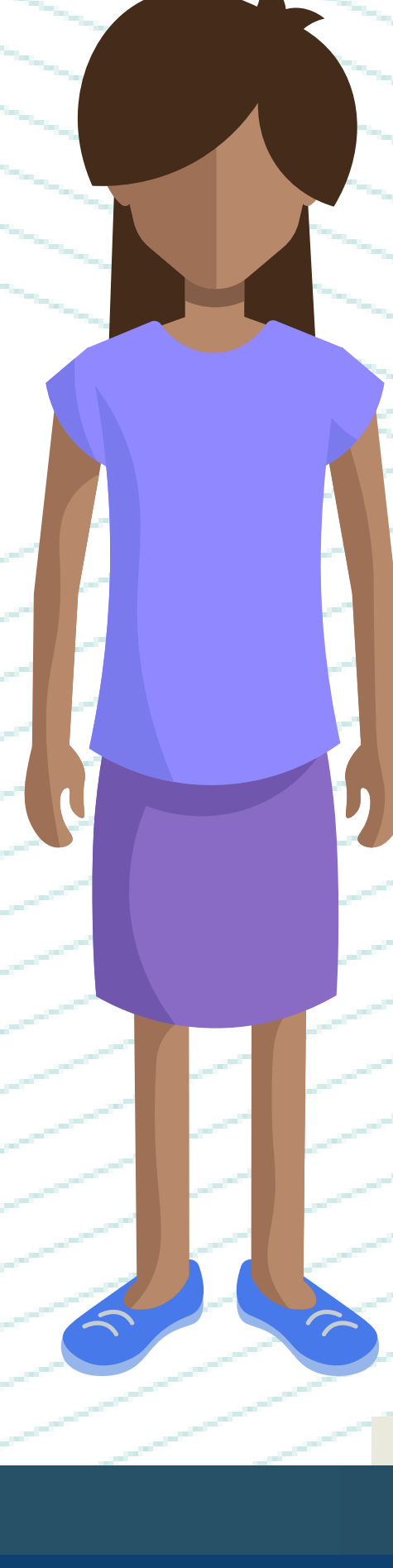




SUPPORTING & PROMOTING CHILD/YOUTH COURT ATTENDANCE



OCR is excited to announce that [Colorado House Bill 1038](#) provides all children/youth with dependency and neglect (D&N) cases the right to attend and fully participate in all hearings related to their case!

For some time, best practice recommendations articulated by national organizations have recommend that children/youth of all ages be included in D&N court proceedings.

· In 2011, the American Bar Association (ABA) declared that “[e]ach child who is the subject of an abuse and neglect proceedings has the right to attend and fully participate in all hearings related to [their] case.” [1]

· In 2012, the National Council of Juvenile and Family Court Judges (NCJFCJ) declared that “children of all ages should be present in court and attend each hearing, mediation, pretrial conference, and settlement conference unless the judge decides it is not safe or appropriate.” [2]

· In 2022, the National Association of Counsel for Children (NACC) declared that children “should have the opportunity to personally express their wishes to the court and to fully participate in legal proceedings, meetings, and other case events.” [3]

· In 2022, the ABA urged all legislatures and courts, as well as all children’s attorneys, to create, enforce, and/or advocate for, a presumption of child attendance at all D&N proceedings. [4]



