



**QUALITY IMPROVEMENT CENTER
ON ENGAGING YOUTH IN
FINDING PERMANENCY**

QUALITATIVE ANALYSIS OF LEGAL EXPERT INTERVIEWS

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EXECUTIVE SUMMARY

The [Quality Improvement Center on Engaging Youth in Finding Permanency \(QIC-EY\)](#) is a cooperative agreement, funded by the Children’s Bureau, which is charged with advancing child welfare programs and practice to ensure that children and youth in foster care throughout the United States are authentically engaged in finding permanence. The QIC-EY is expected to raise awareness and to change the mindsets of social work professionals, court personnel, and other critical entities in order for children and youth to be recognized as competent, knowledgeable parties who deserve to have input and decision-making power about their lives.

This report has been authored to help the QIC-EY meet this mission by shedding light on the phenomenon of youth engagement in court processes. The research was informed by a preliminary literature review. Thereafter, 11 interviews were conducted with legal professionals, 6 of whom were judges or judicial officers, 2 of whom were CASA or children’s advocates, 2 of whom were attorneys and 2 of whom were program directors or officers.

The research used a framework analysis approach to analyze the data. This led to the generation of 11 themes. The themes are listed below in their order of frequency:

- Professional experience
- Early engagement and rapport building with children and youth
- Age, expertise, and engagement
- Online hearings
- Participation in key decisions
- Engaging across culture and identity
- Courtroom layout and environment
- Transportation
- Effective communication
- Hearing approaches to facilitate engagement
- Post-hearing practices

The interviews revealed a unanimous consensus that engagement is key to successful hearings and outcomes.

Professionals engaged in meaningful dialogue and demonstrated a sophisticated understanding of the various predictors of and barriers to meaningful engagement. Professionals described drawing on considerable personal and professional experience in their roles to effectively engage young people. Effective communication and rapport-building were identified as key facilitators of engagement. Interviewees described the importance of taking a differentiated approach depending on the age and maturity of young people and described the importance of sensitivity to culture and identity. They described steps taken before, during and after hearings to foster engagement. Interviewees identified a range of practical and systemic barriers to engagement such as scheduling, transportation, education level, tech literacy, suspicion of the court, reluctance to engage, and feeling that children and youth were not empowered. Finally, interviewees described attempts to overcome these barriers. All demonstrated a commitment to youth engagement and acknowledged there was work to be done.

THE QIC-EY

The **Quality Improvement Center on Engaging Youth in Finding Permanency** (QIC-EY) is a five-year cooperative agreement funded by the Administration on Children, Youth & Families, Children Bureau. The five partner agencies include Spaulding for Children, the North American Council on Adoptable Children (NACAC), the New England Association of Child Welfare Commissioners and Directors (NEACWCD), the University of Nebraska at Lincoln (UNL), and the University of Washington (UW). Spaulding is the Lead Agency.

The QIC-EY will select 6-8 pilot sites, states, counties, tribal nations and territories, during the first year of the project. Working in partnership with the sites, the QIC-EY will implement and evaluate authentic children and youth engagement models in the pilot sites and help the sites to make systemic changes necessary for children and youth engagement. The QIC-EY will also develop a training/coaching model for the workforce that focuses on learning skills necessary for authentic children and youth engagement. This training/coaching model will be piloted in the sites and then disseminated nationally. The training/coaching model will include capacity building training, tools, and strategies that will serve as a change agent for the child welfare workforce and system to embrace the voice of children and youth in all aspects of the system of care. Alongside this work are efforts to build a training on child/youth engagement for court staff.

The QIC-EY is expected to bring systemic change that will be reflected through intentional policies, practices, and culture shifts – at first, within the selected pilot sites and, later, to the nation at large. The new center is expected to raise awareness, and to change the mindsets of caregivers,

social work professionals, families, court personnel and other support agencies in order for children and youth to be recognized as competent, knowledgeable parties who deserve to have input and decision-making power about their lives.

CHILD AND YOUTH ENGAGEMENT IN COURT

The key focus of this interview research was to identify experts' views on child and youth engagement in court processes. To help guide our research, a brief review of literature pertaining to youth engagement was completed. This review focused on both engagement in permanency planning, as well as hearing preparation and courtroom processes.

In social services, the continuum of child and youth engagement ranges from adult-led collaborations (whereby adults include youth input at their own discretion) to youth-led collaborations, in which youth develop ideas, make decisions, and seek assistance from adults when needed. Youth-adult partnerships (Y-AP) are situated between those two poles and generally involve youth and adults in partnership, each enjoying equal opportunity to give input, make decisions, and carry out tasks to reach common goals. Y-AP enhances engagement and understanding for both the staff person and the child or youth.

Zeldin and colleagues explain that successfully implementing Y-AP requires agencies to: “(1) gain clarity and consensus on the purpose of partnership; (2) mobilize and coordinate a diverse range of stakeholders; (3) create favorable narratives about youth-adult partnership; (4) construct theories and stories of organizational change; (5) affirmatively address issues of power; and (6) institutionalize new roles for youth.” Creating shared power requires staff to see children and youth as experts who have important perspectives and innovative ideas to share, and for a culture of shared responsibility, control, and accountability to be established. Before implementing Y-AP, staff should receive training about youth development, and youth should receive leadership training.

Eliciting authentic participation from children also requires providing children the option to participate; access to relevant information; age-appropriate preparation; a trusted advocate or support person; and a feedback mechanism to ensure youth engagement is happening. In order to make informed decisions, children must be provided information about their options and the consequences of those options. An adult guide should act as a support person to assist with logistics and to mentor children and youth by talking with them and helping them think through their ideas and concerns. The Annie E. Casey Foundation outlines a series of questions to assess how well agency staff are integrating the four components of authentic youth engagement (youth-adult partnership, preparation, opportunity, and support) in practice.

Augsberger and colleagues report that children youth may not attend dependency court hearings for a variety of reasons, including the child not being aware they can attend hearings, the attorney’s preference, hearings conflicting with school, and large caseloads such that attorneys do not have time to engage, prepare, and coordinate with youth. They describe three dimensions of child and youth participation in court: receiving information, providing information, and self-advocacy whereby youth present information to court. In order for children and youth to participate to the fullest degree, youth need to understand why the hearing is taking place and their potential impact on the hearing, and they should be debriefed afterwards on what

took place. This requires every child and youth to have a trusted legal advocate to guide them through the court process.

Attorneys, judges, and other staff need training on adolescent development in order to communicate with children and youth in a developmentally appropriate way. The American Bar Association developed an age-appropriate resource for youth navigating court that includes frequently asked questions, informs youth of their rights, outlines how to act in court, and provides a cheat sheet defining legal terminology. They also developed a guide to teach attorneys and judges how to prepare for children's involvement in court, make accommodations for children, use proper language, and ask age-appropriate questions. The Judicial Council offers guidance on how courts can create accessible environments for children, taking into account age, development, language, and culture. By reviewing existing codes and the major barriers to children's participation in court, Krystle developed detailed model rules for how to involve children in court, which include assessing the child's ability to participate, creating an open dialogue between the advocate and the child, creating a setting conducive to equal participation, developing a safety plan, and measuring children's satisfaction with the court process.

METHODOLOGY

Since courts play a pivotal role in permanency decisions, it is critical that they recognize the importance of youth engagement and receive the training to actualize it. A key goal of the QIC-EY grant is to create an online training for court staff that includes information on youth engagement. We conducted interviews with national judicial and legal leaders as an important step toward developing this training.

Judges and legal leaders were identified as candidates for interviews through the Workforce Advisory Council. The research team also identified people through partner agencies and the American Bar Association as well as its subcontractors on this cooperative agreement. A researcher affiliated with the QIC contacted candidates to confirm eligibility and interest. All interviews were completed remotely over Zoom. Participants were compensated with a \$75 Amazon gift card for their participation. Interviews lasted between 50 and 95 minutes.

A comprehensive 11 instruments that emphasized seven key areas (see Appendix A) guided interviews, which were recorded and transcribed. The study team reviewed these transcripts and identified 11 key themes, listed below. The balance of this report is organized by these themes.

- Professional experience
- Early engagement and rapport building with children and youth
- Age, expertise, and engagement
- Online hearings

- Participation in key decisions
- Engaging across culture and identity
- Courtroom layout and environment
- Transportation
- Effective communication
- Hearing approaches to facilitate engagement
- Post-hearing practices

Interview respondents are identified in Table 1 below.

