

“A RECIPE FOR FAMILIES”

Keynote Address by Judge Edwin Kelly

January 24, 2006

Belknap County Convocation on Children and Families

I am very pleased to be here tonight to speak to you and join in the wonderful work happening in this county on issues affecting children and families. There is no question in my mind that these issues are far and away the most important issues being addressed within our courts and communities.

The German theologian, Dietrich Bonhoeffer, said, “The ultimate test of a moral society is the kind of world that it leaves to its children.” And that is, I think, what we are all about here tonight. Struggling with what kind of a world, what kind of a community we want to have and to leave to our children. And to the young people here today, I know that you are here only because you care about the world and community in which you will live.

The corollary question we are asking ourselves is - once we have in mind the type of community we are striving for - how do we achieve it? Well, I can tell you that in my travels around the state

the families of Belknap County are miles ahead of most around this state and country.

I don’t pretend to have all or even some of the answers to the two questions I have posed so far, and I know that I don’t qualify as an expert because I live

only 20 miles away in Plymouth and to be an expert you have to at least come from out of state! What I would like to do is to spend time with you tonight looking both backward and forward in time

searching for some insight. And if you don’t mind, I’d like to use my personal experiences as a backdrop. At the end of the evening, hopefully we will arrive at a point where we are all feeling pretty good about the future.

I was a history major in college and I am an absolute believer in the axiom that, “if we fail to learn from history, we are condemned to repeat it.” Past is, indeed, prologue, absent some change in our behavior. So, it should be clear to us all



Judge Edwin Kelly at the podium at the Winnepesaukee Expo Center.

that absent change, we can safely predict the future by reviewing the past.

I had the great fortune of attending a talk given by the Dalai Lama this past fall. The topic of his talk was world peace. While I settled in for a long talk about the need for world peace and the many ways to achieve it, the Dalai Lama, quite predictably brought the entire discussion down to a very simple formula. If it is world peace we are after we must first establish personal inner peace, then peace within our families, then within our communities, our countries, and so on. It was an elegantly simple formula. And one that I think is worth considering in our search for answers tonight.

Because, in the end, even with the issue of children and families, isn't our goal a peaceful, harmonious environment at home and in our communities? Put another way, we need to be looking inside ourselves, at our own experiences, as a starting point, so I do think the Dalai Lama's instruction applies to the work we are all doing.

Let me try to put both these strands together. First, a look back in time to see what history teaches us. I grew up in New York about 30 miles outside of the city. It was a fairly small town, by N.Y. standards. We were a highly multi-racial, multi-ethnic area demonstrated best by the names on the three corner stores in my neighborhood, all within a block of my house. On my walk to school in

the morning I would pass Luciano's market owned and operated by Santo and Rose Luciano and Curley's market, owned and operated by Mary Curley. In the afternoon I would pass by the third store, Moscovitz's, owned and operated by Sol Moscovitz. Some of you came from similar neighborhoods, I know.

Each morning and afternoon, as my two brothers and I would walk by the stores we'd wave and chat with Mrs. Curley, Santo or Sol. And between the hours of 3 and 5, before my parents came home from work, we and the other neighborhood kids would hang-out outside one or other of the stores.

There was a childhood mystery that baffled me until I was safely beyond adolescence. And that was - how on earth my mother would know before she set foot in the door that my older brother and I had gotten into a bit of a fight and one of us had a bloodied nose. Or that a ball had gone through the neighbor's window. Or that my younger brother had ridden down to west street, which was clearly against the rules. Of course, it was only later that I realized my mother, on her walk home, also stopped in to chat with Mrs. Curley, Santo or Sol.

Several years ago I drove my family around the old neighborhood. As we rounded Luciano's corner to drive past my boyhood home, the first thing I noticed was that the store was boarded up

as was Curley's and Moscowitz's. The second thing I noticed was that my kids had locked their doors. It was a doubly sad moment for me.

