

California Social Work Education Center

C A L S W E C

**CHILD WELFARE PRACTICE IN THE
LEGAL SYSTEM:**

A CURRICULUM MODULE

By:

David Foster

Barbara Woods

California State University, Fresno

Title IV-E Child Welfare Stipend Project

1995

This project was funded by
The Ford Foundation
and
The California Social Work Education Center

TABLE OF CONTENTS

	Page
CalSWEC Preface	ii
Acknowledgments	iv
CalSWEC Competencies	v
Notes to Instructor	vi
Child Welfare Practice in the Legal System	1
Introduction...1	
The Philosophical, Historical, and Legal Basics of Child Welfare...2	
History of Juvenile Courts...5	
Cultural Considerations...11	
Discussion Questions on “Judicialization”...15	
Potential Discussion Issues...15	
Discussion Questions on Cultural Considerations...15	
Potential Discussion Issues...16	
Child Welfare Practice in the Legal System Community Panel...16	
References	19
Bibliography	21
Handouts	28
Handout 1: Proving the Various Forms of Child Maltreatment...29	
Handout 2: Words and Phrases Used in California Juvenile Dependency Cases...38	
Handout 3: Basics for Social Work Practice in Juvenile Court: The Differing Roles of Professionals...44	
Handout 4: Guidelines for Effective Testimony...46	
Handout 5: Guidelines for Observation in Juvenile Court for the Major Paper Assignment...49	

CalSWEC PREFACE

The California Social Work Education Center (CalSWEC) is the nation's largest state coalition of social work educators and practitioners. It is a consortium of the state's 18 accredited schools of social work, the 58 county departments of social services and mental health, the California Department of Social Services, and the California Chapter of the National Association of Social Workers.

The primary purpose of CalSWEC is an educational one. Our central task is to provide specialized education and training for social workers who practice in the field of public child welfare. Our stated mission, in part, is "to facilitate the integration of education and practice." But this is not our ultimate goal. Our ultimate goal is to improve the lives of children and families who are the users and the purpose of the child welfare system. By educating others and ourselves, we intend a positive result for children: safety, a permanent home, and the opportunity to fulfill their developmental promise.

To achieve this challenging goal, the education and practice-related activities of CalSWEC are varied: recruitment of a diverse group of social workers, defining a continuum of education and training, engaging in research and evaluation of best practices, advocating for responsive social policy, and exploring other avenues to accomplish the CalSWEC mission. Education is a process, and necessarily an ongoing one involving interaction with a changing world. One who hopes to practice successfully in any field does not become "educated" and then cease to observe and learn.

To foster continuing learning and evidence-based practice within the child welfare field, CalSWEC funds a series of curriculum sections that employ varied

research methods to advance the knowledge of best practices in child welfare. These sections, on varied child welfare topics, are intended to enhance curriculum for Title IV-E graduate social work education programs and for continuing education of child welfare agency staff. To increase distribution and learning throughout the state, curriculum sections are made available through the CalSWEC Child Welfare Resource Library to all participating schools and collaborating agencies.

The section that follows has been commissioned with your learning in mind. We at CalSWEC hope it serves you well.

ACKNOWLEDGMENTS

The CSU, Fresno Title IV-E Child Welfare Project wishes to recognize and thank the following individuals, departments, and agencies for their contributions and support toward the planning, development, field testing, and evaluation of this curriculum module:

- **CSU, Fresno:** Department of Social Work Education; Faculty Curriculum Committee: Dr. Cora Adams, Dr. Erving Ruhl, Dr. Robert K McMain, Dr. Robert Hatmaker, Dr. Lynn Jacobsson, Dr. Mark Hanna, Dr. Betty Garcia, and Dr. Donna Hardina; Field Office: Dr. Cora Adams, Andrea Carlin (LCSW), Corinne Florez (MSW)
- **CalSWEC:** Dr. Bart Grossman, Dr. Sherrill Clark
- **Community Advisory Board:** Referee Nancy Cisneros; Howard Watkins, Attorney at Law; Patricia Poulson, MSW
- **California Welfare Directors Association:** Valley Region Sub-Committee (Fresno, Merced, Kern, Tulare, Kings, Madera, San Luis Obispo, San Joaquin, and Stanislaus Counties)
- **Fresno County Department of Social Services:** Ernest Velasquez, Director; Linda Orrante (LCSW), Assistant Director; Patricia Poulson, MSW; John Gutierrez, MSW
- **Fresno County Counsel's Office:** Howard Watkins, Attorney at Law

A very special thank you is extended to Dr. Benjamin Cuellar, whose vision and tireless dedication and commitment to public child welfare services and the children and families served by the system has supported and encouraged the project from its inception.

CaISWEC COMPETENCIES

The following child welfare competencies are addressed by this module:

- 1.5 Participant understands the effects of culture on behavior and parenting and helps families improve their care of children within their own cultural context.
- 1.6 Participant has knowledge of the legal, socioeconomic, and psychological issues facing new immigrants
- 2.6 Participant understands the dual responsibility of the child welfare caseworker to protect children and to provide services and support to enable families to care for their children.
- 2.10 Participant understands policy issues and legal requirements affecting child welfare practice, including confidentiality, worker liability, reasonable effort requirements, minimum sufficient level of care, least restrictive environment, permanency planning, and knows how to implement these requirements in practice.
- 2.12 Participant understands the process of the court system and the role of social workers in relation to the courts.
- 3.14 Participant works cooperatively with other disciplines that are routinely involved in the investigation, prosecution, and treatment of child welfare cases.
- 5.2 Participant is a productive, contributing member of the interdisciplinary team and understands the differing points of view of other professionals involved with the family.
- 5.7 Participant actively cooperates and collaborates with other community agencies and professionals in developing case plans and is an effective member of multidisciplinary conferences.

NOTES TO INSTRUCTOR

The focus of this teaching module involves social work practice within the legal system. The module is designed to offer didactic content in combination with the opportunity for students to observe child welfare workers interact with judges/referees and attorneys in actual Juvenile Court proceedings. The module is designed to supply approximately 6 hours of classroom content delivered from lecture material, discussion questions, and the use of a community panel. As part of the module, students must engage in a live observation of a Juvenile Court proceeding and process the observation both in writing and through classroom discussion.

This module is appropriate for incorporation into a university Masters in Social Work curriculum which addresses child welfare practice, social work practice within the legal system, and/or related coursework. The module may also be adapted for use by child welfare agencies offering induction training for newly hired staff and/or in-service training for experienced staff unfamiliar with Juvenile Court processes.

CHILD WELFARE PRACTICE IN THE LEGAL SYSTEM

INTRODUCTION

Child welfare is a unique field of social work practice that requires the use of special interdisciplinary skills with attorneys, judges, and other member of the legal system. The skillful application of these interdisciplinary skills is extraordinarily difficult.

Fundamental differences between the value base, knowledge, and training of social workers and attorneys assure that the two professions will forever have an uneasy relationship. Nevertheless, the current and future direction of child welfare service delivery demands that this uneasy relationship continue and be improved.

Historically, social workers coming into the profession are unprepared for interactions with the Juvenile Court. Graduate level university curriculum is generally silent on how to achieve positive client outcomes while working within the legal system. As a result, most new child welfare workers experience anxiety, fear, and frustration when confronted by the court. Without information on how to achieve positive client outcomes through the court process, social workers generally believe it is impossible to achieve positive outcomes in that setting. Interviews with social workers who have left child welfare to accept other social work positions regularly cite their frustration and discomfort with court-related interactions as a primary catalyst for their decision to leave this area of practice.

The absence of graduate school instructional emphasis in this skill area has historically resulted in attempts through post-graduate in-service training to address learning needs. Unfortunately, the vast majority of in-service trainings on this topic are

provided by attorneys, judges, and other members of the legal system. As a result, these learning opportunities are narrowly focused and lack a social work ethical/value base. Social work educators have a vested interest in assuring social workers are educated in interdisciplinary methods that rely on a professional foundation of social work theory, practice skills, values, and ethical standards. This curriculum module, designed with that in mind, is intended for use with graduate students interested in child welfare practice and newly employed or inexperienced child welfare caseworkers.

THE PHILOSOPHICAL, HISTORICAL, AND LEGAL BASIS OF CHILD WELFARE

Much of a child welfare professional's time is consumed with activities related to the court process. Historically, these activities have been a source of both frustration and disenchantment for many social work professionals. At the core of this disenchantment is a role/value conflict that is an inherent part of the blending of two professions—law and social work—that are dramatically dissimilar in their philosophic base.

Maidman (1984) suggested that role conflicts are stimulated by the wide debate concerning the value of legal authority as a source of change in family and child problems. Specifically, this debate poses questions such as:

- Are workers' helping/therapeutic roles undermined by their social control functions mandated by law?
- How does the social work core value of self-determination conflict with the use of legal force?
- Is pursuing court action synonymous with punishing the victim for social conditions (poverty, lack of access to education, employment, etc.) over which the client has no control?

Beyond the broader philosophic conflicts cited above, Maidman (1984) also highlights a number of social work practice consequences from court involvement that are counterproductive to helping efforts. These include:

- Destruction of trust,
- Interference with open communication between worker and client,
- Destruction of workers' efforts to convey empathy,
- Undermining a worker's efforts to influence through their expertise,
- Introduction of strain, fear, and anger into the relationship, and
- Time taken away from the helping process.