BENEFITS of CHILD/YOUTH COURT ATTENDANCE

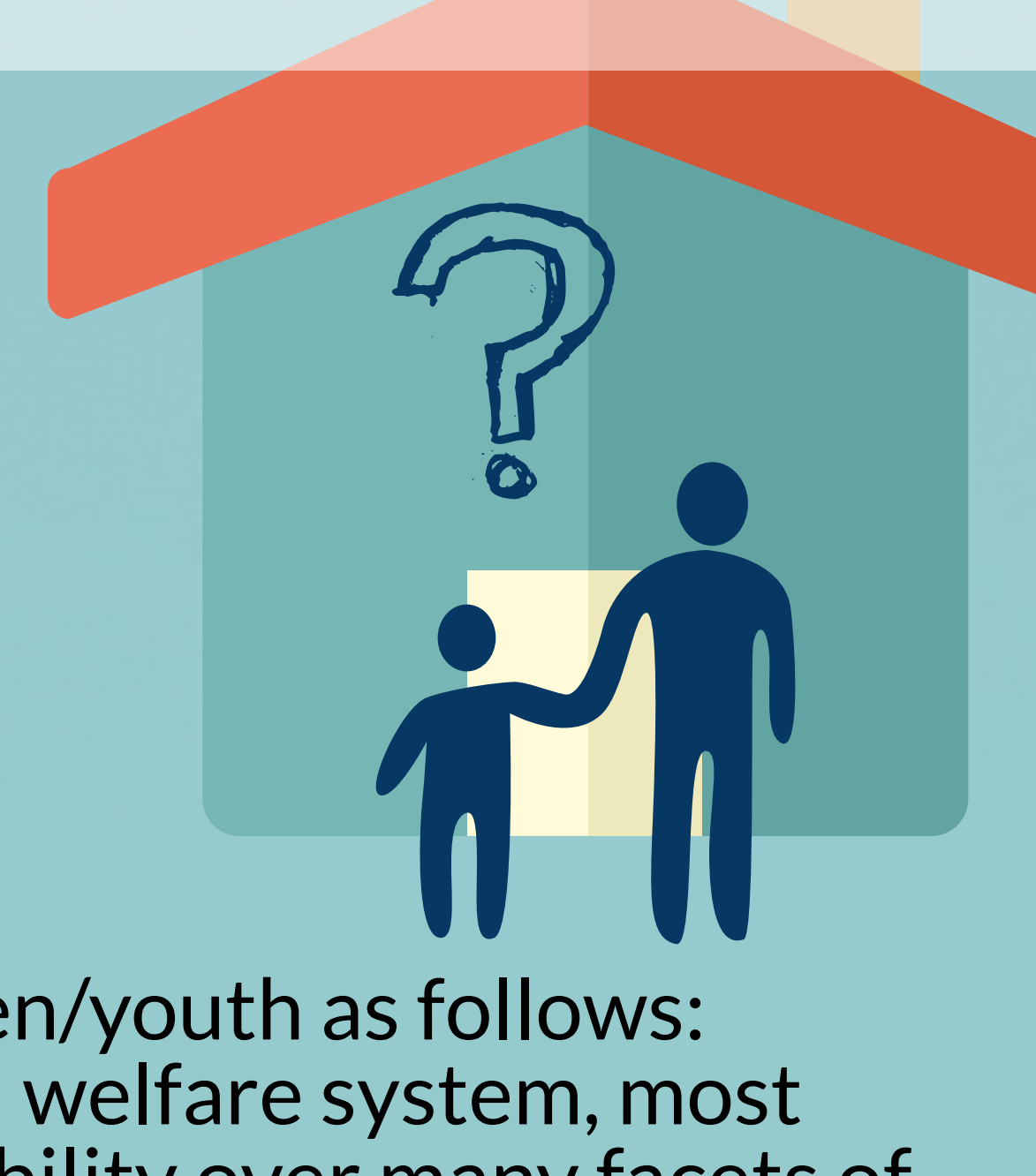
In a 2014 survey of 250 Colorado stakeholders, 86% of respondents (including GALs, county attorneys, respondent parent counsel, CASA volunteers, judicial officers, caseworkers, and court staff) reported invaluable benefits of youth court attendance. [5] The #1 benefit reported by such stakeholders was “empowerment” because court attendance gives children/youth an opportunity to self-advocate and allows children/youth to have a voice in their future. [6]

“The strongest advocate you’re ever going to have is yourself. You have to learn to advocate for yourself and find people who can help you.”

- 21 year old Colorado Youth Emancipated from Foster Care

Child/Youth participation in D&N proceedings, specifically court attendance, is extremely beneficial to children/youth.

