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Identifying the essential competencies for court professionals to promote youth engagement in permanency planning in court hearings

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ABSTRACT

Many youth age out of foster care without achieving permanency. This article describes a process undertaken to determine priorities for creating curricular content to train court personnel on how to authentically engage youth in permanency planning. Utilizing the Delphi method with adults with foster care lived expertise, a list of competencies was prioritized for inclusion through a comprehensive literature review and a series of individual interviews conducted with a broad range of stakeholders (youth with lived experience, state and tribal direct service workers, supervisors, administrators, judges, and child attorneys). Highly rated competencies were included in the subsequent training developed after completion of the Delphi process.

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Transition age youth; permanency; child dependency courts; family court; court training

Background & introduction

To many children and youth in the U.S. foster care system enter and exit care without ever experiencing permanency. “Permanency” is a multifaceted concept that has been defined by Avery (2010) as having an enduring family relationship that is safe and meant to last a lifetime; offers the legal rights and social status of full family membership; provides for physical, emotional, social, cognitive, and spiritual well-being, and assures lifelong connections to birth and extended family, siblings, other significant adults. Also included in this definition is the need for children and youth to understand their family history and traditions, race and ethnic heritage, culture, religion, and language (p. 403–4). In practice, some key aspects of this definition have been emphasized (legal permanency (reunification, guardianship, adoption), sibling, and relative connections) (Barth et al., 2017; Gustavsson & MacEachron, 2010;

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Perry, 2019) while other aspects have gone largely ignored (supporting well-being and continuity of culture and traditions) (Adler, 2001; A. S. Jones et al., 2015). Courts play a key role within the child welfare system in achieving permanency for children and youth- they are responsible for applying and upholding federal and state statutes that govern the permanency planning process in partnership with state and tribal child welfare agencies (Walsh, 2015).

Statutes that govern courts in the permanency planning process

Permanency planning is governed by states through a court process in compliance with the Adoption Assistance and Child Welfare Act of 1980 (P.L. 96–272). This law requires that states that receive federal foster care and adoption support funds must provide “reasonable efforts” to keep families together and to reunite them when children are placed out-of-home. It also requires states to have an approved plan for providing foster children, including older youth, with individual case planning and permanency planning efforts, and when appropriate, placement with relatives (Greenberg, 2022). The act was amended in 1997 under the Adoption and Safe Families Act (ASFA) (P.L. 105–89). ASFA requires a 12-month time frame for permanency hearings and a definitive permanent plan for the child; and requires reasonable efforts be made to place children in a timely manner when adoption is identified as the permanency plan (Greenberg, 2022). Specifically, for youth in foster care who are ages 14 and older, the Preventing Sex Trafficking and Strengthening Families Act (P.L. 113–183) passed in 2014, limits state use of the permanency goal “another planned permanent living arrangement (APPLA)” as a permanency plan only to youth who are age 16 and older and adds case plan and case review requirements for these older youth (Greenberg, 2022). APPLA is a goal that deprives youth of the possibility to obtain a more legally secure type of permanency (adoption and/or guardianship) when reunification is no longer a viable permanency goal. Most recently, Congress passed the Family First Prevention Services Act (P.L.115–123) in 2018 which restricts state use of congregate care settings/group homes in favor of placements that can lead to greater achievement of permanency for older youth. For youth who are members (or eligible for enrollment) of federally recognized tribes, courts have an additional responsibility to ensure that permanency planning decisions are made in compliance with the Indian Child Welfare Act (ICWA) (Summers, 2023). ICWA, established in 1978, serves two primary purposes: the protection of American Indian/Alaskan Native (AIAN) children and youth against unnecessary removals from their families and tribes and the protection of tribes and tribal authority from encroachment by state or federal authorities (Pharris & Day, 2024). Specifically, ICWA gives tribes judicial power over child welfare matters

involving AIAN children and youth to ensure diligent efforts are made to ensure they have access to cultural in addition to legal permanency.

Even though child welfare courts revolve around the ostensible needs of youth, youth are rarely participants in their own hearings (Pitchal, 2008), and youth are often excluded from other meetings and planning about their future (Furrer et al., 2023). Youth are often not invited to hearings and are not able to express their needs and wants, even though participation is beneficial to them (Pitchal, 2008). Additionally, engagement and collaborative decision making are critical in child welfare cases (Browe Olson, 2020). To facilitate youth participation, adults must create environments where youth feel comfortable (Furrer et al., 2023), and where their voices will be heard. Those involved in court proceedings, such as judges, social workers, and lawyers, must work to ensure that youth are able to be involved in hearings and proceedings. These individuals should receive training to familiarize themselves with these issues, and the importance of youth voice.

Benefits of youth engagement in permanency planning hearings

Having children and youth authentically engage in decision making toward common goals has advantages, as these partnerships foster engagement and understanding for both the staff person and the youth (Libby et al., 2005). The court context presents some challenges to the authentic inclusion of youth in decision making processes (i.e. Regular contact – face-to-face, in placement, and in court – is essential but rare, given low reimbursements and limited time; hearings being scheduled during the school day, and the desire of youth to not miss school; lack of clarity on who is responsible to deliver the youth [to court] and the problem of court personnel (CASAs, attorneys) being prohibited by office policy from transporting youth; virtual hearings raising concerns about privacy, etc. (Wollen et al., 2023), however, given the formality of due process and the authority of court professionals' decisions have on the impact of the life course of children and youth, the benefits of engagement of children and youth in court hearings outweigh these challenges. Authentic youth engagement in the context of legal proceedings demands that court staff recognize the experiences and expertise youth bring to proceedings and establishing a culture where children and youth have agency with respect to decisions being made in court. Successful partnerships requires that professionals and youth: (1) gain clarity and consensus on their role in decision making (2) mobilize and coordinate a diverse range of stakeholders; (3) create favorable narratives about authentic engagement; (4) construct theories and stories of organizational change; and (5) institutionalize new roles for youth (Zeldin et al., 2005). Authentic youth