Table 1. Interview Respondents

Roles	N
Judge or judicial officer	5
CASA or children’s advocate	2
Attorney	2
Program director or officer	2

THEME AND SUBTHEME CODING

To extract themes from the reports, the author used a framework analysis approach (Goldsmith, 2021). A framework analysis includes a mix of inductive (derived from the transcripts) and deductive (pre-defined) coding. First, the researcher familiarized themselves with the data. Initial identification of primary themes was informed by familiarity with previous QIC research and scholarship. In other words, the researchers were sensitized to the possibility of themes in the current data through their familiarity with materials pertaining to youth engagement and the barriers children and youth face in the legal system.

Second, upon reviewing the reports, the reviewer had the freedom to adjust, expand, and further define codes if they contained information that was distinctly different from the preliminary themes. The coding framework was adjusted in an iterative process as the reviewers scanned the reports.

Third, researchers coded the reports in accordance with the pre-determined themes. Reports were coded in a hit-or-miss fashion, meaning that if the barrier appeared at all in the report, it was coded as present in that report, regardless of its salience compared to other themes. The researcher continued to expand or modify theme definitions when the existing categories did not sufficiently represent the material. The researcher then summarized the themes and frameworks provided in the data and interpreted the results.

SUMMARY OF THEMES

Table 2. Key Themes in Survey Findings

Key Theme	Description	Frequency
Professional experience	Participants told of a lifelong commitment to child welfare that informed their perspective today.	11
Early engagement and rapport-building with children and youth	Participants acknowledged the importance of early engagement and relationship-building to foster engagement early on.	11
Age, expertise, and engagement	Participants described the importance of remaining cognizant of developmental and age differences when seeking to engage all children and youth.	10

Key Theme	Description	Frequency
Online hearings	Participants described the drawbacks and benefits of online hearings.	10
Participating in key decisions	Participants described the importance of having children and youth actively involved in making key decisions that had consequences for their lives.	8
Engaging across culture and identity	Participants described approaching issues of identity, such as gender or culture, with sensitivity to successfully engage children and youth.	8
Courtroom Layout	Participants described how courtroom layout can foster or hinder engagement.	8
Transportation	Participants describe the provision of transportation to and from hearing and the challenges they face.	7
Effective communication	Participants discussed the importance of authentic listening, holding space, actively eliciting information and creating conditions to encourage communication.	7
Hearing approaches to facilitate engagement	Participants describe steps such as in camera hearings or changing mindset to facilitate engagement.	4

Key Theme	Description	Frequency
Post-hearing practice	Participants outlined the importance of continued engagement with children and youth and their families following the hearing.	3

RESULTS

PROFESSIONAL EXPERIENCE

All respondents (n=11) indicated a lifelong commitment to serving young people and their families, often in child welfare exclusively, but sometimes in juvenile justice as well. Their responses tended to reflect the entirety of their careers, though judges (especially) distinguished their current roles from past positions as advocates.

- “I direct the child advocacy clinic at the [] Law School, and this is my 16th year at the law school. ...Our clinic represents kids and parents in both trial level and appellate...before that I represented children in [an urban] foster care system for about four and a half years at the [children's law center].”
- “My current role is as Director of Legal Services, which doesn't really mean anything, because I just wear all the hats. I’ve been in this role since 2016. I came to it as a staff member and was a former volunteer in the jail. My private practice had nothing to do with child welfare and I...ended up falling in love with it. I was a complex commercial litigator at a big firm in [city], and this was just my volunteer work.”
- “I've been with [the agency] for five years before I joined [the agency] I was a county attorney for seven years...And then before that I was an

Assistant Attorney General...for four and a half years, where I worked on [dependency] cases so I've been in the [dependency] world I think for like 17 years at this point."

- "I'm the Executive Director.. I'm old so I've been here a really long time. For the 39 years of my legal career... 31 years here at the support center..."
- "I had been practicing for a while, before I took the bench and in 2016 at the time, I took the bench I was a supervisor in a public defender's office over the juvenile division and I'd been a prosecutor in my previous attorney years and I prosecuted juvenile cases as well. And so after my appointment, it was about a couple of years before I actually came back to the juvenile courts...I hear both child protection and juvenile justice cases."
- "So out here in [state] all judges are elected, I was elected in 2013 so I assumed the role in 2014, so this is the beginning of my ninth year and we're a county that's large enough to have the trial court divided into several divisions. I'm in family division, which is what I wanted and where i'm intending to remain and we try to be a one family one job one judge division so I've done a full range of the types of cases that we do here, but my current assignment is primarily juvenile dependency and delinquency and then I also for our court hearings, where young people are requesting findings that would permit them to apply for special immigrant juvenile status...and I handled almost all of those cases for the division."
- "I spent time doing appellate work and trial work and then went to an administrative role in 2007. From 2007 to 2017 I was the co-director and then the director of the children's attorney Program. When I left there I started doing some training and consulting and so did quite a bit of training with CASA programs and some local courts prior to the pandemic and then the pandemic has shifted everything. But I took a more Council contract representing parents in 2019."

In general, participants acknowledged the importance of individual-level efforts to engage young people, but also recognized that the broader context—the case circumstances, the courtroom context, and the behavior of other court team members—was also very important. Several interview respondents (n=4) rooted this capacity in repeated experiences with different facets of family, juvenile and dependency law. Thus, the expertise that they brought to their cases and work with youth and families was multidimensional and deeply rooted.

- “I absolutely do lean on my experience as an attorney for children in attorney for parents on the bench I actually can't imagine being on the bench without having had that experience because it's so critical to understand what's happening in engagement with lawyers and with the legal system and how as an advocate for a particular parent or child you really have to relay information, and so it really has helped me on the bench to be able to not just administer justice but perceive justice as well.”
- “I've had a few different roles and have shared my experience in different ways...I did have direct client contact, but now - I do have a client direct client contact- but the clients are looking to reenter. I provide additional support for our advocates. ... I, myself, love the tough cases, so I really like to break down the walls of what people call “hard to reach ...hard to work with youth” for lack of a better phrase. But, I personally really liked working with youth that struggled connecting with people....we've tried a therapist...the social worker...they're not listening to anyone, and I really love those clients, because I, for some reason I found a way to connect with them.”
- “I have nine dockets that include veteran's treatment court, mental health court, adult felony adult drug court... family dependency drug court in early childhood court and I was assigned to this division last year when, and it is a five year assignment. I've previously resided in adult drug court throughout the years on the bench and I've also previously presided over family dependency drug court juvenile drug court and early childhood court which I helped to bring to the ninth judicial circuit. I've

previously been assigned to the felony criminal division juvenile division, including a stint in delinquency dependency, as well as domestic violence and the domestic relations unified record division. Prior to coming to the bench I primarily practiced family law and juvenile law.. throughout my career over 15 years.”

- “...I have extensive knowledge of the court process and trainings and resources available in the state of []. With regard to child welfare cases as far as the experience I bring I actually was a house parent at an emergency receiving home. After law school, I was in private practice, but then had the opportunity to work for the department of human services, so I was an agency attorney. And my background just fit into that and I understood what kids and families were going through, I had a perspective that other people didn't have so I started with the agency left there in left the state came back and worked with legal aid of [state] doing some parent counsel work and working with families at the poverty level...”

EARLY ENGAGEMENT AND RAPPORT BUILDING WITH CHILDREN AND YOUTH

While point of contact varied by jurisdiction, many judicial personnel meet young people and their families only at their first hearings. A few indicated initiatives to connect legal assistance to families pre-hearing. A few respondents (n=4) explicitly noted that this early phase of engagement was essential to the case:

- “I am still a believer that that first 72-hour meeting...and that protective custody hearing, whether there's some other way to do it... There's not a lot of room to ask more questions. There's rarely an opportunity for the parents to ask their own questions and it's, like, enraging actually.. It's just a bunch of information thrown at them, usually they're not even on the screen, so they haven't seen any of our faces, because they're on cell phones or something. It's just so impersonal. It's so unproductive. And, in the grand scheme of things, it's such an important critical introduction point...”

- “It is certainly in the beginning of any of these cases, whether it's pre or post petition, a challenge to situate yourself as an ally to youth because there's a lot of distrust over government involvement in any way, even when kids have been maltreated.”
- “But sometimes when you're all together in there, in the courtroom, we need to give the time for the youth to engage, especially in the beginning, because they may not know that they can talk and they don't know me. So they have to get to know me and feel comfortable with me before they're going to be willing to speak out, so I do encourage them to speak to their GAL to speak to their attorney.”