The legislative declaration of [House Bill 22-1038](#) proclaims that every child/youth “has a liberty interest in [their] own health, safety, well-being, and family relationships, which may be directly impacted by [D&N] proceedings” and that children/youth deserve “to have a voice when important and life-altering decisions are made about” their lives.

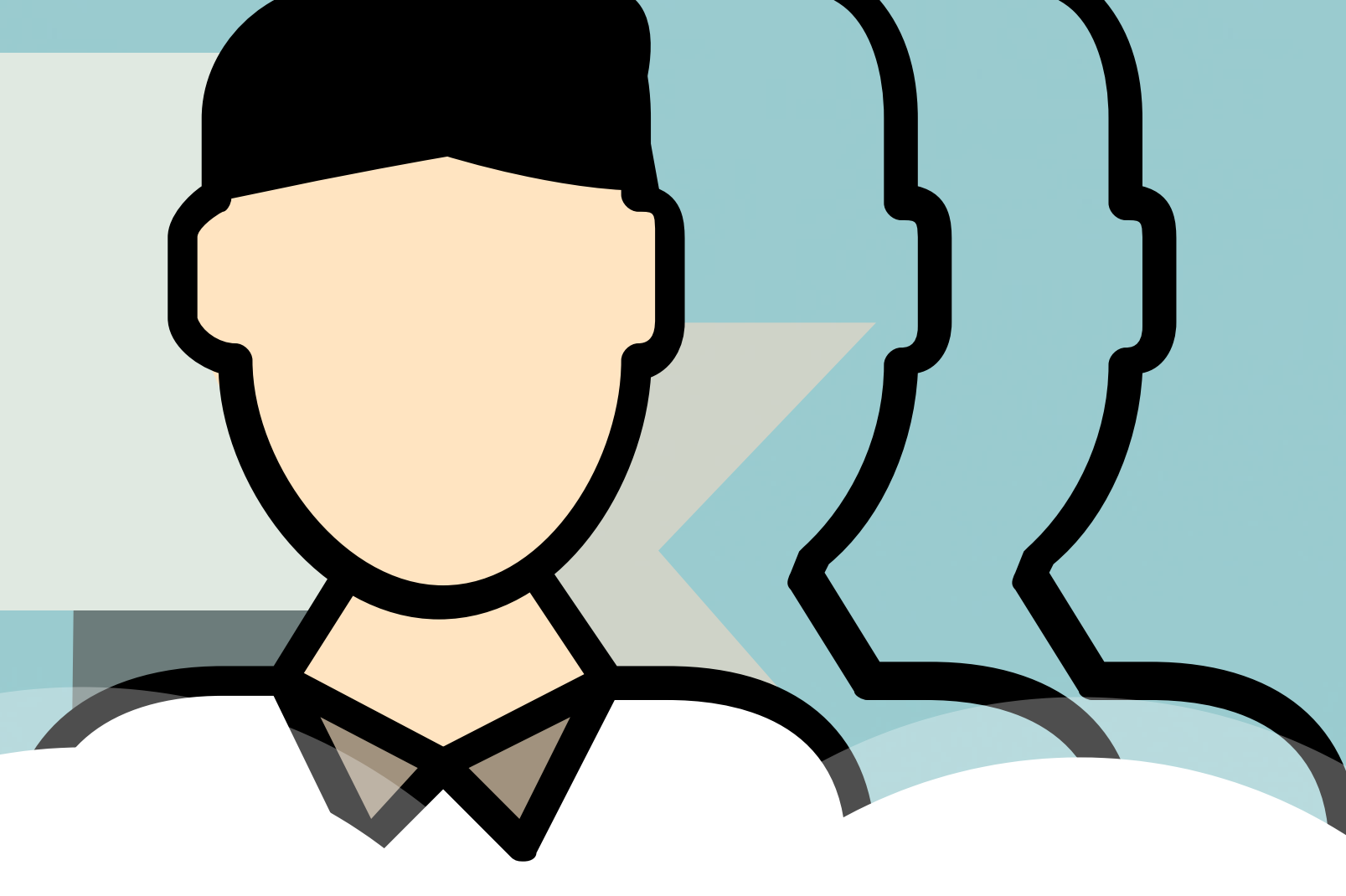


The NCJFCJ eloquently describes the benefits of court attendance for children/youth as follows: “Children’s lives are turned upside down when they become involved in the child welfare system, most especially when they are placed in foster care. They often lose control and predictability over many facets of their day-to-day lives. Decisions are often made without their input. When court actions are filed, judges decide where the child will live temporarily and permanently, where the child will go to school, when the child will see his parents, siblings, and extended family, along with many other decisions about the child’s well-being. Judges can empower children by ensuring every child has a voice in the decisions being made about and for them in dependency court. When judges observe and interact with children in court, they are powerfully reminded how the young person’s life is being drastically affected. When children participate, judges receive evidence that may not otherwise be available to help them understand the child’s view about a variety of issues that directly affect their lives.” [7]

“We grow up thinking that everyone is against us – that’s the way we’re treated as kids; it’s the way we think of ourselves.”

- 17 year old Colorado Youth in Foster Care

By PARTICIPATING in Hearings...



Youth gain a better understanding of what is happening to them, how decisions impact them, and why decisions are made when they participate in the proceedings.[8]

The court may validate the youth’s position, providing them with a sense of appreciation and self-worth.[9]

Youth begin to feel like collaborators of influence[10] and feelings of helplessness are reduced.[11]

Youth gain the valuable skill of self-advocacy by participating in proceedings.[12]

Child/Youth participation also benefits courts.

“It feels like we’re doing a good job, until we hear about the job that we’re doing.”

