



Leadership — A Shared Responsibility in Systems Change:

Lessons Learned from the Family Court Enhancement Project



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The Family Court Enhancement Project

The Family Court Enhancement Project (FCEP), an initiative funded by the U. S. Department of Justice, Office on Violence Against Women (OVW), was a multi-year demonstration project designed to build the capacity of court systems and partner stakeholders to improve child custody decision making in cases involving domestic violence. In 2013, four project sites began to assess and strengthen their responses to domestic violence in custody cases: Cook County, Illinois (Chicago); the State of Delaware (all three counties); Hennepin County, Minnesota (Minneapolis); and Multnomah County, Oregon (Portland).

The National Council of Juvenile and Family Court Judges (NCJFCJ) was responsible for coordinating technical assistance (TA) to the four sites through dedicated TA teams composed of representatives from each of the project's national partner organizations: the NCJFCJ, the Center for Court Innovation (CCI), the Battered Women's Justice Project (BWJP), and OVW. Specifically, TA teams helped these court systems determine how their procedures, practices, and structures related to custody and parenting time can reduce further violence and trauma and enhance victim and child resilience and well-being.

Underlying Values and Guiding Principles

The FCEP enabled the project sites to explore, implement, and assess new and innovative court and non-court procedures and practices designed to improve custody and parenting time decision making. One important objective of the FCEP was to share lessons, experiences, and outcomes generated by the sites' focused work with other communities. During the course of its intensive work with the FCEP sites, the project's TA teams discerned several themes that emerged as each site engaged in efforts to improve its response to domestic violence in child custody cases. Building upon these themes in partnership with multiple stakeholders at each site, five fundamental values that underlie the work were identified. From that, a set of Guiding Principles was developed that enable courts and communities to incorporate these values into their systems, processes, and decision-making. (The Underlying Values and Guiding Principles are discussed in detail in a companion publication: ***Guiding Principles for Effectively Addressing Child Custody and Parenting Time in Cases Involving Domestic Violence.***)

Five Underlying Values

The five values identified by the project partners are:

- **Safety and well-being of children and parents;**
- **Access to justice;**
- **Due process;**
- **Collaboration; and**
- **Accountability and transparency.**

The Guiding Principles

1. Courts and allied professionals should make decisions and/or issue orders regarding child custody and parenting time that effectively address domestic violence by accounting for the nature and context of the abuse and its implications for children and parents.
2. Courts should provide direct and timely access to the courts for child custody and parenting time relief, including temporary relief and enforcement of child custody and parenting time orders.
3. Courts should respond to the urgent need for relief in child custody and parenting time cases involving domestic violence by prioritizing these cases and deciding them without delay.
4. Courts should ensure that judges have access to relevant court-documented domestic abuse history, consistent with governing ethical standards and in a manner that assures due process for all litigants.
5. Communities and courts should take steps to maximize parties' ability to obtain domestic violence-informed legal advice and representation regarding child custody and parenting time matters.
6. Courts and providers of child custody and parenting time dispute resolution services should utilize processes that account for domestic violence and are safe, fair, and accessible.
7. Courts and professionals should assure that party participation in child custody and parenting time processes and services is informed and as voluntary or party-determined as possible.
8. Communities and courts should provide all parties in child custody and parenting time cases with access to information concerning: (a)

available resources, including community resources and child custody and parenting time dispute resolution processes and services; (b) the relief available from courts, including the legal and practical effects of the relief and the risks and benefits associated with the relief; (c) the legal process and their rights, including the legal standards applied to child custody and parenting time decision making, the meaning of legal terminology, the roles and responsibilities of judges and professionals, and the parties' rights and access to recourse and review; and (d) how to navigate court and parallel processes, including how to prepare for participation in those processes and how to avoid involuntary case dismissal.

