

The Audrey Hepburn Children's Fund

**REPORT ON FIRST MEETING OF FACULTY
OF THE JUDICIAL RESOURCE PROJECT**

JULY 8-11, 2004, NEW ORLEANS

Submitted

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“I SPEAK FOR THOSE CHILDREN
WHO CANNOT SPEAK FOR THEM-
SELVES, CHILDREN WHO HAVE
NOTHING BUT THEIR COURAGE
AND THEIR SMILES, THEIR WITS
AND THEIR DREAMS.”

-AUDREY HEPBURN



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History of the Development of the Audrey Hepburn Judicial Resource Project

The dedication of the Audrey Hepburn Children's House at the Joseph M. Sanzari Children's Hospital at Hackensack University Medical Center (HUMC) in New Jersey was celebrated on October 7, 2002. The ceremony was attended by many professionals who work with child maltreatment and have a strong commitment to improving the care and treatment of children who have been abused and families who have been affected by child abuse and maltreatment. The Children's House at HUMC is one of three centers that carry forth the mission of the Audrey Hepburn Children's Fund. The Audrey Hepburn CARES Team at Children's Hospital in Los Angeles and the Audrey Hepburn CARE Center at Children's Hospital in New Orleans have partnered with the Fund to respond to the suffering in the lives of children and families affected by abuse and maltreatment.

The Audrey Hepburn Children's Fund is dedicated to the abiding commitment of Audrey Hepburn to the welfare of children throughout the world. Sean Ferrer, Audrey's son, created the Fund in 1994 and serves as the Chairman. The Children's Fund is a 501c(3) non-profit organization with a primary mission of continuing Audrey's international appeals on behalf of ill-treated and suffering children around the world.

Please visit the Audrey Hepburn Website: www.audreyhepburn.com to learn more about this important organization.

Physical and sexual abuse of children is a grim reality here in the United States as well as around the world. The sobering statistics indicate that more than 2.5 million children were reported as victims of abuse and neglect in 2002. More than 800,000 thousand of these children were confirmed as victims. One in four girls and one in six boys will be sexually abused by the age of 16. The Audrey Hepburn fund programs/centers provide diagnostic and therapeutic services for infants, children, and adolescents who are suspected victims of abuse. The professional staff, including physicians, nurses, psychologists, social workers, and creative art therapists have clinical expertise in all areas of child maltreatment and provide comprehensive care for both the child and their family. A multidisciplinary approach to investigation, diagnosis and treatment of child abuse is utilized through collaboration with community agencies that service child victims and their families.

The diagnostic services offered by the Centers include medical evaluation and treatment, psychosocial assessment of trauma, and psychological and psychiatric mental health evaluations and therapy. The Audrey Hepburn Children's Houses are firmly committed to working with each community and other professionals to improve awareness and services for maltreated children. Additionally, the mission of the Fund is to promote public awareness through education, motivate the

community to embrace a no-tolerance stance toward child abuse, strengthen prevention initiatives, and work to create a safer place for children to grow and thrive.

At the Dedication Ceremony in October 2002, Sean Ferrer had the opportunity to meet James A. Gilson, an Attorney and a Registered Professional Nurse who has a strong personal and professional commitment to improving services for victims of abuse. Mr. Gilson has participated in the development of a number of community programs for victims of abuse on local, state and national levels. During this meeting, an important discussion came about. Mr. Ferrer spoke of his concerns with the difficulties that cases involving child maltreatment present to family and criminal courts. Mr. Gilson shared his personal and professional experience with the challenges that these cases present to attorneys and judges. He offered a number of suggestions for resource and support programs that could benefit the court system and ultimately the families and children who go through the judicial process.

Mr. Ferrer expressed a desire to develop a project that could provide resources and support to judges who sit in family and criminal courts so that they could be in the best position possible when making decisions involving the lives of children and families who are affected by maltreatment and abuse. Mr. Ferrer and Mr. Gilson agreed that this could be an important resource and would have the potential to improve the outcomes for children who are involved in the family and criminal

courts. They also agreed that such a program was entirely possible and could be an important extension of the Fund's commitment to improving the lives of children and families throughout the nation and throughout the world.

As a result of this conversation in October 2002, Mr. Ferrer asked Mr. Gilson to develop the concept into a working plan to create and implement a judicial resource program in child maltreatment, with the objective of creating an authoritative resource that can serve to increase the knowledge and effectiveness of the judiciary in cases involving child abuse. The objective of the program is to provide judges with access to the best resources and training available so that the children can receive the benefit of the best possible outcomes with regard to their health and well-being in adjudicated cases in the family and criminal courts.

After considerable work on the concept with Mr. Ferrer and his staff, a plan was initiated to develop the project through a partnering of the centers supported by the Fund with organizations and professionals from law, medicine and social services. Individuals and organizations with a demonstrated commitment to child maltreatment would be invited to participate in a planning and development seminar, to take place in late spring/early summer in New Orleans. Professionals from The Audrey Hepburn Children's House at the Joseph M. Sanzari Children's Hospital at Hackensack University Medical Center, The Audrey Hepburn CARES Team at Childrens Hospital in Los Angeles and

the Audrey Hepburn CARE Center at Children's Hospital in New Orleans would be invited as well as other representatives from the legal, medical, psychology and social service communities.

