



Denver Juvenile Court

1437 BANNOCK ST. ROOM 157
DENVER, CO 80202
720-865-8285

MEMO TO: Guardians ad Litem, DDHS Caseworkers, Respondent Parent Counsel

FROM: Presiding Judge Karen Ashby & Judge Donna Schmalberger

DATE: September 25, 2008

RE: Implementation of Youth Survey

In an effort to continue Denver Juvenile Court's work in involving participation of older youth in their dependency & neglect and delinquency cases, our Model Court Permanency committee has prepared a Youth Survey (attached) designed to get feedback from the youth. We believe we have had positive results from having youth present at their hearings and now it is essential to continue that progress by having the youth share their perspectives. Therefore, we are asking all guardians ad litem, caseworkers and attorneys to encourage youth to fill out these Youth Surveys.

Last November our Court implemented a program to encourage attendance by youth at their permanency planning hearings. The expectation was that GALs would meet with their clients prior to hearings and also assess whether the youth's participation was in his or her best interests.

Later, in April, we distributed a series of questionnaires to be used to assist GALs in acquiring information about the youth in D&N cases. Our goal was to help the GAL identify as much information as possible about that youth that could be used to design the best possible permanent goal for that youth.

Now with the Youth Survey, we will be able to acquire even more information about how we are all working to improve outcomes for youth. Please take a minute to review the questions. These Surveys will be given to each youth to fill out following permanency planning hearings in both dependency & neglect and delinquency cases. While the Surveys will be available in all courtrooms (Divisions 1, 2, 5, and 281 and 283), as GAL or Caseworker, you should identify where the forms are located and see that the youth in your case gets a copy.

Once the Survey is filled out, the youth may deposit it in the locked box located right inside the Clerk's Office (Room 157). In addition, if you have any questions or comments about youth attending court, please feel free to drop them into the suggestion box or share them with Barbara Bosley or Gretchen Russo. Your comments are always welcome.

Hopefully, the feedback we receive will help us determine how knowledgeable the youth are with their cases and how prepared they are to come to court **and make improvements or adjustments as necessary.**

Thank you for your participation.

Did you feel prepared for your court hearing?

1. Yes. Ready to go home to my mom. i'm hoping to go home today.
2. Yes. I already knew what to expect.
3. Yes. I feel like thing hard to talk about
4. Yes. Talking and making plans and do what I need to do. thank you so much Judge Wood your a great honorable man.
5. Yes. Because I wanted to know what is going to happen.
6. Yes. I was confident with the case and wasn't concerned about problems. The mood was a better, lighter atmosphere.
7. Yes. Because i knew what day it was.
8. Yes. I came in knowing what was going to happening.
9. Yes. I knew my plan and I knew what i wanted to say. I am comfortable with my placeent plan...I just need help finding a job quickly.
10. Because I new that we had court this morning. It was a ok Court today the Jude said to call Gaberiala for counser and we never see here we only see & talk to Jessica.
11. I didn't have no worries.
12. I had all the infromation I needed.
13. By showing that I am present.
14. I had all my notes & quotes & court papers.
15. I was prepared because I knew what I wanted and why I was upset. The Judge was very understanding and was very helpful.
16. I had all my atortys.
17. Because I wanted them to tell my sister that whes able to go home.
18. ready to talk to the Judge. thank you my mom deserves it. I love Being home with my mom.
19. By knowing what would happen wiht me going home.
20. Had every thing in line.
21. Because I talked about it in therapy.
22. I just knew how to answer the questions.
23. Yes - Worked with my case worker and GAL
24. Yes - Awake on time, informal about the hearing
25. Yes - I saw the report and was informed of what would be said.
26. Because I have been doing really well and I am going to cec.
27. Yes - Because i am here for what i need to do

28. I was ready to come.
29. Yes - Ready for it all to end.
30. Because I was doing good so there was no reason to be worried.
31. Yes - I got dressed
32. I feel like I was prepared by showing up on time and was able to answer questions.
33. Yes - I was ready for it to be done and go back to school.
34. I knew what I had to say. I had a report card, and a letter to my family. I believe the judge is great and I did feel like she cared about my family's case.
35. yes
36. Yes - had the request i wanted ready
37. I had already let out my energy & I am ready for the worst.
38. Yes - Because I had my grandmother and my mom by my side.
39. making sure I have every thing I need.
40. Yes - I was talked to before the court started.
41. yes - I was able to know and understand what is going to happen.
42. I was ready and I wasn't scared to talk.
43. I knew what to expect, it was simple.
44. I was all ready to come. It was scary.
45. Knowing what's going on in how in what's going to happen.
46. i was happy.
47. I knew what I needed to say and I wanted to see the Judge's point of my case. I would like to see the next court hearing. It will give me the opportunity to see how my case is going.
48. yes
49. I got woken up and was told time to get up and get dressed for court.
50. I was ready to go home.