engagement requires small but important changes in tradition-bound legal processes, including providing meaningful opportunities to participate, and access to relevant information. Given the nature of court proceedings, youth must also have adequate guidance from a trusted advocate or support person who can offer age-appropriate preparation (Cashmore, 2002; Jim Casey Youth Opportunities Initiative, 2012; Stoneman, 2002). Youth should be fully apprised of the choices available to them and the benefits, costs, and consequences for each (Checkoway, 2011). Finally, professionals should put in place accountability mechanisms to ensure that youth engagement is meaningful and does not become an empty legal exercise (Cashmore, 2002; Jim Casey Youth Opportunities Initiative, 2012).

The scholarly literature indicates that youth participation in the courtroom is an important aspect of youth engagement in dependency and related legal proceedings but note that structural barriers often prevent participation. School attendance, for example, often needs to be sacrificed for youth to attend hearings, as courts tend to conduct business during schooltime. Moreover, youth often fail to receive notice of hearings and may not understand that they may attend them. Their own attorneys may prefer that they not attend, or fail to provide proper preparation (Augsberger et al., 2016). Augsberger et al. (2016) also describe three dimensions to youth participation in court: (1) receiving information, (2) providing information, and (3) self-advocacy; and argue that all of these are essential components for youth to fully comprehend as part of meaningful participation in court. These authors also argue that a full debriefing after each hearing among court professionals and youth is also warranted.

Meaningful engagement of youth in preparation for and during court requires that attorneys, judges, and other staff understand adolescent development to communicate with youth (Washington State Center for Court Research: Dependent Youth Interviews Pilot Program, 2010) effectively and appropriately. The American Bar Association (ABA) provides resources to help court personnel ensure youth receive age-appropriate information to be able to navigate court processes successfully. Topics include rights, court decorum, and a guide of legal terminology (American Bar Association, 2008). The ABA also has materials for attorneys and judges on preparing children for court, making needed accommodations for children, avoiding jargon, and crafting age-appropriate questions (Khoury, 2007). Some states have also developed guides for local jurisdictions (For example, see California Blue Ribbon Commission on Children in Foster Care, 2009). Some have suggested revising model court rules that address barriers to children's participation in court (Jordan, 2009).

Current study

The current study is designed to demonstrate the practice of authentic youth engagement in the design and development of a training that targets court professionals in understanding what permanency means to children and youth and how they could better support authentic youth engagement in the preparation and implementation of permanency planning hearings. This study builds on the limited literature on what authentic youth engagement looks like in child welfare practice settings (Furrer et al., 2023; Salazar et al., 2021)) and is one of the first studies to specifically address what authentic youth engagement should look like in a courtroom setting.

Specifically, the research questions for the current study include:

- (1) How do children and youth want court professionals to think about permanency in the context of the permanency planning process?
- (2) What training competencies do children and youth want to see court professionals trained on to better authentically engage them in permanency planning hearings?

Methods

Sample

The Delphi method used in this study involved forming an expert panel with different viewpoints or experiences to provide input on the inclusion of topics for the training (Niederberger & Spranger, 2020). Participants were eligible to serve as panelists if they were 18 to 29 years old and had lived experience with foster care. The QIC EY National Youth Engagement Advisory Council (Council) was formed for the overarching project to allow voice from lived experts who were formerly in foster care to inform the project process and deliverables. Specifically, the Council included professionals and young adult affiliates from ten organizations across the United States who had lived experience with foster care. To develop the panel, the project team met with the Council to discuss the training and the Delphi method. The Council members were invited to participate in the Delphi process and were encouraged to invite other eligible youth (eighteen and older) within their networks to gain more participation. The Council members were provided a link to a registration form that allowed the project team to screen for eligibility. Twenty-nine eligible Council members and others lived experts from their networks registered to participate as panelists. Of the twenty-nine lived experiences experts who registered, twenty-seven completed both surveys with a response rate of 93%.

Table 1 reports demographic information for the 27 participants. The panelists include one non-binary member, 22 (81%) females, and 4 (15%)

Table 1. Panelists' descriptive statistics ($N = 27$).

Characteristic	Frequency	%
Gender		
Female	22	81
Male	4	15
Non-Binary	1	1
Race/Ethnicity		
Black/African American	12	44
Multi-Racial	6	22
Hispanic/Latinx	4	15
Caucasian	4	15
Native Hawaiian	1	4
Age		
18-20	4	15
21-23	7	26
24-26	13	48
27-29	3	11
Residential Region in the U.S.		
Midwest	5	18
Northeast	8	30
South	5	18
West	8	30
Unknown	1	4
Final Permanency Plan Experienced		
Reunification with a Parent	3	11
Adoption	6	22
Legal Non-Relative Guardianship	2	7
Relatives or Legal Relative Guardianship	1	4
Aged Out of Care or Emancipation	11	41
Other (Probation, 3 rd Party Custody arrangement)	4	15
Type of Lived Experience*		
Nonrelative, Family Foster Care Home	22	82
Relative/Kinship care Home.	8	30
Congregate Setting/Group Home Care	9	33

