

Youth Involvement in Court – Policy Considerations

- 1) What type of hearing?
 - Initial removal
 - Adjudication
 - Review/Permanency Planning
 - Termination of Parental Rights
 - Emancipation Hearing
 - Transition Plan / Independent Living Plan / Benchmark Hearing
 - Post TPR

- 2) Presumption that youth will be present
 - Age presumption?
 - Based on combination of factors? (e.g., Age, Maturity, Type of Hearing, Request or Preference of Youth, Guardian ad Litem or Attorney Decision, Judicial Discretion)

- 3) Documentation Required
 - Judge should inquire at the beginning of every hearing whether the youth is present and if not
 - Judge should document in the court order or court record:
 - ✓ Whether youth was provided adequate notice
 - ✓ Whether GAL/Lawyer fully explained hearing and right to attend
 - ✓ Reason for exclusion
 - (a) Youth Preference
 - (i) Why does youth not wish to participate?
 - (ii) Does hearing need to be rescheduled to allow youth to participate?
 - (iii) Did GAL/Layer receive knowing and voluntary waiver from youth; was a waiver signed?
 - (iv) Did youth provide information for the hearing in a written statement, letter, etc.?
 - (b) Not in Youth's Best Interest
 - (i) Hold evidentiary hearing if a party objects to child's presence
 - (ii) Require mental health professional testimony/documentation
 - (c) Consider alternatives to exclusion
 - (i) Exclude parent/guardian
 - (ii) Have youth attend for part of hearing
 - (iii) Talk to judge in chambers
 - (iv) If youth has to be excluded, consider alternative ways for the child to communicate with judge
 - Video technology – (e.g. videoconference, Skype)
 - Letter
 - Hearsay statements

- 4) Transportation
 - Custodian's responsibility
 - Encourage foster parent/group home staff/responsible relative to attend and transport
 - Transportation should not be reason for exclusion
- 5) Notice
 - Every child should get notice sent to placement
 - Child friendly, age appropriate language
 - Consider multiple forms of notice (e.g. email, letter, follow-up phone call)
- 6) Scheduling
 - Time certain calendaring
 - If youth is present, call that case first
 - Include youth when scheduling
 - Coordinate with School Calendar (Summer, Vacation, Teacher In-service Days, Holidays)
 - After school hours
- 7) Support person
 - Allow youth to bring a supportive person
- 8) Waiting area
 - Child friendly – books, toys, description of court process (age appropriate)
- 9) Preparation
 - GAL and caseworker should prepare youth to attend court (separate policy/training how to do that)
- 10) During the hearing
 - Judge should engage the child and explain proceeding/ruling (separate policy/training how to do that)
- 11) Debriefing
 - GAL and caseworker should discuss the hearing with the youth after the hearing is concluded
 - Arrange therapist or other support if circumstances are expected to be emotional
 - Child needs contact information for caseworker and GAL to follow up with questions after he or she has had time to reflect
 - Caseworker and GAL should schedule follow up visit or call to discuss questions or concerns