

# Baltimore Law

Amid turmoil and anxiety, lawyers rise to the challenge

## KEEPING PACE WITH CHANGE



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Hon. Catherine Curran O'Malley, Associate Judge of the District Court of Maryland-Baltimore City and a volunteer Truancy Court Program judge, coaxes a smile from a student.

## A Holistic and Therapeutic Approach to Family Law: CFCC CELEBRATES 20 YEARS OF ADVOCACY

In 2020, UB Law's Sayra and Neil Meyerhoff Center for Families, Children and the Courts (CFCC) celebrates two important milestones: the 20th anniversary of the founding of the center and the 15th anniversary of its largest community-based project, the Truancy Court Program.

For 20 years, CFCC's founder and director, **Prof. Barbara Babb**, and CFCC staff have worked to improve the practice of family law and to reform the family justice system. CFCC advocates for and applies two key interdisciplinary theories to all of its initiatives: therapeutic jurisprudence, from the law, and the ecology of human development, from the social sciences. These approaches emphasize a goal of achieving positive

outcomes for families and children, as well as a holistic focus to understand and resolve family legal matters.

### *How CFCC Started*

CFCC's origin is a classic story of what happens when one person's passion and fortuitous opportunities meet. Babb's longstanding interest in blending social science theory and systems with law is the thread that has tied CFCC's work together.

"I had the tremendous privilege to work with Dr. Urie Bronfenbrenner as a graduate student at Cornell University, prior to attending Cornell Law School," says Babb. "He opened my eyes to the power that the social sciences have to influence public policy in ways that improve people's lives." Bronfenbrenner

co-founded the national Head Start program, and his seminal book, *The Ecology of Human Development*, defined the domain he called the ecology of human development, a theory rooted in the need to examine how families and children function from a holistic or systems perspective.

During the 1990s, when interest in family court reform was sky high, Babb embraced the concept of unified family courts as a "best fit" with her passion for the need to take a holistic view of family law issues. With comprehensive subject-matter jurisdiction over all family law matters, unified family courts equip the justice system to approach the full range of problems that bring families into court, including both legal and related

non-legal issues.

Babb quickly became a leader in advancing unified family courts in Maryland and nationally. She was co-chair of the American Bar Association (ABA) Section of Family Law's Committee on Unified Family Courts, and she consulted on "Communities, Families, and the Justice System," a two-year ABA project to establish unified family-court pilot programs in six jurisdictions: Atlanta, GA; Baltimore, MD; Markham, IL; Seattle, WA; Puerto Rico; and Washington, D.C. "The Baltimore project was very successful and served as a model for the creation of Maryland's Family Divisions in 1998," Babb says.

Contemporaneously with this intense focus on family court reform, the field of therapeutic jurisprudence (TJ) was emerging. TJ addresses the impact of substantive law, legal rules and procedures, and the roles of judges, attorneys and other legal actors, in shaping outcomes for individuals involved in the legal process.

Babb attended the first conference of what is now the International Society for Therapeutic Jurisprudence (ISTJ) in 1998 and has been a leading proponent of TJ since. She serves on ISTJ's Global Advisory Council. "Therapeutic jurisprudence embodies how I believe one should approach family law practice — by asking the question: 'Will the outcomes of our actions make lives better (therapeutic) or worse (anti-therapeutic) for the families and children we are serving?'"

With the support of then-Dean John Sebert to create a UB Law entity focused on family-justice-system reform and legal policy work, CFCC was launched in August 2000.

### **Advancing the Cause**

In the 20 years since CFCC opened its doors, family justice reform and unified family courts have remained a primary focus. CFCC also has expanded its portfolio to add projects and interest areas that complement or enhance this central focus.

**UNIFIED FAMILY COURTS.** CFCC's ongoing work with the Maryland Judiciary is a cornerstone of CFCC's expertise, a true partnership and a real point of pride. In CFCC's first two years, its staff served as strategic planning consultants to the Maryland Judiciary's *Ad Hoc* Committee on the Implementation of the Family

Divisions. The committee's work on formulating a mission statement, system values and outcome evaluation measures for Maryland's new Family Divisions resulted in a tool to assess the effectiveness of the courts, *Performance Standards and Measures for Maryland's Family Divisions*. Over the years, CFCC has consulted with the Maryland Administrative Office of the Courts on parent education programs, child custody evaluations, supervised visitation and monitored exchange, and collaborative

law, among other subjects.

