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How Judges Can Build Multidisciplinary Collaborations to Benefit Children and Families

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How Judges Can Build Multidisciplinary Collaborations to Benefit Children and Families **Hon. Sharon S. Townsend, Administrative Judge, 8th Judicial District, State of New York**

Trends Statement

This article discusses how successful systemic change has resulted from multidisciplinary collaborations with the court system through strong judicial leadership, inclusion of governmental and community stakeholders, and development of sustained trust between stakeholders.

Nationally there has been a growing frustration among members of the judiciary that court systems are poorly situated to effect the permanent, sustainable, and cultural changes necessary to combat the afflictions of our modern society. Pervasive societal problems, such as drug addiction, domestic violence, and juvenile delinquency, are often the catalyst that necessitates judicial intervention. This is especially true where courts are called on to intervene on behalf of families and children. When I began my career as a family-court judge in Erie County, New York, in the early 1990s, the primary role of the courts in the administration of justice was the determination of the guilt or innocence of the alleged offender and disposition of the case with few alternatives available. The punishment for those found guilty of the allegations against them ran the gamut between termination of parental rights in child-welfare cases to placement at a detention center for juveniles. Children were removed from their families and society and then returned to the community with no oversight, often continuing the same problematic behavior. Courts had a revolving door where the same offenders and families were coming back time after time, generation after generation. There was no mechanism in place to address potential underlying problems that litigants were dealing with, such as drug addiction, family violence, parental conflict, mental-health issues, or juvenile delinquency. This ineffective approach of deciding cases without dealing with these underlying issues often led to recidivism or permanent dissolution of familial or societal relationships.

At the same time, institutions such as the courts, departments of social services, law enforcement, probation, city and county managers, legislators, community groups, and educational providers were largely operating in a vacuum with very limited interaction, even though these leaders and organizations often had similar missions and goals. In the few instances where the court sought to collaborate with agencies, the agencies did not fully trust the court's intentions and would use confidentiality as a reason to not share information. In other instances, the court would threaten to hold an agency in contempt for allegedly failing to perform a designated duty without any discussion of the matter between the court and the agency. I saw firsthand the effect of this disconnect between the various institutions, which had a negative impact on the cases that came before me involving children and families. There was a great need to change our system to go beyond simply processing cases to try to improve conditions for children, families, and society at large through multidisciplinary collaboration between these various agencies.

If the collaborative efforts in the Eighth Judicial District of New York can be held out as a model of successful collaborative change, change requires strong judicial leadership, investment of key stakeholders, and formation of trusting relationships that have become the foundation for a mutual commitment to ongoing problem solving.

Judicial Leadership

Systemic change can be challenging and requires a collaborative leader who inspires commitment and action; leads as a peer problem solver; builds broad-based, long-term involvement; and sustains hope for success.¹ Judges are in a natural position to assume the leadership of comprehensive change efforts because they hold a position in society as individuals of authority and fairness. Judges play a unique role in preserving the interests of all involved: the child, the families, and the community. By virtue of their title, judges hold a position that invites their leadership.²

In the early 1990s, under the leadership of Chief Judge Judith S. Kaye of the New York Court of Appeals, the New York courts began to search for new tools, strategies, and technologies that could help courts address difficult cases where social, human, and legal problems collide. With Chief Judge Kaye's vision,

New York State courts began development of a problem-solving court model to seek better courtroom outcomes, change individual behavior, and reduce recidivism by collaborating with other governmental and community organizations. Chief Judge Kaye reached out to leaders at the highest levels of state government and organizations, most of whom had not previously collaborated with one another or the court, and invited them to participate in the development of best practices to achieve these goals.

Multidisciplinary Stakeholders

According to Himmelman’s Hierarchy of Multi-Organizational Partnerships, joint efforts culminate in collaboration when “each organization wants to help its partners become better at what they do.”³ The keys to establishing a true collaboration are the equal commitment of trust, time, and resources by the involved stakeholders. Successful change begins by investing key, multidisciplinary stakeholders. “Those stakeholders who become invested early in the process can have great impact on the development of group’s mission and objectives.”⁵ As developed through the Himmelman model, successful collaboration begins with bringing stakeholders together and building relationships. The process continues with coordinating efforts, then cooperating with each other toward common goals and finally collaborating to reach mutual goals. “When all stakeholders are involved in an organization’s direction-setting process, the best thinking of all concerned is brought to the table.”⁶

Himmelman’s Hierarchy of Multi-Organizational Partnerships ⁴	
Networking	Exchange information for mutual benefit.
Coordinating	Exchanging information and <i>altering activities</i> for mutual benefit and to achieve a common purpose.
Cooperating	Exchanging information, altering activities, and <i>sharing resources</i> for mutual benefit and to achieve a common purpose.
Collaborating	Exchanging information, altering activities, sharing resources, and <i>enhancing the capacity of another</i> for mutual benefit and to achieve a common purpose.