9. Communities and courts should create opportunities for safe and informed disclosure of domestic violence in child custody and parenting time matters.
10. Communities and courts should provide parties with access to support services, including domestic violence advocacy, in child custody and parenting time matters.
11. Courts and communities should recognize the critical and emergent nature of family law matters by providing sufficient and appropriate staff, resources, and ongoing training to the professionals who manage these cases.
12. Courts should evaluate, on an ongoing basis, whether the publicly provided descriptions of child custody and parenting time processes and services match the services actually provided.
13. Communities and courts should evaluate, on an ongoing basis, the extent to which the custody decision-making processes and services provided effectively address domestic violence by accounting for the nature, context, and implications of abuse.
14. Communities and courts should evaluate, on an ongoing basis, whether custody decision-making processes and services are consistent with these Guiding Principles and work collaboratively to address any deficiencies.
15. Communities and courts should ensure that their processes and services related to child custody and parenting time cases are consistent with evidence-based best practices.
16. Communities and courts should ensure that processes and services are truly accessible to everyone in the community, including those from underserved communities (e.g., immigrant populations, non-English speaking and limited English proficiency individuals, et al.).

Each Family Court Enhancement Project Site was Unique - Each Path Taken was Unique

Each of the four FCEP sites presented different learning opportunities. Together the sites provide a wide range of options and broad applicability to other jurisdictions interested in system change for domestic violence parenting cases.

Delaware's version of the FCEP, for instance, was a state-wide initiative, encompassing the state's three counties, both urban and rural. In **Cook County**, the FCEP initiative was undertaken by the domestic violence division of the county's circuit court, which hears both criminal domestic violence cases and requests for civil protection orders, to address petitioners' needs for child-related relief. In **Hennepin County**, the FCEP efforts focused on reaching under-served members in the county, restoring trust between the court system and the advocacy community, as well as piloting an intensive court docket for child-related relief. In **Multnomah County**, the focus was on understanding and then improving the litigant experience in and around the courthouse for custody and parenting time matters involving domestic violence with the use of a navigator.

Each court and community site contributed the insights and suggestions here for other communities considering system change. These reflections provide guidance in planning, implementation, and sustaining large-scale court culture and case management changes.

The NCJFJC and its partners on this project benefited from the lessons learned from their other national endeavors, including The Greenbook Initiative¹ (addressing the co-occurrence of domestic violence and child maltreatment) and the Model Court² child welfare project. Each effort resulted in valuable insights from the participants for use by others.

Courts and communities that are pursuing systems change work can benefit from the leadership lessons and guidance generated by these and other national projects.

1 *If I Knew Then What I Know Now: Project Leadership in Multi-System Change Efforts to Address the Co-Occurrence of Domestic Violence and Child Maltreatment, Lessons Learned from the Greenbook Project Directors*; Allo, J. & Ptak, A. (2009) Reno, NV: National Council of Juvenile and Family Court Judges.

2 *Sustaining the Change: Lessons Learned from Judicial Leaders*; Gatowski, S & Gueller, M. (2017). Reno, NV: National Council of Juvenile and Family Court Judges.

I like to think of leadership as not so much directing a play, but as conducting an orchestra. For every kind of instrument that comes in, the music becomes richer and soon you have a symphony. You've changed the whole dynamics; they are so much richer and deeper. And when everyone comes together with that diversity of voice and perspective, then you're getting change.

—Project Mentor Judge

I. The Benefits of Shared Leadership

FCEP sites said unanimously that strong, “intentional leadership,” within and outside the court, is essential to success. There is an art to achieving and weathering change, and this process needs support from motivated leaders. Leadership is not only a singular process and a mindset for the individual, but it is most powerful when others join and share responsibility.

The FCEP Project required broad, deep systems change work, and for leadership to be shared beyond the project’s lead judge. Leaders in the court system, the bar, advocacy groups, and in other professional organizations were identified and then encouraged to assume prominent roles. Court administration was essential in implementing the changes decided upon.

The FCEP sites learned that sharing leadership in a large project lightens the burden of the hard work of achieving systems change; embeds the changes more firmly and more quickly in the courthouse environment and with groups and participants; spreads the changes and improvements more broadly throughout the professions and groups serving the families; institutionalizes the changes regardless of changes in personnel; and transforms the culture of the court and the community.

II. Setting the Leadership Stage

Judicial Leadership

Judicial leadership is the critical first component to court and system improvement, as it provides the authority and conveys the urgency for lasting changes. The reason for that is simple: judges influence and impact outcomes both in and out of the courthouse.

“You have to have the willingness to do it, want to do it. You have to have a leader. If you don’t have a leader who’s in your corner and who has the authority to actually push things forward, it makes it ten times harder.”

