



The Supreme Court of Texas

CHIEF JUSTICE
NATHAN L. HECHT

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OSLER MCCARTHY

June 17, 2016

Stacey Smith
National Center for State Courts
300 Newport Avenue
Williamsburg, Virginia 23185-4147

Re: Nomination of Judge Darlene Byrne for William H. Rehnquist Award

How does one begin to describe a day in Judge Darlene Byrne's court? Judge Byrne would compare it to an emergency room where triage skills are honed. A typical docket for Judge Byrne contains emotionally-charged cases and imprudent legal decisions often set a course for a family in crisis that could end with a child's relationship with his or her parent being forever lost. Judge Byrne engages daily with families struggling with poverty, drug and alcohol addiction, mental health challenges, and family violence issues that frequently preclude the most basic needs of their children from being met. After 30 or more cases on a docket, her day is likely to end in exhaustion and heartache because of the numerous difficult choices she had to make. But Judge Byrne also routinely witnesses courage and dedication from impoverished parents, foster parents, extended family members, public servants, and children, who hold onto their hope of going back to a safe and loving home or finding a forever family.

Beginning in January 2001, Judge Byrne has served as Judge of the 126th District Court of Travis County, Texas. Since 2007, she has served as the presiding judge over all child welfare (Child Protective Services) cases in Travis County; in addition, she handles general civil law disputes, family law cases, and administrative appeals for the State of Texas. Serving as the epitome of judicial excellence, Judge Byrne demonstrates integrity, fairness, knowledge of the law, creativity, sound judgment, open-mindedness, intellectual courage, decisiveness, and compassion.

Through her excellent service, Judge Byrne has raised the bar for the State of Texas and judges across our nation. She has passionately dedicated years of service on the bench to improving the lives of abused and neglected children and at-risk youth in the juvenile justice system. Her professional demeanor encourages respect and inspires others to work hard and believe in the value of their work. Furthermore, Judge Byrne is a problem-solver who understands challenges and knows how to get things accomplished. Her leadership in rolling up her sleeves and working hard

in the pursuit of justice for children, families, and the community serves as an example to her colleagues. Some of Judge Byrne's major accomplishments are discussed below.

Judicial Leadership at the Local, State, and National Levels

Understanding the importance of judicial leadership, Judge Byrne has become a leader in areas of law related to child welfare and juvenile justice. She works tirelessly, dedicating time and attention to the CPS cases of nearly 1,500 children on her Travis County docket, while also serving in leadership roles that assist other judges in improving their court and child welfare systems at local, state, and national levels. Moreover, Judge Byrne's reputation for excellence has led to her election to numerous notable leadership roles, including her current role as President of the Board of Directors of the National Council of Juvenile and Family Court Judges (NCJFCJ), one of the oldest judicial membership organizations in the nation. She was also a founding member of the Supreme Court of Texas Permanent Judicial Commission for Children, Youth, and Families (Texas Children's Commission) in 2007, which I currently chair. After many years of service as a Commissioner and Vice-Chair, Judge Byrne now serves as a valued Senior Judicial Advisor to the Texas Children's Commission.

In her home jurisdiction of Travis County, Judge Byrne's leadership has transformed the manner in which child welfare cases are handled. Judge Byrne instituted local court performance measures and developed tools and resources to facilitate improved data collection and reporting. With the help of a talented technology team, Travis County built a robust database specifically designed for CPS cases and implemented an automated attorney appointment system under her leadership. Notably, this innovation enables parties to have immediate access to legal counsel and allows each appointed attorney electronic access to the entire case file. Electronic access to the file reduces the time attorneys spend at the courthouse reviewing and copying files, saving the county and taxpayers money. In addition to promoting effective use of technology, Judge Byrne has partnered with professionals and academics to study the cost effectiveness of certain court interventions, which are discussed below.

Locally, Judge Byrne spearheaded a national initiative known as One Judge/One Family, which is a docket management system for child welfare cases that helps ensure a single family will appear before the same judge who can then develop familiarity with the case and the family. She also helped establish the Travis County Offices of Parent Representation and Child Representation, two ground-breaking Texas public defender offices that provide consistent and highly-skilled legal representation to parents and children in child welfare cases. Moreover, she has increased awareness of trauma-informed care to Travis County professionals by facilitating trainings on trauma associated with child abuse and neglect. Judge Byrne was the first Texas judge to subject her own court to a trauma audit, and she subsequently built a relationship with a local therapy dog association to provide therapy dogs to assist individuals on her child welfare docket.

Community Collaboration

In September 2008, Judge Byrne founded a community collaboration known as the Travis County Model Court for Children and Families, serving as Lead Judge since its inception. This community collaboration routinely brings together local leaders from a variety of disciplines to

further its goal of improving the local court and child welfare systems and promoting successful outcomes for children and families in Travis County. On a monthly basis, Judge Byrne hosts executive team sessions in which key players in the child welfare system examine court data and discuss concerns. Three times annually, Judge Byrne hosts larger multi-disciplinary gatherings in the community, cultivating relationships that have been enormously successful in mobilizing stakeholders to tackle systemic child welfare problems. Judge Byrne also hosts a Brown Bag Education Forum every month, which provides attorneys with free continuing legal education credit. Additionally her court functions as a classroom, hosting court teams and non-profit entities so that others can learn from the initiatives utilized in her court. This systematic outreach has become business as usual in Travis County.

Some of Judge Byrne's outreach efforts include:

- Developing a case transfer protocol to ensure coordination of timely transfers between counties, which spurred the enactment of a state law requiring all Texas courts hearing child protection cases to utilize the protocol.
- Developing a system that significantly reduces the time needed to complete paternity testing in child welfare cases.
- Creating a Family Search and Engagement Initiative to explore ways to comply with the Fostering Connections to Success and Increasing Adoptions Act of 2008 and to exercise due diligence in identifying and providing notice to grandparents and other relatives of the child. This initiative resulted in the local CASA program adopting a protocol and hiring staff to undertake the family engagement efforts. Judge Byrne's vision led to CASA of Travis County receiving a national award for its family finding efforts.
- Initiating a project to improve the educational services provided to foster youth by appointing for each child receiving special education services a CASA volunteer trained to act as a surrogate parent under the Texas Family and Education Codes.
- Initiating an awareness campaign about the issue of sex trafficking of foster youth and developing a comprehensive protocol for handling cases involving youth who have run away from foster care or are missing.
- Producing a cost-benefit analysis in partnership with The University of Texas and the Austin Child and Family Research Partnership on the use of mediation in child welfare cases in Travis County. The analysis found robust use of mediation provides families with the opportunity to develop their own safe permanency plan for their child, while at the same time saving Travis County taxpayers \$1,500,000 annually. This report has been widely distributed in the State of Texas.

Judicial Innovation

Judge Byrne aptly refers to her court as both a laboratory and a classroom because she routinely incorporates innovative tools and practices into her courtroom. Judicial colleagues from across the state and nation visit her courtroom to discuss her successes and challenges, which she uses as an opportunity to learn from her colleagues as well.

Judge Byrne's leadership has helped bring numerous innovative court improvement projects to Travis County, including:

- The Travis County Family Drug Treatment Court, providing intensive oversight to assist

drug-affected parents in the child welfare system so that they can maintain sobriety and become healthy, self-sustaining parents.

- A specialty Cross-Over Court, which provides additional judicial oversight to youth who are involved in both the child welfare and juvenile justice systems, avoiding duplication of services and competing court orders and reducing the amount of time families spend in court.
- An Early Attorney Appointment Pilot Project, which furnishes legal representation to indigent parents when any petition or motion affecting parental rights is filed. After examining positive data related to the pilot project, Judge Byrne expanded the project to all cases on her child welfare docket. The project resulted in more children being placed with relatives, rather than foster care placements, as well as children being reunited with their families more quickly. The Texas Legislature subsequently enacted legislation directing that this practice be considered by all Texas judges responsible for ensuring due process in child protection cases.

Issue Advocacy

Judge Byrne often speaks, writes, teaches, and participates in extra-judicial activities, such as making recommendations to public and private fund-granting agencies on projects and programs concerning the legal system and the administration of justice. Mindful of her ethical responsibilities under the Texas Code of Judicial Conduct, Judge Byrne believes that part of her role as a judicial leader is to inform and engage legislators and members of the public about the inner-workings of the child welfare and juvenile justice systems. She has brought the importance of various juvenile justice and family law topics to the public through numerous blogs and op-eds, interviews, and commentaries. The topics she has discussed include: 1) domestic child sex trafficking; 2) indiscriminate shackling of children; 3) juvenile age of jurisdiction; 4) trauma-informed practices in the courtroom; 5) adolescent brain science; 6) foster care and adoption; 7) child protective services; 8) school-to-prison pipeline; and 9) the strengthening of the Juvenile Justice and Delinquency Prevention Act (JJDP). Judge Byrne has been published and featured in *The New York Times*, *USA Today*, *The Baltimore Sun*, *Huffington Post*, *The Daily Beast*, *The Guardian*, *KXAN*, *KVUE*, and *The Austin-American Statesman*, just to name a few.

