

Increasing Effective Youth Participation in Vermont's Child Welfare Court Hearings:

A Study of Vermont's Current Practices



Prepared for the
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By

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Executive Summary

There is broad variation among Federal and state laws defining children's participation in the court process. The federal Child and Family Services Improvement Act of 2006 (109 P.L. 288, Section 10, §3) requires that the judge consult with children during a Permanency Hearing at an age-appropriate level. Vermont State Law (33 V.S.A. § 5307) requires that children over the age of ten (10) attend temporary care hearings, unless they receive a waiver. Vermont has been working to improve outcomes for children in the child welfare system, including determining how to address the participation of children in the child welfare court process. This report examines current practices and attitudes regarding the involvement of children in Vermont child welfare hearings.

The research for this report was multifaceted and examined children's participation in child welfare (Children in Need of Supervision (CHINS)) hearings. Two web-based surveys yielded over two hundred responses. Surveys were sent to the following groups: judges, attorneys, Guardians Ad Litem, Family Services Division case managers, foster parents, and kinship providers. Research of current literature and practices was conducted. A focus group interview was conducted with the Vermont Youth Development Committee following analysis of the survey results.

Many organizations, including the American Bar Association, advocate for increasing children's participation in court processes and developing policies that support their participation. However, advocates caution that child participation in court hearings should be considered on an individualized basis and any policies should remain flexible to ensure the well-being of the child is kept at the forefront of these considerations. The Vermont Youth Development Committee echoes this saying that, while it is important for children to be able to participate in court hearings if they want to, court may be too frightening for very young children.

Over twenty percent (20%) of Vermont survey respondents indicated they believe that children should actively participate in court hearings, either by speaking directly to the judge or having someone read a statement on their behalf. Over seventy-five percent (75%) of survey respondents indicated children should participate when appropriate. Survey respondents noted it was important to consider:

- the child's age, developmental level and emotional well-being;
- the child's interest in being present at the hearing and the necessary preparation that is needed to ensure the child understands the court hearing process; and
- the information the court will gain from speaking directly with or even just observing the child in the courtroom.

Alternative methods for participation of children in the court process should be considered. Federal law requires only that children are consulted with in an age-appropriate manner. To consult means to discuss, learn from, or seek advice from an individual. This indicates there needs to be a direct interaction between a judge and the subject child, though not necessarily in the formal court hearing.

It is clear that a child's presence in the courtroom is not a universally advisable solution for meeting the intent of this law. Survey respondents clearly noted that children's participation in court should only occur when their well-being can be assured. Further, respondents noted children's method of participation should depend on their age and developmental level. In order to ensure that children are consulted in an age-appropriate manner, judges must consider all alternatives for consultation, such as:

- meeting with a child in chambers;
- having someone speak on the child's behalf based on a direct interview with the child; or
- children submitting a written statement or answers to questions asked by the court, to be read during a hearing.

In order to be effective participants, children need to be well-prepared to:

- understand the court process,
- understand their role and the roles of others within the court process,
- and to be consulted with prior to a hearing to ensure their needs are effectively represented by their attorney and Guardian Ad Litem.

This preparation of children and youth is not the responsibility of any one professional. The child's attorney, child's social worker, and Guardian ad Litem all share this responsibility. It is important that those who prepare a child to participate in court be knowledgeable about the process, the child's rights, and be someone whom the child trusts.

Recommendations

Care should be taken to consider how State and Federal laws are interpreted. Guidance should be given to professional stakeholders in Vermont about how to ensure a child's well-being, while assuring that those children who want to have the opportunity to be present and speak to the judge during hearings. Guidance should also be developed for children's attorneys, social workers and Guardians ad Litem outlining how to prepare children to participate in hearings. Increasing children's participation in hearings leads to better decision-making on the part of judges, and better outcomes on the part of the children.

Background and Context

The Federal Child and Family Services Improvement Act of 2006 required that "...procedural safeguards shall be applied to assure that in any permanency hearing held with respect to the child, including any hearing regarding the transition of the child from foster care to independent living, the court or administrative body conducting the hearing consults, in an age-appropriate manner, with the child regarding the proposed permanency or transition plan for the child;" (109 P.L. 288, Section 10, §3).

Vermont Law (33 V.S.A. § 5307) requires that children over the age of ten (10) attend temporary care hearings, unless they receive a waiver. In Vermont, child welfare hearings are held to address children in need of care or supervision – often referred to as CHINS cases. Temporary care hearings are part of the child welfare hearing process. This report examines current practices and attitudes regarding the involvement of children in Vermont child welfare court hearings.

While State and Federal laws support the involvement of children in juvenile court, practice and viewpoints vary broadly on the subject. Concerns include issues of logistics, timing of hearings, transportation, and interruptions to a child's school-day. Other concerns include how a child might be impacted by attendance in court with parents or perpetrators of abuse being present, ability of a child to understand the proceedings, and the value of the information a child is able to provide. The broad majority of people involved in the juvenile court system believe that a child's age, development, and mental health should all be taken into consideration when considering their participation in court.

The American Bar Association Bar-Youth Empowerment Project has produced numerous articles and documents related to involving children in their hearings. The project makes policy and logistical recommendations, as well as provides resources such as judicial bench cards to guide judges in ways to engage children, infants to teenagers, during the court process.

Much of the literature supporting children's participation in court cites The Pew Commission on Children in Foster Care¹ report, *Fostering the Future: Safety, Permanence, and Well-being for Children in Foster Care* (2004), which recommended: "...To safeguard children's best interests in dependency court proceedings, children and their parents must have a direct voice in court, effective representation, and the timely input of those who care about

¹ The Pew Commission on Children in Foster Care was supported by a two-year grant from the Pew Charitable Trusts to the Georgetown University Public Policy Institute in Washington, D.C. The Commission was an independent, nonpartisan entity whose goal was to develop effective, practical policy recommendations to improve the foster care system. The Commission concluded its work in 2006, but continues to make its research and resource materials available on the internet at: <http://pewfostercare.org/>. One of the main foci of this grant was to "improve court oversight of child welfare cases to facilitate better and more timely decisions related to children's safety, permanence, and well-being (<http://pewfostercare.org/about>)."

them... Courts should be organized to enable children and parents to participate in a meaningful way in their own proceedings..." (pg.18).

The rationale supporting children's participation in child welfare court cases stems from the idea that these cases are ultimately about the children. However, there are different perspectives on this, on a continuum from those who believe that these are legal processes that only involve adults and fact finding, to those who believe these cases are about the lives of the children and ensuring what will be the best future for them. The Pew Commission encourage judges hear from those who are most affected by their decisions, which, depending on ones perspective, may mean the child(ren) in a child welfare case.

Most states consider children to be a party in child welfare cases. However, these states have not resolved how to exercise that party status. The complicating factor involved in this issue appears to be the child's age and their relative ability to credibly participate in court proceedings. Many states have set specific ages at which children are entitled to receive hearing notices and have the right to be present at proceedings. Typically these ages are set at ten (10) or older (Hughes, 2007).

Some states have engaged in additional activities to address the participation of children in child welfare court hearings. Maine held Court Forums to present tools for engaging children ages five through eighteen in juvenile court, and have added children's participation documentation to all court forms (See example in Attachment A). The New York State Permanent Judicial Commission on Justice for Children produced a [guide for judges, advocates, and child welfare professionals](#) (2008), and materials to help children understand permanency hearings and the benefits of attending hearings. California published numerous documents supporting children's participation in Dependency Court (the equivalent of Vermont's Juvenile Court) as well as a study examining children's attitudes and knowledge of the court system (Goodman, et al, 2006).

Vermont has been exploring the participation of children in court for several years. In a 2008 survey of family court judges issued by the Court Administrator's Office, eighty-five (85%) said they routinely ask the youth for his or her views related to the youth's transition from foster care to independent living. For children under the age of sixteen (16), eighty-two (82%) of the judges reported that they routinely consult with youth in an age-appropriate manner regarding the child's views on the proposed permanency plan. "Consult" was identified in this survey to mean the judge observes the child in court or asks the child's attorney or G.A.L. to convey the child's views to the court during the permanency hearing.

In October, 2009, Vermont's Justice for Children Taskforce sponsored a conference titled "It Takes a Vision: Changing Lives by Changing Systems". One workshop focused on "Strategies for Successful Youth Participation in the Court Process." The panel for the workshop provided a variety of perspectives on children's involvement in Vermont court hearings and strategies to maximize their participation.

In October, 2009, The Vermont Public Managers consultants surveyed professionals involved in the juvenile court process to examine whether Vermont's current practices are conducive to children participating effectively in court hearings. The survey was administered to people registered for the "Strategies for Successful Youth Participation in the Court Process" workshop prior to the October conference.

In January, 2010, a follow-up survey was administered more broadly to family court judges, attorneys, Guardian's Ad Litem, foster parents, Family Services' Division case managers, residential providers, and kinship caregivers. This report provides the results of these surveys titled, "Participation of Children/Youth in Juvenile Court." The report also examines current practices in other states to engage children, and the benefits or considerations related to children's participation in child welfare court hearings.

In 2009, there were eight-hundred forty-eight (848) permanency hearings for children in DCF custody, according to the Family Services Division of the Department for Children and Families. This represents a large number of children significantly affected by Vermont's court system. By consulting with these children, the court would ensure their voice is given equitable consideration in the decision-making process, keeps the child visible to all parties in the case, and empowers the child by helping them to feel heard and have the opportunity to better understand what is happening.

Methodology

A web-based survey was conducted prior to the October 28, 2009, Justice for Children Task Force Conference: "It Takes a Vision: Changing Lives by Changing Systems." An invitation to participate in the survey was sent by email to individuals who had registered for the "Strategies for Successful Youth Participation in the Court Process" workshop (hereinafter referred to as the workshop). Of the fifty participants registered for the workshop, twenty-four (24) completed the sixteen-question survey prior to attending the workshop (see Attachment B for copies of the survey questions; see Attachment E for copies of the responses).

Results from the survey were collected and analyzed. A follow-up web-based survey was then developed and sent electronically to workshop participants as well as to the listserves of the following professional groups: Family Court judges, attorneys, Guardians Ad Litem, foster parents, Family Services Division case managers, residential providers, and kinship caregivers (see Attachment C for copies of the survey questions; see Attachment E for copies of all responses to the second survey).

Respondents to the first and second survey identified themselves as follows:

Respondent Type	# of Responses to the 1st Survey	# of Responses to the 2nd Survey
Advocate for children or youth	0	7
Attorney	4	18
Family Services Case Manager/Social Worker/Other	1	65
Foster Parent or Kinship Caregiver	2	8
Guardian Ad Litem	6	72
Judge	3	8
Prosecutor	2	5
Other	7	9
Total Responses	24	192

The consulting team attended the conference and, following her presentation, interviewed Andrea Khoury of the American Bar Association, Bar-Youth Empowerment Project. A review of current literature was also conducted.

A focus group was conducted with the Youth Development Committee in February, 2010. This committee, sponsored by the Family Services Division of the Department for Children and Families, is made up of teenaged foster youth. The Youth Development Committee provides a forum for youth to advocate for change or impact the Department for Children and Families system (see Attachment D for a copy of the Youth Development Committee mission and goals). The focus group held at a Youth Development Committee meeting included twelve (12) youth participants from seventeen (17) to twenty-two (22) years of age. The youth described the age when they attended their first child welfare court hearing as ranging from age twelve (12) to age sixteen (16).

Results/Findings

Strategies for Successful Youth Participation Workshop

The child, who is the focus of the child welfare case, needs to be visible and consulted with in order to ensure their perspective is fully considered. Andrea Khoury, project director of the American Bar Association Bar-Youth Empowerment Project, and a panelist in the October 28, 2009, workshop stated, "having children in court improves everyone's attitude in court and improves the quality of information from all parties in the case when the object of the hearing – the child – is present."

Vermont survey respondents who had attended the workshop predominately responded positively to the information they had learned. A few of the social workers who responded to the survey noted that since attending the conference workshop they consistently ask children if they want to talk to the judge and relay this information to the

child's attorney. They also stated that they do more to prepare the child, or they may ask the child to write what they want to say to the judge.

Several attorneys noted they are now more conscious of the child's presence or absence from the courtroom, and that they spend more time "in preparation/discussions with child clients" prior to hearings. Some respondents noted that heavy caseloads often limit attorney's ability to meet with children prior to court hearings. It appeared from their comments that these respondents would prefer to have more time to meet with the children they represented.

A judge noted surprise at having learned from the workshop that not every judge allows children to participate. The judge wrote, "I feel that children's participation is essential to the best possible outcome." Some prosecutors have noticed that, as a result of having attended the workshop, the judges they appear before with seem to be engaging the children (typically youth older than age 10) who come to court more than they had previously. A few survey respondents noted that they either had not known about the training or that they were unable to attend, but that they would have liked to attend a workshop about strategies for successfully engaging children in the court process.

It is clear from the feedback of those who attended the workshop that the information learned impacted practice. Consideration should be given to how offering more trainings of this nature can improve professional practices and increase children's effective participation in hearings.

Children's Involvement in Hearings

There is broad variation among Federal and state laws defining a child's participation in the court process. Federal law requires that children be consulted with by the judge at an age-appropriate level. Vermont Law (33 V.S.A. § 5307) requires that children over the age of ten (10) attend temporary care hearings, unless they receive a waiver. Idaho state rule (I.J.R. 40) requires that foster youth over the age of eight "have a right to be heard" at hearings. Colorado Senate Bill 07-226 established requirements related to notice and involvement of foster children in court hearings.

The Vermont Survey sought to determine whether respondents felt there was a clear expectation that children attend court hearings. Only a slight majority of respondents (52%) agreed or strongly agreed that there was a clear expectation that children attend court hearings. Title 33, § 5307, of the Vermont Statutes requires that, without a waiver, children over the age of ten (10) are expected to be present at temporary care hearings. "Judges have the ability to set expectations and standards that may significantly affect how lawyers, social workers, and others address the needs of foster youth (Greenberg & Gallagher, 2007, p. 2)." Thirty-six percent (36%) of Vermont survey respondents noted they always involve youth in the court process. Judges noted that the older a child is the more likely they are to be present and to actively participate in court hearings.

Most Vermont survey respondents report that they involve children/youth in child protection hearings, though fifty-three percent (53%) describe doing so “when appropriate.” Respondents determine the appropriateness of a child’s attendance predominately based on the child’s age, developmental level, and considerations of the child’s emotional well-being. Of those children who have attended hearings, survey respondents state that children/youth personally speak to the judge fifty-one percent (51%) of the time.

Many Vermont survey respondents noted concerns about a child’s well-being and the need to ensure individualized consideration is given when involving children in child welfare court hearings. In response to the question, “What factors should be considered by professionals prior to child/youth participating (i.e. providing statements or information) in juvenile court hearings?” respondents wrote that the child’s relationship with their parent and the impact on children of having to speak in front of their parents should be considered. Reflecting sentiments others shared, one respondent wrote, “It is essential that each case be examined on a case to case basis. There are some children that wish to be actively involved in the process and others that are not emotionally stable enough to do so. This should be a decision that is reached with a team.”

There are many things courts can do to make children more comfortable in the courtroom. The Child Abuse and Neglect User Manual: “Working with the Courts in Child Protection” recommends (Jones, 2006, p. 58-60):

- videotaping depositions
- allowing a child to speak to a judge in chambers
- taking frequent breaks
- making the setting less formal: e.g. judges could come off the bench and sit at the same level as the child or not wear judicial robes
- having casual conversation between the judge and the child can help them relax
- excluding unnecessary participants from the courtroom
- permitting young children to sit on the lap of a support person
- bringing children in only at the point where they need to testify
- preparing children in advance about what will happen before, during and after they speak to the judge.

Effective Participation for Children

It is in the best interest of the judicial process to have effective participation by all those impacted by child welfare hearings. It was clear from both the literature and the survey results that Interpretation of what constitutes effective participation for children varies broadly. This is due in part to the culture of the formal and therefore ‘adult’ forum of court. It is also due to the variability of children’s ages and consequent developmental levels, and to concerns about the emotional impact attending child welfare hearings may have on them.

Effective participation and consultation should not be automatically interpreted as attendance at court hearings. Alternative methods for participation may include:

- speaking to the judge in chambers,
- having a written statement from the child read in court,
- someone who has observed and consulted with the child speaking on their behalf, or
- participation by telephone or video conferencing.

Forty-two percent (42%) of Vermont survey respondents felt the most effective method of participation for children was for them to speak directly to the judge. However, thirty-five percent (35%) of survey respondents indicated the most effective method for increasing children's participation rates in court would be to allow alternative methods for their participation.

Alternative methods surveyed included:

- ♦ having someone speak on the child's behalf (16% of respondents favored this)
- ♦ the child having the opportunity to speak to the judge in chambers (14% of respondents favored this)
- ♦ the child having the opportunity to provide written statements or read from a written statement (4% of respondents favored this)

The National Conference of Commissioners on Uniform State Laws, in 2002, recommended states adopt the "Uniform Child Witness Testimony by Alternative Methods Act." To date only Idaho, Nevada and Oklahoma have adopted this Act. While the Act is intended for child witnesses, it does provide guidance for alternative methods for children's participation in court that could be considered for children participating in child welfare hearings.

The Act defines alternative methods of participation as: having the child testify in person in an open forum, having the child testify in the presence and full view of the finder of fact and presiding officers, and allowing all parties to be present, to participate and to see and be seen by the child (National Conference of Commissioners on Uniform State Laws, 2002, p. 1). This definition is expanded "to mean not only alternative methods currently recognized among the several states for taking the testimony of a child, such as audio visual recordings to be later presented in the courtroom, closed-circuit television which is transmitted directly to the particular party or the finder of fact, but also other similar methods either currently employed or through technology yet to be developed (ibid, p. 2)."

The decision to allow alternative methods is to be made by the presiding officer when there is evidence the child would suffer serious emotional trauma that would impair their ability to effectively communicate with the finder of fact (National Conference of Commissioners on Uniform State Laws, 2002, p. 5-6). The "Uniform Child Witness Testimony by Alternative Methods Act" notes that to make a finding to allow alternative methods of testimony for a child-witness, the presiding officers must consider:

- the nature of the proceeding;

- the age and maturity of the child;
- the relationship of the child to the parties in the proceeding;
- the nature and degree of emotional trauma that the child may suffer in testifying; and
- any other relevant factor.

