

Youth Involvement in Court:
A Youth Centered Approach To Legal Representation



Imagine walking into a courtroom...

- Setting up the courtroom scene
- Dependency/Neglect Lingo
- Formality (or informality) of the proceedings

Youth involvement in Court

- Benefits of youth involvement in Court
- How to prepare youth for Court
- Ways to have the youth participate
- Barriers to participation
- Debriefing

A Caveat: Teens are Teens

- Research shows that brains are not fully mature until at least 25, and even later for some individuals.
- Trauma, physical or psychological, can disrupt and delay brain development.
- Children typically enter foster care with complex histories and family relationships that can lead to chronic mental health problems, factors that are likely to impact their emotional, social and behavioral maturity.
- The adolescents we work with are teens and will portray typical teen behavior, and in some other cases may act out because of their trauma.

Let's Examine...



- **Why should youth be involved in Family Court hearings?**
 - In small groups of 3-4, make a list of possible reasons
 - Put them in order according to your group's belief of level of importance (starting with most important reason)
- Review as a large group reasons and level of importance

Activity #1

Benefits of Youth Engagement in Court for Youth

- Youth will
 - have a better understanding of their case and how the system works.
 - have the opportunity to advocate for themselves.
 - feel like they have some control over their own lives and possible improvement of self-esteem
 - be assured that everyone is doing their job and workers will be held accountable for their actions
 - feel that the system is fair, even if they do not like or agree with the outcome(s)

Youth Justice Board, Stand Up Stand Out: Recommendations to Improve Youth Participation in New York City's Permanency Planning Process New York (New York 2007).

Common Views from the DYOI Survey in 2013

- Youth think they are in court because they are in trouble.
- A lot of fear about court comes from:
 - Not knowing the reason for being in court
 - Not knowing what to expect in court
 - Not knowing what will happen to them once the court hearing has ended



Adapted from DYOI & Judicial Law Center, Jenny Pokempner, 2014

When Is It Appropriate for Youth To Attend Court?

- Whenever appropriate, the child's participation should be encouraged.
- Depends on developmental level, but generally children 14 and older should always attend.
- Ask the child their preference.

So Your Youth Wants to Come to Court?



We will use the case review handout for the rest of the presentation.

Youth Questionnaire

- Designed as a tool to guide AGAL/CASA through discussion with youth on their participation in court.
- This document should not be handed to the youth or shared with others. Fill it out with them!



A. How will Youth Participate?

- Sit in the entire hearing and answer Judge's questions in the courtroom
- Sit in the entire hearing and meet with Judge separately either before or after the hearing
- Sit in for part of the hearing
- Remain outside the courtroom during the hearing and meet with judge either before or after hearing
- Other...ask youth if they have another idea

A. If Youth Doesn't Want To Attend...Alternative Options

- Participate by phone for all or part of the hearing
- Meet with Judge at a different time than the hearing
- Write a statement to the judge
- Ask the AGAL/CASA to participate and communicate for youth and report back to youth



Let's Look At Shauna...

- In a small group, figure out if Shauna wants to participate in her court hearing.
- If she wants to participate, how?

Use the Youth Questionnaire and Guide for Planning Meaningful Youth Participation – Sections A.

B. Concerns about Participation

- Sit down and discuss with youth:
 - Feelings about Family Court
 - Feelings about seeing parents and adults
 - Topic discussion
 - Topic concerns
 - Special requests
 - Scheduling times



B. Identifying Barriers

- Who will be present and why?
- What topics will be discussed?
- What is the hearing supposed to do?
- Where will the youth sit during court?
- Why is the youth present?
- Where will the youth wait for the hearing?

B. Barriers Identified

- Youth has a mental, physical or intellectual disability
- Youth is angry and doesn't trust anyone associated with the system
- Youth doesn't want to hear painful things
- Youth doesn't want to see parents
- Youth is placed far away
- Youth has another activity scheduled
- Youth is not doing well and is experiencing behavioral issues
- Youth had previous negative experience in court

B. Overcoming Barriers

- Have a counselor present
- Request specific time block for hearing
- Request furniture rearrangement to adapt to medical equipment
- Request breaks during hearing and then help the youth take a break.
- Request to have a friend or mentor present
- Arrange for a quiet/calm waiting area
- Prepare a script with the youth to read
- Have youth only present for part of hearing
- Have AGAL/CASA present prior negative experience and youth's feedback

Let's Look At Shauna...

- In a small group, figure out if Shauna has any barriers to participation.
- If she has barriers, how will you work with her to overcome them?

Use the Youth Questionnaire and Guide for Planning Meaningful Youth Participation – Sections B.