The three-day seminar was designed to begin a professional collaboration that will result in the creation of a curriculum and implementation plan to support making this program available to judges in all states and territories. Participants were asked to contribute knowledge and expertise, as well as provide an on-going commitment to supporting the implementation of this program. One of the primary goals of this project is to bring the most effective, relevant and technically advanced program to the judges, attorneys, and other professionals who work with cases involving child maltreatment. This will be done by creating a program that is not only current and relevant in medicine and the law but also responsive to what the judges have identified as pertinent and helpful to their roles in the family and criminal courts. This seminar is designed to bring the leaders in the related fields together to create the best program possible. We believe that there is an interest in comprehensive training and resources for judges on the physical, social, psychological and emotional aspects of child maltreatment. Creating a program that addresses the importance of the judicial role in assuring the health and well being of children who are abused at the hands of parents, caretakers and others can significantly change the way children who are involved in the courts are treated. We

firmly believe that the judges in each venue are in the best position to determine areas of need with regard to a training and resource curriculum of this nature.

Initially, we proposed a three-step process: The first would be to create a survey/questionnaire to be distributed to judges who see cases involving child abuse so that we can create a tool that will yield helpful information and will not be too burdensome to complete. The second step would be to ask interested organizations to help to facilitate the dissemination of the survey so that we can reach the members of the bench who would be most interested and benefit the most from this program. Step three will be the development of a curriculum for the judiciary on various aspects of child maltreatment that may be encountered in many different venues, including family court, criminal and civil courts. The goal is to make this curriculum available and to keep it as current as possible so that judges may benefit from easy access to authoritative and informative literature, available as part of our outreach initiative to bring this resource to as many venues throughout the country as possible.

Perhaps most importantly, we invited members of the judiciary who expressed a desire to become involved more directly in the curriculum and program development to participate on the advisory panel and attend the development seminar in New Orleans. We have a sincere desire to create a durable and responsive resource that is readily

accessible to judges in all venues and provides an enhanced level of knowledge, facility and comfort in adjudicating cases involving child abuse.

Our belief that there is a great need for comprehensive training and resources on the physical, social, psychological and emotional aspects of child maltreatment was validated by the faculty attending the New Orleans Conference. We remain committed to creating a program that supports the judicial role in the health and well being of children who are abused at the hands of parents, caretakers and others and believe that a durable program created *by judges for judges* can significantly change the way children who are involved in the courts are treated.

Distinguished Faculty

The following members of the Bench attended and provided invaluable participation, expert input and have expressed a desire to continue to work with the development of this important resource:

Hon. Mark Arnold	Criminal Court	Torrance,	CA
Hon. Carmen Bosch	28th Judicial Circuit of Alabama	Bay Minette	AL
Hon. Judith Dowd	2401 Pennsylvania Ave. NW	Washington	DC
Hon. Sheila Fell	Orange County Superior Court	Orange	CA
Hon. Debra Gelson	Millstone/Roosevelt Municipal Court	Point Pleasant Beach	NJ
Hon. Andrea Janzen	Jefferson Parish Juvenile Court	Harvey,	LA
Hon. William Knight	22nd Judicial Court	Covington,	LA
Hon. Ellen Koblitz	Presiding Judge, Family Part	Hackensack,	NJ
Hon. Marilyn Mackel	Children's Court, LA Superior Court,	Monterey Park,	CA
Hon. Zakia Mahasa	Circuit Court for Baltimore City	Batimore	MD
Hon. Maureen Mantineo	Superior Court of New Jersey, Family Part	Jersey City.	NJ
Hon. Linda Murnane	Eastern Circuit Trial Judiciary, U. S. Air Force	Georgetown,	OH
Hon. Amy Nechem	Essex County Juvenile Court	Lynn	MA
Hon. Kathleen Richey	Superior Court	Baton Rouge,	LA
Hon. Nancy Saitta	Eighth Judicial District Court	Las Vegas	NV

*Medical, Physiological, and Social Service Professionals
for the Audrey Hepburn Children's Houses:*

Dr. Julia	DeBellis	Director, Audrey Hepburn Children's House	Hackensack,	NJ
Dr. Anthony	D'Urso	Supervising Psychologist, AHCH	Hackensack,	NJ
Dr. Karan	Imagawa	Director, Audrey Hepburn CARES Team	Los Angeles,	CA
Ms. Sandra	Himmelrich	Coordinator, Audrey Hepburn CARES Team	Los Angeles,	CA
Dr. Scott	Benton	Director, Audrey Hepburn Care Center	New Orleans,	LA
Ms. Stacie	La Blanc	Director of Legal Advocacy	New Orleans,	LA

Audrey Hepburn Judicial Resource Project Staff:

Mr. Sean	Ferrer	Chairman, Audrey Hepburn Children's Fund	Santa Monica,	CA
Ms. Ellen	Erwin	Executive Director, Audrey Hepburn Children's Fund	Santa Monica	CA
Ms. Ronnie	Aiken	Assistant Director, Audrey Hepburn Children's Fund	Santa Monica	CA
Mr. James	Gilson	Director, Audrey Hepburn Judicial Resource Project	Hackensack,	NJ

NEW ORLEANS SEMINAR AGENDA

July 8 -11, 2004

July 8 (Thurs.):

Travel to New Orleans

11:00 AM - 12:00 AM

Child Maltreatment Issues in the Family Courts

July 9 (Fri.):

8:00 AM - 9:00 AM

Breakfast Buffet Mixer

12:00 PM - 1:00 PM

Catered Buffet Lunch

9:00 AM – 9:15 AM

An Overview of The Audrey Hepburn Children 's
Fund Judicial Resource Project

Sean Ferrer

Jamie Gilson, Esq.