All emphasized the importance of in-person contact at the beginning of a case, as well as the critical importance of building rapport. They were in agreement that there's no magic formula for achieving connection, but emphasized the need to “meet clients where they are.” Respondents noted that early phases of the cases are essential to building relationships with children and youth. The importance of relationship was an ongoing theme in the data and respondents stated that effective relationships with youth require humility and honesty. Many recognized that they would need to work through others—family members, caseworkers, and other legal personnel—to establish the trust and connection. The following quotes illustrate the relationship nature of rapport building between the legal professional and the youth as well as their family (n=6).

- “... you need to have been able to build enough rapport with your client to represent them accurately and effectively in court... my expectation is that my lawyers at a minimum follow the law if you are zealously advocating you have done more than you need to just follow the law and built a relationship so having the seeds planted in building that relationship with the client for kids, especially”
- “And so, like, why not start with checking in with the child and seeing what is, you know, on and like, why not check it like, why not check in with a family first and say. Tell me how things are going and what issues, do you want to make sure you know, we talked about today, and then

why not end with a family to say, did we get to everything that you wanted to address today.”

- “[We] just provide a different space so they don't feel like “hey i'm just here to ask you 100 questions” - let's have some fun, build some rapport, maybe eat some lunch before we dive into this. So, we have gotten creative in ways. ... We like to meet with the youth at least once in the beginning of the case, because if you call a youth, you're just another person calling them - they're not going to remember you when you call again in a week or two...[they] don't know who you are. But, when you put a face to a person, you're more likely to remember that person and answer their calls.”
- “For the older youth in [state], is a state where all children are entitled to a lawyer, they always have one I do rely on the lawyers to have told the kids what it's going to be like, and this is how it's set up and those kinds of things so when people come in generally. I greet them.”
- “I think the real challenge is that children do not believe that the adults want to take the time to listen and until we can convince them that we really are interested, and we really will pay attention and respond, it's always going to be a challenge. Teenagers don't really like to talk to adults.”
- “...so [if] it can't be in person, it should be by Zoom, by Facetime some kind of way that the child can physically see who they're talking to you because it's there in a moment of trauma. Even if you have a phone call and say hi this is [name] and I'm your attorney or on your CASA or your caseworker. When they get into a bigger setting they don't recognize those faces and those names. But someone's got to engage with them. It's got to be personal in the beginning to find out what their point of view is and to make sure they're given information, we are still despite decades of advocacy about making sure kids are engaged.”
- “Unless we're willing to simply disregard the likelihood of a child not participating in the plan after court or after the planning meeting, we ought to involve them now. If what we really want is performance and

cooperation, as a kid the best way to get that is to engage their participation.”

- “And then I had a bailiff who was you know, one of my part time bellows was a retired middle school teacher, the other part time bailiff was a young mom, but she was pretty young herself and both really in tune with kids so we also had a connection to a young woman who worked with a child welfare agency, who didn't have a degree, but then the lion's share of the work and all kinds of shoes the jack of all trades.”

Respondents also indicated that preparing young people for court hearings involves:

1. explaining the legal posture of the case and purpose of the hearing,
2. working to continue to build trust, and
3. coaching the young people to advocate for themselves.

Two respondents emphasized that conveying technical and complicated information requires special effort and attention. This delivery of information is a specific feature of engagement and often takes place early in the case.

- “I take the time to speak with the youth, both in juvenile justice and child protection, I think it's very important and we're working as a team and we're trying to do better, as a team and it's a little bit of education for them to understand where i'm coming from in terms of the types of information that I would like to see. And we're getting there as a team, but I still take the time. Yesterday we had, for instance, two cases in the afternoon, starting at 130 and we went a little bit they asked for 30 and the two cases, because, primarily, I take the time to listen. So, I guess, as we look over things, we need to give an adequate amount of time unless the other participants are doing what they need to do.”
- “...my staff member who kind of manages the courtroom flow will have already created them as well and she's a very good people person, so I also rely on her. And then in their hearings typically. I will make clear to the kids that they have a right to be there and to listen, but if they don't

want to, it's okay if they leave - their lawyers will listen for them, and if they decide they want to get up and leave at any point that's okay...For the kids in the dependency cases I don't require them to talk to me, I really rely on the lawyer child relationship, and if the lawyers want them to then we do."

- "When they want to speak up you know...I ask a question, the attorney jumps in and answers it, and I'm like I want to hear from...the child..., so I think it's important that the court has that conversation and gets to hear from the child themselves. Now if the attorney believes that the child may say something that's going to incriminate them [and] they want to advise them not to speak about a certain topic or issue, I'm going to do that too. I'm not going to lead them into saying something that's going to get them in more trouble, I'm not going to ask them "did you steal the car?" But I need to know from this child more about what they're thinking. Have you had a chance to speak with your attorney? How do you feel about going to live with your mom? What do you do after school when it's time for you to go home? Do you do your homework? What's your environment like? ...So I'm usually trying to get to have that conversation and I think we have to."

Finally, at least one respondent noted the structural and systemic barriers that stand in the way of building interpersonal relationships as a tool to engaging children and youth. In particular, they noted that heavy caseloads and the associated lack of time stands in the way of relationship building and deep engagement with youth.

- "I think that it is certainly a struggle and then you combine that with the fact that many of the systemic players are busy, overburdened and may not have the skill set because we're not attracting people with the skill set to adequately engage families, whether that's lawyers or caseworkers."

AGE, EXPERTISE AND YOUTH ENGAGEMENT

Respondents acknowledged that their jurisdictions had approaches to engaging older youth, according them additional authority over their cases. But, most indicated that young people of all ages should be thus engaged, and that maturity was more determinative than age. More specifically, two respondents explicitly described relationship building with older youth (n=2) as a specific form of engagement.

- “To have a pocket of just like older youth...I think that would be able to like force attention to specific things as opposed to relying on whoever's in front of you to tell you what's going on...I think when kids are there, they certainly talk about them more and ask about them more you know what I mean like if there was.”
- “I mean this all moves with age - as a kid gets older, both physically and developmentally the child wants to be more involved. You want them to be more involved and it feels developmentally healthy for them to make more decisions in their case if you want them to own it.”

Respondents acknowledged that not all advocates will successfully connect with their clients; other court personnel who may have more time available, such as CASAs, caseworkers, or peer advocates, may have stronger rapport. Only one respondent had personal experience with peer advocates, but many made mention of having considered establishing such programs. In general, however, a group of respondents (n=7) focused on making interpersonal connections with the children and youth they serve and moving beyond a relationship defined by professional expertise and authority. Interview comments suggest a complicated dance between the utilization of expertise and achieving authentic, interpersonal connection between professionals and youth.

- “How do you create processes that really make them feel safe that they can they want to share and then, how do you ask them questions and to get them to open up to you, and then, once they share something with

you, what are you doing to validate them and to...And to give kids the true sense that something is going to happen, based on the information that they share.”

- “In my custody cases I often meet with kids and so that's a different situation because they don't have lawyers. And I think what I would do is basically tell them. Look, you know you've heard what your caseworker or the adults have to say, and you get a chance to speak to if you want to is there anything you want to say and that would be an example for a kid I know well, who I've gotten to know, over a period of review hearings, I will probably do something different, which is that. I might initiate a conversation with them, because I have something to follow up on, because I know what they've been through, you know what things were like three months ago, or six months.”
- “I am finding so many cases where kids and families, but particularly kids they're not told why they're in foster care, they're not told what the next steps are, they're not told what to expect or who to contact when they have. All the grown-ups assume everybody understands what we're doing and why we're doing it. But In my opinion, I think most kids who are coming through the system are still not getting that really just basic simple information early in their cases and even when they're getting it later. It's just kind of still I think being thrown at them in terms and ways that they don't understand.... I think also recognizing how many kids and families are afraid of the Court process and we don't do enough to familiarize them with that process. And I think there are some simple solutions to some of the problems...and just letting them walk around the courtroom, but get a feel for that space. Go over with them what a typical child welfare case [is]. Let them ask questions, saying things with families and relatives, you know.”
- “So the thing about it is that, with all the treatment courts, including early childhood court, etc., is that, as I mentioned, we're approaching this in a non-adversarial manner, I think that's key and also we're doing it as a comprehensive multi-disciplinary team. Working together for the same goal without abandoning the duties that we have in our respective

positions, but also realizing that we can get much more accomplished if we work together, then, if we continue to work against each other....We're all trauma trained, so we also know that we're not going to beat you up because you tested positive we're not going to you know abandon you or call or think you're a loser...we're your partner...we're trying to figure out, you know what happened to you, what's wrong with you..."