51. Because I talked to Gabriela.
52. Speak on my behalf.
53. was ready to talk about what we had to do
54. yes

55. I was ready to be here I now what to be told. Im very happy I like cort because it changed it.
56. because everything is going well in my life and in the court. I think the court case will be a very good way so then I can be with my grandma.
57. I wanted to know what's going on.
58. By knowing what I need to say
59. yes. no comete
60. I knew what was to be said and what to ask if I had any concerns
61. I know what the court date was about. I think my court day went good.
62. because the ladys filled me in. thanks for talking and addressing me.
63. I got ready for the day and came.
64. yes
65. i dk.
66. I know what is going on with my case.
67. I felt confident and ready.
68. I came ready to hear what was going to happen
69. Just was
70. I knew that I was coming here today & I knew what I was coming here for. I have a great caseworker who keeps me updated on just about everything.
71. How I was prepared was because my case-worker had prepared a packet of papers w/ reviews.
72. I thought about what I want and how I would say it
73. Talked to the therapist and GAL. I was ready.
74. With paper work. I could say it was pretty easy.
75. yes. to hear the good news. I like the good news
76. I planed to come to court for awhile becasue of my case.
77. i just know im doing good so i don't worrie
78. I wrote a letter about the negitive & positive things I've done and how I'll change the negitive things.
79. I was prepared to speak for myself.
80. Wanted what was being brought to Court.
81. My GAL had ccontacted me and we talked. Tim my G.A.L. is the best and his very ingaged in my case. My caseworker Arla Hudson is not a good caseworker.

82. Because I was aware of what was happening.
83. I understood why I was here.
84. Yes
85. I have been filled in on my permanency plan.
86. Ready to talk. I'm going to continue to do good.
87. My Gal and caseworker and next steps got me prepared.
88. we had our therapist talk to us about it.
89. Yes - I knew what they were going to talk about regarding the case.
90. Because my mom told me this day will come.
91. I feel well motivated.
92. I was prepared because I always hear about my court dates.
93. Yes - I knew I was coming. I also knew what I wanted to say - nothing.

NO -

1. No. Sleepy.
2. I had all of my material but didn't speak (didn't know what to say).
3. No - because I just found out I had court
4. Did not really know why she was coming (filled out with assistance of GAL)
5. I really did not have any idea.
6. no comito
7. I don't feel I was because I was nervous.
8. nothing
9. No ma'am. Because I didn't plan on speaking. Can you well never mind that's a question for my therapist. thanks for listening and for working w/ me.
10. School & coming here was crazy. Try to understand a little more about your courtroom.

Did anyone talk with you before coming to court?

1. Yes. My caseworker
2. Yes. My GAL.
3. Yes. Family, social worker, GAL

4. Yes. Chantez
5. Yes. Kate Radley
6. Yes. My GAL and caseworker.
7. GAL, Social worker

- 8. Caseworker
- 9. Case worker GAL.
- 10. Ken
- 11. GAL, Caseworker
- 12. Skeet
- 13. GAL
- 14. my case worker
- 15. G.A.L.
- 16. My Casa Worker + Case Worker
- 17. Yes - caseworker lawer
- 18. Yes - GAL, cousin caseworker
- 19. Yes - GAL and caseworker
- 20. GAL
- 21. Yes - Breana Ellington
- 22. Yes - my thrpist
- 23. Yes - Brenda Ellington
- 24. Yes - caseowrker, GAL
- 25. my foster brother shina
- 26. Yes - mom, Grandma
- 27. Yes - GAL, caseworker
- 28. Yes - GAL and caseworker
- 29. Mama
- 30. Brenna case worker
- 31. my staf
- 32. SCW, Judge Ashby
- 33. GAL, PO, Therapist, Atty
- 34. my mom
- 35. Gabriela

- 36. Gabreal
- 37. yes
- 38. CW
- 39. Yvonne Moeller
- 40. GAL
- 41. Yavone
- 42. My case manager Janet Vierling
- 43. my mom
- 44. my GAL
- 45. GAL
- 46. yes
- 47. everyone
- 48. attorney + caseworker
- 49. My GAL.
- 50. my GaL

- 51. My house
- 52. Case worker
- 53. Case-worker, therapist
- 54. Case worker
- 55. GAL therapist caseworker
- 56. probation officer caseworker
- 57. GAL
- 58. Ms. Briddet
- 59. Gal Assistant
- 60. case worker
- 61. GAL, Caseworker, Therapist

62.	caseworker, Gal
63.	Arla, Tim, my foster mom
64.	GAL
65.	foster mom and GAL
66.	Caseworker/GAL
67.	terry ross
68.	Therapist, Caseworker, GAL
69.	P.O. officer
70.	GAL
71.	Gal, caseworker
72.	family therapist
73.	Yes - family therapist
74.	Yes - my mother
75.	Yes - Gale Drexler
76.	Yes - GAL

Did you like coming to Court?