1:00 PM - 4:00 PM

Roundtable and Workgroup: Development of
Effective Judicial Resources on Child Maltreatment
Issues in the Criminal and Family Courts.

8:00 p.m. Dinner for Attendees at *August*

4:00 PM

Closing Remarks Sean Ferrer

Jamie Gilson, Esq.

July 10 (Saturday):

9:00 AM – 10:00 AM

Buffet Breakfast

10:00 AM - 11:00 AM

Child Maltreatment Issues in the Criminal Courts

July 11 (Sunday)

10:30 AM Buses leave IH Hotel for dedication cere-
mony at Children 's Hospital New Orleans.

11:00 AM – 12:00 PM - Ribbon cutting ceremony and
dedication of Audrey Hepburn CARE Center at Chil-
dren 's Hospital New Orleans

Partnering with the National Association of Women Judges

During the development of this project, Mr. Ferrer and Mr. Gilson discussed the importance of establishing a successful and effective collaboration with representatives of the judiciary. A number of representative judicial organizations were considered and, after careful review, it was determined that the best representative organization would be the National Association of Women Judges. Based upon Mr. Gilson's experience with a number of members of this organization including The Honorable Shirley Tolentino, a dialogue was opened between Mr. Ferrer, Mr. Gilson and the President of the NAWJ, The Honorable Katherine Tenet. After reviewing the concepts and goals of the project, Judge Tenet agreed to present a proposal of a partnership between the NAWJ and the Audrey Hepburn Children's Fund for the purposes of establishing and promoting the Judicial Resource Project throughout the country and even, perhaps throughout the world.

After a number of conference calls between Mr. Gilson, Mr. Ferrer and Judge Tenet, the Fund was pleased to learn that the proposal was presented to the NAWJ Board and the partnership proposal was accepted unanimously. In addition, Judge Tenet offered to reach out to judges in the organization who had a specialized expertise or interest in the area of child maltreatment to invite them to participate in the first conference. A number of judges including Judge Karen Ahn, Judge

Debra Gelson, Judge Amy Nechtem, Judge Zakia Mahasa and others attended and provided invaluable participation and contributions to the seminar. Further, NAWJ and all of the judges that participated in the Seminar have agreed to continue the partnership and serve as technical consultants for the next phase of the development of this project. Additionally, NAWJ has agreed to offer curriculum development resources as we move forward with the project.

National Association of Women Judges (NAWJ)

“The National Association of Women Judges is dedicated to providing strong, committed judicial leadership to ensure fairness and gender equality in American courts. We hope that you will find that this program closely aligns with NAWJ’s mission to promote equal access to justice for vulnerable populations through effective judicial education and interaction. We also offer professional and personal support to enable our members to achieve their full potential on the bench.

NAWJ is committed to diversity in our membership. Our organization welcomes both men and women. We include appellate, trial, tribal, administrative law judges, state and federal judges, and members from every state in the nation.

NAWJ provides an opportunity for judges to meet and discuss professional issues of mutual concern in a supportive atmosphere. Joining with others with the same values, we laugh, enjoy life and mentor one another nationwide. We also connect with international judges through our membership in the International Association of Women Judges (IAWJ).”

From the NAWJ Website: www.nawj.org

The Conference:

An Unconventional Meeting of the Minds

During the numerous teleconferences, personal meetings, written correspondences and other activities involved in the development of this project, it became evident to Mr. Ferrer, Mr. Gilson, Judge Tolentino, Judge Tenet, and many of the other individuals involved in the creation and development of the project that the professionals that were to come together in July 2004 to discuss important issues of child maltreatment were going to be a unique group. Not only were there to be individuals that had demonstrated expertise and commitment to the various aspects of their field including the judiciary, medicine, psychology, social work, and law but the plan was to get all of these individuals together in one room at one table to begin to discuss various ways to prove the way that maltreated children are handled in the legal system. Without a moment's hesitation on the part of any of the professionals that were to attend, strong commitment and open minds were offered without reserve. In fact, during one of the conference calls in the development phase of the conference, Judge Tenet commented that such a meeting was a very unconventional approach to problem solving with respect to the judiciary.

One of the issues that came to the fore during the moderated

roundtable discussion on the first day of the seminar was this remarkable unconventional meeting of the minds. Almost all of the judges and professionals that participated in that afternoon roundtable commented on uniqueness of the opportunity to sit and discuss the challenges, strengths and weaknesses of their respective fields with professionals with whom they interact on a regular basis but never have the opportunity to approach on an equal professional basis to discuss challenges, problems and plans for improvement the way each professional handles maltreated children. All of the participants, especially the judges, expressed very positive reactions to “breaking the bonds” of inter-professional development and participating in a program of inter-professional collaboration and development. Many of the judges stated that this was not a common practice in judicial training and development.

