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Foreword

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FOREWORD

The Honorable Kathleen A. Blatz[†]

The field of law has changed significantly in the last few decades, carried by the societal tides that sweep us from one generation to the next. Today in our nation's courtrooms, family law cases take up more time than any other facet of civil law;¹ in our state, major juvenile caseloads have more than doubled in the last fifteen years.²

Against this backdrop, it is no surprise that one of the court system's greatest challenges is found in the area where the work of attorneys and judges increasingly intersects with the needs of families and children. We are challenged—and troubled—by the fact that there is a significant correlation between a child's early contact with maltreatment or domestic violence and later negative life experiences. For example, we know that being abused or neglected as a child increases the likelihood of juvenile delinquency and adult criminal behavior.³ We also know that exposure to domestic violence can correlate with children's violent behavior, affect their attitudes toward violence as a problem-solving technique, and can be a factor in life-long problems such as depression, trauma-related symptoms, and substance abuse.⁴

† Chief Justice, Minnesota Supreme Court.

1. American Bar Association, *Welcome to the Section of Family Law*, available at <http://www.abanet.org/family/home.html> (last visited Sep. 16, 2001).

2. Major juvenile case filings in 1984 were 28,928. DEPARTMENT OF RESEARCH AND EVALUATION, MINNESOTA SUPREME COURT, MINNESOTA YEARLY CASE TRENDS: STATEWIDE FILINGS 1984-1989 (copy on file with author). There were 68,241 major juvenile case filings in 2001, a 236% increase. DEPARTMENT OF RESEARCH AND EVALUATION, MINNESOTA SUPREME COURT, MINNESOTA YEARLY CASE TRENDS: STATEWIDE FILINGS 1996-2001 (copy on file with author).

3. OFFICE OF JUVENILE JUSTICE & DELINQUENCY PREVENTION, U.S. DEP'T OF JUSTICE, *SAFE FROM THE START: TAKING ACTION ON CHILDREN EXPOSED TO VIOLENCE* (2000) (citing C.S. WISDOM, U.S. DEP'T OF JUSTICE, *RESEARCH IN BRIEF: THE CYCLE OF VIOLENCE* (1992)).

4. For a discussion of these studies, see Jeffrey L. Edleson, *Problems Associated with Children's Witnessing of Domestic Violence* (rev. ed. Apr. 1999), available at <http://www.vaw.umn.edu/vawnet/witness.htm> (last visited Sept. 16, 2001) (citing M.I. SINGER ET AL., *THE MENTAL HEALTH CONSEQUENCES OF CHILDREN'S EXPOSURE*

Studies have also indicated that bitter divorces and custody disputes may correlate with children's emotional distress⁵ and with higher suicide rates.⁶ These indicators illustrate the profound truth of noted psychiatrist Karl Menninger's words: "What's done to children, they will do to society."⁷ Thus, as lawyers and judges we must ask ourselves, "How can we best perform our roles and execute the responsibilities of our positions without exacerbating the harm to our clients or the litigants appearing before us?"

While the challenges are certainly great, it is the area of juvenile and family law that perhaps presents us with the greatest opportunity to have a positive impact on our profession, our communities, and our future. As practitioners in this important field, we have a responsibility to take a hard look at the outcomes and work together to produce better results.

As these articles will demonstrate, there is no shortage of innovations or innovators dedicated to improving juvenile and family law. It is critical that we share our ideas and engage in a vigorous debate. Most of all, we must commit ourselves to improving the delivery of justice in our society by making the systemic changes that hold the most promise for children and their families.

TO VIOLENCE (1998)). See also Jeffrey L. Edleson, *Mothers and Children: Understanding the Link Between Battering and Child Abuse* (1994), available at <http://www.mincava.umn.edu/papers/nij.htm>.

5. See Judith Wallerstein, Ph.D., *The Long-Term Effects of Divorce on Children: A Review*, 30 J. AM. ACAD. CHILD & ADOLESCENT PSYCHIATRY 349, 358 (1991).

6. Robert E. McKeown et al., *Incidence and Predictors of Suicidal Behaviors in a Longitudinal Sample of Young Adolescents*, 37 J. AM. ACAD. CHILD & ADOLESCENT PSYCHIATRY 612, 618 (1998) ("Findings suggest that decreasing perceived [family] cohesion (perhaps indicating increasing dysfunction) is associated with risk for more severe forms of suicidal behavior."); see also Antoon A. Leenaars, *The Changing Suicide Pattern in Canadian Adolescents and Youth, Compared to their American Counterparts*, 30 ADOLESCENCE 539, 544 (Fall 1995) ("The associations between youth suicide rates and measures of domestic integration (divorce and birth rates) are consistent with . . . [the] theory that the level of social integration affects the suicide rate, since divorce weakens social integration while the presence of children strengthens it."); David Lester, *Time-Series Versus Regional Correlates of Rates of Personal Violence*, 17 DEATH STUDIES 529, 533 (1993) (stating that among all contributing factors, only "divorce rates were positively associated with suicide and with homicide rates" in children).

7. THE HARPER BOOK OF QUOTATIONS 94 (Robert I. Fitzhenry ed., 3d ed. 1993).