-FCEP Site Judge

Effective judicial leaders recognize they are members of the community, not above it. As a de facto leader by virtue of the judicial robe, the judge’s highest calling is to improve outcomes for the population s/he serves. Recent revisions to the Code of Judicial Conduct now emphasize that a judge is “encouraged to engage,” and that participating in legal and community activities helps integrate the judge in the community.

“You have to get outside the robe and outside the bench and be a leader in your community. That happens a lot of different ways.”

- Project Mentor Judge

FCEP and other NCJFCJ coordinated efforts like it have demonstrated that with the combination of this ethical encouragement and a passion to improve the experiences of court-involved families - judicial leaders can influence powerful court change.

Because of their role in society and the judicial system, judges have the powerful ability to:

- **set the tone in meetings and projects;**
- **provide central meeting resources;**
- **convene community groups;**
- **create spaces for previously unheard voices;**
- **support a common purpose;**
- **hold the positive conviction that change will be successful; and**
- **assume responsibility for what is not working and commit institutional power to change it.**

Supervising judges and court administrators also lead from behind by empowering others to act and implement. They support and ratify work done by other delegates and run interference when needed.

The Value of Shared Leadership

I believe [good leadership] is empowering the people around you so they can go forward and lead. I think that's the most successful type of leadership. You need somebody who's in that position of power to plow through the barriers but it doesn't mean that you can't lift up all those around you.

- FCEP Site Judge

The challenge of managing a large project with interconnected systems (all working to change practice, calibrate with one another, and achieve balance) can be daunting. Sharing leadership responsibilities allows many important tasks to be addressed, and it can better harness the talents that diverse parties bring to the project.

Shared leadership has another purpose in that it begins to build in depth and multiple options for handling the inevitability of changes in personnel and operations. The roots of sustainability begin here.

When you start a project and you want to be sure it will be sustainable, you build in sustainability from the start. You need to make sure you're institutionalizing the change.

-Project Mentor Judge

Co-leaders help remind each other of the project's overarching focus: providing respectful, safer options for court-involved parents and children. Co-leaders challenge each other's assumptions, and spread a deeper understanding of the context of the issues. They are better able to identify gaps and create solutions.

Shared leadership has a synergistic impact on the breadth, depth, and speed of system changes. Supporters in other stakeholder groups will join with the bench to enact changes in their organizations. Leaders in the bar and other professional groups can encourage their peers, answer concerns, and lead the way in embracing changes so that others will follow. As one FCEP site participant noticed: "Multiple voices become the unified voice."

III. Grounded in a Shared Purpose

Before a community can truly engage in changing the local culture there must be a firm and unshakeable basis on which all the players agree.

“Everyone wants the same thing, we want people to be safe in their homes. We want people to be free of violence. What we may not agree on necessarily is how to get there, but we can all agree on that value.”

– Project Mentor Judge

The Beacon

FCEP’s success was in holding safer outcomes for parents and children involved in the court system as the beacon. Everyone involved in the project knew the needs of the involved families would be the guiding lights in deciding what changes to make and what alterations of course to take.

Safety is a broad concept. It encompasses physical safety and security in and around the courthouse. The FCEP sites learned that more is needed than safety in the moment. Parents also need better information to inform their participation, and more carefully crafted, tailored orders that respond to their real needs.

For instance, in one site, an experienced mediator was hired to assist parents to craft safe, individualized child-related relief in protective orders. In another, the court converted to the ‘one family, one judge’ case assignment so that parties could expect consistency and better-informed decisions. In yet another, commissioners hearing protective orders provided far greater detail on the nature and context of the violence so that the judges who would ultimately determine parenting orders would have more information. One of the sites ensured that a navigator gave parties better knowledge of the court system, their role in helping to obtain court orders, realistic expectations, and knowledge of community resources.

To understand the needs of survivors and their families, victim advocacy groups are necessary stakeholders in systems improvement. They carry the voice of the parties who seek protection from the court, the users of court services, and recipients of court orders.

All too often systems make changes that benefit the organizations themselves rather than focusing on what the family really needs. Or, systems make assumptions about what parties want or need that are not accurate.

