



FOSTER CARE REFORM UPDATE

A briefing for county and statewide collaborations

SUMMER 2011

Judge Donna Hitchens (Ret.) Reflects on the Past and Shares Her Hopes for the Future



Judge Donna Hitchens of the Superior Court of California in San Francisco retired on November 7, 2010, after 20 years on the bench. One of Judge Hitchens' most notable accomplishments was the creation, in 1997, of San Francisco's Unified Family Court that coordinates proceedings in the family law, juvenile delinquency, and juvenile dependency departments. As a recent profile in the local bar magazine stated: "Perhaps no person is more responsible for improvements in the administration of youth law in San Francisco than Donna Hitchens, Supervising Judge of the Unified Family Court." We caught up with Judge Hitchens at the end of June, just after she returned from teaching juvenile delinquency law to judicial officers on the island of Palau in the Micronesian Islands, and asked her to reflect on her time on the bench and hopes for the future of San Francisco's court.

What is the accomplishment during your years on the bench that you feel the best about and is there still work to be done in that area?

I feel best about unifying the family courts—bringing dependency, delinquency, and family law into one division of the court. But unifying the family courts is really an ongoing process. There is still much work to be done.

There are two major impediments to developing a true unified family court—the computer system and the facility. First, we have a different computer system for juvenile law and for family law; so, for example, it can be very labor intensive, because one of the first things we do when a new case is filed is a computer search to see if there are other matters. Let's say somebody files for divorce or custody—then we have to do a search of all family law cases and a separate search of delinquency cases and dependency cases. Part of our goal has been, as much as possible, to consolidate all of their cases so they're not coming into court so often, so we are not issuing conflicting rules or orders, and so one judicial officer gets to know the family. A family might have a child support case here, a dependency case there—in the old days, if they had a dependency case, nobody knew there was already a support case—it just made for craziness. Or in a delinquency case you might release the child to a father who had a restraining order, but you didn't know there was a restraining order. We have been looking forward to the launch of the California Case Management System (CCMS) to solve this problem—it would be an incredible benefit to the courts. I sat on the CCMS advisory committee that was dealing with the family and juvenile issues. A unified computer system such as the one that was being designed for juvenile and family law would be an enormous benefit to any unified family court.

The second impediment is that the delinquency court is in another building. I look forward to the day when the unified family courts will be in one building. In terms of long term goals, when I was the Presiding Judge of the court, we bought a parcel of land next to the Youth Guidance Center for the sole purpose of building a unified family courthouse where we could house all of the judicial officers dealing with family, juvenile dependency, juvenile delinquency, child support, and probably ultimately, guardianships. It would allow us to do much better at our unified family goal of One Family, One Judge. We are now waiting to move up the list on the AOC's court construction plans. I am sure the list won't be moving very fast given the state's current budget difficulties.

Are there other programs you feel good about?

I have been particularly happy with the results we are seeing in our voluntary dependency drug court and in our mandatory 0 to 3 court. The 0 to 3 court, specifically, has really helped us engage fathers. Just recently we were able to release twin toddlers, whose mother had a serious substance abuse problem and dropped out of sight, to their father while he was in residential treatment. The case resolved successfully and was dismissed in a little over a year. Can you imagine?! It is hard enough to think about having a substance abuse problem and reunifying with one child—but twins! We have worked with several single fathers in the 0 to 3 court. We have started talking about setting up a Dads' Mentoring Program for the fathers of infants and toddlers who are trying to reunify so they can be matched up with fathers who have successfully reunified.

We also started a juvenile mental health court in partnership with the Seneca Center, which we are calling a Wellness Court, with funding from the San Francisco Department of Public Health. Unlike many other counties, we are actually taking in the most severe cases, for example, kids with a psychosis diagnosis. The court serves youth ages 14 to 18 from the San Francisco AIIM Higher program; probation youth with behavioral health needs, many of whom have been found incompetent to stand trial. The program has a goal of engaging the youth and their families in mental health wraparound services and medical stabilization so that they can be maintained safely in the community. We are talking now about expanding the court and adding our competency cases to the calendar.

What things would you like to see statewide in the future of the courts?

I would love to see a Unified Family Code that included juvenile and family law, along with probate guardianships. It just doesn't make sense to have guardianships in probate instead of with every other area of the law that deals with children. We have three different guardianship statutes now—one in dependency, one in delinquency, and one in probate—that's just silly. It's going to take years to do this, but I would love to work on it.

What have you been doing during months since you retired?

Well, I worked the first week after I retired because a judge was out; so I sat by assignment. But, really, I can't believe how busy I've been. I've probably been fishing five times, I've been going to day Giants games, I've been traveling, and I have been doing a lot of gardening. I have also been sitting by assignment about 4 or 5 days a month; so far I have continued to preside over both the 0 to 3 court and the youth wellness court.

The Blue Ribbon Commission congratulates Judge Hitchens for transforming her deep commitment to bettering the lot of troubled children and families into successful action that again and again has changed individual lives and our system as a whole for the better. And, of course, we wish her many great fishing trips and Giants games!