Maidman (1984) also points out that despite the frustration evident in most social work interactions with the courts, many caseworkers believe that legal authority is in itself therapeutic and/or necessary to motivate therapeutic changes. Reasons for this are that:

- Legal intervention dramatizes the seriousness of the problem,
- The legal system provides a firm structure of expectations and accountability, and
- The court may force an opportunity for change through other therapeutic processes.

Kadushin and Martin (1988), quoting Tomason and Paget's *Child Abuse: A Community Challenge*, offer the following guiding principle: in taking court actions... "use of the court should be constructive as a resource, not as a last resort!" The court process needs to be seen as a "means of protecting the child rather than prosecuting

parents"...the caseworker attempts to exercise his [sic] authority in a positive, supportive manner.

To a large degree, the success of social work practice within the context of court proceedings requires both understanding and skillful therapeutic use of authority. Given the inevitable link between court enforcement and helping efforts, it is critical for child welfare workers to be comfortable with an authoritative role and its application. The therapeutic use of authority begins with the assumption that any interpersonal experience with a client, whatever the contact, may be helpful or therapeutic (Maidman, 1984). While ultimately placing the social worker in a role that limits client freedoms, it is foundationally driven by a belief in empowerment and choice. In short, it resists authoritarianism (favoring the principle of blind obedience) and cultivates that aspect of authority that allows one to influence the thoughts/behaviors of another. Maidman suggests the following guiding principles for the therapeutic use of authority:

- Be very clear about those areas which clients do and do not have choices. Permit clients to maximize choice-making options by clearly identifying areas that have restrictions and how certain consequences (i.e., court action) flow from choices and action taken by them (i.e., leaving child unattended). Areas where client choice is still possible should be clearly identified. Do not, however, convey a false sense of choice resulting in a lack of client trust and worker discomfort with the use of authority.
- Avoid finding a scapegoat for authority. Deal honestly with the rationale behind the law and agency rules that give the social worker authority. Don't rely in simplistic assertions that simply blame "the law" or "the agency" for restricting client freedom.
- Allow clients to experience authority in a more positive way. Do not use authority in a punishing way:
 - Give clients an opportunity to work out their anger about authority without reciprocal responses.

- See authority as a means to help the client/family meet basic needs (food, housing, etc.),
 - Always use authority with interest, care, and respect.
 - Combine authority with traditional social work sustaining techniques (empathic listening, reassurance, encouragement, etc.).
- Use the court/legal process as an opportunity for supporting treatment goals. Utilize activities that are therapeutically based and therapeutically beneficial (Ministry of Community and Social Services, 1980).
 - Explain the court process as the worker understands it.
 - Explain the reasons for going to court
 - Interpret the roles for social workers, parents, attorneys, etc.
 - Clarify meaning, perceptions, and feelings.
 - Review the findings and the disposition
 - Set goals for further work.

In carrying out these activities, workers have an opportunity to:

- Reduce client's alienation from social institutions
- Enhance client self-esteem
- Support life-skill development
- Allay client's anxiety
- Role model institutional activities.

HISTORY OF JUVENILE COURTS

Juvenile courts were first established in early 1899. Originally they were developed as a part of a broader community-based treatment system for children and youth. Juvenile courts disassociated from the traditional legal system. In most communities, probation departments, mental health clinics, alcohol treatment programs, and various other individual/family counseling programs were seen as court-related services; frequently they were co-located with the court itself and funded within the court's budget (Besharov, 1985). As late as 1962, one state legislative committee described its juvenile court as a "special agency for the care and protection of the young and the preservation of the family" (Joint Legislative Committee on Court

Reorganization, 1962). In essence, juvenile courts were designed to be an extension of the service delivery system rather than a trier of fact leading to a determination of guilt or innocence.

In order to provide “service” to a family, “juvenile court judges needed freedom to depart from existing procedural and constitutional safeguards” (Besharov, 1985). To this end, the early juvenile courts encouraged informal dialogue, personalized attention, and an examination of the problem and its root cause in order to develop an effective case plan to remediate the problem area.

The concept of “*parens patriae*” was used by the court to enable it to relax traditional legal constraints. This term, literally meaning “father of his county,” implied that the judge was vested with the authority to become a “wise, affectionate and careful parent and make provision for the child accordingly” (Finlay v. Finlay, 1925).

A dramatic shift away from informal juvenile court proceedings began to occur in the late 1960s. The lack of resources to fund and staff juvenile courts, increasing workload, and poorly trained judges and attorneys eventually resulted in court proceedings that frequently denied parents an impartial review of the facts. When parents were the victims of individual biases, or poor fact gathering/presentation, the informal nature of the courts precluded them from having legal representation to counter these biases. As a result, the juvenile court system has evolved since this time period into a system that is extremely sensitive to the rights of participants and due process considerations. As this evolution has occurred, court proceedings have become increasingly formalized and adversarial. This shift in legal philosophy, combined with the explosion of abuse, neglect, and delinquency cases, has “made the juvenile court no

longer the center of community responses to child abuse and neglect but, rather, the apex, the last stop, in an elaborate pre-court process that takes great pains to avoid formal court action” (Besharov, 1985).

Besharov (1985) sees the shift in juvenile court philosophy to have both negative and beneficial consequences. He states:

Vesting treatment responsibility with the court tended to make judges more concerned about the social aspect of the case. In one sense this was good and reflected the highest aspirations of the juvenile court movement; nevertheless, to the extent it caused judges to pass over the need for clear proof of the allegations before assuming jurisdiction over the family, it obscured the courts’ judicial role and denied to parents impartial consideration of the charges made against them.

The new era of juvenile court philosophy is best described by the New York Family Court Act which sees the purpose of juvenile court “to provide a due process of law for determining when the state...may intervene against the wishes of a parent on behalf of a child so that his needs are properly met” (New York Family Court Act, 1983).

The transition, which juvenile courts have gone through over the past 25 years, is often referred to as the “judicialization of the court process” (Besharov, 1981). The effects of this judicialization have been most pronounced in the growing numbers of attorneys involved in juvenile proceedings. In California, it is not uncommon for four attorneys to be involved in an “uncomplicated” case. Generally, a standard representation scenario will include an attorney for the mother, a separate attorney for the father, an attorney for the child, and an attorney for the agency filing the petition.

An understanding of the relationship between social work and the juvenile court process begins with an understanding of the distinctions between Juvenile Court action and criminal prosecution. As evidenced by history, juvenile courts have been given inherent remedial powers centered on the protection of children and the ability to order the provision of services. Unlike criminal cases, juvenile court required no evidence of “criminal intent” in order to intervene, nor does it have the need or means to “punish” a perpetrator even if criminal conduct occurred. The burden of proof for providing child maltreatment is established, utilizing legal standards such as “preponderance” and “clear and convincing” rather than the criminal standard of “beyond a reasonable doubt.” These distinctions intentionally position juvenile court to intervene in risk situations before harm to a child occurs. In addition, they permit the social worker greater latitude in offering professional services aimed at remedying the risk situation without formal court involvement.

The decision to commence juvenile court action is generally collaborative in nature involving a social work assessment reviewed by law enforcement. Statutory and operational definitions of court jurisdiction are contained in California Welfare and Institutions Code 300. The primary purpose of these code sections is to guide decisions about commencing court action and to reduce vagaries.

The information collected by the social worker during the assessment is essential to proving child maltreatment. Generally, a social worker must determine that specific parental acts or omissions have occurred that have resulted in harm or threatened harm to the child’s health and welfare. In addition, the social worker must be conscious of the evidence, which supports the determination. Issues requiring consideration include the

availability and credibility of witnesses and victims, the availability of documentary and physical evidence, and the practice implications of court action.

Once a determination is made to pursue juvenile court action, a “petition” to the court is written and filed setting forth the facts that led the social worker to a determination of harm or threatened harm. Facts, as opposed to conclusions, must be carefully articulated by the social worker once court action is initiated. Documentation must be carefully constructed to assure opinions and speculation are minimized and observable and measurable information is emphasized. For example, adjectives describing a child as “neglected” are much less precise than descriptions of what the social worker actually saw, heard, and smelled: “The child was dressed in a T-shirt and a diaper soaked with urine. He/she was dirty and had a foul-smelling odor. He/she appeared to have a severe diaper rash which was red, excoriated and caused the child to cry when touched.” According to Feller et al. (1992), this type of documentation is not only more likely to be admitted into evidence by a judge, but is more persuasive than conclusory statements.

Handout 1, *Proving the Various Forms of Child Maltreatment*, details the various forms of child maltreatment and identifies objective assessment criteria for investigating social workers. The handout illustrates the blend of social work practice skills, assessment techniques, and evidentiary considerations that are unique to practitioners in a child welfare agency. Beyond the actual activities associated with assessment, documentation, and determining legal sufficiency, the child welfare worker’s involvement in any juvenile court case requires that he/she be in contact with attorneys, advocates, and judges. Feller et al. (1992) emphasize that communication and

cooperation are critical if the court process is to ultimately benefit the child/parent(s). The ability to communicate effectively with lawyers and judges is often under-emphasized as a critical skill. Oral and written communications from the social worker are the primary sources of information available to attorneys and presented to the court. Frequently, social workers are hampered in their ability to communicate because of a simple lack of knowledge and/or understanding of court terminology. Mastery of a glossary of common terms and procedures can have a positive impact on practitioner confidence and competence and also benefits the client since it enables the practitioner to empower the client with information and explanations concerning court actions that are impacting his/her life. Handout 2, *Words and Phrases Used in California Juvenile Dependency Cases* can be a useful tool for child welfare practitioners to become familiar with common terminology.