- "...this kid needs love...and we hear it all the time and we may deny it, but I think we all have a basic sense [that] we want love and be loved, we want that touch right...we want somebody to confirm us. I don't know anybody that's not like that."
- "I let them know what the purpose of the meeting is and what I'm going to do, and what I can and can't do. I'll answer questions to the best of my ability and I'll let them know when I can't answer a question."

ONLINE HEARINGS

The vast majority (n=10) referred to online hearings in their interviews. Some interviewees lamented the loss of person-to person contact during the pandemic and the online hearings that it necessitated. One respondent, for example, drew attention to the fact that they were unable to discern children's' non-verbal cues and could not observe interactions between families as she would have face to face. Families' tech literacy skills emerged as an obstacle to full virtual engagement, with participants sometimes unable to master the basic functions of the platforms being used. This was the case not only in the beginning of the pandemic but throughout. Likewise, children were not always able to effectively use Zoom which disrupted proceedings. Furthermore, the loss of in-person time meant that children's non-verbal cues could not be discerned as they would have been face-to-face. Interactions between children and family members were also not visible as they would have been at an in-person hearing, and this was identified as a disadvantage. Another concern that emerged was that young people were not necessarily provided adequate privacy during interactions with the courts, given that these took place in locations with other people

present. Remote hearings also led to a perceived less supportive courtroom environment, without the supportive presence of other participants.

Clearly, there were various drawbacks of the online hearings. However, even those participants who identified such drawbacks were able to identify benefits of online hearings. In practical terms, the use of Zoom and such platforms had effectively shrunk distances and facilitated easier attendance for those living far from the courts. Furthermore in-person attendance was not always essential but that Zoom allowed families to engage more effectively with the court. A less formal, more familiar home setting seemed to foster engagement between families and courts. Participants also described how online hearings led not only to increased engagement with families but also to more efficient running of the courts in terms of scheduling and timekeeping. The use of online tools allowed courts to plan and schedule meetings with more intentionality leading to less waiting around for all parties involved and more efficient use of time generally.

Several participants described how the use of online hearings has led to increased family engagement. It emerged that, pre-pandemic, many families did not engage with the court or return calls. It was described how families were cognizant of the fact that the online interaction would be their only chance to interact with him and took the chance. Participants described how families were given the choice of what medium to use during the pandemic and said that this should continue to be the case after the pandemic. They often saw this new modality as another tool to engage families and saw it as a fundamental positive change in the way things were done in courts. Our interviews point to several observations about online hearings:

- "...that's one of the silver linings obviously of the virtual world now...but it's still it's still problematic....I mean they're open hearings, you have to make a special request, if you want it to close one for some reason particular nature of the case or protection of kid or whatever. We don't often do that. The pandemic has changed so they're open right but there's but the files are closed, and so, for someone to know that something was happening."

- “I think the Zoom thing is going to, I mean if I have my way, it’ll be a part of a trial offer a court proceeding forever. it should be. It shouldn't be a pandemic intervention that should be something that fundamentally changes, how we think of his court and what court is because families often don't want to go to court and don't the physical place of court and don't need to go to the physical place of court and so. it's yet another way of increasing the ability of families to engage with course.”
- “It has certainly mitigated a lot of the negative effects of waiting. It increased participation of parents and caregivers and, we assume, of other professionals. Again waiting time just has gotten much more efficient. [There’s] no downside, you know. It's just not as it's not as warm and fuzzy...People participated more. Kids participate. I don't think kids were any more invited to our proceedings in the virtual setting than they were in the live setting.”
- “So I think it's critically important, and I think it can be scheduled out during the pandemic. It's been hard when we've been virtual to figure out how you do that same thing. But again, we implemented the same concept of blocking out time for a virtual Zoom court in chambers and then we just set the appointments for the kids to come on, I think that virtually though in thinking about choice and mutuality and safety, I want the kids to feel comfortable with the platform that we use so if they prefer to do a facetime we can do Facetime. And we can do Zoom or we can just have a phone call. I'm trying to build back in the time to go to the courthouse, but I think that's a virtual option, I think, should continue. Because I think it is helpful, especially like in Texas, some of my children are placed hundreds of miles away and so it's difficult to bring them in to visit with me just for that one brief moment in the court and then go back home.”
- “Some cases I may have to require parents [to attend] if they're not doing what they need to do, but yes, we will employ Zoom as a way to help everybody, so if it's sometimes it's the Attorney or the foster parents in any network, so they don't want to be at every status hearing, but they want to hear the Zoom I think it's been a plus”

- "I think it's gotten better, but then there's still some issues, connectivity issues - mainly [we're] reminding our youth to turn off their audios. Quiet background so there's no distractions in the courtroom. There has been some glitches I would say, with Webex hearing there, but not as many as when it first started."
- "I would say that would be another downfall of the virtual experience, where, although more youth are able to log in, there's not as much privacy. A lot of times you know our youth can't find that privacy in their home."
- "So one of the things that I've really disliked about the whole past two years is that it's actually been relatively rare that I see the children. There have been a lot of children in foster homes, where their foster parents absolutely could not deal with the technology, even when there were people that are helping them. And it just takes too much time. You can't be teaching them that when you're trying to conduct a proceeding. And there are people who've tried. I do review hearing, so there are people I've talked to multiple times many times they still haven't mastered mute and unmute, let alone anything else. So some of it is that. I think some of it is. How good is their internet service do they have it at all, do they have a smartphone and you know, do they have enough minutes on their plan?"
- "Interestingly, I thought that it would be hard for kids to testify by video or over the phone and I've had some kids who had to talk to me about a lot of difficult stuff who did really well with it. Which made me wonder, well, is it actually more comfortable for them, compared to come into the courthouse even though it's better for me if they're at the courthouse. It does mean that wherever it is that they're waiting maybe a little bit more comfortable for them, and they have things that other things they can do so, I think there has been a convenience factor for the families definitely. I've heard a lot of judges say we get better participation, because we're doing things virtually,"

- “The hardest part, of course, is the lack of personal contact, particularly when you have a treatment courts and problem solving courts are intended to be a community proceeding, so we have everybody come and everybody stays to clap and encourage the people who are doing well and also support the people who are not doing so well...and so everybody gets to be there and take a part in that and so we're like family trying to each encourage...so you know that's important. We did the best that we could, because we have everybody online, you know through [Microsoft] Teams or Zoom etc., but it's not the same as I can step to the side and talk to [participants].”
- “But [before the pandemic] it is surprising to me how many of my clients who are parents who have a lot to lose here will not call me back they wait till court to talk to me, but during the pandemic, it was different. Because they knew that they would not get to see me in the hallway they would not get to have some of that that time at the courthouse they seem to be taking calls more...I saw more kids during the pandemic on Zoom than I do at the House when we were in person. I think it was interesting to observe that they could make them available. And so I think we did get more participation in a lot of ways. I think people felt more comfortable thought when they were given the opportunity, because they were at home or they were in a setting that was not as formal. If there are court participants who have found it easy to adapt. This is another tool in our arsenal So even if we're in person, why don't we go ahead and Zoom? [If] we can get them involved or the child who is at a facility or located five counties away why don't we have them Zoom in instead of coming to the courthouse and sitting all day and all of that.”

ENGAGING ACROSS CULTURE AND IDENTITY

One of the clearest themes to emerge from the interviews was the challenge of working across racial and gender differences when engaging with children and youth (n=8). In some jurisdictions, Spanish fluency is essential for some advocates. Gender identity, in particular, was identified as an area of urgent

concern and respondents described needing to take affirmative steps to ensure the engagement and safety of youth they work with.