“For victims of domestic violence, coming to court is always a challenge. You’re saying it out loud, you’re saying to the community that you’ve been a victim or a survivor of domestic violence. And we forget that’s not easy. I want them to feel like they’ve been heard and that it’s been a fair process for them. And the outcome is good for them and their children.”

– FCEP Site Judge

Maintaining the Focus

In choosing to learn what parents and children need to be safe, to be heard, and to be helped, courts and stakeholders do best to keep their focus on what helps the actual users of the system. The litigant voice is constantly used as a touchstone in measuring the success of any change at each site. This allows the various systems to self-examine, and then re-align with the real needs of the parties.

Shared and agreed upon visions and values provide the enduring touchstones for the working group, allowing everyone to re-orient whenever the project encounters a roadblock or challenge. It is from these shared values that collective visions and concrete plans are formed.

“Communication was key for the entire court and staff to know what we were doing, and also to make it clear what the focus was - the focus was safety and better outcomes for children.”

– FCEP Site Judge

IV. Gathering the Team, Promoting Positive Relationships

Formation

Each of the four FCEP sites began with a core group of judicial officers and court staff who first decided what other community and court leaders and stakeholder organizations they needed at the table. National advisors assisted the sites in structuring and creating the foundation for each demonstration project and assisting in these tasks.

Court Administration

“Without the support and input of our court administration, change couldn’t really occur, and wouldn’t have become permanent.”

– FCEP Site Judge

Court administrators are essential, and they provide the means to embed changes into the court culture. Administrators know when and how to move matters along. They are available when other participants are in courtrooms or offices, and they have access to court resources, including funding sources. They also have the ability to implement day-to-day changes envisioned by the group’s mission.

Court administration co-leadership is also an important ingredient in the sustainability of a project. Court administrators can hold the threads of the project steady while other leaders change, thus providing critical continuity.

Team Building

Casting as broad and deep an invitation as early on as possible is key. Even if the ultimate structure and specific steps are still unknown, it is important that a large convening of the community, stakeholders, and court occur at the outset.

An invitation by the court to an initial kickoff event can be a powerful tool in engaging key players and stakeholders from the start. It helps with community buy-in to the general purpose of the project. It displays to attendees that the court values their input and help. The process of finding consensus on project objectives begins at the first meetings.

It's much easier to engage people if they feel they've got a role in it, and they feel they're going to be a part of that change.

– Project Mentor Judge

Court leaders may have a general notion of improvement steps they expect to undertake, but success requires that leaders evince a willingness to create an inclusive undertaking. That inclusive process allows everyone at the table a chance to learn what others think works well, what needs improvement, and what values undergird their work. Thought should be taken to involve diverse stakeholders actively – even those some might consider challenging, generally critical of the court, or resistant to changes.

Invitees to large systems change work will be other members of the bench, court administration, court staff, attorneys (prosecutors, defense bar, attorneys for parents, counsel for children), the domestic violence advocacy community, custody evaluators, guardians ad litem, community service providers who regularly work with court-involved families, mediation and ADR providers, and others interested in safe outcomes for families involved in domestic violence cases. Inevitably, as projects move along, other stakeholders will be identified and added.

Honest Conversations, Humble Listening

Probably the most significant lesson I've learned, and this is after doing this for nearly thirty years, is the importance of being humble.

– Project Mentor Judge

Leaders ask themselves, and then ask the group – How will we approach the task? How do we identify the issues we want to tackle? Who needs to be at the table? What challenges do we foresee (knowing that more would be encountered as the project unfolded)?

Honest conversations are invaluable in setting a constructive tone. Some stakeholders may be cynical or distrustful and wary of the court or other

participants because of past issues. Often, convening discussion groups is just the beginning. It will take longer and require more problem-solving skills to create the respectful space a project needs for relationships to build and for open dialogue to occur.

“One of the biggest lessons I learned is to always assume good faith, especially when you’re talking about working with people from different organizations. We all approach this work with different institutional values, and when we assume good faith we can begin to trust each other... If you don’t assume good faith, you never build that trust. If you never build that trust, you never get the work done.”

– Project Mentor Judge

The court’s openness and receptiveness to all stakeholders is key to credibility and building trust. By acknowledging the past, and then overtly committing to a different future relationship going forward, trust is built.

