



# Four Ways That Courts Can Actively Engage Children and Youth Involved in Child Welfare Proceedings



Children and youth are experts on their own lives, but often they are not engaged meaningfully in their own child welfare cases by court professionals. They frequently have little or no power over important aspects of their lives that are impacted by court involvement. Court professionals need to engage authentically, meaningfully, and directly with children and youth to determine what they want and which options will work best for them and their families. Children and youth who are involved in child welfare proceedings are not always able to communicate

fully what they need. As a result, engagement strategies need to be tailored to each individual's age and level of development. Even though the roles of stakeholders vary, everyone on the court team needs to work to ensure that children and youth feel empowered to have a voice and a choice about their futures. Following are four ways that court professionals can engage children and youth of all ages authentically and can ensure their involvement in all decisions being made about their lives.

# 1. Use court hearings as opportunities to build relationships with children and youth.

Depending on the court's structure, hearings may be the times when court professionals and children and youth have the most contact with one another. To encourage and to set the expectation that all children and youth attend their own hearings, the court should create a policy requiring this<sup>1</sup> and should schedule hearings after school hours so that the children and youth will not have to miss school in order to attend.

In court, professionals should ensure that the voices of children and youth are heard. All stakeholders need to engage and to build relationships with children and youth in hearings by acknowledging their presence and thanking them for attending. Court professionals should introduce themselves and allow

children and youth to do the same. Judicial officers need to provide an overview of the child welfare case process and the purpose of the hearing in plain language. When speaking to and about children and youth, professionals should be respectful and give them ample time to speak and to ask questions. Additional engagement strategies include speaking directly to children and youth by referring to them by their chosen names, asking if they understood the proceedings, and explaining the next steps in the legal process for them. Judges and court professionals should engage children and youth in age-appropriate conversations about their overall well-being, including their education, current placements, family time, physical and mental health, and normalcy<sup>2</sup>.



The following resources describe practical ways to engage with children and youth in a courtroom in a manner that is developmentally informed:

[Engaging Children and Youth in the Courtroom: Judicial Bench Cards](#)

[American Bar Association Youth Engagement Project - 1: Youth Engagement in Court](#)

[Seen, Heard, and Engaged: Children in Dependency Court Hearings](#)

[Virtual Hearings Tip Sheet](#)

<sup>1</sup> National Council of Juvenile and Family Court Judges Board of Trustees. (2012, January 20). [NCJFCJ Children in Court Policy Statement](#). Coronado, CA.

<sup>2</sup> Gatowski, S., Miller, N., Rubin, S., Escher, P. & Maze, C. (2016). Enhanced resource guidelines: Improving court practice in child abuse and neglect cases (pp. 74-78). Reno, NV: National Council of Juvenile and Family Court Judges.

## 2. Create a child-and-youth-friendly court environment.

The court process and environment can seem overwhelming and stressful for children and youth involved in child welfare proceedings. To help them feel more comfortable participating in their hearings and the court process, court teams can work to create an environment that is transparent and centered on the needs of children and youth.<sup>3</sup> Some strategies for creating a child-and-youth-friendly court environment include:



### Explain the Process

Produce orientation materials and procedures that explain the court process for children and youth of different ages. This can include handbooks and pamphlets as well as informational videos.



### Invite to Attend

Prepare an invitation from the judge that encourages children and youth to attend their own hearings and describes what will happen in court. The invitation should describe various ways that children and youth can participate in their hearings (such as in person, virtually or by writing a letter).



### Plain Language

Create hearings that are less formal by using written and verbal communications that are child-friendly and in plain language to reduce legal jargon and to increase children and youth's understanding of the hearings. In addition, have judges step off the bench and remove their robes to sit at eye level with children and youth to build trust, to reduce anxiety, and to share power.



### Welcoming Environment

Include child-sized seats, reading materials and toys, plus child-friendly artwork in waiting areas and courtrooms to create welcoming environments.<sup>4</sup>

The following examples describe practical ways to create a child-and-youth-friendly environment:

[Child-Friendly Courtrooms: Items for Judicial Consideration](#)

[Hearing Your Voice: A Guide to Your Dependency Court Case](#)

<sup>3</sup> Ibid. (p. 51)

<sup>4</sup> DeVault, A., Helfrick, V.A., Marsh, S.C., & Snider, K.M. (2018). Environmental Considerations for Trauma-Responsive Juvenile and Family Courts: A Review of the Literature with Recommendations for Practice. *Juvenile and Family Court Journal* 69(2), 5-20.

