

The “why” behind judicial leadership and practice in the Safe Babies approach

- The science of early development shows that the first three years of life are a critical window of opportunity for promoting children’s health and well-being.
- Safe, stable, and nurturing care is the foundation of early childhood development, helping young children recover and heal from past negative experiences.
- Trauma histories are highly prevalent among child welfare–involved parents; many parents who have experienced trauma develop depression and/or anxiety, and then use alcohol and/or substances as coping mechanisms.
- A court process that is healing and trauma-responsive, such as the Safe Babies approach, promotes child and family well-being and strengthens families.
- The tight time frames of the law (e.g., the Adoption and Safe Families Act [ASFA]), combined with the complexity and urgency of families’ needs, call for cross-sector collaboration (e.g., court, child welfare agency, and community partners) to support children and families efficiently and effectively.
- When the court, child welfare agency, and community partners/collaborators come together to understand services and analyze systems gaps and barriers, they can identify creative solutions.
- Judges are uniquely positioned to create a collaborative, solution-finding atmosphere in court and to engage community partners to ensure that needed services for children and families are available and accessible.
- All children and parents have a right to equal protection under the law.
- There is evidence of disparities among diverse groups involved in the child welfare system.



Judges have essential “in court” and “out of court” functions in the Safe Babies approach pertaining to both practice and leadership (see tables below). These functions are realized through a set of core practices and leadership activities drawn from the National Council of Juvenile and Family Court Judges’ Enhanced Resource Guidelines and aligned with best practice standards for child abuse and neglect cases¹. The Infant-Toddler Court Program National Resource Center provides training and technical assistance on specific tips and strategies for carrying out these essential functions.

Judicial Role: In Court	
Essential Functions	Practices
Empowering and Engaging Parents	Treating parents with kindness, respect, and empathy in all interactions
	Conveying to parents that they are the experts on their own children by providing time for parents to share, be heard, and ask questions
	Checking in with parents on their understanding of the process, terms used, decisions made, and expectations
	Looking for opportunities to acknowledge and celebrate strengths and successes, including participation in court hearings
Promoting Collaborative Problem Solving	Creating an atmosphere where all parties recognize they are working towards a shared goal of child and family well-being
	Expediting referrals for screening, assessment, and services for the child and parent(s) as early in the court process as possible
	Seeking information from professionals, parent/peer mentors, caregivers, and the family about the timing, appropriateness, and effectiveness of services that the child and parent(s) are referred to/receiving
	Setting clear expectations for the importance of Family Team Meetings that result in preparedness for court, meaningful reasonable efforts (i.e., services and supports that meet specific developmental needs of the child and the comprehensive needs of the family), and follow-through

¹Gatowski, S. I., Miller, N. B., Rubin, S. M., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges. <https://www.ncjfcj.org/wp-content/uploads/2016/05/NCJFCJ-Enhanced-Resource-Guidelines-05-2016.pdf>; Summers, A., Gatowski, S., & Fromknecht, A. (2022). *Judicial, Court, and Attorney Measures of Performance (JCAMP)*. Capacity Building Center for Courts. <https://www.childwelfare.gov/topics/systemwide/courts/reform/jcamp/>.

Judicial Role: In Court	
Essential Functions	Practices
Creating a Trauma-Responsive Climate	Assuming trauma may be in a parent’s history, which shifts the focus from “What’s wrong with this parent?” to “What happened to this parent?”
	Recognizing that trauma, substance use disorders, and other mental health challenges are medical conditions and commonly interrelated
	Creating a calm, non-adversarial, respectful, and compassionate court climate that takes a healing rather than punitive tone
Taking a Developmentally Informed Approach	Establishing early, active, and close judicial oversight through frequent review hearings, recognizing the urgency of developmental needs in infancy and early childhood
	Requesting regular updates on developmental screening, assessment/evaluation, and recommended services (e.g., Early Intervention/Part C)
	Requesting regular updates on infant/early childhood mental health screening, assessment/evaluation, and services
	Requesting regular updates on frequent, high-quality family time that meets the developmental needs of babies and toddlers for safe, stable, and nurturing caregiving
Judicial Role: Out of Court	
Essential Functions	Practices
Being a Champion for Infants, Toddlers, and Their Families	Spreading the word about the importance and value of the Safe Babies approach in addressing the needs of very young children and families at risk for or involved with the child welfare system
Modeling Continuous Learning for Court/Systems Improvement	Participating in and hosting learning/professional development opportunities on best judicial practices for addressing the needs of infants, toddlers, and their families

Judicial Role: Out of Court

Collaboratively Supporting Implementation of the Safe Babies Approach

The Judge works in close collaboration with the Community Coordinator, Child Welfare Leadership, and professionals from other key sectors who are needed to support implementation and sustainability of the Safe Babies approach. Activities include:

- Championing the Safe Babies approach
- Developing and sustaining operational strategies (e.g., frequency of review hearings)
- Anticipatory planning for transitions to a new judge
- Using data to identify implementation challenges and inform solution-finding
- Strategizing with partners for sustainability of the Safe Babies approach

Collaboratively Leading the Active Community Team

The Judge works in close collaboration with the Community Coordinator and Child Welfare Leadership to:

- Identify community partners/collaborators and extend invitations to participate in the Active Community Team (ACT)
- Plan and prepare for ACT meetings (e.g., scheduling; setting agendas; identifying trends, needs, issues to discuss)
- Review Safe Babies approach data for Continuous Quality Improvement

During ACT meetings, the Judge can take a leadership role by:

Framing the work as collective leadership and emphasizing the need for cross-system collaboration to support very young children and their families

- Setting the tone for collaborative dialogue, information sharing (e.g., aggregate/de-identified data), and solution finding
- Advancing equity for children and families by identifying and addressing disparities in and barriers to needed services and supports
- In some communities, it may make sense for the ACT to be purposefully integrated into an existing early childhood coalition. In such cases, the Judge plays a leadership role in support of the integration and serves as an active participant.