In one FCEP site, for instance, the domestic violence advocacy community was distrustful of the court, believing it had been tone-deaf to the safety needs of families. Candid conversations bore fruit when providers realized the court was committed to finding safe solutions for parents and children and was willing to make deep cultural changes to the manner in which cases were handled.

“A big part of this project was listening to people in the community. Part of that was gathering a group of advocates, [listening to them and then saying]: “I just want to apologize because the court hasn’t always been a good partner, we have excluded you from hearings you should have been a part of.” With just those words alone we saw a sea shift. They finally believed they have a commitment from the court.”

– FCEP Site Judge

Surveys, Listening Sessions

Several FCEP sites used litigant surveys, professional roundtables, and listening sessions to bring forth the most pressing issues for families and professionals serving them. Some FCEP sites enhanced the courthouse security for petitioners seeking a protective order by carefully monitoring the separation of litigants. Feedback in one site revealed the value to

the public and court in having a consistent predictable handling of civil protection orders. That site then created scripted information for all bench officers, and provided a repeating instructional video playing in the courthouse for the litigants.

“*Early on we wanted to see what litigants experienced. So we had staff and a commissioner who...[walked] into court as if they were interested in filing...And it was eye-opening. Little things like name badges. People wanted to know who they were talking to. We found in a lot of circumstances we were our own worst enemy.*”

– FCEP Site Judge

Some sites invited stakeholders to specific topical roundtables to learn about their concerns. In one site, this included victims who had chosen not to engage with the court. Another site used litigant exit surveys to learn what helped or hindered the parent or family in navigating the court system. And yet another site appointed a liaison to engage an underserved population in outreach activities in venues in the community. As a result, this site changed the court environment to make it more welcoming, and improved communication strategies.

Allies in the Courthouse and in the Community

At all stages of the project, leaders should actively seek and identify allies in stakeholder groups and from the bench. These interested professionals increase the voices of change, encourage and persuade their peers, and lead other fellow professionals by example and discussion. Sharing leadership responsibilities increases the power to create the large-scale cultural changes envisioned by the sites.

“*My leadership style has always been about idea generation. And then finding the people who could help execute the idea. I need to recognize the strengths and value other people bring to the table, and make sure I get out of their way.*”

– Project Mentor Judge

V. Doing the Work - Planning and Implementation

Planning

It takes time to determine specific challenge(s) a group will undertake to realize change. Rushing into pre-planned activities decided by only a few will not result in the broad buy-in and impact that the FCEP stakeholders and courts experienced during this demonstration initiative. While more time was needed at the project outset to engage multiple intersecting systems and players, when change occurred, it happened in many places and with much more support.

“[Professor and lawyer] Sarah Buel once said, “this work takes gentle persistent persuasion.” You’re not going to change anyone or anything overnight.”

– Project Mentor Judge

Changing systems means that individuals agree to take on new tasks, acquire new skills, or perform old work with fresh approaches. For some these shifts might be more distressing and require time to process. Leaders should appreciate that large-scale change will likely take longer than desired or anticipated in order for groups and individuals to accept and adapt.

“You are going to take on more work, that’s just a fact. But the work you take on is going to give you so much more satisfaction. You’ll see the difference for litigants who don’t usually experience something positive from the court system, in a way that is different from anything else I’ve experienced.”

– FCEP Site Judge

Building in Safety at All Points

Some sites used courthouse audits, where a group of court staff and stakeholders walked through the court process from parking lot to courtroom, to exit, experiencing what a family encounters. Those events proved powerful in highlighting the obstacles – real and often unintentional – that the public was facing in accessing the courts. Signage, lighting, security, seating, and messaging were all items corrected, added, or changed. The FCEP chief judge then leveraged those findings to advocate for new, safer, and more efficient courthouses from court administration and the state legislature.

Communication

Lines of communication between and among the court and the stakeholders needed to be built where none existed. It was helpful to designate one person as project coordinator to carry out the communication responsibilities. Convening meetings, keeping minutes, memorializing agreements, and reminding the group of what had been decided and what still needed to be accomplished were all tasks greater than any one person can realistically manage.