The Uniform State Laws Commission, for the purposes of this Act, defines a child as being below the age of thirteen (13) (National Conference of Commissioners on Uniform State Laws, 2002, p. 6).

Preparing Children to Participate in Court Hearings

Many Vermont survey respondents recommend that preparing children well for court hearings ahead of time, and judges setting them at ease during the hearing are the two most helpful methods for ensuring their effective participation in court hearings. Survey respondents recommended the ideal would be for a child's attorney and Guardian Ad Litem to have more time to meet with the child and develop a relationship, so to better convey the child's wishes in court. Focus group youth echo those same sentiments saying that many times they do not receive good preparation ahead of a hearing, but find out what to expect on the drive to court, or just before a hearing from their attorney. Focus group youth stated good preparation ahead of time would be very helpful to children.

Literature varies on who is responsible for preparing children for court. A study prepared for the Idaho Supreme Court Child Protection Committee noted that case workers were predominantly responsible for preparing children to attend hearings in their state (2009, p. 4). Most studies, however, describe a shared responsibility between caseworkers, Guardian Ad Litem's, and children's attorneys.

Over forty percent (40%) of Vermont survey respondents felt it was the child's attorney who was responsible for preparing children, with caseworkers or Guardians Ad Litem being identified as having this responsibility by about fifteen percent (15%) of the respondents. An equal number of Vermont survey respondents clearly identified that this responsibility did not belong to one person, but should be individualized and ideally be done in combinations that included the caseworker, child's attorney, and Guardian Ad Litem. Focus group youth stated that it did not matter to them who prepared them, but that it had to be someone they could trust and felt comfortable with and had an unbiased opinion of their situation. The youth did, however, identify that whoever prepared children to attend court needed to know the law and children's rights.

The California Youth Connection identifies that "attorneys are critical to preparing foster children for court participation and ensuring that the court process is a meaningful one that is truly about the needs and best interests of the foster child. Without reasonable caseloads attorneys are unable to visit with children and provide quality representation (www.cal youthconn.org, 2005)." This organization recommends the provision of

support both prior to and after hearings as a way to help children learn to deal with their feelings in a healthy way. Additionally, the California Youth Connection recommends developing training for foster children on the court process, how to participate effectively, and their rights.

When preparing children to attend hearings it is important they do not receive conflicting messages. It is important for children to have realistic expectations about the purpose of the hearing and what judges can and cannot do with their input. Focus group youth repeatedly noted that it would be best if someone told them “the worst case and best case outcomes of the hearing before-hand, because the anxiety is the worst.”

Foster parents who responded to the Vermont Survey advised that at times they were the ones who prepared children to attend court hearings. One foster parent noted, “I think taking the time to talk with the child so they understand the process and their role in the process and implications of the process” was helpful. Another foster parent noted that she asks her foster child, “What would you like me to tell the judge?” Foster parents also pointed out that using straight talk with children and having their Guardian Ad Litem spend time with them before a hearing is helpful.

Impact on Children of Participation in Court Hearings

Bob Belenky, a child psychologist, Guardian Ad Litem, and panelist at the October 28, 2009, workshop stated that, “a child must leave court with the sense that they have been fully heard and fully seen... this is more important than the perception that the process has been fair.” According to the “Working with the Courts in Child Protection” Child Abuse and Neglect User Manual produced by the United States Department of Health and Human Services, Administration for Children and Families children should be allowed to testify if they choose to for their own emotional well-being (Jones, 2006, p. 57).

The impact on children’s emotional well-being is a universal concern in the issue of involving children in child welfare court hearings. This issue was reflected throughout the Vermont surveys conducted in both October, 2009 and January, 2010. Upon completing the survey, one attorney noted, “These children are vulnerable. Let’s not victimize them any further than they already have been.” Four (4) respondents to the Vermont survey conducted in January, 2010, felt strongly that it was not appropriate to include children in court hearings due to the formal nature of the process, that court hearings deal with adult issues, and that children might be harmed by hearing what is said in court.

Younger children are more likely to be excluded from court hearings due to perceptions about their ability to understand the proceedings, their reliability due to their developmental ability to effectively respond to questions asked, and the emotional trauma of being in the formal and potentially intimidating setting of the courtroom and hearing the information that might be presented. Vermont survey data reflects the

national trend, which acknowledges a child's age and developmental level as being the most significant barrier to being present during a court hearing. However, concerns that the child/youth may become upset or re-traumatized was cited as the greatest barrier to child/youth participation in court hearings identified in the Vermont survey by fifty-nine percent (59%) of respondents.

"It is critical that children never be put in a position of giving testimony against a parent or other caretaker unless they can be safeguarded against retaliation (Jones, 2006, p. 57)." Survey respondents raised this concern saying for children, "speaking truthfully in front of parents is very hard and not all can do it." Survey respondents recognized the potential vulnerability for children attending court. However, very few raised concerns that the child might not tell the truth in front of parents.

"It would have made it better if I could have said something [during court hearings]," recommended a former foster child, who presented at the workshop. This youth stated that the attorneys and social workers talked about her in court and the judge talked to her. She stated she did not get the opportunity to speak to the judge. This youth said when she was younger and first went to court she would have preferred to talk to the judge one on one, however she found the courtroom overwhelming and described that it was 'weird' with her parents in there.

Focus group youth acknowledged the difficulty of seeing parents in court, noting their parents often causing a 'scene' or acting 'crazy' when they saw them outside the courtroom. However, the youth expressed they still wanted to be present and listened to. However, they relate positive experiences with most court hearings stating the judges were mostly 'nice' to them and, though it was scary being in court, they wanted to attend their hearings.

One youth stated, "Everyone listened to my mom just because she is an adult." Another said they wanted people involved in the court process to, "listen to us – we know what we are talking about because we are living it." An Idaho study noted that fifty-six percent (56%) of children ages 8-12 and seventy percent (70%) of children ages thirteen to seventeen (13-17) expressed a desire to attend court hearings (*Involving Foster Youth...*,2009, p. 5).

The age of the child is an issue, both because of credibility and the child's emotional ability to handle participating in the court process (Jones, 2006, p. 58). Opinions are mixed regarding who decides whether or not a child should testify. Those who do make the decision "need to weigh carefully the potential benefits of the child's testimony against the potential harm..." (Jones, 2006, p. 57).

Benefits of Including Children in the Child Welfare Court Process

By not being present, the court process is invisible to children and may perpetuate feelings of powerlessness, unfairness, and animosity toward the child welfare, court and

legal systems. Children who are well prepared and have an opportunity to be present in court show a more positive attitude to the child welfare and legal systems (Goodman, et al, 2006, p. 13). Focus group youth noted the importance of being able to be present and speak for themselves even if they did not understand or receive the court decision they wanted. One youth noted that going to court is “scary regardless of what age you are,” but children should be allowed to attend if they wanted.

Child welfare and court systems are intended to protect the well-being of children and to make decisions based on children’s best interest. When children have the opportunity to participate in the court process they may have a better understanding of the decisions made, a sense of control of what is happening regardless of the outcome, a sense of being heard, and the child is able to provide the judge with an opportunity to learn much more about the them (Khoury, 2006. p. 2-3). When children are present over time, judges have the ability to see them grow, how they interact with others, and give equal attention to the parents and the child. Andrea Khoury of the American Bar Association encourages that these should not be rigid requirements for the involvement of children, but rather policies that allow flexibility for the individual needs of each child and the ability to accommodate those needs to enable meaningful child participation in court hearings (Khoury, 2006, p. 3).

Both the focus group youth and the youth panelist in the workshop described that they often did not have the chance to meet with their attorney or Guardian Ad Litem prior to court hearings. Many described their attorney as rushing in right before the hearing and talking with the Guardian Ad Litem, or telling the child things, but not talking with the child. These youth stated they would have liked to have been asked how they felt about things.

Focus group youth described issues that arose for them from their participation in court hearings:

- Notification of court hearings are not informative, they are scary. However, those who received hearing notifications directly report they were glad they were notified, and those children who had never received notification indicated they would have liked to.
- “My attorney always came running in from another hearing and would have to ask me to remind him who I was and about my story.” The youth generally had a positive opinion of their attorney and felt the attorney was ‘working for them.’
- “To hear my mom say she didn’t want me to come back home was the most disconcerting thing of all, even though I didn’t want to go home and was worried the judge would make me go home.”
- “After the hearing I was very nervous because I wasn’t exactly sure what had been resolved. I felt guilty because I felt like I had abandoned [my mother] and she wasn’t emotionally well – like I’d thrown her to the wolves. At the same time I was a little relieved because I knew I couldn’t live with her anymore.”
- “My parents weren’t ever at my first hearings, so I felt kind of abandoned by them. But when they did come it was confusing to know which side I was

supposed to be on. In court they'd go along with my social worker, then, at home, they would blame everything on my social worker.”

- “[Prior to the hearing] I had no idea what was going on and I couldn’t get a hold of anyone to find out anything – it was nerve-wracking. But afterward it wasn’t as bad as I thought.”

When children do not know how or why decisions are made that directly impact them, they are left to come up with explanations on their own – often this means taking on much of the blame themselves (International Institute for Child Rights and Development, 2006, p. 4). “In a system that can be very disempowering to [children], being present in court returns to them a bit of dignity; being part of the process in which their fate is decided can heighten their self-esteem” (Pitchal, 2008, p. 16). A foster youth explained, “People need to be more sympathetic to our situation. It is a very confusing time, plus it happens in your early teens, right at the time when every youth is trying to figure themselves out, but it really impacts your self-esteem.”

It is important that children understand decisions being made during the court process. “The fact that children are being uprooted from their homes, and do not know if they are going home at all, may result in detrimental psychological effects (Goodman, et al, 2006, p. 15). Professionals responsible for the child must explain, in an age-appropriate manner, where they will be living and why. When children have the chance to be present in court, or to speak to the judge about what they want, even if their desires cannot be accommodated, they are psychologically better off (Goodman, et al, 2006, p. 15).

The focus group youth described how being in foster care challenges their developing self-esteem. Their friends may not even know that they were in foster care. Foster children are afraid to open up to friends about being in foster care for fear of rejection, being judged, or being labeled. Being unable to speak up in court, where the issues associated with their status as foster children are being discussed, compounds the sense of isolation, powerlessness, and low self-worth they have already begun to internalize. Judge Harold Eaton, Jr., a panelist in the workshop described that many times children have no control over or have no say in what happens to them, “By excluding them we perpetuate that trauma.”

Recommendations from Focus Group Youth

The focus group youth recommended that professionals consider the following as the **best practices to prepare youth for court hearings**:

- Consider the age of the child. Younger children (identified by youth as below the age of twelve) should not be in court. Youth described confidence that their Guardian Ad Litem can effectively represent their perspective provided they have sufficient opportunity to meet with and form a relationship with the youth.

- Consider the children's desire to be present, and discuss with them the value of being present.
- For children who had not had visitation with their parents prior to attending court, consider that seeing parents for the first time either directly outside or inside the courtroom is very uncomfortable for children. Consider ensuring children have a chance to visit parents well before a court hearing. If visitation is inadvisable, ensure parents are not present in the room when children are speaking to the judge.
- The person who prepares the child should be someone the child is most comfortable with and should know and explain the child's rights. While most youth felt this should be done by their attorney, they acknowledged the limitations of attorneys' abilities to meet with children ahead of time.
- Explain to the child, in an age-appropriate manner, the worst case and the best case outcomes of the hearing beforehand. The youth explained that the anxiety of not knowing what to expect is the most difficult thing to deal with.
- Attorneys and Guardians Ad Litem should meet with children a few weeks before court hearings to prepare them (i.e. explain what to expect, what the issues are, how to dress, etc).
- Provide children with the opportunity to be oriented to the court: sit on the bench, try on the judges robes, learn where various people will be sitting, those people's roles, etc.
- "Once you have a good social worker, they should stay with you throughout your time in foster care." The youth described the difficulty of coming to trust a social worker and then having a change in workers.

The focus group youth had the following suggestions **for judges to consider during court hearings**:

- Judges should consider not wearing their robes when children are present because the robes are perceived as very intimidating, cold and unfriendly. The youth described that the robes change the person's form making them larger, shapeless, dark and scary, like a grim reaper.
- Judges should take time to talk with children about general things that interest the child ('get to know me') before talking about issues related to the case. The youth described that when the judges have done this it sets them at ease.
- Hearing themselves referred to by the judge as a "juvenile" or "foster child" feels cold and disrespectful.
- By seeing children in court, judges are able to identify the person most impacted by their decision and have an opportunity to learn more directly from them. Even when a child is too young to be present, if judges are used to learning more in-depth information from interviewing children, they will come to expect that level of information from those who represent the child who is too young to attend.
- Judges should know more about the specific services and places to which they are recommending the child (e.g. Camp E-Wen-Akee).

Conclusions and Recommendations

“A lot of kids don’t choose to be in these situations. They don’t know what their future is. They deserve respect, even if they did do something wrong.” – Foster youth

Both Courts and society benefit when children are empowered to speak for themselves and their voices are heard in the institutions responsible for making decisions that irrevocably impact their lives. Research confirms that children are able to recognize the fairness of procedures even if they disagree with an outcome. By ensuring children feel fairly treated, we have the opportunity to ensure their faith in the justice system as they grow to adulthood (Pitchal, 2008, p. 26, Goodman, et al, 2006, p. 16).

Federal law requires judges to consult with children in an age-appropriate manner. To consult means to discuss, learn from, or seek advice from an individual. This indicates there needs to be a direct interaction between a judge and the subject child, though not necessarily in the formal court hearing. It is clear that a child’s presence in the courtroom is not a universally advisable solution for meeting the intent of this law. In order to ensure that children are consulted in an age-appropriate manner, judges must consider all alternatives to conduct such consultation such as:

- meeting with a child in chambers;
- having someone speak on the child’s behalf based on a direct interview with the child; or
- children submitting a written statement or answers to questions asked by the court, to be read during a hearing.

Guidance should be given to professionals serving or representing children regarding the factors to consider when including or excluding children from participating in court. The key factors that must be considered include:

- the child’s age, developmental level and emotional well-being;
- the child’s interest in being present at the hearing and the necessary preparation that is needed to ensure the child understands the court hearing process; and
- the information the court will gain from speaking directly with or even just observing the child in the courtroom.

These factors are not the responsibility of one individual; rather they are the responsibility of all professionals involved in the child welfare and court processes to ensure the child’s safety and well-being (Jones, 2006, p. 57). Guidance should also be provided to help attorneys, Guardians ad Litem, and social workers understand how to adequately prepare children to participate in court hearings (See “Additional Resources”, p. 21).

In order for children to meaningfully participate in court hearings and the resultant decisions that directly impact their lives, professionals need to make intentional efforts

to consult directly with them and prepare them prior to court hearings. These consultations should include:

- discussing the hearing and the issues involved on a developmentally appropriate level,
- learning about the child and how they are doing directly from the child (either through interviews or observation), and
- learning from the child what they wish for their future.

“Children have information, opinions and perspectives that nobody else in the courtroom has (Pitchal, 2008, p. 19).” Having a face to go with the name, and a person to go with the story assists professionals to make the best decisions for each child in the child welfare court process, which will ensure better long-term outcomes.

***“Listen to us. We know what we are talking about because we are living it.” –
Foster youth***

Additional Resources

Materials Developed by Other States to Facilitate Preparation of Children

New York

New York State conducted a study of their court system and found, among other things, that children often did not attend court hearings, did not know they had the right to attend, did not feel well-represented by their attorney's, and felt their voice was missing from their cases (Youth Justice Board, 2007, pp. 16-17). The Youth Justice Board recommended providing information to children, in an accessible format, about the permanency planning process and the rights of children in foster care; conducting peer-led workshops to prepare foster children to participate in their hearings; strengthening communications between attorneys and the foster children they represent (ibid, pp. 21).

Maine

The state of Maine developed a comprehensive handbook to serve as a guide for children as they navigate the foster care and court systems. The handbook, titled "*Answers... A Handbook for Youth by Youth in Foster Care*" (2000) was created by the State of Maine's Youth Leadership Advisory Team in conjunction with the University of Southern Maine and the Maine Department of Human Services. Quotes throughout the handbook from children who have experienced foster care and the child welfare court system encourage children to be involved and inspires them to help themselves. One child quoted in the handbook noted, "Don't be a leaf, moving only when blown by the wind. Instead be like the wind, moving all obstacles from your path (Youth, 2000, p. 4)."

The American Bar Association and Florida

The American Bar Association's Bar-Youth Empowerment Project, in conjunction with Florida's Children First, Inc., has also created a guide for children titled: "*Hearing Your Voice: A Guide to Your Dependency Court Case.*" This guide is downloadable free from www.abanet.org. The guide advises children that they know themselves best and can help judges understand their needs. However, the guide also cautions that just because a child might speak to a judge, this does not mean they will get exactly what they want to have happen.

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Attachment A

STATE OF MAINE

DISTRICT COURT

Location: _____ ATTACHMENT A

Docket No. _____

IN RE:

JEOPARDY ORDER and Judicial Review and Permanency Planning Orders

as to mother

as to father

A. On _____, acting pursuant to the terms of the Child and Family Services and Child Protection Act, 22 M.R.S.A. §§4001, et seq., the State of Maine Department of Health and Human Services filed a Petition for Child Protection Order with this Court concerning the above-named child(ren).

B. On that same date, the Department requested and received an Order of Preliminary Child Protection. A summary preliminary hearing was scheduled for _____.

On that date,

_____ appeared and waived hearing on the Preliminary Order pursuant to 22 M.R.S.A. §4034(3);

after hearing, the Court continued the Preliminary Order in effect;

after hearing, the Court modified the Preliminary Order; or,

after hearing, the Court dissolved the Preliminary Order.

C. The Honorable _____ presided over these proceedings.

D. By order of this Court, a hearing on the Petition for Child Protection Order was scheduled for _____. Other than as noted herein, all parties were duly and seasonably notified of the pendency of the proceeding.

(i) DHHS has has not filed a copy of notice of this proceeding provided to foster parents, pre-adoptive parents, and/or relative caregivers. The Court hereby directs that notice be provided to _____ as follows: _____.

(ii) Age appropriate youth has has not been notified of this proceeding.

(iii) The child(ren) entered foster care on _____.

(iv) Insufficient notice was provided to _____. The Court hereby directs that notice be provided to her/him/them as follows: _____.