C. Preparation for Family Court

- What involvement does the youth want?
- Positively encourage Court involvement
- Explain role as AGAL/CASA
- Ensure youth understand the purpose of THAT particular hearing in connection with the court process
- Explain and/or provide Court documents (orders)
- Ensure you understand the youth's position and concerns



C. Preparation for Family Court

- Tour of courthouse
- Picture of youth's judge
- Facilitate transportation with provider
- Explain possible outcomes
- Address positives in youth's life
- Address any problems youth is having



C. Preparation for Family Court

- Where do they sit? Who will be with them?
- What should they do if they have questions?
- What can they bring with them as a comfort measure?
- What opportunities will they have to speak?
- How long will they have to wait?
- Make it clear while their input is important, the Judge makes the final decision...BUT you are their advocate and there to for them

Let's Look At Shauna...

- In a small group, figure out how you help Shauna prepare for the court hearing.
- What are some of Shauna's positives?

Use the Youth Questionnaire and Guide for Planning Meaningful Youth Participation – Sections C.

D. Organizing for the Family Court Hearing

- Transportation arrangement
 - If Transportation is needed, please contact Independent Living IL provider or DFS worker
- Contact support people
- Address youth's concerns over other attendees (such as parents, providers)
 - Explain presence of each person to youth in their terms (Ex. "Mr. Mike")
- List of items to bring to court
- Identify support item



D. Organizing for the Family Court Hearing – Courtroom Etiquette



- No cell phones in courthouse
- Explain how the youth should dress for the court hearing
- Explain that the youth should stand up to address the Court.
- Explain how to address the Court.

Let's Look At Shauna...

- In a small group, figure out how Shauna is getting to court on the day of her hearing.
- Does Shauna need to bring anything with her to court?

Use the Youth Questionnaire and Guide for Planning Meaningful Youth Participation – Sections D.

E. During Court

- Immediately introduce yourself to the youth if you did not transport them.
- Make sure youth check in at the receptionist in order to ensure the judge knows the youth is present.
- Introduce the youth to others and explain their roles.
- Review any documents with youth.
- Sit next to the youth in the courtroom.
- Provide notepad and pen to youth to communicate during hearing.



E. During Court

- Ensure the Judge acknowledges the youth's presence.
- During opening remarks, advise the Court how the youth would like to participate in the hearing, and any accommodations that need to be made
- **Prior to questioning each witness, consult with the youth as to any questions he or she wants you to ask.**
- **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.**
- Re-direct negative testimony
- Ask questions soliciting positive achievements of the youth

E. During Court



- Avoid talking about youth as if they are not present
- Ensure you have covered all topics wanted by youth
- Encourage youth to speak to Judge preferably in the courtroom
- Provide ongoing support to the youth during the hearing, making sure to explain difficult terms or further clarify information.
- Create MEANINGFUL participation

HR 4980: PREVENTING SEX TRAFFICKING AND STRENGTHENING FAMILIES ACT

- Normalcy for Youth in Foster Care
- “Normalcy” for youth in foster care is now a priority. Normalcy includes promotion of sports and extracurricular activities for youth in care. Additional funding to states for such activities will start in 2020.
- Definition of “reasonable and prudent parent standard”: - *the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the State to participate in extracurricular, enrichment, cultural, and social activities*

HR 4980: PREVENTING SEX TRAFFICKING AND STRENGTHENING FAMILIES ACT

- APPLA
- Elimination of APPLA for youth under age 16. **This will take effect September 29, 2015.**
 - At every post APPLA review hearing, the Court will have to document and justify why APPLA is the only appropriate goal.
 - Before APPLA becomes the goal for youth in foster care, DFS will have to take significant steps to recruit for permanency.
- Aging Out
- Begin to include youth in the planning process for independence at age 14. Similar to a STEPS meeting, youth will need to be included earlier in the process.

Let's Look At Shauna...

- In a small group, figure out if Shauna's legal representative engaged Shauna before and during the court proceeding.
- Is there anything else Shauna's legal representative should have done?

Use the Youth Questionnaire and Guide for Planning Meaningful Youth Participation – Sections E.

F. After the Court Hearing: Court Debriefing

- Explain any changes discussed in court
- Identify misunderstandings or anything that's confusing to the youth
- Explain process
 - What parents need on their case plan
 - Update on youth's well being
- Identify courtroom surprises
- Confirm youth's wishes and fears were explained to the court
- Identify best way to participate in future
- Identify if youth knows what'll happen next
- Go Over Court Order with Youth



F. After the Court Hearing: Court Debriefing

- If youth does not attend court hearing, you should still debrief with them.
- Just because they did not attend, does not mean that they are not interested!
- By going over the court order, you will be able to explain what happened during the hearing.



Let's Look At Shauna...

- In a small group, figure out if Shauna's legal representative debriefed with Shauna.
- Is there anything else Shauna's legal representative should have done?

Use the Youth Questionnaire and Guide for Planning Meaningful Youth Participation – Sections F.

Let's Review: What is My Role?

- Provide support to youth
- Go through Questionnaire and Guide
- Communicate with all parties (OCA, CASA Attorney, IL provider, DFS social worker, youth, CASA coordinator)
- Highlight youth's desires in court
- Help facilitate transportation (inform DFS or IL provider if youth needs transportation)

Questions?