1. Yes.
2. Yes
3. Yes. good new terimanating my case.
4. Yes. It interests me.
5. Yes. Because i like getting things.
6. Yes. because I get to know whats going on in my case.
7. Yes. I like to be present to speak on my behalf.
8. I found out that I'll for sure go home.
9. because of the experiense & the feeling of finally being heard.
10. I got to let my concerns be know.
11. I like to hear aobut the stadies of my case.
12. Because it's important for me to known will i be out of here.
13. Yes - because I know whats going on
14. Yes
15. Yes - Because I like to see Magistrate Gilbert.
16. Yes - I like to know what's being decided about my life.
17. Yes - Because i want to go home with dad
18. I got alot of stuff done.
19. Yes - Becuse I got to see J
20. I like it because I was able to get all the information I needed.
21. becaus I get to see my family
22. words of encouragement
23. because I got to see my family.
24. Yes - I like being informed.
25. Yes - I cna learn what is happening so I know and understand better. I'm better informed.
26. It got me out of school.
27. Because I felt better than doing it by phone.

28. to no when i can go home and how good im doing.
29. Yes because I needed to get an inside view of my case.
30. becuse what I wanted to happen happend.
31. yes because it showed my dad that Im responsible
32. because It chang everthing
33. Because she got to come to Denver. Got to be here for her case. (filled out with assistance of GAL)
34. because so then I can get my life streght.
35. yes
36. Little break from school
37. I like to be around when the court case is concerning me, especially to hear good reports
38. yes
39. I kinda liked it my grandparents got all parinoid an stuff.
40. Cause I saw my family.
41. Because the judge was very kind and do was my GAL.
42. I like coming to court because I get to see the choices made for my life.
43. It's kind of fun to see how real court works because I want to be a lawyer
44. it is fun comming to court
45. because I get more support.
46. Because I know I can say waht I feel I need and know that you will be listening.
47. Because I want't to know whats going to happen
48. So you can see how good im doing and so you can feel like you had some kind of suces with somebody.
49. So I can say what I need to say & also so I can hear about what's being done.
50. sometimes
51. Because I felt involved.

No responses:

1. No. because I am slow to talk.
2. No. I don't like court hearings.
3. No. Because I don't like being here.
4. Cuz it's a waste of my time.
5. I didn't like court.
6. Cause it was a bending on my life.
7. Because it scares me even though I'm not on the case.
8. don't like waking up early.
9. I just don't like the setting.
10. Because it takes up a lot of time.
11. I didn't like it because it's court.
12. no
13. No - I don't like feeling nervous
14. Because I want to go to school.
15. No - Because it took me out of school.
16. I came early and it took a long time for my case to be called.
17. It is too loud and too many criminals.
18. No - Not really because it was difficult going against my dad.
19. Scared by the police.
20. because I never saw her and spoke to her.
21. I have to miss school.
22. Because it looks scary.
23. Because it's scary
24. Takes me out of school.
25. It gives me a nervous feeling
26. It takes long
27. no come

28. Court makes me feel like I did something bad
29. Its boring and hate it
30. Boring
31. I just don't like court.
32. Because it's not fun
33. cause I just dont like it alot of desicions
34. Parking, traffic, court experiences are not really good.
35. Because it not some thing to look forward to
36. just don't
37. Because I don't like court and I should be at school.
38. boring
39. It makes me feel nervous.

Do you feel that you are included in the decisions made about your case?

1. No. because no budy talks to me abue it.
2. Yes.
3. Yes.
4. Yes
5. Yes, cause its what i want.
6. Yes. Because they tell me what goes on.
7. Yes. They included me.
8. Yes. because I got to talk to eveyrone befor we had court.
9. Yes
10. Cuz it's mosly about use.
11. I'm just ready to get out.
12. I had a say.
13. yes
14. The judge understood and asked me for my input.

15. yes
16. yes
17. Judge talks to me.
18. yes
19. Because I got to choose where I want to stay.
20. I made some of the decisions.
21. Yes - they asked what I wanted
22. Yes
23. Yes - Because we discussed it before it was decided.
24. Yes - I'm able to make decisions or object to ones made that I don't agree with.
25. yes, because that I have heard nothing but good things about me.
26. Yes
27. Yes - Because it my decision
28. They did what was right.
29. Yes - Becuse I got tlc to the Judge.
30. Everybody aksed me what I wanted.
31. Yes - Because the judge asked me.
32. I am able to have a say in where I live which relieves me. Because Im doing great where Im at.
33. becaus i me old to it.
34. Yes
35. Because I have been out after curfue.
36. Yes - they asked me questions.
37. Yes - I was talked to before they were made.
38. Yes - I was able to talk about it before court.
39. because am always asked questions on how I feel about what happends.
40. yes
41. The courts decided that the visits four times a year will still be in effect.
51. because this is my court case.