E. The following parties were assembled at Court:

Mother _____

Father _____

DHHS _____

Youth _____

Foster parent/Relative _____

Other _____

Mother's Attorney _____

Father's Attorney _____

AAG _____

GAL _____

Participant _____

Intervenor _____

F. Date of GAL's last visit with child(ren): _____. GAL's last report dated: _____.
The report of the Guardian ad litem was was not admitted into evidence and has been circulated to the parties.

Attachment B – Vermont Survey Questions

Vermont Survey concluded October 28, 2009.

1. Do you believe children/youth should actively participate in court hearings? (This is defined as child/youth speaks to judge or has someone speak or read a statement on their behalf.)
2. Please identify your role in the juvenile court process.
3. If you are a Judge, please estimate how often children attended hearings in your juvenile courtroom over the past 3 months for each of the following age groups: 0 to 5 year olds, 6 to 11 year olds, 12 to 16 year olds, 17 to 22 year olds.
4. If you are a Judge, please indicate, of those who attended juvenile hearings in your courtroom in the past 3 months, how often the children/youth actively participated (by the following age groups): 0 to 5 year olds, 6 to 11 year olds, 12 to 16 year olds, 17 to 22 year olds.
5. In your role with the juvenile court process, do you involve children/youth in hearings?
6. If your answer to quest #5 (above) was "Yes," please describe the level at which most of the children/youth have participated: They are present but do not speak; They personally speak with the Judge; They provide written statements that either they read or someone reads on their behalf; Someone speaks on their behalf; They participate by video or telephone; Other (please specify).
7. What do you consider to be the MOST effective form of participation from children/youth during their hearings? They are present but do not speak; Someone speaks on their behalf; They personally speak with the Judge in the courtroom; They personally speak with the Judge in chambers; They provide written statements that they read; They provide written statements someone reads; They participate by video or telephone; Other (please specify).
8. What factors should be considered by professionals prior to child/youth participating (i.e. providing statements or information) in juvenile court hearings? Child/youth's chronological age; Child/youth's developmental level; Child/youth's desire to participate; Type of hearing; Children/youth should not participate; Other (please specify).
9. What do you see as the GREATEST barrier to child/youth participation in juvenile court hearings? Transportation; Timing of the hearing; Professionals may feel inhibited in their speech; Child/youth may become upset/re-traumatized; Other professionals involved in hearing not support; Judges and/or Attorneys do not have expertise in interviewing children; Other (please specify).
10. Where in the juvenile court hearing process is it most appropriate to have a child/youth participate? Temporary care hearing; Preliminary hearing; Merits hearing; Disposition hearing; Post-Disposition Hearing; Permanency Review hearing; Any of the above, as needed; Children/youth should not participate.
11. Which of the following would MOST increase child/youth participation in hearings? Child/youth friendly court space; Having others convey the child/youth's wishes; Ability for

12. In your opinion who has primary responsibility for preparing a child/youth in juvenile hearings? Parent/foster parent/guardian/kinship caregiver; Sibling; Family Services: case manager, social worker, other; Child/youth's attorney; Guardian Ad Litem; Therapist/Counselor; Other (please specify).
13. When children/youth are present and actively participating in hearings, what information do you consider being of value for the Court to learn directly from that child/youth? Visitation/Parent-child contact; Education; Mentors; Custody/placement; Physical health; Mental health; Services available or provided to the child/youth; Other (please specify).
14. In your opinion, which best describes the most significant result of a child/youth's participation in juvenile court hearings? Child will have a more positive perception of juvenile court process; Better fact findings, producing better decisions, leading to better outcomes; Child/youth will feel better about themselves; Child/youth will see and hear things that are harmful; Court process will be slowed down; Children/youth should not participate; Other (please specify).
15. Please rate the following: My efforts to convey child/youth perspectives are heard – do not agree, somewhat agree, agree, strongly agree, have no opinion, N/A.
- Please rate the following: There is a clear expectation that children/youth will participate in hearings – do not agree, somewhat agree, agree, strongly agree, have no opinion, N/A.
16. The most effective method I have found for preparing children/youth to participate in juvenile hearings is:

Attachment C – Vermont Survey Questions

Vermont Survey conducted January to February, 2010.

1. Please identify your role in the juvenile court process.
2. If you are a Judge, please estimate how often children attended hearings in your juvenile courtroom over the past 3 months for each of the following age groups: 0 to 5 year olds, 6 to 11 year olds, 12 to 16 year olds, 17 to 22 year olds.
3. If you are a Judge, please indicate, of those who attended juvenile hearings in your courtroom in the past 3 months, how often the children/youth actively participated (by the following age groups): 0 to 5 year olds, 6 to 11 year olds, 12 to 16 year olds, 17 to 22 year olds.
4. Do you believe children/youth should actively participate in court hearings? (This is defined as child/youth speaks to judge or has someone speak or read a statement on their behalf.)
5. In your role with the juvenile court process, do you involve children/youth in hearings?
6. Please describe the level at which most of the children/youth have participated: They are present but do not speak; They personally speak with the Judge; They provide written statements that either they read or someone reads on their behalf; Someone speaks on their behalf; They participate by video or telephone; Other (please specify).
7. What do you consider to be the MOST effective form of participation from children/youth during their hearings? They are present but do not speak; Someone speaks on their behalf; They personally speak with the Judge in the courtroom; They personally speak with the Judge in chambers; They provide written statements that they read; They provide written statements someone reads; They participate by video or telephone; Other (please specify).
8. What factors should be considered by professionals prior to child/youth participating (i.e. providing statements or information) in juvenile court hearings? Child/youth's chronological age; Child/youth's developmental level; Child/youth's desire to participate; Type of hearing; Children/youth should not participate; Other (please specify).
9. What do you see as the GREATEST barrier to child/youth participation in juvenile court hearings? Transportation; Timing of the hearing; Professionals may feel inhibited in their speech; Child/youth may become upset/re-traumatized; Other professionals involved in hearing not support; Judges and/or Attorneys do not have expertise in interviewing children; Other (please specify).
10. Where in the juvenile court hearing process is it most appropriate to have a child/youth participate? Temporary care hearing; Preliminary hearing; Merits hearing; Disposition hearing; Post-Disposition Hearing; Permanency Review hearing; Any of the above, as needed; Children/youth should not participate.
11. Which of the following would MOST increase child/youth participation in hearings? Child/youth friendly court space; Having others convey the child/youth's wishes; Ability for the child/youth to provide written statements/information; Assign a person to provide support

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to the child/youth throughout the process; Have someone who preps the child/youth prior to hearing; Allow alternative methods for children/youth to communicate with the judge if they become uneasy during the court hearing; Other (please specify).

12. In your opinion who has primary responsibility for preparing a child/youth in juvenile hearings? Parent/foster parent/guardian/kinship caregiver; Sibling; Family Services: case manager, social worker, other; Child/youth's attorney; Guardian Ad Litem; Therapist/Counselor; Other (please specify).
13. When children/youth are present and actively participating in hearings, what information do you consider being of value for the Court to learn directly from that child/youth? Visitation/Parent-child contact; Education; Mentors; Custody/placement; Physical health; Mental health; Services available or provided to the child/youth; Other (please specify).
14. In your opinion, which best describes the most significant result of a child/youth's participation in juvenile court hearings? Child will have a more positive perception of juvenile court process; Better fact findings, producing better decisions, leading to better outcomes; Child/youth will feel better about themselves; Child/youth will see and hear things that are harmful; Court process will be slowed down; Children/youth should not participate; Other (please specify).
15. Please rate the following: My efforts to convey child/youth perspectives are heard – do not agree, somewhat agree, agree, strongly agree, have no opinion, N/A.

Please rate the following: There is a clear expectation that children/youth will participate in hearings – do not agree, somewhat agree, agree, strongly agree, have no opinion, N/A.
16. The most effective method I have found for preparing children/youth to participate in juvenile hearings is:
17. Did you attend the October 28, 2009 workshop on "Strategies for Successful Youth Participation in the Court Process"?
18. If you attended the workshop: Please describe how you or others are applying what was presented in the workshop in your practice.

Attachment D - Vermont's Youth Development Committee

Mission & Goals

1. Provide a forum for youth to have a voice and feel empowered to help make positive changes in the DCF system.
2. Work within the DCF system to implement policy and legislative changes that impact youth in care and former foster care youth.
3. Learn more about advocating for legislative changes.
4. Portray a positive image of foster youth within our communities.
5. Help youth in foster as they transition out of foster care.

Purpose, Reasons for Involvement

The youth involved in the 04-03-07 meeting identified the following purposes, group norms, and reasons for their involvement as a youth Committee member:

Youth Committee Purpose:

- Youth working together
- Help/encourage younger youth
- Better the lives of those in foster care
- Educate
- Youth involvement in training of workers and foster parents
- Improve youth advocacy
- Empower youth that are in out-of-home care
- Youth assistance and support
- Youth giving a voice to other youth
- Youth improving the system
- Implement policy change
- Put into action new policy
- Personal satisfaction to the youth
- Change on individual, local, and state levels
- Motivate others
- Challenge the government of Vermont
- Networking with other youth

Mission

Vermont foster youth coming together to advocate, educate, and challenge the system to protect the rights of current and former foster youth through policy improvement and change.

"In order to get from what was to what will be- we must go through what is" Anonymous

Membership

The Vermont Youth Development Committee is currently composed of 16 youth members and additional adult supports. The goal is increase membership to allow for two representatives of each region in Vermont. Youth Development Committee Members shall be expected to attend all regular business meetings of the Vermont Youth Development Committee.

Definition of or criteria of committee members;

- Youth ages 14 and older who are in foster care with a case plan establishing the need for independent living services.
- Youth ages 14 and older who were formerly in foster care.
- Youth ages 14 and older who were formerly in foster care that have been adopted or placed in a guardianship from foster care.
- Current or former foster youth who have a commitment to the committee mission.
- Commitment will be determined through their ability to follow through with tasks and assignments and by speaking up and actively participating in meetings and activities.

The Vermont Youth Development Committee is supported by the state independent living coordinator, adult support staff and adult volunteers. Such support will include

- Assistance in the development of meeting agendas
- being the hub of communication for the committee members
- Supply food, logistics, funding for meetings and events.
- Ensure that there is transportation available to committee members
- Participate by giving general guidance (input, direction, advice)
- Be a voting member of the committee in case of tie vote.

Attachment E – Survey Responses from January-February, 2010

Participation of Children/Youth in Juvenile Court

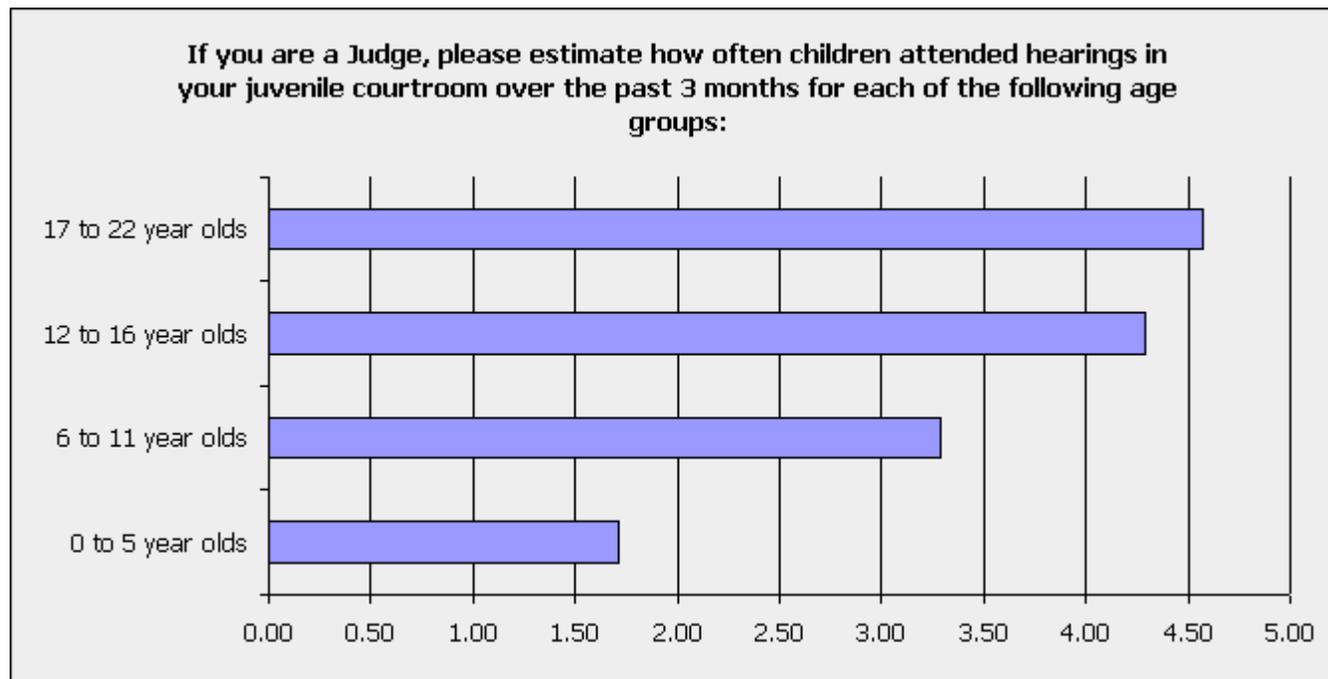
Please identify your role in the juvenile court process.		
Answer Options	Response Percent	Response Count
Advocate for children or youth	3.6%	7
Attorney	9.4%	18
Family Services: Case Manager/Social Worker/Other	33.9%	65
Foster parent or kinship caregiver	4.2%	8
Guardian Ad Litem	37.5%	72
Judge	4.2%	8
Prosecutor	2.6%	5
Other (please specify)	4.7%	9
<i>answered question</i>		192
<i>skipped question</i>		3

Number	Response Date	Other (please specify)
1	Jan 12, 2010 6:26 PM	Juvenile clerk
2	Jan 12, 2010 6:29 PM	CAO Staff
3	Jan 13, 2010 2:43 AM	Community Service Provider partnering with families and FSD
4	Jan 13, 2010 5:31 PM	educator
5	Jan 13, 2010 5:31 PM	educator
6	Jan 15, 2010 12:59 PM	residential treatment provider
7	Jan 17, 2010 6:14 PM	Residential Treatment
8	Jan 29, 2010 10:44 PM	Training
9	Feb 1, 2010 6:43 PM	domestic violence advocate

Participation of Children/Youth in Juvenile Court

If you are a Judge, please estimate how often children attended hearings in your juvenile courtroom over the past 3 months for each of the following age groups:

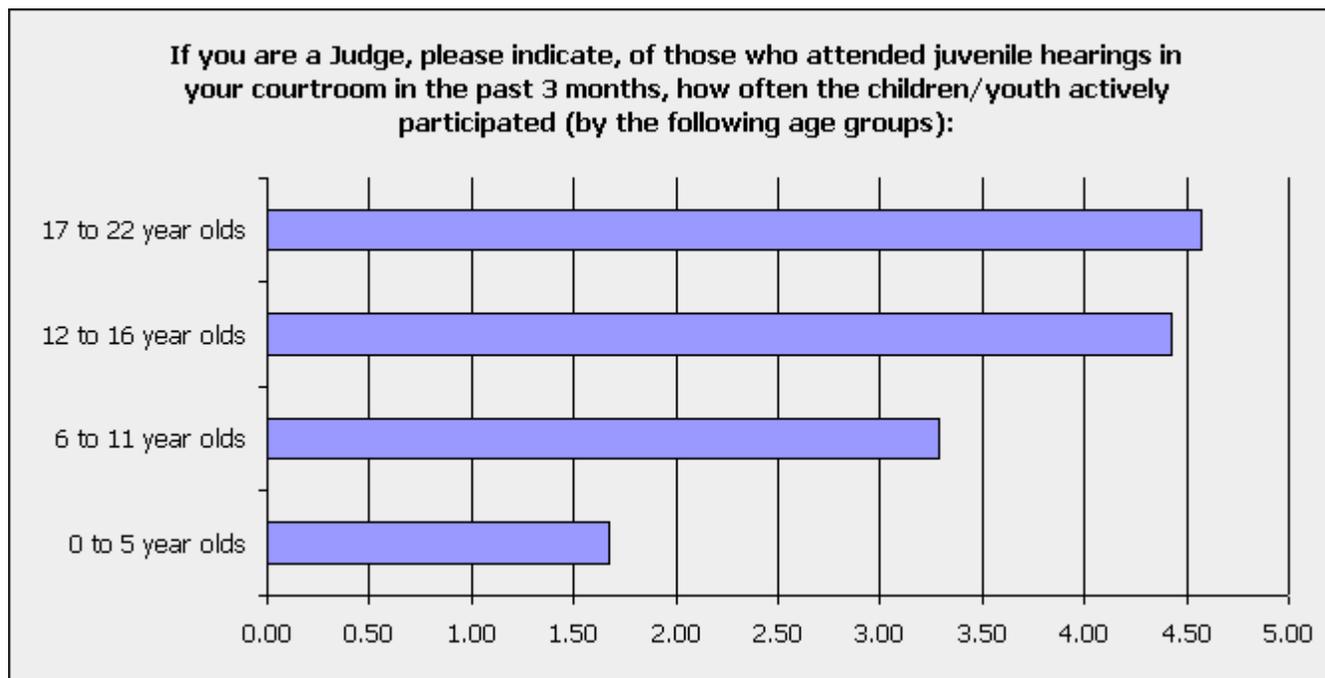
Answer Options	Never	Rarely	Sometimes	Often	Always	Rating Average	Response Count
0 to 5 year olds	2	5	0	0	0	1.71	7
6 to 11 year olds	0	0	5	2	0	3.29	7
12 to 16 year olds	0	0	0	5	2	4.29	7
17 to 22 year olds	0	0	0	3	4	4.57	7
<i>answered question</i>							7
<i>skipped question</i>							188



Participation of Children/Youth in Juvenile Court

If you are a Judge, please indicate, of those who attended juvenile hearings in your courtroom in the past 3 months, how often the children/youth actively participated (by the following age groups):

Answer Options	Never	Rarely	Sometimes	Often	Always	Rating Average	Response Count
0 to 5 year olds	2	4	0	0	0	1.67	6
6 to 11 year olds	0	1	4	1	1	3.29	7
12 to 16 year olds	0	0	1	2	4	4.43	7
17 to 22 year olds	0	0	0	3	4	4.57	7
<i>answered question</i>							7
<i>skipped question</i>							188