- “I mean there's certainly always work to do, we do have when it comes to language issues...we have some Spanish speaking volunteers...so people are communicating to them.... You know [we need a] more diverse population of volunteers. We've diversified our staff pretty good, but we still have room [to go].”
- “Sometimes, especially if their parents are not actively involved, I would like to know how [the youth] self identifies their race and ethnicity. And that's the kind of information you gotta get from actually having a conversation with your client and understanding that. Also important for me is to know [and]... to be mindful of pronouns and what pronouns the youth go by and again, you have to have the kind of relationship where you are able to have that information ready for the Court.”
- “You know, we hear all the time, both sides of - negative to the positive ones - kids feel really good when they feel respected. And you know the times when a person's gender identity, for example, when their identity is not recognized, [the youth] respond just quickly and viscerally they don't want to be there...You know, preferring the child's preferred identity in language and otherwise. Courts haven't gone there yet.”
- “If there is something that I need to know about this case before I call it, let me know - like if [they] now...needs and wants to be called by this name, I need to know that beforehand. If there's been a recent trauma...what do I need to stay away for from or what do we need to address, so... there are no surprises. We have several kids that have had a name change since the case was filed.”
- “[We emphasize] this is confidential between us...[and they] feel comfortable sharing...maybe [they] are pregnant...[and] they don't want their social workers or attorneys to know....”
- “So, first of all we're pretty careful in our language. What do you want to be called? Pronouns we're working on. We did have a young person

recently who...someone identified right up front, "You know this young person goes by this name and wants to be called they" and we were all aware of it, and we all messed it up. So there's that. You know I just really feel like it comes back to authenticity and general respect. I think it's helpful of course if you have some diversity in your courtroom right now my courtroom team is all white. [There is a] mix of women and men, my staff is black, which I think is helpful. You know...I do these immigration cases. I have a lot of cases with interpreters. I think it just comes back to basic respect."

- "...gender identity is another thing that I think some judges have a hard time because of our own implicit or explicit biases..."
- "You do have some attorneys you've gained some expertise, who have worked with trans kids who are going through transition, while they're in foster care and having to really dig into what are my responsibilities as an advocate? And how do I help this kid that I don't have this knowledge and experience, and so just being able to connect with advocates who've gone through similar things."

PARTICIPATING IN KEY DECISIONS

Respondents were asked about having children and youth participate in hearings and all grappled with the complexity of having youth present in court. Some respondents, as the following quotes suggest, noted the potentially traumatic impact of being in court and hearing negative things about one's family - or the youth themselves - and these respondents called for caution when discussing family members or the youth's behavior in front of children and youth.

- "Now, taking them out of court four times a year and four times a year taking them out of school four times a year to sit in the waiting room all day. And then they go into a room where in many of the cases...they've got to hear their parents' bad mouth and they got to hear that. That's not a positive picture. So you either have to run the room differently, you know, [have]a more constructive presentation of the parent - [a]more

strengths based approach of how you're approaching the narrative about the parent or you kind of bifurcate [the hearing]."

- When we're working with youth, be careful with the language that you want to use....Make sure you're not speaking negatively about the youth... I understand, sometimes our youth are very difficult to work with, I know that, but it's like speak more factual rather than "this is my opinion on this youth"...talk facts, not opinions... Just because we see their parents in this light, like it's still their parents... "people will talk so much crap about my mom but, I still love my mom - that's my mom..."

A number of respondents (n=8) discussed the trade-off between being in court and missing school or participating in a potentially traumatic conversation and they felt that the decision about whether the child or youth should attend or not should be determined on a case-by-case basis.

- "So I totally am on board with the best practice that kids should go. I also see that is a huge nuisance for them, sometimes depending on like when the hearing is and how substantive the hearing is. [Pre-pandemic] we would have kids show up and miss school for a five minute hearing and I'm like "I'm so sorry, nobody told you that we did not need you to come for this." I also get, you know, uncomfortable about it [when there are] ugly hearings to have kids there...Certainly older [kids], I think, absolutely should be there...We do have our kids that are very opinionated [and] that's a lot easier to advocate that they participate."
- "...Now is that outweighed by their presence. Maybe, sometimes it is. And, sometimes it certainly isn't. The kids presence is irrelevant if all you did was bring the kid there to say he was here - then it's hard to see that there was some benefit to them being there...The judge seeing the kid is another very important piece that we should name. It's on the positive side. Otherwise the kid is just a name or a number."
- "That's another piece... that [we] really have to think about. If do you do bring a kid to the proceeding, it means they're more likely to be a witness. Then being a witness means they're more likely to be cross examined. You know the presence of the kid in the courtroom - people

act like it's the, it is the panacea for all things and it's just not the panacea - there's so many more hard things that we all ought to be doing."

- "[School is] not a barrier. [It's] just something we have to deal with, I mean that's part of life right? So if I take it a case by case some want to come [to court] and I let them come, I may have to do those that are in school and I don't want them to miss school so we're doing those later on in the in the afternoon. If we can find a time that the there's a teacher institute so they're not as though, so we try to work around the school if we could sometimes. It may not be possible, but we do that, but we work around the schedules for the children, as well as a parent as a talk to me parents okay."
- "...kids do miss school to come to court. And you know we will write them an excuse, but, but they do miss school to come to court and we. Not all of the judges in our division, but most of us, including me we do schedule our hearings for specific times but we get it's impossible to adhere to that schedule, because you don't know how long things are going to take, and so you inevitably get behind and so people do end up wait and There are times when I'll try to accommodate someone's schedule with how you know whether I'm scheduling a case for the morning or the afternoon."
- "Well, you know it's a case by case decision. There are several factors that I may take into consideration when I'm speaking about juvenile dependency or juvenile delinquency. I'm going to look at their age. I'm going to look at their maturity. I'm going to look at what the issues are that we're dealing with. Of course we've got to wonder whether it's worth pulling the kid out of school in order for them to attend this hearing as posted. They need to be there to get their education, you know so there are all different factors that are going to come into play."
- "whether the child is present or not, should be the child's decision. I think they should be fully informed about what processes - what's happening - at this hearing or the staffing or whatever meeting or event is happening. And if they don't want to be there, then I think we need to

respect that if it's because they're having to be in front of a perpetrator of severe abuse or because they are involved at school and they don't want to be pulled out of school to go to a hearing that's going to last for five minutes and no one's going to even acknowledge their presence. I think we need to respect that."

However, when the issue is framed in terms of having children and youth actively involved in and participating in decisions that directly affect them, respondents believed this was very important. Respondents noted that part of engagement means respecting children and youth, inviting their participation, and creating processes that facilitate their deeper and richer involvement in the cases that have a profound bearing on their lives. The following quotes (n=5) reflect respondents' views that having youth actively engage in and participate in decisions affecting them is essential.

- ". . . but if I can have a child in court, there are a number of reasons that I want a child [there], including...we're making decisions about the child and the child really needs to be involved in and be able to have an opportunity to say their piece..."
- "And so, a case in point about how important is it is to listen to what kids want they know their own situation better than anyone else does they know where they're going to fit."
- "Even if we're not at the counsel table, just acknowledging them or acknowledging their family, when our youth brings their family and they sit in the back...Our judges always greet them "who's with us here today?" - "Oh, this is my family, this is my mom, this is my partner, whoever" and [the judge would] actually say hello to them before she would start the hearing. Little things like that, like it's really important...use youth's name right - we're going to use their name - we're going to address them as a person and that's really important. Treating them as people, giving them that space like "this is your hearing, we're prioritizing you, we're talking about you, so you're going to

be at the front table and able to see the judge face to face and talk to the judge"- it's really important."

- "I think they need to be fully informed, which means if they're afraid to come, because they don't want to see the perpetrator. Then let's talk about Problem Solving how about if we had you in the jury room and had a video setup so that you could see what was happening in the courtroom. And if you wanted to speak, that you could do that by video or we can set up the courtroom in a way that you could sit in an area where you don't have to see them so I think those options should be fully explored with the child, not just a the child says, I don't want to come and that's that and move on."

Finally, one respondent described a unique approach to engaging children and youth in the hearing process by incentivizing their attendance through a special shopping program, where youth are able to secure access to essentials. They noted that this innovative approach has been well received by youth.

- "We created this little shopping experience for our youth and the way that we get them to come to court, and if you come to court will give you \$200 credit to go shopping at our boutique. We get donations from like for over 21 different retailers... different clothing companies that you know once it's out of season, they like to give it....that really boosted up our participation in court [during the] pandemic and there was a lot of youth coming to court, really taking advantage of the boutique, which is really, really special and you just see them and they're just like really, really happy to be there right..."

COURTROOM LAYOUT

Legal experts indicate (n=8) that courtroom environments should be adapted and changed to better facilitate engagement with hearings and legal proceedings among children and youth. Despite this clear view, respondents also contend with the inherent tension of legal proceedings in the family

environment; namely, providing a safe space for children and youth and, simultaneously, signaling the formality and gravity of courtroom proceedings. Interview respondents noted that all court personnel (e.g., including bailiffs) have roles in creating supportive environments.