52. yes
53. yes
54. Because im off the case
55. they talk to me about it.
56. I somewhat have say in the choices made for me
57. yes
58. yes
59. the judge talked to me.
60. I don't know
61. yes
62. I make most of my decisions.
63. I was asked if I agree with everything.
64. because they ask me
65. sometimes
66. I am able to speak & be represnted as I am.
67. I do feel included in the decisions about my case because I get to discuss them (illegible)
68. I was asked what I wanted
69. I told the Judge.
70. The judge ask what I felt about the decision
71. Well because there's not much to decide wiht my case just permission.
72. Because I came to court
73. Becasue you ask my my imput.
74. Because I attend & say what I need to.
75. Cuz I am.
76. because my Gal cares
77. Because I agree to every thing said.
78. Because my GAL said every thing I told him.
79. I'm always given information and an apion on what I want.

80. Yes
81. Because they ask me if I want to follow the plan.
82. Yes
83. So-so. People help but are they telling me everything.
84. because I needed the help.
85. Yes, because we were able to put our input in on what's going on in the case.
86. Yes, because I need to be comfortable where ever I stay.
87. Yes. I talked it out with my grandmother.
88. Yes. Because there are good decisions.
89. Yes - Because they asked me questions about things

No Responses:

1. No. Because people don't share with me what's going on.
2. Usually my case workers make a decision without our concerns or thoughts heard.
3. It seems like the Judge just goes with the adults.
4. no.
5. They said my (illegible)
6. I feel as if my comments were listened to, however not that it affected the overall decision.
7. Because I felt like people didn't believe me.
8. I dk
9. Because all the way through June to decide what's going to happen.

DENVER JUVENILE COURT
Youth Survey Summary – 9-2-09

1. Demographic information – 100 responses
 - a. Average age – 16

2. Did you feel prepared for your court hearing? – 100 responses
 - a. Yes – 93%
 - b. No – 7%

3. Did anyone talk with you before coming to court? – 99 responses
 - a. Yes – 76%
 - b. No - 24%

4. Did your GAL help you? – 98 responses
 - a. Yes – 83%
 - b. No – 17%

5. Did you like coming to Court? – 100 responses
 - a. Yes – 61%
 - b. No – 39%

6. Do you feel that you are included in the decisions made about your case? - 98 responses
 - a. Yes – 91%
 - b. No – 9%

7. Name of caseworker – 82 responses

SURVEY OF APPROACHES TO IN-CHAMBERS INTERVIEWS OF CHILDREN IN DEPENDENCY & NEGLECT ACTIONS

Alabama

Wilson v. State Dept. of Human Resources, 527 S0.2d 1322 (Ala. Civ. App. 1988)—holding that the trial court may conduct private conversations with minors in chambers, so long as counsel consents. Here, however, the parents did not timely object when the trial judge interviewed the children in his office in the presence of the court reporter.

Arizona

In the Matter of the APPEAL IN SANTA CRUZ COUNTY JUVENILE DEPENDENCY ACTION NOS. JD-89-006 AND JD-89-007, 804 P.2d 827 (Ariz. Ct. App. 1990)—finding that parents waived their objection to in-chambers interview of the children when they didn't object to the procedure at the time of the interview.

Colorado

§ 19-3-702(3.7), C.R.S. (2009), provides that “[t]he court conducting the permanency hearing shall consult with the child in an age-appropriate manner regarding the child’s permanency plan.”

§ 14-10-126(1), C.R.S. (2009) [Domestic Relations] states that “[t]he court may interview the child in chambers to ascertain the child’s wishes as to the allocation of parental responsibilities. The court may permit counsel to be present at the interview. The court shall cause a record of the interview to be made, and it shall be made part of the record in the case.”

However, the requirement that the interview be recorded may be waived, either expressly or implicitly. In re Marriage of Armbeck, 518 P.2d 300 (Colo. App. 1974).

Georgia

In the Interest of S.M.L., et al., 491 S.E.2d 186 (Ga. Ct. App. 1997)—finding that it was not error for the juvenile court judge to interview the children in chambers during the pre-trial discovery process. The juvenile court’s primary responsibility was to consider the welfare of the child and parents’ counsel was present at the interview, although the parents were not permitted to attend.

In the Interest of A.R. et al., 546 S.E.2d 915 (Ga. Ct. App. 2001)—holding that the parents waived their right to have an in-chambers interview with one of the children recorded when they did not object to the court not recording the interview. Here, after all the parties rested at the termination hearing, the court *sua sponte* requested to speak with the children in chambers with the permission of the parents. The parents’ attorney was present for in-chambers interview.

Illinois

In the Interest of Brooks, 379 N.E.2d 872 (Ill. App. Ct. 1978)—finding that as in custody cases, a trial court must have discretion in a child neglect case to interview the child in chambers. Here, however, the child testified in chambers, counsel for both sides and a court reporter were present, the child was subjected to cross-examination, and the interview was read into the record.

Louisiana

State of Louisiana in the Interest of G.J.L. and M.M.L., (La. 2001)—noting that in general, an *in camera* interview of a minor must be conducted with a court reporter present, so that a record can be made of the questioning and answers. However, the failure to transcribe the judge's interviews with the children in this case did not constitute reversible error as the judge's findings regarding the children's feelings and preferences were supported by other evidence in the record.