Written communications, usually in the form of reports, represent another important law-related skill. Clear, concise written reports have their genesis in a social worker's ability to recognize important facts and organize the facts into information that is useful to the attorney and the court. Laird and Hartman (1985) identify "ineffective communication" with attorneys/judges as a major barrier to positive case results. They state that social workers must be organized, tactful, and assertive in their communication with the legal system.

It is essential for social workers to assume primary responsibility for building and maintaining cooperative relationships between professionals involved in the legal process. In keeping with the adversarial nature of court, the need for active cooperation/collaboration may be minimized and/or ignored altogether by some

attorneys. The skilled social worker understands the value of cooperation in assuring positive client outcomes. While not always achievable, it is always desirable. Positive relationships between agency attorneys and social workers can be as problematic as those between social workers and defense attorneys. Feller et al. (1992) outlines several tips for social workers and attorneys for maintaining a healthy relationship:

- Be accessible and interact regularly. For example:
 - Return calls promptly.
 - Schedule regular visits by the attorney to the agency office.
 - Define attorney and social work roles clearly.
- Establish a system to designate at least one attorney to be available each day to handle caseworker questions.
- Encourage attorney participation in agency activities such as case conferences and foster care reviews.
- Establish guidelines for decision making and procedures for resolving disagreements between social workers and attorneys.
- Provide an opportunity for caseworkers to evaluate attorney performance.

CULTURAL CONSIDERATIONS

Any discussion of the interaction between the juvenile dependency system and culturally diverse families/children must begin with an examination of the historical context in which the court operates. The juvenile court functions as any other arm of the justice system. It is primarily a method of social control and accountability aimed at promoting the values of the dominant culture. In this country, “protection” of defenseless victims (children) is a value with deep historical and cultural roots. The juvenile

dependency court, therefore, is an expression of mainstream society's desire to protect children from physical or emotional harm.

As innocuous as the dependency court may sound, the fact remains that it represents a large system, with paternalistic roots and a tendency to promote the value base of the dominant culture. As such, the dependency court system falls prey to the cultural insensitivity characteristic of any such large institution. Rothman (1994) cites the misuse of power by dominant groups in society, such as public bureaucracies, as a critical barrier to empowering vulnerable populations. Few public institutions can be as intimidating, exclusionary, and oppressive as the justice system. Legal proceedings are complicated, confusing, and frightening to most people. These complexities are magnified many fold when combined with limited education; language barriers; unfamiliarity with the legal system; past negative experiences with the justice system, attorneys, and/or judicial officials; and/or personal/historical client experiences with racism, gender bias, and cultural insensitivity.

Saltzman and Proch (1990) suggest that there is a tendency for child welfare practitioners to become enveloped by legal proceedings to the point that they ignore the vulnerability and disempowerment experienced by most families when involved with dependency court. For example, attorneys and social workers often assume that legal proceedings, the roles and relationships of participants, and legal terminology are understood by the client, when in fact, they are not. When parents and/or children are treated in such a fashion, it is easily interpreted by the client as an effort to either withhold power or exploit power (Rothman, 1994). Regardless of the client's interpretation, either is tantamount to a misuse of power by the institution of the court.

Inroads have been made in recent years into increasing the cultural sensitivity of the court process. For example, some communities have aggressively pursued the appointment of ethnically/culturally different judges, attorneys, and social workers while others have systematically revised court forms and documents to meet the second language needs of community members. Unfortunately, despite these changes, the justice system remains mysterious, complex, and usually so overwhelming that any thought of systematically applying empowerment principles is beyond comprehension.

It is, therefore, ethically incumbent on the child welfare practitioner to be the guardian of empowerment practice. This requires constant vigilance and creativity as one seeks to balance the needs/demands of legal action with an understanding and response to:

- The racial and ethnic differences between the social worker and the client,
- The racial and ethnic differences between the client and legal professionals with whom they interact,
- The influence of cultural values, behaviors, language, and family relationships on the client's interaction with the legal system,
- The impact of years of racism, migration, and cultural adaptation on the client's interactions with the legal system, and
- The racial and cultural biases of legal professionals and the impact these biases have on case objectivity, decision making, and empowerment (Rothman, 1994).

In keeping with the value and ethical base of social work practice, the skilled child welfare worker will be involved with knowledgeable and skilled advocacy on behalf of the client system. While there is a tendency within legal constructs to divide the family system into distinct and separate "interests," the child welfare worker is professionally

accountable for assuring that the legal system recognizes the linkages between these “interests” and their impact on the lifetime function of children and adults.

Maidman (1984) emphasizes the use of the foundational principles associated with basic casework practice to guide professionals toward managing client relationships within the context of child protection. These simple principles, applied with cultural knowledge and sensitivity to the “client-in-situation-environment” of the juvenile court, should guide child welfare practice toward decreasing the probability that juvenile court action will become a barrier to the helping relationship and positive client outcomes:

- Help alleviate client anxiety
 - Be very clear about the client’s situation and further intervention or legal steps.
 - Take reasonable action to reduce situational stress.
 - Show interest, sympathetic listening.
 - Take the focus away from any member of the client family system who may be taking the blame from other family members.
- Manage client guilt by avoiding and buffering excessively condemning approaches to client behavior
 - Show acceptance and continuing goodwill, while acknowledging the error and hurtfulness of actions.
 - Reassure the client through acknowledgement of guilt feelings and their source.
- Address feelings of inadequacy/powerlessness commonly felt by maltreating parents.
 - Express confidence in the client’ ability, recognize achievements, and demonstrate pleasure in success.

- Convey a sense that client's inappropriate behaviors (e.g., parenting) are a small part of the total person.
- Address feelings of anger
 - Promote constructive ventilation by permitting client to describe events, interactions, or situations that illicit anger.
 - Attend to non-verbal communications that signify angry feelings.

DISCUSSION QUESTIONS ON “JUDICIALIZATION”

1. What are the pros and cons of the trend toward “judicialization”?
2. In what ways has child welfare practice had to change in response to “judicialization”?

POTENTIAL DISCUSSION ISSUES (Besharov, 1985)

1. Child welfare workers must now learn to master investigation techniques (discovering and preserving evidence).
2. Child welfare workers must learn the fundamentals of juvenile law.
3. Child welfare workers no longer enjoy unfettered discretion in doing what they believe to be in the best interest of a child.
4. Child welfare workers must learn courtroom procedures.
5. Child welfare workers must learn the legal standards that will be used to evaluate the facts they present and the recommendations they develop.
6. Establishment of guidelines for effective testimony.

DISCUSSION QUESTIONS ON CULTURAL CONSIDERATIONS

1. Given your knowledge of the historical and philosophical basis for legal proceedings, give some concrete examples of how court proceedings might contribute to client disempowerment. Think of examples for both child victims and adults.
2. As an advocate for client empowerment, what value dilemmas are likely to be encountered by a child welfare worker fulfilling a dual role as a child advocate and preserver of the family?

3. What empowerment and self determination issues are formed by a child welfare worker in the following case vignette:

You are the child welfare worker for a Southeast Asian family with a 10-year-old female child. Doctors have determined that the child must have surgery to correct a congenital disorder that is not life threatening. The parents are opposed to the surgery fearing that the medical procedure will damage the girl's "spirit."

POTENTIAL DISCUSSION ISSUES

1. All children have a right to grow up in healthy, supportive environments.
2. The rights of children to be protected take precedence over the rights of parents.
3. The state has a right to intervene in family affairs in order to protect children.
4. A wide range of parenting practices can provide the minimum sufficient standard of care.
5. The structure of the family is of less importance than the nurturing functions it provides for its members.
6. The appropriate mission of public social services is to insure a minimum, not ideal, level of child care.

CHILD WELFARE PRACTICE IN THE LEGAL SYSTEM COMMUNITY PANEL

The purpose of the community panel is to permit students to explore issues related to social work practice within the legal system with professionals involved in a local juvenile court. Ideally, a panel should be comprised of at least four of the following:

1. A child's attorney,
2. A parent(s) attorney,
3. An attorney who represents a child welfare agency,
4. A Juvenile Court judge/referee,
5. A court-appointed child advocate/guardian ad litem,
6. A child welfare worker, and

7. A parent or foster parent who has been involved in a court proceeding.

The panel should be directed to focus on their respective roles, value orientation, and responsibilities as they relate to child abuse/neglect proceedings in Juvenile Court. The use of a blended panel is an excellent opportunity for students to explore and identify role/value conflicts and their practice implications. Handout 3, *Basics for Social Work Practice in Juvenile Court: The Differing Roles of Professionals* can be utilized to reinforce the panel discussion.

Optional Panel Exercise

Meet with the invited panel members before class and assist them with constructing a mock juvenile court hearing and/or example of a social worker giving testimony in open court.

The use of a mock proceeding can be particularly useful to illustrate the skills necessary for a child welfare worker to engage in effective oral testimony. Providing percipient or expert testimony can be one of the most anxiety-provoking activities experienced by a child welfare worker. It is, nevertheless, a critical skill that is as important as the worker's assessment, pretrial preparation, and written communication skills.

Handout 4, *Guidelines for Effective Testimony*, provides suggested content/information to be covered during a mock hearing and/or during the panel discussion.

Handout 5, *Guidelines for Observation in Juvenile Court for the Major Paper Assignment* is designed to guide the observation and written components of this assignment. For the paper, participants are asked to identify, make observations, and/or

give impressions on five of the areas of the court proceedings in which they participated, using this guideline.

