

Youth Involvement and Engagement in Court

Children in Court Improvement Committee (CICIC) of the New Jersey Court Improvement Program

Children are the focus of child welfare cases. Safety, permanency, and well-being outcomes are the intended result of the law and work of the Division of Child Protection and Permanency, attorneys, judges and others.

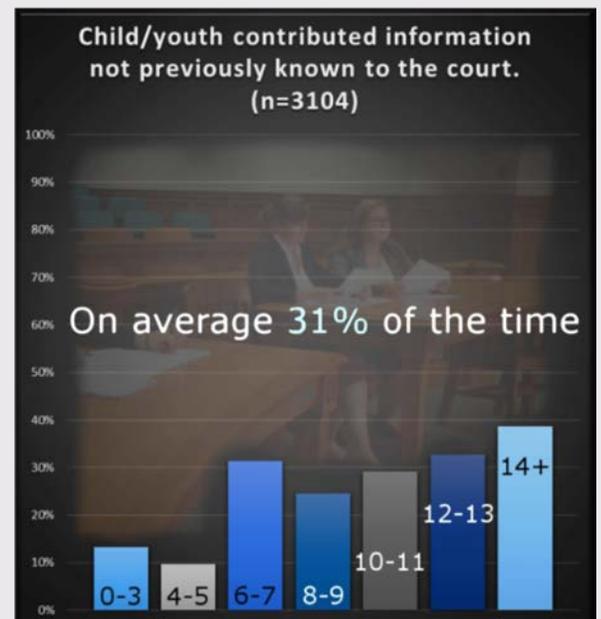
Historically, and in many parts of the country, children and youth are not included in case planning or attending court.



New Jersey made a concerted effort to improve youth involvement in court beginning in 2013. This included training, local strategic planning, and development of practice tools – including a video series to help prepare older youth.¹ This was thoughtful and demanding work by many in the state across disciplines, which included providing transportation, scheduling, preparing, and supporting youth in the court. Surveys were collected² during this effort showing the benefits of youth attending court:

- Ninety-four percent (94%) of children and youth who attended wanted to come back to court
- They had positive experiences
- Parties gain a better understanding of the case because children and youth
 - Clarified their needs/wishes - 64% of the time &/or
 - Provided new information 31% of the time (including youth at 6 years of age)

In New Jersey, 45 CFR 1355.20 and N.J.S.A. 30:4C-61.2 require that youth are noticed for their permanency hearings. The New Jersey Judiciary worked with child welfare stakeholders, including those representing the Department of Children and Families, Office of the Attorney General, Office of the Public Defender, Court Appointed Special Advocates, and Advocates for Children of New Jersey, to develop a protocol to implement that law.



For more information on the protocol, contact the Family Practice Division at 609-815-2900 ex 55350

¹ <http://tinyurl.com/NJYiCVideos>

² Essex, Burlington and Sussex Counties piloted the effort, and by 2016, the protocol was implemented statewide. Ultimately, nearly 10,000 surveys were collected. Five types of surveys were created. Four were completed at court: by youth before the hearing (pre-hearing); by youth after the hearing (post-hearing); one completed by law guardians for youth who did not attend (did not attend); and a stakeholder survey for any of the professionals and other court participants. Finally, a monthly survey was completed by professionals.

Overall child/youth feelings regarding court. At the outset of this initiative, some professionals had concerns that children might be traumatized by coming to court, especially when talking about abuse and neglect. Youth foster care alumni who were part of the effort had a consensus that youth regularly discuss many sensitive issues, including the abuse/neglect that brought them into care, outside of court and are much more concerned about being left out of decisions that affect their lives.

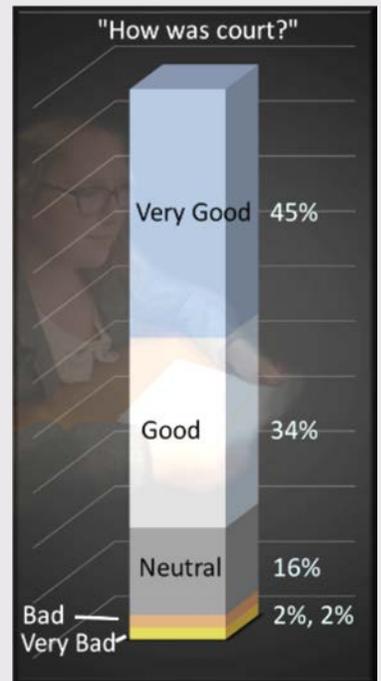
While anxiety about attending court exists, survey results suggest that it is not a barrier in the vast majority of cases.

- Ninety-four percent (94%)³ of youth said they would come to court again
- Less than one quarter (22%) of the children felt nervous before court⁴
- Only 4% reported having a bad/very bad experience in court⁵

Who did not attend court? While these results are from youth who *did* attend, when the youth and stakeholders were asked why the youth didn't attend in the past, therapeutic concerns were not high – only 2% or 6%.⁶

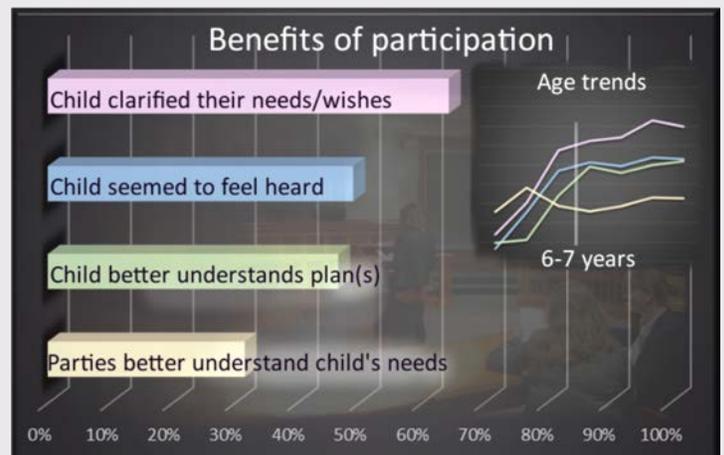
Top reasons were school (26%)⁷, that they were deemed too young (24%),⁸ and lack of notice (20%).⁹ Other reasons youth provided for not wanting to attend include 'court is boring', court date conflicted with other key events, or because it was not needed for a particular hearing because the case was in some holding pattern.

Attendance was beneficial to the child and others. Youth and other stakeholders were asked about the benefits of court attendance. Seventy percent (70%) reported there was a benefit overall (n=3205). Where attendance was not beneficial, the top reason was due to the child being too young – 18% (n=133). Children as young as 4-6 years old were able to provide needed information,¹⁰ despite many states assuming a child should be at least 10 years old or older for court participation.



Topics they weighed in on. The top five topics the children and youth weighed in on at court were:

School	27%
Going Home	22%
Independent Living	13%
Visits	13%
About living with a relative/etc.	10%



³ Youth Post-Hearing (n=631). This did not vary significantly by age.

⁴ 55% said they were 'relaxed' or for younger children for example selected a smiley face and 23% were felt neutral (n=840).

⁵ Youth Post-Hearing (n=836).

⁶ Youth Did Not Appear Survey, 'Therapist recommended against attendance' 2%. 'Other' cognitive or behavioral factors prevented participation including aggressive behavior, non-verbal 6% (n=2403).

⁷ Youth Post-Hearing (n=374).

⁸ Youth Did Not Appear (n=2403).

⁹ Youth Post-Hearing (n=374).

¹⁰ Stakeholder Post-Hearing (n=1759).