All participants agreed that the Audrey Hepburn Children's Fund's Judicial Resource Project Unconventional Meeting of the Mind's approach broke many barriers and built many bridges to establish a sensitivity and understanding of each professional's role in the system that was without precedent. The positive response and the important ideas that were shared went far beyond Mr. Ferrer and Mr. Gilson's expectation in the design of such an unconventional approach. A common theme throughout the conference was the importance of having the different professional disciplines that work with maltreated

children sit at one table and discuss common ideas for the improvement of services. The Fund remains committed to this unconventional multi-disciplinary approach to the development of this judicial resource.

Introduction by Sean Ferrer and Jamie Gilson

On Friday, July 9, 2004 the Conference began with an overview of the Audrey Hepburn Children's Fund Judicial Resource Project by Sean Ferrer and Jamie Gilson. Mr. Ferrer gave an overview of the Audrey Hepburn Children's Fund and its commitment to the improvement of the treatment of children throughout the world. Referring to his mother's important legacy, Mr. Ferrer told the panel how "...my mother believed that the theft of childhood is the greatest crime that a society can commit." Mr. Ferrer expressed his gratitude to all of the professionals from the Audrey Hepburn Children's Houses and the judges from around the country who gathered to begin this important endeavor. Mr. Ferrer continued to describe the important work that was being accomplished at each of the centers. Mr. Ferrer also discussed the Audrey Hepburn Children's Fund commitment to child welfare on an international level.

Mr. Gilson then addressed the panel and thanked everyone for their attendance, some attending on very short notice. The concept, development objectives and different phases of the Judicial Resource Project were then presented to the panel. After this presentation a number of judges responded with very positive comments regarding the scope and objectives of the project. An early agreement was reached that the work to be done by this panel in the development of a curriculum by the participating professionals could serve as a unique and invaluable resource for judges who handle criminal, family and other civil matters involving issues that impact on the health and safety of children.

Presentations by the Audrey Hepburn Children's Houses

The Audrey Hepburn Children's House at Hackensack University Medical Center



The Audrey Hepburn Children's House

The Audrey Hepburn Children's Fund has joined forces with world renowned Hackensack University Medical Center in New Jersey to build the first Audrey Hepburn Children's House for abused and neglected children.

Under the careful guidance of John P. Ferguson, President and C.E.O of Hackensack University Medical Center, Dr. Jeffrey Boscamp, Chairman of the Department of Pediatrics, and Dr. Julia A. DeBellis, Medical Director of the Children's House, the facility offers intervention and treatment in a safe and caring "child friendly" environment. The Children's House provides medical expertise to the many children who are victims of maltreatment and also offer critical mental health services necessary for the aid and recovery of these children and their families.

The \$6 million facility, designed by L'Architectura, was funded by federal, state, and private funding.

The Audrey Hepburn Care Center at Children's Hospital, New Orleans

In 1985, Children's Hospital began offering services specifically for the medical diagnosis and treatment of children suspected of being sexually abused. Since then services have been added to handle cases of severe physical abuse, neglect and false allegations, as well as offering consultations and injury prevention.

In June 2003, the Audrey Hepburn Children's Fund and co-sponsor International House Hotel, began a new affiliation with Children's Hospital and The Children at Risk Evaluation (CARE) Center. The Center, renamed Audrey Hepburn CARE Center, strives to practice and teach state-of-the-art pediatric forensic medicine to aid in the proper recognition, intervention, protection, prevention and care of maltreated children.



When a child goes to the Audrey Hepburn CARE Center, physicians explain to the child and accompanying adult the details of the evaluation. After a medical history is obtained, the child is interviewed alone and then examined head to toe to ensure that the physicians evaluate every part of the child's body that may have been injured. Services include expert assistance in the following areas: head trauma, child fatalities, burns, abdominal injury, poisoning, bruises, skeletal fractures, Munchausen Syndrome by Proxy, sexual abuse, pornography, sexually transmitted diseases, pregnancy, neglect and non-organic failure to thrive.

Child abuse is an epidemic in our nation. More than a million children are beaten, sexually molested or profoundly neglected in their homes each year.

Last year, nearly 1,500 children were evaluated at the CARE Center at Children's Hospital in New Orleans. In about 90% of these cases, conclusive evidence of abuse or neglect was found.

Audrey Hepburn CARES Team at Children's Hospital in Los Angeles

When the Audrey Hepburn Children's Fund relocated from New York to Los Angeles in 1998, it became concerned with the needs of children in Los Angeles. The Fund has recently entered into a partnership with Children's Hospital Los Angeles and founding sponsor Longines Watch Company to establish the Audrey Hepburn CARES Team at Children's Hospital Los Angeles.