“Communication is also key, and the courage and ability to make the decision, and the humility to know when you’ve made a bad decision and try to change it.”

– FCEP Site Judge

In the FCEP sites, that role was initially filled by a site’s grant-funded project coordinator, and it eventually matured into a permanent court administration task as the initiatives were systemically embedded into court processes and court budgets.

“The project coordinator is the glue that holds all the many pieces together, and keeps the trains running. Everyone has a day job; it’s enormously difficult to manage a project of this magnitude without a dedicated shepherd.”

- Project Mentor Judge

System Mapping

Early on in the process it was helpful to conduct system mapping. System mapping visually illustrates the course of a case as litigants travel to, through, around, and inside the courthouse. It highlights which individuals and organizations interact with the parties and at what points.

“We sat down with about twenty-five collaborative partners and spent two days in a room. We put up stickies all around the walls, about every axis point a person coming into our court would have contact with. That was an educational process for myself and other judicial officers because there were many things that happen we don’t even think about. Then we boiled it down...”

– FCEP Site Judge

System mapping demonstrated how information reported in one system can be carried forward and used to shape safe outcomes for families. The flow charts revealed which services and providers were missing from strategic conversations and how effectively valuable information penetrates from one system or provider to the others.

Mapping also identified stakeholders who serve this litigant population but do not interact with the court system. It also informed the planning group of others to include in the project, and help identify points where change was really important.

Another benefit of group system mapping was the chance to see easy-to-remedy solutions, where low hanging fruit allows the group to make shifts to processes or procedures early in the project. Early successes boosted the larger community group, helping to bring energy to more challenging issues.

Meetings

In the early days of a project, leaders used meetings to shape consensus on the improvement tasks the group will undertake. The judicial and court leaders keep dialogue open until all voices were heard and working relationships were built or reinforced. They supported the goals and tasks decided on. Perhaps most importantly judicial leaders ensured that meetings and discussions ended in tangible action with observable results.

Having a schedule of meetings that are predictable, consistent, efficiently run, and productive is critical to successful collaboration. There is value in conducting business-like meetings, respectful and inclusive in tone and content. From these meetings relationships are nurtured and decisions are made.

Using the Committee Format

“We assigned committees... and then we just started digging in.”
– FCEP Site Judge

Committee and subcommittee formats were helpful to spread the tasks among the stakeholder groups. The committee/subcommittee process was an effective tool to build relationships with stakeholders who have not previously worked on common goals. It also allowed multiple individuals from one group

(e.g., multiple judges or magistrates) to be participants in all facets of the initiative.

The subcommittee structure is useful for those expressing or signaling resistance to change. Those individuals have a place at the table, and they have the opportunity to shape the outcome. That process of respectful inclusion has been successful in changing resisters into believers and champions.

Adaptability

Leaders never pretend to know all the answers, and they approach the change process with humility, giving everyone permission to test approaches and solutions. Each FCEP site found it helpful to convey tolerance for attempts and course corrections, knowing that the territory before them was uncharted. This attitude of openness to experimentation allowed action to be taken without waiting for perfection. Effective leaders are ready to shift and adapt as initiatives unroll.

“*Know that you’re going to encounter something along the way that you didn’t anticipate. Be resilient, be willing to step back, take a pause, think about it, get the opinions of the other stakeholders...*”

– FCEP Site Judge

Ongoing Training

The court can use its convening powers to host multiple training sessions for key stakeholder groups on topics critical to an effective response to domestic violence in child custody cases.

For instance, quite early in the process each FCEP site hosted a stakeholder meeting where mapping was facilitated, plans were made, and all participants were introduced to the goals of the demonstration project. Then, and for several more events over the time span of the initiative, the court continued to provide trainings on domestic violence, parenting, access to justice, domestic violence dynamics, etc. For some the trainings were site-wide, for others they were specific for professions (for example, for mediation professionals, or attorneys, or advocates).

Regular and inclusive training events are part of a new culture of ongoing reflection and measurable improvement. Continual training needs to be

built into any large project. Repetition becomes crucial as staff and project participants, even judges, leave, retire, are re-assigned, or rotate to different venues. While repeat training helps to re-calibrate participants to the vision and mission of the project, it also educates naysayers and brings new supporters onboard.

