



Colorado Office of the Child's Representative

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EXECUTIVE SUMMARY

Engaging and Empowering Youth: Youth Feedback About Their GAL and Court Experiences, as Well as Other Youth Participation Data

OCR's Engaging and Empowering Youth ("E&Y") Initiative aims to provide youth aged 0-21 a voice in legal systems through effective attorney services and advocacy and to ensure youth voice and interests are paramount in the development of law, policy, and practice.

Youth Voice Matters

OCR's **mandate, mission, and values** ground OCR's strategic planning, operations, and programs in the goal of providing the best legal services available to protect and promote children's safety and well-being and to have their voice heard throughout all aspects of a case.

Standards of practice for guardians *ad litem* ("GALs") in Colorado, promulgated in Chief Justice Directive 04-06 ("CJD 04-06"), promote GAL engagement with youth and advance youth voice by requiring GALs to:

- ✓ meet with youth in a timely manner;
- ✓ maintain contact with youth throughout the legal representation;
- ✓ consult with youth about youth positions and consider youth positions in developing legal objectives and strategies;
- ✓ ensure the court knows youth positions on any matter before the court; and
- ✓ endeavor to maximize youth involvement in court proceedings, when consistent with youth best interests.

OCR's E&Y Initiative **builds on a decade of research and work aimed at increasing youth participation and incorporating youth voice** in OCR's programming, policies, and oversight strategies. Structured interviews of youth during attorneys' contract renewal processes, focus groups, surveys, and engagement with key stakeholders over the years affirmed the importance of the GAL-child relationship, identified benefits of and barriers to court participation, and confirmed that youth have important information to share about their experience with GALs and in court.

Through its E&Y Initiative, launched in 2018, OCR sought to hear from many more youth about their experiences during their cases, in court, and with their GALs.

OCR's E&Y Strategies and Data Sources

OCR's E&Y Initiative:

- supports GALs' application of the youth-centered requirements of CJD 04-06 through youth-centered trainings, creation and dissemination of youth-friendly resources, collaboration with judicial districts leading the effort to engage youth in court, and leveraging OCR oversight and reporting processes to increase youth participation; and
- obtains feedback and insight from youth through focus groups and surveys.

Data and Information Sources

Youth surveys: OCR collected and analyzed **approximately 300 surveys**. *Survey 1*, completed by over 100 youth in Fiscal Year ("FY") 18-19, contained many open-ended questions and informed *Survey 2*, which was completed by nearly 200 youth in FY19-20 and simplified survey participation for youth while allowing a more nuanced analysis of youth responses.

Youth focus groups: OCR engaged with **93 youth** through **12 focus groups**.

Court observations: As part of OCR's ongoing oversight, OCR engages in structured court observations of GALs. OCR analyzed **data points indicative of youth engagement** including youth attendance, whether youth were given the chance to address courts, whether GALs stated youth positions on the record, and whether GALs addressed efforts to promote youth attendance.

Case management and billing data: GALs bill OCR through CARES, an online case management and billing system. In this system, GALs report youth attendance at each hearing. OCR analyzed **youth attendance by hearing type and age**, as well as by districts' use of *in camera* interviews of youth and youth attendance at Benchmark and Permanency Hearings.



Youth comments about youth participation included the following.

"Youth have a voice. They have a choice."

"Youth opinions no matter what."

"If you are old enough to understand what is happening around you - like your parents not taking care of you - then you are old enough to know what is going on in your case."

"It's our lives. We know our story best. It may be a GAL's or a caseworker's job, but it's our lives."

Key Findings

Youth value contact and communication with their GALs.

Youth in focus groups identified GAL contact with youth as one of the primary responsibilities of GALs.

Surveyed youth expressed a strong preference for in-person contact, followed by telephone contact. Youth favored these forms of contact over text and email.

Surveyed youth discussed a variety of topics with their GAL and identified a wide range of topics as important to discuss including people important to youth, education, services, visits with parents and siblings, current and desired placements, and future plans.



Youth want frequent GAL contact and responsive GALs.

The majority of surveyed youth reported having at least monthly contact with their GAL (77% of youth in Survey 1; 51% of youth with dependency and neglect (“D&N”) cases and 76% of youth with juvenile delinquency cases in Survey 2). In focus groups and in response to open-ended survey questions, youth wanted more GAL contact.

A high percentage of youth reported their GAL visited them in each placement (84% of youth in Survey 1; 81% of youth with D&N cases and 70% of youth with delinquency cases in Survey 2).

72% of all surveyed youth indicated their GAL *always* or *usually* responded when they reached out. While youth in six focus groups expressed concern about GALs not answering telephones and/or returning telephone calls, other focus group youth expressed a strong appreciation for the availability of their GALs.