The Audrey Hepburn CARES Team is comprised of some of the very best professionals in pediatric medicine. It provides medical expertise to reliably identify and treat the hundreds of children who are victims of abuse and neglect among the thousands of children who come to Children's Hospital Los Angeles each year for care. The CARES Team also provides the consultation necessary to help ensure that these children receive the full protection of the justice system and offers the mental health services necessary for the recovery of these children and



"My house, the sky has balloons, and a flower, a tree, grass, and it says I love you" (to her mother). No one is at home because everyone is at the doctors.
8 year old girl

families. In addition, CARES Team members actively participate in education, training and research projects both within the hospital and for the community. It is one of the few child abuse teams in Southern California whose members have extensive formal training in child abuse and in developmental and behavioral pediatrics. This provides a critical additional focus, enabling the CARES Team to provide a more global assessment of all victims of abuse and the ability to ensure comprehensive care to the community's population of children with developmental disabilities, a large group that is statistically at higher risk for child abuse.

Working in conjunction with multiple law enforcement agencies, the Department of Children and Family Services, and other child advocacy

organizations, the CARES Team is a resource for some of the most challenging cases involving child maltreatment, ranging from sexual and physical abuse to neglect and HIV infected victims. In addition, the CARES Team is also available to provide consultative services regarding pediatric gynecological concerns.

Longines is a founding sponsor of the Audrey Hepburn CARES Team at Childrens Hospital Los Angeles.

Day One Presentations: Ideas and Issues

Hon. Ellen Koblitz

In addition to introducing the professionals who were present to participate in the initial conference for the project, the morning session was completed with a presentation from The Honorable Ellen Koblitz. “Child Maltreatment: A View from the Bench” encompassed the introduction of a number of topics of interest and controversy for the judiciary. Judge Koblitz discussed a number of pertinent issues common to all participants. Judge Koblitz Cited the Faheem Williams case, which occurred in New Jersey in 2002, known to many as the tragedy in which a young inter-city youth was found dead, chained to a radiator in a basement in Newark. The Judge commented that this was a case in which the family had been seen on many occasions by the authorities but yet extreme child abuse and death occurred nonetheless. Judge Koblitz discussed her participation on a court improvement

committee in New Jersey, which was established with funding from the Adoption and Safe Families Act. Judge Koblitz described the Act as providing federal money for child protection to all states and urged all panel participants to learn more about the Act and the resources available in the states.

Judge Koblitz also presented and discussed important projects which she had the opportunity to participate in on the state and national level such as a project to establish uniform court orders and procedures and the uniform review and processing of evidence in non-jury cases, specifically divorce cases and child custody matters. Various issues regarding how courts handle evidence in child maltreatment cases including Frye and Daubert issues, standards of admission and review, and how the judges who sit on cases involving child maltreatment issues are trained and process such evidence was presented.

The judge reviewed and set forth various issues regarding how family courts and criminal courts receive and review expert reports written by health care and psychological professionals. A training need was identified and expressed by Judge Koblitz regarding professional reports of this nature and the panel concurred that this was an area in which a curriculum could be developed that would have great benefit to judges serving in this role.

Finally, issues such as courtroom testimony and the victimization

of children by the system by requiring their participation in various aspects of the legal process was presented and commented on by the panel. In response to Judge Koblitz's presentation a number of the judges offered suggestions for curriculum that could be developed by the project and presented to the judiciary in various states. (See Panel Inset)

Many of the panel members concurred verbally with these suggestions including Judge Judith Gelson who suggested that the judiciary participate in training for court administrators and assist in the establishment of user-friendly and child-friendly courts with a special concentration on the needs of the child witness in the legal process. A number of the judges on the panel expressed concerns regarding judicial ethics and the need to maintain a neutral and objective professional opinion in the system. Although it was universally recognized that the judges role must be unbiased and neutral, the majority of the panel members acknowledged the importance of inter-disciplinary participation in the development of curriculum for judges faced with adjudicating cases involving child maltreatment issues. Stacey LeBlanc, Esq., Director of Legal Advocacy at the Audrey Hepburn Care Center in New Orleans, offered her knowledge and expertise on a number of issues in this regard. Ms. LeBlanc discussed fact finding in child abuse cases, training for prosecutors, the American Bar Association Uniform Act, the importance of the judiciary holding lawyers to a standard of practice as well as the establishment of specialized courts to deal with

the unique issues relating to child maltreatment.

Day One Moderated Roundtable Discussion

Based upon the presentations by the professionals from the different Centers and a review of some of the issues in the morning, the panel began a vigorous discussion of a number of issues that would later be developed into specific topics for a curriculum. All of the judges and participating professionals were eager to discuss issues that had either been raised in the morning session or were important issues in their experience and to be included within the scope of this project.

The consensus of the panel in general about the curriculum was with where “to set the bar” regarding the standard of training and education for the judicial curriculum. A number of panel members concurred that the curriculum that was to be developed an offer must be education directed. Some of the challenges to

THE PANEL'S INITIAL IDENTIFIED ISSUES AND RECOMMENDATIONS

- Ways to support and protect children through the legal process;
- Pre-visits;
- Closed circuit court testimony;
- Victim witness protection;
- Judicial responsibility and training on the prioritization of cases with specific regard to processing cases on expeditious basis to minimize the traumatization to the child;
- Court school and court appointed special advocates;
- Training on the admissibility of videotaped statements from children with special emphasis on the judiciary's role in encouraging the videotaped statements of children.

developing a curriculum that would be applicable to all members of the judiciary who deal with child maltreatment cases was the fact that often a child maltreatment case is actually two cases. Often, there is a case in family court involving child custody or a domestic dispute with a concurrent case in the criminal court system involving criminal actions by one of the parties or perhaps even the child who has been maltreated.