Participation of Children/Youth in Juvenile Court

Do you believe children/youth should actively participate in court hearings? (This is defined as child/youth speaks to judge or has someone speak or read a statement on their behalf)		
Answer Options	Response Percent	Response Count
Yes, in every case	22.7%	42
Yes, only when appropriate	76.2%	141
No	1.1%	2
<i>answered question</i>		185
<i>skipped question</i>		10

Participation of Children/Youth in Juvenile Court

In your role with the juvenile court process, do you involve children/youth in hearings?		
Answer Options	Response Percent	Response Count
Yes	36.8%	67
No	9.9%	18
When Appropriate (explain)	53.3%	97
<i>answered question</i>		182
<i>skipped question</i>		13

Nu mb er	Response Date	When Appropriate (explain)
1	Jan 12, 2010 5:50 PM	Emotional age and comprehension of the child and also the time to travel for children.
2	Jan 12, 2010 6:30 PM	Provide training/education to improve advocacy on this issue
3	Jan 12, 2010 6:37 PM	If there is obvious acrimony between parties, or the child is in some way highly vulnerable, I would be disinclined to have him/her in the courtroom.
4	Jan 12, 2010 7:15 PM	Trauma impacted c/y often have developmental ages that do not mirror chronological and some c/y have issues that are triggered adversely by anxiety so "when appropriate" is when it is a situation that is measured

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		by whether participation = more good than harm...
5	Jan 12, 2010 7:17 PM	age and cognitive ability to understand what the choices are
6	Jan 12, 2010 7:42 PM	if they are competent and wish to be involve I always invite their participation
7	Jan 12, 2010 8:29 PM	I always engage a child in the courtroom to some degree
8	Jan 12, 2010 9:35 PM	depends on necessity of their participation and whether they want to participate
9	Jan 13, 2010 2:44 AM	NA
10	Jan 13, 2010 1:30 PM	If it is going to present a problem we allow the youth to step aside
11	Jan 13, 2010 1:55 PM	Based on age. When child is under 8 not in ct but participate in other ways such as telling about ahead of time and having swer and GAL and sometimes lawyer tlak to child It is not appropriate for young children. That is why we call them children and that is why we don't let them vote or drive. They are not capable of understanding the issues and the process. With older children, they should be involved.
12	Jan 13, 2010 2:36 PM	
13	Jan 13, 2010 3:02 PM	I let my foster child know what was going on inside court
14	Jan 13, 2010 3:03 PM	When the child or youth is old enough or developmentally capable of participating in meaningful way.
15	Jan 13, 2010 3:29 PM	if they're 13 or over
16	Jan 13, 2010 5:03 PM	usually not very young children
17	Jan 13, 2010 5:32 PM	Depends a materiel
18	Jan 14, 2010 3:53 PM	depending on the case and age of children
19	Jan 14, 2010 3:57 PM	Only when youth are mature enough to participation.
20	Jan 18, 2010 5:33 PM	Depends on their age and mental capacity
21	Jan 19, 2010 10:09 PM	When they are witnesses in either a CHINS hearing or a delinquency hearing.
22	Jan 29, 2010 3:40 PM	N/A -- I am not involved in hearings.
23	Jan 29, 2010 3:51 PM	depending on age, ability to understand and have it be useful, or type of hearing
24	Jan 29, 2010 3:58 PM	as long as the child is cognitively capable and their attendance doesn't put their emotional safety at risk
25	Jan 29, 2010 4:00 PM	depending on the age of the juvenile; GAL's/attorneys are also a great way for juveniles to have a voice in court
26	Jan 29, 2010 4:13 PM	I request that children be present for hearings
27	Jan 29, 2010 4:13 PM	in discussions outside court
28	Jan 29, 2010 4:19 PM	Depending on age/developmental level and nature of the hearing
29	Jan 29, 2010 4:22 PM	First, I do not believe that children under the age of 12 should ever participate in the CHINS process in court and that older children should only participate on a case by case basis. I do believe very strongly that it is important that their voices be heard through the appropriate advocates and service providers
30	Jan 29, 2010 4:27 PM	I usually deal with the attorney or GAL. Usually the only time I actively involve the juvenile is in praparing for trial.
31	Jan 29, 2010 4:30 PM	some children are too young, say under 5 or 6
32	Jan 29, 2010 4:32 PM	When the child is of an age where they are willing and comfortable going to court, and when they want to participate.

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33	Jan 29, 2010 4:43 PM	Depending on the age of the child or the reason a child came into custody, FSD may request permission from child's attorney and the judge to not have child in court.
34	Jan 29, 2010 4:45 PM	to extent they are developmentally capable of understanding and will not be traumatized by the emotions of the adults in the courtroom
35	Jan 29, 2010 5:04 PM	Safety concerns must first be assessed before a decision is made on youth attending court
36	Jan 29, 2010 5:58 PM	Only in constested delinquency proceedings.
37	Jan 29, 2010 6:14 PM	young children,no
38	Jan 29, 2010 7:13 PM	when age/development appropriate. About age 10 to 12 is when I start bringing kids into the court room.
39	Jan 29, 2010 7:13 PM	Depends on age / cognitive level of child.
40	Jan 29, 2010 7:17 PM	If the youth are at an age where they can speak to what they want to see happen in their case.
41	Jan 29, 2010 7:18 PM	If the child is old enough (developmentally appropriate) and if the child feels safe engaging in this process.
42	Jan 29, 2010 7:21 PM	depending on the age of the child
43	Jan 29, 2010 7:36 PM	Age is a key factor in this as well as the rationale. Children can often feel at fault for "telling" if the result of a disclosure is court intervention.
44	Jan 29, 2010 7:45 PM	Only when appropriate
45	Jan 29, 2010 7:55 PM	chronological and developmental age are factors to consider to make sure kids understand and can handle a possible emotional experience.
46	Jan 29, 2010 8:33 PM	If they are old enough to participate and understand the process. Often it is too stressful for children especially in CHINS B situations.
47	Jan 29, 2010 8:37 PM	child's age, intelligence, ability to communicate, type of court proceeding etc. are factors weighed in having the child present at each hearing
48	Jan 29, 2010 8:48 PM	chambers conferences utilized when extremely sensitive information that would be detrimental to youth is to be shared
49	Feb 1, 2010 1:08 PM	I work with young children and children with mental health, behavioral, emotional and cognitive delays and it is not always appropriate for these children to attend court.
50	Feb 1, 2010 1:24 PM	I don't believe infants or small children in most cases should be present in the room. Domestic Violence and Abuse should be considered when requiring youth to be present. It should be up to the youth. The GAL should make contact with the youth and make a good decision regarding attendance.
51	Feb 1, 2010 1:28 PM	case to case
52	Feb 1, 2010 1:33 PM	It's not up to me.
53	Feb 1, 2010 1:41 PM	I sometimes need to call them as witnesses in contested hearings.
54	Feb 1, 2010 1:49 PM	Some of the hearings may be too traumatic to the child, needs to be assessed on case by case basis.
55	Feb 1, 2010 1:53 PM	depending on age and the child's need to know
56	Feb 1, 2010 2:00 PM	There are rare cases when a juvenile has the ability and the right to be empowered and speak for her/himself.
57	Feb 1, 2010 2:11 PM	These cases cannot be subject to any cookie-cutter measure - they should be obvious when they arise..
58	Feb 1, 2010 2:17 PM	When it would benefit the child
59	Feb 1, 2010 2:26 PM	Sometimes the lawyer will present the child's voice in court without the child being present
		If age appropriate and if the attorney feels is necessary

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60	Feb 1, 2010 2:33 PM	if of an appropriate age...say 14 and up
61	Feb 1, 2010 2:34 PM	Many of the children are very young and are fearful of what goes on in court, so I try to minimize the number of
62	Feb 1, 2010 2:44 PM	times they have to attend in person.
63	Feb 1, 2010 2:46 PM	Age 10-14 and above
64	Feb 1, 2010 2:49 PM	depends on the age and maturity and what the hearing is about
65	Feb 1, 2010 2:51 PM	It is essential that each case be examined on a case to case basis. There are some children that wish to be
66	Feb 1, 2010 2:54 PM	actively involved in the process and others that are not emotionally stable enough to do so. This should be a
67	Feb 1, 2010 3:03 PM	decision that is reached with the team.
68	Feb 1, 2010 3:08 PM	If old enough to understand the circumstances and if their testimony would make a difference in the outcome of
69	Feb 1, 2010 3:27 PM	the hearing
70	Feb 1, 2010 3:36 PM	n/a
71	Feb 1, 2010 3:42 PM	age is certainly a factor
72	Feb 1, 2010 3:46 PM	age dependant and potential dangers
73	Feb 1, 2010 3:47 PM	old enough and what is being said about parents
74	Feb 1, 2010 4:20 PM	age, maturity, reason for hearing all would be considered
75	Feb 1, 2010 4:36 PM	If the child wants to appear at hearings and understands the process.
76	Feb 1, 2010 4:40 PM	Depends on the age or level of functioning of the child.
77	Feb 1, 2010 5:12 PM	the child is of an age to understand and participate
78	Feb 1, 2010 5:33 PM	I work with infants and toddlers
79	Feb 1, 2010 6:37 PM	depending on age of child, and situation
80	Feb 1, 2010 6:40 PM	When the child wants to. Speaking truthfully in front of parents is very hard and not all can do it.
81	Feb 1, 2010 7:21 PM	Only if they are old enough to understand whats going on.
82	Feb 1, 2010 7:24 PM	when the subject matter does not interfere with the child's ongoing therapy regarding their situation
83	Feb 1, 2010 7:27 PM	depending on age and emotional status
84	Feb 1, 2010 8:12 PM	you have infants, and certain youth that don't have the ability to present themselves in a coherent manner.
85	Feb 1, 2010 8:40 PM	My 2 cases currently involve young infants. Therefore, they are not invoved in hearings.
86	Feb 1, 2010 8:49 PM	depends on age, whether there is a developmental disability that would preclude them from understanding, or if
87	Feb 1, 2010 9:29 PM	there are anxiety issues that would cause trauma related to particiaption
88	Feb 1, 2010 10:19 PM	Age or cognitively appropriate
89	Feb 2, 2010 12:03 AM	age appropriate
90	Feb 2, 2010 1:08 AM	very small children are not included; children who may witness their parents being unreasonable or threatening
91	Feb 2, 2010 1:09 AM	Child has strong opinion and needs for dmotional reasons to talk to the judge
92	Feb 2, 2010 1:45 AM	depending on the age of the child, and ability to understand what is happening

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93	Feb 2, 2010 2:16 PM	sometimes it is not age-appropriate or too upsetting for the child
94	Feb 2, 2010 2:45 PM	Children who are capable of meaningfully understanding and participating in a positive manner for their own well-being.
95	Feb 2, 2010 9:48 PM	this is age-related; in each every case it is different
96	Feb 4, 2010 4:09 PM	when child is old enough - from 10-12 on depending on the child
97	Feb 4, 2010 5:08 PM	depending on age and circumstances- prior to law change

Participation of Children/Youth in Juvenile Court

Please describe the level at which most of the children/youth have participated.

Answer Options	Response Percent	Response Count
They are present but do not speak	3.7%	6
They personally speak with the Judge	51.2%	83
They provide written statements that either they read or is read on their behalf	0.6%	1
Someone speaks on their behalf	27.2%	44
They participate by video or telephone	0.0%	0
Other (please specify)	17.3%	28
answered question		162
skipped question		33

Number	Response Date	Other (please specify)
1	Jan 12, 2010 6:38 PM	I find that kids under 12 are most often not encouraged to be in the courtroom, by any of the parties. If they are older and want to be present, I almost always advocate for their presence. If they are in the courtroom, the present family court judge usually speaks directly to them.
2	Jan 13, 2010 2:45 AM	
3	Jan 13, 2010 1:31 PM	depends on the age hard to lump children and youth together.
4	Jan 13, 2010 5:01 PM	Present / Speak. and read if they have prepared anything
5	Jan 29, 2010 3:51 PM	whether child personally addresses the court usually depends on age
6	Jan 29, 2010 3:59 PM	young kids someone speaks on their behalf, older kids are there and speak personally with the Judge and have lawyer speak for them.
7	Jan 29, 2010 4:23 PM	they also speak with the Judge, or participate by phone
		There is no way this question can be answered in this type of survey - this is something that needs to be considered on a very case by case basis.

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8	Jan 29, 2010 4:49 PM	it depends on the age and circumstances of the child. Teenagers are always present unless they choose not to be but as their attorney, I always contact them before the hearing to get their input. If they are in court, the judge always addresses them. I feel our judges are exceptionally skilled at connecting with kids in court. If the child is young, the GALs have generally seen them prior to the hearing and can speak on their behalf. Since temporary care hearings are usually highly emotional, I try to meet with children before the hearing in their foster homes or guidance counselor's office at school.
9	Jan 29, 2010 5:06 PM	Older kids often speak with the Judge. Lawyers and GAL's speak on behalf of the younger children even if they haven't met them.
10	Jan 29, 2010 5:59 PM	My juvenile clients occasionally speak to the judge and are generally uncomfortable doing so. This is hard to answer. I have a number of newborns/small children on my caseload. For the older children, in Caledonia court they is always a discussion between the child and judge. The current judge does an excellent job at engaging youth.
11	Jan 29, 2010 7:20 PM	All of the above depending on circumstances.
12	Feb 1, 2010 1:42 PM	None of the above are representative. Each case is different, depending on age, developmental level, personality and case type.
13	Feb 1, 2010 2:02 PM	It all depends on their age. If the child is 10 or younger they usually are not asked to be in court by their attorney. When they are older and the attorney finds it necessary they will be in court and some may speak to the judge some may not. If the child is young, it is usually not in the child's best interest to be in court. They can not understand the scope of what is happening and it can be very scary. If there is abuse involved, it can be scary for the child to be in the presence of the parents. There really is not a text book answer here. Each case and child should be looked at individual. the decision should be made that is in the best interest of the child emotionally and mentally.
14	Feb 1, 2010 2:30 PM	If the child is old enough he or she generally speaks to the judge
15	Feb 1, 2010 2:50 PM	n/a
16	Feb 1, 2010 2:54 PM	
17	Feb 1, 2010 3:36 PM	I am a brand new GAL just shadowing, can't address this question yet
18	Feb 1, 2010 3:43 PM	If teenagers, they usually address the court.
19	Feb 1, 2010 4:21 PM	I speak in their behalf as a GAL
20	Feb 1, 2010 5:27 PM	Have done all of the above
21	Feb 1, 2010 7:22 PM	Again, my experience thus far has only involved infants.
22	Feb 1, 2010 8:50 PM	depends on the age.
23	Feb 1, 2010 9:14 PM	Someone speaks on their behalf and they personally speak with the judge
24	Feb 2, 2010 1:45 AM	answer questions if asked by judge very young children often cannot understand the proceedings or do not have the verbal ability to participate.
25	Feb 2, 2010 2:19 PM	
26	Feb 3, 2010 3:57 PM	I am in training for GAL and don't feel qualified to answer this.
27	Feb 3, 2010 6:09 PM	Children are encouraged to speak
28	Feb 4, 2010 5:09 PM	it is they speak and someone speaks on their behalf

Participation of Children/Youth in Juvenile Court

What do you consider to be the MOST effective form of participation from children/youth during their hearings?

Answer Options	Response Percent	Response Count
They are present but do not speak	0.0%	0
Someone speaks on their behalf	16.2%	29
They speak directly to the Judge in the courtroom	42.5%	76
They personally speak with the Judge in chambers	14.0%	25
They provide written statements that they read	3.4%	6
They provide written statements that someone reads for them	1.7%	3
They participate by telephone or video	0.0%	0
Other (please specify)	22.3%	40
answered question		179
skipped question		16

Number	Response Date	Other (please specify)
1	Jan 12, 2010 5:52 PM	A mixture of all of the above--a child should be able to write something and then if wants to read then can do so. Also, did not know that telephone or video was an option.
2	Jan 12, 2010 6:33 PM	Participation should be based in what is developmentally appropriate, appropriate in consideration of the child's individual situation, and in compliance with the law. Child's GAL and attorney should weigh in.
3	Jan 12, 2010 7:20 PM	This is a lot of pressure to put on a child but I say in chambers
4	Jan 12, 2010 8:31 PM	When they speak in the courtroom it is about topics that usually are not stressful.
5	Jan 13, 2010 2:46 AM	depends of what makes the child/youth most comfortable and brings their voice into the proceedings
6	Jan 13, 2010 12:34 PM	every situation is different al of the above based on the needs of the child
7	Jan 13, 2010 12:50 PM	attorney speaks for them , social worker speaks for them and the judge asks them questions that they respond to. That is my experience
8	Jan 13, 2010 2:39 PM	You are being way too simplistic by lumping "children/youth" together. The most effective form of participation depends on the age, special needs, issues that resulted in CHINS, etc. When youth are present, I think it is VERY important for them to speak directly to the Judge so that they understand the Court is interested in their well being. I do not this is helpful, however, when the Judge knows nothing about abuse/neglect, recanting, etc.