Judge Byrne is particularly proud to serve as one of the national voices advocating against the indiscriminate shackling of juveniles. As president of the NCJFCJ, Judge Byrne was at the forefront of the organization's adoption of a resolution opposing indiscriminate shackling of children. The resolution was published on more than 200 websites, including *Yahoo!*, *The Boston Globe*, *The Courier-Journal*, and *Christian Science Monitor*, reaching a national and international audience of more than 72 million. Judge Byrne worked with the Texas Legislature to testify against indiscriminate shackling, spoke at national conferences, and presented op-eds to newspapers in several states on the topic. These efforts have brought recognition of this important issue to several states, including Missouri and Ohio.

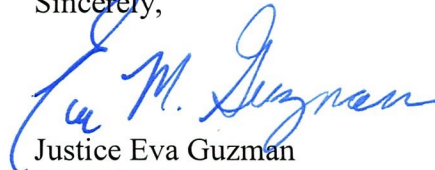
Awards and Accolades

Judge Byrne's excellence has not gone unnoticed. She was the recipient of the 2015 National CASA Judge of the Year Award and the 2011 Judge of the Year by CASA of Travis County. She

also received statewide recognition as the 2008 Texas CASA Lone Star Proud Judge of the Year. Furthermore, the University of Houston Law Center honored her as one of its most distinguished alumni. The Travis County Women's Lawyer Association has recognized Judge Byrne's many accomplishments over the years by awarding her the Pathfinder Award in 2013, the Outstanding Achievement Award in 2009, and the Government Service Award in 2005. In addition, the Austin Child Guidance Center presented Judge Byrne the 2013 Austin Icon for Children Award, and she received the 2009 YWCA of Greater Austin's Woman of the Year Award in the area of racial justice. Just this year, the Seedling Foundation selected her as one of its "5 Heroes for Children" in the Austin area, and the Texas Appleseed's Visionary Society recognized her as a Pathfinder.

Judge Byrne has dedicated her career to safeguarding the health and safety of our nation's children and families, and she is one of the brightest stars among our nation's judiciary. I hope you will give Judge Darlene Byrne every positive consideration for the William H. Rehnquist Award for Judicial Excellence. She is an outstanding jurist and leader. It is my belief you will find no one more deserving of this honor. Thank you for your consideration of this nomination.

Sincerely,



Justice Eva Guzman
Supreme Court of Texas

United States Senate

WASHINGTON, DC 20510-4305

June 17, 2016

Ms. Stacy Smith
National Center for State Courts
300 Newport Ave.
Williamsburg, VA 23185-4147

Re: Nomination of Judge Darlene Byrne for William H. Rehnquist Award

Dear Ms. Smith,

I am writing in support of the candidacy of the Honorable Darlene Byrne for the 2016 William H. Rehnquist Award for Judicial Excellence not only in my capacity as a United States Senator representing the state of Texas, but as a professional colleague. Judge Byrne's character and stature will bring the highest recognition to this prestigious award.

Judge Byrne currently serves as President of the National Council of Juvenile and Family Court Judges (NCJFCJ) and is the Senior Judicial Advisor for the Supreme Court of Texas Permanent Judicial Commission for Children, Youth, and Families (Children's Commission). As the Senior Judicial Advisor for the Children's Commission, Judge Byrne is part of a collaborative team working to improve the child welfare system in Texas. She advises on how best to approach the challenges facing the children and families involved in the system. This requires judicial leadership, reform of judicial practices, and informing policy affecting child welfare.

What distinguishes Judge Byrne within the NCJFCJ is not only that she serves as president leading the organization, but in addition, she serves as faculty for their national programs on domestic child sex trafficking, school-to-prison pipeline, trauma-informed courts, and effectiveness of courts in cases involving military families. Judge Byrne has also trained for the American Bar Association, a multitude of Texas judicial education programs, the University of Houston Law Center, Child Protective Services, her local Court Appointed Special Advocates (CASA) program, National CASA, the University of Texas Law School, Georgetown University, the Juvenile Justice Association of Texas, Casey Family Programs, and for many other organizations. Additionally, she conducts her own monthly brown bag series which ensures her local attorneys receive relevant, current, and free continuing legal education in the child welfare and juvenile justice arenas.

Most recently Judge Byrne was the recipient of the National CASA Judge of the Year Award. She was also honored by her alma mater, the University of Houston Law Center, as one of their most distinguished alumni. She has received many other prestigious awards, including, but not

limited to, the 2009 YWCA of Greater Austin's Woman of the Year Award in the area of racial justice. Judge Byrne's awards are numerous and expand across a great part of her judicial career.

Judge Byrne has been interviewed and published in *The New York Times*, *USA Today*, *The Baltimore Sun*, *Huffington Post*, *The Daily Beast*, *The Guardian*, *KXAN News*, *KVUE*, and *The Austin-American Statesman*. She is seen as a national expert on child welfare, juvenile justice, domestic violence, commercial sex trafficking of minors, trauma-informed courts, family treatment drug courts, dually involved youth courts, the school-to-prison pipeline, and most recently, the negative impact of indiscriminate shackling of youth in juvenile justice court.

My office has consulted with Judge Byrne on a number of issues to help with my policy agenda as it relates to juvenile and family law issues. It is my understanding that she is frequently asked to speak and offer her judicial perspective to local and federal policymakers on a variety of issues affecting children, families, and victims of domestic violence.

With her strong judicial leadership, expertise, and compassion for vulnerable children and at-risk youth, I can confidently say Texas and the nation are better off because of her work on and off the bench on these critical issues.

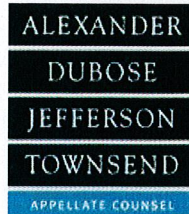
Beyond the awards and recognition for her judicial leadership, Judge Byrne is a compassionate and generous woman who has personally made it her mission to be of service to others, most importantly at-risk children and families. Her approach is empowering, whether it is for a child who relies on her to decide the safest place for them to sleep at night, or as a colleague who encourages others in their work. She knows the work she does is daunting and sometimes dark, however, she also knows change comes one life positively touched at a time. She recognizes that her court should be one of healing and that if this vulnerable population can be healed our whole nation is improved.

These are qualities that distinguish her as a dedicated judicial officer and a top candidate to receive the William H. Rehnquist Award for Judicial Excellence, and I am pleased to recommend her. If you have any questions or concerns, please contact Jessica Carter on my staff. She can be reached at Jessica_Carter@judiciary-rep.senate.gov.

Sincerely,



JOHN CORNYN
United States Senator



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June 14, 2016

Ms. Stacey A. Smith
National Center for State Courts
300 Newport Avenue
Williamsburg, VA 23185-4147

Re: The Honorable Darlene Byrne

Dear Ms. Smith:

It is my privilege to support the nomination of the Honorable Darlene Byrne for the 2016 William H. Rehnquist Award for Judicial Excellence. We are very fortunate in the State of Texas and Travis County to have a judge of Darlene Byrne's caliber on the bench. I believe she would be a most worthy recipient of this prestigious national award.

During the time I served as Chief Justice of the Supreme Court of Texas, Judge Byrne served as a founding member and vice-chair of the Supreme Court of Texas Permanent Judicial Commission for Children, Youth, and Families (Children's Commission). The Supreme Court established the Children's Commission in 2007 with the overall goal of improving the child welfare system by increasing public awareness of challenges facing children and families involved in the child welfare system and bringing attention to this important issue through judicial leadership. The Children's Commission is a leading collaborative partner in most every aspect of child welfare reform in Texas and Judge Byrne has been a prominent figure in that work.

Judge Byrne's passion for serving the most vulnerable members of our community is a testament to the kind of person she is. No child enters or leaves foster care without a court order, and Judge Byrne spends much time on the bench making decisions about where the child will live, with whom, and for how long. She must decide whether a child goes home or to a relative, visits a sibling, or becomes legally free for adoption, and she does this with a deep understanding and appreciation for the struggles facing each family.

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Ms. Stacey A. Smith

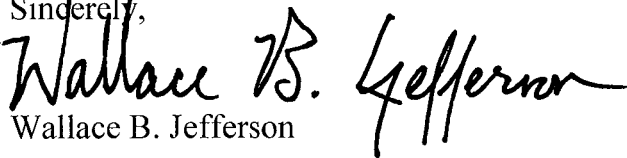
June 14, 2016

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Child welfare law is taxing and emotionally draining, undesired by many judges and lawyers, and yet Judge Byrne has embraced it and has excelled in elevating and improving this important area of the law. She is not content to sit back and accept substandard performance by those who appear in her courtroom, including those charged with protecting and serving children on behalf of the state. Instead, she consistently challenges everyone to do their best and has inspired others to see the need for change and to participate in finding solutions and implementing improvements to the court and child welfare systems.

Judge Byrne has earned a reputation in Texas as an outstanding jurist and a committed leader. She is committed to justice, fairness, equality, and empowerment of individuals. She truly is a leader among leaders and a stand-out among the judges of our nation. She would be a most deserving selection for the William H. Rehnquist Award for Judicial Excellence.