Now, don't misunderstand me, I am not about to paint a rosy picture of my neighborhood and childhood. Life was not all butterflies and rainbows, as they say. In fact there was a lot left to be desired. And it is important to look back at our past, not with rose-colored glasses, but critically, as historians. What was good, what was not? For me, those boarded up stores and the change in the neighborhood made me ask what I would like all of us to be asking ourselves tonight. What have we lost or failed to learn from our past and what can we still bring back or learn from it?

The lesson in those little stories is that there was a time, that in some ways I think we have lost, a time when neighbors felt fully responsible for all of the kids in the neighborhood. When people were not concerned that they would offend someone by telling them that their son or daughter was up to something that wasn't good for them.

There is a fear that I observe often today, that parents and others have - that if they set parameters for their kids - (I'm talking about very clear limits and expectations), that kids will become resentful and rebel. I don't think anything is further from the truth. There is another phenomenon that follows from the fear

of limit setting, and that is the modern tendency to treat children like little adults. They are *not* little adults. Our life is a series of developmental changes and we would all do well to understand them. From childhood through adulthood we are all changing, as is our world view. Our children have a lot to learn from us, but also we have a lot to learn from our children.

My experience in 20 years as a judge, deeply involved with children and family issues, is that kids not only need, but thrive on, clearly set parameters. We can't forget for a minute that children are experiencing most events in life for the first time. They need our direction and our guidance and they need to understand that life in an ordered society is not about doing whatever you want whenever you want to. To be sure, teaching responsibility and accountability is not necessarily an easy thing to do; it takes time; it can be hard and it takes *all* of us.

If, as a parent, I am holding my child accountable for his actions, my efforts are defeated if the same is not happening in school or in the courtroom. The same is obviously true if my son's teachers are holding him accountable - and we are not at home.

So, let's stop here and look at what we can learn from the past. In the stories I told you it is clear that there was an implicit understanding that my parents and

none of the neighborhood parents could do this job of parenting by themselves. It was also clear that our neighbors felt a genuine responsibility to look out for us kids. And finally, it was clear that there was huge respect both between my parents and their neighbors and between the kids and our neighbors. I never once heard my parents suggest that Santo or Sol were being nose-y or intruding. They were eternally grateful. And, as a kid, I never felt resentful. We knew we were in the wrong and we knew it was the adult's job to correct us, to keep us within the parameters defined by my parents and our neighborhood.

Now, interestingly, I can absolutely assure you that my parents, Santo, Sol and Mrs. Curley never came to a Convocation like this. In fact, never once in my time at home did I ever see



Santo, Sol and Mrs. Curley in the *same* place at the *same* time. So, this business of caring for the neighbor's kids came naturally to them. It was an extension of their normal, everyday responsibilities.

I think what we are learning as a society, and what Belknap County is leading the way in, is an understanding of how important it is for all of us to take responsibility again for our own kids and for our neighbor's kids. Each in our

own way. Researchers tell us now that there is indisputable evidence that it takes the involvement of only *one* caring adult in the life of a child to make the difference between that child leading a life filled with risky behavior or leading a more productive life. Imagine that? And it doesn't have to necessarily be the parent, it can be anyone... teacher, neighbor, social worker, cop... maybe even a judge!

In my 27 years as a lawyer and a judge, there have been dozens of cases in which the involvement of one person - or better yet - a series of people and services in the community could have made the dif-

ference in the life of a young person.

In the early 1980's I represented a teenager in juvenile court who was one of the most

entertaining and bright kids you would ever want to meet...when he was sober. His problem as a 14 year-old was that he was an alcoholic and, almost without fail, when he got drunk he got into trouble. I represented him every time he got arrested and that was almost full time work. He became an adult and his abusive drinking continued, ultimately leading to his incarceration at the state prison for a series of alcohol-related offenses. About 12 years ago he was

convicted of first degree murder of a friend committed, not surprisingly, while he was so drunk he has no memory of the event. He is now serving life without parole at the state prison.

