

January 18, 2022 – Meet Judge Bernstein

1. What are the obstacles and benefits of zoom hearings?

- a. Obstacles:
 - i. Assessing credibility. Zoom hearings don't afford access to non-verbal communication- -- the 3 dimensionalities you have in the physical courtroom.
 - ii. Zoom fatigue – the whole time you are on a Zoom hearing, you are locked into eye contact and the brain doesn't have a chance to rest. It's exhausting.
- b. Benefits:
 - i. Far fewer people fail to show up for court.
 - ii. Don't have to miss work or school; no excessive waiting time; no traffic.
 - iii. Children are much more comfortable talking on camera than they may be in person.
 - iv. In the future, Judge Bernstein hopes we will have hybrid hearings.

2. What do you want to hear from the GAL?

- a. The GAL has more direct contact than anyone neutral on the case. They have the most accurate and current information.
- b. When did you last see the child?
- c. What does this child need NOW?
- d. Something about the child that paints a picture of who the child is -- things you don't get in a report.

3. What are your pet peeves?

- a. People coming to court unprepared.
- b. If you don't have good Internet connectivity, try to work it out before the case is called. Good connectivity is a problem with Zoom hearings.

4. Reports: when do you want them? What do you look for and how much detail do you like?

- a. I read everything and like the reports at least a day before the hearing. (GAL reports must be sent to supervisors 2 weeks prior so the CAM, attorney have time to review, make corrections, and send back for your approval prior to filing the report). It is helpful for the attorney to email the report to the Judge – oftentimes, the Judge doesn't see the report prior to the hearing if it's just in the court file.
- b. Judge Bernstein wants as much detail as you can put in.

5. What is your feeling on children attending hearings (Zoom and in-person someday)?

- a. Mixed feelings.
- b. Beneficial for some children (older youth, foster youth, teens) to participate in hearings. It is valuable for older kids to hear and to be heard. It is "one of the best parts of my job". In person, Judge likes to meet in chambers w/GAL and the child. With Zoom, he will do a breakout room and speak w/the child and GAL.
- c. It can be extraordinarily damaging for a child to hear bickering by family members over them. Conflict should NOT occur in the presence of the child.

6. What is your feeling about foster parents/caregivers attending hearings?

I want them at every hearing. They have great insight into what is going on with the child.

7. If the GAL is present do you ask the GAL to speak?

I call on the GAL in every hearing.

8. Are there any special rules in your courtroom?

Stay in contact with my JA if there is something special you need.

9. If the GAL/GALPA think a particular service is necessary and the agency/CLS do not, what is your procedure?

No subsequent hearing. I will give everyone the opportunity to speak and will then make a decision.

10. What is your view on last-chance case plans?

- a. That is case specific. In general, it is really important for everyone to be held accountable for their words and their actions. That includes the biological parents, agencies, caregivers, and the Judge.
- b. Children need permanency -- delay is toxic for children.

11. When/what factors do you consider when changing the goal of the case plan?

- a. Goals should reflect the facts on the ground.
- b. When the goal is no longer appropriate, it should be changed.
- c. If reunification is the goal and it is unlikely, the goal should be changed. It can always be changed back if circumstances dictate that.

12. What has been your experience so far as a Dependency Judge?

- a. I love these cases and I get to help children every day of my life.
- b. It is the hardest job and the most rewarding.
- c. Some people have the perception that Family Court and Dependency Court are very different, but there are far more similarities between them. In family court, the majority of the cases focus on what is best for the child.
- d. I thank God every day for the GALs. Don't get burned out. You can't solve every problem! Our goal is just to make it a bit better. Remember, perfect in your eyes might not be perfect for that child.