Sincerely,


Wallace B. Jefferson

DARLENE BYRNE

126th District Court

P. O. Box 1748 ♦ Austin, TX 78767 ♦ (512) 854-9313 ♦ Fax (512) 854-9780

darlene.byrne@traviscountytx.gov

♦ EMPLOYMENT ♦

126th Judicial District Court, Travis County, Texas – District Judge – 2001-Present

Elected for four terms of four years and is unopposed in 2016. General jurisdiction trial court. Preside over all Child Dependency Court (Child Protective Services) cases, Juvenile Justice, general family law, civil law disputes, and administrative appeals.

Fritz, Byrne & Head, L.L.P. – Of Counsel, 2000

Employment litigation and counseling, commercial litigation, governmental entity representation.

Brown Carls & Mitchell, L.L.P – Partner and Of Counsel, 1996-2000

Employment litigation and counseling, commercial litigation, governmental entity representation.

Travis County, Texas - Assistant County Attorney, 1992-1996

Employment litigation, civil rights cases and eminent domain cases to acquire right-of-way, including pre-litigation acquisition and negotiation, administrative hearings and trials.

Brown McCarroll & Oaks Hartline, Austin, TX - Attorney, 1991

Handled cases for the FDIC and RTC in trial and appellate courts.

Page & Addison, P.C., Austin, TX - Associate Attorney, 1991

Handled commercial litigation for FDIC and RTC.

Hudgins Hudgins & Warrick, Houston, TX - Associate Attorney, 1989-1991

Handled insurance defense docket involving mainly products liability and DTPA claims which included cases involving 1,000 or more plaintiffs.

Hutcheson & Grundy, Houston, Texas - Associate Attorney and Law Clerk, 1986-1989

Handled commercial litigation primarily for the FSLIC and bankruptcy cases.

♦ EDUCATION ♦

University of Houston Law Center - Doctor of Jurisprudence, 1987

Magna Cum Laude, Order of the Coif and Law Review

Jacksonville State University – Jacksonville, Alabama – Bachelor of Arts , 1981

Graduated with Special Honors and Distinction

◇ NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES ◇

President – (2015 to present)
Board of Director/Trustee Member – (2008 to present)
Member – (2004 to present)
Numerous Committee Chair Positions and/or Membership positions including:
Audit Committee, Permanency Planning Department Advisory Committee Member,
Development Committee, Membership Committee, Legislative Committee, Governance
Committee, Diversity Committee, Curriculum Committee, Finance Committee, Juvenile and
Family Law Department Advisory Committee, National Center for Juvenile Justice Advisory
Committee – (2004 to present)
NCJFCJ Fund, Inc. Board member
NCJFCJ Foundation Board member
Journal Editorial Staff – (2011 to 2015)
Days on the Hill NCJFCJ Representative – (numerous years since 2012)
Executive Director Search and Interview Committee – (2011 and 2016)
Lead Judge and Founder, Child Victims Act Dependency Model Court – (2008 to present)
NCJFCJ Founders' Club member – (2008 to present)
Speaker – Numerous NCJFCJ Conferences
Model Court Cross Site Host and Attendee – Numerous Events – (2007 to present)

◇ OTHER ORGANIZATIONS ◇

Supreme Court of Texas Permanent Judicial Commission for Children, Youth and Families – Vice Chair
– (2008 to 2015), Senior Judicial Advisor – (2015 to present)
Advisor - National CASA Board of Trustees – (2015 to present)
Travis County Juvenile Justice Board Member – (2001 to present), Chair – (2009 – 2014)
Supervising Judge, Co-Founder, Advisory Board member - Travis County Family Drug Treatment
Court – (2006 to present)
Oversight Committee of the Travis County Office of Parent Representation and Office of Child
Representation – Presiding Officer – (2009 to 2014)
Travis County Collaboration for Children Advisory Board – (2013 to present)
Interstate Commission on Juvenile Human Trafficking Committee (2015 to present)
Children's Mental Health Leadership Team (2014 to present)
Project SAFE expert panel member (2014 to present)
Mayor's Better Austin Foundation (2015 to present)
Fellow of the Texas Bar Foundation
Austin Bar Foundation Founding Life Fellow
Co-Chair - Austin Bar Association (ABA) Law Day Luncheon – (2008 – 2009)
Co-chair - ABA Vanishing Jury Trial Committee – (2004 – 2006)
Co-chair - Austin Do The Write Thing Challenge – (2008 to 2011)
Judicial Chair - ABA Foundation Gala - 2005
Texas Administrative and Public Law Council member – (2002-2005), past Secretary and past Treasurer
Travis County Labor and Employment Law Section Program Committee chair – (1998 – 1999)
Girls Empowerment Network Board Member – (2007-2010)
Austin Rape Crisis Center volunteer and Past Board Member/Treasurer – (1993 – 1995)
Leadership Austin graduate - 1997
Ballet Austin BARRE past chairman Boy Scouts of America Cub Scout Den Leader – (2000 – 2006)

◇ AWARDS ◇

2015 Recipient of the National CASA Judge of the Year Award
2008 Recipient of the Texas CASA Lone Star Proud Judge of the Year Award
2011 Judge of the Year Award, CASA of Travis County, TX
2016 Seedling Foundation Hero for Children Award
2016 Texas Appleseed Visionary Society Pathfinder Award
2016 University of Houston Law Center Alumnae Recognition
2015 Any Baby Can Austin Advocate Award
2013 Travis County Women's Lawyers Association (TCWLA) Pathfinder Award
2009 TCWLA Outstanding Achievement Award
2005 TCWLA Government Service Award
2013 Austin Child Guidance Center's Icon for Children Award
2009 YWCA of Greater Austin's Woman of the Year Award in the area of Racial Justice

◇ PUBLICATIONS AND MEDIA HIGHLIGHTS ◇

- Public Can Help with Devastating Issue of Child Sex Trafficking (Las Vegas Informer, January 21, 2015)
- Unique Dallas County juvenile court teaches minority boys to be men (by Jennifer Emily and Diane Jennings, March 20, 2015, Dallas Morning News – Audience 9MM)
- Judges Weigh in Against Shackling of Youth in Courtrooms (by Sarah Barr, Juvenile Justice Information Exchange, August 11, 2015 – Audience 30,000)
- Re: Shackling harms rehab of juveniles (Letter to the Editor by Darlene Byrne, Austin American Statesman, August 17, 2015 – Audience 543,000)
- Law to shelter child sex trafficking victims could strain resources (by Robert Maxwell, KXAN, August 30, 2015)
- Therapy Dog Goes to Family Court (Interview of Judge Darlene Byrne by Jenni Lee, KVUE, October 5, 2015, reposted by USA Today Online – Audience 23MM)
- Re: Shackling Pregnant Women (Letter to the Editor by Darlene Byrne, October 5, 2015, The New York Times – Audience 65MM)
- CPS must not be only safety net (Letter to the Editor by Darlene Byrne, December 23, 2015, Dallas Morning News – Audience 700,000)
- Juveniles do not deserve indiscriminate shackling (by Darlene Byrne, December 27, 2015, The Vindicator – Audience 3.5MM)
- Children should not be shackled (Op-Ed by Darlene Byrne, January 6, 2016, Cleveland.com)
- Texas' foster care system needs help, not condemnation (by Darlene Byrne, January 6, 2016, Texas Tribune)
- Court decision shows Texas needs stronger safety net for foster children (by Darlene Byrne, January 8, 2016, Star Telegram)
- Unchain the children for a more effective juvenile court (by Darlene Byrne, January 26, 2016, St. Louis Post-Dispatch)
- Shackling children is not justice (by Darlene Byrne, January 27, 2016, Delaware Online)
- Juveniles should not be shackled (by Darlene Byrne, March 15, 2016, Baltimore Sun – Audience 3.4MM)

- Jailing Vulnerable Youth for Status Offenses Helps No One (by Yasmin Vafa, April 13, 2016, Huffington Post – Audience 86MM)
- Senator Tom Cotton Wants to Keep Kids in Jail (By Eleanor Clift, June 6, 2016, The Daily Beast – Audience 20MM)

Updated June 13, 2016

Portfolio of Articles by and News Clippings featuring Judge Darlene Byrne

Children should not be shackled -- Ohio Supreme Court right to re-examine rules: Darlene Byrne (Opinion)



The Ohio Supreme Court is considering a rule to limit the shackling of juveniles in Ohio. (Marvin Fong, *The Plain Dealer*, File, 2005)



By [Guest Columnist/cleveland.com](http://www.cleveland.com)

on January 06, 2016 at 3:18 PM, updated January 06, 2016 at 4:12 PM

In most states, a 13-year-old picked up for swiping a candy bar can enter a courtroom bound in handcuffs, belly chains and leg irons. Thankfully, this is changing. The Supreme Court of Ohio is **considering a rule** that would end the practice of automatically shackling children in juvenile court. This is sound reform endorsed by legal, health care and child welfare experts.

The National Council of Juvenile and Family Court Judges has joined national organizations, such as the Child Welfare League of America and the American Bar Association, **in calling for limits** – though not bans – on juvenile shackling. Since 2014, 10 states and the District of Columbia have ended the automatic use of restraints in juvenile court.