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9	Jan 13, 2010 5:02 PM	child/youth should speak if they wish to, otherwise, someone speaks on their behalf
10	Jan 13, 2010 6:17 PM	When appropriate, a youth should speak on his/her own behalf. When that is not appropriate, the youth has representatives speak for him/her or puts their thoughts in writing to be read or submitted to the COURT
11	Jan 15, 2010 1:01 PM	youth have the option to speak,youth can have someone speak for them. Also can participate by phone or video
12	Jan 29, 2010 3:52 PM	really depends on the child, age, etc. but if appropriate the should be there and speak with the judge in court or chambers.
13	Jan 29, 2010 3:52 PM	depends on the situation
14	Jan 29, 2010 4:00 PM	someone represents them and they can respond to the Judge
15	Jan 29, 2010 4:16 PM	a combination: they should be present, and speak if they want to or if it is appropriate for them to do so and they should have an attorney present to speak for them as well
16	Jan 29, 2010 4:49 PM	Again, it totally depends on the child's age and circumstances. Personally, I think the court hearing is not the most effective form of participation. If we're talking specifically about CHINS C kids, then we're usually talking about a family systems problem that needs to be resolved in a therapeutic approach - not an adversarial one, which is what occurs in court. If we want youth participation IN the court hearing than a LOT of preparation needs to occur and it shouldn't be set up the way it is. The court system is designed as a response to how a person (youth) has "offended" the "state." Family issues regarding a child's/youth's behavior should be addressed therapeutically NOT legally.
17	Jan 29, 2010 4:55 PM	infants and young children have GAL's and attorneys who speak on their behalf. Abused and neglected young children should not be in the courtroom hearing all of their parent's issues.
18	Jan 29, 2010 6:40 PM	Needs to be based on the individual needs of each child
19	Jan 29, 2010 7:49 PM	I could see where any one of these suggestions could be appropriate and most effective given the child's ability to deal with court and what their family situation is like.
20	Jan 29, 2010 7:56 PM	I think all of the above work in different situations.
21	Feb 1, 2010 1:25 PM	case by case basis
22	Feb 1, 2010 1:39 PM	For older kids, speaking directly is best, by phone/video next, thru another next. Younger or special needs kids may be better off not coming to court and participating through third parties.
23	Feb 1, 2010 1:43 PM	Children need to be given their options and they should be allowed to choose.
24	Feb 1, 2010 1:50 PM	Again, I cannot typify, as cases are so different. The GAL needs the discernment, with help from others, to help choose the option most empowering to the juvenile.
25	Feb 1, 2010 2:03 PM	Once again, this would be decided on a case by case and child by child. What is right for one child, may not be right for another.
26	Feb 1, 2010 2:31 PM	Most effective depends on the circumstances and the child.
27	Feb 1, 2010 2:35 PM	can't comment yet
28	Feb 1, 2010 3:37 PM	Only when age appropriate - in their teens - then they speak to the judge or, if asked, I will speak for them
29	Feb 1, 2010 3:45 PM	

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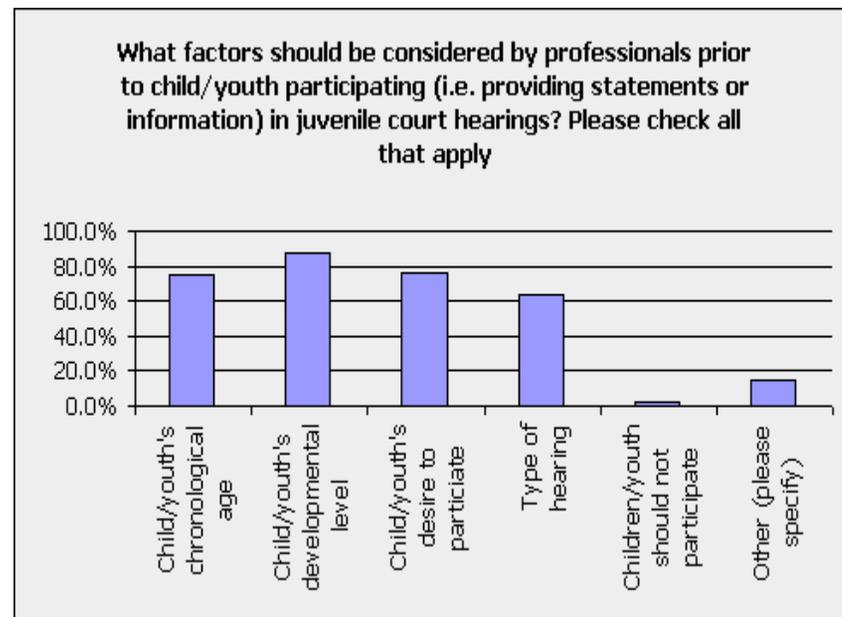
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30	Feb 1, 2010 3:48 PM	when age appropriate children SHOULD have an active role and should be able to speak on their own behalf
31	Feb 1, 2010 5:28 PM	3,4, and sometimes 5
32	Feb 1, 2010 6:39 PM	depends on their age/emotional status
33	Feb 1, 2010 9:31 PM	Each child is different.
34	Feb 1, 2010 11:43 PM	it depends..poorly phrased question
35	Feb 2, 2010 1:47 AM	answer questions if asked by judge
36	Feb 2, 2010 2:54 PM	Different situations call for different forms of participation
37	Feb 2, 2010 5:30 PM	Depending on age and maturity, I would give different answers.
38	Feb 2, 2010 9:49 PM	Again, age-related depends on correct or best answer
39	Feb 3, 2010 3:58 PM	n/a
40	Feb 4, 2010 5:10 PM	they speak directly to the judge but again depends on age and circumstances. If pre-merits (no findings) on a CHINS case and parent in the court room, this can be very difficult on child

Participation of Children/Youth in Juvenile Court

What factors should be considered by professionals prior to child/youth participating (i.e. providing statements or information) in juvenile court hearings? Please check all that apply

Answer Options	Response Percent	Response Count
Child/youth's chronological age	74.6%	135
Child/youth's developmental level	87.3%	158
Child/youth's desire to participate	76.2%	138
Type of hearing	63.5%	115
Children/youth should not participate	2.2%	4
Other (please specify)	14.4%	26
answered question		181
skipped question		14



Number	Response Date	Other (please specify)
1	Jan 12, 2010 5:10 PM	youth's mental health issues/potential trauma
2	Jan 12, 2010 7:18 PM	Amount of assistance that has been provided to ensure c/y are fully cognizant of what brought them to court and the outcome of that
3	Jan 12, 2010 9:36 PM	family dynamics and effect on child
4	Jan 13, 2010 12:51 PM	any child should participate if they wish to Relationship between parents and child, if child feels threatened by or uncomfortable with parents ect.
5	Jan 13, 2010 1:58 PM	YOUTH'S BEHAVIOR AND LEVEL OF PARTICIPATION IN OTHER MEETINGS
6	Jan 13, 2010 6:19 PM	CONCERNING HIS/HER PLAN
7	Jan 29, 2010 4:01 PM	Helping the youth prepare for the hearing and laying out the process.
8	Jan 29, 2010 4:25 PM	if abuse case whether or not offender would be in the court as well, need to protect the child victim
9	Jan 29, 2010 4:51 PM	Likely pressure on the child to recant if pre-merits
10	Jan 29, 2010 5:07 PM	safety issues
11	Jan 29, 2010 8:06 PM	need to consider relationships, and the developmental and emotional needs of the children

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12	Jan 29, 2010 8:35 PM	Forcing kids to participate in front of their parents in CHINS B proceedings can be counter-productive to their overall progress and well-being.
13	Jan 29, 2010 8:49 PM	information to be discussed
14	Jan 29, 2010 9:55 PM	therapeutic issues that might weigh against participation
15	Feb 1, 2010 1:44 PM	All the above except "should not participate".
16	Feb 1, 2010 2:04 PM	INDIVIDUAL CIRCUMSTANCE THAT WILL BEST EMPOWER THE JUVENILE.
17	Feb 1, 2010 2:42 PM	children should be present
18	Feb 1, 2010 5:28 PM	level of anxiety, potential consequences to relationships
19	Feb 1, 2010 8:41 PM	response of parent
20	Feb 1, 2010 9:16 PM	I think several factors should be considered: chronological and developmental age, desire to participate and type of hearing
21	Feb 1, 2010 9:33 PM	If the child's presence could cause him/her harm, if afraid of any of the participants involved when teenagers desire to attend, this should be made possible if they understand why
22	Feb 2, 2010 1:50 AM	they are in custody
23	Feb 2, 2010 12:37 PM	Whether child/youth is physically healthy
24	Feb 2, 2010 2:55 PM	Anything else deemed relevant to the specific case
25	Feb 3, 2010 3:58 PM	I don't have enough experience to answer this
26	Feb 4, 2010 5:11 PM	If there are court findings yet regarding whose actions caused child to be involved in court.

Participation of Children/Youth in Juvenile Court

What do you see as the GREATEST barrier to child/youth participation in juvenile court hearings?		
Answer Options	Response Percent	Response Count
Transportation	3.9%	6
Timing of the hearing	11.0%	17
Professionals may feel inhibited in their speech during hearings	3.9%	6
Child/youth may become upset/re-traumatized	59.1%	91
Other professionals involved in hearing not supportive	6.5%	10
Judges and/or attorneys do not have expertise in interviewing child/youth	15.6%	24
Other (please specify)		35
answered question		154
skipped question		41

Number	Response Date	Other (please specify)
1	Jan 12, 2010 5:11 PM	lack of preparation to do so-- because attys not accustomed to it.
2	Jan 12, 2010 5:53 PM	Children are not well prepared for court hearings
3	Jan 12, 2010 7:22 PM	Transportation & Timing are barriers;the others are factors that might produce negative outcomes
4	Jan 13, 2010 2:47 AM	haven't created the supportive structure throughout the process
5	Jan 13, 2010 12:38 PM	childs lack of understanding of the procedure and the amount of time waiting for their court time attorneys ask them 5 minutes before the court hearing wha tthey want and ignore the team process of developing a plan
6	Jan 13, 2010 12:52 PM	
7	Jan 13, 2010 2:41 PM	Wanting to a please a parent and not being truthful
8	Jan 13, 2010 5:34 PM	Child self refusal
9	Jan 29, 2010 3:53 PM	do not feel that there are barriers to youth participation
10	Jan 29, 2010 4:17 PM	DCF failing to transport the children to the hearings
11	Jan 29, 2010 4:25 PM	The real question should be what is in the best interests of the child and I am not aware of any showing that their participation in the actual court hearing is in their best interest
12	Jan 29, 2010 4:32 PM	many children on my caseload are too young

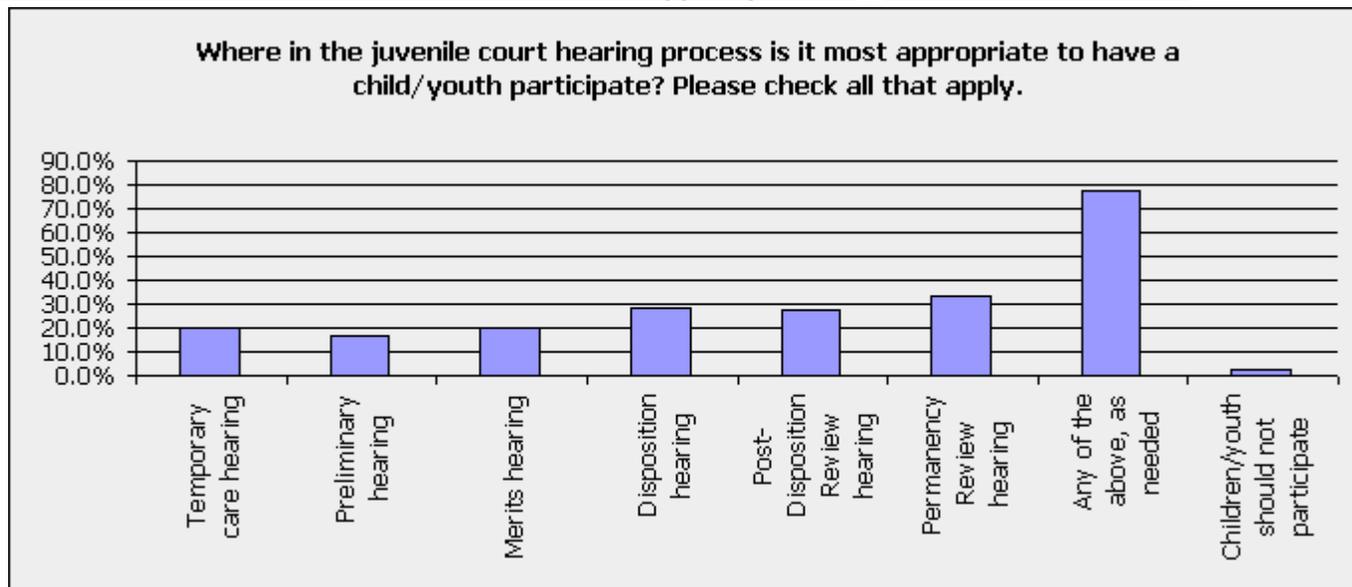
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13	Jan 29, 2010 4:59 PM	Again, the court process is an "adult" arena whose purpose is figure out legal questions - which often becomes adversarial because it's determining WHO'S to blame for the reason we're in court.
14	Jan 29, 2010 5:08 PM	Lawyers are not sensitive to the dynamics that the legal system can create for a youth. The setting in general is not condusive to giving the youth the necessary support that they need.
15	Jan 29, 2010 6:00 PM	Foreign nature of court proceedings and procedures.
16	Jan 29, 2010 9:56 PM	if from a distance
17	Feb 1, 2010 1:26 PM	I think youth can get lost in the "game" the professionals play to reach their goal. The focus on the well being of the child can get lost quite easily.
18	Feb 1, 2010 1:46 PM	The court process and setup is foreign and unnatural. But the primary inhibitor is speaking in front of parents and strangers about complex emotionally laden feelings. Ironically, each professional in the courtroom has a role to fulfill, and the juvenile is often the last one to be allowed a personal response to the process. Well-meaning people often perpetuate a system that denies individuality to the juvenile.
19	Feb 1, 2010 2:06 PM	none of the above
20	Feb 1, 2010 3:13 PM	Child/youth is overwhelmed and scared and afraid to speak their mind
21	Feb 1, 2010 3:24 PM	can't comment yet
22	Feb 1, 2010 3:37 PM	Children often don't want to miss school to attend; waiting for a very short hearing seems pointless; they don't understand what is happening in the courtroom; sometimes the child may become upset or retraumatized
23	Feb 1, 2010 4:37 PM	Fear of hurting parents with the truth
24	Feb 1, 2010 4:42 PM	time and judges facility with communicating with child under these circumstances
25	Feb 1, 2010 5:30 PM	timing is important also
26	Feb 1, 2010 5:37 PM	i havn't had encounter any barriers that have hindered child/youth participation in court
27	Feb 1, 2010 6:45 PM	The ability (or lack thereof) of the child
28	Feb 1, 2010 7:31 PM	the judge and attorneys only see the child for a brief period of time and sometimes don't realize the child's ongoing hopes may be very different than the message presented at that moment.
29	Feb 1, 2010 8:44 PM	greatest barriers are transportation, timing, and possibility of becoming upset/re-traumatized
30	Feb 1, 2010 9:17 PM	again,too many conditions...again, poorly phrased question
31	Feb 1, 2010 11:46 PM	Youth's ability to understand the process and accurately state their needs/concerns.
32	Feb 2, 2010 5:34 PM	I don't have enough experience to answer this
33	Feb 3, 2010 3:59 PM	child must feel support of GAL
34	Feb 3, 2010 6:11 PM	not supportive and advocating for their client at the expense of the child
35	Feb 4, 2010 5:12 PM	

Participation of Children/Youth in Juvenile Court

Where in the juvenile court hearing process is it most appropriate to have a child/youth participate? Please check all that apply.

Answer Options	Response Percent	Response Count
Temporary care hearing	20.3%	36
Preliminary hearing	16.9%	30
Merits hearing	19.8%	35
Disposition hearing	28.2%	50
Post-Disposition Review hearing	27.1%	48
Permanency Review hearing	33.3%	59
Any of the above, as needed	77.4%	137
Children/youth should not participate	2.8%	5
answered question		177
skipped question		18



Participation of Children/Youth in Juvenile Court

Which of the following would MOST increase child/youth participation in hearings?		
Answer Options	Response Percent	Response Count
Child/youth friendly court space	8.2%	14
Having others convey the child/youth's wishes	3.5%	6
Ability for the child/youth to provide written statements/information	7.1%	12
Assign a person to provide support to the child/youth throughout the process	12.9%	22
Have someone who preps the child/youth prior to hearing	14.1%	24
Allow alternative methods for children/youth to communicate with the Judge if they become uneasy during the court hearing	35.3%	60
Other (please specify)	18.8%	32
answered question		170
skipped question		25

Number	Response Date	Other (please specify)
1	Jan 12, 2010 5:51 PM	We have all of these options in Vermont, except for the first one.
2	Jan 12, 2010 7:03 PM	Courts should schedule hearings with youth after school.
3	Jan 12, 2010 8:05 PM	Better training of judges, attorneys and guardians ad litem re child development allowing the child to have someone with them that they see as a support better relationship with a GAL might fullfill that role
4	Jan 13, 2010 12:43 PM	Clear plan for every child from time of TCH as to how they will participate and be honored by parties.
5	Jan 13, 2010 2:00 PM	Have child's voice most important instead of an after thought after other parties have spoken.
6	Jan 13, 2010 6:25 PM	The GAL has a very specific role in the proceedings and could do a lot more to help make the youth more comfortable while actively participating in the process.
7	Jan 14, 2010 11:58 PM	all the above should be an option - all children are different and not all methods will work for all
8	Jan 18, 2010 6:04 PM	We already have support persons for the child - i.e. GAL and attorney; adding in any more would make it more difficult for the child

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9	Jan 29, 2010 4:19 PM	DCF transporting or making arrangements for children to be physically at the hearings
10	Jan 29, 2010 4:27 PM	This survey is very concerning, because it assumes that children should participate in hearings and I do not see that as being in the best interests of the children. Research has shown that children allowed to remain with their parents have better life outcomes even in environments of marginal care. To have the children participate in the hearings may damage the reunification efforts.
11	Jan 29, 2010 5:06 PM	At FSD we often hear about the anxiety that children/youth feel when there is a court hearing coming up. No matter how hard GAL's, foster parents, social workers, etc try to explain as best they can about the court hearings, the kids and youth STILL are highly anxious. Again, the court process was created for the adults and although family court has created a closed environment and judges have become specialized in family court issues, the setting and language is NOT geared toward children/youth. Accept for delinquencies, court is about what the adults did or didn't do. Children/youth who are CHINS C are part of a family system that resulted in a child/youth beyond their parents' control - this in my mind is NOT about the child's behavior - the child/youth is usually trying to react to an unhealthy family system. I don't think just creating a space or providing a support person will make any major changes. The whole culture of the court system needs to be changed. How do we ask GAL's who are volunteers to have the kind of relationship necessary with the youth. It is so inconsistent currently. How do we get Lawyers trained and value what the youth are saying. Very few attorneys took seriously the message that they were given by the gorilla theatre at the most recent training to think about changing their practise. Judges across the state are inconsistent with whether they want to hear or see the youth in court. I believe the people necessary to support the youth are present. There just needs to be some oversight of attorneys and judges to make the improvements.
12	Jan 29, 2010 5:52 PM	attorneys having sufficient time to meet with youths before hearings
13	Jan 29, 2010 9:59 PM	My experience for the past 20 years has been that youth from at least 9 or so on up who want to do so are given the opportunity to actively participate. The exception has been for a youth newly in a mental health treatment program--who might still be given the option of participating by phone.
14	Jan 30, 2010 8:52 PM	Again, each child is different. If we are to choose only one it should be the last.
15	Feb 1, 2010 1:27 PM	Youth friendly space, and prep, and option of communicating with judge in alternative way if there is something that make them uncomfortable that can be identified and worked around.
16	Feb 1, 2010 1:50 PM	again, this is case by case
17	Feb 1, 2010 1:52 PM	Change the paradigm/expectation in the process to encourage juveniles, as they are able, to exercise greater free will in the decisions affecting them.
18	Feb 1, 2010 2:10 PM	All of the above would help a child feel more comfortable in participating in a hearing. the question is whether the child should be participating or not. That is not a question that you can generalize. You can not write a rule that is going to fit each case or child. There needs to be flexibility. There needs to be trust in the judgement of the child's attorney and GAL. In almost all cases that I have worked on, the attorneys are very protective of the child and very reluctant to put the child in a situation that would be potentially harmful. I believe the attorneys I have worked with are capable of making the decision on whether the child participation is going to be more harmful to the child than productive to their case.
19	Feb 1, 2010 2:38 PM	The children with whom I have worked have not required more
20	Feb 1, 2010 2:40 PM	