Maine

In re Priscilla S., 699 A.2d 593 (Me. 1997)—holding that the court had discretion not to require a child to testify where a state statute granted the court authority to interview a child witness in chambers with only the guardian *ad litem* and counsel present so long as the child's statements were made part of the record.

Michigan

In re Hensley, 560 N.W.2d 642

Mich.App., 1996

Probate court was not required to state on record that psychological harm would occur if child witness testified in proceeding to terminate paternal rights before it took measures to protect child witness from harassment and undue embarrassment, where probate court's findings revealed it was aware of issue of "psychological harm" and resolved it. [M.C.L.A. § 712A.17b\(8, 9\)](#); ?[MRE 611\(a\)](#). Copr. (C) West 2008 No Claim to Orig. U.S. Govt. Works

Statute permitting trial court to make efforts to protect child witness from psychological harm is not rule of limitation, but rather addition to other protections or procedures afforded to witness by law or court rule. [M.C.L.A. § 712A.17b\(8, 9\)](#). Copr. (C) West 2008 No Claim to Orig. U.S. Govt. Works

Trial court need not utter magic words "psychological harm" on record before it can order protective measures for child witness, as long as record reveals court was aware of issue to be determined and resolved it. [M.C.L.A. § 712A.17b\(8, 9\)](#). Copr. (C) West 2008 No Claim to Orig. U.S. Govt. Works

Probate court did not violate procedure for protective screens by not allowing father to sit where he could see child witness while witness testified in proceeding to terminate father's parental rights, where court found that children would not be able to testify in father's presence and that

father could not sit quietly in courtroom even when threatened with finding of contempt. [M.C.L.A. § 712A.17b\(8\)](#) .Copr. (C) West 2008 No Claim to Orig. U.S. Govt. Works

H

[In re Brock, 499 N.W.2d 752](#)

Mich.,1993

Although face-to-face confrontation and cross-examination ensure integrity of fact-finding process in adjudicative phase of child protective proceeding by subjecting it rigorous testing in context of adversary proceeding before trier of fact, where confrontation causes child significant emotional distress, truth-seeking goal may be thwarted. Copr. (C) West 2008 No Claim to Orig. U.S. Govt. Works

In initial adjudicative phase of child protective proceedings wherein probate court acquires jurisdiction in order to attempt to alleviate problems in home so that children and parents can be reunited, probate court does not abuse its discretion by deviating from traditional confrontation and cross-examination practices where it makes particularized findings of necessity requiring testimony of child victim outside presence of parents and their counsel. Copr. (C) West 2008 No Claim to Orig. U.S. Govt. Works

▶

[Molloy v. Molloy, 637 N.W.2d 803](#)

Mich.App.,2001

Child's in camera interview during custody proceedings must be limited to a reasonable inquiry of the child's parental preference. [M.C.L.A. § 722.23](#) .Copr. (C) West 2008 No Claim to Orig. U.S. Govt. Works

In camera interview by the trial court of child of parents involved in custody dispute in divorce proceeding, without opportunity for examination or cross-examination by either party, did not violate either party's right to due process or render child's statements during interview incompetent as evidence. [U.S.C.A. Const.Amend. 14](#) .Copr. (C) West 2008 No Claim to Orig. U.S. Govt. Works

Reason for utilizing in camera interviews of children in child custody disputes and having only the trial court interview the child is to lessen the emotional trauma and distress for the child in a proceeding that is already filled with trauma; additionally, such a process protects the child from openly having to choose sides. Copr. (C) West 2008 No Claim to Orig. U.S. Govt. Works

[The MI Supreme Court later vacated the portion of the court of Appeals opinion which held that all future *in camera* interviews with children in custody cases “shall be recorded”. The Supreme Court stated they were unable to determine whether such a requirement was constitutionally required and would open “an administrative file to examine the extent to which, and the procedures by which *in camera* testimony may be taken in custody cases.” *Molloy v. Molloy*, 466 Mich. 852, 643 N.W. 2d 574 (2002).]

Montana**

In the Matter of A.C.S. and E.S.S., 619 P.2d 1199 (Mont. 1980)—finding that it was not error to interview the children in chambers where the court merely inquired into the children's desires regarding custody. The court noted that this case did not involve a child giving testimony in chambers and that mother had not asserted her right to cross-examine the children. Here, the court informed the parties that it wished to interview the children at the termination hearing and a recording was made of the interviews.

In re Matter of Declaring M.L.H., H.M.H. and R.H., 715 P.2d 32 (Mont. 1986)—concluding that the court may conduct an in-chambers interview of children in an abuse, neglect and dependency proceeding, but the court must make a record of the interview. The judge is not required to permit counsel to be present at this interview. While there was no provision in the abuse, neglect, or dependency statutes that specifically allowed for an in-chambers interview, the court found that the same rationale for permitting an in-chambers interview in domestic proceedings applied to abuse, neglect and dependency proceedings. Namely, it was often important for the judge to know the attitudes and wishes of the child without subjecting the child to the formality of the courtroom.