The Ohio court is absolutely right to tackle this issue. I say this based on the law and first-hand experience.

U.S. Supreme Court rulings protect adults against shackling, unless there are exceptional circumstances in which safety cannot be maintained any other way.

In Austin, our juvenile court judges decided to adopt the same shackling standard in our juvenile courtrooms. More than 3,000 young people come through our juvenile courtrooms every year. There have been no escapes or violent incidents as a result. The shift has not required extra security personnel. It does not make my job as a judge more difficult. On the contrary, it makes it far more likely that I will be effective.

I have deemed only two children dangerous enough to require restraints. As for a young lady recently shackled in my court, I am confident that we can get her to a healthier place soon, where shackles are no longer necessary. I ordered shackles for the girl because she had been violent with detention workers. But I know that her behavior is directly related to the weight of trauma and unaddressed mental health issues she's coped with in her young life and that good care can help her find better ways to cope with her trauma.

Helping young people to be safe and successful is, after all, the reason a juvenile court judge comes to work in the morning.

The mission of the juvenile court is rehabilitative. The fundamental reason that we have separate juvenile and adult systems is that we recognize how kids are different. They have far greater capacity to grow and reform than adults do. It is in the best interest of the child and of society to maximize that capacity and prevent future offending.

Studies show that when they perceive that the court is treating them fairly, adolescents are more cooperative and gain respect for the law. I meet kids on what may already be the worst day of their lives. Putting them in chains only increases that stress. It makes it difficult for them to concentrate, to confer with their attorneys and to communicate with me. Without the shackles, young people are noticeably better listeners and much more engaged in the process.

The court promotes rehabilitation when it addresses the root causes of behavior. Trauma and mental illness often play a role in delinquency. Up to 90 percent of youth in the juvenile justice system have been exposed to a traumatic event, according to a **2013 national study**, and 70 percent meet the criteria for at least one mental health disorder. About 30 percent meet criteria for post-traumatic stress disorder.

If we want to help children succeed, we cannot ignore the trauma that comes into the courtroom with them. Trauma is characterized by fear and a loss of control. That is also a rather good description of what happens in shackling.

Shackling is a profoundly humiliating experience. I want the young people in my courtroom to understand what they did was bad, which is a step toward improvement and insight. I do not want them to feel bad about *themselves*, which is likely to cause more bad behavior. One of the primary developmental tasks of adolescence is identity development. They are quite literally deciding who they are. Youth frequently report that being shackled made them feel like a criminal, which may be a self-fulfilling prophecy.

Many colleagues across the country who have chosen to limit juvenile shackling find, as I did, that the docket can proceed safely with no additional staff. There is no practical reason to shackle children indiscriminately. But there is every reason to stop it. I applaud my colleagues in Ohio for their work.

Darlene Byrne is a judge in the 126th Judicial District Court in Travis County, Texas, and president of the National Council of Juvenile and Family Court Judges.

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Tuesday, June 14th, 2016

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Juveniles do not deserve indiscriminate shackling

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Published: Sun, December 27, 2015 @ 12:00 a.m.

Juveniles do not deserve indiscriminate shackling

The Supreme Court of Ohio should be commended for addressing the issue of juvenile shackling. As Chief Justice Maureen O'Connor points out, the juvenile court's mission is to rehabilitate.

When the National Council of Juvenile and Family Court Judges passed its resolution against indiscriminate shackling in juvenile courtrooms, we were guided in part by mental-health experts who found that shackling was such a profoundly negative experience that it disrupted healthy adolescent development and thus worked against rehabilitation. This is particularly true for young people who have experienced trauma, as so many in our courtrooms have.

Across the country, states are ending the automatic shackling of youth. Juvenile courts continue to do their business safely and efficiently. Ohio is joining a national reform movement that I know from experience reaps immediate benefits.

I order shackles only in the extremely rare cases when there is evidence that a child presents a flight or safety risk that could not be managed by less extreme means. Free of restraints, kids are more communicative and easier to engage. This gives me a much better chance of making a difference in their lives – and that, after all, is what the court is designed to do.

Darlene Byrne, Travis County, Texas

Byrne is a judge of the 126th Judicial District Court in Texas and is president of the National Council of Juvenile and Family Court Judges.

Don't let litter box woes ruin the life of your cat

All too often, cats are being surrendered to shelters due to litter box problems.

Worse yet, they are sometimes punished or thrown out to fend for themselves. Most always, the problem is with the litter box not being cleaned.

Imagine if every time you had to use the restroom, there was a bed of feces and urine that you had to walk across.

How long before you looked for somewhere else to relieve yourself?

There are scoopable litters that cost a little bit more, but they are well worth the additional cost.

The car's litter box should be scooped at least once a day. It should be emptied, washed and dried at least once a month or so.

Do these things, and I'm sure your litter box problems will be resolved.

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Letters to the Editor

CPS must not be only safety net



Letters to the Editor

Published: December 23, 2015 4:55 pm

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(2014 photo by Michael Alnsorth/The Dallas Morning News)

Re: "Foster care revamp ordered — Judge says rape, abuse, instability 'the norm' in long-term system," Dec. 18 news story.

As a judge who manages all the child welfare cases in Travis County, I was saddened but understanding of the recent federal court decision regarding the Department of Family and Protective Services. This safety net of last resort for children who have been abused or neglected is certainly stretched thin and tattered. Almost every day in my court, I see courageous and giving caseworkers and supervisors who do not get paid enough to give the 150 percent effort I see them give regularly for children and their families.

This system could use improvement, no doubt. A broad brush indictment of the system is too simplistic. In order for CPS to work, there has to be other community safety nets that are strong and reliable, like accessible mental health services for children and their parents, quality drug treatment, strong

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We welcome and read all letters from readers, and we salute those people willing to sign their names to their opinions. The letters chosen for publication are a representative sampling of the opinions shared with us. We include all published letters on this blog and encourage readers to engage in a civil debate: Attack ideas, if you like, but not one another.

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schools that provide the supports children and families need, affordable housing, a robust and diverse transportation system and nutritious food.

Without strength and adequate supply of these other services in all of Texas, CPS' safety net of last resort will continue to be stretched too thin and regrettably sometimes break.

Judge Darlene Byrne, Austin, @NCJFCJ

NCJFCJ president and 126th Judicial District Court in Travis County

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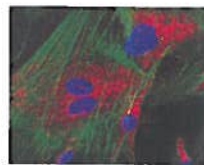
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The Opinion Pages | LETTER

Shackling Pregnant Women

OCT. 5, 2015

To the Editor:

Re “Handcuffed While Pregnant” (editorial, Sept. 23):

Most states place no restriction on the shackling of women giving birth. Similarly, most states allow children to be shackled in court, without any finding that the youth presents a flight or safety risk.

There are states where children as young as 7 may be prosecuted, and states that have no age floor at all. The majority of young people are charged with minor offenses.

Adults, even those charged with the most serious crimes, cannot be shackled in court unless a judge determines that there is a particular risk that warrants restraints.

Your editorial notes the “sheer cruelty and pointless degradation” of shackling women in labor. In that way, maternal shackling and juvenile shackling are sadly similar.

Our justice system is charged with holding lawbreakers accountable. It is not charged with robbing them of basic human rights and dignity. Indeed, such treatment undermines rehabilitative efforts and thus harms us all.

DARLENE BYRNE

President, National Council of Juvenile and Family Court Judges

Austin, Tex.

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IN-DEPTH.
INVESTIGATIVE.

Law to shelter child sex trafficking victims could strain resources

kxan INVESTIGATES



By **Robert Maxwell** (<http://kxan.com/author/robert-maxwell/>)

Published: August 30, 2015, 5:45 pm | Updated: August 30, 2015, 11:00 pm

Story Features

AUSTIN (KXAN) – A new Texas law aimed at better protecting child survivors of human sex trafficking could strain the network of existing shelter facilities designed to help other young victims of abuse and neglect, advocates for child protection tell KXAN.

"[The new law] taxes [that network] even more easily. We'll have to look at it as a resource community, what else is necessary because the resources for children and families are already extensively needed," says Amanda Van Hoozer, Director of Program Services for the non-profit Center for Child Protection (<http://centerforchildprotection.org/>).

H.B. 418 goes into effect Sept. 1 and allows police, probation officers or child protective workers to act quickly—without a court order—to rush a rescued sex trafficking survivor into 'a safe refuge' ideally a secure foster home. That's for the first 24 hours or until a child can go before a juvenile or welfare court judge who in turn, can order the child removed from his or her legal guardian if necessary and into a longer-term treatment facility.



(<https://lintvkxan.files.wordpress.com/2016/01/hoozer.jpg>)

Center for Child Protection's Amanda Van Hoozer

The problem is, few if any truly secure foster homes exist in Texas today where the adult to child ratio is high and staff is trained to handle the specific needs of say, a 14-year-old runaway who has severe emotional and sexual trauma, is addicted to various drugs and trusts no one. No one case is the same, experts say.

"You're dealing with kiddos who are figuring out their normal teenaged stuff on top of being a victim of a really difficult crime. Sometimes safety means something that's more restrictive than our 'normal' (foster) house," Van Hoozer adds these kids can act violent and be malnourished. "So yes, those homes are harder to find."