*Some participants reported multiple types of lived experiences.

males. The panelists identified as African American/Black (44%), Multiracial (22%), Latinx/Hispanic (15%), Caucasian (15%), and Native Hawaiian (4%). Almost half of the participants (48%) were between the ages of 24 to 26 years old. The panelists resided in many regions across the United States, including the Northeast (30%), West (30%), Midwest (18%), South (18%), Unknown (4%). The panelists had a range of lived experiences, with 82% having at least one placement with a nonrelative, family foster care home; 30% had placements in kinship care homes; and 33% had placements in congregate settings or group home care. The panelists also had a diverse range of permanency plans when they left foster care, with aging out of care or emancipation (41%) and adoption (22%) reported as the most common. The least common permanency plan was placement with a relative (4%), legal guardianship with a nonrelative (7%), and reunification with a parent (11%).

Measures

In preparation for implementing the Delphi process, the project team members reviewed scholarly literature regarding youth engagement in court

processes to find salient issues and possible topics suitable for inclusion in a court training curriculum. We found that youth engagement in social welfare services varies considerably. In some contexts, adults maintain clear authority and solicit input from youth entirely at their discretion (K. Jones & Perkins, 2005). In contrast, some activities are led primarily by the youth themselves, who conceptualize ideas, make all key decisions, and seek assistance from adults when needed (Libby et al., 2006). Most youth service activities lie in between these extremes, with youth and adults acting in partnership. Taken together, the review of literature identified a set of issues related to ensuring meaningful youth engagement in court processes. In addition to the themes identified in the literature review (Wollen, Feltner, et al., 2022) the project team also interviewed multiple court professionals ($N = 11$) (Peters et al., 2022) and lived experts with foster care experience ($N = 15$) (Wollen, Feltner, et al., 2022) to identify both the challenges and opportunities learned in practice that have both hindered and supported youth engagement in permanency planning hearings. Themes identified across these multiple data sources in turn were provided to the Delphi participants to consider in identifying the most salient training elements for court personnel to best prepare them to support and engage youth in permanency planning hearings.

After interviews with multiple stakeholders and reviewing the literature, the project team created a list of 21 topics for consideration for inclusion in the training. Examples of the topics include a) Benefits of Youth Engagement, b) Cross-Systems Collaboration for Permanency, c) Effective Attorney-Client Engagement, d) Biases that Impact the Ability to Partner with a Child/Youth, and e) Separation, Grief, and Loss (see Table 2 for a complete list). The project team also created descriptions of the topics to help the raters understand the content covered for each topic. For example, the description for “Art of Engaging Children/Youth” was “learning strategies that build rapport and communicate to the child/youth that he/she/they matter(s). Building skills that help keep the child/youth at the center of the work and authentically engaged. Understanding the need to build relationships and develop transformational relationships.” The Qualtrics survey platform was used to develop and disseminate surveys for demographic questions and the topics’ ratings. The panelists were instructed to complete the survey by rating the topics on a 5-point Likert scale (1 = extremely important; 2 = very important; 3 = moderately important; 4 = slightly important; 5 = not important at all). The survey was used for participants to enter their scores during the first and final round of the Delphi.

Procedures

This study used a Real-Time Delphi process during a 2-h virtual meeting using the Zoom platform that involved surveying, reviewing, and discussing the survey results and then resurveying (Aengenheyster et al., 2017; Niederberger

Table 2. Final survey ratings ($N = 27$).

Topics	M (SD)	Percentage rated as very important or important
Separation, Grief, and Loss. Understanding the impact of loss on children and youth and how the loss associated with removal from their birth family can be impacted by losses they experience in the system including change in placements, separation from siblings, and lack of power and control on decisions related to their personal life. Recognizing how separation, grief and loss impacts a child/youth's ability to engage and enter into new relationships. Learning different ways children grieve and why this is important for legal practitioners to keep in mind as they work with children and youth.	1.26 (0.58)	92.6%
Trauma's Impact on Children/Youth Engagement. Understanding how the child welfare system can potentially trigger a child's experience of trauma and even retraumatize a child or youth and how this impacts their ability to engage and interact in a trusting way with others and with the system in general.	1.3 (0.6)	92.6%
Maximizing Effectiveness of Children/Youth Engagement in Court Hearings. Policies, practices, and tools to support full participation including adequate preparation and notice, allowing for alternatives to full participation, increasing understanding of what to expect and what not expect, understanding the role of the attorneys and others in the hearing, providing adequate support during the hearings, debriefing.	1.37 (0.55)	96.3%
Prepare and Inform Children/Youth of Transitions. Learning strategies to proactively prepare children/youth for transitions with an intent to lessen some of the trauma brought on by transitions (change in placements, change in schools, transitioning out of foster care, etc.); learning strategies to ensure children and youth have full understanding of what to expect next and how their voice and engagement can be included in transitions that take place.	1.41 (0.68)	88.9%
Consequences of Permanency Planning without Children/Youth Voice. Focus on the benefits to the children/youth and the case around increasing youth engagement ranging from better information for the court, holding all partners (caseworkers, attorneys accountable), supporting children/youth engagement in their permanency planning and goals, developing self-advocacy skills. Focus on the potential negative consequences of overriding youth voice including disrupted placements and permanency, rebellion, and detachment.	1.44 (0.57)	96.3%
Effective Attorney-Client Engagement. Describe what high quality legal representation means including style, frequency, and quality of contact. How to build these relationships in a trustworthy and genuine manner. Identify other non-legal supports that might be needed and how legal practitioners can partner with others involved in the case to support the best outcomes.	1.44 (0.74)	92.6%
Ability to Acknowledge, Respect and Respond to Cultural Differences. Understanding that children/youth have unique needs related to their cultural background; learning strategies to acknowledge the importance of a child/youth's culture; recognizing one's own biases; recognizing the impact being in foster care can have on one's self-identity and culture; honoring and supporting children's cultural identity, providing strategies that legal practitioners can use to honor and take into account a child/youth's identity.	1.44 (0.79)	88.9%
Importance of Not Giving up on Permanency for "Hard-to-Place" Children/Youth. Embracing the belief or attitude that permanency is possible for all children/youth; shifting the paradigm to "children aren't hard to place to permanent-loving and committed families are hard to find." Recognizing the different types of permanency that exist and can be achieved. Promoting the need to establish connections for all children.	1.63 (0.82)	85.2%