Keep in mind that a ‘generation’ of people in a court system might be two to three years. And then you have turnover. To really imbue the system with the culture you want, you need to continually train and continually remind people what the core values are.

– Project Mentor Judge

Data Collection

Documenting the steps a project takes in arriving at consensus and action should be ongoing from the outset. One site learned the need for that after the fact, when new leadership arrived. The original participants realized the challenge in providing a narrative of the previous issues and the FCEP accomplishments. Having a before and after scenario well mapped out will more persuasively highlight how a project has positively benefited everyone, professional and public.

The time taken to extract data about the current processes, and to then collect data as changes are made, will be useful, even invaluable. It may appear pedantic for some eager to be changing culture, but it is extremely helpful. For instance, one FCEP site did an in-depth case review of closed parenting cases where shortfalls were revealed. That data then provided the site’s rationale to take corrective action in the court’s new rules.

From the beginning you need to insure that you’re tracking...so you can share the lessons learned, literally every step of the way. If you don’t have a plan at the very beginning for how you’re going to continue a project when the dollars end or when the technical assistance ends, then you’ve lost your opportunity for sustainability.

– Project Mentor Judge

Collecting data for new processes can be more challenging, but sites that undertook the challenge saw tangible and positive results for families accessing the courts. For instance, one site was able to see the uptick in filings from a previously underserved population now accessing the court.

One site received litigant feedback and another used listening sessions with stakeholders to measure success and to course-correct when needed.

Embedding Change

Several sites, using the authority of the judicial leader, enacted new court rules that codified the new processes the FCEP project had developed. If a court system is able to use this approach, initiatives will be embedded into court culture, and will be better insulated from transitory changes in personnel or leadership.

“Changes that you can reduce to court order or policy are important because you want to implement that change on a longer view.”

– FCEP Site Judge

Celebrating Successes

“You celebrate every success you have. Maybe it’s just a little change, but every single change is what adds up. If you only celebrate success at the end, you’ll be heartbroken, because you’ll lose people along the way. People need to feel like the work they’re doing matters. And if you can thank them, that’s a big success. Everyone wants to be appreciated for what they’re doing.”

– Project Mentor Judge

Each FCEP site, in retrospect, wished they had marked more moments when steps were successfully achieved. Groups will benefit from opportunities when leadership signals hard work has resulted in benefits for the parties or that some daunting challenges have been overcome. It is helpful for the group to share surprising and inspiring testimonials. These moments are intentional opportunities to boost spirits and energy.

The sites reported to their larger community coordinating councils and gave regular updates at bench and stakeholder meetings. One site was invited to meet with the governor of the state to share the project’s achievements.

VI. Planning for Leadership Change, Investing in Sustainability

Building a Deeper Bench

Judicial leaders intentionally include other colleagues – judges and other bench officers – with responsibilities for portions of the work. With this tactic, champions are enlisted and supported, resistance is diminished, and the next generation of leaders is created.

“Not taking advantage [of what lower bench officers know and can tell us], or having a hierarchy between the judge and lower bench officer would be foolish. It’s not helpful. For me it was a blessing to have the referee there... She taught me so much along the way. That partnership also led into planning for the future.”

– FCEP Site Judge

During the time court and stakeholders will be working on systems changes, leaders and valuable allies will inevitably leave the project, retire, or be re-assigned. For instance, three of the four FCEP sites sustained a change in the lead judge over the life of the demonstration period (only one of which was anticipated), and yet each site achieved its goal of serious and deep systems changes.

“I came in a year and a half into the [FCEP] project, replacing the former chief judge. We had three project coordinators over the life of the project. We also encountered a tragic change, in that one of our judges passed away three months after I came into the position. And yet with everyone’s work we accomplished what we set out to do.”

– FCEP Site Judge

Shifts in leadership revealed the need to consider the likelihood of such changes early in the project and to build in depth and succession planning.

Here again shared leadership proves advantageous because co-leaders are able to take on a greater role until a new court leader can assume the mantle.

Shared leadership is a vital ingredient in creating sturdiness in, and the viability of, a project as individuals and leaders leave. And shared leadership provides the catalyst for the large-scale systems changes envisioned and achieved by the FCEP sites.



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