- “I mean so I'm glad you mentioned the architecture, because I think that's the piece that that's critical, which is creating spaces that are not threatening. You know...you can't ask people to stretch to do new things until they feel safe. And I feel like that applies a lot to this world in child welfare that we're asking kids to do something...and if they don't feel emotionally safe in the process they're not going to do it and I think that starts with what courts look like. [It] starts with ...walking through security in the beginning...and what the waiting room is like and how timely proceedings are. And then, once you get in the courtroom is the judge towering over you? There's nothing that says a judge needs to sit over you. I mean we could be sitting around a bunch of couches...like something that's more of a conversation...there's nothing in any court rule that I've seen that mandates that that judges and lawyers have to speak before families.”
- “[I try to bring] safety, the trustworthiness and transparency, the mutuality and collaboration... all of those things to the conversation, so I have stuffed animals, I want them to know that they're in a welcome space...I'll also try and make sure that they're comfortable and they agree, you know, do you want to do this visit, like this, you want to sit here in my office would you like to sit out in the courtroom giving them some choice.”
- “So, I mean [the court is] friendly in the sense that there are toys there. They're not there anymore...now nobody can touch anything that anyone else has touched. But you know there's toys, there's books, pre-pandemic, there was in the lobby a little writing table; you know it's kid sized and it's friendly...But it's still a courthouse. I've seen other places that kind of go above and beyond, and [our] county at least isn't there. And then, in terms of the court hearings. You know there's places that

kids can go and kind of sit in the corner and play while we're talking, but, it could definitely be warmer.”

- “Does that feel good or right to any of us? [Anyone who’s] been a parent knows that you would never want...your kid waiting for a bus and yet that's what you do... sitting on the bench over at family court. You feel like you're in an old bus station with chaos all around you... Certainly, within the limits we've talked about, the courthouse needs to be more child friendly. This means [not just] furniture, but in schedule and how you run through the day. Courts need to be accountable to that experience so, at least in the first instance, the Court and everybody in it needs to ask all the time, is this an environment that's working for these kids.”
- “The space right now, you decorate the space. I know that sounds superficial but it's really important. If you go into space and it just feels very formal you're immediately going to feel like uncomfortable like if you went to a morgue or something...One of our former attorneys would have these photography classes for foster youth and have them take photos. We printed a few of those and put them in court so when our youth [went in] “hey look these photos were taken by youth for youth” ...pull them into the room, explain everything because there's a lot of, like legal lingo that they might not understand [everything is] so fast in these hearings, sometimes...”
- “...sometimes the kids want to be in the courtroom but they don't want to be at the table. That's fine, they can sit in the back. And for little kids I used to have some toys that they could play with, although now they're only my office because we can't share toys, because of the pandemic...we have various colored pencils, crayons, paper. You know little kid coloring books, but then also, the more adult ones that have like the really intricate patterns and things and my staff always gets those out for people and they use it. I think it's important for all of the participants it's you know it's intimidating to go to court. You don't know what the people are going to be like you, may have an image in your mind of how a judge acts, and it may not be a very positive image. So...thought about it when

I was brand new judge. It was almost like, you know, if you were coming to my home for lunch or dinner or something. I would be greeting you and welcoming you and you're kind of coming to my home and so I'm trying to make it feel at least a little bit welcoming.”

- “I have finally gotten my chief judge to sign off on changing my court room, so that I didn't have a podium right in the middle and I could come down and sit at their level and talk to everybody...just to kind of get on everyone's level, as opposed to having them sit and stand and look up at me. We're all supposed to be working as a team, so I want to take that power dynamic away if I'm able to...In our early childhood court, we have toys, we have puzzles, crayons, stuffed toys. I mean it's all trauma friendly, child friendly, so it's I think it would be great if all of our courtrooms could start looking like that...And I know some people want to argue that we kind of minimize the importance of the fact that you know they committed a crime, and there is a victim in the case. No we're not doing that, but it doesn't mean that we can't still be human and we can't still acknowledge these are human lives that we're dealing with and just change the environment of it all. The punishment is still gonna come if it's appropriate.”

TRANSPORTATION

More than half of the respondents (n=7) mentioned transportation in their interviews. Transportation has an impact on the likelihood that attendees would be present and impacted on their ability to participate fully once there. Some detailed the lack or absence of funding for transportation while others described how funding or resources were available for those in need of transportation. Others described extensive, non-specific efforts to facilitate transportation using agency funds. Participants also referred to transportation in the context of the COVID-19 pandemic and suggested that the pandemic had resulted in transportation being less of a barrier to court engagement.

- “When I was a case manager actually there was a youth, who had come into court. He missed the transportation, so he came into Court by

himself, but he had a broken leg and he took the bus like three buses to court, he asked to be transported back home...so you know the judge at the time, allow me to step up an advocate for the youth. And I was able to state reasons why it would be beneficial for the department or why the department should transport the client back and she ordered that the department transport the client back.”

- “My 15 year old client wants to be in court and the Department didn't transport him today. You know, we can commence this hearing, but we can't proceed without my client [so] I'm asking for a continuance and you know I hate continuances, but you have to give them when a party who wants to be there, who has no ability to get themselves, there was not transported by the Department. And there were times I would say, this borders on the Department not making reasonable efforts, [and] when we come back if this young person is not here, I will entertain a motion from the US Attorney to find that the department is not make reasonable efforts and in this process...It's not the kids fault you don't have resources, you know they want to be here, there are party to the case.”
- “Another thing about it is that they don't have to leave work, they don't have to worry about transportation, they don't have to try to find a babysitter they'll have to do all those things so that's the advantage of it all. [people say] “... my car I got in a car wreck yesterday and I don't have any transportation” and “for me to take the bus from [home] is going to take all day all right, can you appear virtually something to that”...we also had the vaccine pop up at the same time [as court], so they can go shopping and get the vaccination...that's been one way to kind of help them come in, for our youth that are having transportation issues...pre pandemic, I've gone to go pick up clients from their house - “if you want to go to court I'll take you to court,” so I picked them we've picked them up and then drove them to court, they had their court hearing...put music on, some tunes, helps them relax and you know that's really helpful....”
- “[transportation is a] problem always an issue always an issue. We have a motion that I drafted That recommends that the department. provides

transportation and we push for that you know we believe that transportation to hearings is just like transportation school it's just like transportation to extracurricular activity, it should be a general expectation for a placement that. As a placement you're transporting to court, you know that's what we're trying to push we're also trying to push judicial officers at one hearing to enter those orders for the next hearing. You know, is it in the best interest of [the child] to attend a hearing and, if so, who's doing the transport, you know that decided at the hearing prior you know, instead of waiting two days before. Yeah we're doing about it."

- "A lot of bad days, what about transportation is that an issue for people if they're going to get to court...it's a really big issue. And I mean, transportation anywhere and everywhere, is a huge issue there's no funding for it. I mean that's one of the silver linings of the virtual world now that we're used to all of it but it's still problematic."
- "But they miss transportation to court for kids. Generally, it tends to be a combination of foster parents, foster care agency staff, and for kids who are living with their parents, they're getting there however their parents are getting there which is a combination of public transportation or cars. Are there issues with it? Yes. Do they mostly get here, yes."
- "Sometimes they have [transportation] in place and they have contracts with people and that person says we can't get them here. I say, that's fine, we're a statewide agency with a lot of resources. I just put it on the agency to get the children there...if the parents can't get you there. A good caseworker will give you...what you need. If they express the need, we will try to meet it."

EFFECTIVE COMMUNICATION

Respondents described the need to create authentic spaces that enabled children and youth to voice their concerns and desires. They commented on the importance of interprofessional communication between attorneys, judges and other players in a case - both in and out of court. They also made linkages between empowering children and youth and effective

communication. Overall, case communication emerged as an important feature of engagement among a significant number of respondents (n=7).

