

*Tools
for Engaging
Children
in Their
Court Proceedings*



*A Guide for Judges, Advocates
and Child Welfare Professionals*

New York State
Permanent Judicial Commission on Justice for Children

New York State



Permanent Judicial Commission on Justice for Children

Tools for Engaging Children in Their Court Proceedings

“ *I'd like judges to ask me how I've been doing, how my placement is treating me, what I'd like to see happen as far as my plans and goals. I think that this would give me a chance to speak out and let the judge know how I'm feeling.* ”

Jocelyn

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New York State

Permanent Judicial Commission on Justice for Children

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A MESSAGE FROM CHIEF JUDGE JUDITH S. KAYE

Dear Reader,

What a wonderful idea: encouraging and listening to the voices of children in court in connection with their cases! Any caring, intelligent person would immediately see wisdom in that. What is at stake is the courts' disposition but, even more, it's the kids' lives. Having an opportunity to share their feelings, needs and desires in court gives them a sense of control over their lives. It also enriches the court process and assures better fact-finding.

Not surprisingly, the idea of bringing kids into court – once discouraged as unnecessary and potentially even damaging – has caught on like wildfire. Indeed, the law now requires judges to consult with children in an age-appropriate manner at all permanency hearings.

As we know, often in life there is a significant gap between a good idea and its implementation. We know that we must both create an empowering atmosphere for youth who already attend their court hearings and encourage others to come to court. But that is easier said than done. Simply scheduling kids' appearances in court can be problematic. What about school? And transportation? When they arrive in court, where will they wait (an inevitable issue in our bustling, often less-than-pristine Family Court facilities)? What books, materials, people should be in waiting space we allocate for them? How best do we communicate with an upset nine-year-old or an angry teenager, especially when the courts' ultimate decision contravenes their requests?

Not every caring, intelligent person can readily answer those – and many, many more – essential questions.

This handbook represents the efforts of the Permanent Judicial Commission on Justice for Children to bridge the gap. It is distillation of a lot of thinking and a lot of research in the area, as reflected in the Resource List and Acknowledgments that conclude this publication. Nearly twenty years ago, the Commission vowed that it would be action-oriented, not report-oriented – our shelves are already overfull of



CHIEF JUDGE KAYE’S MESSAGE CONTINUED

well-meaning reports. The Commission has remained true to its word, having produced many achievements but thankfully few reports. Its two substantive reports – one on the Healthy Development, the other on the Education Needs of Children in Foster Care – have proved their value by wide distribution in New York and throughout the nation.

This report, we believe, follows in the Commission’s tradition: it meets a need, is easy to use and hopefully will be helpful in your preparation for encounters with kids in court.

This is the last report of the Permanent Judicial Commission Justice for Children that I will preface as Chief Judge of the State of New York. Chairing the Commission has been one of the great experiences of my life. While it is hard, and inadvisable, in the area of justice for children ever to speak of “successes” – there is so much yet to do – I do feel that the Commission has inspired and driven reforms that have benefitted the courts’ approach to children and families in New York, even beyond our State’s borders. For that the credit belongs to our Executive Directors (first Sheryl Dicker, more recently Kathleen DeCataldo and Deputy Toni Lang), to my original co-chair Ellen Schall, to the Commission’s phenomenal members, and to the dedicated judges and staff of New York State’s Family Court.

Judith S. Kaye

October 2008



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INTRODUCTION

The New York State Permanent Judicial Commission on Justice for Children was established in 1988 to improve the lives and life chances of children involved with New York courts. The Commission is chaired by Chief Judge Judith Kaye, and its members include judges, lawyers, advocates, physicians, legislators, and state and local officials.

As a means to promote the safety, permanency and well-being for all New York State children in out-of-home care, the Commission is working to increase the participation of children in permanency hearings – special court hearings where the health, well-being and future steps for children in out-of-home care are reviewed and determined with the goal of achieving permanency for these children. Their meaningful participation in these hearings will empower children, help New York State comply with the recent federal and New York State laws requiring Family Court judges to consult with children in an age-appropriate manner at all permanency hearings, and ultimately produce better fact-finding that will lead to better decisions and better outcomes for children and their families.

This handbook highlights the developmental stages of school-age children (ages 5 to 20 years), provides tips on how to engage children in their court proceedings and offers a series of age-appropriate questions. Considering the numerous biological, physical, social and cultural factors that contribute to a child's developmental trajectory, the developmental highlights are not intended as rigid guidelines but as tools to help understand why children act the way they do and to assist judges and other professionals interact with children in court. Materials can be adapted to fit the individual needs of the court and child.

The intention of this handbook is to provide basic knowledge, in an easy to understand format, related to children in court along with highlighted tips and guidance regarding developmental stages. Age-appropriate questions which judges might ask children are provided to both assist in preparation of children for their court proceedings and as a starting point for judges. The goal of this handbook is to encourage child participation in court proceedings and make the court experience easier, more comfortable and more productive for all participants.

INVOLVEMENT IS GOOD

Children in foster care often feel disconnected – by adult decisions that have not been fully explained or explained at all to them. Involving children in their critical life decisions helps build self-efficacy skills. Self-efficacy – a person's own belief in his/her capabilities to organize and execute the courses of action required to produce a given goal – provides the building blocks for motivation, well-being and personal accomplishments throughout one's life course. Giving children in foster care the opportunity to share their feelings, ideas, needs and desires will help them gain a sense of control over their lives, practice the art of advocating for their well-being and develop the decision-making and negotiating skills needed to be self-reliant. Child involvement also enhances the perception held by adults of children's competence, heightens adults' commitment and energy, makes adults feel more effective and confident and makes adults more aware of the needs and concerns of children. Seeing the children involved in the complex cases before the court reminds all participants of the importance of their work.

We know from a national survey of current and former youth in foster care that a large proportion of youth in care never attended (25%) or infrequently attended (60%) their court hearings. Nearly one out of four youth who did not attend or attended infrequently thought no one would listen to them. Nearly two out of five youth did not know they were allowed to go to court. More than 40 percent of youth did not know their hearing dates.

“ *Based on my experiences, I think it's important for youth to be in court so you know what's going on and what's being said about you. If you don't understand something you can ask questions and if you don't agree, you can speak against it.* ”

Nunzio

The Commission gained some insight into the extent of child involvement in New York State during a training that was produced by the Commission in collaboration with the New York State Child Welfare Court Improvement Project and the Judicial Institute, called *Tools for Engaging Children and Youth in Their Court Proceedings*. Presented at the 2008 Summer Judicial Institute, this venue gave all New York State Family Court Judges the opportunity to attend. Based on preliminary findings from the poll conducted at the training, we believe that nearly one in three children never or rarely attend (32%), one in three sometimes attend (36%) and one in three attend at least frequently (32%) (Table 1).



Table 1. In Your Court, How Often Do Children Attend Their Permanency Planning Hearings?

