A few years ago, this was reduced to twice per year, in June and December.

Membership of the Commission has purposefully been identified as stakeholders from across the state to include:
1. Judiciary (Separate Juvenile Court, County Court, District Court, Tribal Court)
2. Attorneys (GAL, Parent, County Attorney, CCFL)
3. State Senators
4. Advocacy Organizations (CASA, FRCO, Appleseed, Voices for Children)
5. State Agency (Courts, Probation, DHHS)

Four initial subcommittees were identified:
1. GAL standards, training, and implementation
2. Children’s attorney standards, training, and implementation
3. Expedited appeals in abuse/neglect and termination of parental rights
4. Planning for statewide summit on child abuse/neglect judicial best practices

*Subcommittees are judge led, with approval from the Supreme Court.

Successes:
1. Case progression standards – pending Supreme Court approval
2. Juvenile court defense standards – pending Supreme Court approval
3. GAL standards, training
4. Expedited appeals
5. Statewide education on judicial best practices
6. Education court report
7. Parenting Act, training

Failures:
1. The preparation of a form for GAL’s to use in preparation of their reports to the judge.
2. Devise a process to divide the duties of a GAL in District Court and allow for the appointment of three types of individuals.
   a. Typical GAL
   b. Attorney for the children
   c. Investigator for the Judge
Current subcommittees:
1. Children in District Court and Parenting Act
2. Education
3. Guardian ad Litem
4. Guardianship
5. State – Tribal Relations
6. Unified Family Court

Current goals:
1. Unified Family Court pilot project
2. Juvenile guardianship practices and standards
3. Educational challenges/barriers for system involved youth
4. Contested domestic relations cases – triage system and data sheet