(Continued)

Table 2. (Continued).

Topics	M (SD)	Percentage rated as very important or important
Benefits of Youth Engagement. Understanding the key principles to children/youth engagement; knowing the benefits of this type of engagement for children/youth both in the short and long term; recognizing how youth engagement can benefit legal practitioners and ultimately assist in finding cultural, legal and relational permanence for children/youth; hearing directly from people with lived experience about the importance of engagement; laying the foundation to believe children and youth have the ability to contribute, are invited to the table and feel included and heard.	1.67 (0.72)	85.2%
Art of Engaging Children/Youth. Learning strategies that build rapport and communicate to the child/youth that he/she/they matters. Building skills that help to keep the child/youth at the center of the work and authentically engaged. Understanding the need to build relationships and develop transformational relationships.	1.67 (0.82)	85.2%
Youth Legal Rights in Case Planning and Permanency. Overview of the key federal laws and guidance related to supporting legal and relational permanency, youth engagement in court hearings and case planning, and supporting transition to adulthood.	1.74 (0.97)	81.5%
Exploring the “No” with Children/Youth. Engaging with children/youth in discussions around why they are expressing desires to not be adopted, reunified, or connected with adult permanency resources. Understanding the variety of emotions that the word ‘permanency’ can raise and the need for ongoing discussions about permanence to take place. Understanding that ambivalence/apprehension can be due to many reasons including but are not limited to divided loyalty, fear of rejection, trauma, and a desire for independence.	1.78 (0.83)	81.5%
Communication Styles. Understanding the different communication styles that exist and how these styles impact engagement; gaining an awareness of one’s own communication style (passive, passive-aggressive, aggressive, and assertive) and how they blend or mix with other communication styles; learning to identify the communication style of others; recognizing how communication styles can be adapted to improve engagement opportunities with children and youth.	1.78 (0.99)	77.8%
Child and Youth Development. Understanding typical child development on social emotional, cognitive, language/communication and physical areas; recognizing the impact trauma can have on child development and in particular brain development; understanding disrupted child development and the difference between chronological and developmental age; learning methods/strategies that can be applied at different developmental stages to engage children and youth in the court processes.	1.81 (0.98)	81.5%
Interpersonal and Communication Skills. Identifying different types of communication skills and how these can be applied to encourage authentic engagement such as active listening, providing empathy and validation; learning techniques to form connections and establish trusting relationships with children and youth; identifying verbal and nonverbal communication and how they impact engagement of children and youth; developing strategies to assist in having clear, appropriate, honest and respectful conversations with children and youth related to procedures taking place in court and decisions being made by the court.	1.93 (0.66)	81.5%
Gender Identity and Expression and Sexual Orientation. Working with, respecting, and accepting a child who is LGBTQ+. Understanding definitions and using the right language. Being familiar with the differences between sex and gender, gender expression and gender identity, and sexual orientation and gender. Understanding the impact of acceptance/rejection. Learning how gender identity and expression and sexual orientation should be taken into consideration in determining how best to engage children and youth.	2.07 (1.09)	70.4%

(Continued)

Table 2. (Continued).

Topics	M (SD)	Percentage rated as very important or important
Interconnections Between Legal, Relational and Cultural Permanency. Defining these different types of permanency and how they are all equally important and not exclusive of each other. Taking a broader view of permanency and what constitutes a family, with emphasis on the various types of legal permanency and how to think beyond the checkboxes. Understanding how children/youth can be engaged with finding all these types of permanency and their role in making decisions about how they define family.	2.07 (0.94)	70.3%
Biases that Impact the Ability to Partner with a Child/Youth. Exploring how implicit biases related to culture and age affect ability to partner with a child/youth. Taking an implicit biases survey and understanding how this can impact one's ability to engage children/youth. Recognizing the multicultural lens needed for child/youth engagement, including in a courtroom setting.	2.15 (1.08)	66.7%
Courtroom Protocols, Practices and Culture. Expectations and best practices around children/youth participation in hearings, including appropriate language, accessibility, courtroom layout and structure, calendaring of hearings, right to participation and notice, style (formal versus informal) of the hearings or participation.	2.22 (0.79)	70.4%
Cross-Systems Collaboration for Permanency. Review how the legal system can partner with other systems (e.g., education system, mental health system, juvenile justice system) to support stability and permanency.	2.33 (1.19)	59.3%
Youth Pop Culture. Identifying what pop culture is and how understanding the culture of young people helps adults and supporters connect with children/youth authentically. Identifying the latest trends and how to use these to communicate better with children/youth.	3.11 (1.13)	25.9%

Notes: The mean is based on a 5-point Likert scale (1 = extremely important; 2 = very important; 3 = moderately important; 4 = slightly important; 5 = not important at all). Topics are organized by the mean score (extremely important to not important at all) and in boldface text if they met the consensus criteria.