In addition to maintaining contact with youth, CJD 04-06 specifically requires that GALs complete in-person visits at each placement for children on D&N cases and make diligent efforts to visit youth in detention on delinquency cases. As the CJD does have an exception for placements over 100 miles outside of the court's jurisdiction, the percentage of youth reporting GALs did not see them in each placement may not necessarily indicate lack of CJD compliance. However, CJD 04-06 encourages GALs to visit youth in their placements regardless of location and requires OCR to pay reasonable costs associated with distant visits. Feedback from youth about the value of in-person visits supports this directive, the investment of state dollars in travel costs, and ongoing support for in-placement visits.

The fact that 21% of youth reported their GAL *sometimes* responded to them and 7% of youth reported their GAL *never* responded to them supports further engagement with youth and GALs about expectations for reasonable GAL response times and practices GALs employ to timely respond to youth.



Youth comments about GAL contact and responsiveness included the following.

"My GAL came to see me the week of my birthday and that that meant a lot."

"She was always honest with me and answered all my questions the best she could."

"She does what she tells me and my sister [that] she's going to do. Also, I had her for five years now."

Most youth trust their GAL and believe their GAL knows what is best for them.

Focus group youth understood the importance of GALs' independent investigations and most surveyed youth indicated their GAL knew what was best for them (86% of youth in Survey 1 indicated their GAL got to know them well enough to know what was best for them; 64% of youth in Survey 2 indicated their GAL *always* or *usually* knew what was best for them).

Most surveyed youth trusted their GAL. In Survey 1, 86% of youth indicated they trust their GAL. In Survey 2, 59% of youth reported they *always* trusted their GAL and 14% of youth reported they *usually* trusted their GAL.

Surveyed youth reporting frequent GAL contact were more likely to indicate they trusted their GAL, believed their GAL knew what was best for them, and wanted to attend court.

GAL relationships and relationship-building skills such as listening, connecting, and helping emerged as themes of youth focus group and survey comments.

As advocating for best interests is the core responsibility of GALs, further analysis of what actions and measures GALs can take to increase youth trust in their GAL and in their GAL's recommendations is warranted.

Low rates of youth attendance permeate all D&N hearings.

OCR's Youth in Court Report indicates less than 12% attendance rates for all hearing types other than Adoption and Benchmark Hearings. Only 30% of youth aged 12 and older attended their Permanency and Benchmark Hearings, despite statutes and protocols promoting youth attendance at these hearings. Similarly, 15% of children age five and older attended hearings during OCR's court observations.

The low rate of youth presence at hearings does not appear offset by a high rate of *in camera* interviews of children, as OCR's CARES data indicates only 165 of such interviews occurred statewide for children of any age between July 1, 2019, and March 31, 2020.

87% of youth in Survey 1 reported they attended court at least once. 47% of youth with D&N cases and 75% of youth with delinquency cases indicated they *always* or *usually* attended court in Survey 2.

Together, youth feedback, CARES reports, and OCR's court observations indicate low rates of direct youth engagement. Low rates of youth attendance exist even in Permanency Hearings, where Colorado and federal law requires courts to consult with youth in a developmentally appropriate manner. An investment from GALs and other stakeholders is essential to including youth in court proceedings.



Youth comments about youth participation included the following.

"It's our case. It is about us. If someone can't say something in front of us, they should not say it at all."

"They wouldn't let me in the courtroom to hear my dad talking about what he did to me and my brother. I deserve to know what was going on. I wanted to hear my dad talk about what he did to me and my brother and see if he showed regret and understood what he did. I deserved to get closure." When another youth responded, "They probably didn't want to upset you," the original youth replied, "I've already been through it."

"I was not allowed in a meeting for 30 minutes. It made me wonder what kind of secrets they were telling. They were laughing, with me outside the room."

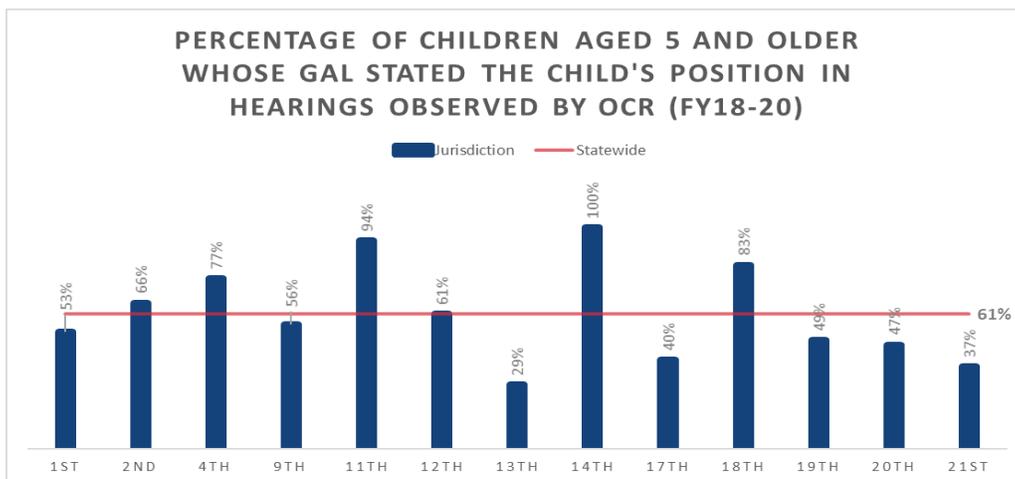
GALs and courts can take measures to include and empower youth in court.

