

2023 Ethics In Leadership Remarks
Michelle E. Heward, Juvenile Court Judge, Retired

I am deeply honored today to be recognized with the Richard Richards Ethics in Leadership Award. I am humbled by the recognition, and grateful to the Board and Richards family for this opportunity to speak with you today. Throughout my life I have been blessed to work with good people and any accomplishments I may have are a result of a lot of hard work by, and association with, good friends, family and colleagues.

What wonderful leadership qualities Mr. Richards exemplified. I have learned that he rolled his sleeves up and worked hard. Among many other things, he was honest, did not cut corners, did what he promised he would do, and went the extra mile. He was a devoted public servant and his service was inclusive, knocking down barriers, and providing a voice for all.

I especially appreciate Mr. Richards' vision for our youth. He said, "I want to demonstrate, through my life's own experiences, that young people with reasonable ability, a strong desire to do well, the patience to build from one strength to the next, and a willingness to work hard can become major players in the political organizations of the United States. It is not easy. It takes commitment and some sacrifice, but it can be done. ... At a time when the future of democracy seems precarious, I feel strongly about lifting an affirming voice for its values." That was penned by him decades ago, but I suggest that the future of our democracy is even more precarious at this time.

How do we empower our youth with a strong desire to do well, to patiently and willingly work within our society to make it better? How do we instill a desire in our communities to be governed by moral principles, to lead and seek leaders who have moral principles? How do we find leaders who do things for the right reasons, who do good, with an absence of any malevolence? I wish I had all of the answers, I do not. I suggest that the discussion is important, and that some of the answers rest with strengthening our youth and their families and the commitment we as a society make to them.

The law is my chosen profession and it has treated me well. I am fascinated by the law's rich and noble history. The foundation of our country, the freedoms we hold dear and much of the quality of life we enjoy are based upon law and embodied in our Constitution. Our constitutional democracy provides a place for a majority rule, within the bounds established by our Constitution. This protects those outside of the majority, while also recognizing the desires of the majority. The law provides fairness, justice, respect and protection. I have proudly devoted my professional career to teaching, practicing, and most recently in public service as a judge interpreting and applying the law.

Between my husband Gary and I, we have also heard the profession we love degraded with lawyer jokes and unfortunate labels. Popular media, movies and television shows

depict lawyers as willing to sell their own souls (and their client's) for a buck. I charitably categorize these negative depictions as lawyers "without ethics."

We all know the dangers that come from unethical behavior on the part of anyone tasked with the responsibility to uphold the law. A police officer who lies. A prosecutor who withholds exculpatory evidence. A defense attorney who is ill-prepared to represent their client, or a judge who makes a decision for personal gain. While these things are the basis for good Grisham novels, they thankfully are not the norm, and based upon my experience, are rare in our community although anytime they occur is too many. I can tell you from personal experience that the judges I know agonize over difficult decisions they are tasked with making. They want to make sure they make sound decisions and do the right thing.

You may not be aware of the responsibilities of a juvenile court judge. We are tasked with the responsibility to hear cases involving minors who have broken the law. We also have the responsibility to hear child welfare cases, where children have been abused, neglected or are dependent. In those cases we have jurisdiction/authority over the parents or other caregivers of those children, as well as the children. That responsibility includes protecting children, and rehabilitating, strengthening and unifying families.

I thought with the amount of time I have with you today, I would highlight some of the things I have learned as a Juvenile Court Judge serving in our community. It is my hope that some of them may ring true with you, and provide ideas and an opportunity for you to strengthen a child or a family.

1. **You must expect the unexpected and grow stronger for the experience.** So much has changed in the 12 years since I took the bench. When I started we used paper files, and I recall on my child welfare days my judicial assistant literally wheeling in a cart with the files for every case we had that day. We had rooms full of paper files. Now everything is electronic and those file rooms are vacant or have been repurposed. If a warrant was needed, someone would track you down with an affidavit and a pen to sign the warrant. Now we can get a warrant request electronically, wherever we are, greatly increasing the efficiency of the warrant process, and the ability to protect children. Other unexpected changes have threatened to impact our carrying out the mission of the Court to serve the youth and families in our community. We experienced hurricane force winds, an earthquake, and throw in a couple of years of a global pandemic. I believe our Juvenile Court, and the good people who run the Court from our clerical staff through our administration, carried the mission of the Court forward better than any other level of Court. Through the challenges we have been left with more resources and are stronger as a result of our experiences.

2. **Behavior doesn't change long term unless people and practices are in place to continue to support the family long after court authority terminates.** On the child welfare side, I ran, with an incredible team, a family recovery court. Parents who had their children removed from their homes due to substance abuse, would have

the increased support of the recovery court team, meeting frequently with them, with extensive services in place. They would have consequences, sometimes including jail, if they continued to use illegal substances. They simply buckled down and did what was required because the incentive was that their children would be returned to them and they would be able to safely care for them. That changes behavior. However if, when they were released from Court, the parents were still hanging around the same friends, or their support people were family or friends who were not supportive of their recovery, the parent's long term recovery was in jeopardy. I also have parents who, after their release from the Court, deeply immersed themselves in the recovery community, sharing their experiences and in some instances even going to work in the recovery field. What a strong voice they have to help others! They put practices in place to increase the likelihood of their long term recovery. I have learned we have better results with parents who have good jobs, strong and supportive recovery friends and family, and who faithfully keep their distance from those who are not in active recovery.