& Spranger, 2020). Several project team members were assigned tasks during the call to make the experience user-friendly. For example, one member was the waiting list monitor who admitted registered panelists. The monitor also had to readmit a few panelists who lost internet connectivity. Another team member served as the greeter, answered questions before we began, and helped facilitate the discussion. Other team members monitored the chat and responded to participants.

The panelists were guided through the process one step at a time. The session began with a project team member explaining the purpose of this project and the training for court personnel. Next, the panelists were provided with a survey link in the Zoom chat to complete a brief survey to capture the demographics of the panel. This allowed the panelists to become more comfortable with taking an online survey. Subsequently, the panelists learned about the Delphi process and its purpose.

Next, we surveyed participants regarding their initial ratings of the importance of training topics. The participants remained on Zoom while they entered their ratings of the training topics into the online survey, which allowed the team to answer questions as needed. Non-

lyrical slow tempo low fidelity (Lo-Fi) music played in the background during the survey-taking to ease any discomfort with silence. When all participants completed their initial ratings, the mean ratings of each training topic were calculated in real-time and reviewed with the full expert panel.

Next, the panelists were encouraged to provide feedback about the topics by speaking or using the chat feature. The panel was asked which topics they viewed most critical and if any of the mean ratings surprised them. Participants who rated topics of higher or lower importance were encouraged to share their perspectives. The discussion concluded after 30 min when everyone had an opportunity to share their thoughts verbally or by writing them into the chat. Then, participants were re-surveyed regarding their rating of the topics. For this final round, the panelists were asked to consider the panel's mean ratings of the topics from the first round as well as the perspectives shared during the discussion before entering their final ratings into the survey (Diamond et al., 2014; Keeney et al., 2011; Niederberger & Spranger, 2020). Each of the participants received a \$50 gift card as an incentive for their participation as panelists in the Delphi process.

Data analysis

Means and frequencies were used to establish the inclusion of the topical areas for the training. Participants rated the importance of each topic using a 5-point Likert Scale, with one indicating extremely important and two as very important. We excluded any topics with a mean less than a two as we only wanted to retain those that the panel viewed as extremely to very important (Diamond et al., 2014). Subsequently, we examined frequencies to assess the panelists' agreement on the topics' importance. We set the criterion for achieving consensus status as eighty percent agreement among the raters on the importance of the topics (Diamond et al., 2014; Niederberger & Spranger, 2020). Thus, the final list included topics where 80% of the panelists rated them as one or two.

Results

Of the 21 topics rated by the panel, 14 achieved consensus status for inclusion in the training. Table 2 displays the panel mean, standard deviation, and the percentage that the panelists rated the topic as a one (extremely important) or a two (very important). During the panel discussion, the panel was asked to provide feedback on the topics that stood out as most critical. This section will review the topics that achieved consensus status and the panelists' views when shared.

Nine topics focused on engagement (Maximizing Effectiveness of Children/Youth Engagement in Court Hearings; Effective Attorney-Client Engagement; Benefits of Youth Engagement; and Art of Engaging Children/Youth) or factors that impact engagement (Traumatic Impact on Children/Youth Engagement; Separation, Grief, and Loss; Interpersonal and Communication Skills; Child and Youth Development; and Communication Styles). All but one (Communication Styles) achieved consensus status. Some panelists noted that their experiences with court personnel formed their decision to rate these engagement-related training topics as very to extremely important. For instance, some panelists described dehumanizing experiences where court personnel would focus on their paperwork rather than engaging with them to become acquainted. This was especially disconcerting to panelists who believed their paperwork portrayed them negatively instead of conveying how their trauma histories impacted them. The panelists noted that their distrust of system personnel intensified without engagement and trauma-informed approaches. These experiences also made panelists cautious about disclosing to any system personnel when they feared their disclosures would be misconstrued.

The panelists advised that the training should help court personnel become trauma-informed to engage effectively with youth. They believed that training needed to help court personnel understand youth from a trauma-informed lens to avoid misinterpreting their behavior. They also indicated that the training should help the court personnel interact with youth in a manner that does not exacerbate their trauma. For instance, one participant was told by a judge to control themselves when they cried in court. Similar to trauma, they believed that court personnel need to learn how to recognize the grief experienced by youth and respond with compassion. They believed these topics could help court personnel learn to engage and build authentic relationships with youth through a trauma-informed approach, which would result in earning their trust and subsequently understanding them and their desired goals.

Five topics related to permanency, including Exploring the “No” with Children/Youth; Youth Legal Rights in Case Planning and Permanency; Importance of Not Giving up on Permanency for “Hard-to-Place” Children/Youth; Prepare and Inform Children/Youth of Transitions; and Consequences of Permanency Planning without Children/Youth Voice, all achieved consensus status.

Many of these topics emphasized the importance of youth involvement in the process, which the panelists believed was essential to youth success and wellbeing. They explained that system personnel decisions have long-lasting effects that extend into adulthood. Therefore, they believed that youth should be afforded the opportunity to ask questions and provide their input about life-altering decisions, such as the termination of parental rights.

Unfortunately, several participants were not provided with this opportunity, nor did the personnel provide a rationale for their decisions. They noted that this lack of inclusion exacerbated their feelings of grief and feeling unheard. One participant also noted that involving youth in decision-making throughout the process would help them develop the decision-making skills needed for adulthood. Because system personnel had made all of their decisions, they felt ill-equipped to make important decisions when he aged out of the system.