Add to that, that teenager might think her sex trafficker is her best option for providing her with clothes and food and tells her she's beautiful. Running back to him is a stark reality police and other child welfare experts say they encounter with this special set of victimized teenagers.

One Travis County juvenile court judge is concerned if the foster home the child is first brought to is not secure, and the trafficker is waiting outside, the child may never even end up in her courtroom.

"It happens that fast. They find these kids that rapidly and it's because they're worth a lot of money," says the Hon. Darlene Byrne who sits on the 126th District Civil Court in Travis County and oversees child removal cases.



(<https://intv.kxan.files.wordpress.com/2015/08/judge-darlene-byrne.jpg>)

Hon. Darlene Byrne, 126th District Court, Travis County, TX

Byrne was recently elected President of the National Council on Juvenile and Family Court Judges. In February 2013, its Board of Trustees resolved to promote the development of "non-detention triage facilities and specialized placement options to address the unique trauma suffered by victims of human trafficking."

"Child safety is the most important thing," Judge Byrne tells KXAN. "The question: Is that child being further traumatized by being treated as a criminal?"

"Do I want to lock them up? No I don't. But this state is behind the eight-ball. We've got to get them the services that meet their needs. Until we build the services that meet their needs we can count on, the traffickers are already ahead of us. And they're looking for their payday," Judge Byrne says noting it will be months before anything changes substantively.

The new law gives State Health Services staff until May 2016 to come up with guidelines for licensing such secure homes. No funding is included with the new law. The Health and Human Services Commission (HHSC) expects "there may be additional costs" to one related program - the Unaccompanied Refugee Minors (URM) Program. It provides services to foreign-born child victims of trafficking, but it's anticipated any additional costs would be covered by federal funds, according to the law's Fiscal Impact Statement.

"Department of Family and Protective Services (DFPS)-licensed URM facilities do not currently meet the level of security required in the bill and do not provide services tailored specifically to the needs of victims of trafficking," the statement reads.

In the meantime, Judge Byrne says Travis County leaders are talking about how to make room in a separate area of the Gardner Betts Juvenile Center on South Congress Avenue to house sex trafficking survivors, even for a few days.

CPS' Role?

It's not clear at this point what role the State's Child Protective Services (a branch of DFPS) will play in overseeing enhanced foster homes tailored to trafficking victims.

"Since this law is new, we at CPS don't know the impact," explained Julie Moody, a CPS spokesperson in an email. "Keep in mind even with the new law in place we don't expect a lot more trafficking cases (with CPS involvement), but don't have an estimate."

And CPS has its hands full. Last year in Central Texas alone, CPS confirmed 7,509 total victims of abuse and neglect. Statewide, 640 kids were placed in emergency shelters intended for stays of less than 30 days, records show.

Adding to the challenge, Texas CPS is in the midst of a recovery plan after years of high staff turn-over which caused caseworker loads to increase. In some cases, abused children slipped through the cracks (<http://kxan.com/2015/03/04/cps-worker-firings-substantiated-after-colton-turner-death-state/>). As part of its transformation (https://www.dfps.state.tx.us/child_protection/About_Child_Protective_Services/transformation/default.asp), CPS recently standardized rules to allow caseworkers the latitude remove a child within 24 hours from a home where there's suspected neglect or abuse. It's unclear if that will increase the number of new removal cases this coming year.

Records show last year, CPS removed 1,235 children in Central Texas and 17,378 statewide from their guardians. Locally, that averages 23.7 kids every week or 94.8 each month in 2014.

Longer-term solutions are rising

In the next few months, at least two new non-profit 'longer-term' therapeutic places will open for sex trafficking survivors -- with names like Freedom Ranch and The Refuge. Freedom Ranch (<https://lintvkxan.files.wordpress.com/2015/08/key2-free-safe-housing-proposal.jpg>) is described as transitional housing (small, rural cottages) for survivors older than 18 who have completed a safe house program. The Ranch is meant to assist with education, job placement, and life skills, according to a release from the Austin-area based non-profit group TheKey2Free (<https://thekey2free.org/>) that developed it as one of only seven facilities like it in the country.

"We want this to be another step in the healing process for these girls to transition back into society successfully as healthy young ladies," said Amy Davis, CEO of The Key2Free in a news release.



(<https://lntvkxan.files.wordpress.com/2015/08/key2-free-safe-housing-proposal.jpg>)

Freedom Ranch Concept drawing - (TheKey2Free TX)

The Refuge Ranch (<http://therefugeaustin.org/the-refuge-ranch/>) will also provide long-term, holistic care in a pastoral and peaceful setting but for younger girls ages 11-17, who have been rescued out of sex trafficking. Each girl in care will have her own plan of restoration, unique to her age, situation and needs, according to the group's website.

Right now, NCJFCJ records show the number of young people at risk of becoming entangled in sex trafficking are mainly estimates - between 100,000 and 300,000. In the future, the Texas Department of Family and Protective Services will begin reporting data in response to the federal Preventing Sex Trafficking and Strengthening Families Act P.L. 113-183 (see sections 102-104). This requires states to report the number of children identified as sex trafficking victims and the number of children and youth in foster care who were trafficking victims prior to coming into care. The federal regulations are not yet in place.

How do you know if your child is being sex trafficked?

Recognizing the victims: help for parents and teachers

The state Attorney General's Office released training manuals for law enforcers as well as and educators and foster parents (<https://www.texasattorneygeneral.gov/oagnews/release.php?id=4780>) to recognize the signs a young person is being sex trafficked:

Academic

- Academically unengaged
- Performs noticeably under grade level
- Exhibits sudden changes in academic performance

Behavioral

- Avoids eye contact
- Inconsistencies in story
- Gaps in memory
- Paranoid
- Unexplained or regular absences from school
- Resists being touched

Physical

- Branded / tattoos, scars, or bruises they cannot explain or are hesitant to explain
- Appears malnourished or dehydrated
- Burns
- Shows signs of drug or alcohol addiction or abuse
- Has a sexually transmitted infection or disease
- Pregnancy – especially if they hesitate to mention who the father is
- Shows signs of physical abuse
- Sudden change of attire or material possessions (i.e. has clothing or items they cannot likely afford)
- Appears to lack basic medical attention

Social

- Has a “boyfriend” or “girlfriend” significantly older than them
- Lives in unstable or abusive home environments
- History of running away or homelessness
- Inability to look people in the eyes when speaking with them
- Has overtly sexual online profile
- Possesses sexual knowledge beyond what is normal for their age group
- Tells inconsistent stories or provides scripted answers
- Hesitant to change clothes in front of others
- Uses terms relating to prostitution such as “daddy,” “John,” “trick,” or “the life”
- Teased by other students for being sexually active or being associated with commercial sex
- Has expressed need to pay off debt

- Sudden changes in interests or friend groups
- Changes in the way the child treats others

Other key identifiers

- Gang affiliation
- Has a history of living in many locations
- Does not have control over their schedule
- Possesses large amounts of cash
- Possesses hotel keys
- Possesses fake identification or no identificatio

KXAN.com (<http://kxan.com/>)

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85° Tuesday, June 14, 2016

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Unique Dallas County juvenile court teaches minority boys to be men

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Kids or Criminals? Diversion Male Court



By **JENNIFER EMILY** and **DIANE JENNINGS**

Staff Writers

Published: 20 March 2015 08:31 AM

Updated: 22 March 2015 04:07 PM

One in an occasional series

Judge George Ashford walks into his one-of-a-kind Dallas County specialty court for minority boys in trouble each Monday night to teach, preach and live by example.

Ashford, a lanky black lawyer appointed judge of the Diversion Male Court, wears a suit and tie instead of a robe as he talks to black and Hispanic boys accused of everything from aggravated assault to burglary.

For the boys in DMC, Ashford is their last chance to avoid a juvenile record. DMC, staffed by men of color, was created in response to the national problem of overrepresentation of minorities in the juvenile justice system. There is no similar program in Texas, and there are only a handful like it in the country.

More than simply telling the boys to stay out of trouble, Ashford and a team of probation officers, truancy officers and therapists spend six months imparting life lessons about accountability, respect, responsibility and empathy. The instruction provides the boys a glimpse of the world beyond their neighborhoods.

"These men are teaching them how to be men," said Dr. Terry Smith, executive director of the Dallas County Juvenile Department, who started the program.

March 6

Sad to say the ice did not stick to the ground. I woke up with a good momentum. I did my normal morning routines then I was off to the bus stop. When I got to school I was ready to get this day over with. I went to all of my classes, no tardies, no skipping. After school I did not want to go home, I wanted to chill with friends but I know I don't have time for that right now. But my day over all was good.

Journal of a 17-year-old accused of burglary

Effectiveness

Whether the boys are chubby-cheeked 10-year-olds barely topping 4 feet or gangly 16-year-olds sporting wispy chin hair, the court requires them to wear pants firmly belted around their hips and shirts that are collared and carefully tucked-in.

Ashford makes the boys sit directly in front of him. "In case I have to give you the 'mean' look," he jokes. Sort of.