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21	Feb 1, 2010 3:15 PM	participation, so the question seems not to apply.
22	Feb 1, 2010 3:38 PM	the current system is fine
23	Feb 1, 2010 3:49 PM	can't comment yet
24	Feb 1, 2010 4:39 PM	This really depends on the child and their level of involvement. Most times the attorney speaks on their behalf and the Judge speaks with them.
25	Feb 1, 2010 5:31 PM	Hearings not conflicting with school or other preferred activities; many of the suggestions you list above, can't say what would MOST increase participation
26	Feb 1, 2010 6:36 PM	A process that occurs outside and within court that empowers the child to believe it is a good and important thing that they state their desires, fears, and needs
27	Feb 1, 2010 9:19 PM	child/youth friendly court space, have someone who preps prior to hearing, assign a person to provide support to the person throughout the process, and allow alternative methods to communicate with the judge if they become uneasy during the court hearing.
28	Feb 1, 2010 9:37 PM	speak to the judge in chambers
29	Feb 2, 2010 2:48 PM	child/youth friendly court space, have someone who preps prior to hearing, assign a person to provide support to the person throughout the process, and allow alternative methods to communicate with the judge if they become uneasy during the court hearing.
30	Feb 3, 2010 6:14 PM	The child feeling empowered-feeling heard by the adults, being listened to during the entire process, not only in court (age appropriate)
31	Feb 4, 2010 3:36 PM	I believe a formal atmosphere is best for children, so they understand the gravity of the matters. The attorney and guardian ad litem should help the child through the process.
32	Feb 4, 2010 5:14 PM	Use GAL's influence
		Time enough to have good discussions with the thier lawyer and gal to talk about what is going to happen in the court room and how they can partisipate.
		Child's attorney should be able to communicate with child and represent their requests

Participation of Children/Youth in Juvenile Court

In your opinion who has primary responsibility for preparing a child/youth in juvenile court hearings?		
Answer Options	Response Percent	Response Count
Parent/Foster Parent/Guardian/Kinship Caregiver	5.2%	9
Sibling	0.0%	0
Family Services: Case manager, Social Worker, other	18.6%	32
Child/youth's attorney	43.6%	75
Guardian Ad Litem	14.5%	25
Therapist/Counselor	2.3%	4
Other (please specify)	15.7%	27
answered question		172
skipped question		23

Number	Response Date	Other (please specify)
1	Jan 12, 2010 5:54 PM	The closest person to the child--this could be an advocate, social worker, GAL
2	Jan 12, 2010 7:04 PM	GAL and attorney (could not pick just one of them).
3	Jan 12, 2010 7:26 PM	Permanency Planning Specialist who can interface with all the other players
4	Jan 13, 2010 2:48 AM	whoever has the relationship and knowledge
5	Jan 13, 2010 12:45 PM	the most qualified person who understands what the hearing is and has the best relationship
6	Jan 13, 2010 2:08 PM	Depends on kind of case. Del case- Swer. chils in custody swer. Conditional custody case should be caretaker, GAL, and CATTY
7	Jan 13, 2010 5:05 PM	It depends on the type of hearing, either attorney or GAL
8	Jan 13, 2010 5:08 PM	depends on legal or emotional/psych. preparedness
9	Jan 14, 2010 11:59 PM	varies from case to case - social worker to social worker etc..
10	Jan 15, 2010 1:03 PM	combination depending on the case, but GAL and attorney MUST make sure... as a JS worker i believe its a shared responsibility with DCF , GAL and lawyer, but with that said it also depends on childs trust level with each as well and their relationship, the booklet that we used to give kids to understand the court process was very effective with teens
11	Jan 29, 2010 4:29 PM	This is at the heart of the problem with children testifying. Nobody should be preparing the the child for court hearings. The child has an attorney and they have an attorney-client relationship. The child
12	Jan 29, 2010 4:30 PM	

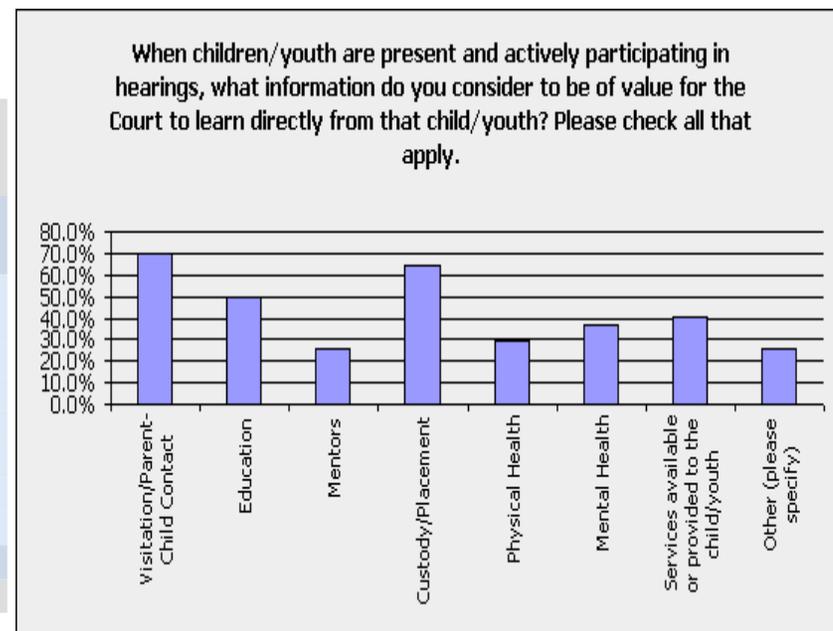
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		however does need support if the child is going to participate in juvenile court hearings.
		I think everyone does. We should probably have written material geared toward developmental levels. I must say that I think it's difficult to prepare a child for court because one never knows what exactly will happen. The court schedule is all in response to legal timeframes - the court is NOT set up to TRULY meet a child's needs. It's about making legal decisions - how do you prepare a child/youth for this when these decisions need to be made BY adults, not children. Please don't get me wrong, children/youth SHOULD have a voice but we can't ask them "adult" questions. The info that needs to be gathered from the child/youth should be done indirectly and in a way that doesn't set up more of an adversarial or divisive outcome.
13	Jan 29, 2010 5:20 PM	
14	Jan 29, 2010 6:16 PM	depends on the connection child has with adult
15	Feb 1, 2010 1:28 PM	I believe the Social Worker should play a significant role however a well trained GAL would be more neutral in the eye of most attorneys.
16	Feb 1, 2010 1:42 PM	case by case
17	Feb 1, 2010 1:51 PM	Attorney and GAL, working together with foster parent and social worker.
18	Feb 1, 2010 2:11 PM	Any or all of the above.
19	Feb 1, 2010 2:44 PM	Again, the person who will be most effective and who should, therefore, have the primary responsibility depends on the child and the circumstances. The parent or foster parent will, ideally, take responsibility for ensuring that the child is prepared by the proper person or people.
20	Feb 1, 2010 2:53 PM	I think it is important for the child to be prepared by the individual he or she feels most comfortable or connected to.
21	Feb 1, 2010 3:16 PM	GAL and attorney together
22	Feb 1, 2010 3:48 PM	all of the above should assist... Every professional adult involved with the child has a shared responsibility in preparing the child. If the child has an increased risk of being retraumatized the therapists should have a larger role. It is case by case and parties need to work as a team for the child.
23	Feb 1, 2010 3:51 PM	
24	Feb 1, 2010 5:42 PM	I think both the child's attorney and the GAL should be responsible.
25	Feb 2, 2010 1:17 AM	# 3 - 6 above depending who has best relationship with kid
26	Feb 2, 2010 2:58 PM	Depending on the circumstances, any of the above, The responsibility should be on the child's attorney, however it ends up being done by the DCF social worker.
27	Feb 4, 2010 11:46 AM	

Participation of Children/Youth in Juvenile Court

When children/youth are present and actively participating in hearings, what information do you consider to be of value for the Court to learn directly from that child/youth? Please check all that apply.

Answer Options	Response Percent	Response Count
Visitation/Parent-Child Contact	70.3%	121
Education	49.4%	85
Mentors	26.2%	45
Custody/Placement	64.5%	111
Physical Health	29.1%	50
Mental Health	36.6%	63
Services available or provided to the child/youth	40.7%	70
Other (please specify)	25.6%	44
answered question		172
skipped question		23



Number	Response Date	Other (please specify)
1	Jan 12, 2010 5:13 PM	how they feel about the legal process-- is it fair-- has it met their needs
2	Jan 12, 2010 5:55 PM	Children at the appropriate developmental level should have a voice and their plans of care
3	Jan 12, 2010 8:07 PM	whether child/youth feels her/his position is being articulated to the court
4	Jan 12, 2010 8:33 PM	childs activities and interests
5	Jan 12, 2010 9:38 PM	disposition
6	Jan 13, 2010 2:49 AM	all of the above, and remembering this is the voice of the child and not the only voice that needs to be considered
7	Jan 13, 2010 2:09 PM	Given age and ability to articulate what they think parents need to work on and naything else they want Judge to know
8	Jan 13, 2010 2:46 PM	Wow, do you overestimate children/youth. You really think they are in a position to be providing this type of information to the Court?
9	Jan 13, 2010 5:09 PM	progress made toward case plan goals
10	Jan 13, 2010 6:30 PM	All of the above. Each child or youth has an opinion and when appropriate should be asked for their opinion and should have had a great deal of input in the planning which is conducted outside of the.

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		court room
11	Jan 13, 2010 9:54 PM	Child's general perception of the process & what helps
12	Jan 14, 2010 5:59 PM	their level of self-insight
13	Jan 15, 2010 12:00 AM	all the above - nice to hear what is going well - what is working and what could help them improve what ever the situation is.
14	Jan 15, 2010 3:31 PM	all of the above
15	Jan 29, 2010 4:17 PM	how the child is doing
16	Jan 29, 2010 4:21 PM	Extremely difficult question to answer because it really depends upon the circumstances and age of the child The more I read of this survey, the more upset that I become. Children are extremely vulnerable and can be the victims of influence by everyone involved with services to the child. It is not appropriate for the children to be making the decisions and providing the information that should be done by the professionals.
17	Jan 29, 2010 4:32 PM	compliance with probation/conditions of release, also productive activities in school such as sports/music and community activities such as martial arts, boxing, girl scouts, boy scouts, etc
18	Jan 29, 2010 4:32 PM	The child's wishes
19	Jan 29, 2010 4:34 PM	I don't know how to answer this because the court hearings are set forth in a legal timeframe and are for the purpose of: is there a basis for custody based on the allegations in the affidavit? Who should have custody of the child/youth? Why is the child/youth not going home. Other than delinquencies and cases where a child is experiencing some severe addictions, mental health, mental illness issues or developmental delays, I have NEVER experienced a court hearing where it's about the child. It's usually about what the parents have or have not done. If it's a CHINS C and none of those other issues are present and the child is still not going home, then my experience is that the parent is invested in "blaming" the child/youth. In my mind, that is NOT OK for the child to hear that THEY are the problem. The issues you asked about above (visitation, education, health, etc) are adult decisions. I've been in court hearings where children/youth have expressed their thinking/opions but their "wishes" could not be granted because these are issues for the adults to make (again, with the child's input but not during the hearing). Not to mention that the court doesn't have the time to PROCESS with a child how any of these
20	Jan 29, 2010 5:30 PM	issues should be addressed.
21	Jan 29, 2010 6:17 PM	what they like about where they are currently staying
22	Jan 29, 2010 6:38 PM	status, desires
23	Jan 29, 2010 8:10 PM	general update on themselves
24	Jan 29, 2010 10:01 PM	how/what are they doing in their daily life & what do they want? Well-being issues; education; sports and other leisure activities; desired outcome of hearing; admission of delinquent act being adjudicated. Important that youth not feel that statement caused the outcome-- especially if outcome results in continued separation from parent, however.
25	Jan 30, 2010 8:56 PM	Child should be given an opportunity to tell court what child feels court needs to know in deciding issue at hand.
26	Feb 1, 2010 1:53 PM	

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27	Feb 1, 2010 2:13 PM	All the above, where applicable. A specific "policy" will not apply to every case.
28	Feb 1, 2010 2:41 PM	All are important, but we need to remember that most of these children do not have the emotional development to know what is actually best for them. Most will want to go home, because it is familiar, but they probably are at risk at home.
29	Feb 1, 2010 2:46 PM	Quality of life information--how the child is experiencing his/her life in the home, at school, with people important to the child.
30	Feb 1, 2010 2:53 PM	This should be considered on a case to case basis
31	Feb 1, 2010 3:06 PM	overall contentment with living situation
32	Feb 1, 2010 3:17 PM	any and all factors that concern the child
33	Feb 1, 2010 3:49 PM	all of the above if the child wants to provide the information - if not the GAL and Attorney My case load is all younger children. In the past I had an older juvenile who discussed visits with the court.
34	Feb 1, 2010 3:53 PM	this should be followed up by Social worker to ensure the correct info is being shared
35	Feb 1, 2010 4:39 PM	Be careful not to put the child "on the spot" if s/he is uncomfortable
36	Feb 1, 2010 4:40 PM	If they understand what the hearing is about
37	Feb 1, 2010 5:45 PM	depends on the matter
38	Feb 1, 2010 8:53 PM	all of the above
39	Feb 1, 2010 9:20 PM	How things are going for them, how they are coping, if their needs are being met.
40	Feb 1, 2010 9:41 PM	Restrictions
41	Feb 2, 2010 2:15 PM	Child's feelings
42	Feb 3, 2010 6:16 PM	what child thinks about their parents progress in services- if required in plan
43	Feb 4, 2010 5:15 PM	I feel this based on a case by case basis. It's what's important to the type of hearing that is being held.
44	Feb 5, 2010 1:21 AM	

Participation of Children/Youth in Juvenile Court

In your opinion, which best describes the most significant result of a child/youth's participation in juvenile court hearings?		
Answer Options	Response Percent	Response Count
Child will have a more positive perception of juvenile court process	18.4%	32
Better fact findings, producing better decisions, leading to better outcomes	46.6%	81
Child/youth will feel better about themselves	9.2%	16
Child/youth will see and hear things that are harmful	4.6%	8
Court process will be slowed down	0.0%	0
Children/youth should not participate	2.3%	4
Other (please specify)	19.0%	33
answered question		174
skipped question		21

Number	Response Date	Other (please specify)
1	Jan 12, 2010 7:25 PM	Child may feel like the big person who makes decisions cared enough to ask the child's opinion that they are heard, at least about some issues
2	Jan 12, 2010 8:33 PM	
3	Jan 13, 2010 2:11 PM	Jduges will connect cases to actual child infront of them and get to know them and hopefully Judge and parties will hense make best deicions for that child.
4	Jan 13, 2010 2:48 PM	For younger children, they should not participate. For older children without mental or cognitive deficits, they should participate, if they want, so that they can feel better about themselves and advocating for what they might want. This is really, really difficult however when the child/youth's parents are sitting there listening and is oftentimes difficult for the child/youth to be honest.
5	Jan 13, 2010 6:33 PM	Youth feels that he/she was part of the process and feels a sense of ownership in the resolution and the plan that is then put into place. The same goes for the family of the youth who is before the court
6	Jan 14, 2010 5:07 PM	I would hope the child will have a more posituve perception of court process and perhapwill better about themselves. However, I am gravely concerned that the child hears thains that are harmful.
7	Jan 15, 2010 12:00 AM	all the above
8	Jan 15, 2010 3:32 PM	youth will have a voice

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9	Jan 29, 2010 4:22 PM	The child will have more information about the process and see for themselves how the decisions are made and can be heard from if they want to be...all very empowering for the childd
10	Jan 29, 2010 4:34 PM	The youth feels a part of the proced has a voice, is held more accountable by the judge in specific delinquent/unmanageable cases and realizes the judges and court expectations vs. it being just what DCF wants
11	Jan 29, 2010 5:36 PM	Please remember that the court hearing is an EVENT. It comes around RARELY. The decisions that are ORDERED by the judge are: parent/child contact (what if child said I do not want to see my mom - for no reason other than they're mad at mom. What will the judge order? Right now the laws are about protecting the rights of the adults. The law states that the parents have a RIGHT to have contact with their child. A judge orders custody. Are we going to hold a child to a decision he/she makes from one week to the next. Children/youth are still developing/growing. We shouldn't use a court hearing (an event) to determine these IMPORTANT decisions in their lives. The "work" is what occurs outside of the court room.
12	Jan 29, 2010 8:13 PM	Concern regarding information that is shared (regarding younger children) Younger children rarely ask to be at court
13	Feb 1, 2010 1:53 PM	This gives the Judge and others a chance to interact with the child, the child's voice sometimes gets lost in the process.
14	Feb 1, 2010 1:54 PM	#1,2 and 3.
15	Feb 1, 2010 2:16 PM	EMPOWERMENT OF CHILDREN WHOSE LIVES HAVE BEEN DISRUPTED OR DESTROYED. And, in delinquency cases, a greater level of accountability and healing as the juvenile is assisted to understand and take responsibility for his/her delinquent behavior.
16	Feb 1, 2010 2:44 PM	If age appropriate, it is good to let the youth feel they have a say in their future. Possibly some control of the outcome. That does not mean giving them false hopes, but that someone is listening to them and taking into account what they have to say. But the child must understand that the though the Judge will listen to what they say and how they feel, he/she will make a decision based on what is in the best interest of the child. That may not be what the youth/child thinks is in their best interest.
17	Feb 1, 2010 2:51 PM	The cases I have been involved with in Rutland Family Court have been very positive in terms of fact-finding and results, and generally, most of the children have grown more comfortable being there. Those are the most important results, but the question implies that they need to be improved, and I am not sure, in my experience, that I agree that that need exists.
18	Feb 1, 2010 2:55 PM	Children that are determined to be emotinally stable enough to handle the process may feel empowered by being given the opportunity to express thier opinion about the current circumstances.
19	Feb 1, 2010 3:19 PM	justice is more likely to be done
20	Feb 1, 2010 3:26 PM	Youth feels that they have a say in their life
21	Feb 1, 2010 3:40 PM	can't comment yet
22	Feb 1, 2010 3:51 PM	It depends on the situation. The first 3 choices are the best case scenario
23	Feb 1, 2010 3:55 PM	The child/youth will be able to observe how many people care about them and their welfare and be able to participate in developing a plan for their future, with the help of those present, including the judge.