Frequency	Percent
Never	4
Rarely	28
Sometimes	36
Frequently	17
Most of time	7
Every time unless excused	8

INVOLVEMENT IS CHALLENGING

As demonstrated by interviews conducted by the New York City Youth Justice Board* with professionals in the permanency planning system, there are concerns about children attending their hearings. They include a concern that professionals in the courtroom might feel restricted from speaking freely about the cases in an effort to protect youth from sensitive information either about the youth or their family members; they might be upset by some things they hear in court; with the court calendars already overwhelmed, having to explain everything that takes place in a hearing to the youth might slow down the proceedings; and youth might miss school.

Preliminary findings from the poll conducted at the 2008 Judicial Institute training show what the attending judges considered the greatest barriers to child participation. One in four judges identified the child becoming upset, one in four judges identified agencies coming on board and one in five judges identified court congestion as the greatest barrier (Table 2).

* The Youth Justice Board, a project of the Center for Court Innovation, is an after-school program that brings together 15 to 20 teenagers from around New York City to study and devise policy recommendations on an issue affecting youth in the City today.

Table 2. What Do You See as the Greatest Barrier for Child Participation?

Barrier	Percent
Transportation	6
Court congestion	19
Professionals feel speech is restricted	13
Children may become upset	25
Children will miss school	6
Agencies coming on board	25
Attorney for the child coming on board	6

THERE ARE SOLUTIONS TO THE CHALLENGES

Preliminary findings from the poll conducted at the 2008 Judicial Institute training show that nearly all attending judges thought that there were solutions for all of these barriers. The Youth Justice Board, while recognizing that these issues are valid, also found that these issues can be overcome or mitigated through a variety of solutions.

The poll included a question to identify steps that would make the court process more child-friendly. Nearly all attending judges considered a combination of best practices, training, scheduling in the afternoon and notifying children of their court hearing would help. The benefits for the children, the process and the child welfare and court systems mandate that efforts are made to strengthen the meaningful participation of children in the permanency planning process.

“ My life turned at that decision to speak up. I was the only person who truly knew what I wanted and no one would know unless I spoke up and told them. ”

Domonica



THE BOTTOM LINE

At the end of the 2008 Judicial Institute training, the judges were asked what they thought was the most significant outcome of child participation. Overwhelmingly, they thought it would promote better outcomes for children because their participation would lead to better fact-finding and decision-making (Table 3).

Table 3. Which Best Describes the Most Significant Outcome of Child Participation?

<i>Outcome</i>	<i>Percent</i>
Better fact-finding produces better decisions that lead to better outcomes	68
Children will feel better about themselves	28
Children will hear and see things that are harmful	4
The court process will be slowed down	0

HANDBOOK STRUCTURE

This handbook is intended for judges, advocates and child welfare professionals involved with children in court. We focus on children ages 5 to 20 years. This is not intended to minimize the importance of infant and toddler development or the potential benefit of their interaction with the courts. By having young children attend court, the judge is able to visually assess their physical and emotional well-being and their developmental progress. For example, the judge could see if the child shows a bond with the birth parents or whether the child is able to walk and talk.

While the handbook separately provides information about personal development, relationships and attachments, and behaviors, these domains are interdependent. The cognitive, social and emotional growth that is expected during childhood (Table 4) is dependent upon numerous factors. Plainly, a discussion about “normal” development is relevant only within the context of each child’s individual characteristics and social and cultural environments. In addition,

children can experience chaos, unpredictability, fear and other trauma. Children of all ages, and adults, use defense mechanisms to deal with these types of situations (Table 5). In the short term, these mechanisms are protective. If prolonged, these mechanisms, like trauma, can interfere with child development.

Encouraging children’s involvement in their court hearings requires thoughtful planning. It is a win-win situation for the professionals and children when children know what to expect when they attend their hearings and know what is expected of them. Children – regardless of age – need to be prepared to attend their court hearings and they need to be debriefed after their hearings (Table 6).

This handbook examines three age groups: 5 to 11 years, 12 to 15 years and 16 to 20 years. The term “children” is used when referring to all age groups and the 5 to 11 age group in particular. The term “youth” is used in the two older age group sections and when referencing older children. Each age group section includes age-specific tips on how to engage children in court and highlights age-specific developmental aspects related to personal development, relationships and attachments, and behaviors that are relevant to appearing in court and participating in permanency hearings. The materials are intended as guidelines that are flexible and can be adapted to fit the individual needs of the court and child. We hope this handbook will encourage you to encourage child participation in court proceedings and make the court experience easier, more comfortable and productive for judges, advocates, child welfare professionals and children.

“ Youth should understand that Judges are the key to getting what they want or need. And Judges should understand we are more than those statements – we could possibly be the next them. ”

Ace



CHILD DEVELOPMENT

The developmental progression of children sheds light on why they act the way they do in their everyday lives and in the context of appearing in court and participating in court proceedings. The field of child development examines changes from the time of conception and infancy through adolescence. This non-linear, interconnected path is influenced by many factors, including genetics; social, physical and emotional environments; nurturing; and the child’s own activity. Children can also become too mature – an issue that can jeopardize their health and development. Often times when an older child has been neglected or is the child of a parent with substance abuse or mental health issues, the child (called “a parentified child”) will assume the care giving responsibilities for family members.

The following highlights some of the expected developments during childhood (Table 4).

<i>Development</i>	<i>Infant</i>	<i>Older Youth</i>
Sense of Control	<ul style="list-style-type: none"> Desires control over immediate wants, needs and likes Depends on caregivers to set limits and boundaries and gains perspective of self and others 	<ul style="list-style-type: none"> Desires control over most aspects of life Understands limits to own control Comes to terms with not having control over others, including authority figures
Independence and Autonomy	<ul style="list-style-type: none"> Begins completely dependent on caregiver Develops autonomy and independence with walking and talking Wants to do things but also wants help on demand 	<ul style="list-style-type: none"> Begins taking care of self (e.g., financially and emotionally) Wants to make own decisions and often believes he/she must do it alone Wants input but does not always want others to know it

Table 4. Developmental Progressions: From Infants to Older Youth

<i>Development</i>	<i>Infant</i>	<i>Older Youth</i>
Self-regulation	<ul style="list-style-type: none"> Requires caregiver to help regulate emotions and behaviors Needs help to soothe distress, follow rules, and control impulses 	<ul style="list-style-type: none"> Develops ability to regulate emotions, impulses and behaviors Continues to need help from others but can ask for this help
Empathy	<ul style="list-style-type: none"> Begins to develop understanding of how others might feel 	<ul style="list-style-type: none"> Gains ability to put self in the shoes of others Gains understanding of chain of events that lead to different life consequences
Thought Process	<ul style="list-style-type: none"> Thinks in the here and now Interprets words literally Sees things as extremes with no middle ground Begins to develop ability to consider different perspectives and meanings 	<ul style="list-style-type: none"> Grasps the “bigger picture” Understands hidden meanings and agendas Becomes more idealistic Becomes more logical
Relationships and Connections	<ul style="list-style-type: none"> Needs to physically connect with caregiver to feel safe and develop secure, healthy attachments Develops understanding that people exist even if not physically present 	<ul style="list-style-type: none"> Struggles for independence can create conflicts with relationships but secure attachments serve as a foundation for future relationships within and outside the family



DEFENSE MECHANISMS

For too many children involved in the child welfare system, their social, emotional and physical environments have exposed them to chaos, unpredictability, fear and other trauma. Additionally, the very act of removal from home and placement into foster care is traumatic. People – regardless of age – use various behaviors to help deal with such overwhelming events, thoughts and emotions. These behaviors are called defense mechanisms.