REFERENCES

REFERENCES

- Besharov, D. (1981). The "civil" prosecution of child abuse and neglect. *6 Vermont Law Review* 403.
- Besharov, D. (1985). The legal framework for child protection. In C. M. Mouzakis & R. Varghese (Eds.), *Social work treatment with abused and neglected children* (pp. 148-167). Springfield, IL: Charles C. Thomas Publisher.
- California State University, Fresno, School of Health and Social Work. (1989). *State of California emergency response training project*. Fresno: Author.
- Feller, J., et al. (1992). *Working with the courts in child protection: The user manual series*. Unknown: U.S. Department of Health and Human Services.
- Finlay v. Finlay. (1925). 240 NY 433-434. 148 NE 624, 626.
- Laird, J., & Hartman, A. (Eds.). (1985). *A handbook of child welfare: Context, knowledge, and practice*. New York: The Free Press.
- Joint Legislative Committee on Court Reorganization. (1962). *The family court*. Mcinney's Session Laws, 3420.
- Kadushin, A., & Martin, J. (1988). *Child welfare services* (4th ed). New York: Macmillan.
- Maidman, F. (1984). *Child welfare: A source book of knowledge and practice*. New York: Child Welfare League of America, Inc.
- Ministry of Community and Social Services, Children's Services Division, Front Line Protection Staff (1980). *Training program for Children's Aid Societies* (vol. 2).
- New York Family Court Act. (1983). 1011.
- Rothman, J. (1994). *Practice with highly vulnerable clients: Case management and community-based service*. Englewood Cliffs, NJ: Prentice-Hall.
- Saltzman, A., & Proch, K. O. (1990). *Law in social work practice*. Chicago: Nelson-Hall, Inc.
- U. S. National Center on Child Abuse and Neglect. (1980). *Child protection: The role of the courts*. Unknown: Department of Health and Human Services.

BIBLIOGRAPHY

BIBLIOGRAPHY

- Belcher, A., & Salta, C. J. (1985). The family therapist and the juvenile court referral. *Family Therapy*, 12(3), 273-278.
- Bishop, S. J., Murphy, J. M., Jellinek, M. S., Quinn, D., & Poitras, F. G. (1992). Protecting seriously mistreated children: Time delays in a court sample. *Child Abuse and Neglect*, 16(4), 465-474.
- Black, J. E., & Hughes, F. (1979, October 13). Legal aspects of child injury or neglect. *British Medical Journal*, 2(6195), 910-912.
- Boland, P. (1991, Spring). Perspective of a juvenile court judge. *The Future of Children*, 1(1), 100-104.
- Booth, M. (1977). Court problems in the management of the family. In A. W. Franklin (Ed.), *The challenge of child abuse*, (pp. 192-199). New York: Grune and Stratton.
Proceedings of a conference sponsored by the Royal Society of Medicine, June 2-4, 1976.
- Caulfield, B. A., & Horowitz, R. M. (1987). *Child abuse and the law: A legal primer for social workers* (2nd ed). Chicago: National Committee for Prevention of Child Abuse.
- Clark, P. R. (1988). *Review and evaluation of the Court Appointed Special Advocate Program*. Louisville, KY: Court Appointed Special Advocate Project of Kentucky.
- Coffey, C. (1976). *Invoking the court's authority: A diagnostic approach*. In Fifth National Symposium on Child Abuse (pp. 70-73). Denver, CO: American Humane Association.
- Cushing, M. (1982, February). Whose best interest? Parents vs. child rights. *American Journal of Nursing*, 82(2), 313-314.
- Davidson, W. S., II, Saul, J. A. (1992). Youth advocacy in the Juvenile Court: A clash of paradigms. *Child and Youth Services*, 5(1-2), 29-42.
- Delaney, J. J. (1976). The Juvenile Court: Where we were, where we are, where we're going. In J. C. Westman (Ed.), *Proceedings of the University of Wisconsin Conference on Child Advocacy* (pp. 151-167). Madison: University of Wisconsin, Extension Health Sciences Unit.

- Diorio, W. D. (1992). Parental perceptions of the authority of public child welfare caseworkers. *Families in Society*, 73(4), 222-235.
- Dorsay, C. J. (1984, June). *The Indian Child Welfare Act and laws affecting Indian juveniles*. Boulder, CO: Native American Rights Fund, Indian Law Support Center.
- Duquette, D. N. (1980). Liberty and lawyers in child protection. In C. H. Kempe & R. E. Helfer (Eds.), *The battered child* (pp. 316-319). Chicago: University of Chicago Press.
- Edwards, L. P. (1988). The relationship of family and juvenile courts in child abuse cases. In E. B. Nicholson and J. Bulkley (Eds.), *Sexual abuse allegations in custody and visitation cases* (pp. 122-190). Washington, DC: American Bar Association.
- Fitch, W. L. (1989). Competency to stand trial and criminal responsibility in the juvenile court. In E. P. Benedek and D. G. Cornell (Eds.), *Juvenile homicide* (pp. 145-162). Washington, DC: American Psychiatric Press, Inc.
- Girardeau, J. E. (1988). Participation with the judicial system. In D. DePanfilis (Ed.), *Enhancing child protective service competency* (2nd ed), (pp. 98-107). Charlotte, NC: ACTION for Child Protection.
- Gittis, L. A. (1988). Multidisciplinary model for representing the child in neglect and abuse proceedings in juvenile court. In H. A. Davidson & R. M. Horowitz (Compilers), *The 4th National Conference on Children and the Law*, Arlington, VA, September 29 to October 1, 1988 (pp. 221-243). Washington, DC: American Bar Association.
- Gorman, P. W., & Paquin, M. T. (1992). A Minnesota lawyer's guide to the Indian Child Welfare Act. *Law and Inequality*, 10(203), 311-376.
- Gothard, S. (1989). Backlash. *Roundtable*, 1(2), 8-10.
- Granik, L. A. (1988). *Representing parents in child protection cases: A basic introduction for attorneys*. Washington, DC: American Bar Association, National Legal Resource Center for Child Advocacy and Protection.
- Green, K. H. (1984). *What child protective services workers need to know about the law: Legal and administrative framework* (Rev. ed). Salem, OR: Oregon State Department of Human Resources.
- Grimm, B. (1989) Study of Guardian ad Litem programs suggest need for further research. *VOCAL Perspective*, 1(2), 31.

- Grimm, B. (1990) Drug-exposed infants pose new problems for juvenile courts. *Youth Law News*, 11(1), 9-14.
- Grimm, B. (1992) Cloak of confidentiality prevents scrutiny of child protective services. *Youth Law News*, 13(4), 1-6.
- Hardin, M. (1992). Judicial implementation of permanency planning reform: One court that works: Washington, DC: American Bar Association; Center on Children and the Law.
- Hartley, E. K. (1981). American state intervention in the parent-child legal relationship. *Child Abuse and Neglect*, 5(2), 141-145.
- Jaudes, P. K., & Morris, M. (1990). Child sexual abuse: Who goes home? *Child Abuse and Neglect*, 14(1), 61-68.
- Jellinek, M. S., Murphy, J. M., Poitras, F., & Quinn, D. (1992). Serious child mistreatment in Massachusetts: The course of 206 children through the courts. *Child Abuse and Neglect*, 16(2), 179-185.
- Kelly, R. F., & Ramsey, S. H. (1985). The legal representation of children in protection proceedings: Some empirical findings and a reflection on public policy. *Family Relations*, 34(2), 277-283.
- Kim, S. (1992). Appellate Court overturns caseworker's conviction. *Youth Law News*, 13(4), 7-8.
- Larsen, J., & Horowitz, R. M. (1991). *Judicial primer on drug and alcohol issues in family cases*. Washington, DC: American Bar Association Center on Children and the Law.
- Levy, D. J., & Gately, P. (1983). *Social worker legal handbook*. [Complete reference information not provided.]
- Lombardo, C. (1991). Mothers' prenatal drug use: Sufficient grounds for juvenile court jurisdiction. *Journal of Juvenile Law*, 12, 116-119.
- Mackey, J. L. (1991). The tragic consequences of appellate review in juvenile court proceedings: In re Tiffany Y. *Journal of Juvenile Law*, 12, 120-129.
- Minnesota Supreme Court Permanent Families Task Force. (1989). *Comprehensive training program for the CASA and GAL: Instructor guide* (Pro-Gen). Seattle, WA: National Court Appointed Special Advocate Association.

- Mulford, R. M., Wylegala, V. B., & Melson, E. F. (1979). *Caseworker and judge in neglect cases*. New York: Child Welfare League of America, Inc.
- Murphy, J. M., Bishop, S. J., Jellinek, M. S., Quinn, D., & Poitrast, F. G. (1992). What happens after the care and protection petition?: Reabuse in a court sample. *Child Abuse and Neglect*, 16(4), 485-493.
- Murphy, J. M., Jellinek, M., Quinn, D., Smith, G. (1991). Substance abuse and serious child mistreatment: Prevalence, risk, and outcome in a court sample. *Child Abuse and Neglect*, 15(3), 197-211.
- Myers, J. E. B. (1988). Uncharged misconduct evidence in child abuse litigation. *Utah Law Review*, 1988(3), 479-568.
- Nazario, T. A., Blum, P., Hirshfeld, S., & Miljanich, P. H. (1988). In defense of children: Understanding the rights, needs, and interests of the child: A resource for parents and professionals. New York: Charles Scribner's Sons
- Nicholson, E. B. (1988). Child sexual abuse allegations in family court proceedings: A survey of legal issues. In E. B. Nicholson & J. Bulkley (Eds.), *Sexual abuse allegations in custody and visitation cases* (pp. 255-277). Washington, DC: American Bar Association.
- Pavey, M. G. (1991-1992). Appellate court review of termination of parental rights (Pro-Gen). *Journal of Family Law*, 30(4), 994-998.
- Pierron, G. J. (1977, Fall). Child abuse and neglect: The legal challenge. *Journal of the Kansas Bar Association*, 46, 167-181.
- Plum, H. J. (1989). Case building in child abuse: The legal dilemma. In N. C. Barker (Ed.), *Child abuse and neglect: An interdisciplinary method of treatment* (pp. 77-89). Dubuque, IA: Kendall-Hunt Publishing Co.
- Plum, H. J. (1991). Legal response to child abuse and neglect: Assessment, treatment, and prevention. *Child Abuse and Neglect*, 15(Supp. 1), 31-37.
- Poitrast, F. G. (1976). The judicial dilemma in child abuse cases. *Psychiatric Opinion*, 13(2), 23-28.
- Puhlman, M. E. (1991). Family law—Child abuse—Privilege against self-incrimination—Baltimore City Department of Social Services v. Bouknight, 493 US 549, 110 S CT 900 (1990). *Duquesne Law Review*, 29(4), 819-836.