As administrative judge of the Eighth Judicial District in New York State, I have worked to address needed systemic change within the eight counties of our district through multidisciplinary collaborations with community leaders, such as the local commissioners of social services, the county directors of probation, commissioners of mental health, county executives and legislators, leaders from tribal courts, school district superintendents, directors of legal services, heads of law enforcement, members of the bar, and heads of community and faith-based organizations. Many of these agencies had not previously worked with one another, and in some cases, there was some historic antagonism or distrust between the agencies. When the new superintendent of Buffalo schools was appointed, I invited him to meet with the family court judges, the commissioners of social services and mental health, and the director of probation. He told me that in his 30 years in education, this was the first time a judge had reached out to him. As a result, many positive systemic changes have occurred, including the creation of attendance court, a preventive model involving parents and the schools to address the issue of chronic school truancy before it leads to deeper involvement in the juvenile justice system.

Because of the relationships I had developed with each of these agencies, I was able to bring them together to collaborate. I began holding regular meetings at the courthouse with the various community “stakeholders”—groups that could affect or are affected by the achievement of the overall goals. It was very important to include key stakeholders early on in the process to begin the discussions as to how we could collaborate to effect the necessary changes in the system. Moreover, early participation also enhanced the relationship and the trust between the entities to keep the lines of communication open to achieve consensus. Issues of concern to each of the stakeholders, such as staffing, funding, or philosophy, were verbalized to the group, which helped move the discussions forward without hidden agendas. Most of the meetings involved sharing food or “breaking bread” together, which enhanced collegiality and created the kind of informal dialogue that sowed the seeds of change.

The model of multidisciplinary collaboration is also continued at a local level with judges in the community providing the leadership to convene meetings with government and community stakeholders to address necessary systemic change. Some judges may have concerns about whether these collaborative meetings with stakeholders would constitute a violation of judicial ethics. Recently issued judicial ethics

advisory opinions suggest that if all interests are represented at the meeting, and the subject matter discussed constitutes administrative matters, then it is permissible to attend such meetings.⁷

While statewide models for problem-solving courts, such as drug courts, domestic-violence courts, and mental-health courts, have been developed, implementation of each of these courts in the various local communities depends upon the multidisciplinary collaborations that are initiated by the local judiciary. These judges also have developed professional and personal relationships with local community and governmental leaders and stakeholders, which are critical to creating the trust between these agencies that will, it is hoped, lead to effective collaboration and systemic change. The judges at the local level also continue to hold regular meetings with stakeholders to keep the lines of communication open and to maintain the level of trust that has developed from this collaboration. I have observed that the failure to maintain stakeholder communication through regular meetings at any level often results in each faction retreating to their own camps and the breakdown of the mutual trust that is essential to the success of a collaborative project.

Building Trust

The personal relationships that are developed among the various stakeholders are the foundation of the trust that becomes the catalyst for change. Once we learn to trust each other on a personal level, we can work together for the benefit of the children and the community. Often, people are intimidated by judges because of their perceived power. Once other stakeholders see us as peers who are equally interested in collaboration to improve the system to benefit children and families, the barriers disappear and real reform occurs. Rather than finding reasons why we cannot work together, the question becomes, "What can we accomplish by working together?"

Successful systemic change resulting from multidisciplinary collaborations with the court system has been achieved through three primary components: strong judicial leadership, inclusion of governmental and community stakeholders, and development of sustained trust between stakeholders. True collaborations are never fully implemented; changing systems will have changing needs.⁸ The collaborative group must continue to learn and evolve to meet these needs. By engaging in a continual process of innovation and reflection, changes can be continued, expanded, or modified according to the success of the results.⁹

I am proud to state that each of the collaborators in our projects has worked not only on behalf of their own agency or interest group but, moreover, in the best interests of children and families, and because of this, all of our communities have greatly benefited from their efforts.

¹ Jeffrey T. Wilson, "Leadership Development: Working Together to Enhance Collaboration," *Journal of Public Health Management and Practice* (2002): 23.

² Leonard P. Edwards, "The Juvenile Court and the Role of the Juvenile Court Judge," *Juvenile and Family Court Journal* 43 (1992): 29.

³ Arthur T. Himmelman, "Devolution as an Experiment in Citizen Governancy: Multi-Organization Partnerships and Democratic Revolutions," a working paper for the Fourth Annual Conference on Multi-Organizational Partnerships and Cooperative Strategy, Oxford University, July 1997.

⁴ Ibid.

⁵ Donna J. Wood and Barbara Gray, "Toward a Comprehensive Theory of Collaboration," *Journal of Applied Behavioral Science* 27 (1991): 146.

⁶ Charles Schwahn and William Spady, "Why Change Doesn't Happen and How to Make Sure it Does," *Educational Leadership* 55 (1998): 45.

⁷ For example, New York State Advisory Committee on Judicial Ethics, Joint Opinion 06-154 and 06-167.

⁸ For example, Anita S. Harbert et al., "Collaboration: A Study of a Children's Initiative," *Administration in Social Work* 21 (3/4) (1997): 83-107.

⁹ John P. Cotter and Dan S. Cohen, *The Heart of Change* (Boston: Harvard Business School Press, 2002), p. 8.