CFCC also has consulted on the creation of unified family courts across the U.S. and internationally, including working with court systems in California, Florida, Michigan, Indiana, New Mexico, Pennsylvania, Tennessee, Toronto and Nebraska, among others. CFCC's twice-yearly newsletter, *Unified Family Court Connection*, is an influential publication on family court reform that reaches nearly 4,000 judges, attorneys and other legal practitioners. (Continued on the next page)

## **Babb Named to Family Justice Courts' Advisory Council in Singapore**



Barbara Babb

**Prof. Barbara Babb** has received a two-year appointment to the Singapore Family Justice Courts' Advisory and Research Council on Therapeutic Justice (ARC), created in June 2020.

The ARC was established to bring together some of the leading thinkers in the field of therapeutic jurisprudence (TJ) and family justice, to discuss and share perspectives on the latest developments in TJ in the context of family law practice and family justice, including law, policy, and justice reforms.

The ARC will work with the Singapore Family Justice Courts (FJC) to incorporate TJ as the overarching framework of the Singapore family justice system, a concept Babb originally applied to family court reform and about which she has written and spoken for decades. Babb says the ARC's work will include examining court processes through a TJ lens and, where appropriate, improving those processes.

Using an ecological framework — another of Babb's contributions to family court and family-justice-system reform work — the courts hope to establish better coordination between the community and social support services. In addition, the ARC will design and offer training on TJ methods to Singapore's FJC judicial officers, court staff, attorneys, and services providers. All of the ongoing work of the ARC is intended to enhance the well-being of court participants.

Babb visited Singapore in October 2019, at the invitation of the FJC, to give presentations at two different events on the application within the family-justice system of therapeutic jurisprudence, an ecological approach, and an ethic of care.

"The ARC appointment is quite a privilege, and it is extremely exciting for me," says Babb, "as it encompasses all of my advocacy and scholarship since I joined the UB faculty in 1989. I am extremely honored to work with the Singapore FJC community and the other ARC members."




#### FAMILY JUSTICE SYSTEM REFORM.

CFCC has convened leaders from around the world to address issues related to family justice reform. CFCC has partnered with the ABA Section of Family Law to host an interdisciplinary group of family law experts for the “Families Matter Symposium,” focused on developing solutions to improve the practice of family law and resulting in the publication, *Families Matter: Recommendations to Improve Outcomes for Children and Families in Court*. Since 2009, CFCC has held an annual “Urban Child Symposium,” a cross-disciplinary conference addressing significant challenges facing urban children. Since 2003, CFCC also has partnered with the Association of Family and Conciliation Courts to sponsor two annual trainings regarding important issues facing family law practitioners.

**TRUANCY COURT PROGRAM.** Since 2005, CFCC has operated its Truancy Court Program (TCP). CFCC’s truancy prevention work is a national model, recognized as an innovative “Bright Idea” program in 2012 by the Ash Center for Democratic Governance at the John F. Kennedy School of Government, Harvard University. CFCC has created its *Truancy Court Program Toolkit* so other jurisdictions can structure truancy prevention programs to fit their populations’ unique needs.

#### ELEVATING FAMILY LAW EDUCATION.

CFCC’s Student Fellows Program, a two-semester law school course, focuses on educating law students about family law and family-justice-system reform. It also guides them to consider how TJ and the ecology of human development can apply to any area of law they pursue. CFCC Student Fellows have worked on many of CFCC’s projects, including the TCP. Through this experiential course, students learn to apply theory to practice. In addition, CFCC has brought all of its unique experience and information together to launch in 2017 the nation’s first and only post-J.D. Certificate in Family Law. The certificate program, now offered entirely online, is designed for both new attorneys beginning to practice family law and experienced attorneys seeking to add family law expertise to their areas of practice. 

## CFCC’s Truancy Court Program Tackles School Attendance and Much More

The Truancy Court Program (TCP), a project of UB Law’s Meyerhoff Center for Children, Families and the Courts (CFCC), was launched in spring 2005 with seed funding from The Charles Crane Family Foundation. Conceived as a voluntary, non-punitive, data-driven program to identify and address the root causes of each child’s truancy, the program celebrates its 15th anniversary this year.