- Rose, M., & Schwartz, R. (1992). Civil and criminal judicial intervention. In S. Ludwig and A. E. Kornberg, (Eds.), *Child abuse: A medical reference* (2nd ed) (pp. 423-439). New York: Churchill Livingstone, Inc.
- Rowe, L. M. (1990). Constitutional law—Baltimore City Department of Social Services v. Bouknight: When silence is not golden. A parent's Fifth Amendment right to refuse a juvenile court's order to produce. *Wake Forest Law Review*, 25(4), 885-915.
- Runyan, D. K., Everson, M. D., Edelsohn, G. A., Hunter, W. M., & Coulter, M. L. (1988). Impact of legal intervention on sexually abused Children. *Journal of Pediatrics*, 113(4), 647-653.
- Runyan, D. K., & Toth, P. A. (1991). Child sexual abuse and the courts. In R. D. Krugman and J. M. Leventhal (Eds.), *Child sexual abuse: Report of the twenty-second Ross Roundtable on Critical Approaches to Common Pediatric Problems* (pp. 57-75). Columbus, OH: Ross Laboratories.
- Russel, R. (1988). Role perceptions and attorneys and caseworkers in child abuse cases in juvenile court. *Child Welfare*, 67(3), 205-216.
- Sagatun, I. J. (1990). A comparison of child abuse cases in juvenile, family, and criminal courts: The California model. *Juvenile and Family Court Journal*, 41(1), 39-45.
- Sandberg, D. N. (1989). *The child abuse-delinquency connection*. Lexington, MA: Lexington Books.
- Silberberg, N E., & Silberberg, M. C. (1982). Abusing poor children by trying to protect them. In R. Hanson (Ed.), *Institutional abuse of children and youth* (pp. 133-137). New York: Haworth Press.
- Simmons, C. S. (1980). *Who's watching the children? A manual on the legal aspects of child welfare services for neglected children*. Cleveland, OH. Case Western Reserve University, School of Applied Social Sciences.
- Singleman, B. J. (1975). A case of neglect: Parens patriae versus due process in child neglect proceedings. *Arizona Law Review*, 17(4), 1055-1089.
- Skibinski, G. J. (1992). Intrafamilial child sexual abuse intervention: The impact of juvenile court hearings and felony trial diversions. *Juvenile and Family Court Journal*, 43(3), 41-48.
- Smith, G. D. (1991). Considerations when interviewing children. *Children's Legal Rights Journal*, 12(3), 2-11.

- Stein, T. J. (1991). *Child welfare and the law*. White Plains, NY: Longman Publishing Group.
- Swanston, J. (1987, November 24). *Project for improved coordinator of legal and child protection services* (Final report). [Complete reference not provided by authors.]
- State of Tennessee Department of Human Services and Social Services (1990). *Child abuse review team handbook*. Nashville, TN: Author.
- Thompson, E. L. (1991). Protecting abused children: A judge's perspective on public law deprived child proceedings and the impact of the Indian Child Welfare Act. *Youth Law News*, 15(1), 1-115.
- Townsley, C. P. (1990). Criminal law: The Fifth Amendment privilege against self-incrimination: The relationship between state regulatory enforcement authority and compelled testimonial production [Baltimore City Department of Social Services v. Bouknight, 110 S CT 900 (1990)]. *Washburn Law Journal*, 30(1), 174-189.
- Truong, T. (1991). Juvenile court judge upheld in clash with child welfare agency. *Youth Law News*, 12(4), 19-20.
- Vandiver, R. D., & Shaw, E. (1998). *Report of evaluation of Court-Appointed Special Advocate (CASA) program in Iowa*. North Andover, MA: National Center for State Courts.
- Ward, M. A. (1990-1991). Child custody. *Journal of Family Law*, 29, 719-724.
- Weiks, J. C., & Kehker, D. (1988). Specialized treatment of adolescent sex offenders in a juvenile court setting. *Juvenile and Family Court Journal*, 39(1), 29-35.
- Wiig, J. K. (1982). Functions of the guardian ad litem in child abuse and neglect proceedings—Los Angeles juvenile court. In H. R. Landau (Ed.), *The abused and neglected child 1982* (pp. 73-96). New York: Practicing Law Inst.
- Wiig, J. K. (1982, July). Functions of the guardian ad litem in child abuse and neglect proceedings—Los Angeles juvenile court. In *National guardian ad litem policy conference manual* (pp. 96-114). Washington, DC: American Bar Association, National Legal Resource Center for Child Advocacy and Protection.

HANDOUTS

PROVING THE VARIOUS FORMS OF CHILD MALTREATMENT

I. General approaches to proving child maltreatment

A. The essential issues:

1. Specific parental acts or omissions, and
2. Harm or threatened harm to the child's health or welfare

B. The difficulties of proof. The on-going or recurrent nature of abuse and neglect facilitates proving cases. Use evidence to provide a "moving picture" of childrearing practices rather than only a "snapshot."

II. Proving child abuse

A. Circumstantial evidence

WIC 355.1. Injuries or detrimental condition resulting from those who have care or custody as prima facie evidence; evidence of abuse, neglect, or cruelty admissible; burden of proof; testimony of persons having care or custody, admissibility in other proceedings:

(a) Where the court finds, based upon competent professional evidence, that an injury, injuries, or detrimental condition sustained by a minor, of such a nature as would ordinarily not be sustained except as the result of the unreasonable or neglectful acts or omissions of either parent, the guardian, or other person who has the care or custody of the minor, that evidence shall be prima facie evidence that the minor is a person described by subdivision (a), (b), or (d) of Section 300.

Evidence of injuries or of a condition that would not normally exist if the child were properly cared for raises an *inference* as opposed to a *presumption*, that the child is abused or neglected. This establishes a prima facie case, which the defense is free to rebut, but need not.

B. The battered child syndrome

1. Numerous injuries in different stages of healing
2. Lack of adequate explanation from parents

C. Character and background evidence:

In criminal prosecutions against adults, some jurisdictions allow evidence of prior similar offenses to prove a pattern of conduct. In juvenile neglect or

abuse proceedings, using civil rather than criminal procedural codes, the character, and background of parents, including other charges of abuse or neglect, should be admissible under the duty to protect children. However, it must be in accord with the rules of evidence.

D. Reasonable vs. unreasonable corporal punishment

1. Occasionally, a charge of abuse or questionable seriousness may also be refuted on the ground that it is an isolated instance. A mother's excessive spanking of her child on one occasion was not sufficient to warrant a finding of neglect in light of the overwhelming evidence that, except for this one incident, the mother had always properly cared for her child. Such a conclusion is desirable, since an isolated instance of parental mistreatment in which the child does not suffer serious physical harm would demonstrate neither parental unfitness nor any threat to the child's welfare sufficient to justify state intervention in the parent-child relationship.
2. In the most extreme cases, adjudicating a child neglected in order to remove him from parental custody may be necessary to protect the child's health and safety.

The state's interest in insuring the adequate physical and mental development of children includes protecting the child from severe physical harm by removing the child from the home.

3. A passive parent's refusal to help the child was in itself cruelty to the child. This rationale has been expanded to apply to instances in which the abuse was caused by a male companion of the mother; and by a babysitter hired by the parents.

E. Proving child abuse through psychiatric testimony, or using psychiatric testimony to demonstrate the threat to a child's health or well-being.

III. Proving failure to thrive

- A. Description: The outstanding features are listlessness, emaciation and pallor, relative immobility, quietness, unresponsiveness to stimuli like a smile or a coo, indifferent appetite, failure to gain weight properly despite the ingestion of diets which, in the home, are entirely adequate, frequent stools, poor sleep, an appearance of unhappiness, proneness to febrile episodes, absence of sucking habits.

