



## Overview: Children's Law

# Our Children Are “Our Greatest Natural Resource and Most Valuable Asset”

By Chief Justice Bernette Joshua Johnson  
Louisiana Supreme Court

Many say that oil and gas are Louisiana's most important natural resources. I believe that our greatest natural resource and most valuable asset are truly our children, and we have an obligation to help them thrive, maximize their potential and fulfill their dreams. Our legal system provides opportunities to serve and support children, and to strengthen and stabilize families, through informed decision-making by our family and juvenile judges and qualified representation of all parties, and through statewide programs such as Court Appointed Special Advocates (CASA), Families in Need of Services (FINS), the Court Improvement Program (CIP) and drug courts. By supporting our children from the beginning, they will grow into productive and contributing citizens, with the corresponding societal benefits, such as reductions in our poverty rate and incarceration rate.

Recent advances in scientific research involving child and adolescent brain development, attachment and trauma are challenging how the judicial system understands and responds to children and adolescents. The research informs us that children's brains develop over time and continue to mature until their early to middle twenties. During this period, the developing brain is both vulnerable to adverse experiences and yet capable of remarkable change.

The implications of adolescent brain

development to the legal system have been acknowledged by the U.S. Supreme Court in several recent decisions regarding the culpability of juvenile offenders and their greater capacity for reform than adult offenders. *See, Roper v. Simmons*, 543 U.S. 551 (2005); *Graham v. Florida*, 560 U.S. 48 (2010); *Miller v. Alabama*, 132 S.Ct. 2455 (2012); *Montgomery v. Louisiana*, 136 S.Ct. 718 (2016). Louisiana courts continue to interpret these Supreme Court opinions as our state Legislature has enacted procedures consistent with them. The intersection of brain science and children's law is not limited to criminal cases.

Court dockets in Louisiana routinely include cases that determine the future of children — abused or neglected children; truant or runaway children; children who have experienced or witnessed domestic violence; youth who are arrested and incarcerated; victims of trafficking or bullying or discrimination; children suspended or expelled from school; those who have been abandoned and those who are being adopted; children who are homeless or are unaccompanied immigrants. Regardless of the individual circumstances that bring children into the justice system, they share one commonality — their brains are still developing.

In this issue of the *Louisiana Bar Journal*, the Louisiana State Bar Association's Children's Law Committee presents a series of articles on children and the law. Each article demonstrates

the important role that lawyers and judges have in ensuring positive outcomes for Louisiana's children. Our collective commitment to the “best interest of the child” standard compels us to consider how to bring the practice of law, and the judicial system as a whole, into alignment with established research on child development.

When given the opportunity, our children will lead us into a better Louisiana in which we can truly be proud. Although Louisiana has finally moved from having the highest incarceration rate in the nation, the state routinely ranks 49th in child well-being. We owe it to our citizens to continue to resist complacency and strive for excellence.

*Chief Justice Bernette Joshua Johnson is the Louisiana Supreme Court's 25th Chief Justice, its second female Chief Justice and its first African-American Chief Justice. She was sworn in on Feb. 1, 2013. Always an advocate for social justice and civil rights, she worked as a community organizer with the National Association for the Advancement of Colored People (NAACP) Legal Defense & Educational Fund, and at the U.S. Department of Justice's Civil Rights Division. Following law school, she became the managing attorney of the New Orleans Legal Assistance Corporation, where she provided legal services to clients in socio-economically deprived neighborhoods.*