New Jersey

New Jersey Division of Youth and Family Services v. S.S., 47 A.2d 183 (N.J. Super. Ct. App. Div. 1982)—concluding that the procedures utilized by the trial judge in conducting an in chamber interview of the child reasonably balanced the needs of the child and defendant. Here, the child and the child's law guardian met with the judge in chambers. The interview was recorded and simultaneously transmitted through a microphone to counsel and defendant. After speaking with the child, the judge went to the courtroom and solicited questions from defendant's counsel and asked the child those questions.

New Jersey Division of Youth and Family Services v. L.A., 814 A.2d 656 (N.J. Super. Ct. App. Div. 2003)—reaffirming that trial judges have broad discretion in abuse and neglect cases to conduct a private examination of a child. The purpose of a private interview with a child is to allow the court an opportunity to assess the credibility of the child, the child's ability to communicate and observe, and the child's demeanor. However, in this case, the appellate court remanded the matter to the trial court with directions that K.S. (one of the children, aged 13) should testify under conditions that would serve her best interests as to the incident leading to the filing of the dependency action and her preference for custodial arrangements.

New York

In the Matter of Anne B., 500 N.Y.S.2d 622 (N.Y. Fam. Ct. 1986)—holding that the court may conduct an in-camera interview of a child over the objection of a Respondent in a child protective proceeding. However, the child's statement shall be treated as an out-of-court

statement and if uncorroborated, may not be sufficient for a finding of abuse or neglect. Moreover, the in-camera interview should be transcribed and the record sealed, so that it would be available only in the event of an appeal. The court considered that there was no provision in the Family Court Act that either prohibited or permitted the court to conduct an in-camera interview. The court also considered that the purpose of a child protection proceeding was to protect the best interests of the child and not to punish the respondent, which could best be accomplished by allowing the court to have all helpful information. Additionally, the same considerations that permit an *in-camera* interview of a child in a custody action are present in child protection proceedings.

North Carolina

In the Matter of H.S.F., 628 S.E.2d 416 (N.C. Ct. App. 2006)—declining to address the issue of the trial judge’s interview of the child in chambers because the parent did not object to the interview at the time that it occurred.

Washington

In re the Welfare of McGee, 679 P.2d 933 (Wash. App. 1984)—holding that commissioner improperly interviewed the child in chambers during a termination hearing. While a state statute permitted the court to interview a child in chambers in a dissolution proceeding, the statute governing termination proceedings did not have a similar provision. The court found that it was essential that all evidence be presented in open court, but concluded that the error was not prejudicial as the interview only provided cumulative information that the child wished to remain in her placement.

Wisconsin

In re the termination of parental rights to EMILIE R.B., 2009 WL 2498085 (Wis, App. 2009)—in the context of a termination proceeding, the court strongly questioned whether it was permissible for the circuit court to conduct an unrecorded in-chamber meeting with the child and GAL. However, the court did not resolve the issue as it concluded that any error was harmless.



Denver Juvenile Court

1437 BANNOCK ST. ROOM 157
DENVER, CO 80202
720-865-8285

March 28, 2007

Foster Parent
Address
Denver, CO

Dear Foster Parent:

I am writing to let you know about a very special pilot program in my courtroom in Denver Juvenile Court, as well as ask you for your assistance.

It has come to the attention of many of us who work with dependency & neglect cases that sometimes adolescents may not have the chance to appear in court during hearings that affect what will be happening to them. Through a very successful Model Court program in which our court has been involved, we have developed a method to get our youth to court.

We have identified specific permanency planning hearings involving youth who are over 12 years old and are scheduled in my courtroom. Working with the guardians ad litem as well as the respondent parent attorneys, we are asking that those youth be contacted directly about coming to court for their permanency planning hearings.

We expect that as the foster parent for one of these adolescents, you will be contacted through the regular notice for a permanency planning hearing that is sent out, and would ask that you help arrange for the adolescent in your home to come to court. We would also encourage you to attend the hearing if at all possible. We appreciate your insights and thoughts on the permanent plan for this youth.

Thank you for all of your help, and please contact your child's guardian ad litem or caseworker if you have any questions.

Sincerely,

Judge Karen Ashby



Denver Juvenile Court

1437 BANNOCK ST. ROOM 157
DENVER, CO 80202
720-865-8285

MEMO TO: Guardians ad Litem and Respondent Parent Counsel

FROM: Presiding Judge Karen Ashby

DATE: January 29, 2007

RE: Permanency Planning Hearing Pilot

The Denver Model Court goals for 2006 through 2007 include the goal of “Developing comprehensive permanent plans for older youth: Create an expectation of participation by adolescents in court proceedings...”

To that end, the Denver Model Court has initiated a pilot program in an effort to meaningfully involve adolescents in their permanency planning hearings. The pilot in part stems from recommendations of the Pew Commission and the growing nationwide trend towards providing older children with the opportunity to participate in the decision-making process.

