



Perspectives from the Field

Judge Ernestine Gray, Chief Judge, Orleans Parish Juvenile Court

This is the first in a series of interviews that SPARC is conducting with our advisory board members and with other leaders in the child welfare field. Judge Ernestine Gray has been a juvenile court judge of the Orleans Parrish Court for 29 years. She was elected to the bench on November 6, 1984, she was re-elected in 1986, 1994, and again in 2002. She currently serves as the Chief Judge of the Orleans Parish Juvenile Court. The Orleans Parish Juvenile Court went from what the New York Times called the worst juvenile court in the nation in 1997 to a model dependency court today, due in large part to Judge Gray's leadership and passion for making a difference for children and families. She has served on numerous boards and commissions, and plays a significant leadership role in court improvement project nationally. In this interview, she speaks about her experiences, her approach to making decisions on behalf of children and families, and the state of the child welfare system today.

Jennifer Miller (JM): To start, we thought it might be helpful if you could paint a picture for us about your work. What does a typical day look like for you on the bench?

Judge Ernestine Gray (EG): A typical day at the court starts off with a review of what's going to be scheduled on the docket for the day. Tomorrow, for example, I have several hearings scheduled. Sometimes I also have what we call benchmark conferences, where I set aside time to talk with young people individually about their goals and aspirations, and what they want to accomplish while I'm supervising their case. I try to hold everyone involved accountable to doing the very best work that we can for the children and families on my caseload. That involves trying to figure out the ways to really engage youth and parent, to help families move forward and give permanency to children as quickly as we can.

JM: At SPARC, we try to talk less about what's going wrong in child welfare and more about what's going right. Can you tell us what you see as the biggest signs of progress for children and families?

EG: Without a doubt, the attention to the involvement of children and parents in decisions about their life, and the attention to young people who are aging out of foster care. We know that at 18 years old, a young person is not capable of providing for him/herself – they don't have the tools or the maturity they need to make the decisions they want. If we're going to make a difference in the outcomes for children who are transitioning out of care, we've got to pay more attention to these young people as they're approaching their eighteenth birthday. Moving that conversation forward, and requiring all states to say that you cannot let a child go until they are at least 21, is something we ought to work towards.

JM: Engaging children and families is such a positive development – we've come a long way. But obviously things aren't perfect. What do you see as some of the ongoing challenges in the system, and what do you think child welfare advocates need to be paying attention to?

EG: There are still judges who are uncomfortable with having children come to court – so there is more work to be done in that regard. I think the [biggest] ongoing challenges are the lack of resources, which includes not only services, but also qualified workers and attorneys and TIME. I tell people that when I have a case, at that particular moment it's the only case I have. I think we need to hold ourselves to a higher standard, even when time seems short, to give every case the attention that it needs. This idea of swift justice is not what we need for these kinds of cases. We've got to study, we've got to read, and we've got to spend the time – which is what we would want someone to give to us if we were in the situation of these families. We wouldn't want swift justice. We would want our day in court, and we would want the attention of everyone who is supposed to be hearing our case.

JM: Absolutely. I often think about what people call “a standard of our own” – what would we want for our own children? We would want people spending the time figuring out what is in the best interest of our children.

EG: Yes, I think that is something we always need to have in the back of our mind: if it were me, what would I want? If it were me and I were working on my own case, what would I do for myself? And if you use that standard, I think it guides you to a different place. You realize that it's not about a case number or a filing, but that what we do makes a huge difference for children and their families for the rest of their lives.

JM: We often hear “child welfare can't do it alone.” When child welfare advocates begin to think about other systems that need to be involved to prevent abuse and neglect and respond swiftly when we suspect that abuse and neglect has happened, which systems do you think are most important for them to engage and try to influence?

EG: I think certainly the schools, including the schools of social work, and mental health professionals and medical professionals. We perhaps don't do enough with the medical schools in their training so that they are able to look for signs of abuse or neglect. Also, churches and synagogues – any system that can provide positive supports for families and children. All of these places are critical for departments to have a relationship with.

I also say that the courts can't do it alone. When people come to us, they're at their wit's end, so we can't look to the courts to be able to solve a problem without the community – the neighbors, the relatives. I think we've got to figure out how to work with the relatives who may be frustrated by the lack of progress by their daughter or son, and redirect them to show them how their support will make a difference for the outcome of the children. Encouraging the relatives to do what we know is best – to stay involved – because kids need their relatives. So we've got to work with families more as well.

JM: For child welfare advocates, there are a lot of people to engage, and a lot of systems to be attentive to. From your perspective, given the reality of today's child welfare system, what do you think we should be advising SPARC advocates to work on? What new things do you think we should be promoting?

EG: First, I think we should take a look at what has worked in the past. I'm struck that when we try to make progress we think that we need to have a new law or a new program, and we often do what we say we shouldn't do and throw the baby out with the bathwater. I think we need to look at the laws on the books, and figure out how they interact and how we can work towards implementation of the laws to work together rather than advocating for new ones.

Also, I think we need to look at how we are training the social workers who are coming out of the schools of social work today. Many of these workers leave their jobs quickly, after the Department has spent time and money training them, because they don't feel that they can do what is being asked of them on the job. There seems to be a disconnect between what they're learning in school and the actual application of that in the field. So looking at how we can train workers differently, and better, is something I think we need to pay attention to as well.

JM: As we talk about turnover, of course, there are new judges, new attorneys, and new workers coming up through the ranks all the time. What is the best advice you have to give to a new juvenile court judge or new attorney? In other words, what would you tell your 25-year-old self?

EG: Thinking about what I've learned, I would say to approach the work with the understanding that you're not going to change everything within the first week, or the first year, or the first five years that you are on the job – and maybe some things you won't even change in 29 years. But approach the work with the commitment that you're going to make the best decision that you can in every case, considering all the information that is made available to you at that moment. And once you make the decision, you have to leave it. In this work you really have to adopt the Serenity Prayer: accept the things you cannot change, have the courage to change the ones you can, and know the difference between the two. You know, it would be great if any one person could make all the positive changes that need to be made, but that can't happen. You do the best that you can, and at the end of the day you want everyone to say that Judge Gray did what she thought was best and gave everybody a fair shot.

JM: If we had more judges and attorneys with that level of comfort with those decisions, I think we'd be in a really good place. Do you have any parting words of wisdom before we close the interview?

EG: Thank you to SPARC and for the opportunity to participate in the work with other experts from around the country. As we come into 2014, I would encourage us all to look for opportunities to create lasting, positive change.