In the short term, defense mechanisms are protective and help individuals maintain a sense of balance or control. If prolonged, they can interfere with development, daily functioning and the ability to relate to and get along with others. Children, including infants, often use defense mechanisms before and after they visit with their family. As children develop, their defense mechanisms become more complex. Less mature defense mechanisms (e.g., acting out) are supplemented or replaced by more complex defenses (e.g., idealization) that require cognitive developments beyond the functioning of younger children. The following highlights some common defense mechanisms (Table 5).

<i>Defense</i>	<i>Definition</i>	<i>Examples</i>
Acting Out	<ul style="list-style-type: none"> Behaviorally expressing feelings or attitudes toward others – often involves lashing out, breaking rules, destroying toys or objects and showing aggression 	<ul style="list-style-type: none"> Child in foster home breaks new family rules to see if the family will “keep” or send him/her away Child is angry at parents and breaks his/her toys
Denial	<ul style="list-style-type: none"> Refusing to believe facts or accept real events and possibly accusing others of lying or failing to do their jobs 	<ul style="list-style-type: none"> Child does not think mother has been drinking even when the floor is covered with empty beer cans and mother cannot be awakened Child blames police for taking dad away and “wrecking” things after arresting him for stealing and drug use

Table 5. Common Psychological Defenses

<i>Defense</i>	<i>Definition</i>	<i>Examples</i>
Dissociation	<ul style="list-style-type: none"> Disconnecting with reality 	<ul style="list-style-type: none"> Child who is actual victim describes sexual abuse as if it happened to best friend
Humor	<ul style="list-style-type: none"> Focusing on the lighter aspects of situations or events 	<ul style="list-style-type: none"> Older child learns that brother is being moved to another home and jokes about not having to watch the him eat with his mouth open
Idealization	<ul style="list-style-type: none"> Believing someone or some “power” exists that is omnipotent 	<ul style="list-style-type: none"> Child believes parent or teacher knows everything or can do anything Child believes parent can do no wrong despite mounting evidence of that parent’s wrong doings
Projection	<ul style="list-style-type: none"> Trying to hide own flaws by seeing them in others and denying them in self 	<ul style="list-style-type: none"> Child claims sibling is name-calling when the opposite is true
Regression	<ul style="list-style-type: none"> Going back or retreating to a younger developmental level – often an attempt to return to an earlier stage that felt safer or more nurturing 	<ul style="list-style-type: none"> Child begins wetting bed, sucking thumb, waking during the night, becoming clingy, having toddler-like tantrums after progressing beyond those behaviors
Unlovable Attitude	<ul style="list-style-type: none"> Acting in ways that portray self as aloof as a result of feeling unwanted and unworthy 	<ul style="list-style-type: none"> Child treats people rudely, puts self down, repeatedly picks the “worst” choice and uses behavior to push others away
Withdrawal	<ul style="list-style-type: none"> Avoiding person-to-person interaction, including falling asleep, shutting down, using substances and running away 	<ul style="list-style-type: none"> Child refuses to talk or look at others Teen refuses to leave his/her room Child spends hours on the internet but does not personally socialize with anyone



BEFORE CHILDREN ATTEND THEIR HEARINGS

Before attending their permanency hearings, children need to receive information and support (Table 6). When they know what to expect, the experience is less intimidating for them and more productive.

Table 6. Everyone has a Role in Preparing a Child for Court	
	<i>Role</i>
Attorney for the Child	<p>The attorney for the child makes certain the child is aware of the hearing and lets the child know he/she is entitled but not required to attend. The attorney is the point person for familiarizing the child with all aspects of the hearing, for explaining what is going to happen, and determining the child's preferences and wishes so that they can be taken into consideration. Here are some things children will want to know:</p> <p>Initially</p> <ul style="list-style-type: none"> ✦ What does the courtroom look like? ✦ Who will be in the courtroom? ✦ What does each person in the courtroom do? ✦ Where will the child sit? Who will sit next to the child? <p>Ongoing</p> <ul style="list-style-type: none"> ✦ What is the purpose of the hearing? ✦ Who will be attending the hearing? ✦ Will the child be expected to speak? What if he/she does not want to speak? Can the child use other means of communication? ✦ What should the child do if he/she has questions, needs to use the bathroom or feels scared? ✦ How is the child expected to behave? What happens if the child misbehaves? ✦ Can the child bring quiet toys to court? ✦ Can the child bring a support person or item to court? ✦ How should the child dress for court? Why is attire important? ✦ How long will the hearing last? ✦ How long will the child have to wait for the hearing? ✦ Where will the child wait for the hearing?

Table 6. Everyone has a Role in Preparing a Child for Court	
	<i>Role</i>
Caseworker	The caseworker is also a source of information and can answer questions about the purpose and expectations of the hearing. Discussing who will be in court, what the child will see and what is expected of the child will help alleviate stress and provide a better understanding of what to expect.
CASA	Court Appointed Special Advocates (CASA) volunteers can be a resource for the attorney for the child and can share insight if the volunteer has a connection with the child.
Foster Parent	The foster parents should support the child and provide reassurance about the hearing, answer questions, encourage participation and support the child's decision whether to attend court.
Birth Parent	Where appropriate, the birth parent(s) can speak to the child about the hearing, answer questions, encourage participation and support the child's decision whether to attend court.
Judge	The judge can request that children attend their court hearings and can ask why a child is not in court. It is not the responsibility of the judge to prepare children for court but the judge can determine if a child has been prepared for court and proceed accordingly.

AFTER CHILDREN ATTEND THEIR HEARINGS

Just as children need to be prepared for their hearings, they should be debriefed after a hearing. Debriefing is a process that requires immediate and ongoing discussion to ensure the child understands what happened, what it means for the child and what are the next steps. Debriefing also provides an opportunity to identify any supports the child might need going forward. As with the preparation, the attorney for the child is the point person for the debriefing. Children also need their foster parent(s) and caseworker to be supportive, answer questions and provide ongoing support.