At the present time, the Pilot Program involves cases set for Permanency Planning Hearings in Division 1 only and sets the expectation that every adolescent should be afforded the opportunity to be physically present in court to participate in their PPH.

Specific parameters for the pilot program include:

1. Affects cases set for Permanency Planning Hearings in Division 1 from January 17, 2007 forward;
2. Includes cases with petitions including adolescents age 12 and older regardless of the proposed permanency plan;
3. There is a rebuttable presumption that adolescents age 12 and older should be actively offered the opportunity to participate in their PP hearing;
4. The Guardian *ad Litem* will meet with their client prior to the PP hearing to prepare the child to participate in the court process and to assess whether that participation is in the child’s best interests;
5. The Guardian *ad Litem* may rebut the presumption that an adolescent should attend the PP hearing with prior notice to the court (at least 10 days prior to the

- hearing) citing the reasons that in-person participation at the hearing is not in the child's best interests;
6. Implicit in attending the PP hearing is the assumption that the adolescent will be involved in the team decision-making process that leads to the establishment of the PP and the youth will have the opportunity to recommend inclusion of a person or persons who will be a support to them at the TDM;
 7. Younger siblings of those adolescents who will participate in their PP hearings may also benefit from attending the hearings. The Guardian *ad Litem*, social worker and treatment team may arrange to have younger siblings brought to court if it is the siblings best interests to do so;
 8. Caregivers, including foster parents for adolescents, will also be invited to participate in the PP hearing. Caregivers will be asked to transport adolescents to the PP hearing. Should the caregiver be unable to do so, transportation for the adolescent will be arranged, after consultation, by the social worker and Guardian *ad litem* ;
 9. In some cases, the nature of the circumstances of the case may require that the adolescent only participate in some part of the hearing. The goal of the pilot program is to benefit adolescents and empower them by including them in the process. Every effort will be made to limit potential trauma to an adolescent with advance planning as to how the hearing proceeds;
 10. Permanency Planning hearings involving the attendance of adolescents will be given priority on the Division 1 court docket and attorneys and parties should manage their calendars to allow these cases to be called on the day and at the time that they are scheduled.

Attached below is a comprehensive list of those cases that qualify for inclusion in this pilot program from the present through March 21, 2007 The list includes the names of all children involved in the case as well as the Guardian *ad Litem* for the children.

Please take time to review the attachment. If you are the Guardian *ad Litem* on a pilot program case, please be certain that you have advised your adolescent client regarding court attendance prior to the child being transported to the hearing and that arrangements have been made for their attendance at the hearing when scheduled. If you represent another party in one of the listed cases, please be certain to advise your client regarding the child's participation in the upcoming hearing. Should you have any questions regarding the above, please feel free to contact Barbara Bosley at 720-865-8236.



Denver Juvenile Court

1437 BANNOCK ST. ROOM 157
DENVER, CO 80202
720-865-8285

MEMO TO: Guardians ad Litem and Respondent Parent Counsel

FROM: Presiding Judge Karen Ashby

DATE: February 5, 2007

RE: Permanency Planning Hearing Pilot

The Denver Model Court goals for 2006 through 2007 include the goal of “Developing comprehensive permanent plans for older youth: Create an expectation of participation by adolescents in court proceedings...”

To that end, the Denver Model Court has initiated a pilot program in an effort to meaningfully involve adolescents in their permanency planning hearings. The pilot in part stems from recommendations of the Pew Commission and the growing nationwide trend towards providing older children with the opportunity to participate in the decision-making process. At the present time, the Pilot Program involves cases set for Permanency Planning Hearings in Division 1 only and is designed set the expectation that every adolescent should be afforded the opportunity to be physically present in court.

Specific parameters for the pilot program include:

1. Affects cases set for Permanency Planning Hearings in Division 1 from January 17, 2007 forward;
2. Includes cases with petitions including adolescents age 12 and older regardless of the proposed permanency plan;
3. There is a rebuttable presumption that adolescents age 12 and older should be actively offered the opportunity to participate in their PP hearing;
4. The Guardian *ad Litem* will meet with their client prior to the PP hearing to prepare the child to participate in the court process and to assess whether that participation is in the child’s best interests;
5. The Guardian *ad Litem* may rebut the presumption that an adolescent should attend the PP hearing with prior notice to the court (at least 10 days prior to the hearing) citing the reasons that in-person participation at the hearing is not in the child’s best interests;

6. Implicit in attending the PP hearing is the assumption that the adolescent will be involved in the team decision-making process that leads to the establishment of the PP and the youth will have the opportunity to recommend inclusion of a person or persons who will be a support to them at the TDM;
7. Younger siblings of those adolescents who will participate in their PP hearings may also benefit from attending the hearings. The Guardian *ad Litem*, social worker and treatment team may arrange to have younger siblings brought to court if it is the siblings best interests to do so;
8. Caregivers, including foster parents for adolescents, will also be invited to participate in the PP hearing. Caregivers will be asked to transport adolescents to the PP hearing. Should the caregiver be unable to do so, transportation for the adolescent will be arranged, after consultation, by the social worker and Guardian *ad litem* ;
9. In some cases, the nature of the circumstances of the case may require that the adolescent only participate in some part of the hearing. The goal of the pilot program is to benefit adolescents and empower them by including them in the process. Every effort will be made to limit potential trauma to an adolescent with advance planning as to how the hearing proceeds;
10. Permanency Planning hearings involving the attendance of adolescents will be given priority on the Division 1 court docket and attorneys and parties should manage their calendars to allow these cases to be called on the day and at the time that they are scheduled.