Many of the judges were emphatic regarding a need to establish training that would foster communication between the systems. Further, a means to establish an effective criterion would be to create a curriculum that would be established upon a standard where the two systems were connected through communication and knowledge on the part of the judges sitting on the family bench and the criminal bench regarding the roles and responsibilities of each other. Many of the judges agreed that making a curriculum available to the bench that would teach the different roles of the family and criminal systems could also be used to establish a standard where there was an ongoing communication between the systems so that children didn't "fall through the cracks."

The judges identified other disciplines involved in these two systems and identified a responsibility for their often bifurcated roles regarding child maltreatment cases. The judges clearly identified that the prosecutor's responsibility was to move the case however recognize

that the criminal prosecutor and the juvenile prosecutor did not often share information regarding cases with common elements. A number of the judges also contributed and identified that child maltreatment issues in domestic violence cases that were adjudicated concurrently, often resulted in the issuance of contrary orders often with a negative effect on the health and safety of children involved. The judges identified this as an important priority for the development of teaching curricula so judges who sit on the bench in family court can be aware of concurrent criminal and juvenile court actions and establish a communication between the other court systems to avoid orders that have a potential for a negative impact on children involved in these cases.

After a thorough discussion of the aforementioned issues a number of the judges on the panel turned to an issue that all agreed was a common challenge in sitting in judgment for these cases. A number of the judges shared some of the difficulties they had in dealing not only with system and the lack of communication as mentioned earlier, but sitting on the bench and handling these cases in general. A unique and important dialogue developed between the judges and the professionals on the panel with everyone offering an open and candid discussion of the emotional and psychological impact felt in constantly working with these types of cases. The physicians on the panel offered the fact that very few pediatricians want to do this type of work because of the emotional drain that comes with it. Some of the judges shared some

personal experiences and techniques they had developed on their own to cope with the stress that comes along with handling these types of matters on a daily basis. The topic of post-traumatic stress disorder was developed and reviewed by a number of panel members. The panel was in total concurrence that training on vicarious traumatization, post-traumatic stress disorder and the impact that dealing with these cases on a day-to-day basis can have on the judicial professionals as well as other professionals who handle these cases through the criminal justice system would be an important component to develop from of the Judicial Resource Project training curriculum.

Toward the close of the first day's moderated roundtable discussion, the judges and other professionals on the panel began to share personal experiences with different cases in their careers. A number of common areas between the professions were identified and many of the judges commented that this unconventional approach to establishing a Judicial Training Curriculum with an inter-disciplinary panel would clearly result in the identification of issues and the implementation of effective training curriculum not previously accomplished by any one discipline, including the judicial training established for many of the judges in their respective states. One of the important themes mentioned in the process of this discussion was the inter-relationship of judicial ethics and child advocacy. Often viewed as countervailing priorities, many of the judges expressed opinions that ,

part of the problem with the system is often that judges do not view their role as advocates for children. This is not without good reason: many of the codes of judicial ethics would prevent a judge from acting with any bias or partiality toward any side in any proceeding before the court. This concept was thoroughly reviewed by the panel and consensus was reached that child advocacy could be approached by the judiciary without abrogation of the various codes of judicial ethics. In fact, many of the panel participants felt there was an ethical imperative for judges to be trained and adept in handling cases with issues of child maltreatment. A number of curriculum topics were identified and emphasized as very important to develop further as part of the Fund's Judicial Resource Project. A number of these curriculum topics appear in the following sections.

The roundtable discussion of Day One ended on a very positive note with many of the judges offering to serve as resources for the development of curriculum as identified in the discussion. The discussion was concluded at 4:30 pm with thanks from Sean Ferrer and Jamie Gilson.

Day Two Presentations: Ideas and Issues

Hon. Shirley Tolentino: Child Maltreatment in the Criminal Courts

Hon William J. Knight: Child Maltreatment Issues in the Family Courts

The morning of the second day of the Judicial Resource Project Seminar consisted of two presentations to spark interest and discussion on child maltreatment issues. The first presentation “Child Maltreatment Issues in the Criminal Courts” was presented and moderated by The Honorable Shirley Tolentino. Judge Tolentino and Judge Ahn discussed a number of issues that were relevant to criminal courts including the overlap between family and criminal courts and the necessary communication that would need to be developed for an effective response to child maltreatment issues. Issues such as questions of bail, trial and sentencing of juvenile offenders, the dynamics of domestic violence and the use of DNA in criminal prosecutions were all reviewed thoroughly by the panel. All agreed that an important curriculum to be developed would be training on the overlap of the criminal and civil systems and the challenges presented.

