

**GUIDE FOR PLANNING MEANINGFUL
YOUTH PARTICIPATION IN FAMILY COURT**

This is a comprehensive tool designed to aid the AGAL or CASA through a discussion with youth about his or her participation in Family Court hearings. This guide is meant to be used in combination with the *Youth Questionnaire to Facilitate Meaningful Family Court Involvement*.

Name of Youth: _____ Next Hearing Type: _____
Date and Time of Next Hearing: _____ Name of Judge: _____
Age of Youth: _____

SECTION A – IDENTIFYING HOW THE YOUTH WILL PARTICIPATE

Youth have options regarding their participation in Family Court hearings. A youth's age and intellectual development should always be a significant factor in determining his or her mode of participation. Discuss the various options with your client to determine which option is best for each hearing:

1. If the youth chooses to attend the hearing consider these possible options:
 - a. The youth may stay for the entire hearing in the courtroom and answer the Judge's questions in the courtroom.
 - b. The youth may stay for the entire hearing in the courtroom and meet with the Judge separately either before or after the hearing.
 - c. The youth may stay for part of the hearing in the courtroom and leave when _____ occurs.
 - d. The youth remains outside the courtroom during the hearing and meets with the Judge before or after the hearing.
 - e. Other – Ask the youth if he or she has other ideas about participation in the hearing process.
2. If the youth chooses not to attend the hearing he or she can still participate through one of these possible ways:
 - a. Participate in the hearing by phone. (This option is particularly helpful if the youth is placed in an out-of state placement.)
 - b. Meet with the Judge at a different time from the hearing.
 - c. Write a statement to the Judge to be shared by the AGAL/CASA.
 - d. Ask the AGAL/CASA to participate and communicate for the youth and report back.
 - e. Other .

SECTION B – IDENTIFYING AND RESOLVING BARRIERS TO PARTICIPATION

There are specific topics that the AGAL/CASA should discuss with their youth client in order to help the youth understand what will happen at the hearing.

1. Who will be at the court hearing and why?
2. What topics will be talked about at the hearing?
3. What is this court hearing supposed to do?

4. What are the parts of the court hearing?
 - a. For example who talks first, next, last?
 - b. When will the youth talk, if the youth chooses to?
5. Where will the youth/others sit during the hearing?
6. Why is it important for the youth to be there?
7. Where will the youth wait before or during the hearing?

After discussing the basic framework for the court hearing, determine if there are any special issues that need to be addressed to aid the youth's meaningful participation in Family Court. Examples of barriers to participation in a court proceeding may include:

1. The youth has a mental health, intellectual or physical disability.
2. The youth is very angry and does not trust anyone connected with the system.
3. The youth does not want to hear very painful things that could be brought up in Family Court.
4. The youth does not want to see his or her parents.
5. The youth is placed very far away.
6. The youth has another activity scheduled at the same time that is important to him or her to attend.
7. The youth is not doing well or there are behavioral issues that may make Family Court tense and uncomfortable for the youth.
8. The youth had an unpleasant Family Court experience when he or she last attended.

If barriers exist, make arrangements to help the youth participate. Examples of arrangements to address an issue could include:

1. Have a counselor, therapist, nurse or treatment provider present or available.
2. Request a specific time block for the hearing.
3. Request that furniture be moved to accommodate medical equipment or assistive technology.
4. Request that breaks in the hearing take place as needed.
5. Have a friend or mentor accompany the youth to Family Court.
6. Arrange for a place to wait that is not as chaotic as a waiting room.
7. Prepare a colloquy or script with the youth to provide structure to the Family Court appearance.
8. Have the youth write a letter that he or she reads or presents to the Family Court.
9. Have the youth present for only a portion of the Family Court hearing.
10. Have the AGAL/CASA address with Family Court any prior negative experience and youth feedback.

SECTION C – PREPARATION FOR FAMILY COURT

Youth need to be given specific details in advance of the hearing in order to be sure that they will be able to participate meaningfully and feel comfortable at the hearing.

1. Explain your role to the youth and share the AGAL/CASA brochure.
2. Determine if the youth would like a tour of the courthouse.
3. Show a picture of the Judge.

4. Notify the youth of the court hearing and determine how the youth will be transported to Family Court.
5. Explain how the youth should dress for the proceeding.
6. Explain to the youth that the Family Court proceedings are recorded for future use.
7. Explain that sometimes hearings run long or there may be a wait in the courthouse before entering the hearing.
8. Explain to the youth the kinds of decisions that will be made at the court hearing depending on the stage of proceeding. Explain that at each proceeding, the Court will be focusing on different things, and as their advocate you will be able to question the witnesses to ensure that the youth's wishes are heard.
9. Explain to the youth who will be present in the court room and their respective roles.
10. Address good things happening in the youth's life to ensure those are presented to the Family Court.
11. Address any problems that the youth is having, since those may also need to be addressed at Family Court.

