



Engaging Children in Court

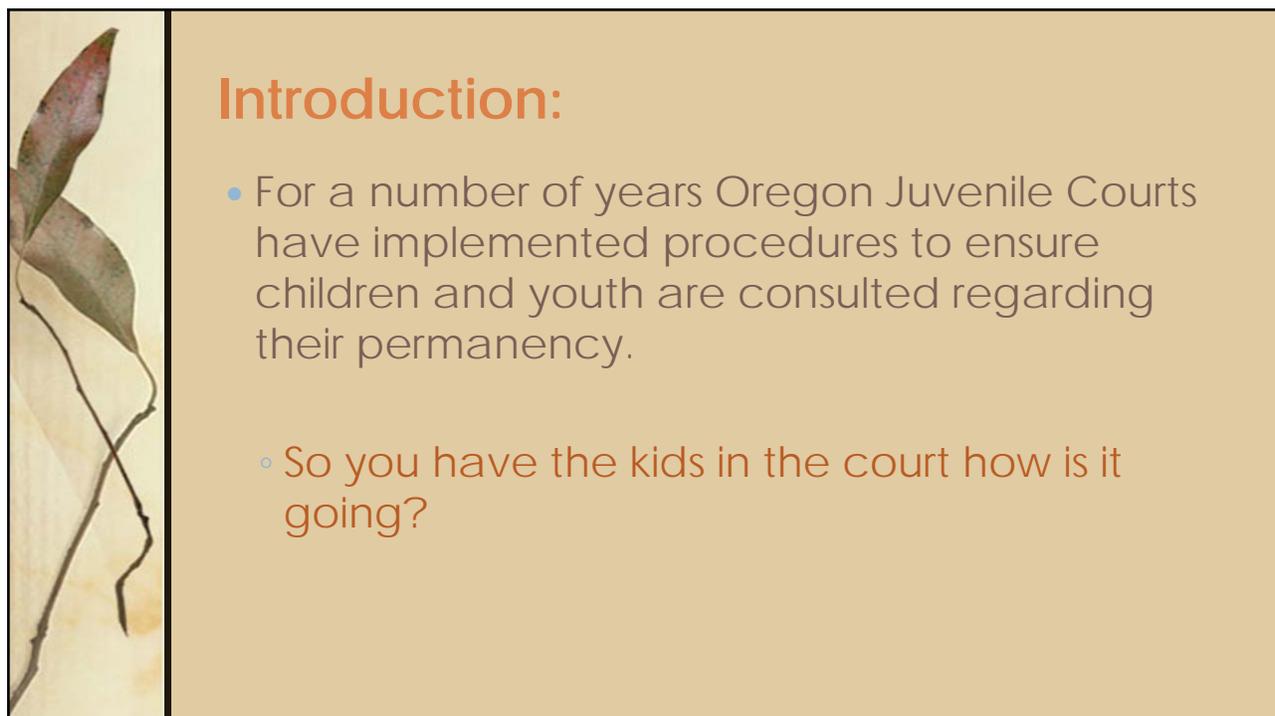
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Introduction:

- For a number of years Oregon Juvenile Courts have implemented procedures to ensure children and youth are consulted regarding their permanency.
- So you have the kids in the court how is it going?

Engaging Children in Court...



What is the down side to having children in Court??

- Some children leave court believing they are in charge of their permanency plan.
- When children hear descriptions of their behavior this can be very disturbing for them.
- Some children are annoying and disruptive, Right!



We Know:

- Children have opinions that should be heard.
- Giving children the opportunity to share their feelings, ideas, needs and desires helps build a sense of control and self-reliance in ones life.
- When adults witness the children in court we are reminded of how important this work is.



Moving From The Idea of Engaging Children to Actual Conversations:

- First the child is prepared for court. Although it is written the child's attorney and/or the CASA prepare the children for court; I would offer an informed mental health therapist should be consulted as well.



- Communication ideas for children considered at or fairly close to their developmental age.



Engaging Young Children (Ages 0-12 months) In the Courtroom

- **Observe the infant's behavior and appearance:**
 - How does the child interact and respond to caregivers, parents, and guardians?
 - Assess whether the child appears healthy and well kept,
 - Does the child exhibit appropriate developmental milestones?
- **Possible questions to ask the caregiver about the infant:**
 - Is the infant forming healthy attachments? With whom?
 - Is the infant meeting developmental milestones?
- American Bar Association Center on Children and the Law



Engaging Young Toddlers(Ages 1-3) & Preschoolers (Ages 3-5)In the Courtroom

- **Communicating with the child during the hearing:**
 - Keep language simple and age appropriate
 - Speak slowly and allow the child time to process the information.
 - Use concrete terms.
 - Use names of the people involved instead of pronouns.
 - Stop at regular intervals to ask the child if they understand and if they have any questions.
- **Observe the child's behavior and appearance:**
 - How does the child interact and respond to caregivers, parents, and guardians?
 - Observe the child's demeanor when answering the questions (if they are verbal)
 - Who does the child look to for help in answering the questions?