During this presentation and discussion a number of the judges referred to specific cases which they had reviewed or sat in judgment in

their court systems. Some of these cases involved shaken baby syndrome. A number of the judges expressed a lack of knowledge on the dynamics and the facts involving shaken baby syndrome and identified this as another important part of the curriculum developed by the project. Some of the judges expressed the opinion that specific training in different areas of science and medicine would not be necessary objectionable with respect to judicial ethics because courts rely on expert testimony in each case to establish the science and apply it to the specific facts. The majority of the panel, however, expressed a position that training in areas of science dealing with child maltreatment issues could only be positive to be offered to members of the judiciary. Some of the specific areas of scientific training that were suggested were: domestic violence, mental health, child development, pharmacological issues, alternatives to prison sentencing, training on the dynamics of addicted mothers and fathers and the impact of long-term sentencing on affected families. A number of these topics are developed further in later sections of this report.

Following the presentation on child maltreatment in the criminal courts The Honorable William J. Knight presented “Child Maltreatment Issues in the Family Courts.” Judge Knight presented an innovative program that was being done in his jurisdiction in Kentucky called the Collaborative Divorce Process. He believed that taking the adversarial component out of the divorce process had a direct positive result in

cases where children were being abused or neglected. Judge Knight described the method and emphasized the comprehensive training for all attorneys and judges in this specialized process of mediation as a replacement for adversarial litigation in divorce cases. In this program, the children are provided with a mental health coach who supports them through the whole process of the divorce. In addition, a financial analyst and custody evaluator is assigned to each case by the court to review the specifics of each family circumstance and provide recommendations for a mediated resolution. Judge Knight emphasized the national resources available for the development and support for programs of this nature and firmly believed that these types of programs serve to reduce the number undesirable outcomes with regard to maltreated children in the family law system. As expected, a vigorous discussion ensued between the panel members. Commissioner Marilyn Mackel from California emphasized that their family court programs relied upon monthly training being offered to the family court judges in their circuit.

The Commissioner emphasized that this training included how to establish and maintain effective communications between family and criminal courts, issues such as false allegations in custodial disputes and the disposition of children in divorce custody actions. A number of the medical professionals commented on the statistics regarding false allegations in custodial disputes and emphasized that certain studies show that false allegations in these disputes are extremely rare. Dr.

Scott Benton commented that in his experience divorce custody matters often involve parents that are using children to manipulate the process and pursue their own interests in the outcome of the case. The panel then agreed that the topic of false allegations would be a very desirable part of the Judicial Resource Project curriculum. The morning session concluded with an acknowledgement of thanks from the panel to Judge Tolentino, Judge Ahn and Judge Knight for their effective presentations on difficult issues.

Day Two Moderated Roundtable Discussion: Ideas and Issues

Upon convening the afternoon session, “Day Two Moderated Roundtable Discussions: Ideas and Issues,” Mr. Gilson thanked all the participants for their candid and vigorous discussions during the previous day and in the morning. Mr. Gilson remarked that a number of topics for curriculum development for the Project had already developed and thanked all the members for their avid participation in the process. A number of the panel participants also echoed these sentiments confirming that to this point, this had been a very productive and positive process. Mr. Gilson told the panel that the next few hours would comprise the final opportunity for all of the panel participants to discuss issues and suggest topics for curriculum development for the Project. He then opened the floor for discussion inviting comment from

any panel member with thoughts, ideas or concerns.

Judge Sheila Fell began a discussion on the importance of training on ethnic diversity for judges who sit on the family and criminal bench and handle cases of child maltreatment. Judge Fell relayed her experience with a case of a Vietnamese family who appeared before her with one of the family members being charged with child abuse. She stated that through her experience with this case she became aware that in the Vietnamese culture such an allegation is treated with extreme shame and dishonor. Judge Fell told the panel that during the course of the action in her court she had learned that the family member that was charged with abuse had committed suicide as a result of the allegations. A thoughtful sensitive discussion ensued among the panel members that included comments on the different dynamics with domestic violence and child abuse in the various cultures that present to the criminal and civil legal systems. A unanimous agreement was reached that resources for ethnic diversity would be an important component of the Audrey Hepburn Children's Fund curriculum. Commissioner Mackel informed the panel that she had done a great deal of work with ethnic diversity issues and has resources in this regard which she would be happy to share with the curriculum committee.

The next topic of discussion began with Judge Mark Arnold raising a question regarding the quality of cross-examination of child

witnesses in court. Judge Arnold stated that in his jurisdiction he requires that for certain cases, attorneys submit questions to the court prior to asking them of a child witness on the stand. The panel discussed certain constitutional aspects including 6th Amendment considerations regarding this process, but generally agreed such a system would serve to limit abusive and intimidating questions propounded by attorneys during cross-examination in child abuse and custody cases. Stacey LeBlanc, Esq. contributed an essential presentation regarding control methods for cross-examination and shared with the panel that she had done a lot of work regarding this aspect of child maltreatment. She advised the panel and staff that she has literature that would be important to include in a curriculum that could be developed by the

The Audrey Hepburn Judicial Resource Panel's Recommendations for Judicial Curriculum Development:

