

Handing Youth a Bullhorn

Best Practices for Engaging Youth in Dependency Proceedings

Elijah Carter
Youth with Lived Experience

Rachel Davidson
Director, Office of the Child Advocate

Chris Hempfling
General Counsel, Georgia Division of Family and Children Services

August 3, 2019



Importance of a Youth's Voice and Presence



Laws, Policies, and Procedures:

- O.C.G.A. § 15-11-19. Rights of parties to proceedings
 - (a) A party has the right to be present, to be heard, to present evidence material to the proceedings, to cross-examine witnesses, to examine pertinent court files and records, and to appeal the orders of the court; provided, however, that the court shall retain the discretion to exclude a child from any part or parts of any proceeding under Article 3 of this chapter if the court determines that it is not in such child's best interests to be present. An attorney for an excluded child shall not be excluded from the proceedings.
 - (b) A person afforded rights under this chapter shall be advised of such rights at that person's first appearance before the court.
- NCJFCJ Children in Court Policy Statement, Adopted by the NCJFCJ Board of Trustees, January 2012

"It is the policy of the NCJFCJ that children of all ages should be present in court and attend each hearing, mediation, pre-trial conference, and settlement conference unless the judge decides it is not safe or appropriate."
- ACF Information Memorandum, Issued August 1, 2019

"The [Children's Bureau] urges all child welfare professionals, from investigators and caseworkers to judges and attorneys, to identify actions that can be put into place to strengthen the role of family and youth voice."



Laws, Policies, and Procedures:

Consider: UN; Finland; Romania



United Nations: Convention on the Rights of the Child, Article 12

- 1. Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
- 2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.



Finland: Child Welfare Act 2007, Section 21

- “In addition to the child’s custodian or other legal representative, a child who is twelve years of age or more is entitled to be heard in a child welfare case concerning said child.”



Romania: Protection and Promotion of the Rights of the Child, Law no. 272/2004, Article 24

- (1) The child who has the capacity to discern has the right to freely express his or her opinion regarding any matter which involves him or her.
- (2) The child has the right to be heard in any judicial or administrative procedure which involves him or her. The hearing of the child who has reached the age of 10 years old is mandatory. Nevertheless, the child who has not reached the age of 10 years old may also be heard, if the competent authority deems it necessary, in order to solve the case.
- (3) The right to be heard grants to the child the possibility to request and receive any pertinent information, to be consulted, to express his or her opinion, and to be informed about the consequences which his or her opinion may generate, if observed, as well as about the consequences of any decision involving him or her.
- (4) In all cases stipulated under paragraph (2), the child’s opinions will be taken into consideration, according to the age and degree of maturity of the child.
- (5) Any child can request to be heard according to the provisions of paragraphs (2) and (3). If his or her request is denied, the competent authority will issue a motivated decision in this regard.
- (6) The special legal provisions regarding the consent or the presence of the child in the procedures which involve him or her, as well as the provisions regarding the appointment of a curator, in case of conflict of interests, are and remain applicable.



Benefits of Youth Participation

Benefits to Youth:

- Obtaining a firsthand account of the proceedings helps youth feel **more informed** and **better able to understand** the bigger picture and why certain decisions were made.
- Having the opportunity to speak on their own behalf and be present when their future is being discussed helps youth **feel heard**.
- Being heard helps youth have a **sense of control** over what is happening to them, even if the outcome is not consistent with their desire.
- Participating in the decision-making process may help youth feel **empowered** and **more invested** in their lives, leading to a greater likelihood of success in foster care and as an adult.
- Being present ensures the **court focuses on the youth's needs** in addition to the parent's needs.
- Allowing youth to be present shows youth **they matter and are valued**.
- Engaging youth in planning and decision-making **supports the developmental needs** of youth.



Benefits of Youth Participation



Benefits to Others (Judges, Attorneys, Etc):

- Observing the youth's appearance, demeanor, and interaction with others in the courtroom helps the court gain invaluable insight and make informed, high quality decisions.
- Personally engaging the youth provides the court with first-hand knowledge of how the youth is experiencing the system and the reasons for the youth's needs and wants.
- Being informed by the people who will be most affected by your actions and decisions helps produce better outcomes.