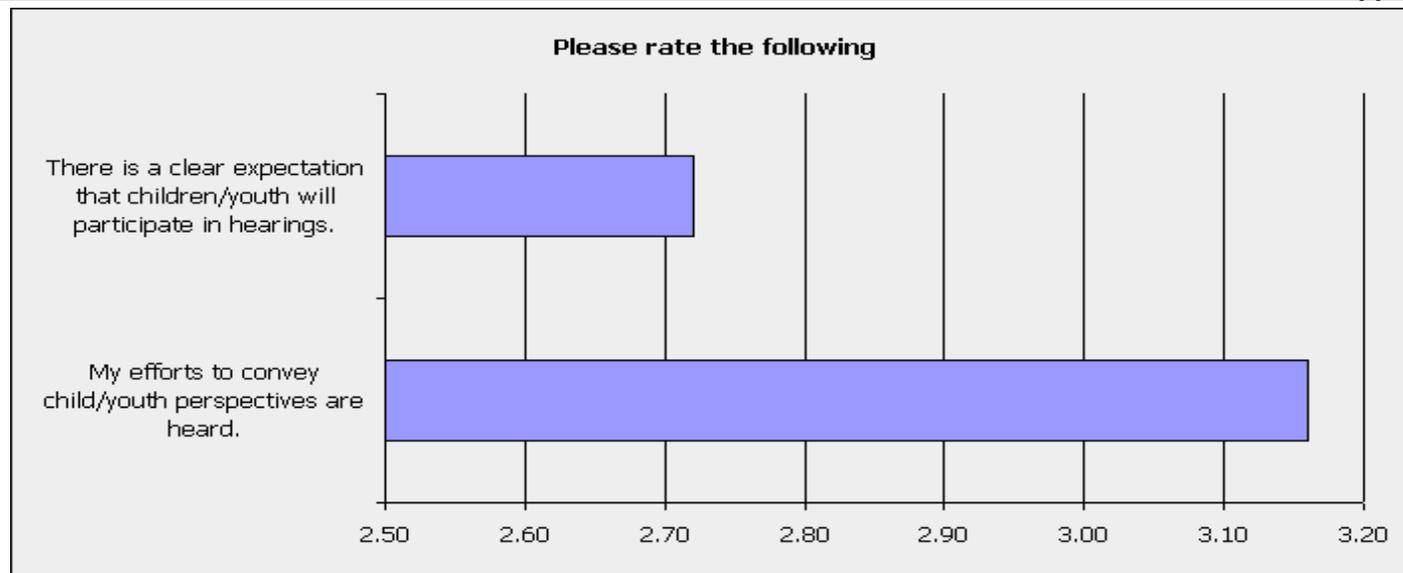
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24	Feb 1, 2010 5:49 PM	Depends on the age,emotional state,mental state of the child if a child will feel better about themselves
25	Feb 1, 2010 6:42 PM	child will feel empowered
26	Feb 1, 2010 8:46 PM	child will feel that they've participated
27	Feb 1, 2010 8:54 PM	top 3 child will have a more positive perception of juvenile court process, better fact findings, producing better decisions, leading to better outcomes, will feel better about themselves, and court process will be slowed down
28	Feb 1, 2010 9:21 PM	The child feeling he/she is being heard, and that they have a measure of control over their lives and the choices that are made. Ownership in the process.
29	Feb 1, 2010 9:44 PM	have a better understanding of what is happening
30	Feb 2, 2010 1:20 AM	child will feel heard
31	Feb 2, 2010 2:22 PM	Child may understand the importance and seriousness of the proceeding.
32	Feb 2, 2010 2:50 PM	they see and speak to the Judge who they know is in charge of their life
33	Feb 4, 2010 5:16 PM	

Participation of Children/Youth in Juvenile Court

Please rate the following								
Answer Options	Do not agree	Somewhat agree	Agree	Strongly Agree	Have no opinion	N/A	Rating Average	Response Count
My efforts to convey child/youth perspectives are heard.	3	28	74	57	2	8	3.16	172
There is a clear expectation that children/youth will participate in hearings.	27	44	56	34	8	1	2.72	170
<i>answered question</i>								173
<i>skipped question</i>								22



Participation of Children/Youth in Juvenile Court

The most effective method I have found for preparing children/youth to participate in juvenile hearings is:

Answer Options	Response Count
	140
<i>answered question</i>	140
<i>skipped question</i>	55

Number	Response Date	Response Text
1	Jan 12, 2010 5:15 PM	After the first time a child is asked to participate-- they expect it in future hearings and are prepared. Put them at ease with my opening comments, and make sure that they understand that they have a voice in the process.
2	Jan 12, 2010 5:54 PM	
3	Jan 12, 2010 5:56 PM	Being honest about what will happen and what could be asked--role playing and practice.
4	Jan 12, 2010 6:42 PM	To be utterly upfront and honest, and to advise them to be the same with the Court.
5	Jan 12, 2010 7:26 PM	talk to them in short intervals over a few days before the hearing
6	Jan 12, 2010 7:39 PM	Facts, straight talk, truly listen to what they have to say
7	Jan 12, 2010 7:45 PM	I think taking the time to talk with the child so they understand the process and their role in the jprocess and implications of the process
8	Jan 12, 2010 7:46 PM	Ensuring that the courtroom is a positive supportive environment and that our focus is on that child's best interests. That even though there may be disagreement, their voice should be heard if they would like to speak, and, if they don't want to speak themselves, their lawyer and GAL will speak for them.
9	Jan 12, 2010 8:09 PM	Direct communication often involving repetition
10	Jan 12, 2010 8:36 PM	To be clear, I do not have children present when there is testimony presented about various topics that may be harmful; nor do I have children testify in dependency proceedings. Their participation is early on in the process and an effort to try to find out how they are doing and to put them at ease. In some cases I do not have them in the courtroom because of the emotional danger to them by a caregiver.
11	Jan 12, 2010 9:40 PM	meet with the child, explain what the process can and cannot do for them, and tell them why I need their participation, advise them what they might expect from other parties, and ask them if there is anything that can make the experience more comfortable for them.
12	Jan 12, 2010 10:37 PM	Time before hearing for GAL and attorney to meet with child and review process/answer questions.
13	Jan 13, 2010 12:51 PM	explaining what the procedure is and encouraging them to speak out honestly and appropriately that this is important to their lives
14	Jan 13, 2010 12:55 PM	Ad Litum spending time with the youth before the hearing and being part of the team.

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15	Jan 13, 2010 2:14 PM	Talking to them about why going to court, what is expected to be talked about, what decisions are being made, what party roles are, and asking kids what they want the judge to know and how they can do this.
16	Jan 13, 2010 2:50 PM	Encouraging youth before hearings that if they have something to say that they need to tell CATTY so that it can actually happen. Suggest younger child or one not attending due to trauma issues write letter to judge to be read or send in ahead of time. Encouraging participation of younger children which is not the norm for VT courts.
17	Jan 13, 2010 3:07 PM	Spending a lot of time with the children/youth.
18	Jan 13, 2010 3:08 PM	Thoroughly explaining the process and making sure they know what they can expect.
19	Jan 13, 2010 3:33 PM	I simply asked my foster child "what would you like me to tell the judge?"
20	Jan 13, 2010 5:08 PM	talk with them privately with only GAL - not parents - present Explain the process and what they can expect; let them know that the decision to speak is up to them; let them know that what they have to say, if they chose to speak, is important to the judge. Speaking with them about their goals prior to the hearing. Defining what their needs are and what ideas they need clearly expressed to the court and parties involved. At times it has been helpful to have them write a written statement to be read to the judge in court or by the judge in chambers.
21	Jan 13, 2010 5:13 PM	Prep that is understandable
22	Jan 13, 2010 5:36 PM	Talking with the youth about the process and what will be said. The youth should not heard new information in a court room.
23	Jan 13, 2010 6:35 PM	Providing an overview of what will be expected of them in the courtroom.
24	Jan 13, 2010 6:49 PM	comfort with their attorney and guardian ad litem
25	Jan 13, 2010 9:55 PM	Talking to the child about the process and visiting the courthouse if time allows.
26	Jan 14, 2010 4:21 PM	Offer alternative settings that can be more child friendly.
27	Jan 14, 2010 5:08 PM	Asking their attorney of the youth would like to add anything to the discussion.
28	Jan 14, 2010 6:01 PM	not one method works for all.
29	Jan 15, 2010 12:01 AM	Letting them know why/how/what will be going on, and what the court might be looking for from them.
30	Jan 15, 2010 1:05 PM	attorney and GAL having time before hearing to talk to child and get to know them.
31	Jan 15, 2010 1:56 PM	Having advance notice to process the plan for court and allowing the youth to have a voice to be heard in court.
32	Jan 17, 2010 6:22 PM	Attorney and GAL spending time with and getting to know the child before the hearing(s)
33	Jan 18, 2010 6:06 PM	Meeting with the child, getting direction of how to best meet the needs of the child at the hearing from parents/foster parents/counselors, showing the child the courtroom and the participants before the hearing, talking to the child about any fears and coming up with a plan to calm those fears
34	Jan 19, 2010 10:17 PM	Discuss with child, on their level, why the court would like to talk to the child
35	Jan 20, 2010 10:42 PM	to meet with the child before the hearing and explain to the child what questions the court wants answers to and that the child's input is important
36	Jan 21, 2010 8:10 PM	they speak to their attorneys, GALs, DCF social workers, and other support people.
37	Jan 29, 2010 3:55 PM	conversation, explanation and listening.
38	Jan 29, 2010 3:56 PM	explaining to them as much about the process, who they will meet, etc as possible.
39	Jan 29, 2010 4:00 PM	

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40	Jan 29, 2010 4:05 PM	good casework, treatment team model, communication with all parties
41	Jan 29, 2010 4:05 PM	Meeting with the youth and family prior to the day of the court hearing to lay out what DCF will be saying to the Judge and helping them understand the process. I will add that I work with Juveniles/adolescents so I answered this survey with the understanding that I believe all youth we work with should participate in the court process. If I worked with younger children I may not have answered the questions the same.
42	Jan 29, 2010 4:07 PM	Explaining the process; letting them view the space prior to the hearing and listening to their concerns and answering their questions.
43	Jan 29, 2010 4:18 PM	I don't prepare them.
44	Jan 29, 2010 4:24 PM	meet with them in advance of the hearing and discuss the process and what they can/will do in the hearing itself
45	Jan 29, 2010 4:31 PM	Working through the GAL or attorney.
46	Jan 29, 2010 4:34 PM	The most effective method I have found for preparing youth to participate in juvenile hearings is to meet with the youth, talk with the youth, read all the reports and work with service providers.
47	Jan 29, 2010 4:35 PM	spending time explaining the process
48	Jan 29, 2010 4:35 PM	A conversation about who will be present, where people will be sitting, what kinds of things are said, etc. meeting with them prior to court, answering their questions, explaining purpose and process and the language and also explaining each persons role along with how the seating works. walking in the court room with them.
49	Jan 29, 2010 4:36 PM	discussion before the hearing with someone the youth has identified as supportive.
50	Jan 29, 2010 4:50 PM	Meeting or talking with them before the day of the hearing, telling them who will be there & what will be decided & what will be expected of them, explaining everyone's role & where everyone sits, giving them options to make it esier for them to participate (i.e., they can leave any time they feel uncomfortable), if they are going to testify, take them to see the courtroom and run through the questions they'll be asked, allowing a support person to accompany them, having colored markers and puzzles to occupy them while waiting for the hearing to begin, making sure all their questions are answered before and after the hearing...
51	Jan 29, 2010 5:02 PM	So far, all I have prepared kids for is how sit during a hearing. They don't understand what happened. Our kids (and parents for that matter) come from a lot of trauma and the court hearings feel like an extention of that trauma. A child is often wondering, "what if I'm forced to go home?" The Court is NOT going to make a decision based on a child's "wishes." The Court is going to make a decision based on whether the Court has the LEGAL RIGHT to make a decision. If a child doesn't want to go home and the State has not proven it's case and the petition gets dismissed, it doesn't matter what the child wants.
52	Jan 29, 2010 5:40 PM	Meeting with them outside of the courthouse.
53	Jan 29, 2010 6:02 PM	talk directly with them prior to hearing, explain the process as concretely as possible, do not assume they understand what is happening, use language that is developmentally and age appropriate, encourage them to ask questions, include their attorney and GAL in the discussion, allow them to share their feelings/position before the hearing, make sure their attorney is aware of what the child wants
54	Jan 29, 2010 6:11 PM	

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55	Jan 29, 2010 6:19 PM	speaking to child about the court, possibly showing them the court before the day of hearing, perhaps have other children speak to them about their experience in court...tell a child when he is able to hear what is said not set an appointment to talk to child..when possible have foster family explain
56	Jan 29, 2010 6:23 PM	explain to them in easy to understand language exactly what the purpose of the hearing is, who will be there, how long it will likely take, and ask if there is anything they want to be sure the Judge knows about them.
57	Jan 29, 2010 6:39 PM	tell them what is going to happen and the alternatives / resolutions possible. Inform them that a time to speak is available and how they should address the situation and be thinking of what to say well before going into the hearing
58	Jan 29, 2010 6:52 PM	To discuss what the hearing is for, what the potential outcomes are, and to discuss what they want to convey, encouraging them to write it down so if they get nervous, they can refer to it.
59	Jan 29, 2010 7:23 PM	Face to Face conversations with the youth
60	Jan 29, 2010 8:39 PM	Speaking directly to them and their attorney about it. Their GAL's are often not helpful in this process. Introducing the child to court, prior to the hearing. Ensuring that no information is brought up during the hearing that is not appropriate for the child. Children should not be exposed to situations when family members are unable to regulate their emotions. Always consulting with the child's therapist, considering relationships and the emotional needs of the children.
61	Jan 29, 2010 8:40 PM	
62	Jan 29, 2010 8:43 PM	Speak to child with guardian ad litem present prior to court hearing. Outside of court if possible.
63	Jan 29, 2010 8:52 PM	to use treatment team meetings, therapists, guardians, and myself in preparation of Court with the youth
64	Jan 29, 2010 10:04 PM	discuss with the youth, as clearly as possible, the primary issue(s) to be considered by the court
65	Jan 30, 2010 12:43 PM	To have conversation around this prior to the hearing and to have the judge offer this level of participation.
66	Jan 30, 2010 6:39 PM	Spending time before the hearing to educate and continue to review youths rights and encourage their positive participation in the hearings.
67	Jan 30, 2010 8:57 PM	Take time to ask questions and listen. Expect youth to change mind at time of hearing in the presence of family members.
68	Feb 1, 2010 1:11 PM	speaking with them before and assessing if they even want to be at the hearing.
69	Feb 1, 2010 1:24 PM	To talk about the process beforehand and give both possible questions the judge will ask and ask the kid to prepare any specific information they would like to share prior to walking into court.
70	Feb 1, 2010 1:30 PM	Explaining the logistics of the room and the roles the adults will play in the room. Be honest about the emotions of what may occur and the behavior expected of all in the room.
71	Feb 1, 2010 1:33 PM	see if they really want to do it
72	Feb 1, 2010 1:38 PM	Explanation and support beforehand and during court.
73	Feb 1, 2010 1:45 PM	N.A.
74	Feb 1, 2010 1:55 PM	Meet and speak with the child.
75	Feb 1, 2010 1:58 PM	The attorney and the GAL meet with the child. I have also spent time with the child and the foster parent preparing.
76	Feb 1, 2010 1:59 PM	to build a personal relationship prior the hearing.

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77	Feb 1, 2010 2:12 PM	n/a
78	Feb 1, 2010 2:18 PM	Explain that the process will result in an attempt to make things better for them with respect to their home surroundings and their well being in general... then, make sure their lawyer familiarizes them with court procedures before they enter the courtroom.
79	Feb 1, 2010 2:20 PM	Be willing to communicate at the level they may understand, and give them the respect of encouraging their active involvement in the process. Obviously, there are times when this will not work, due to age, attitude, etc. However, we must avoid the trap of becoming so professional that the juvenile becomes a widget, instead of a human being.
80	Feb 1, 2010 2:22 PM	It is difficult there are certain cases where all the preparing in the world can not prepare a child for the anxiety parents bring to court and this can be very traumatic for children.
81	Feb 1, 2010 2:22 PM	Much talking/role playing, etc with supportive adults
82	Feb 1, 2010 2:23 PM	just explain to them how the process works and then hopefully have a loving caring judge..
83	Feb 1, 2010 2:46 PM	I usually leave that up to their attorney. They are the once that can explain the situation and the proceeding the best. I make myself available for moral/emotional support
84	Feb 1, 2010 2:46 PM	Honesty, in all aspects, both what the child wishes to hear, and not.
85	Feb 1, 2010 2:50 PM	Talk to them in a respectful manner
86	Feb 1, 2010 2:51 PM	Explaining the process and what is expected encouraging the children to talk about their feelings about court so that these feelings can be discussed and addressed before and during hearings. If possible, it helps to give them some sense of control over whether they have to be present by not requiring them to be there, when that is possible, if they request not to be there and then helping them understand the reason for their presence at other times. It is also helpful to preview what is likely to happen in court--especially what the judge may ask the child and make sure the child knows it is okay to tell the truth, to say whatever is on her mind, and it's okay to say just yes or no.
87	Feb 1, 2010 2:57 PM	Have everything explained by the juvenile lawyer, case worker, guardian ad litem, etc. and give lots of support for their participation. There participation should only be considered if the child is emotionally able to cope and participate.
88	Feb 1, 2010 3:01 PM	Explaining what will happen at the hearing and what do expect from the Judge.
89	Feb 1, 2010 3:08 PM	Meet with child prior to hearing with child's attorney to discuss procedure and whether they wish to speak to the court.
90	Feb 1, 2010 3:16 PM	For adults to talk to and listen to the child.
91	Feb 1, 2010 3:20 PM	I primarily work with teens. We sit down ahead and discuss what will happen in the courtroom. I try to get them to prepare their thoughts on paper and talk with them about what are the most important things they want the judge to know. I emphasize that this is their life and their hearing and that they should speak up if they have something to add.
92	Feb 1, 2010 3:28 PM	sitting down and talking with them at length as to the process, the types of questions they will be asked, asking them what kinds of questions they have and then letting them know that I'll be sitting right by their side the entire time.
93	Feb 1, 2010 3:31 PM	
94	Feb 1, 2010 3:32 PM	Talk to them on many occasions. Have the attorney talk to them. Support them during the hearing.