Attached below is a comprehensive list of those cases that qualify for inclusion in this pilot program from the present through March 21, 2007 The list includes the names of all children involved in the case as well as the Guardian *ad Litem* for the children.

Please take time to review the attachment. If you are the Guardian *ad Litem* on a pilot program case, please be certain that you have advised your adolescent client regarding court attendance prior to the child being transported to the hearing and that arrangements have been made for their attendance at the hearing when scheduled. If you represent another party in one of the listed cases, please be certain to advise your client regarding the child's participation in the upcoming hearing. Should you have any questions regarding the above, please feel free to contact Barbara Bosley at 720-865-8236.



Denver Juvenile Court

1 437 BANNOCK ST. ROOM 157
DENVER, CO 80202
720-865-8285

MEMORANDUM

TO: Guardians ad litem, DDHS Caseworkers, CASAs
FROM: Judge Karen Ashby
DATE: August 24, 2008
RE: Youth Participation in D&N Mediations

In keeping with the spirit of SB 226 which requires participation of youth in their permanency planning hearings, as well as to continue the efforts of Denver Juvenile Court in encouraging more involvement of youth generally in the court process, I am asking that we have youth participate in mediations where appropriate.

Regarding those mediations in which permanency, parenting time and/or APR is to be discussed, I believe it would be beneficial to have youth present at mediations when the issues referenced above will be discussed to voice, and have considered, their opinions, concerns, and thoughts. Those youth who have participated in court hearings have indicated that they wish to be kept informed of the progress of their cases and welcome the opportunity to have their voice heard. Participating in mediations would be an additional way for them to share in the court and decision-making processes.

I recognize that in some instances it may not be appropriate for a youth to attend the mediation or certain portions of the mediation, and there are youth whose participation may be limited for various other reasons. However, lack of or limited youth participation should be the exception, not the rule.

I am asking that each GAL, caseworker or CASA speak with the older youth (age 12 and over) in your cases regarding their opportunity to participate in upcoming mediations, and determine whether they would like to participate in mediation. If so, the youth should be prepared for their attendance at mediation similarly to their preparation for hearings: advised of the purpose of a scheduled mediation, who is expected to attend, and the process by which recommendations are reached and forwarded to the court for final determination.

Thanks for your assistance in giving youth a greater voice in their cases and lives.



Denver Juvenile Court

1437 BANNOCK ST. ROOM 157
DENVER, CO 80202
720-865-8285

MEMO TO: Guardians ad Litem
FROM: Presiding Judge Karen Ashby
DATE: November 1, 2007
RE: Youth Attendance at Permanency Planning Hearings

Earlier this year you may recall I sent to our Guardians ad Litem and Respondent Parent Counsel a memorandum outlining procedures for implementing a pilot program in my division to encourage attendance by youth ages 12 and over. (A copy is attached in case some of you did not receive a copy). To date we have continued to conduct PP hearings in which the older children have been involved in discussion of the progress of their cases. It has been a rewarding process for all, and most especially for the youth. To that end, we have decided to expand the pilot to all three divisions, beginning immediately.

One of the parameters in the pilot program was that the Guardian ad Litem will meet with their client prior to the PP hearing in order to prepare the child and also assess whether the youth's participation is in his or her best interests. One of our Model Court subcommittees has developed a letter that will be sent to foster parents so that they, too, are aware of our efforts to bring older youth to court. This letter will be included in the notices that are routinely sent out by our office to all parties, including foster families.

Because our notices for permanency planning hearings are sent out at least 6 months in advance, and because we do not wish to wait for 6 months to inform the foster parents about this program, I am asking your assistance in notifying the foster parents of children you represent.

Attached is a photocopy of the letter with my signature that will be inserted in the envelope with the PP notice. I would ask that in preparation for your permanency planning hearings that occur between now and April 1, 2008 in which you represent foster children, that you also share this letter with the foster parents. Besides this paper copy, we can also make available for you an electronic copy of my letter so that you can distribute it to those families who receive email.

I expect this method of you forwarding my letter to foster parents will be for a period of 6 months. Thereafter, the foster family will get their letter through the permanency planning notice.

Thank you very much for your help. If you have any questions please contact either Barbara Bosley or Gretchen Russo.

Sincerely,

Karen M. Ashby
Presiding Judge