- 1. Judicial Ethics v. Child Advocacy – Judge Mahasa**
- 2. NAWJ Second Chance Act**
- 3. 18-19 Year Old Group – Special Needs, Special Services**
- 4. Uniform Handling of Cases**
- 5. Overlap between Family and Criminal Courts – Judge Ahn**
- 6. Scientific Basis of Testimony**
- 7. Dynamics of Domestic Violence**
- 8. Alternatives to Prison Sentences for Maltreated Children**
- 9. Drug Addicted Parents and Caretakers**
- 10. Long-term Sentencing Issues**
- 11. Exercising Jurisdiction over Non-criminal Litigants in Criminal and Family Courts**
- 12. Training on the Multidisciplinary Team Process**
- 13. Outreach to Military Families**
- 14. How does a Judge interpret expert credentials, reports – Training in evaluating expertise**
- 15. Offender Treatment**
- 16. Collaborative Divorce – Judge Knight**
- 17. How to establish effective communications between Family and Criminal Courts**
- 18. False Allegations in Custodial Dispute in Family Court**
- 19. Ethnic Diversity – Judge Fell**
- 20. Judicial responsibility in controlling cross-examination of children – Stacey LeBlanc**
- 21. Impact on children in dependency cases – Judge Koblitz**
- 22. Child Development**
- 23. “Good Outcomes” for families and children**

Project and offered further assistance and participation in this regard. As a result of this discussion, it was once again agreed that important components of the curriculum would be a comprehensive section on child development and a section on “Good Outcomes” that could serve as guidance for judges who have not received comprehensive training in child maltreatment cases.

After further discussion on child development and “Good Outcomes” components for the curriculum, Judge Koblitz commented on the impact on children in dependency cases. The judge felt that the curriculum should include training on children’s issues for dependency court. Specifically, a presentation and review on the impact of the physical and emotional settings of the courthouse, courtroom and court process. Judge Koblitz relayed a story of a child involved in one case who wrote her a letter regarding her experience in court, which offered more facts than the judge or any of the attorneys was able to elicit in the hearing process. Judge Koblitz felt that an overview of the process from the child’s perspective would be an important part of The Judicial Resource Project curriculum, which received a concurrence from all of the panel members.

After a final call for any topics, issues or ideas from any of the panelists, Mr. Gilson closed the afternoon moderated roundtable discussion by asking each participant to share their comments,

impressions, and recommendations regarding the two-day seminar. Without exception, all of the panelists stated that they felt the experience was unique and groundbreaking in its concept design and implementation. Without exception, each participant indicated that the



**What makes the patient happy - "Mom" (foster mom).
6 year old girl**

opportunity for an inter-disciplinary dialogue between members of the bench and the professionals who treat children was an invaluable experience and could serve as the basis to create a unique and efficacious training curriculum for the members of the judiciary throughout the country. Many of the panel participants offered to assist directly in further activities regarding the curriculum development. During the comments, Mr. Ferrer addressed the panel with an observation regarding a number of personal experiences that had been shared by the panelists including an experience relayed to the panel by Colonel Linda Murnane, a military justice serving with the Eastern Circuit Trial Judiciary, US Air Force in Ohio. Mr. Ferrer invited the participants who relayed personal experiences to commit these to writing to be included either in the report or in sections of the curriculum to be developed.

It was also agreed among the panelists that a mailing list or a list serve would be created for the purpose of continuing communication amongst the panel, disseminating information regarding further actions

on the development of the Project and to provide an important conduit for the participants to communicate with each other and with the Project's coordinators and developers. The afternoon ended with a strong commitment by everyone to continue to participate to make The Judicial Resource Project become a reality and to participate in any further activities involving drafting curriculum and implementing training courses under the auspices of the Audrey Hepburn Children's Fund in partnership with the National Association of Women Judges. The afternoon session concluded at 5:30 pm.

Recommendations for Phase II of the Development and Implementation of the Audrey Hepburn Children's Fund Judicial Resource Project

Based upon the dedicated efforts of the panel that participated in the July Conference in New Orleans, we have formed the basis of the development of a curriculum that will allow us to move forward into Phase II of this project. This phase will consist of the following:

1. Identifying a curriculum committee from individuals who participated in the July Conference, who will accept responsibility for the oversight, drafting, review and further development of specific curriculum for the Judicial Resource.
2. Developing priority curriculum topics that can be developed within a six to twelve month period to be ready for review, approval and dissemination by the curriculum committee.

3. Establishing an active working relationship with the curriculum development committee of the National Association of Women Judges for participation and assistance with the development and establishment of the Judicial Resource.

In many respects, the hard work on this project is yet to be done. There have been at least 23 distinct topics suggested and developed by the panel during this July Conference. Mr. Ferrer, Mr. Gilson and the project staff are looking forward to moving into the next phase, selecting a curriculum committee with active participants, and proceeding with assigning specific tasks to participants to develop standards and curriculum in the specific areas developed by the panel.

The Audrey Hepburn Children's Fund is grateful to all of the participants and individuals who have made this concept a reality and the first Conference of the AHCFJRP a great success this year. Mr. Ferrer extends special thanks to all of the judges that gave their valuable time to participate in the Conference in July and especially all of the dedicated professionals at

the Audrey
Hepburn
Children's
Houses who



dedicate themselves on a daily basis to improving the way that children are treated by the system and by the society.