- American Bar Association Center on Children and the Law



Engaging Young School-Age Children (Ages 5-11) In the Courtroom

- **Communicating with the child during the hearing:**
 - Keep language simple and age appropriate
 - Talk with the child about their interests, likes, and dislikes.
 - If helpful, offer to have a conversation in chambers.
 - Provide an age-appropriate list of legal terms to the child before court to which they may refer to during the hearing.
 - Avoid legal jargon and acronyms
 - Encourage the child to ask questions, particularly if they don't understand a question or statement.
 - Answer one question at a time
 - Recognize cultural differences in language
 - Avoid abstract questions
 - Praise the child's accomplishments



- American Bar Association Center on Children and the Law



Engaging Young School-Age Children (Ages 5-11) In the Courtroom

- **Observe the child's behavior and appearance:**
 - Observe the child's interactions with caregivers, parents, and guardians
 - Does the child look to them for help, support, advice, etc.?
 - Observe the child's physical appearance and health.
 - Is the child appropriately dressed?
 - Does the child look well-nourished?
 - Does the child have appropriate personal hygiene?
- American Bar Association Center on Children and the Law



Engaging Young School-Age Children (Ages 5-11) In the Courtroom

- Observe the child's body language.
- Be mindful of signs that the child may be frustrated or overwhelmed.



- American Bar Association Center on Children and the Law

Communicating with the youth during the hearing:

- Keep language simple and age appropriate during the court hearing.
- Talk with the youth about their interests, likes, and dislikes.
- If helpful offer to have a conversation in chambers.
- Provide an age-appropriate list of legal terms to the child before court to which he/she may refer during the hearing.
- Avoid legal jargon and acronyms.
- Encourage the youth to ask questions, particularly if he/she doesn't understand a question or statement.
- Avoid abstract questions.
- Ask direct questions, but add "if you were in charge"
- Praise the youth's accomplishments

Are they listening????



• Engaging Adolescents (Ages 12-16+) In the Courtroom

American Bar Association Center on Children and the Law



Engaging Adolescents (Ages 12-16+) In the Courtroom

- **Observe the youth's behavior and appearance.**
 - Observe the youth's interactions with caregivers, parents, and guardians.
 - Does the youth look to them for help, support, advice?
- **Observe the youth's physical appearance and health.**
 - Is the youth appropriately dressed?
 - Does the youth look well-nourished?
 - Does the youth have appropriate personal hygiene?



• American Bar Association Center on Children and the Law



We Think We Are Communicating But We May Not Be Understood.....

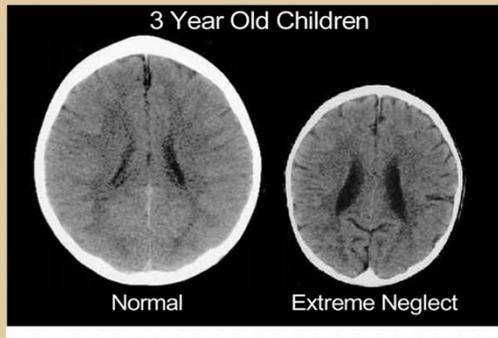


What Are Things that Can Complicate Communication?

- The child's chronological and emotional age are not the same
- If the child was traumatized by a parent they may fear being near the parent but not want to say they are afraid.
- If the child was exposed prenatally to drugs and/or alcohol their brain development has been impacted
- If the child experienced neglect during critical brain development again their development is impacted.
 - Just to name a few.....

Further Exploration of Barriers to Communication

- Photo courtesy of Sterling Clarren, MD



Summary of effects of prenatal drug exposure: * LIMITED OR NO DATA AVAILABLE

	Nicotine	Alcohol	Marijuana	Opiates	Cocaine	Methamphetamine
Short-term effects/birth outcomes						
Fetal growth	Effect	Strong effect	No effect	Effect	Effect	Effect
Anomalies	No consensus on effect	Strong effect	No effect	No effect	No effect	No effects
Withdrawal	No effects	No effects	No effects	Strong effects	No effects	*
Neurobehavior	Effects	Effects	Effects	Effects	Effects	Effects
Long-term effects						
Growth	No consensus on effect	Strong effect	No effect	No effect	No consensus on effect	*
Behavior	Effect	Strong Effect	Effect	Effect	Effect	*
Cognition	Effect	Strong Effect	Effect	No consensus on effect	Effect	*
Language	Effect	Effect	No Effect	*	No consensus on effect	*
Achievement	Effect	Strong Effect	Effect	*	No consensus on effect	*



Symptoms of Fetal Alcohol Spectrum Disorders

- Attention deficits
- Memory deficits
- Hyperactivity
- Difficulty with abstract concepts
- Inability to manage money
- Poor problem solving skills
- Difficulty learning from consequences
- Immature social behavior
- Inappropriately friendly to strangers
- Lack of control over emotions
- Poor impulse control
- Poor judgment



Communication Ideas.....

- Give more time than you think needed for the child/youth to process information
- Be Concrete
 - (What is abstract?)
 - Time, (strangely) money, math, Love, belonging, adoption, feelings, the law. Basically concepts with no physical referents.
- Explain complicated concepts in a simple way. One sound bite not paragraphs.
- Be curious (I wonder what this child means??)



Communication is.....

- Tailored to the child in front of you.....
- Be willing to adjust your expectations.....



- I am curious and interested in what the child/youth has on their minds, but I am also clear there are adults who make the final plan.
- What if the youth does not want to do the plan the adults have in mind?



Talking, Listening, Wondering, Exploring, Helping.....

Engaging Children in Court

Resources

- <http://www.come-over.to/FAS/faschar.htm>
- Overview of Fetal Alcohol Spectrum Disorders for Mental Health Professionals
- <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2582751>
- American Bar Association Center on Children and The Law.
http://www.courts.ca.gov/documents/BTB_XXII_VA_1.pdf
- Tools for Engaging Children in Their Court Proceedings:
[www.nycourts.gov/ip/justiceforchildren/PDF/PJCJC Handbook - Encouraging Child in Court.pdf](http://www.nycourts.gov/ip/justiceforchildren/PDF/PJCJC_Handbook_-_Encouraging_Child_in_Court.pdf)
- Guidelines for Consulting with Children
<https://multco.us/file/31376/download>