Had I known in 1980 what we all know today, would this kid be serving a life sentence, and would his friend be dead? Had some of the services we have available to us today been available in 1980, could the end of this story have been different? We will, of course, never know the answer, but I believe with all my heart that there is a very good chance we could have made a difference in this young man's life.

And then there is Nate. When I was appointed judge of Plymouth District Court 20 years ago, one of the first cases I handled was a neglect petition involving a 3 year-old child. His mother was a severe alcoholic and becoming drug-dependant. His father was struggling with his own issues. Throughout the late 80's and early 90's we worked with that family, trying everything available to us

at the time to make sure that little boy grew up safe and healthy. Now, that little boy is a 23 year-old young man who stood before me about 4 years ago suffering the pain of heroin addiction.

It is a tragic story about one life in northern New Hampshire. Now, I am not a perfectionist by any means. I know we can't do it all, and that we work in an imperfect system in an imperfect world, but as I looked at him I could not help but feel a profound sense of personal and professional failure.

At the same time, I felt a surge of hope because when I asked him if he had anything to say, he said, "I need help". Those are words that his mother never uttered in all her years in court—and today, 20 years after his mother was in the same position he found himself in, there *is* hope. There is hope because of people like you, because people are coming together and committing to make life different for the young people of this community.



Attendees at the 2006 Convocation on Children and Families eat together and enjoy the evening's program that included a keynote address by Judge Edwin Kelly.

So, what are we facing today and what can we do about it? Teenage pregnancy is climbing and the use and abuse of alcohol and other drugs continues to rise. The newspapers have been filled with stories the past two weeks about young students drinking before school and the difficulty of finding alcohol and other drug treatment and education programs.

We read more and more about young people committing extremely violent crimes...likewise the stories about teen attacks on the homeless are stunning and difficult to comprehend. And the rate of teenage suicide is reaching alarming proportions.

These are not the problems that we faced as children or that our parents faced. So, we can't just rely on history to teach us. Life and its conditions are ever-changing. I can, for example, remember my mother laughing at us when my wife and I insisted that our kids wear bicycle helmets. Or when my brother and his wife expressed concerns about the lead paint in their house. Or that the kids might get burned on the old fashioned radiators in their house. My mother would wonder aloud how we kids ever grew up with all those awful hazards around.

But she would also tell me when I would come into the house sunburned and blistered to put a shirt on and go back outside to play. About 5 years ago I was diagnosed with melanoma—a deadly

skin cancer—lucky for me it was caught early, treatment was successful and I have had a full recovery. I know my mother loves me as only a parent can, and she would never have exposed me to any known risk. But I am also positive that had I *not* developed skin cancer her reaction to our near obsessive use of sun block on our kids would have been similar to her reaction to bike helmets and lead paint.

The point is that we all have to remain open to changing our behaviors based on new discoveries. So, today we are deeply concerned about marijuana use while in the 60's and 70's there wasn't the same concern. Why? There are lots of reasons, not the least of which is the enormous increase in the potency of the marijuana that is being consumed today compared to 30 years ago, along with what we know about the development of the adolescent brain and the impact the use of all drugs has on that development.

We are scared to death about our children engaging in unprotected sex because of the thousands of people who die from AIDS every year or are forced to live with sexually transmitted diseases for the rest of their lives.

Researchers tell us that the likelihood of young people engaging in risky behavior increases when parents do not set clear expectations. We know that violence increases as the number of hours young people spend watching violent movies,

TV shows, and computer games increase. So, why then do we allow it to continue?

When people ask what they can do, I say, “Be aware and be alert”. Look around your community and ask questions. What is really going on? What is the use of alcohol and other drugs in the schools and among your kid’s classmates? What is the level of violence? And not necessarily just physically assaultive violence, but verbal violence. Do we allow name-calling and bullying that can be just as destructive and sometimes *more* destructive than a slap in the face?

