



Engaging Children in the Courtroom

Juvenile Court Improvement Program

BENEFITS OF CHILD INVOLVEMENT IN COURT HEARINGS

Involving children in critical life decisions helps give them a sense of control over their lives, allows them to practice the art of advocating for their own well-being, and develop decision making and negotiating skills needed to be self-reliant. Involvement of children in hearings provides the judge with an opportunity to observe and talk to the child, providing crucial information needed in order to make the best decision for the child's safety, permanency, and well-being. It is the policy of the National Council of Juvenile and Family Court Judges (NCJFCJ) that children of all ages be brought to court unless the judge decides it is not appropriate or safe based on information provided by case participants.

GENERAL GUIDELINES FOR JUDGES

Assess whether your courtroom and waiting areas are child friendly.

Set expectations with DHS and attorneys as to when children are to be invited to their hearings. Remind caseworkers of the responsibility to provide transportation as needed, and ask that children attend with a caregiver or support person. For situations in which children cannot appear in person, consider working with your model court team to implement alternative means to receive information, such as a child friendly questionnaire that can be filled out by the child outside of the courtroom. Examples include: [Young Child Court Form](http://youngchild.throughtheeyes.org) (youngchild.throughtheeyes.org) or [Youth Court Questionnaire](https://cip.nebraska.gov/youth-families/youth/youth-court-form) (https://cip.nebraska.gov/youth-families/youth/youth-court-form).

The child's attorney should prepare children for court appearances, including helping them understand what to expect, helping them prepare to speak to the judge, and advising them that painful, sensitive issues may be discussed. The child's attorney is the most appropriate professional to debrief the child after each appearance.

Ask why a child is not in attendance and what efforts were made to encourage the child's attendance, including providing transportation. Consider whether it is appropriate to postpone the hearing until the child can be present.

Schedule hearings to minimize the amount of time that children are away from school or activities, and when possible, accommodate the child's schedule. Avoid using cattle call dockets, which require children to wait while other cases are heard. Time certain docketing is considered more child friendly.

Communicate with the child at the beginning of the hearing by defining the purpose of the hearing, introducing the parties, and building rapport with the child. Avoid legal jargon. If helpful, offer to talk with the child in chambers within the confines of ORS 419B.310. Ensure the child understands why he/she is attending and encourage the child to participate. Acknowledge anything the child gives the court when s/he is present, praise the child's accomplishments, thank the child for attending, and encourage the child to attend the next hearing.

Observe the child's interaction with others. Who do s/he look to for support and guidance? Observe the child's hygiene, clothing, and whether s/he looks well nourished.

STATE AND FEDERAL LEGAL REQUIREMENTS

- Children are legal parties, have the right to notice, and to appear and participate in hearings. ORS 419B.875
- DHS is required to notify the child and transport the child to the hearing when appropriate. ORS 418.201
- The court may allow the child to appear telephonically, or by other means. ORS 419B.918
- The court may exclude the child's parents and other persons during the child's testimony if determined to be in the child's best interests. ORS 419B.310
- Effective October 1, 2015, the court must ask the child about his or her desired permanency outcome prior to designating a permanency plan of APPLA. 42 U.S.C. §675(a)(2)(A).

CONVERSATION TOPICS GENERALLY

- Note things that are going well for the child.
- How old are you?
- What do you like/not like where you're staying? (suggest options: bedroom, pets, people)
- What do you like/dislike about day care/school? Any problems? Favorite teachers?
- Who do you visit with and what kinds of things do you do?
- What do you do for fun? Are there activities or sports you are involved in or would like to be involved in?
- Is there anything that you need help with?
- Do you have someone to talk to if you need help? Provide foster care ombudsman contact information if needed: **1-855-840-6036**

ADDITIONAL AGE SPECIFIC QUESTIONS AND CONSIDERATIONS

Ages 0-5

- Is the child reaching developmental milestones?
- Is the child developing healthy attachments and to whom?

Ages 5-11

- Is there anyone you miss?
- Have you been to the doctor? Do you like your doctor?
- Is the child on track for reading?

Ages 12 and up

- When appropriate, share documents with the child.
- Ask the child about his or her desired permanency outcome, as appropriate.
- At age 14, ensure the youth is engaged in transition planning (effective 10/1/15).
- By age 16, ask questions about career interests, college or other plans after school is finished, including considerations in ORS 419B.337(7)(a)(B) (housing, mental/physical health, education, employment, community connections, supportive relationships) necessary for dismissal.
- Ask the child what s/he wants to accomplish before the next hearing.
- Ensure the child understands what is ordered and why.