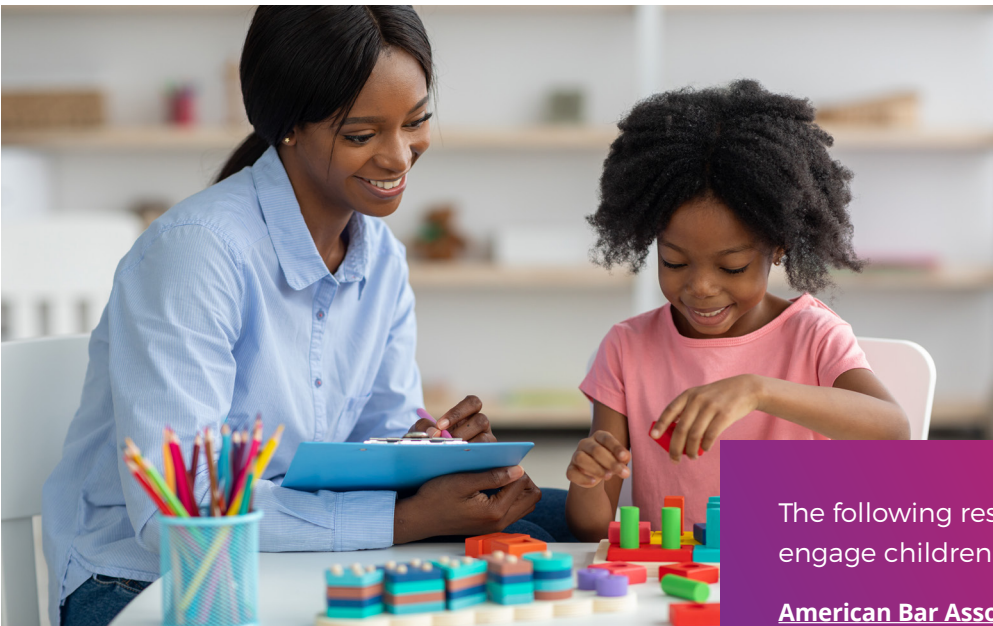


### 3. Create opportunities to engage children and youth between court hearings.

Hearings should not be the only times when court professionals connect and engage with children and youth involved in child welfare proceedings. Court professionals need to take action to engage children and youth at all stages of their cases and between scheduled hearings. One way to do this between hearings is to conduct regular family group decision-making meetings where stakeholders — including children and youth, parents, other family members, and other supportive individuals — come together to discuss information related to their cases and to collaborate in making decisions about the case plans. Children and youth should have as much input as possible into the creation of their own service plans and any modifications to these plans that are needed. They should have input as well about their permanency and concurrent plan preferences,

any permanency transitions needed and any other aspect of their cases. These meetings need to be family-focused, strengths-based, and community-based.<sup>5</sup> Agency and court staff can work together to organize and to facilitate these meetings.

In addition, guardians ad litem (GALs), court appointed special advocates (CASAs), and attorneys for children and youth should meet with them regularly to observe how they are doing and to discuss their needs while updating them about the progress of their cases. These regular check-ins offer opportunities to invite children and youth to their upcoming hearings and to help determine whether more frequent court reviews are necessary.



The following resources describe ways to engage children and youth between hearings:

**[American Bar Association Youth Engagement Project - 2: Permanency and Transition Planning](#)**

**[Team Decision Making: Key Resources for Assessing Child Risk and Safety](#)**

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<sup>5</sup> [Enhanced Resource Guidelines \(pp. 70-72\)](#).

## 4. Partner with people who have lived expertise to create a court process and an environment that promote success.

The court system has much control over the lives of children and youth yet rarely is developed with their input and needs in mind. This does not set children and youth or court professionals up for success. Persons with lived expertise have unique insights into the system and can help to identify opportunities for its improvement. By partnering with persons with lived expertise, court professionals can create a court system that puts the needs of children and youth at the center of operations and prepares them for success. To develop a system that authentically engages children and youth, court teams should implement one or more of the following strategies:



### Feedback from Youth

Conduct surveys to gather feedback from youth about their court experiences. These surveys can be conducted at various points in the case process but are most common at case closure. Surveys allow children and youth to provide honest feedback about what could have been improved and what worked well for them.



### Peer Mentors

Train youth or adults who have lived expertise to become peer mentors for children and youth currently in the child welfare system.



### Advisory/Advocacy Group

Develop an advisory or advocacy group that includes persons with current and past involvement with the child welfare system. Task this group with examining policies and practices that affect the lives of children and youth in care.

The following resources describe practical ways to engage people with lived expertise:

[Strategies for Engaging Youth and Families with Lived Experiences](#)

[So You Want to Include a Lived Experience Expert](#)



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