AGES 5 TO 11 YEARS

Communicating with Children

- ✦ **Define** the purpose of the hearing and ask everyone in the courtroom to identify themselves and their role.
- ✦ **Build** rapport by talking with the child at the beginning of the hearing.
- ✦ **Ensure** the child understands why he/she is attending.
- ✦ **Ask** and answer one question at a time, using child-friendly terms.
- ✦ **Allow** breaks for emotionally intense or overwhelming situations.
- ✦ **Consider** age-related attention spans: 15 to 30 minutes for a child 6 years of age vs. 30 to 60 minutes for a child 11 years of age.
- ✦ **Allow** alternative ways of communicating (e.g., pictures or notes).
- ✦ **Use** terms and language the child will understand.
- ✦ **Acknowledge** even the smallest attempt at participation – this adds to a child’s sense of control and self confidence.
- ✦ **Ensure** the child understands what is being said and what is happening.
- ✦ **Focus** the child by asking why he/she wants to be there and hopes to gain.
- ✦ **Explain** to the child that an important rule is to tell the truth and that it is all right to change an answer or correct a mistake.
- ✦ **Reassure** the child that he/she is in no way responsible for the court proceedings or events.
- ✦ **Be attentive** for signs of frustration, being overwhelmed or being tired (e.g., squirming or shuffling).
- ✦ **Avoid** known conflicts.
- ✦ **Reassure** the child that the court received and noted his/her input.
- ✦ **Compliment** the child on accomplishments and contributions.
- ✦ **Encourage** participation in court proceedings by asking the child to attend the next hearing.

AGES 5 TO 11 YEARS

The Court Connection

Building Confidence: Talking with a child at the beginning of the hearing makes the child feel more comfortable in court as well as provides insight into his/her level of preparedness, well-being and communication skills. This helps inform the judge as to how to proceed and sends a message to the participants that the child is the most important person in the room. The child should have been prepared for the hearing (see pp. 12-13). If this conversation shows otherwise, the judge may choose to explain what will happen, the reason for being there and what is expected of the child. Children will want to know who is in court and their respective roles, where to sit, who to tell if they feel talking is “too hard” or what to do if they feel they need a break. Making the physical environment more welcoming (e.g., posters and books) can help children feel more comfortable in court. Children also need support after the hearing and the judge can inquire about the plans for debriefing.

Reassurance: Children need reassurance that the court is concerned about their best interests. They need to feel safe and understand that they can say they *don’t know* or *can’t remember* if that is the case. To help reduce anxiety and build confidence, some children may benefit from the presence of a supportive adult or favorite comfort item, like a stuffed animal or toy.

Framing Questions: When a child articulates reasons for wanting to attend and what he/she hopes to gain, it provides context, structure and meaning to the hearing that benefit both the child and the court. To get to this point, the judge will need to ask questions and know how to ask the questions. Asking “how school is going” is apt to get the response “good.” When asked, “What grades did you get on your last report card?,” the same child could respond, “I’m failing two classes and have C’s in the other three classes.” Questions that start with “how” often elicit non-informative responses.

“
We had not been told why we
were going to court or how to act and we
had no clue what was going to happen.
Kelly & Charlie

”



AGES 5 TO 11 YEARS

The Court Connection

“ There have been times that I have been at court waiting and have seen things that I really didn't want to see or hear, like my mom being upset and people arguing over what to do with me. I knew that I would be all right. Just as other youth will be when they experience these emotions in court.

Antonio ”

Difficult Discussions: Children may be hesitant to speak about a caregiver when that caregiver is present. One way to make it easier is by exploring a non-threatening topic first (e.g., a pleasurable activity shared by the child and caregiver). Children can also hear or see things that are upsetting. At the same time, their presence gives them opportunities to gain accurate insight into the situation, to understand that they are not responsible for the situation, to see that the court is focusing on their best interests and to gain a sense of closure. If a particular part of

the court proceeding is expected to be especially upsetting, children should be excluded from that part of the hearing.

Attention Span and Cues: Children provide a wealth of information through non-verbal expressions – such as showing affection, fear or dislike – that can assist in decision-making. Most children also signal it is time for a break by becoming squirmy or displaying other signs of distress or boredom. Children have relatively short attention spans and may become distracted if their court appearance lasts too long. Generally younger children (6 years of age) can stay focused for 15 to 30 minutes while older children can participate for as long as 30 to 60 minutes (11 years of age). Children can read, color and use quiet games and still pay attention. Attention spans in court can be influenced by numerous factors, including the wait time before a hearing and symptoms of Attention Deficit Hyperactivity Disorder (ADHD).

More Perspective: The following provides questions to consider asking children in court and further insight into the interrelated personal and social development and behaviors of children ages 5 to 11 years.

AGES 5 TO 11 YEARS

Questions to Ask

Initial Questions

- ✘ Did I pronounce your name correctly?
- ✘ Do you know who everyone is in the courtroom?
- ✘ Tell me about something that has happened to you since I last saw you.

Feelings

- ✘ What do you do when you are happy?
- ✘ What worries you the most?

School

- ✘ What is your favorite part of school?
- ✘ Do you like to read?
- ✘ Do you have someone who helps you with your homework?

Friends

- ✘ Do you have a best friend?
- ✘ What do you do after school? Who do you do that with?

Family

- ✘ How often do you visit your parents? Your brother(s)/sister(s)?
- ✘ What did you do during your last visit with your family?
- ✘ Do you talk, text or email your brother(s)/sister(s) or parents between visits?

Health

- ✘ Have you been to the doctor since I saw you last? The dentist?
- ✘ What do you do for fun?
- ✘ What games do you play?

Wrap-up Questions

- ✘ Did anyone use any words you didn't understand today?
- ✘ Is there anything that we are missing?
- ✘ Do you have any questions?



AGES 5 TO 11 YEARS

Personal Growth

Self-awareness: The understanding that others – in particular caregivers – exist even when they are not present, allows children to enter school or participate in non-familiar activities without becoming overwhelmed or anxious. For many children, this cycle of separation and re-unification has become routine by attending preschool.

Self-reliance: Children’s increasing ability to depend upon themselves is influenced by their environments and school is a primary context of childhood. The school environment provides much more than academic opportunities as it encourages children to hone their ability to plan and follow directions, complete tasks independently, sharpen their language skills and develop attachments beyond members of their family and immediate community. Children gain an increasing sense of self-pride that builds on their successes.

Cause and Effect: Children tend to think in the present, about tangible things and events that they can observe. They begin to develop an understanding of cause and effect. For young children, their interpretation is generally concrete and dichotomous (e.g., good vs. bad). As children approach preadolescence, they are

learning to reason, think abstractly and negotiate, which gives them a more in-depth perspective. Along with learning to take responsibility for their own actions and to accept the consequences of their behavior, children also recognize when others do not accept responsibility for their actions and behaviors.

“ My first placement I remember it being like a playground setting... I got tired of playing and wanted to go home. There was an uncomfortable silence around me. Then they began to explain – I was going to be here longer than I thought.

Antonio ”

AGES 5 TO 11 YEARS

Personal Growth

Independence: Children are gaining a sense of independence while achieving more self-reliance and control. They begin testing values and beliefs and recognize that parents and other authority figures are not always right.

Identity: As puberty approaches, children become more aware of their body and continue to develop their gender and sexual identity. They are apt to have periods of curiosity about the opposite sex but tend to focus more on same-sex friendships. Their perception of themselves and their activities are influenced by family and societal norms and behaviors. Children are apt to imitate or reflect what they see and hear from adults, siblings, peers and the media.