Most surveyed youth (61% with D&N cases and 68% with delinquency cases in Survey 2) indicated they **wanted to attend court**. Youth focus group comments related to the reasons for attending court revealed themes of obtaining information, ownership, self-advocacy, and responsibility. During focus groups, youth wanted to know about their cases and indicated they do not need to be protected from case-related information.

63% of youth with D&N cases in Survey 2 reported their GALs *always or usually* asked if they wanted to attend court; less than half (46%) of youth with D&N cases who did not always want to attend court indicated their GAL asked them why they did not want to attend. Over 70% of youth indicated their GAL *always or usually* talked to them about their right to attend court.

71% of youth with D&N cases (Survey 2) indicated their GAL *always or usually* talked with them about what would happen in court. 68% of youth with D&N cases indicated their GAL asked them what they wanted the judge to know, and 74% of youth with D&N cases believed their GAL told their judge what they wanted to have happen in their case. During OCR's court observations, GALs stated the position of 61% of children aged 5 or over.

During focus groups, youth identified the following ideas for improving court: increased communication with youth, closing courtrooms, having food, and having therapy dogs.



CJD 04-06 requires that GALs appointed in D&N cases try to maximize youth involvement in court proceedings when consistent with youths' best interests by discussing court processes, determining whether youth want to attend court, and identifying and advocating for the elimination of barriers to the youth court attendance. The CJD also requires GALs to state children's positions at court when developmentally ascertainable unless a child asks the GAL not to do so. Together, youth feedback, CARES reports, and OCR's court observations indicate that while GALs play a key role in communicating youth positions to courts, GALs do not consistently talk to youth or courts about youth's right to attend court.

Recommendations

Youth voice and engagement matters. Youth are the most important source of feedback about GALs, as youth are the ultimate consumer of GAL services and the quality of GAL advocacy has a direct impact on quality of the lives of youth. OCR can continue to give voice to youth and advance the work of its E&EY Initiative through the following recommendations and strategies.

OCR should set ambitious yet realistic performance goals for youth court attendance, participation, and satisfaction.

- ✓ Establish incremental goals to increase rates of attendance, participation, and satisfaction in OCR’s Performance Plan.
- ✓ Engage with youth, GALs, and other stakeholders to discuss the findings of OCR’s E&EY Initiative and strategies for giving youth a voice in proceedings.
- ✓ Share district-specific information related to youth court attendance, participation, and feedback and support judicial districts in setting and achieving goals.
- ✓ Continue to create and disseminate tools supporting youth engagement and empowerment.
- ✓ Build upon youth-centered GAL trainings and tools.

OCR should incorporate youth feedback and voice into its policies and programs.

- ✓ Consider recommending changes to CJD 04-06’s youth contact requirement to further emphasize the importance of youth engagement in court and GAL contact with youth.
- ✓ Ensure youth contact and engagement requirements remain grounded in the individualized needs of youth and are informed by youth preferences.
- ✓ Engage with a professional researcher to inform ongoing data collection and analysis.
- ✓ Establish a Youth Action Council with a clear, transparent, and trauma-informed vision for how the council will inform OCR’s policies and programs. Consistent with Positive Youth Development principles, empower council members and support professional development opportunities.

OCR should consider strategies for incorporating youth survey information into its GAL oversight.

- ✓ Explore the possibility of running reports summarizing youth surveys by GAL name and share this summary with GALs during OCR’s annual verifications processes.
- ✓ Support self-reflection by GALs and consider benchmarks for OCR follow-up.
- ✓ Identify opportunities for increasing youth survey response rates, such as conducting surveys when appointments end.

OCR should continue to collect youth feedback and should continue to dedicate staff time to its E&EY Initiative.

- ✓ Continue and expand the collaboration and outreach central to OCR’s E&EY Initiative.
- ✓ Consider enhancements to survey instrument to maximize youth voice and participation, while balancing the value of consistent data sources over time.
- ✓ Optimize youth events by clarifying the purpose, goals, and processes for OCR’s direct face-to-face engagement of youth.
- ✓ Engage with professional researchers to ground OCR’s data collection and analysis in best practices.
- ✓ Continue to invest staff time and expertise to OCR’s E&EY Initiative.
- ✓ Ensure the expertise and experience of youth informs OCR’s survey and youth event strategies.