- Colorado 2nd Judicial District Judicial Officer

Seeing a child or young person puts a face to the file and can help decision makers and participants remember who is being impacted by the case.[13] Furthermore, when children are consulted in an age-appropriate manner, they “are more invested in the process” and demonstrate better compliance and committing questions, the judge can ask them directly from the child, obtaining answers from the source.[15] Direct contact between children/youth and courts may also provide checks and balances to ensure that reported information accurately reflects real case facts and circumstances. [16]



Although research indicates that child/youth court attendance is extremely beneficial, and Colorado stakeholders acknowledge the value of child/youth court attendance, in fiscal year 2021, only 23.2% of children/youth aged 12 and older attended their permanency planning hearings.[17]

Children Age 12+ Attendance at Permanency Planning Hearings



Now What?

Click here to find solutions in "Youth in Court Mythbusters"

SOURCES

[1] ABA Model Act Governing the Representation of Children in Abuse, Neglect, and Dependency Proceedings.
 [2] NCJFCJ Children in Court Policy Statement.
 [3] NACC Recommendations for Legal Representation of Children and Youth in Neglect and Abuse Proceedings at 16.
 [4] ABA Resolution 613.
 [5] Genevieve Rotella and Amanda Donnelly, Children and Youth in Colorado Courts: Participation in Dependency and Neglect Proceedings (May 2014) at 45-46.
 [6] Id.
 [7] NCJFCJ Children in Court Policy Statement, supra note 2.
 [8] Andrea Khoury, Seen and Heard: Involving Children in Dependency Court (2006), 25 CHILD L. PRAC. 145, 150.
 [9] Jaclyn Jean Jenkins, Listen to Me! Empowering Youth and Courts through Increased Youth Participation in Dependency Hearings (2000), 46 FAM. CT. REV 163, 168.
 [10] Khoury, supra note 8, at 150.
 [11] Judy Cashmore, Children’s participation in family law decision-making: Theoretical approaches to understanding children’s views (April 2011), CHILDREN AND YOUTH SERVS. REVIEW 515, 517.
 [12] Jenkins, supra note 9, at 169.
 [13] Id. at 170.
 [14] Id.
 [15] Id.
 [16] Id.
 [17] OCR Youth in Court Report taken from CARES’s online case management and billing system) reflecting GAL entries related to youth court attendance.