Four topics were related broadly to culture, including, Ability to Acknowledge, Respect and Respond to Cultural Difference; Gender Identity and Expression and Sexual Orientation; Biases that Affect the Ability to Partner with a Child/Youth; and Youth Pop Culture. Only Ability to Acknowledge, Respect and Respond to Cultural Difference achieved consensus status. The participants noted some redundancies across the topics that would allow them to be condensed and merged. However, one participant emphasized that the training should help personnel become more culturally responsive, such as learning to ask questions in a culturally sensitive manner. Additionally, the training should help participants understand how different cultures express themselves to avoid misunderstandings. Further, system personnel should ensure that interpreters are linguistically appropriate by matching their dialects to the youth so they can participate in the process.

Discussion

The purpose of the Delphi process was to generate a comprehensive list of training topics that are essential for court personnel to be successful in supporting and advocating for youth in foster care and to then prioritize the competencies for inclusion in an in-service training for court personnel responsible for decision-making on court cases involving older youth with legal permanency. Twenty-one total topics were identified, with fourteen of these topics identified as essential for inclusion in court training for court personnel. The highest rated competencies included understanding the consequences of permanency planning without youth voice and maximizing the effectiveness of youth engagement in court hearings. The young people who participated in the Delphi process emphasized the need to define permanency broader than legal permanence. This broader definition has been a recommendation of previous researchers. For example, the search for permanence, including a reliable, lifelong parenting relationship and the opportunity to maintain contact with family and other important people, has been described by youth and foster alumni as a critical need (Avery, 2010; Ball et al., 2021; Wollen, Vanderwill, et al., 2022). Simultaneously, youth also need opportunities for skill building in the preparation for independence (Avery, 2010). Other topics discussed during the Delphi process from the literature that the participants resonated with included: Foster youth reported rarely

being involved in the decisions made about their short- or long-term care plans made for them (Furrer et al., 2023), and reported having minimal, if any, control over maintaining core relationships with those to whom they are attached (Avery, 2010; Salazar et al., 2021). One of the solutions identified by a study conducted by Geenen and Powers (2007) current and former foster care youth that the Delphi participants raised up emphasized the importance of taking part and having a say in the important decisions that impacted their lives while in care, and the importance of the role of the court in securing caring, long-term relationships with adults as they transitioned into adulthood after exiting from care. Another important consideration discussed by participants was the theme of separation, grief, and loss. This is a topic that many other researchers have documented the need for court involved professionals to better understand and be sensitive to in legal decision-making (Mack, 2024; Roszia & Maxon, 2022).

The topics that reached the highest consensus through the Delphi process were synthesized by the American Bar Association into a five module (two and half hour) training package that is offered in an asynchronous format (Quality Improvement Center for Engaging Youth in Finding Permanency, 2024). Court personnel identified as eligible for inclusion in the training are judges, child attorneys, court appointed special advocates (CASA workers), clerks and bailiffs- anyone whose job in the court setting requires them to interact with youth. This training has been designed as a free and open access training resource for courts and is expected to be available nationwide beginning in the fall of 2026.

Some limitations of this study merit consideration. Research on court personnel competence and older youth in foster care needs continues to grow, and thus, the list of competencies should be regarded as a current “snapshot” of the competencies based on current knowledge. Future advances in research may shift or expand the current understanding of the best practices for court personnel. The training curriculum should continue to be updated, expanded, and validated to reflect current research. Second, the panelists were chosen for their personal experience and expertise, but random sampling was not utilized. Thus, it is possible that another, equally qualified group of people would have identified or rated the competencies differently (Hsu & Sandford, 2007). For example, the current sample was predominantly female. It is possible that a more gender diverse sample would have rated the competencies differently. Teaching competencies to court personnel does not ensure they will apply these competencies in the courtroom. Finally, it should be noted that previous research has indicated training in isolation may not yield the results in permanency for older youth that we desire (Lockwood et al., 2015). Court training should be offered in conjunction with other supports, such as timely and responsive case planning services by the

state child welfare authority and other targeted interventions directed at older youth to maximize these outcomes. Despite these limitations, this project has provided guidance on the essential competencies to target during in-service training for court personnel. This is important because longer, content-heavy training has often led to reduced training uptake as well as reduced knowledge retention (Dalley et al., 2008).

Conclusion

In recent years, there has been a growing awareness in the child welfare community (as evidenced in the literature and in federal grant requests for proposals) for the need to develop and implement policies and practices that ensure youth have permanent committed relationships (adoption, guardianship, or other permanent outcomes) with caring adults before they exit foster care (Federal Grants 2007–2023). Understanding and prioritizing the competencies most essential for court personnel to be successful is an important first step in developing quality training. Findings from this study can guide future training curricula development to improve the capacity of court personnel to work collaboratively with older youth in making permanency decisions that lead to increased numbers of youth and young adults achieving legal, relational, and cultural permanency.