Trauma: Trauma can interfere with children’s ability to bond and develop trusting relationships. Children may blame themselves for these unpleasant situations even when they know the truth. To cope with stressful situations, children may alternate between reality and fantasy and use other psychological defenses (see pp. 10-11). Defense mechanisms in the short-term can be protective but if prolonged, they can interfere with physical and social development and daily functioning. Prolonged effects can lead to speech and language difficulties and to behavioral and learning problems. Children may also tune out some feelings as a means to deal with other feelings. Since development is cumulative, it is crucial for children to reach milestones that will in turn be foundational for future growth and well-being.

Trauma during childhood can lead to disruptions in personal growth, causing ...

- ✓ Long-term grief
- ✓ Attachment disorders
- ✓ Inadequate coping skills
- ✓ Suicidal feelings
- ✓ Self blame for the actions and decision of others
- ✓ Lack of resolution or closure
- ✓ Decrease sense of mastery and self-reliance



AGES 5 TO 11 YEARS

Relationships and Attachments

Thoughts and Emotions: Developing more complex socially-based feelings (such as guilt, envy, modesty, embarrassment and shame), children’s emotions surpass feelings based on survival (such as pleasure, fear and sadness). By gaining an ability to distinguish between their feelings, thoughts and actions, children learn to control their behaviors and regulate their emotions. Children begin to communicate their feelings as they link words with their emotions.

Children are still grasping and meshing concrete and abstract thought and often struggle with their understanding of events and situations. This age group is apt to take things personally and be particularly sensitive to criticism. Further, the onset of puberty and hormonal fluctuations can have a profound effect on emotions.

Social Network: This age group has a wider social network than younger children. Their peers take on a greater significance – with children often developing a “best friend” relationship. Children are also able to understand the relationship between people and concepts, such as judges and their authority. Children are able to reach out beyond their family and use friends and other adults as resources to meet their

emotional needs. If their basic needs are not being met at home, children will search for other people who can provide a sense of being cared for or feeling wanted. Research suggests girls are apt to seek emotional support from their network while boys are less apt to seek emotional support but will share their feelings in response to a request for information.

“ The judge would ask me how I was doing, how is school going and how was I doing in my current placement. By doing this the judge developed a relationship with me so that I actually felt comfortable going to court. This gave me the motivation to attend all of my hearings.

Anthony ”

AGES 5 TO 11 YEARS

Relationships and Attachments

Positive peer relationships help children develop the skills needed for healthy social interactions. These relationships can increase self-esteem, reduce emotional stress and increase social competence in children.

Trauma: Children’s emotions and social interactions are affected by their thoughts and perceptions of the world and their place in it. Trauma can have devastating effects on that perspective as well as on the development and maintenance of relationships. Children who experience trauma may exhibit changes in their behavior, social interactions or academic achievements or they may show no signs of their suffering. When children are distressed, they often demonstrate defensive behaviors and can strike out, sulk, withdraw or regress. Seemingly minor provocative cues may lead to a “fight or flight” reaction with the child using impulsive violence as a defense.

The brain responds to the stimulation associated with fear and trauma. The persistent activation of the fear response plays a major role in the various behavioral and cognitive problems associated with traumatized children. Considering the normal emotional fluctuations during this stage of development, trauma is apt to intensify mood swings or provoke unexpected or exaggerated responses to nonthreatening sights, sounds or events.

Trauma during childhood can lead to disruption in building healthy relationships, such as...

- ✓ Children assume parental role
- ✓ Children develop inadequate social skills
- ✓ Children show aggression toward others
- ✓ Children have difficulty with peers
- ✓ Children lose interest in friends, school, exploration and age appropriate interests



AGES 5 TO 11 YEARS

Behaviors

Array of Behaviors: Children’s behaviors reflect a culmination of not only their age and temperament but also societal and family norms and expectations, parenting styles, social relationships and their experiences. Children are eager to please adults and want to show off their knowledge and skills. They also tend to want to keep everyone happy. As a result, they may be slightly resistant to talk about difficult situations. While children are also gaining a greater sense of responsibility and independence, they may seem very competent and mature one moment and then quickly regress to exhibiting toddler-like behavior.

“ I entered foster care directly after entering this world...Initially I was placed with two of my siblings but then we were separated when I was still a baby...I was lucky because they were placed in a home that was nearby.”

Anthony

Fairness: Children begin to evaluate and judge others – including friends, siblings, parents and other adults. Their critiques are fueled by an increased awareness of social norms and rules that guide behavior. Children become concerned with fairness and enforcing the rules, which may result in tattling behaviors. At the same time, it is not uncommon for children to act out behaviorally with those they trust or to act in sneaky ways to exert and maintain control.

Friendship: Children may identify a “hero,” adult or another child who they want to emulate or impress. In building stronger, more complex friendships and peer relationships, children choose a “best friend” or friends that may or may not share similar characteristics. Children can assume and fluctuate between reciprocal, leader or follower roles and begin to experience more peer pressure. They are likely to imitate newly observed behaviors that can be limit-testing. Such experimentation helps children gain a better understanding of social norms while furthering their moral and conscience development. Ultimately, children gain a sense of security through limits and containment. Through this process, children learn to take reasonable risks, to deal with failure and to recover.

AGES 5 TO 11 YEARS

Behaviors

Physical Activity: Physical activity not only helps children develop coordination and motor skills but also helps children release stress, develop social skills and build confidence. While still gaining the capacity to communicate, understand and deal with feelings and emotions, physical activity helps release pent-up energy and frustration.

Trauma: When children need to focus their attention on safety and security issues, they have little energy remaining for fun and games, exploration or schoolwork. Trauma can cause children to experience what appears to be unrelated bodily aches and pains. Children can also use behavioral “defensive” strategies, including regressive, passive or aggressive behavior. These behaviors can further alienate children from their peers and family members, which in turn separate them from their support and safety net for risk-taking.

Trauma during childhood can lead to behavioral issues, such as...

- ☑ Destructive behavior
- ☑ Oppositional or defiant disorder
- ☑ Acting out to try to control or get their way when they lack the words or ability to identify their feelings
- ☑ Children have difficulty with peers
- ☑ Children lose interest in friends, school, exploration and age appropriate interests



AGES 12 TO 15 YEARS

Communicating with Youth

- ✦ **Remember** youth generally can remain focused for 60 to 90 minutes.
- ✦ **Define** the purpose of the hearing and ask everyone in the courtroom to identify themselves and their role.
- ✦ **Build** rapport by talking with them at the beginning of the hearing.
- ✦ **Acknowledge** that the youth has chosen to attend the hearing and may be missing an activity and thank the youth for coming and helping the court make a more informed decision.
- ✦ **Use** terms and language the youth will understand.
- ✦ **Ask** for their opinions and input, keeping in mind youth may argue for the sake of arguing.
- ✦ **Set** limits as needed to provide structure and containment – youth want to know how far they can go.
- ✦ **Frame** questions to elicit detailed responses – use open-ended, not leading questions.
- ✦ **Reassure** the youth that he/she is in no way responsible for any of the court proceedings or events.
- ✦ **Offer** to provide breaks if difficult situations arise – this gives youth a coping mechanism and provides a sense of control.
- ✦ **Share** documents that are appropriate for the youth to read – this increases his/her awareness and sense of control.
- ✦ **Allow** the youth to respond to documents and discussions through written or verbal methods.
- ✦ **Reassure** the youth that the court received and noted his/her input.
- ✦ **Acknowledge** even the smallest attempt at participation – this adds to a youth's sense of control and self confidence.
- ✦ **Encourage** participation in court proceedings by asking the youth to attend the next hearing.