Elijah's Story



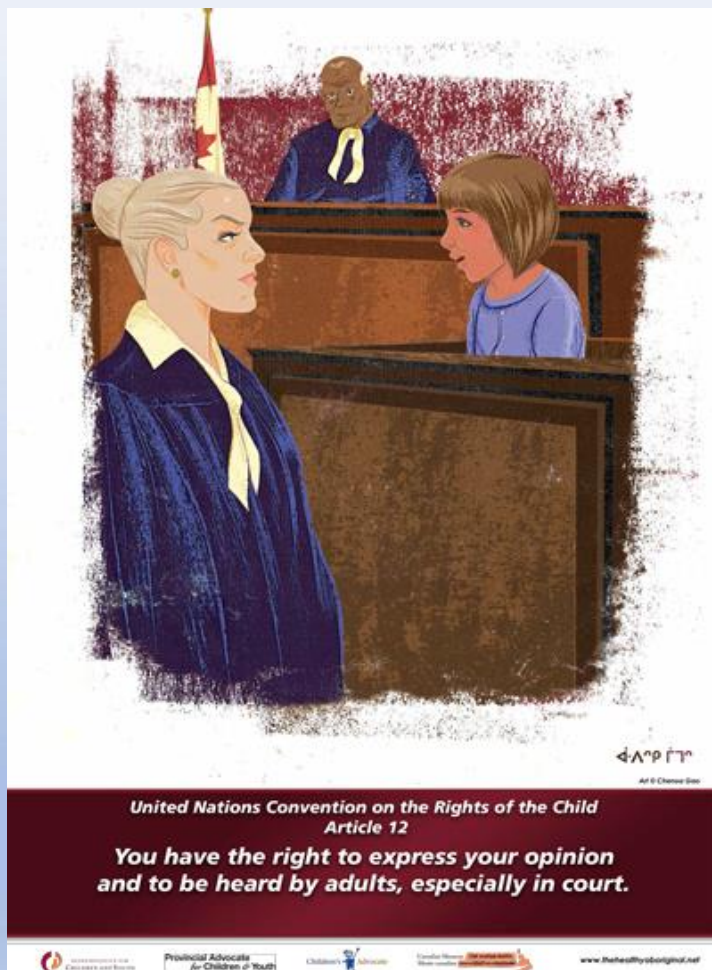
Help Youth Raise Their Voice

Before court:

- Determine if court should be held at a specific time to ensure the youth does not miss out on activities important to him or her.
- Show the youth the courtroom beforehand or draw a diagram of the courtroom and explain what the youth can expect.
- Help the youth understand the purpose of the hearing, what issues might be discussed, what type of information might be helpful to share, and what issues are appropriate to raise in court.
- Discuss the plan with the youth and ask the youth if he believes the plan is fair. Ensure the youth understands the judge makes the final decisions.
- Identify whether the youth would like to speak in court. Let her know she can change her mind.



Help Youth Raise Their Voice



In court:

- Ensure the youth feels comfortable. Speak directly to the youth.
- Make eye contact and use a reassuring voice tone.
- Review the court report with the youth for any inaccuracies or additions.
- Ask the youth who he feels connected to and supported by.
- Directly engage others present who know and care about the youth, including the caregiver(s), relatives, and fictive kin.
- Show appreciation for the youth's insights and attendance.



Help Youth Raise Their Voice

After court:

- Explain the court proceedings and answer any questions the youth has.
- Provide the youth with contact information and encourage her to reach out if she has any questions or requests prior to the next court hearing.
- Ensure the youth has therapeutic support to deal in healthy ways with any strong reactions or emotions that surface as a result of the hearing.
- Visit with the youth between hearings & follow through on commitments.



Help Youth Raise Their Voice



Special Considerations:

- Design a child-friendly court.
- Consider holding occasional court hearings off-site in special settings, such as to better accommodate youth with special medical needs.
- Create a specific “infant day” in court, much like New York’s “Teen Day” when multiple cases involving infants are heard and extra supports, information, or activities are provided for babies and their caregivers.



Transformational Relationships

A recent study by the Center for the Study of Social Policy found that if a troubled youth had a positive relationship with a committed adult, the youth was more likely to be successful.

- Transformational relationships require a committed adult who:
 - Listens without judging
 - Is persistent and “real”
 - Challenges the youth
 - Shows up in crises
- Transformational relationships help youth:
 - See that they matter
 - Imagine a different future
 - Gain agency and experience pride
 - Develop an improved capacity to self-regulate

Transformational relationships...	Workers who excel at these relationships...
Start with youth being heard	Pay attention, listen without judging youth as good or bad, look for the person beyond the case
Involve persistence over time	Are remarkably persistent, don't give up, try again and again to get a relationship started, and stick with it over a long period even when the relationship faces significant challenges
Require workers to be “real”	Reveal themselves to some extent, convey something in common with the youth, understand the world the youth comes from
Involve challenging the youth	Challenge, push and do so in a way that encourages youth to reflect; say and do the difficult things even when youth don't want to hear it
Take advantage of crises	Show up when not expected, stand by youth when they're in trouble and help youth distinguish moments of failure from being a failure



Real-World Results of Handing Youth a Bullhorn

- Youth-led advocacy organizations –
 - *EmpowerMENT's* legislative and policy advocacy efforts resulted in changes to state law and policy on topics important to youth in care (*Georgia, U.S.*)
 - *Who Cares? Scotland's* advocacy efforts resulted in changing terminology from “looked after” to “care experienced” (*Scotland*)
 - *Pakistan Children's Club* members educated and convinced adults to oppose and prevent child marriage (*Pakistan*)
- Youth assess institutions and discuss improvements with them (*Netherlands*)
- Youth take part in training on youth participation (*Cyprus*)
- Youth speak to and encourage other youth (*Australia*)
- Youth speak up in court –
 - 16 year old in foster care requested a hearing to talk with the judge about her educational concerns; even though she didn't get the outcome she wanted, she felt heard and respected. (*Georgia, U.S.*)
 - Court granted a 17 year old's request to be emancipated. (*California, U.S.*)
 - *Involvement in educational decision making.* (*Georgia, U.S.*)





Tell us about your experiences with handing youth a bullhorn

Presenter Contact Information

Elijah Carter – thaprince1k@gmail.com

Rachel Davidson- rdavidson@oca.ga.gov

Chris Hempfling – chris.hempfling@dhs.ga.gov