Woe to the boy who fails to pull out a chair for the mother accompanying him to court.

“No, no, no,” probation officer Herman Guerra admonishes when a boy sits down without offering this courtesy. Guerra demonstrates: “Stand behind it; with both hands, pull it out.”

Of 143 boys who have been through DMC or are currently enrolled, only four re-offended while in the program.

University of Texas at Dallas criminologist Alex R. Piquero, a nationally recognized juvenile justice expert, said the minority boys court is as “viable and as good of an idea as anything else. ... We should continue to experiment with new approaches and alternatives to sentencing, treatment and rehabilitation.”

Piquero said programs like DMC need to be evaluated “rigorously” over a long period to ensure that the outcomes are as good as or better than those in regular court.

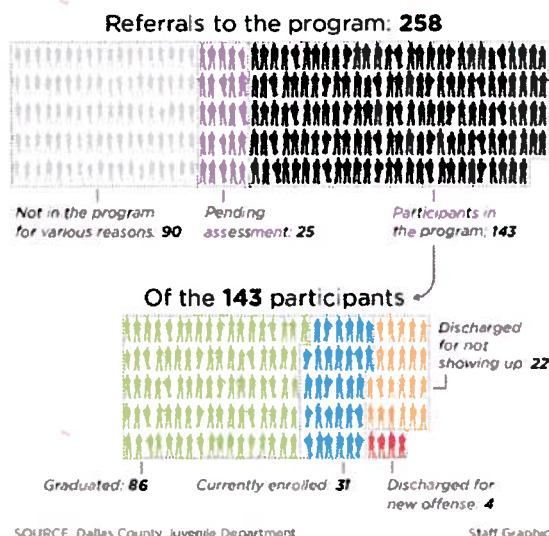
For at least one mother waiting outside the courtroom, DMC is “an answer to prayer.”

Though *The Dallas Morning News* gained wide access to the juvenile justice system, the newspaper does not typically name juveniles accused of crimes or their parents because juvenile court records are not public.

The woman’s son is relatively new to the program. “Him getting into trouble was real hard for me. I need him to learn to follow the rules,” said the woman, who is a volunteer minister. “I wish they had it when my nephew got in trouble. There wasn’t anyone to show they cared.”

By the numbers

A breakdown of the Dallas County Diversion Male Court numbers since it began in February 2013.



today I went to school and had
a good day. Only thing is I was
hungry all day. Couldn't wait
to get home and eat something.
But you're really kind to
graduate this class and be doing
something good for my man and
my Dad. That's for away and
my Uncle that's in jail. That's
why I'm gonna make the same
mistakes he did. I think the
key to life is Braille. If you
smile you will be successful.

Journal of a 17-year-old accused of theft

Over representation

Like many subjects that touch on race and crime, “disproportionate minority contact” among both adults and kids in the justice system is an “uncomfortable topic,” said Smith, the head of the Juvenile Department. “Does that mean we ignore it?”

Blacks make up about 22 percent of Dallas County’s juvenile population but about 44 percent of those in the county’s juvenile justice system, according to the Juvenile Department. Hispanics are slightly underrepresented. Whites make up 25 percent of the county’s juvenile population and only about 11 percent of the department population.

Many experts say it’s not necessarily because minority kids commit more crimes. But minority boys are more likely to be sucked into the system because they lack the resources many whites have.

“There has been some implicit biases and decisions made at arrest, at incarceration, at adjudication, at all levels that ... results in these young people being in the situation they are in,” said Darlene Byrne, a state district judge in Travis County who is president-elect of the National Council of Juvenile and Family Court Judges.

Experts point to Ethan Couch, a white teenager who killed four people in Tarrant County two years ago while driving drunk. Couch was 16 at the time of the crash, and it was his third alcohol-related run-in with the law, yet a judge sentenced him to treatment paid for by his parents.

The chances of a black kid receiving that same sentence are practically nil, the experts say.

Piquero said it's hard to know why minorities are overrepresented compared with whites. Many decisions aren't documented and are not quantifiable because they involve discretion — like police officers' interactions with juveniles. It's possible, he said, that minorities are committing worse or more crimes in some instances. Or perhaps not.

"It's real simple to look at who is in the facilities and say, 'Oh, well the system is totally biased,'" Piquero said. "That may be true at some level or to some extent. We just don't know how much."

*Today I woke up thinking about
that drug assignment I had to do
I had to take that drug I wish I knew
was over and I was doing good work
a job being good in school like for
like a nightmare really hard
I'm in school sometimes like I don't
Before I been in trouble But
not like coming to court every
Monday and stuff like that
But I can say I never will
Plan on anything like that again*

Journal of a 17-year-old accused of theft

Fatherly talk

To appear less adversarial, Ashford doesn't sit on the bench as he searches for a way to connect with each boy.

With one boy, Ashford discusses boxing; with another, auto repair. But the judge always brings the conversation back to a life lesson.

When a small 12-year-old with glasses and a wispy voice sits down, Ashford asks what he did on the recent snow day.

He mumbles a short answer.

Ashford persists.

"How are you doing now in science?"

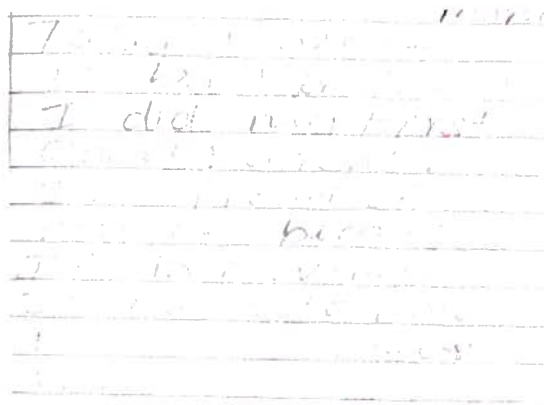
The boy's grades are OK. But James Hill, a probation officer, tells the judge he had a conference at the boy's school about other kids bullying the youngster.

Ashford tells the boy that because he's done everything he's been asked, he'll be promoted to the next stage of the program, where he will learn new character traits, perform community service and come to court every other week.

Then he offers a fatherly talk that encourages the child to use his brain. The boy has an aggravated assault charge because he threatened another child and showed him a knife.

Ashford tells kids that fighting at school no longer ends with a trip to the principal's office. It often means a criminal charge and a juvenile record.

"These guys pick on you in school because you're smart," Ashford said. "You take care of business — when you're my age, they'll be working for you. So, don't let them worry you at all."



Journal of a 17-year-old accused of gang activity

Skepticism

When Smith, the Juvenile Department executive director, decided to create DMC, she approached veteran juvenile officer Mario Love.

"I actually laughed," Love said.

He said he could not imagine a program that did not sentence boys to regular probation or detention. Probation officers Hill and Guerra, and even Ashford, were skeptical as well.

"I'm happy to say I was proven wrong," says Love, a Mack Truck of a man who is now a passionate advocate for the program.

Since the court began, 258 boys have been referred to the program by the district attorney's office. Officials have accepted 143 of them, and 25 are being assessed by the Juvenile Department.

The program is demanding, and not all families want to participate.

Probation officers meet with the boys weekly. For each of them, the same officer checks to see if he is abiding by the 7 p.m. curfew and how he's doing at school. The officer also administers random drug tests. Drug treatment is available. A truant officer may call a boy in the program each morning to wake him up and may text him during the day to check on his whereabouts. Boys must keep up with their school work and are tutored if necessary.

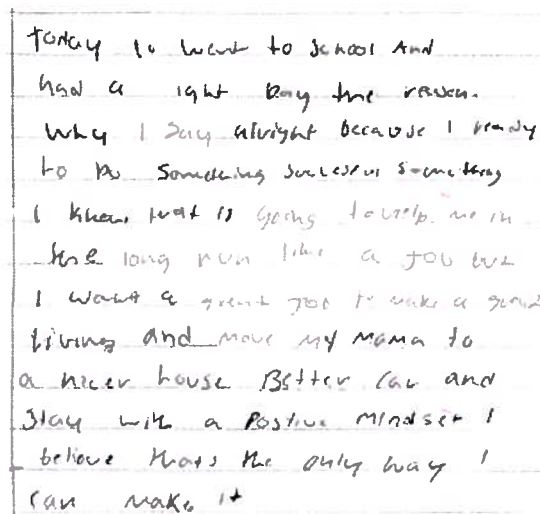
The curfew is difficult for some to abide by. But one 17-year-old accused of burglary said that without it "I would not be coming at the proper time. I'd be hanging out with friends." Spending time with the wrong kids helped get him in trouble.

His father said having the judge and probation officers hold his son accountable "lets me know I'm not the only one saying it."

All participants are required to learn "character traits" such as trustworthiness and respect and to write a half page daily in a journal, documenting how those traits affect their behavior.

The journals not only afford the court a glimpse into the child's life and thoughts but also show their writing levels.

Some boys said they dislike the journal requirement most of all.