AGES 12 TO 15 YEARS

The Court Connection

Building Confidence: Whether a youth has previously attended his/her court hearings or whether it is the first time, welcome and talk to the youth, make sure he/she knows who is in the courtroom and clearly state the purpose of the hearing. Knowing what will and will not happen can address preconceived ideas that might be based on the media or hearsay and encourage an interactive relationship with the court. Youth can and will tell the court their needs and opinions and how they feel, especially when they know their participation is valued. By acknowledging their contribution to the hearing, the court will build their confidence to participate. The attention span for youth is substantially greater than for younger children but they still may become distracted if they have waited a long time for their hearing.

Participation: Simply having youth attend their court hearing does not ensure their meaningful participation. Even if they talk a lot in court, it does not indicate meaningful participation. To be meaningful, youth need to be acknowledged as real contributors – not just stakeholders – in the decision-making process. Since this age group likes to talk and may be argumentative, it is important to provide instructions as to when the youth's participation is expected.

“ The judge spoke directly to the Department of Social Services representative using all kinds of legal terms that we didn't understand.

Kelly & Charlie ”

Youth-friendly: Preparing youth for their hearings starts long before entering the courthouse and requires a concerted effort by all professionals involved (see pp. 12-13). Youth need to know what is being decided, have an opportunity to discuss and understand his/her options and have an opportunity to participate in court. Avoiding acronyms and unfamiliar legal terms will make the discussion more understandable. Once a decision is made – even one contrary to their request – youth will see that many factors contributed to the decision, have a better understanding of the decision and its consequences and hear that the decision is based on their best interests. The attorney for the child is the point person for debriefing and ensuring the youth understands the meaning and consequences of the decisions. Youth also need their foster parent(s) and caseworker to be supportive and answer any questions that may arise and provide ongoing support.



AGES 12 TO 15 YEARS

The Court Connection

Non-verbal Communication: Even if youth opt not to speak in court, their presence alone is valuable. Non-verbal cues and communications can provide insight into the youth's feelings and reactions. Their appearance can indicate a sense of well-being or raise flags. As youth observe what occurs during their hearing, they are able to gain a better understanding of what has occurred and what is expected to occur in their lives.

“ In my most recent permanency hearing my goal was going to be independent living, but I didn't really want to do that. I really wanted a family again... Youth should be able to speak at their court appearances because the child knows what he or she wants.

Nunzio



Difficult Discussions: Youth might be exposed to unpleasant information or conflict during their court hearings but it is their lives, their experiences and their futures being discussed. Youth may be more upset by being excluded from the hearing. By hearing or seeing these realities, youth are provided accurate information. This first-hand experience can give them the necessary pieces to understand and accept decisions made as well as to provide closure. The court can

also minimize difficult experiences by taking a break, encouraging the presence of a support person or bifurcating the hearing in extremely difficult situations.

Framing Questions: To get reliable responses, questions need to be framed to elicit the desired information. For example, when asking youth in care if they want to be adopted, their response may be a quick “no.” If asked if the youth wants a family to go on vacations with, take care of him/her when he/she is sick and attend his/her sports activities, the response may be “yes” and the youth may be willing to continue a discussion about adoption. Youth participation not only empowers them but also provides the courts with better fact-finding that in turn produces better decisions and ultimately better outcomes.

More Perspective: The following provides questions to consider asking youth in court and further insight into the interrelated personal and social development and behaviors of children ages 12 to 15 years.

AGES 12 TO 15 YEARS

Questions to Ask

Initial Questions

- ✘ Did I pronounce your name correctly?
- ✘ Do you know who everyone is in the courtroom?
- ✘ Tell me about something that has happened to you since I last saw you.

School

- ✘ What is your favorite subject?
- ✘ Are there any subjects that you would like to have additional help?
- ✘ Have you changed schools during the school year?
- ✘ What would help you do better in school?
- ✘ Have you started to think about college or vocational school?
- ✘ What school or community clubs or teams do you belong to?

Friends

- ✘ What do you do for fun? Who do you do that with?
- ✘ Who do you go to for advice?

Family

- ✘ When was your last visit with your family?
- ✘ What did you do at your last visit with your siblings? Birth parents?
- ✘ What household responsibilities do you have?

Health

- ✘ Have you been to the doctor since I last saw you? The dentist?
- ✘ Who would you talk to about health issues?

Feelings

- ✘ What do you do when you are happy?
- ✘ When you think about the future, what are you most concerned about?

Wrap-up Questions

- ✘ Did anyone use any words you didn't understand today?
- ✘ Is there anything that we are missing?
- ✘ Do you have any questions?



AGES 12 TO 15 YEARS

Personal Growth

Competencies: Youth are beginning to think about their future and formulate their educational, career and family plans. In order to gain the confidence and skills to work towards and achieve those plans, youth need to develop competencies – being able to do some things well and feeling a sense of accomplishment and effectiveness. By identifying and building upon an existing success or talent (whether it is related to school, art, sports or a hobby), there is an opportunity to

help youth develop competencies. Each success in turn promotes self-regulation, responsibility, pride and humility. Youth need to know that others believe in them in addition to believing in themselves.

Physical Growth: Youth experience rapid growth, the onset of puberty and the physical changes that accompany it. These changes affect their self-image, sexuality, moods and relationships with adults and peers. Not only do these physical qualities enable youth to feel more autonomous but they also change adult perceptions that encourage adults

to give youth more independence. The actual timing of these physical changes for each youth is influenced by a combination of factors, including genetics, health and environmental influences. By having youth in court, the judge is able to do a visual assessment of the youth's physical development and well-being.

Belonging: While searching for a sense of independence, identity and uniqueness, youth also strive to be the same as others and fit in. During this process, youth begin to identify their own morals and values but their feelings of loyalty may affect their rational thought and their actions can be driven by their need to feel that they belong. Also, they are prone to excessive guilt feelings when things do not go as they expect.

“ The judge in all my permanency hearings has been the same person. This has helped because she's caring and asks me what I want. This makes it easier for me when I go to court because we don't have to start over every time. She makes sure everybody is on the same page before we get started.

Nunzio



AGES 12 TO 15 YEARS

Personal Growth

Reasoning: Youth have a more advanced sense of moral reasoning than younger children. Younger children tend to base their sense of what is right and wrong on what they are told and tend to focus on the rewards or punishments that are associated with their actions. Youth tend to base their moral reasoning on how their actions will be judged by others. Wanting to gain social approval, they are apt to consider not only the consequences and benefits of their action but also the impact the action will have on their relationships. Youth may often choose to do or say things simply to impress their peers.