B. Problems in definition—synonymous terms used in literature

1. Maltreatment syndrome
2. Failure to thrive
3. Remination syndrome
4. Growth retardation with maternal deprivation
5. Functional hypopituitarism
6. Deprivational dwarfism
7. Emotional deprivation
8. Environmental deprivation

C. Psychological/psychiatric studies of failure to thrive infants have identified common characteristics of parents(s):

1. A lack of helpful interaction between parents
2. New mothers with poor self-image perceive their babies as being critical judges
3. The mother identifies negative traits of the father in the infant
4. Constant jostling and patting—overstimulation during feeding
5. Mother being fatigued
6. Chronically unstable home
7. Marital strife and separation
8. Job instability or unemployment
9. Child unattended for long periods of time
10. A lack of maternal feeling for the child
11. A disturbed early childhood
12. Poor performance in day-to-day activity
13. An intense need to be taken care of
14. Literal, concrete thinking
15. The use of denial, isolation, and projection
16. A predisposition toward action or acting out
17. Few social contacts and recreational outlets

D. Summary of clinical findings of failure to thrive infants

1. Weight and height below the 3rd percentile
2. Unresponsive and withdrawn—may fail to smile at a human face or respond to a coo
3. “Radar gaze” described as staring into space for indefinite periods of time
4. Lack of crying or other aggressive behaviors
5. Lack of warmth and friendliness toward anyone
6. Too easily subdued in the presence of attention; a tendency to reach the saturation point when too much love and attention are given too quickly

7. Rarely smiles
8. Submissive but not cooperative
9. A “warding off” behavior with the hands, or quite often, the clothes pulled over the face
10. Occasionally, a failure to gain weight in spite of good nourishment
11. Assumes a typical posture (sometimes rigid, sometimes flaccid) for long periods of time

E. Emotional deprivation and growth retardation simulating idiopathic hypopituitarism.

1. Personal histories showed marked eating aberrations, abnormal stools
2. Physical
 - a. Short
 - b. Small head size
 - c. Protuberant abdomen
3. Malnutrition
4. Growth in hospital: 2-10 pounds
5. Voracious appetite
6. Lab: diminished somatotropin in ACTH release
7. Growth rapid by changing environment and without growth hormone (reversible)

F. Proof, while primarily consisting of circumstantial evidence should attempt to also include:

1. How did child thrive at home compared to hospital?
2. Have parent(s) expressed dislike of child to caseworker?
3. General feelings of parent’s own personal worth, their image as parents, maturity of lack thereof, etc.

IV. Proving failure to provide food, clothing, or shelter.

A. Problem of overbreadth of most definitions of neglect

1. Some years ago I instructed a class of senior law students in Juvenile Court Law in a law school. I took excerpts from the first edition of Carl Sandburg’s volume on Abraham Lincoln, which described the home conditions under which he was born. The names, dates, and places were changed and the law class thought that I had presented them with a neglect petition pending in Wayne County Juvenile Court. Attorneys were appointed and for 2 hours, the class, sitting as a jury, found Abraham Lincoln neglected within the

terms of the Michigan statute and recommended that he be put in a foster home.

You may draw any conclusion you wish

(Speech by Judge James H. Lincoln, Detroit, Michigan, National Council of Juvenile Court Judges, 39th Annual Conference, Providence, Rhode Island, July 11-16, 1976.

2. Neglect should be based on the minimal level of parental care tolerable in the community.

A child was found neglected and made a ward of the court on the basis that her mother had withdrawn her from a treatment program at a state mental health clinic, where the child was a voluntary outpatient. The mother was arranging for private psychiatric treatment. The court returned the child to her parents' custody on condition that the child attends the center treatment program.

In finding that the trial court had no jurisdiction, the Missouri Court of Appeals, Kansas City District, noted that the term "neglect," does not have "a fixed and rigid meaning," and continued:

Certainly, the concept of "neglect" does cover a situation where a parent fails and refuses to offer a child necessary medical attention...This extends to requiring the parent to afford the child treatment for mental and emotional ills...

The difficulty of applying these general rules in specific cases lies in reconciling the needs of the child with the rights and privileges of parents and of both with the interest of the state in safeguarding children upon whom its entire future depends...

This is not a class of case where the answer can be found by searching for legal precedent. Nor will it do to attempt to deduce a syllogistic conclusion from platitudinous premises. Rather, the solution must rest upon an analysis of the individualized facts of each special case...

...The mother had a right to choose between different doctors or institutions for the purpose of...(obtaining psychiatric) care. So long as the mother was willing and intended to provide appropriate care in some manner, no finding can stand that she was guilty of neglecting the child...

The ultimate question on this case comes down to whether state-employed professionals shall be permitted to substitute their judgment for that of the parents. No sanction for that type of substitution is granted by the law, unless there is neglect on the part of the parents. No neglect is shown on the facts of this case. "Neglect" for this purpose must be understood as a failure by the parents to supply the minimum quality of care which the community will tolerate...The action of the parents here falls far short of condemnation under that standard.

3. Poverty alone is not sufficient grounds for neglect.
4. Determination necessary that care is essential, and that parental fault is involved—could include parents totally incapable (e.g., uneducable, retarded, psychotic, etc.) of providing for child.
 - a. Above does not preclude child remaining in parent's home. Virtual unanimous point of view is to leave child there when possible, and provide supportive services.
 - b. Freeing children from grossly neglecting or abusing parents so that new constructive parental relationships may be established with adoptive parents seems a logical and perfect solution. But, is that a solution that may be freely employed? Are there not rights, duties, and obligations of parents, of children, and of the community that must first be satisfied?

Can we truly say that parents have failed to live up to their responsibilities toward children when a community does not make available the kind of services that are geared to help people become better parents? Does not every community have responsibilities for extending to parents skilled social services, such as Child Protective Services, to enhance parental capacity for good child care and to enrich their potential for good parenting?

When such services are not available, or when their quality is diluted, can the community say with a clear conscience that neglect or abuse of children is solely a result of parental failure?

Or, when children are in "temporary" placement, is the failure to maintain a continuing relationship with their children solely to be laid at the door of the parents? Should not the foster care agency have a vital responsibility for seeking to

strengthen parental ties so that children are not “lost” in foster care? Has not the community an obligation to strengthen parental ability and parental resolve for more fully living up to their obligations toward children?

- c. In most child abuse and neglect situations, the child need not be removed from his parents’ care in order to protect his well-being and future development. Indeed, in many situations, removal may be harmful to the child. Children identify with their parents at a very early age, seeing them as models for and as part of themselves. Separation from parents can be experienced as a profound rejection, or the child can interject into his own self-image the parental inadequacy that led to the removal. As a result, the child may see separation from his parents as a deprivation or as a punishment for his own inadequacy. The psychological wounds that can be caused by removing a child from his parents have been repeatedly described. The conditions of foster care are frequently not conducive to a child’s emotional well-being...

V. Proving sexual abuse

A. DeFrancis 1969 Study for American Humane Association

1. Offenses repeated in 41% of cases
2. Offender known to child in 75% of cases
3. Victims have 10:0 female/male ratio
4. Median age is 11 years
5. Force or threat of force in 61% of cases
6. Associated with minority groups and the socio-economically depressed
7. 11% of mothers were child victims
8. 10% of father past offenders

B. Many similar patterns and dynamics exist in sexual abuse cases as in physical abuse cases.

C. Much less reported than physical abuse cases—few people aware of it. Other parent, usually mother, unable and/or unwilling to recognize and take steps to stop the abuse. Other parent often aware of existence of abuse and is active or passive accomplice.

1. This type of abuse, more than any other form of abuse or neglect, occurs “behind closed doors.”

2. Victim often shares experience with teacher or social worker, but afraid, unwilling, and/or unable to testify in court.

D. Current management of sexual abuse—medico-legal (ten Bensel)

1. To emergency room as soon as possible for evidentiary exam—county will usually pay.
2. Specially trained R.N. to guide victim through process.
3. Collection of data—photos, dirt, nail scraping, semen, saliva, pregnancy test, syphilis test, etc.
4. Physical exam by M.D.
5. Pelvic exam, *if needed*, with test for gonorrhea and semen.
6. Psychological assessment and support by M.D. and R.N.
7. Return to clinic in 48-72 hours for repeat gonorrhea culture and for detailed psychological assessment by social workers.
8. Return to clinic in 4-6 weeks for repeat test for syphilis and for repeat assessment by social worker.

VII. Proving emotional abuse or neglect

- A. Emotional assaults distinguished from inattention to emotional needs.
- B. Usually various forms of neglect interrelated. Case usually petitioned on more than one count; failure to provide for medical treatment of emotional condition, or medical neglect, could be important aspect.
- C. An increasing body of evidence shows that children who suffer early emotional disturbances often display later mental illness or antisocial behavior. As adults they may be incapable of caring for themselves or their own children. If severely disturbed children are not receiving treatment, the reasons for intervening are little different from those justifying protecting children from physical injury... (Piersma et al.)
- D. Elements of proof
 1. Parents' attitude toward specific child in question.
 2. Child's behavior in relation to the norm.
 3. Documented improvement of condition under agency care as the often-crucial element of proof.

VIII. Proving lack of supervision

- A. How long were children left unsupervised?
- B. Are older children capable of supervising younger children?
- C. Are infants or children with special needs involved?

- D. Do children have access to food, shelter, clothing, warmth, water, etc.?
- E. Are there environmental dangers present?
- F. Do children know how to contact parent or caretaker?
- G. Special considerations where “non-scene babysitter” involved.
- H. Whether home provided adequate shelter.
- I. Are there specific environmental hazards subject to control of parent?
- J. Are there specific environmental hazards that may or may not be subject to control of parents?
- K. Is there inadequate animal or pet control?

IX. Proving threatened harm

A. Factors

1. The likelihood that *harm might have occurred* but for some intervening variable
 - a. *Vulnerability* of child, including his/her age and other physical characteristics;
 - b. *Degree of force* used;
 - c. *Disparity of size* between perpetrator and victim;
 - d. The *degree of inattention* to the child's needs; and
 - e. The character of the *intervening variable* (It may be that the fact that the child is not in the parents' custody may be considered such an intervening variable.)
2. *Predictability* of the continuation or aggravation of the adverse conduct:
 - a. *Multiplicity* of the act/omissions;
 - b. *Chronicity* of the act/omissions;
 - c. Likelihood that an *antecedent event* will reoccur; and
 - d. *Strength and weaknesses* of various family members, and family as a whole (i.e., psychosocial factors).

