



ABA Center on Children and the Law

Youth Engagement Projects focusing on court participation improve outcomes for youth in foster care. In most court contexts, the rules strongly favor first-hand information. Yet where a foster youth's life is the topic of discussion, all too often, we have not been hearing directly from them. New data show that youth want to come to court and courts are able to make better decisions when they do.

A number of U.S. jurisdictions have looked at these issues. Many of these efforts were supported by state Court Improvement Programs. Evaluations included surveys of youth, attorneys, judges and social workers, as well as court observations.

In many cases, data was collected where states were making efforts to ensure and improve youth engagement, including:

- trainings and workshops providing youth and professionals with guidance on how to engage youth
- changes to court policies or procedures
- tools for youth, attorneys and others

The data clearly demonstrate that many foster youth want to participate in decisions affecting their lives. Judges learn more about the youth coming before them, and report having a better understanding of what youth need and want and why. Caseworkers, CASAs, GALs/attorneys responses also reflect the positive benefits of youth participation.

This Report summarizes 7 assessments completed in New Jersey, Washington, Kansas, Colorado (2), Vermont and Delaware.¹

¹ **New Jersey:** 3 counties, 600 professionals' daily surveys were completed, as well as 135 youth surveys. 66 surveys were completed regarding absent children/youth. 170 professionals also completed monthly surveys.; **Washington:** Surveys were conducted in 2009/10 of 551 youth and 12 judicial officers in 4 jurisdictions in the State about 1,357 hearings.; **Delaware:** Surveyed 95 youth ages 14-21 and 150 attorneys, CASA/GALs, judges, foster parents, caseworkers and case managers.; **Vermont:** The Vermont Court Improvement Program, Youth Development Program, and DCF-Family Services Division surveyed 74 youth, ages 13-18 about their experience in 2013.; **Kansas:** Data are derived from 31 Judges' surveys in 2013 and 44 in 2014; 28 court observations in 2013 and 32 in 2014 and 17 youth surveys in 2013.; **Colorado A:** The Colorado Judicial Institute, Bridging the Gap (United Way), and Center for Research Strategies, 2007, conducted focus groups with 58 current and former foster youth, ages 14-26. **B:** February 2014, online survey with 258 GALs, County attorneys, parent attorneys, judicial officers, CASA directors, District Court Administrators, and others, by University of Denver, CO, Women's College.

Decision-making improves when youth are in court

New Jersey

- 33% of adults (judges, attorneys, caseworkers, etc.) said the youth contributed new information to the court

Washington

- 40% of judges said the interviews with youth were quite useful; 25% said very useful; and 35% said a little useful

Kansas

- 81% of judges said youth presence impacted decisions
- 51% said they find out more information from the young person
- 54% said it helped them make decisions
- 64% observed things about the youth not reflected in records
- Youth believe the judges know enough to make fair decisions

Vermont

- 82% of youth think better decisions are made if they are there



Youth want to come to court

New Jersey

- 99% of youth that came to court wanted to come back

Delaware

- 47% of youth said they 'always' attended their court hearings; 18% said they 'almost always' did; 21% said they have 'a few times'
- Youth attended "To know what's going on; know plans"; "Because it's my life; I like to have a say; so I can talk to the judge"; "Because I should"

Vermont

- 71% of youth usually/often attended court hearings
- 77% believed it was very important to have the option to attend

"Because it's my life; I like to have a say"

Colorado

- Youth wanted judges to hear their voices, and to provide direct input about their situations and placements
- A majority of youth surveyed felt they didn't have a voice and wished they had

Kansas

- Youth said they want to go to their hearings

Court is usually a positive experience for youth, even though they understand they will not always get what they want

New Jersey

- Youth said the court experience was 'very good' (48%) or 'good' (33%) even though many of the same youth noted that they did not or might not always get what they wanted
- Open-ended comments reflected specific examples, such as not going home with a relative, as well as general statements about the uncertainties of court hearings

Vermont

- 62% said they usually/often felt listened to, whether or not they agreed with decisions

Washington

- 90% said they understood what happened in court
- 79% said the judge made a fair decision
- 77% were glad they came to court
- 63% said the judge knew enough to make decisions about them; court was what they thought it would be like; they knew when the next court hearing would be



Youth felt heard and understood

New Jersey

- 89% youth said the judge heard and understood what they were trying to say

Delaware

- 56-63% strongly agreed the judge listened to them, cared about them, and they felt comfortable talking to them