Idealistic: Having an idealistic point of view, youth can uphold their principles with a vengeance and challenge social conventions using those principles in ways that suit their needs.

Trauma: Youth having experienced trauma may have a heightened consciousness of threats or perceived provocations. Rather than confront perceived conflicts, they may attempt to escape or try to avoid these painful or frustrating situations altogether. The resulting isolation – from adults, peers and society in general – can alienate them and make them feel unsafe. Such isolation, stress and fears can have a detrimental impact on their physical development and decision-making capabilities and actions.

Trauma can lead to disruptions in personal growth for youth, causing...

- ☑ Desire to escape or avoid painful or frustrating situations
- ☑ Lack of knowledge and ability for self care
- ☑ Disconnection
- ☑ Anxiety disorder
- ☑ Depression
- ☑ Attachment disorders
- ☑ Personality disorders



AGES 12 TO 15 YEARS

Relationships and Attachments

Expanding Relationships: Along with gaining a greater sense of independence from adults, youth begin to recognize the shortcomings of their parents, caregivers and other adults and question authority. Peers – ranging from pairs to cliques to crowds – take on a greater importance and contribute to a sense of identity. Youth are also beginning to develop relationships while gaining an appreciation of the complexity of themselves and others. Relationships are also brought to the forefront by the curiosity and interest related to pubertal changes.

Fitting In: Along with having a strong desire to fit in and please others, youth want to appear “cool” and avoid embarrassment. They need to feel like they belong

and their strong sense of loyalty may make them act, say, dress or do things that make them feel or look like their peers. At the same time, youth are apt to test their standing or influence in relationships especially with adults. They may play people against one another, manipulate people or see just how far they can push someone.

Peers: Youth have a greater exposure to influences outside of the home. They seek approval and acceptance from their peers and upon receipt they gain confidence, social skills and a sense of

fitting in. It is during the early teen years that peer pressure is its strongest and tends to be a greater influence for boys compared to girls. Failure to “fit in” with peers can lead to emotional distress and cause internal conflicts (e.g., depression, anxiety, obsession or bodily complaints) or troublesome behaviors (e.g., aggressive or destructive behaviors or substance use and abuse).

“ My permanency plan changed from adoption to independent living. My judge and social worker stood by my decision to pursue independent living. My foster mother wanted to adopt me but at that point I didn't want to be adopted because she was moving to a different state and I wanted to stay close to my friends and family. ”

Anthony

AGES 12 TO 15 YEARS

Relationships and Attachments

Gang Membership: If youth's social and emotional needs are not being met at home or with friends, youth may turn to gangs to meet their needs. At the personal level, gangs can provide a source of recognition, excitement, money, advice, encouragement and a sense of belonging. At the social level, gangs can provide status, protection and “rules.” The gang's guiding set of rules and codes can reduce independent thinking and the need to make decisions. Gang association can range or graduate from “wanna-be's” to membership. Regardless of their level of involvement, youth may dress or exhibit gang-related attire or behaviors. Research has shown that gang membership contributes to delinquency to a greater degree than associating with delinquent non-gang peers or having exhibited previous delinquent behavior.

Trauma: Youth having trauma-related experiences can develop a distrust of others, particularly adults. This perception of not being able to rely on adults can make them feel isolated and solely responsible for themselves. This sense of isolation – from adults and society in general – can lead to withdrawal that further limits their opportunities to develop trusting relationships and leads to antisocial behaviors. This isolation is not the same as demonstrating the independent behaviors that are so critical during the developmental progression to adulthood.

Trauma can lead to disruptions in building healthy relationships for youth, such as:

- ☑ Lack of opportunity to connect and develop relationships with others
- ☑ Mistrust of adults and authority figures
- ☑ Inconsistent support with learning disabilities and mental health issues



AGES 12 TO 15 YEARS

Behaviors

Establishing Patterns: Youth experience remarkable changes during this transitional period – both visible and invisible to the eye – that influence their behaviors. It is a period of increasing independence during which youth begin to make more choices, test limits and establish patterns of behavior. Their lifestyle choices – including violence, substance use and abuse, physical activity and sexual activity – can have immediate and long-term health and well-being consequences.

“ *I once thought my life was a game and everyone but I was to blame for my pain. I made the decision to leave but it was you that caused that action from me.* ”

Ace

These choices and subsequent behaviors can establish patterns and trajectories that also influence their immediate and long-term life chances.

Brain Function: With advances in brain imagery, researchers have established that different parts of the brain mature at different stages of development. During puberty, the part of the brain (the limbic system) that deals with emotion and social interactions becomes very active. Structurally, the part of the brain (frontal cortex) that regulates behavior – through rethinking and reasoning – is still

maturing into early adulthood. While gaining the capacity for abstract thinking and understanding the difference between right and wrong, youth may manipulate the logic behind decisions that in turn lead to rash decisions or risky behaviors.

Risky Behaviors: Increased risk-taking is normal for this age group. Characterized by being easily enticed, emotionally reactive and having an immature impulse control, youth like to have fun and are thrill-seekers. Simply making youth aware of the dangers related to their behaviors – ranging from tobacco, alcohol and drug use to guns and unprotected sex – does not significantly reduce their participation in these behaviors. Since the likelihood of engaging in risky behaviors is linked to pubertal maturation, early-maturing youth are more likely to engage in more risky behaviors earlier than average- or late-maturing youth.

AGES 12 TO 15 YEARS

Behaviors

Peer Pressure: Research shows that youth are more likely to engage in risky behaviors when they are with peers than when they are alone. Research also shows that a greater percentage of crimes committed by this age group are done in groups rather than independently. This is in sharp contrast to the majority of adult crimes, which are committed independently.

Trauma: While youth are resilient, psychological trauma during this period can interfere with brain development that is crucial in regulating impulses and behavior. Schools can provide a social support system for youth, but trauma-related behaviors, lack of connection and an inability to focus on school can alienate them from this support and contribute to school failure, excessive absenteeism, truancy and dropping out of school.

During this transition period, the risk of self-inflicted harm or injury increases. Rejection and abuse are two leading risk factors for youth who exhibit suicidal behaviors. Girls are more likely to report suicidal attempts but boys are more likely to die as a result of their attempt.

Trauma can lead to behavioral issues for youth, such as...