- B. Courts have held that evidence of abusive treatment of one child is grounds for declaring other children in a family neglected. Thus, a parent who mistreats one child may lose custody of all of his/her children, even though there is no evidence of abuse to the other children

The child need not be in the care of the previous abuser for this rule to be applied.

This material is from the following training: Averbuck, D. (1993). *Legal issues and skills in child welfare*. Davis: University of California at Davis, University Extension.

WORDS AND PHRASES USED IN CALIFORNIA JUVENILE DEPENDENCY CASES

From Fresno County Counsel's Office, Child Protective Services Unit (1994)

Adjudication Hearing

The juvenile court hearing in which it is decided whether or not the allegations set forth in CPS's petition are true, and if they are true, do they bring the minor within the provisions of section 300 of the Welfare and Institutions Code. The adjudication hearing is also known as the "jurisdictional hearing". The decision whether or not to place the minor out of the parent's custody is made in a separate hearing known as a "dispositional hearing". A dispositional hearing can be held on the same day as the adjudication hearing or at a later date. If the two hearings are held on the same day, the dispositional phase of the hearing will not begin until the jurisdictional phase has been completed.

Admissible

Evidence, which under the technical rules of evidence is applicable to hearings held before the various courts of law, may properly be presented to, and considered by, the trier of fact (judge).

Allegation

A charge or a claim of fact in a petition or complaint that must be proven if the petition or complaint is to be found true. In a juvenile dependency case, the original petition will contain allegations of the specific acts of abuse or neglect defined in Welfare and Institutions Code section 300, which the petitioner intends to prove at trial. Other types of petitions contain different allegations. For example, a petition for modification under Welfare and Institutions Code section 388 alleges a change of circumstances or new evidence requiring a change of an order previously issued by the Juvenile Court.

Burden of Proof

The duty which falls upon a party, usually upon the petitioner or the moving party, of proving by the presentation of evidence those facts necessary to cause the trier of fact to rule in his or her favor.

Delinquency

Denotes behavior in a minor, which if committed by an adult, would be criminal conduct. In California, juvenile delinquency proceedings are governed under Welfare and Institutions Code section 602, et seq. The term delinquency also includes, in some states, status offenses, such as habitual disobedience (out of control) or truancy, which are juvenile misbehaviors not amounting to criminal conduct. In California, these status offenses are governed under Welfare and Institutions code section 601, et seq.

Dependency

Denotes the status of a minor who has been ordered temporarily removed from parental custody and made a dependent of the Juvenile Court due to parental abuse or neglect.

Disposition

The Juvenile Court order that determines the placement and treatment plan for a minor who has already been proven to come within the jurisdiction of the Juvenile Court. The main issues at disposition are usually (a) whether the minor could be made a dependent of the Juvenile Court, (b) whether the minor's safety requires removal from parental custody, and (c) if out-of-home placement is necessary, where should/can the minor be placed (e.g., relative's home, foster home, or an institution).

Dispositional Hearing

This is a Juvenile Court hearing where evidence is presented and arguments are made regarding the placement and treatment plan for a minor who has already been proven to have been abused or neglected. The dispositional hearing is held after the adjudication hearing.

Evidence

Any sort of matter submitted to a court for the purpose of influencing the court's decision. Some special kinds of evidence are:

1. Direct evidence: eyewitness testimony.
2. Circumstantial evidence: proof of circumstances that may imply another fact. For instance, proof that a parent kept a broken appliance cord may connect the parent to infliction of unique marks on a minor's body.
3. Hearsay evidence: testimony about an out-of-court statement made by someone other than the person testifying, and introduced into evidence in order to prove that what the other person said was true. Hearsay evidence is generally inadmissible. There are, however, numerous exceptions to the hearsay rule. For example, admission or confessions made by a parent in a child abuse and neglect case may be testified to by a witness who heard the statement.
4. Opinion evidence: although witnesses are ordinarily not permitted to testify to their beliefs or opinions (being restricted, instead, to reporting what they actually saw or heard), when a witness can be qualified as an expert on a given subject, he or she can report his or her opinions and conclusions derived from other facts (e.g., "Based upon these marks, it is my opinion as a doctor that the minor was struck with something very much like this appliance cord."). Lawyers are allowed to ask qualified expert witnesses "hypothetical questions," in which the witness is asked to assume the truth of certain facts, and express an opinion based on those "facts." Non-experts may occasionally be allowed to express opinions (lay opinions) on matters commonly within the knowledge of everyday people.

5. Physical evidence or real evidence: any tangible piece of proof, such as a document, x-ray print, photographs of scars or bruises, or appliance cord.

Expert Testimony

Witnesses with various types of expertise may testify in a juvenile dependency case. Proposed experts are usually examined first as to their education or experience which qualifies them to render opinions about certain matters. Only after the judge or referee determines that the witness has experience in the subject matter sufficiently beyond common experience may the witness proceed to state his or her opinions. Physicians, psychologists, psychiatrists, and social workers are the most common expert witnesses in juvenile dependency proceedings.

Jurisdiction

This is the power of a court to hear particular types of cases. Three general areas are relevant in determining whether a court has jurisdiction in a particular case:

1. The subject matter of the case (e.g., criminal prosecution, divorce, child protection).
2. The territorial limitations of the court (e.g., where the parties and/or defendants reside, where the property whose title is in dispute is located, where the criminal acts occurred).
3. The procedures used to notify the defendants that a case has been filed (e.g., was service of summons properly made).

Generally speaking, juvenile courts have subject matter jurisdiction over cases regarding any minors found within their territorial boundaries.

Juvenile Court

The Juvenile Court hears and decides all juvenile dependency cases falling within Welfare and Institutions Code sections 300, et seq., and all juvenile delinquency proceedings falling within Welfare and Institutions Code sections 601 and 602, et seq. The Juvenile Court is an arm of the Superior Court.

Juvenile Court Referee

The referee is a subordinate judicial officer who is appointed by, and serves at the pleasure of, the Presiding Judge of the Superior Court. A juvenile court referee may act as a temporary judge upon the stipulation of the parties. When the parents refuse to stipulate to the referee acting as a temporary judge, the referee may still conduct juvenile dependency proceedings. Where the referee is acting solely as a referee, his or her decisions must be expressly approved by the Presiding Judge of the Juvenile Court.

Negligence

Any act or failure to act that a “reasonably prudent person” would not have done or failed to do.

Perjury

This is any intentionally false testimony.

Petition

The document filed in Juvenile Court at the beginning of a juvenile dependency proceeding. The petition sets forth the allegations, which, if proven, form the basis for juvenile court intervention.

Petitioner

In juvenile dependency proceedings, the protective services agency that files the petition is typically referred to as the petitioner.

Placement

This is the removal of a minor from his/her natural home and placement in a different custodial setting. Placement may be in a shelter home, foster home, group home, relative’s home, or an institution.

Prima Facie

This Latin term literally means “on its face.” A prima facie case is one which has been proven sufficiently to sustain the charges, unless the opposing party can produce evidence in rebuttal.

Privileged Communications

Some confidential communications are protected by statutes, so that they (the communications) need not nor cannot be disclosed in court over the objection of the holder of the privilege. Several of the privileges recognized in California are:

- Lawyer-client*
- Physician-patient
- Psychotherapist-patient
- Clergyman-penitent
- Marital communications
- Sexual assault victim-counselor
- Domestic violence victim-counselor

[*Remember, your discussions with County Counsel or your agency’s attorney regarding your cases are confidential—do not disclose the contents of these conversations with your clients or opposing attorneys and do not record the contents of those conversations in regular narratives.]

Rehearing

After a Juvenile Court referee has heard and decided a matter and issued an order, a dissatisfied parent or minor may request a rehearing of the same matter before the Presiding Judge of the Juvenile Court. The presiding Judge will review a transcript of the hearing and decide whether the rehearing should be granted. If the Presiding Judge grants a rehearing, the hearing is tried all over again before the Presiding Judge.

Review Hearing

Welfare and Institutions Code section 366.3 requires that the dependency status of a minor be reviewed every 6 months. Among the matters at issue at these periodic review hearings is whether the minor's safety requires that he/she remain removed from parental custody and the parent's participation and progress regarding the reunification plan. Family maintenance review hearings are conducted every 90 days.

Social Study

The document prepared by a social worker for the juvenile court referee's consideration at the jurisdiction, disposition, and review hearing stages of a juvenile dependency proceeding.

Standard of Proof

In different judicial proceedings, different levels of proof are required. For example, in criminal prosecutions, it is necessary for the state to prove the guilt of the accused "beyond a reasonable doubt."

In juvenile dependency proceedings, the petitioner (plaintiff) must prove the existence of abuse or neglect "by a preponderance of the evidence," a significantly lesser standard when compared with the "beyond a reasonable doubt" standard. The "preponderance of evidence" standard is often interpreted to mean that the judge or jury must believe that "it is more likely than not" that the allegation is true. The preponderance of the evidence standard is applicable to a number of other required findings at the various stages of a juvenile dependency proceeding.

At the dispositional phase of juvenile dependency proceedings, the standard of proof applicable on the issue of whether or not the safety of the minor requires that the minor be temporarily removed from the parent's custody is the "clear and convincing evidence" standard, a somewhat higher standard than "preponderance of evidence."