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95	Feb 1, 2010 3:51 PM	Getting to know them and their situation/history/relationships.
96	Feb 1, 2010 3:53 PM	To get to know the child well ahead of the proceedings and then approach the preparation with the individual child in mind.
97	Feb 1, 2010 3:57 PM	Help them to understand what to expect in the courtroom along with their lawyer and DCF representative.
98	Feb 1, 2010 3:57 PM	having a discussions with the child and answering any questions
99	Feb 1, 2010 4:28 PM	Sitting down and describing the process beforehand and feel out how they feel about this.
100	Feb 1, 2010 4:29 PM	Talking with the child, and helping him/her understand what the attorney is saying.
101	Feb 1, 2010 4:40 PM	describing the process and what they should expect. Meeting with the child prior to the hearing, preferably in person, if not possible by phone, to discuss the hearing, the issues likely to arise, the child's comfort level in being present; how to behave in court and what to do if they begin to feel uncomfortable in the courtroom; what the child's desired outcome of the proceeding is; what the child wants to have communicated to the judge
102	Feb 1, 2010 4:42 PM	spending quality time with the youth...explaining the process in detail...and listening to what he/she has to say w/o limitations
103	Feb 1, 2010 4:52 PM	
104	Feb 1, 2010 5:15 PM	Explaining the procedure along with their attorney and DCF
105	Feb 1, 2010 5:18 PM	To explain the process before they go into court and give them an idea of what is going to happen. Also that you and their Attorney are there for them.
106	Feb 1, 2010 5:34 PM	multiple non-legal related meetings to establish trust, while interjecting elements or information about the process and the role of all participants, humanizing the players for the child.
107	Feb 1, 2010 5:53 PM	Speaking directly to the child and having the child's atty explain each step of the hearing process to the child prior to the hearing. Time does not often allow this.
108	Feb 1, 2010 6:40 PM	The child needs to have sufficient time prior to going into court to speak with attorney/GAL. Too often this is frantic time and the attorney is not at all up to date on the case.
109	Feb 1, 2010 6:43 PM	To listen to the child and to talk with them.
110	Feb 1, 2010 7:00 PM	being as honest as possible with the youth, not judging, by not sugar coating nor exaggerating the importance of the situation.
111	Feb 1, 2010 7:25 PM	n/a
112	Feb 1, 2010 7:27 PM	talking to them about the process and answering any questions that they may have and also providing them with a number to reach their attorney Discussion and explanation of the Court process.
113	Feb 1, 2010 7:43 PM	Discussion concerning the reason for the hearing and the possible consequences of decisions which could be made by the Court.
114	Feb 1, 2010 8:29 PM	Clearly explaining to the youth what will/may happen in the hearing and what there role is in that process.
115	Feb 1, 2010 8:47 PM	direct conversations with child and parent/foster parent
116	Feb 1, 2010 8:54 PM	talking bluntly to the qage app[ropriate level. Being honest.

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117	Feb 1, 2010 9:25 PM	Describe the purpose of the hearing, describe the process, explain who will be present and who all of the players are and what they represent, explain where everyone will sit, explain how to address the court and general courtroom etiquette, Ask for questions &/or feedback
118	Feb 1, 2010 9:50 PM	Having already established a good relationship and easy communication/rapport to enable honest communication and determine the child's communication style. Earning the child's trust, and understanding and communicating the child's needs/choices.
119	Feb 1, 2010 10:30 PM	Working with the child's att'y so the child will know what to expect both in the courtroom and afterward, as far as possible outcomes.
120	Feb 2, 2010 1:03 AM	I don't have enough experience to answer
121	Feb 2, 2010 1:15 AM	have not participated in this form as of yet!
122	Feb 2, 2010 1:22 AM	being open and honest and let them know what I think may happen but be sure to let them know that judges may not always do what we want them to so there are no surprises
123	Feb 2, 2010 1:55 AM	visit shortly before hearing and go over case plan with them
124	Feb 2, 2010 12:43 PM	Explaining the process, possible outcomes, the roles of attorney, GAL & Judge.
125	Feb 2, 2010 1:48 PM	rehearsal of what to expect with child's attorney present and to discuss informally beforehand
126	Feb 2, 2010 2:18 PM	Explaining to the child the roles of the participants and the procedures of the court.
127	Feb 2, 2010 2:24 PM	meet with them. Explain the process in the simplest terms available. Ask them what they want the judge to know
128	Feb 2, 2010 2:51 PM	Talk openly with them, while making sure they understand the situation is not their fault.
129	Feb 2, 2010 3:01 PM	Have a relationship which includes trust
130	Feb 2, 2010 4:53 PM	Both the GAL, Social worker, and child's lawyer are present to prepare them.
131	Feb 2, 2010 5:40 PM	Learn as much as possible about the youth's total environment (parents, kin, school, housing) so you can speak to their concerns and help him/her choose the best course.
132	Feb 2, 2010 9:57 PM	foster parents play a tremendous part in lives of children in custody; and many children bond with these foster parents; the social worker plays a very important part in the child's behavior, growth, and various & sundry changes that are happening in these young people's lives. Each case is different and circumstances, etc., play a great part in this juvenile and all hearings, etc.
133	Feb 3, 2010 3:51 PM	Explaining court procedures and the possible outcomes of the hearing that is being addressed.
134	Feb 3, 2010 6:19 PM	Empower the child to open-up in court
135	Feb 4, 2010 11:49 AM	Meeting with the youth prior to the hearing to discuss the process and what they may expect. Additionally, talking to them about their opinion and what they may want to say to the Judge. Also, connecting with them the day of the hearing to check in with them to see if they feel comfortable and if their opinion has changed. Providing support and making sure they feel comfortable is helpful.
136	Feb 4, 2010 3:39 PM	Having time enough either in or out of court to talk with them.
137	Feb 4, 2010 4:14 PM	GAL, atty and parents/foster parents together letting child know what to expect and that his/her opinion counts.

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138	Feb 4, 2010 5:20 PM	If they are old enough to understand the process- having discussions about how the process works and everyone's roles, on going through out the court process. It may get slippery when everyone is speaking with the child about the court and the process and either purposefully or not, trying to influence what the child will represent to the court as to their needs and wishes. Because so much is riding on court hearings, it is not always a true process for the children.
139	Feb 5, 2010 1:24 AM	Being able to have complete access to the child along with communication between DCF and the child's attorney. In our system getting DCF to return calls in a timely manner is horrible. Also, having lawyers who listen to GAL's, instead of blowing us off.
140	Feb 5, 2010 2:23 AM	Being understanding and listening to the child. Then sharing the process, so they are comfortable.

Participation of Children/Youth in Juvenile Court

Did you attend the October 28, 2009 workshop on "Strategies for Successful Youth Participation in the Court Process"?		
Answer Options	Response Percent	Response Count
Yes	24.1%	41
No	75.9%	129
<i>answered question</i>		170
<i>skipped question</i>		25

Participation of Children/Youth in Juvenile Court

If you attended the workshop: Please describe how you or others are applying what was presented in the workshop in order to improve youth participation in juvenile hearings.	
Answer Options	Response Count
	35
<i>answered question</i>	35
<i>skipped question</i>	160

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Number	Response Date	Response Text
1	Jan 12, 2010 6:43 PM	I am feeling better about pushing back when I encounter resistance from other professionals about having children in the courtroom.
2	Jan 12, 2010 7:17 PM	Youth will participate in pre-service and in-service training events.
3	Jan 12, 2010 7:46 PM	I was surprised to hear that not every judge permits children to participate. I feel that children's participation is essential to the best possible outcome. I am disappointed that so many of these statements only allowed for one answer. I wish you would set this up again and allow for more than one answer to the questions. I think your outcomes will be more reliable and helpful.
4	Jan 12, 2010 7:47 PM	More consciousness of child's presence or absence
5	Jan 12, 2010 8:09 PM	Spending more time in preparation/discussions with child clients prior to hearing.
6	Jan 12, 2010 10:38 PM	Consistently asking children if they want to talk with the judge and relaying this to CATTY. Asking questions why if child not attending. Asking child to write what they want to say.
7	Jan 13, 2010 2:16 PM	Discussing this with others in the field.
8	Jan 13, 2010 5:09 PM	Requesting the child's attorney to consider the child for questioning when appropriate.
9	Jan 13, 2010 6:50 PM	I think there was a good level of attendance from all parts of the juvenile justice community from my county but there has been no concentrated effort or leadership to incorporate new strategies on the local level.
10	Jan 14, 2010 5:12 PM	It would of been helpful to have known about the training to make sure that someone could of attended.
11	Jan 17, 2010 6:23 PM	Listening more to the adolescent as to how they feel and what is important to them. Be sure they understand what is happening at that hearing and what it means for them.
12	Jan 18, 2010 6:07 PM	Judge is trying to engage all the juveniles that come into the courtroom
13	Jan 19, 2010 10:18 PM	I have especially tried to use the youth theatre presentation to adjust my interactions with the child so that it feels less like a tug of war and is more likely to elicit the child's own thoughts and wishes.
14	Jan 21, 2010 8:14 PM	N/A
15	Jan 29, 2010 3:56 PM	The judge seems to be talking to the juveniles more.
16	Jan 29, 2010 4:25 PM	Difficult to say since I did not find the seminar(s) particularly helpful nor did they provide any new info not already being utilized by the attorneys in my county
17	Jan 29, 2010 4:26 PM	I did not attend the workshop because it was scheduled for a Wednesday, which is juvenile court day in Franklin County. I did not find out until the last minute that there was not going to be juvenile court in Franklin County on the 28th. I called to register and was told there was no room. There needs to be much better communication regarding workshops.
18	Jan 29, 2010 4:36 PM	the judge always talks to the youth directly. preping youth prior to hearings.
19	Jan 29, 2010 4:38 PM	I am drafting a version of the judicial benchcards for use by children's attorneys and GALs.
20	Jan 29, 2010 5:04 PM	Greater participation of child and judge in courtroom. Attorneys are trying to meet with child in advance of court day.
21	Jan 29, 2010 8:45 PM	

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22	Jan 29, 2010 10:08 PM	our team, judges, attorneys & DCF workers have generally practiced the principles presented that day, those practices were reinforced in the workshop. Youth, especially older youth, are always expected to participate in court. The main problem is the heavy load on the public defenders does not always allow enough time to adequately meet with clients before hearings.
23	Jan 29, 2010 10:10 PM	Information from youth on their experiences with DCF
24	Feb 1, 2010 1:36 PM	i do not take DCF cases anymore as their primary concern is not protecting children at least not in the Bratt office
25	Feb 1, 2010 1:56 PM	It appears to me that participants are making a greater effort to facilitate and encourage participation of juveniles.
26	Feb 1, 2010 2:23 PM	I believe I wanted to attend but missed the deadline and it was full. Any thoughts of another session?
27	Feb 1, 2010 3:09 PM	I now spend more time with the child before the hearing to may sure their wishes are understood.
28	Feb 1, 2010 3:19 PM	Better understanding of new court procedures that helps explain them to child.
29	Feb 1, 2010 4:30 PM	Making certain that if they are in residential or at Woodside that they do get to court for hearings. I continue to meet with and contact all of my juvenile clients that are at a developmental level where attendance at court should be considered prior to court hearings; I meet with all of my younger clients at various stages of the proceedings without necessarily getting into details they won't understand regarding the court proceedings.
30	Feb 1, 2010 4:44 PM	Most powerful component of the training was the guerella theater. Really made me revisit what I felt were already good relationships with kids
31	Feb 1, 2010 5:35 PM	In listening to the youths involved in the court process,I try to make sure the youths(when age aproppiate,have a chance to tell their story.
32	Feb 1, 2010 6:00 PM	There is usually discussion about whether or not the child should be present--not just assumed that they will not be.
33	Feb 2, 2010 1:49 PM	I am asking children that I represent to attend hearings more often, telling them it is important to be there.
34	Feb 2, 2010 2:52 PM	Our Judge has changed his way of engaging with the youth. He reported after the training, that he "was engaging with the children in the wrong way apparently" and began asking the youth how school was going, if they thought it was a good plan, and if they were getting their needs met.
35	Feb 4, 2010 11:52 AM	Since the training our Judge is no longer looking to DCF for input, he only does so during Post Dispo review hearings. This is frustrating, and I am not sure what he received from the training that made him think that DCF's opinion was not valued.

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Attachment F – Preliminary Report of Findings

To: Chief Justice Paul L. Reiber, Judge Amy Davenport, and the Justice for Children Taskforce

From: Danielle Howes, Mary Jean Inglee, and Don Shaw, Vermont Public Manager's Program Consultation Team

Date: March 15, 2010

Re: Increasing Effective Youth Participation in Vermont's Child Welfare Court Hearings: A Study of Stakeholder Perceptions and Ideas Preliminary Report of Findings



The Court Administrator's Office, Court Improvement Project contracted with the above Vermont Public Manager's Program consultation team in an effort to determine the gains Vermont has made in increasing effective youth participation in child welfare court hearingsⁱ. A study was conducted beginning with a pre-survey of participants attending the "Strategies for Successful Youth Participation in the Court Process" workshop at the October 28, 2009, "It Takes a Vision: Changing Lives by Changing Systems" conference.

Following the conference these same participants were again surveyed. The survey was also sent to list serves for Vermont judges, prosecutors, attorneys, guardians ad litem, family services case managers, foster parents, and kinship providers. Twenty-four (24) people responded to the pre-survey, and one hundred-ninety-two (192) people responded to the subsequent survey.

Additional methods included research of current literature and practices on the topic of youth involvement in court hearings and a focus group interview with the Youth Development Committee.

Preliminary Findings:

- a. 52% of survey respondents agreed that there was clear expectation that children attend court hearings.
- b. 36% of survey respondents noted they always involved youth in the court process.
- c. 53% of survey respondents noted they involved youth "when appropriate" in the court process.
- d. Survey respondents overwhelmingly indicated that children's age, development and mental health/well-being were all factors considered in their decision to involve children in hearings.
- e. 42% of survey respondents identified the most effective method of participation was for children to speak directly to the judge.
- f. 35% of survey respondents indicated that allowing alternative methodsⁱⁱ for children to participate in court hearings would increase their input.
- g. The two alternative methods most-favored by survey respondents were:
 - having someone speak on a child's behalf, and
 - allowing the child to speak with the judge in chambers.
- h. Narrative responses to the survey indicated the two most effective methods for ensuring children's participation is meaningful to the process were:
 - preparing children well prior to court hearings, and
 - judges setting children at ease during court hearings.
- i. Most of those who attended the Strategies for Successful Youth Participation in the Court Process" workshop at the October 2009, conference noted, as a result of information learned:
 - feeling reinforced in their efforts to involve children in hearings, or
 - improved practices from judges, attorneys, guardians ad litem, and Family Services case managers.

The youth Focus Group consisted of 12 teenagers involved with Vermont's foster care system. The youth indicated that, when considering children's participation in court, age, development, and children's emotional well-being should be taken into account. Focus group youth identified their court participation began between the ages of 10 and 13. The youth indicated that, while uncomfortable/'scary', they were glad they were able to attend and participate in court hearings because it helped them better understand what was going on. Youth noted that, when speaking in court, they felt 'listened to' by the judge, which they identified as very important. The focus group youth noted that good preparation about what to expect prior to court hearings would be very helpful to children.

The benefits of including children in court hearings noted in aspects of this study included:

- a. better fact finding by the court leading to better decision-making,
- b. children having an improved sense of control over their lives, heightened self-esteem, and feeling empowered at a time when they are otherwise very powerless, and
- c. all parties retain a focus on the object of the hearing - the child - who is most significantly impacted by the outcome.

Preliminary Recommendations:

Many states have engaged in efforts to improve children's participation in court hearings. This study examined some of these improvements, while focusing in on Vermont's attitudes and efforts in this regard. Additional efforts for Vermont to consider include:

1. Develop clear guidelines for stakeholder groups around involving children court hearings that include:
 - a. Information on how to effectively prepare children to attend hearings,
 - b. Key factors for children's teams (including Family Services Case Manager, Attorney, Guardian Ad Litem, and primary caregiver) to consider when including children in hearings,
 - c. Clearly defining alternatives for children's participation in hearings and how these might be accessed.
2. Develop a handbook for children to support their understanding of court hearings.
3. Provide additional training opportunities for stakeholders similar to the "Strategies for Successful Youth Participation in the Court Process" workshop offered at the October 28, 2009, "It Takes a Vision: Changing Lives by Changing Systems" conference.

Final Report and Presentation – May, 2010

A full report of study findings, including other State and best practice perspectives, will be presented in May, 2010. This presentation will be scheduled in coordination with the Office of the Court Administrator's, Juvenile Court Improvement Manager, Shari Young. We invite you to attend this presentation and to consider the findings presented from this research in future efforts to improve effective participation of children in child welfare court hearings.



ⁱ The Child and Family Services Improvement Act of 2006 requires that children be consulted with by a judge at an age-appropriate level. Vermont State Law (33 V.S.A. 53 § 5307) requires that children over the age of 10 attend temporary care hearings unless they receive a waiver.

ⁱⁱ The National Conference of Commissioners on Uniform State Laws, Uniform Child Witness Testimony by Alternative Methods Act of 2002, which States are urged to adopt, proposes that the decision to allow alternative methods is advised when there is evidence that the child would suffer emotional trauma.