Vermont

- 84% said the judge asked if they understood the decisions being made
- 75% said the judge asked questions about their life
- 74% said they understood what happened in court
- 64% reported the judge makes fair decisions
- 63% were glad to go to hearings
- 61% felt comfortable asking the judge questions

Washington

- 66% reported talking to the judge during the hearing
 - 90% of those who talked to the judge felt the judge spoke directly to them, listened, and they felt 'OK' answering questions
 - 64% of those said they told the judge things they didn't want to say in front of everyone else
 - 47% said it is not hard to talk to the judge in front of everyone

Kansas

- Youth said talking to the judge made them feel listened to, important, and comfortable

Youth often reported being concerned about placement, school, permanency, & visitation

New Jersey

- 41% of youth were concerned about going to live with parents/relatives
- 62% of adults said the youth spoke during the hearing:
 - 56% talked about permanency plans
 - 41% about placements
 - 32% about school

Washington

- Judges said they learned more about placement (49%) and visitation (43%) during interviews with youth
- Of the youth who asked for an interview with the judge, 64% told the judge things they didn't want to say in front of everyone else.
 - 54% of the time it was about permanency
 - 53% about visits with family
 - 40% about school
 - 34% about safety/well-being

Kansas

- Judges reported youth discussing matters important to them including:

○ Placements	64%
○ School	64%
○ Health	64%
○ Visitation	51%
○ Permanent connections	44%

Colorado

- Youth reported that judges may have a lot of information, but not accurate or personal information about them, or the information from caseworkers was negative
- Youth wished the judge would ask them directly about their wants and needs in placement; even privately or submitted in writing

Barriers to getting youth to court can be overcome

New Jersey

- 70% of the adults reported no barriers to getting children to court
- And 65% of the time, when there were barriers, they were able to overcome them

Washington

- 86% of youth had no transportation issues
- 10% did because they lived or were traveling from out of town, or were incarcerated or receiving inpatient treatment



Policy & Practice Implications

The data support key practices that support youth engagement¹ including:

- ✦ Youth should be present at their dependency court hearings.
- ✦ In limited cases it is acceptable for a youth to not attend her dependency court hearings (youth declines after being notified; judge determines it's contrary to the child's interests)
- ✦ Lack of transportation should not be a reason to exclude the youth.
- ✦ If the judge finds it is contrary to the youth's interest to participate in person, she should consider alternatives before excluding the youth from the hearing, such as temporarily exclude the parent/guardian, have the youth attend a portion of the hearing, Talk to the judge in chambers, use video technology, letter and hearsay statements).
- ✦ The judge should document whether the youth is present and if not, why. The judge should also specify whether the youth should be brought to the next hearing.
- ✦ The judge should engage the youth and explain the proceeding and ruling in age-appropriate language.
- ✦ A child-friendly hearing notice should be provided to the youth.
- ✦ Hearings should occur without requiring an extended wait by the youth, should account for school schedules, be set for after school hours for school aged children, and every effort should be made to call cases involving youth who are present first so they can leave and get back to school.
- ✦ The judge should allow the youth to bring a support person with her to the hearing.
- ✦ The youth should be properly prepared before the hearing and debriefed after the hearing, as to who will be present and their roles, anticipated questions and topics, whether they'll be able to speak to judge in chambers, and what she should wear and how she should act.
- ✦ The judge should ensure the child has adequate representation. Even where representation is under a best interests model, as was true in some of the above states, youth direct involvement in their case supports good representation.

¹ ABA Bar-Youth Empowerment Project and National Child Welfare Resource Center on Legal and Judicial Issues. "Engaging Youth in Court: Sample Court Policy." ABA Child Law Practice, Vol. 30, No. 3, May 2011. Washington DC: ABA Center on Children and the Law

Conclusion

Foster youth want to be involved in decisions about their lives, especially with respect to placements, permanency, school, and visitation. Youth and professionals agree that the first-hand information they can contribute allows courts to make better decisions. The data show the importance of the adage that many youth have been telling policy-makers for years –

“Nothing about us without us.”

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[For more information about the American Bar Center on Children and the Law Youth Engagement Project -](http://www.americanbar.org/groups/child_law/what_we_do/projects/youth-engagement-project.html)

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Resources & References

ABA Bar Youth Empowerment Project www.americanbar.org/groups/child_law/what_we_do/projects/youth-engagement-project.html

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Kansas & New Jersey data have been disseminated in the states and at national conferences. Presentation materials are available upon request.