SECTION D – LOGISTICAL PREPARATION



1. Finalize and confirm the youth's transportation to Family Court.
2. Remind the youth that cell phones are not allowed in the courthouse and the appropriate dress.
3. Contact any support people (other than staff or treatment providers) to accompany the youth to Family Court and make arrangements to ensure their appearance.
4. Address any concerns the youth might have about seeing family or anyone else in the waiting area. Arrangements to ensure that waiting is as comfortable as possible for the youth can be made, such as:
 - a. Wait in another Family Court waiting room if available.
 - b. Inform the Family Court of your concerns, and ask to wait in an office or other space in the courthouse (example: CASA or OCA office).
5. Ask the youth what activities might help stave off boredom. Some options include:
 - a. Read.
 - b. Play cards, games.
 - c. Look at college catalogues.
 - d. Do homework.
 - e. Explain or complete forms that many older youth need to complete, such as the FAFSA, ETV application, scholarship applications, etc.
 - f. Other.
6. Ask the youth if they have something they want to bring as a comfort item such as a special stuffed animal, small blanket, or other security item.
7. Bring an extra pad of paper and pen for the youth so that the youth can write notes or questions during the proceeding.

*The AGAL and CASA may not bring the youth's cell phone into the courthouse. As such, ensure that the youth has a safe place to leave a cell phone if the AGAL or CASA transports the youth to court.

SECTION E – DURING COURT

It is necessary not only to prepare the youth before court and to debrief with the youth after court, but to accompany the youth during the actual court process.

1. If the AGAL or CASA has not transported the youth to court, then immediately seek out your youth client and answer any questions he or she may have upon arrival to the courthouse.
2. Introduce the youth to any persons he or she may not know who are sitting in the waiting area.
3. Make sure that the youth has checked in with the receptionist, so that the Court knows the youth will be in the proceeding.
4. If possible, review any documents provided to you by the other parties with the youth prior to entering the courtroom, including the case plan of the parents.
5. Explain who the parties are seated in the courtroom and review each of their roles if not introduced in the waiting area.
6. During opening remarks, advise the Court how the youth would like to participate in the hearing, and any accommodations that need to be made. Introduce the youth to the Judge when applicable. If the Judge has not offered for opening remarks, the AGAL or CASA should stand up and ask to address this as a preliminary matter.
7. If possible, sit next to the youth or near the youth with a pad of paper, so that the youth can write down questions or concerns. Make sure to explain to the youth that the pad of paper can be used to communicate thoughts or questions to you.
8. Prior to questioning each witness, consult with the youth as to any questions he or she wants you to ask.
9. Before concluding the questioning of each witness, ask the court for a moment to consult with the youth as to any other questions he or she wants you to ask that you did not cover.
10. For each witness, try to have the witness focus on the youth's strengths as well as challenges. If the witness discusses only problems or concerns with the youth, ask the witness to provide positive statements regarding what the youth is doing well.
 - a. Keep in mind that adolescents regularly make mistakes like missing school, violating curfew, refusing to do chores, talking back, showing disrespect, etc. This is NORMAL adolescent development. Most adolescents do NOT have Court hearings to review their adolescent "choices." As such, try and keep the Court and counsel focused on this normalcy.
 - b. Keep the youth as calm as possible during difficult testimony, and help the youth to take a break as necessary.
11. Provide ongoing support to the youth during the hearing, making sure to explain difficult terms or further clarify information.
12. At the appropriate time, speak up for the youth, announce youth's desire to speak for him or herself (if applicable), and answer follow up questions from attorneys or the judge. Ensure that substantive issues that the youth wants brought up should have already been at least partially addressed through witness testimony (direct and cross examination).

SECTION F – DEBRIEFING

It is important to debrief with youth clients to ensure they understand what happened in the Family Court hearing and prepare the youth for what is going to happen in the future.

1. Explain what, if anything, will change after the court hearing.
2. Ask if there was anything that happened today that did not make sense to the youth.
3. Explain the proceedings as appropriate, discuss:
 - a. Progress on parent's case plan.
 - b. Evidence regarding the youth's well-being.
4. Ask if anything was surprising during the hearing.
5. Ask if the youth felt that his or her concerns and wishes were presented to the Family Court.
6. Inquire as to whether the youth would like to participate in a similar or different fashion at the next hearing.
7. Ask if the youth understands what will happen next.
8. Review the order with the youth.