On the delinquency side, I saw many instances of youth who would change their behavior through involvement with services. They learned what they needed to do to stay away from dangerous friends and substances. One young man had been heavily involved in destructive gang activity. After many struggles, he buckled down and successfully graduated from an out of home placement. He sounded and looked so good when I terminated court jurisdiction and we were all hopeful. In less than a week, he was back with his gang friends, and engaged in felony level conduct that was extremely dangerous to many members of the community. After taking care of the consequences for those actions in the adult system, that same young man ultimately lost his life in a gang involved shooting. Tragic, and supports my conclusion that behavior does not change long term unless people and practices are in place to continue to support the youth and family long after court authority terminates. This can occur through school, church, neighbors, mentors, or other community members, and jobs. The other truth this reinforced is that we do what the people we associate with do. If parents want to see what their children do when they are not around, look at the child's friends. If we want to see how firmly someone is in recovery, look at the people they associate with. The lesson: youth and families continue to need family and community support to achieve long term success.

3. Child welfare work is among the most **heart wrenching, difficult and necessary work** in our community. As you can imagine, not all families reunify and it is heartbreaking to see the impact of termination of parental rights on everyone involved. It is the "death penalty" of cases in juvenile court. One of the things I have learned from my time on the bench, is that most parents really love their children, even parents who are woefully inadequate to care for a child. I have seen many parents recognize they cannot care for their children and seeing them come to grips with this is simply heart wrenching, regardless of the circumstances that brought that parent before the Court. Some of those parents ask to voluntarily relinquish their parental rights prior to a trial. In each instance I attempted to acknowledge the difficulty of their decision as a supreme act of love, recognizing that they are doing what is best for their

child, relinquishing their parental rights, at their personal expense. Sometimes those extreme decisions are made by a judge after a trial. Often the legal decision either to terminate or not terminate the parent's rights is not a difficult legal decision. However, recognizing the practical impact that decision will have, despite the need for the decision, is often heartbreaking. I have a deeper appreciation for everyone who works to keep our children safe and strengthen families.

4. I have learned that a good **education is the great equalizer** for our children. A good educational experience provides them with an additional place to learn good values, to learn that they can do hard things, and provides a vision of what is possible in their lives. Collaboration to keep our youth in school, engage them, make sure they know they belong, is essential to long term success for that child. Often my work children did not have role models who valued an education. Further, most of our court involved youth are wracked with poverty, which adds additional educational barriers. I would guess that 95% or more of them came from families who qualify for public defense so they were under 200% of the national poverty level. Yet if we can keep youth engaged in school, they are much more likely to involve themselves in pro-social activities, decrease their delinquency, increase their self-worth, and ultimately obtain better jobs to support themselves and their families. School is the great equalizer for our children.

5. I have learned that **children have better outcomes from families who are empowered to care for their child's needs within their own homes.** I had a youth, probably about ten years of age, whose mother had a tremendous drug addiction. She was not caring for her child, and was exposing herself and him to dangerous and violent men. After extensive efforts with the family, it was clear that Mother was not able to care for the child and he would need to be removed from her care. DCFS contacted mom's only family, who lived out of state. I was skeptical, not knowing much about the potential placement, and knowing that if the child moved to Georgia, I would not have the authority to do much for him. When the aunt came to court, it was clear the child had a strong relationship with this good woman. She was respectful with me and everyone she worked with, and her nephew had taken on a respectful demeanor with her. She loved her sister, but had a rather no nonsense attitude when it came to her addiction and the impact it was having on mom and the child. We know long term that children do better with family and the best thing for this child was clearly to allow the aunt to take him back to family in Georgia and encourage mom to do the same. He would do much better there than being placed in foster care away from the family who loved him. The families I worried about were those where parents would throw their hands in the air and took little accountability nor responsibility for their children, leaving that up to the school, their probation officer or the judge. Children need parents who hold them accountable and teach them moral values to be good members of society. Parents are always in a superior position to do that long term than a court, school or program, and we should do everything we can do to empower those families.

6. Many more lessons learned, but the last I want to leave with you is that **our communities are only as strong as their most basic component: our youth and families.** If they are weak, our future and our society are weak. If our youth and families are strong, our communities and our country will be strong. Our youth and our families are worthy of every available resource to strengthen them. Far too many youth are paralyzed by fear and have a poor self-worth. I have been privileged to work with and see school administrators, probation officers, therapists, youth case managers, DCFS workers, foster parents and MANY others who work tirelessly, day in and out to strengthen our youth and their families.

Our youth need the opportunity to understand the ethics Mr. Richards espoused of rolling up their sleeves and hard work, being honest, not cutting corners, and that if they promise to do something, they will simply do it. They need to know they are capable of doing hard things, and with dedication and hard work they can do anything they righteously desire. It is the responsibility of everyone in our community to strengthen our youth and families and it is worthy of every investment we can make individually and collectively. I invite each of you to engage in that cause. As we lead our youth and empower our families to engage in these moral principles, the future of our community and our country will be bright.

Michelle E. Heward
Second District Juvenile Court Judge, Retired
2023

Brief Bio: Michelle Heward was appointed by Governor Gary Herbert to the Second Judicial Juvenile Court bench in 2010; she retired in August, 2022. She is a lifelong resident of Weber County, graduated from Weber State College in 1982 and the University of Utah College of Law in 1987. She has practiced law in Ogden, was a Deputy Weber County Attorney, and a Justice Court Judge for South Ogden and Riverdale Cities for several years. She was a tenured full professor at Weber State University teaching law in the Criminal Justice Department for 15 years. One of the few things that could lure her away from the University she loves was the opportunity to work with youth and families in the Juvenile Court. She has served in a variety of community, university and judicial service positions. She and her husband Gary have raised three wonderful sons who have added three equally wonderful daughters to the family and three amazing grandchildren.