The one major exception to these rules in juvenile dependency cases concerns cases that fall within the Indian Child Welfare Act (ICWA) where the petitioner is required to prove all facts supporting termination of parental rights by proof beyond a reasonable doubt.

Stipulation

An agreement, either written or orally stated "on the record" reached by and between the attorneys in a case, which allows a certain fact to be established in evidence without

the necessity of further proof. For example, the attorneys in a juvenile dependency case may “stipulate” that photographs come into evidence without authentication by the person who took the photographs.

Subpoena

A document issued under the authority of the court requiring that a person appear at a certain court on a certain day and time to give testimony in a specified case. Failure to obey a subpoena is punishable as a contempt of court.

Subpoena Duces Tecum

A subpoena requiring the person subpoenaed to bring to court with him/her specified records or things if those records or things are within that person's custody and control.

Warrant

A document issued by a judge or referee authorizing the arrest or detention of a person. The Welfare and Institutions Code provides for the issuance of a protective custody warrant regarding a minor alleged to come within the provision of the juvenile dependency statutes.

Willful

The action done with understanding of the act, and the intention that the act and its natural consequences should occur.

Witness

1. A person who has observed or heard something
2. A person called upon to testify in a court proceeding.

BASICS FOR SOCIAL WORK PRACTICE IN JUVENILE COURT: THE DIFFERING ROLES OF PROFESSIONALS

Adapted from: California State University, Fresno, School of Health and Social Work. (1989). *State of California Emergency Response Training Project*. Fresno: Author; Hartman, A. & Laird, J. (1985). *A Handbook of Child Welfare Practice*. New York: Free Press.

A. Child Welfare Worker:

1. Gathers and assesses information,
2. Makes initial decision regarding use of judicial process,
3. Provides information to the court,
4. Contacts and consults with potential witnesses,
5. Testifies about information gathered, and
6. Provides information to family and child regarding court process and possible outcomes.

B. Attorney for the Parent:

1. Will independently investigate information gathered by child welfare worker,
2. Will advocate for the will of the parent,
3. May advise parent to change behavior/cooperate so that parent can demonstrate an interest in the welfare of the child, and
4. May criticize or attack information that is adverse to the parent in order to "objectify" the decision-making process.

C. Attorney for the Child:

1. An advocate for the child's best interests while informing the court of the views/preferences of the child,
2. Will independently investigate information gathered by the child welfare worker,
3. Will often side with the child welfare worker's position, but is not obligated to do so, and
4. Will function independently and is likely to disagree if it appears that the child welfare worker's position is influenced by:
 - a. Poor investigative/assessment work,
 - b. Limitations in agency policies or service,
 - c. Deficiencies in resources, and/or
 - d. Weak social work practice skills.

D. Role of child Welfare Agency Attorney:

1. Will appear in court with child welfare worker to assist with legal presentation of facts/information,
2. May, in some jurisdictions, prepare and file petitions to involve the juvenile court process,
3. Provides consultation and legal advice concerning case presentation strategies, documentation, and investigative needs, and
4. Provides legal training to child welfare workers.

GUIDELINES FOR EFFECTIVE TESTIMONY

(From: U.S. National Center on Child Abuse and Neglect. (1980). *Child Protection: The Role of the Courts*. Unknown: DHHS. (pp. 57-58).)

1. Always tell the truth. This may seem like a “given,” but you will feel temptation to avoid sharing information that you believe may disadvantage your client, case plan, and/or may be professionally unflattering (i.e., failure to return phone calls, missed appointments, etc.). Resist the temptation to “shade” your testimony in a particular direction. Be forthright about your strengths and weaknesses. Demonstrate your objective professional self by offering balanced assessments of clients/client situations that recognize both strengths and problem areas.
2. It is necessary to be as thoroughly prepared and as objective as possible regarding the case. Testimony should be limited to the facts, unless the witness is specifically asked for a professional opinion. For example, a CPS worker should testify: “I visited the family on Tuesday and Thursday of last week,” rather than “around noon;” and “food dishes were scattered all over the kitchen,” rather than “the house was a mess.”
3. A witness should present a professional appearance and attitude in court. A witness’ manner of dress, tone of voice, and facial expression all contribute to the judge’s perception of the testimony. A worker who antagonizes the judge or any of the attorneys may prejudice the case and could be held in contempt of court. It is very important, therefore, to avoid being argumentative.
4. CPS workers and other professionals who are testifying are permitted to bring notes to which they can refer during the hearing; notes are sometimes helpful in remembering specific dates and times. These notes, however, may be admitted as evidence.
5. The witness should be aware of the general rules of evidence before testifying, although these do change slightly depending on the type of hearing.
6. The witness should answer only the question asked and should not volunteer additional information. It is important for the witness to understand the question asked and not to guess at an answer. All statements must be as accurate as possible. The witness should take time to think through both the question and the answer thoroughly before responding. If a “yes” or “no” answer is requested but cannot be accurately given, the witness should explain that this would be a misleading response and that the question cannot be answered in this way. Usually, the witness will be given an opportunity to explain the response more completely. Remember that witnesses have rights, too. Help can be sought in the form of a

question to the judge if the witness feels the answer being sought would be misleading or untrue.

7. During cross-examination, an attorney may try to confuse the witness in order to make the testimony appear inaccurate or biased. The witness may become flustered. It is possible that inaccurate or misleading information may be given and the best interests of the child may not be served. The worker may ask the judge for help if the questions or manner of any attorney are confusing.

HINTS FOR TESTIFYING

- Dress appropriately.
- Prepare ahead of time.
- Don't memorize your testimony.
- Expect to feel anxious.
- Speak a little louder and slower than you feel is necessary.
- Be sincere and dignified.
- Speak clearly and distinctly.
- Use appropriate language.
- Answer the question that was asked.
- Let the attorney develop your testimony.
- If you don't know the answer to a question, say so. Don't guess.
- Don't make your testimony conform to other testimony you may have heard.
- When answering questions, look at the person asking the questions or at the judge or jury.
- Tell the truth.

HOW TO SURVIVE CROSS-EXAMINATION

- Be careful about what you say and how you say it.
- Listen carefully to the question; don't answer it unless you understand it.
- If a question has two parts requiring different answers, answer it in two parts.
- Keep calm.
- Answer positively rather than doubtfully.
- If you are testifying as an expert, be prepared to reconcile or distinguish your opinion from opposing schools of thought.
- Don't close yourself off from supplying additional details.
- Don't allow yourself to be rushed.
- Don't get caught by a trick question.

GUIDELINES FOR OBSERVATION IN JUVENILE COURT FOR THE MAJOR PAPER ASSIGNMENT

The following outline is designed to guide the observation and written components of this assignment. For the paper, participants use this guideline to identify, make observations on, and/or give impressions on five of the areas of the court proceedings in which they participated.

A. The Juvenile Court

1. List the types of hearings conducted. Note if this information was not stated or was unclear.
2. Discuss the various processes taking place in the courtroom and your understanding of the purpose of each.
3. List the parties present in the courtroom and their identified roles/behaviors. Describe your observations of them.

B. General Observations of the Court/Legal Process

1. Describe the overall tone of the court proceedings.
2. Describe the timing of events (i.e., on time, late, rushed). Note whether or not the proceedings seem coordinated and smooth or confusing; provide details to support your impressions. Note the volume of cases being reviewed.
3. Describe any gamesmanship you observe in the courtroom.
4. Discuss your impression of the Referee's ability to respond effectively to complex family/interpersonal/psychosocial/cultural problems.
5. Discuss the legal support provided by the court to facilitate reunification/family preservation.
6. Describe your observations and impressions of the attorney's role in representing the best interests of the client.

C. The Social Worker and County Counsel

1. Discuss impressions of the working relationship between the social worker (court officer and/or case carrying social worker) and the county counsel. Is it collaborative? Adversarial? Other?
2. Discuss your sense of the social worker's (court officer's and/or case carrying social worker's) ability to use county counsel as a helping source.

D. *Documentation of the Social Worker

1. Describe the purpose of the social worker's court report (verbal or written). If the report is not discussed, hypothesize about why this is so.

2. Describe your impression of the quality of the investigation and the resulting report (verbal or written) based on any interaction that takes place in court around the information from the report.
3. Note any problems that may arise with the report. If so, what effect do the problems have on the court proceedings? On the court's view of the reporting social worker? If there are problems with the report, what information is missing?

E. *Testifying

1. Discuss the difference between percipient (lay) v. expert witnesses.
2. If a social worker is observed testifying, discuss your impressions of his/her preparedness, understanding of rules of evidence and basic procedures, and ability to maintain appropriate professional detachment.

F. Student's Understanding as a Social Worker of the Reality of the Legal System

1. Discuss your observations of the court system's ability to effectively handle complex family problems.
2. Describe your impressions of any evidence of cultural awareness and sensitivity (or lack thereof) in the court proceedings
3. How well does the student think the legal process facilitates the goals of child welfare law and departments of social service? Explain.
4. Describe your observations of how stress is expressed in the courtroom—verbally and/or behaviorally—by the various participants (Referee, attorneys, social workers, clients).

G. Ethics, Values, and Emotional Issues

1. What areas of conflict did student observe for the court officer (social worker) in the court setting?
2. How do these conflicts affect the court officer (social worker) personally? Professionally?
3. Discuss one's own personal, professional, and emotional response to the observations in Juvenile Court.

*Students may not have the opportunity to directly observe this area.