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References

- Adler, L. S. (2001). The meanings of permanence: A critical analysis of the adoption and safe families act of 1997. *Harvard Journal on Legislation*, 38, 1. <https://heinonline.org/HOL/LandingPage?handle=hein.journals/hjl38&div=6&id=&page=>
- Aengenheyster, S., Cuhls, K., Gerhold, L., Heiskanen-Schüttler, M., Huck, J., & Muszynska, M. (2017). Real-time delphi in practice—A comparative analysis of existing software-based tools. *Technological Forecasting & Social Change*, 118, 15–27. <https://doi.org/10.1016/j.techfore.2017.01.023>
- American Bar Association. (2008). *Hearing your voice: A guide to your dependency court case*. https://www.americanbar.org/content/dam/aba/publications/center_on_children_and_the_law/empowerment/booklet_v3_2.pdf
- Augsberger, A., Lens, V., & Hughes, A. (2016). “I didn’t know you were fighting so hard for me”: Attorneys’ perceptions of youth participation in child dependency proceedings. *Family Court Review*, 54(4), 578–590. <https://doi.org/10.1111/fcre.12244>
- Avery, R. J. (2010). An examination of theory and promising practice for achieving permanency for teens before they age out of foster care. *Children & Youth Services Review*, 32(3), 399–408. <https://doi.org/10.1016/j.childyouth.2009.10.011>
- Ball, B., Sevillano, L., Faulkner, M., & Belseth, T. (2021). Agency, genuine support, and emotional connection: Experiences that promote relational permanency in foster care. *Children & Youth Services Review*, 121, 105852. <https://doi.org/10.1016/j.childyouth.2020.105852>
- Barth, R., Courtney, M., Berrick, J., & Albert, V. (2017). *From child abuse to permanency planning: Child welfare services pathways and placements*. Routledge. <https://doi.org/10.4324/9780203791424>

- Browe Olson, K. (2020). Family engagement and collaborative decision-making processes provide multiple benefits in child welfare cases. *Family Court Review*, 58(4), 937–954. <https://doi.org/10.1111/fcre.12527>
- California Blue Ribbon Commission on Children in Foster Care. (2009). *Fostering a new future for California's children: Ensuring every child a safe, secure, and permanent home*. <https://www.courts.ca.gov/documents/brc-progress-0810.pdf>
- Cashmore, J. (2002). Promoting the participation of children and young people in care. *Child Abuse and Neglect*, 26(8), 837–847. [https://doi.org/10.1016/S0145-2134\(02\)00353-8](https://doi.org/10.1016/S0145-2134(02)00353-8)
- Checkoway, B. (2011). What is youth participation? *Children & Youth Services Review*, 33(2), 340–345. <https://doi.org/10.1016/j.childyouth.2010.09.017>
- Dalley, K., Candela, L., & Benzel-Lindley, J. (2008). Learning to let go: The challenge of de-crowding the curriculum. *Nurse Education Today*, 28(1), 62–69. <https://doi.org/10.1016/j.nedt.2007.02.006>
- Diamond, I. R., Grant, R. C., Feldman, B. M., Pencharz, P. B., Ling, S. C., Moore, A. M., & Wales, P. W. (2014). Defining consensus: A systematic review recommends methodologic criteria for reporting of delphi studies. *Journal of Clinical Epidemiology*, 67(4), 401–409. <https://doi.org/10.1016/j.jclinepi.2013.12.002>
- Federal Grants. (2007–2023). *Quality improvement center: Engaging youth in finding permanency*. <https://www.federalgrants.com/Quality-Improvement-Center-Engaging-Youth-in-Finding-Permanency-83910.html>
- Furrer, C. J., Rodgers, A. C., Cooper, C., Rockhill, A., & Lauzus, N. (2023). Creating conditions that encourage youth engagement in family child welfare case planning meetings: A youth perspective. *Children & Youth Services Review*, 155, 107183. <https://doi.org/10.1016/j.childyouth.2023.107183>
- Geenen, S., & Powers, L. E. (2007). “Tomorrow is another problem”: The experiences of youth in foster care during their transition into adulthood. *Children & Youth Services Review*, 29(8), 1085–1101. <https://doi.org/10.1016/j.childyouth.2007.04.008>
- Greenberg, C. (2022). *The influence of federal law on state child welfare proceedings. Washington state juvenile non-offender bench book*. <https://www.wacita.org/wp-content/uploads/2023/06/The-Influence-of-Federal-Law-on-State-Child-Welfare-Proceedings.pdf>
- Gustavsson, N. S., & MacEachron, A. E. (2010). Sibling connections and reasonable efforts in public child welfare. *Families in Society*, 91(1), 39–44. <https://doi.org/10.1606/1044-3894.3956>
- Hsu, C. C., & Sandford, B. A. (2007). The delphi technique: Making sense of consensus. *doi*, 10(7275), PDZ9–TH90.
- Jim Casey Youth Opportunities Initiative. (2012). *Authentic youth engagement: Youth-adult partnerships. Issue brief #3. St.* <https://assets.aecf.org/m/resourcedoc/JCYOI-AuthenticYouthEngagement-2012.pdf>
- Jones, A. S., LaLiberte, T., & Piescher, K. N. (2015). Defining and strengthening child well-being in child protection. *Children & Youth Services Review*, 54, 57–70. <https://doi.org/10.1016/j.childyouth.2015.05.001>
- Jones, K., & Perkins, D. F. (2005). Determining the quality of youth-adult relationships with community-based programs. *The Journal of Extension*, 43(5), 1–10. <https://tigerprints.clemson.edu/joe/vol43/iss5/7/>
- Jordan, K. (2009). Need to be heard: Increasing child participation in protection mediation through the implementation of model standards. *Family Court Review*, 47(4), 715–736. <https://doi.org/10.1111/j.1744-1617.2009.01283.x>
- Keeney, S. (2011). *The delphi technique in nursing and health research*. John Wiley & Sons.