Today I want to school and
have a right boy the reason
why I say alright because I ready
to do something successful something
I know that is going to help me in
the long run like a job but
I want a great job to make a good
living and move my mama to
a nicer house better car and
stay with a positive mindset I
believe that's the only way I
can make it

Journal of a 17-year-old accused of theft

Don't give up

A mistake doesn't mean boys are automatically banished from the program. One failed several drug tests, and another was caught with a stolen cellphone. They were given additional services and assignments.

"We're kind of trained to not give up until we see that 'Son, you're a danger,'" Hill said. "We're going to keep pouring in resources."

Piquero, the criminologist, said success isn't found only in total compliance. If behavior improves or the boys commit fewer or lesser crimes, that is progress. He compared it to the dieter who buys a small order of fries instead of a large.

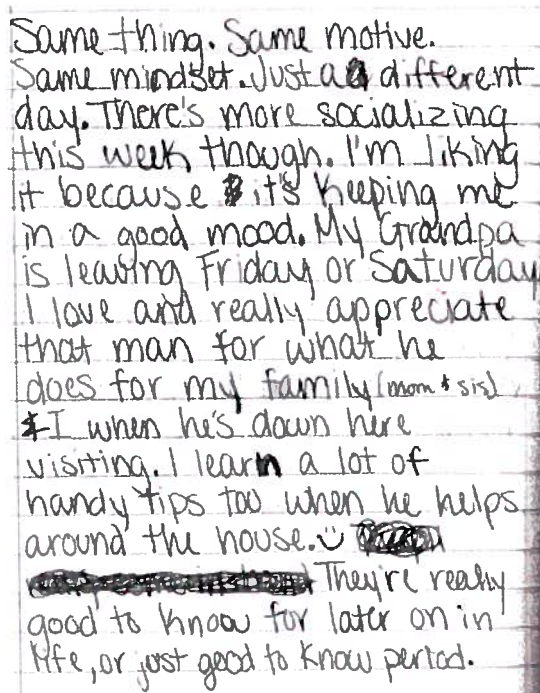
"I don't think we want to live in a world of all or nothing, because we're going to set ourselves up for failure," Piquero said.

When DMC launched in 2013, prosecutors referred only low-level, first-time offenders. That's changed now.

"You kind of have to have a few dates and go out to dinner a few times," said Robert Davis, a probation officer who serves as the liaison to the district attorney's office.

If a boy completes the program, the charge against him disappears, as if the incident never occurred. Those who fail face charges in regular juvenile court.

Around the courthouse, Davis said, "the adage goes: 'Everybody knows that Mario and George don't play.'"



Same thing. Same motive.
Same mindset. Just a different
day. There's more socializing
this week though. I'm liking
it because it's keeping me
in a good mood. My Grandpa
is leaving Friday or Saturday.
I love and really appreciate
that man for what he
does for my family (mom & sis).
*I when he's down here
visiting. I learn a lot of
handy tips too when he helps
around the house. ☺
~~They're really~~ They're really
good to know for later on in
life, or just good to know period.

Journal of a 17-year-old accused of assault

Being a man

With older boys, Ashford, a father of three, takes a sterner approach.

When a 16-year-old sits down, the judge turns to the probation officer. "Mr. Hill, it looks like, going from the history, [he] gets a little more reliable and consistent," Ashford muses.

"He's a good worker when he wants to," says Hill, sounding unimpressed. "I don't think he's bought into the idea that he can't always play catch-up."

"How are your grades?" Ashford asks.

"Passing," the boy replies.

"What are they?" Ashford pushes.

"Low 80s."

Ashford lets his annoyance show. "This man just told me how intelligent you are," he says. "When you say 'passing,' that makes me think you're hanging around with underachievers, because that's what they say."

Ashford bears down on the boy, whose mistake was evading officers after a traffic stop.

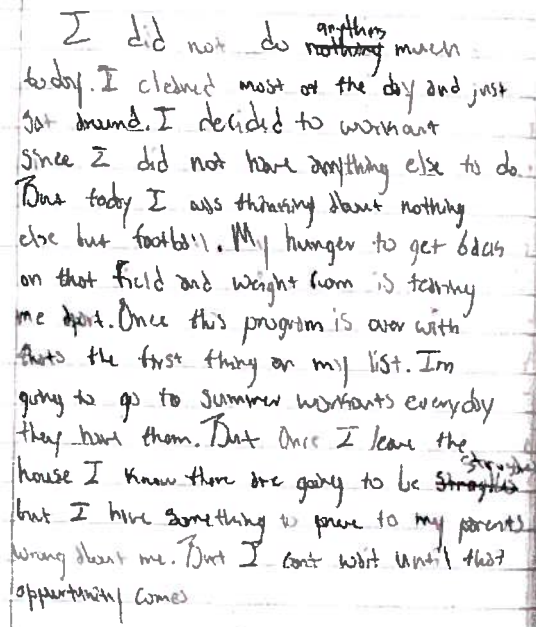
"In a little over a year, you are going to be 18 — an adult, except for drinking," he says.

"Mom could lock you out. You might have to fend for yourself. Dude, that should make you scared."

"If you're a man," the judge says, "you've got to take care of yourself."

Ashford gives the boy what he calls "The Assignment": to learn what his mother pays for rent, water, telephone, electricity, the car loan and gas.

"Real life is coming and it's coming fast and you don't realize it," he says.



I did not do ~~nothing~~ ^{anything} much today. I cleaned most of the day and just sat around. I decided to work out since I did not have anything else to do. Once today I was thinking about nothing else but football. My hunger to get back on that field and weight room is tearing me apart. Once this program is over with that's the first thing on my list. I'm going to go to summer workouts everyday they have them. But once I leave the house I know there are going to be struggles but I have something to prove to my parents wrong about me. But I can't wait until that opportunity comes.

Journal of a 17-year-old accused of burglary

Will it last?

DMC focuses on building character.

Love, the juvenile officer, tries to tailor the program to individual needs. When he learned that one 17-year-old had recently become a father, he planned to add parenting classes to the barber classes the boy was already taking.

"We know you're here because of an offense, but we need to look at what's lacking around you and what services can we put into play to make you a better person," Love said.

Some kids are good boys who made stupid decisions, Ashford said. They appreciate the opportunity DMC gives them.

"Then there's the kid, he's been doing drugs or has been hanging out with the wrong kids for a long time. He hasn't been motivated for a long time. He's not doing well in school, you name it.

"Then he gets some positive influences. He gets the probation officer who really shows him they are concerned about him, care about him. They get the right kind of feedback from the judge, that, you know, we're really trying to help you. Maybe some of the services kick in, the counseling addresses some issues in the home that help both him and the parent.

"Those cases are deeply satisfying."

The question, Ashford said, is "will it last?"

No one knows, but the program administrators say the lack of after-care is a major concern. Funding for the program comes from the existing budget and occasional grants, Smith said.

She can't hire more staff, but she's trying to recruit male mentors to work with the kids. Mentoring right now comes via phone calls to the boys.

But if these boys fail, Smith said, "it's not going to be because we didn't care."

Follow Jennifer Emily on Twitter at @dallascourts, and follow Diane Jennings at @djennings.



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The Judges' Page Newsletter - November 2015

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The Judges' Page **NEWSLETTER**

The Judges' Page newsletter is published by the National CASA Association and the National Council of Juvenile and Family Court Judges.

Judge Darlene Byrne: National CASA Association Judge of the Year and NCJFCJ President



J. Dean Lewis, Judge (retired)

Former Member, National CASA Association Board of Trustees

Past President, National Council of Juvenile and Family Court Judges

At the National CASA/GAL Annual Conference held this past summer in New Orleans, Judge Darlene Byrne was named the National CASA Association Judge of the Year. In July, 2015 Judge Byrne was sworn in as President of the National Council of Juvenile and Family Court Judges (NCJFCJ). The NCJFCJ and the National CASA Association have an extended collaborative history. The Judges' Page being only one of many joint efforts to encourage judicial leadership, education and advocacy in support of abused and neglected children and youth.

"Judge Darlene Byrne has been a strong and consistent supporter of the CASA program in her home state of Texas and across the country. She is always a thoughtful voice on behalf of the children we serve," said Tara Perry, Chief Executive Officer, National CASA Association.



"She is a leader and a role model who truly takes to heart the critical importance of her role in the lives of children and families," said Tina Amberboy, Executive Director of the Texas Children's Commission. "The State of Texas is fortunate to have a leader and champion like Judge Byrne. Our children are especially so, because of her commitment to ensuring that each child's voice is heard."

Judge Byrne delivered a heartfelt acceptance speech at the National CASA/GAL Awards Banquet that exemplifies her passion and appreciation for the volunteer advocacy offered by CASA volunteers. [Watch](#) her acceptance comments.

Judge Byrne personifies the NCJFCJ commitment to judicial leadership in the court and in her community of Travis County, as well as at the state level in Texas. She also promotes judicial leadership at the national level. Her article "[How Can Judicial Leadership Make a Difference for Victims?](#)" is but one example.

Judge Darlene Byrne has served as Judge of the 126th Judicial District Court in Travis County (Austin), Texas since 2001. Prior to serving on the bench, she practiced law for thirteen years in the areas of employment, commercial, and governmental entity litigation. A graduate of the University of Houston Law Center, Judge Byrne serves as Vice Chair to the Supreme Court of Texas' Permanent Judicial Commission for Children, Youth and Families, as well as the past Chair of the Data Subcommittee for this Commission.