- "... [guardians ad litem] should ask the young person how [they] want to communicate with me. Do you want to see me in person, do you want to text? Let's engage and empower them and how you want to communicate, how often you want to communicate. Whether that be them communicating with their attorney or whether that be them communicating with the judicial officer right, how do you want to be present? And do you want the present all and then be how often, through what means."
- "I don't want to have any pressure applied to the youth that makes it seem that I want a particular answer over another because sometimes that's what happens, they want authority figures adults to hear what they want to hear, and so, then, if I'm asking questions in a way that presumes response, then I may not actually get to understand the needs of the child, the desires of child, which is what's most important for me."
- "No one understands what a child's been through or the needs of the child, those systems need to allow children to dream again and that's a question that I asked them and it hurts my heart that they have no dreams, what are your dreams what it is you want I don't know I don't know. So I have to encourage them to do that, so when you come back and need to know, and let me know what did you dream about."
- "Right, no one's teaching them how to professionally talk...and modeling that...so by being on those calls with them, they can see how we speak to people to get the things that we need, and they can really kind of learn from that. ... one of my favorite things is just doing three way calls, or going with them to the visits on their appointments, because I think a lot of youth learn by seeing...copy what you see. I would say that's probably the best way to do it, but if you [have to] have time to do that, you know just really explaining to them, you know or breaking it down right...trying to explain [it] in a way that doesn't suck...You can't really force it...it's not

going to happen right away, but by doing it right m you can slowly start like kind of bringing them closer [to] doing things.”

- “We tried to be as comprehensive as we could and...gathering information from as many stakeholders. Trying to engage youth, which was the hardest component. And I don't have concrete answers, of how you go about that, but I can attest how vitally important it is to get information directly from the children and their families, about what's happening and what's going on, because they're getting lost in our system...”
- “And so I think that many of our youth in our systems feel completely shut out of the process, and so, you know as we think about you know you're really focused on are on training models, I mean there's so many different levels of it, I mean from a systems level, you know, starting with baseline questions of our case workers and attorneys are recreating the conditions that allow them the space to communicate effectively to even talk to us outside of court. ... In terms of having the time and then the next question is when you have the time are you effectively engaging with them in a way that is giving the space to tell their story? And then...once you get those stories, like what are you doing with them? How are you using them in court or out of court to make sure that the voices of youth are heard?”
- “Listening to kids voices is very important, and believing their positions in there, and you know, trying to cue into their emotions and where they're at is vital...that that helped form the basis for my work. So...now as a judge sitting on the bench listening to kids listening to what they want, was very important.”

HEARING APPROACHES TO FACILITATE ENGAGEMENT

Engaging children and youth during hearings can be challenging, and respondents shared anecdotes both about confident youth who went surprisingly silent in hearings and recalcitrant young people who would make candid revelations for the first time in open court. Jurisdictions vary in the formality of proceedings; some routinely swear in children and youth en masse along with all other parties in the courtroom. Such formalities,

respondents reported, help signal the importance of the proceedings. Overall, there were a limited number of comments (n=3) pointing to specific features of courtrooms or hearings that could facilitate a more engaged approach with children and youth.

One participant spoke about taking herself out of the proceeding and adjusting her mindset from a legalistic one focused on finding fault and critically analyzing testimony to find fault. She spoke of the importance of taking a step back and giving young people the opportunity to express themselves. Importantly, she described how young people should be believed rather than regarded with suspicion.

- “I think [lawyers] tend to try and issue spot often and want to poke holes in a story in order to get confirmation of the validity of a story or the credibility of the person speaking. So I try and step back from that and let the youth speak their truth and listen to them to believe what they're saying, as the truth. And so, taking it from that perspective is also very eye opening because you learn a lot more about what they may need rather than trying to issue-spot and find ways to find fault and the credibility of what they're saying so.”

Participants acknowledged that children are often reluctant to speak in front of parents or other parties in legal proceedings and spoke of the value of arranging in camera proceedings to facilitate engagement.

- “So there's not a lot of in camera. I haven't done this in a long time, but I have made special arrangements if kids don't want to talk in front of parents or if they can't make a hearing for whatever reason, I've made arrangements to talk [in camera]. Commissioners, outside of hearings, some are a lot more willing to do that and don't consider it ex parte.”

POST-HEARING PRACTICE

Respondents emphasized the need for advocates to check in with children and youth immediately following hearings to ensure their emotional wellbeing and that they understood what transpired. Legal experts also emphasized the importance of having regular contact, preferably in-person

and in their placement and not requiring clients to trek to their legal offices. Such requirements are often prescribed by statute or agency policy, though such obligations are evidently not universally fulfilled. Several respondents (n=3) very explicitly addressed the need to be in regular contact with children, youth and families between hearings.

- “Lawyers ought to be required to see their kids outside of court, you know, between hearings. Lawyers ought to be required to communicate with the child before and after every proceeding to let them know what happened.”
- “One of the important things about our program is we don't just give up if our youth doesn't call us back right away. If you've really tried a few times and we can't reach them directly, we will go through other avenues to get in contact. ... And then afterwards, you know at least me, I would call them after their hearings and let them know what we talked about, what was ordered, what they should expect from their social worker...after the courtroom, after the court hearing, it's really important to not, say, let your client take a step back...little things stick, you know, little moments really stick in your brain and you know to appreciate those things.”
- “The other thing is that we get to have regular contact with the family or the participants. So instead of seeing my kids in juvenile court or my families in juvenile court dependency court every six months, I see them every month and also my team sees them for family team meetings every month before they see me in court, so you know we have wraparound services. We're there to fully support the family and provide them with the resources they need - whatever they need. If we don't have it we're going to find it and we can get it to them to provide them with a stable foundation, and in order to go forward.”

DISCUSSION & CONCLUSION

The Quality Improvement Center on Engaging Youth in Finding Permanency (QIC-EY) is a five-year cooperative agreement funded by the Administration on Administration on Children, Youth & Families - Children's Bureau, and in collaboration with five partner agencies across the country. This report contributes to the work of the QIC by clearly identifying factors that contribute to child and youth engagement in court proceedings.

Our findings point to a variety of factors that experts in the field believe have a direct bearing on youth engagement. Taking a closer look at these factors, it appears that they can generally be classified into two distinct groups: (1) relational factors that pertain directly to the youth and legal professionals and how they behave and relate toward one another; and, (2) structural factors that focus on in-direct contributors to youth engagement and are generally not under the immediate control of either legal professionals or youth. The experience of interview respondents is not included in this classification system as it does not directly bear on engagement. Table 3 summarizes the factors and their classification.

Table 3. Engagement Factors: Relational and Structural

Relational Factors	Structural Factors
Early engagement and rapport-building with children and youth	Online hearings
Age, expertise, and engagement	Participation in key decisions
Engaging across culture and identity	Courtroom layout and environment
Effective communication	Courtroom layout and environment
Hearing approaches to facilitate engagement	Transportation
	Post-hearing practices

Overall, our research suggests that children and youth must play an important, meaningful role in their own legal proceedings. In this sense, engagement is dependent upon the ways that legal officials and youth behave and relate to one another. For example, the engagement process begins with rapport-building between youth and legal officials – some of those interviewed go so far as to suggest that children, youth and their families are guests in their home when they enter the courtroom. Our interviews also make clear that engagement is contextual. Youths age and maturity have a bearing on how engagement should proceed. This contextual nature of youth engagement underlies the fact that engagement is a process and cannot be easily reduced down to a checklist or procedure.

In fact, our interviews suggest that a better way to think of engagement is to view it – at least in part – as a relationship between legal professionals and the child or youth. And, like any relationship, it is necessary to make

adjustments along the way based upon the needs of the individuals involved, including by keeping a clear focus on communication and tailoring the relationship to the unique needs of those involved. Finally, hearings – which are clearly influenced by the structure of the court – also are places for children, youth and legal officials to connect and for youth to be heard. Those we interviewed emphasized the need to conduct hearings in a way that invited participation and involvement by children, youth and their families. Essential to this is being sensitive to young people’s culture and identity.

Our interviews also indicate that there are concrete factors that contribute to engagement. These factors are different from relational or behavioral ways of engaging and can be better thought of as structural or organizational contributors to engagement. For example, officials note that online hearings, which became commonplace in the wake of the Covid-19 epidemic. Notably, online hearings help ensure child and youth attendance and presence at hearings. But, interviews also note, that the loss of in-person contact can have impacts, as well. Nevertheless, transportation challenges can stand in the way of child and youth engagement and online hearings help mitigate the risk posed by transportation challenges. Interview respondents also clearly indicate that the layout of courtrooms has an important bearing on youth engagement – if a courtroom is intimidating or imposing, children and youth will not feel safe and will be disinclined to participate and engage in the legal proceedings. Those we spoke with also noted that hearing procedures – and expectations around post engagement contact and communication – also influence engagement levels. If structures facilitate ongoing communication and contact, then children and youth will remain engaged and involved.