And how are we treating one another? What are our kids and the communities’ kids’ observations of us? Ask them. Do we speak to one another respectfully? I was surfing through the channels one night last week and happened to pause on a segment of American idol. I was amazed at the conduct and language of the people who were judging the various contestants. And then, I was even more amazed at the often censored responses of some of the contestants on their way out the door. Is that really what has become accepted as civil dialogue and

entertainment in our society? Is it really the “adult modeling” we want our children exposed to?

Is our news media respectful in the way it reports and editorializes? Are we modeling behavior that encourages freedom of expression while discouraging behavior that is destructive?



(L-R) Alan Robichaud, Executive Director of the Belknap County Citizens Council on Children and Families and Judge Willard Martin, Special Justice with the Laconia District Court, listening to Judge Kelly’s comments.

It is absolutely critical that each of us has the courage to stand publicly and be willing to advocate for the changes in our communities that are necessary in order to create an environment

that is supportive of our young people. An environment where they feel they can turn to adults to seek guidance. An environment where we all recognize that youth will make mistakes - and that this *is* part of growth. And an environment in which they feel valued by us.

By looking around the room I can tell that many of you will remember the Crosby, Stills & Nash anthem of the late 60’s “Teach Your Children”. In it, the lyricist reminds parents to “Teach your children well - their parent’s hell”. But it also tells parents to “Feed our children on our dreams”.

We cannot forget that part of our obligations is to pass onto our children - and our communities' children - the dreams we have. And perhaps the dreams we are only just now acknowledging, may not be achievable in our lifetime.

The songwriter then turns his attention to the children and says, "You of tender years, can't know the fears that your elders grew by and so, please, help them with your truth, they seek the truth before they can die." The song closes by telling the children to feed their parents on the children's dreams and "know they love you."

In the end isn't that what this is all about? All of the work all of you do? This Convocation? It is about the love you have for your children. And the critical need for us all to share our feelings, hopes and dreams with one another to make them a reality.

Let me close tonight with something that Teddy Roosevelt said almost 100 years ago. I think its message of hope and encouragement speaks directly to all of you here tonight:

"It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deed could have done some of them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust, sweat and blood; who strives valiantly; who errs, and comes short again and

again, because there is no effort without error and shortcoming; [the credit belongs to] those who actually strive to do the deeds; who know the great enthusiasm, the great devotions; who spend themselves in a worthy cause; who at the best know, in the end, the triumph of high achievement, and who at the worse, if they fail, at least fail while daring greatly, so that their place shall never be with those cold and timid souls who know neither victory nor defeat"

It has been my great pleasure to be among you "Doers of Deeds" and to look out on so many faces marred by the dust, sweat and blood of your valiant efforts. I know that all of you will experience the triumph of high achievement.

Judge Edwin W. Kelly **Administrative Judge,** **NH District Courts**

Judge Kelly has been a member of the New Hampshire Bar since 1979. He was appointed Judge of the Plymouth District Court in 1985 and in 1991, he was appointed the first Administrative Judge of the District Courts by the NH Supreme Court. As Administrative Judge, he is responsible for overseeing the judges and clerks of New Hampshire's 37 district courts and for all administrative details of the district court system.

The NH Supreme Court appointed Judge Kelly as the first Administrative Judge of the Judicial Branch Family Division. The

Family Division hears all matters related to families including divorces, custody matters, some adoptions, all juvenile cases, domestic violence cases and guardianships over minors. Judge Kelly serves in this role in addition to his responsibilities as NH District Court Administrative Judge. In the last calendar year, the district courts and family division heard more than 195,000 cases, accounting for 82% of all cases filed in the state's court system.

Aside from his judicial and administrative duties, Judge Kelly has served on Governor Sheehan's Kids Cabinet, as Chair of Governor Gregg's Task Force on Child Abuse and Neglect, as a member of Governor Gregg's DWI Task Force, as a member of the Governor's Commission on Domestic and Sexual Violence, and as Chair of the Governor's Commission on Alcohol and Drug Abuse.

Judge Kelly and his family reside in Plymouth.