Judge Byrne is a member of the Travis County Juvenile Justice Board, a founding team member of the Travis County Family Drug Treatment Court, and a co-chair for the Austin Do The Write Thing Challenge. She is the recipient of the Government Service Award for 2005 presented by the Travis County Women Lawyers' Association.



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OPINION



Letters to the editor: June 11, 2016



June 10: Zilker Park is wrong spot for ACL fest



Who is Mayte Lara? Meet the girl behind the tweet



Shackling harms rehab of juveniles

© 1:43 p.m. Monday, Aug. 17, 2015 | Filed in: Opinion



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Shackling harms rehab of juveniles

 Re: Aug. 5 article, "[Shackling video ignites debate on school discipline](#)."

I am writing to voice my position regarding the indiscriminate practice of shackling juveniles. I preside over the 126th Judicial District Court in Travis County and am president of the National Council of Juvenile and Family Court Judges. The council is one of the largest judicial membership organizations serving 30,000 juvenile court professionals. This is my personal position and not necessarily of my fellow district court judges.

The council recently released a resolution that calls for the end of indiscriminate or automatic shackling of juveniles.

More than 2,500 young people come through Travis County's juvenile courtrooms every year. Only once have I deemed one dangerous enough to require restraints. I see my courtroom as a place of safety. Youth probably behave better, are better listeners and are more engaged in the court process when they remain unshackled. Indiscriminate shackling of juveniles is inconsistent with the rehabilitative purpose of the juvenile justice system.

DARLENE BYRNE, AUSTIN

Reuse also helpful in reducing waste

 Re: Aug. 10 article, "[As recycling levels off, should Austin require residents to do more?](#)"


Shelby Tauber

Non-recyclable items are separated from recyclable trash at Balcones Resources recycling center on Aug. 5. Austin has a goal of reaching "zero waste" (diverting 95 percent of waste from landfills) by 2040. Shelby Tauber / AMERICAN STATESMAN

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Juvenile Justice Information Exchange | (<http://jjie.org/judges-weigh-in-against-shackling-of-youth-in-courtrooms/125710/>)

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Judges Weigh In Against Shackling of Youth in Courtrooms

By **Sarah Barr** | August 11, 2015



A national association of judges wants to stop the indiscriminate shackling of youth in juvenile court.

The National Council of Juvenile and Family Court Judges (<http://www.ncjfcj.org>) released a resolution (http://www.ncjfcj.org/sites/default/files/ShacklingOfChildrenInJuvenileCt_Resolution_July2015.pdf) Monday that supports a policy against shackling children, with exceptions made on a case-by-case basis.

"I cannot think of a more fundamental right of due process and basic human dignity than for a child to be able to face a juvenile court judge without shackles unless there is a true safety concern for the child or participants in court," said Darlene Byrne, the group's president, in a statement.

The group is the latest to oppose the policy, citing concerns for children's health and development, as well as their due process rights. The policy statements have rolled in along with a growing momentum to create state laws against the shackling of juveniles.



(<http://jjie.wpengine.netdna-cdn.com/files/2015/08/have-their-voice-heard.jpg>)

NJDC

David Shapiro, manager of the Campaign Against Indiscriminate Juvenile Shackling

David Shapiro, manager of the Campaign Against Indiscriminate Juvenile Shackling, housed at the [National Juvenile Defender Center](http://njdc.info/) (<http://njdc.info/>), said the group's position is a huge win.

"We hear from judges that they don't think they are the ones who are in charge of their own courtrooms, and this makes it clear that they are," he said.

The support of judges is also important as reformers make their case to limit shackling in the states, Shapiro said.

Twenty-one states have a law, court rule, court opinion or statewide policy that limits the shackling of juveniles in the courtroom at some stage of court proceedings. The other 29 have no written guidance, nor does the federal government.

Shapiro said the resolution and the push for legislation in the states without guidance wouldn't prevent the use of shackles if a child posed a safety risk.

[Related: Opinion – Indiscriminate Shackling of Children in Juvenile Court Should End] (<http://jjie.org/op-ed-indiscriminate-shackling-of-children-in-juvenile-court-should-end/>)

"All we're saying is that judges should have the discretion and that it should be the presumption because it is harmful to children," he said.

Crystal Duarte, program director for coordinated policy and practice at the National Council, said the resolution builds on the group's guidelines from 2005 that call for a continuum of effective and least intrusive responses in juvenile justice.

As reform efforts have moved across the country, the group wanted to participate.

"There is a lot of attention nationally and we wanted judges to have a voice in that," she said.

(<http://jjie.org/hub/>) The resolution also calls on judges to use their leadership positions to convene stakeholders around the issue of shackling and for the regular review of policies related to shackling.

Duarte said that in some places, older policies against shackling slowly unraveled without much fanfare, leaving judges and others to think shackling was the way things had always been. Regular reviews should help keep anti-shackling policies in place, she said.

"We don't want them to be undone," she said.



The association represents 1,600 members and distributes its policy statements to many more.

Groups including the [Child Welfare League of America](http://www.cwla.org/cwla-policy-statement-juvenile-shackling/) (<http://www.cwla.org/cwla-policy-statement-juvenile-shackling/>), the [American Bar Association](http://www.americanbar.org/news/reporter_resources/midyear-meeting-2015/house-of-delegates-resolutions/107a.html) (http://www.americanbar.org/news/reporter_resources/midyear-meeting-2015/house-of-delegates-resolutions/107a.html) and the [American Academy of Child and Adolescent Psychiatry](https://www.aacap.org/AACAP/Policy_Statements/2015/Mandatory_Shackling_in_Juvenile_Court_Settings.aspx) (https://www.aacap.org/AACAP/Policy_Statements/2015/Mandatory_Shackling_in_Juvenile_Court_Settings.aspx) also have issued policies against shackling.

Opponents of the practice argue shackling humiliates children, potentially disrupting their development; interferes with their right to effective counsel and makes children less likely to see the judicial system as fair.

More stories related to this one:

[Justice Advocates Fight to Limit Shackles, Seclusion for Juveniles](http://jjie.org/justice-advocates-fight-to-limit-shackles-seclusion-for-juveniles/) (<http://jjie.org/justice-advocates-fight-to-limit-shackles-seclusion-for-juveniles/>)

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Public Can Help with Devastating Issue of Child Sex Trafficking

January 31, 2015 | Filed under: Featured | Posted by: admin



National Council of Juvenile and Family Court Judges Reminds Residents to Be Vigilant

Domestic child sex trafficking is prevalent in Las Vegas, where 2,229 minor sex trafficking victims were identified between 1994 through 2012. By the Las Vegas Metropolitan Police Department. Many more go unreported, as this most heinous of child abuses continues to rise as criminals' relish in its profitability and the low likelihood of severe punishment.

"The consistent increase in child trafficking is of grave concern," said Nevada Supreme Court Justice Nancy Saitta. "The network that creates and generates the 'business' of trafficking is lucrative and often hidden from the day-to-day activity of our community. The trade is conducted under cover of secrecy and/or darkness where it easily continues to victimize our most vulnerable population. I am troubled by the fact that despite best efforts by our law enforcement officials, the sad statistics of children becoming a part of the process (or part of the 'circuit,' as it is known) is significantly escalating. Yet, there is less awareness of the problem and not nearly enough attention being paid to combating this epidemic or providing services, as needed."



Las Vegas has always topped the FBI's list for child prostitution. And the Las Vegas Metropolitan Police Department has investigated about 2,200 children exploited through sex trafficking since 1994.

With an estimated 293,000 U.S. children at risk of commercial sexual exploitation, the National Council of Juvenile and Family Court Judges, with federal backing, is helping judges identify victims and children at risk.

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"In some states, when trafficked children come into contact with the court system, they are processed through the juvenile justice system as youthful offenders instead of being treated as victims," according to Shawn C. Marsh, Ph.D., Chief Program Officer of Juvenile Law at NCJFCJ, who adds that technology is compounding the problem. "Traffickers can 'post' a body for sale and in real time, attract those cruising for a young child."

The FBI reports that from 2008-2010, 83 percent of sex trafficking victims found within the U.S. were U.S. citizens. These children are often branded as delinquent, but they are actually in desperate need of advocates and life-saving services.



"We, as a court system, developed a protocol where law enforcement and child protective services work collaboratively to ensure youth, who are at-risk for child sex trafficking, are provided safety and the appropriate services expeditiously," said Judge Darlene Byrne of the 126th Judicial District Court in Travis County (Austin), Tex. and NCJFCJ president-elect Judge Byrne is a powerful advocate for child victims of sex trafficking.

The National Council of Juvenile and Family Court Judges urge the public to help identify and assist victims:

- Know telltale signs, including a girl who is always with an adult male (other than her father) or who is withdrawn, disassociated, aggressive or can't engage
- Flag the behavior
- Say something. Contact the [National Human Trafficking Resource Center](#) at 1-888-373-7888, text 233733 (Text "HELP" or "INFO") or visit traffickingresourcecenter.org.

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