As an example of the need for these intensive resources, let’s look at Amelia’s\* experience. Amelia was a fourth-grader who had nine absences in the two quarters preceding her participation in TCP. Amelia’s mother was in prison, and her father was the custodial parent of record. Amelia lived with her maternal great-grandmother during the week in order to make getting to school easier. On weekends, she stayed with her father, who was unemployed and living with his brother.

Amelia’s father reported feeling depressed and hopeless about his financial and housing situations. He was on the waiting list for Baltimore City Public Housing and Section 8 vouchers, but he was not optimistic about getting housing. The TCP social worker helped Amelia and her dad obtain outpatient psychotherapy. When the family’s housing situation worsened, the social worker arranged for the family to receive homeless services, which included transportation to and from school for Amelia.

Despite all of the family’s challenges, Amelia was doing well academically and graduated from the TCP, improving her attendance by over 65%. Sadly, a great number of Baltimore City children face similarly difficult circumstances, and many do not fare as well.

#### Showing Up for Baltimore’s Kids

To date, TCP has served over 2,500 public school students and their families in 49 schools, 39 of which are in Baltimore City. Over 20 Maryland judges and magistrates have volunteered their time to serve as TCP judges in participating schools.

#### Four principles guide TCP’s operation:

- **A therapeutic, holistic approach** — a non-adversarial, trauma-informed model
- **Early intervention** — a voluntary program serving students with five-30 unexcused absences or tardies in the prior two marking periods
- **A focus on prevention, family involvement and empowerment** — a multi-disciplinary team connecting families with available social and legal services and supports
- **Rewarding progress** — incentives for TCP students meeting short-term attendance, academic and behavioral goals, as well as graduation gifts upon successful completion of the program

All TCP students receive mentoring, one-on-one weekly conversations with a judge, parent outreach, case management services and resource referrals, as needed. The TCP attorney reaches out to families to provide much-needed legal advice, resources and referrals to address

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Researchers who study delinquency have identified truancy as a key step in the school-to-prison pipeline.

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problems such as homelessness, eviction, special education needs, public assistance benefits and energy assistance. Similarly, the TCP social worker provides counseling to students, as well as resources and referrals to help families obtain food stamps, mental health services and substance use services, among others. The TCP team also regularly invites speakers to high schools to talk about pathways to college, finding employment, financial



A TCP student listens to Hon. David W. Young, now a retired Associate Judge of the Baltimore City Circuit Court, 8th Judicial Circuit.

literacy, and planning for the future.

Each year, approximately 75% of TCP participants graduate from the program. Students graduate when they demonstrate a 65% improvement in absences and/or tardies, or at the discretion of the TCP judge.

### *Changing the Trajectory*

Researchers who have studied the causes and correlates of delinquency have identified truancy as a key step in the school-to-prison pipeline. TCP effectively diverts youth from the juvenile justice system and reduces recidivism. For the past three years, TCP has tracked juvenile arrest data for approximately 439 students. Many of these students had multiple arrests prior to participating in the TCP. From these data, CFCC has observed the following:

- Forty-seven TCP students had some Department of Juvenile Services

involvement, totaling 108 arrests.

- Only three students out of 439 were arrested **while** participating in the TCP.
- Thirty-four students were arrested before participating in the TCP, with a total of 72 arrests. Only seven of the 34 students were re-arrested **after** participating in the TCP, and one was re-arrested **while** participating in the TCP.
- Less than 5% of the 439 students tracked were arrested or re-arrested **after** participating in the TCP.

Over the years, the TCP team began to see higher rates of trauma among the students, including gun violence, addiction, homelessness, bullying, and incarcerated parents. In 2016, the Baltimore City Board of School Commissioners and the Chief Executive Officer of Baltimore City Schools pledged to make Baltimore City Schools a restorative-practices

district as one response to trauma.

Restorative practices is an approach that promotes inclusiveness, relationship-building and problem-solving, through such restorative methods as circles for teaching and conflict resolution, and conferences that bring victims, offenders and their supporters together to address wrongdoing.

As a result, the TCP team began implementing restorative practices at all of the TCP schools. The TCP mentor teaches restorative-practices principles and facilitates weekly restorative circles with TCP students. The group discusses various ways to de-escalate conflict, and the circle exercises provide students important skills to address situations that arise at home or in the community.

Over the past 15 years, CFCC has refined TCP to respond to the complicated needs of Baltimore City's children and intends to keep showing up for these children. 📖