- Khoury, A. (2007). With me, not without me: How to involve children in court. *ABA Child Law Practice*, 26(9). https://www.americanbar.org/content/dam/aba/administrative/child_law/clp/vol26/nov07.pdf
- Libby, M., Rosen, M., & Sedonaen, M. (2005). Building youth–adult partnerships for community change: Lessons from the youth leadership institute. *Journal of Community Psychology*, 33(1), 111–120. <https://doi.org/10.1002/jcop.20037>
- Libby, M., Sedonaen, M., & Bliss, S. (2006). The mystery of youth leadership development: The path to just communities. *New Directions for Youth Development*, 2006(109), 13–25. <https://doi.org/10.1002/yd.152>
- Lockwood, K. K., Friedman, S., & Christian, C. W. (2015). Permanency and the foster care system. *Current Problems in Pediatric & Adolescent Health Care*, 45(10), 306–315. <https://doi.org/10.1016/j.cppeds.2015.08.005>
- Mack, L. J. M. (2024). “We shouldn’t have to work so hard to terminate parental rights”.: Remarks on mental health and child welfare decision making from the Daniel Thursz uneasy alignments: The mental health turn in the American legal system symposium. *Journal of Health Care Law & Policy*, 27(1), 145. <https://digitalcommons.law.umaryland.edu/jhclp/vol27/iss1/4>
- Niederberger, M., & Spranger, J. (2020). Delphi technique in health sciences: A map. *Frontiers in Public Health*, 8, 457. <https://www.frontiersin.org/articles/10.3389/fpubh.2020.00457>
- Perry, R. A. (2019). Relative preferences, emotional attachments, and the best interest of the child in need of assistance. *University of Baltimore LF*, 50, 83. <https://heinonline.org/HOL/LandingPage?handle=hein.journals/ublfo50&div=19&id=&page=>
- Peters, C., Vesneski, W., & Day, A. (2022). *Qualitative analysis of legal expert interviews. Quality improvement center on engaging youth in finding permanency*. <https://qic-ey.org/wp-content/uploads/2022/08/NTDC-Qualitative-Analysis-of-Legal-Expert-Interviews.pdf>
- Pharris, A., & Day, A. (2024). Chapter 13: Major policies impacting child welfare. In D. A. Mcloed, A. P. Natale, & K. W. Mapson (Eds.), *Handbook of forensic social work: Theory, policy & fields of practice* (pp. 188–204). Oxford University Press.
- Pitchal, E. S. (2008). Where are all the children?-increasing youth participation in dependency proceedings. *UC Davis Journal of Juvenile Law & Policy*, 12, 233. <https://sjlr.law.ucdavis.edu/archives/vol-12-no-1/Pitchal.pdf>
- Quality Improvement Center for Engaging Youth in Finding Permanency. (2024). *Online free training for court and legal professionals*. <https://qic-ey.org/wp-content/uploads/2024/04/QIC-EY-Online-Free-Training-for-Court-and-Legal-Professionals.pdf>
- Roszia, S., & Maxon, A. D. (2022). *The seven core issues workbook for parents of traumatized children and teens: A Guide to help you explore feelings and overcome emotional challenges in your family*. Jessica Kingsley Publishers.
- Salazar, A., Spiers, S. S., & Pfister, F. R. (2021). Authentically engaging youth with foster care experience: Definitions and recommended strategies from youth and staff. *Journal of Youth Studies*, 24(8), 1015–1032. <https://doi.org/10.1080/13676261.2020.1792863>
- Stoneman, D. (2002). The role of youth programming in the development of civic engagement. *Applied Developmental Science*, 6(4), 221–226. https://doi.org/10.1207/S1532480XADS0604_9
- Summers, A. (2023). Exploring Indian Child welfare Act implementation and case outcomes. *Juvenile & Family Court Journal*, 74(1), 37–50. <https://doi.org/10.1111/jfcj.12232>
- Walsh, A. M. (2015). Legal permanency Isn’t everything: Readdressing the need for Well-Being indicators in child protection courts. *Family Court Review*, 53(2), 326–335. <https://doi.org/10.1111/fcre.12151>
- Washington State Center for Court Research. Dependent Youth Interviews Pilot Program. (2010). *Engrossed substitute senate bill 6792, Washington laws, 2008-chapter 267, section 12*.

- Final report to the legislature. <https://www.courts.wa.gov/subsite/wscrr/docs/DYISupplementals.pdf>
- Wollen, S., Feltner, A., Vanderwill, L., Day, A., Phan, V., & Perlmutter, D. (2022). *Workforce systematic literature review. Quality improvement center on engaging youth in finding permanency*. <https://qic-ey.org/wp-content/uploads/2022/05/Workforce-systematic-literature-review-Final-2.pdf>
- Wollen, S., Vanderwill, L., Peters, C., & Day, A. (2023). *Barriers to authentic youth engagement in permanency planning. Quality improvement center on engaging youth in finding permanency*. <https://qic-ey.org/wp-content/uploads/2023/01/qic-ey-barriers-report.pdf>
- Wollen, S., Vanderwill, L., Savage, J., & Day, A. (2022). *Expert interviews: People with lived expertise. Quality improvement center on engaging youth in finding permanency*. <https://qic-ey.org/wp-content/uploads/2022/07/Expert-Interviews-People-with-Lived-Expertise.pdf>
- Zeldin, S., Camino, L., & Mook, C. (2005). The adoption of innovation in youth organizations: Creating the conditions for youth–adult partnerships. *Journal of Community Psychology*, 33(1), 121–135. <https://doi.org/10.1002/jcop.20044>