Overall, those we spoke with demonstrated a sophisticated understanding of the various predictors of and barriers to child and youth engagement. Respondents’ views were anchored in their significant experience working with young people in legal settings. They described steps taken immediately before, during and following courtroom proceedings to foster engagement. Our research points to a range of practical and systemic actions that can

help foster engagement as well as diminish fear and suspicion of legal proceedings. Ultimately, a combination of interpersonal and structural steps is necessary for children and youth to feel involved and empowered in legal proceedings.

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APPENDIX A. INTERVIEW PROTOCOL:

I. Court System Personal Youth Engagement Interview

Demographics:

- *Date of interview:*
- *Interviewer:*
- *County & State of court*
- *Current role in the court:*
- *How long have you been in your current role?*
- *Do you have regular contact with youth that you represent/preside over before each court hearing? Yes / No*
- *What % of your cases would you say you regularly connect with youth 14 and older that you represent/preside over before/during each court hearing?*

Questions:

This Interview is broken into categories: What happens before, during and after court, and what are the big picture issues around youth engagement in court.

II. Before Court Questions:

Preparation for Court:

1. What are best practices to build and maintain rapport with your clients?
2. What are promising practices that you use to prepare youth for court?

For in-person court hearings:

3. How does your office prioritize transportation to court?
4. Who is responsible for addressing logistical questions such as transportation and time away from school?

5. What are some of the different methods and fallback methods for ensuring youth have successful transit to court?

For online court hearings:

6. What are some of the different methods and fallback methods for ensuring youth are able to access the online system and are able to have a confidential space to attend court online?
7. Have there been any promising practices to ensure youth who are attending court online from school or their placement have a safe/confidential way to do that?

Advocacy:

8. Do you have tools or checklists for covering the topics most important to the youth?
9. How might your preparation and youth engagement for court change based on whether you are in a best-interest or expressed interest jurisdiction?

II. During Court Questions:

10. What barriers have you identified that prevent children/youth from engaging in the court proceedings? How have you addressed these issues?
11. How are youth incorporated into court?
12. Are youth sworn in as witnesses or not? If so, does doing so have a chilling effect or not?
13. Where does the youth sit in court?
14. Do judges and referees remain on the bench or do you come to be at eye level with the youth (ex. at counsel table)?
15. Do your court permit ex-parte contact with the youth? Under what circumstances?
16. How is youth engagement in routine hearings (ex. review hearings, permanency

hearings) differ than in evidentiary hearings (ex. adjudication trials, TPRs).

17. Are your court hearings open to the public, and how might that impact youth engagement?

III. After Court Questions:

18. Do you spend time with the child/youth after the court session to ensure they understand the outcome and next steps?

19. How should youth be supported and debriefed after court?

IV. Big Picture Questions:

- 1) Does the engagement of children and youth in your court system vary based on the child's age, race, sexual orientation, gender identity, or pregnant or parenting status? Please explain, providing any detail on age that makes a difference on court involvement.
- 2) How are children and youth engaged in the following proceedings within your court system? What does engagement look like?
 - Hearings concerning visitation
 - Permanency planning hearings
 - General case planning
- 3) Based on your opinion, when children and youth are authentically engaged in their own child welfare case in court, what does that look like?
 - What are the hallmarks of authentic youth engagement in preparing for and in conducting court hearings?
 - What is the "best case scenario" for engagement in courts? What is the ideal?
- 4) What systemic, staffing, training or other barriers stand in the way of authentic youth engagement in child welfare legal proceedings in your own court system? How do you think these barriers be alleviated and/or removed?
- 5) What personnel or volunteers in your court (attorney, CASA, caregivers, social worker, peer youth advocate, Judge) are the most likely able to ensure children/youth are engaged in court decisions?

- 6) Where have you or could you learn about children and youth engagement in court proceedings?
- Trainings? Which ones?
 - Other jurisdictions? Which ones?
 - Leaders in the field? Who?
 - Other, please explain.

Follow up question here - **Do you have materials which help explain the process to youth?** For example role plays, diagrams of the legal process, or pamphlets which explain players, legal jargon, or acronyms. **If so, could you share those materials with our team?** We're interested in seeing if we can review any trainings and materials aimed at youth engagement specifically that already exist on preparing youth for court including topics like child development, interview techniques, cultural competence, building report for example, If you have any materials built for training lawyers or court personnel to engage in authentic youth engagement we'd love access to review those materials).

- 7) If you were to design an online training that helped court personnel work to engage children and youth in legal proceedings,
- What would you want to know? What would be most useful to you?
 - How would the training be delivered?
 - Who would you want to hear from? (Judges? Lawyers? Social Workers? Youth?)
 - What topics or issues would be of most value to you?
- 8) Based upon your experience, what recommendations do you have related to the development of a training to help engage children and youth in court proceedings? What advice do you have for the designers of this training?
- 9) Have any particular programs, policies, statutory changes, or court rules led to higher rates of youth attending court and speaking in their own cases?
- 10) As laws, times, and needs change, how should the courts ensure youth engagement policies are formed and adapted by youth?
- 11) What have we missed? What else should I know about the involvement of children/youth in child welfare court proceedings?

APPENDIX B. INFORMED CONSENT PROTOCOL

Good [morning/afternoon] [name], thank you for your interest in participating in the expert interviews which will help inform the work of the Quality Improvement Center on Engaging Youth in Finding Permanency. This interview and demographic questionnaire are part of a larger study to find effective practices for engaging youth in permanency decisions.

Before we start with the interview, I will provide you with information you will need to help you decide whether you would like to participate or not. This process is called “informed consent.” You may ask questions at any time during the informed consent process. Once I have answered all your questions, you can decide if you want to be in the study or not and then we will start the interview. We will also give you a copy of the Principal Investigator’s contact for your records if you have any additional questions after the session. The Principal Investigator is the person overseeing the entire study.

PURPOSE OF THE STUDY:

The goal of this interview is to understand how youth can be authentically engaged in the permanency planning process. You are being asked to participate because

you are or were in foster care yourself, or you are a child welfare worker, child welfare administrator, child welfare supervisor, court staff, or a legal professional who works with youth through the permanency planning process. Your answers, combined with the answers of others, will help us understand what is currently being done to involve youth, what barriers there are to engage youth and how systems can more authentically engage youth, especially related to permanence.

STUDY PROCEDURES:

Participation is completely voluntary. If you agree to participate, you will be asked to complete an interview.

The interview will be approximately 90 minutes long and will include demographic questions. During this session, I will pose a series of questions such as (see below) to gain an understanding of youth engagement and permanency.

(for former foster youth) “what was the court process like for you?”

(for court professionals) “How is youth voice heard through the various legal processes?”

(for child welfare workers) “What helps you build good working relationships with youth?”

This discussion will allow you to express your ideas and share feelings that may be difficult to convey in a paper survey format.

This session will be recorded for note taking purposes only and your face will not be recorded if we are doing this interview via video conferencing.

Your contribution is important, and we will provide you with a \$75 electronic gift card from Amazon for participating. Participation in these interviews will involve no costs to you.

Again, your participation is completely voluntary. You can refuse to answer any and all questions, and you have the right to skip any question at any time.

RISKS AND BENEFITS:

We anticipate that this interview will present minimal risk. As a participant in this interview, there may be no direct benefit for you. However, the goal of this study is to develop and improve youth engagement practices and policies in child welfare and courts across the nation. We hope the information from these interviews will be used to revise and improve the youth engagement programs around the country.

CONFIDENTIALITY:

The information you give to us will be used for research purposes only. Your responses will be linked only to an ID number and will never be stored directly with your name or other identifying information. The research team will not have access to your name and will not be reported with any information you provide. Information you provide will be combined with answers from other participants and reported in summary form. All staff involved in this research are committed to confidentiality and have signed a Confidentiality Pledge.

Do you have any questions at the moment?

Please verbally confirm with us that the interview process and goals of the study have been explained to you and let us know if you agree to take part in this interview by saying, “yes”.

CONTACT INFORMATION CARD:

Project investigator:

Angelique Day, Ph.D. at dayangel@uw.edu or call 1-206-685-5664 or the UW Institutional Review Board 206.543.0639.

If I have questions later about the interview or the study, or if I have been harmed by participating in these interviews, I can contact Angelique Day. If I have questions about my rights as a participant, I can call the Human Subjects Division at 206.543.0639 or email at hsdteamj@uw.edu.



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