- ✓ Suicidal behavior
- ✓ Drug and alcohol use and abuse
- ✓ Sexual acting out
- ✓ Pregnancy
- ✓ Aggressive acting out
- ✓ Truancy
- ✓ School failure
- ✓ Juvenile delinquency



AGES 16 TO 20 YEARS

Communicating with Older Youth

- ✦ **Remember** older youth generally can remain focused for the entire hearing.
- ✦ **Explain** the purpose of the hearing and ask everyone in the courtroom to identify themselves and their role.
- ✦ **Build** rapport by talking with them at the beginning of the hearing.
- ✦ **Communicate** directly with the youth.
- ✦ **Avoid** using acronyms or legal terms.
- ✦ **Maintain** eye contact when talking to the youth.
- ✦ **Expect** avoidance with some older youth. They may want to attend but their ability to deal with intense emotion may not be as mature.
- ✦ **Allow** for alternative ways of communicating (e.g., drawings, poems or letters).
- ✦ **Repeat** decided actions of the permanency plan to be sure the older youth understands.
- ✦ **Share** documents that are appropriate for older youth to read – this increases their awareness and their sense of control.
- ✦ **Watch** for nonverbal cues that could prompt deeper discussions or assist in decision-making.
- ✦ **Acknowledge** even the smallest attempt at participation – this adds a sense of control and self confidence.
- ✦ **Encourage** pre-planning for future meetings or hearings.
- ✦ **Assure** the youth that the court received and noted his/her input.
- ✦ **Ensure** the youth understands the decision and the reasoning behind it.
- ✦ **Coordinate** with the youth about the next hearing date.
- ✦ **Encourage** participation in all court proceedings by asking youth to attend the next hearing.

AGES 16 TO 20 YEARS

Court Connection

Sense of Control: Older youth in out-of-home care, compared to their peers not in care, experience unique challenges as they assume increasing levels of independence and responsibility. Courts have a special responsibility to ensure that youth in care have the supports, skills and knowledge necessary to leave care as self-reliant, healthy and productive young adults. Through their participation in their court proceedings, older youth can gain a better understanding of the supports that are available to them as well as the challenges that face them. They may gain a sense of control over their lives, exercise their negotiation and decision-making skills, and develop the ability to advocate for themselves.

Guidance and Permanency: Older youth need a sense of control but at the same time they can easily become overwhelmed. There is a fine line as they desire independence but also want guidance and support. This guidance and support is needed inside and outside of the court. By having the youth present and able to provide information about supportive adults (e.g., teacher, coach, employer, foster parent, extended family or friend’s parents), the participants will be better equipped to identify a permanent resource that will continue to provide this much needed guidance and support throughout life.

Youth-friendly Environment: Participation is enhanced by maintaining a “youth friendly” environment – where the judge and others acknowledge the youth, speak directly to him/her, avoid acronyms and legal terms, and recognize the potential need for breaks or other supports that minimize stressful events or discussions. Some older youth will need encouragement to participate and they may avoid involvement rather than risk exposing their emotions. Older youth, being peer-oriented, may prefer to be accompanied

“ I have a judge who looks me in my eyes every court date and repeats my goals. He asks me if I agree before finalizing anything. He has seen me grow so much and I can tell he genuinely cares that my life has turned out positive.

Domonica ”



AGES 16 TO 20 YEARS

Court Connection

by a supportive friend rather than an adult. Preparing youth before their hearing and debriefing them after their hearing will make the court experience more productive. The court can inquire about and encourage these discussions.

“

The judges should ask questions directly to me rather than asking adults in my life how I'm doing.

Jocelyn

”

Aging Out: With New York State being one of the few states in the nation that gives youth the ability to remain in foster care up to age 21, the court should encourage all youth to remain in care. Research indicates that youth who remain in care beyond age 18 are more likely to stay in school, access health and mental health services and have better health, education, economic and well-being outcomes than their peers who exit

foster care earlier. The older youth, while possibly feeling restricted by opting to remain in foster care, may feel more in control and gain a better understanding of the benefits of remaining in care by discussing this option in court.

Education: As youth approach or reach the age limit of compulsory school attendance, the court can play a major role in the youth's educational career by bringing education to the forefront of the discussion, identifying issues before they escalate, encouraging youth to complete high school and attend post-secondary school, identifying and providing the supports needed to succeed in school and monitoring the success of the interventions. Education is fundamental to self-reliance. Educational attainment is directly linked with income and well-being – people with more education, on average, have longer life expectancies, make more money and are unemployed less. While the GED might appear to be a viable alternative for youth in high school, getting a GED instead of a regular high school degree results in substantially lower earnings later in life.

More Perspective: The following provides questions to consider asking youth in court and further insight into the interrelated personal and social development and behaviors of youth ages 16 to 20 years.

AGES 16 TO 20 YEARS

Questions to Ask

Initial Questions

- ✘ Did I pronounce your name correctly?
- ✘ Do you know who everyone is in the courtroom?
- ✘ Tell me about something that has happened to you since I last saw you.

School

- ✘ What is your best subject in school?
- ✘ Have you looked at colleges or vocational schools? Have you applied?

Friends

- ✘ Who do you hang out with?
- ✘ What do you do during your spare time?

Employment

- ✘ Where are you currently working? Do you enjoy that work?
- ✘ What plans do you have for future employment?

Family

- ✘ What did you do at your last visit with your brother(s)/sister(s)? Birth parents? Do you talk, text or email them?
- ✘ Do you know how to do laundry? cook? Do you have a savings account?

Permanency

- ✘ For college students – Who will you stay with during school breaks?
- ✘ Who do you call to share your good news?
- ✘ Do you have an adult to go to for advice?

Health

- ✘ Have you been to the doctor since I saw you last? The dentist?

Feelings

- ✘ Who do you talk to when you are upset?
- ✘ Where do you see yourself in 5 years (10 years) from now?

Wrap-up Questions

- ✘ Is there anything that we are missing or that you would like to add?
- ✘ Do you have any questions?



AGES 16 TO 20 YEARS

Personal Growth

“ The first time I really spoke up I was moved back to the area of my high school so I could continue going to school in the setting I was used to. This was a huge milestone for me because school has always been very important to me and I had a chance to excel in the way I wanted to.

Domonica

Independence: Older youth consider themselves adults as they take on more responsibility, assert their independence and take a more proactive role in decisions about their current and future plans. Being able to drive and get a job augments this growing social and financial independence. Yet an increasing number of young adults who left home (and had not experienced out-of-home care) are subsequently returning home. Some are leaving and returning more than once. This return often follows a college graduation, a divorce, or a change

in jobs, or when housing costs are beyond the young adult’s budget. They are called the “boomerang” generation.

While society once expected older youth to be self-reliant by the time they reached 18, caregivers are now extending their support – both emotional and financial – well into early adulthood. This newly defined developmental phase, called “emerging adulthood,” includes older teens and young adults in their mid-twenties who have not yet assumed the independence and responsibility associated with adulthood. This need for longer-term support for young adults underscores the importance of identifying a permanent resource for youth aging out of care and ensuring that they know what supports are available to them, including housing, education and health care.

Cognitive Abilities: Older youth are able to grasp abstract concepts and use abstract reasoning as well as anticipate and deal with problems, both real and hypothetical. These cognitive abilities and their physical appearance may make them appear mature, but it may be a pseudo-maturity as youth can easily become overwhelmed. As mentioned earlier, the part of the brain that regulates behavior – through rethinking and reasoning – is still maturing into early adulthood.

AGES 16 TO 20 YEARS

Personal Growth

Regardless of their ability to foresee harmful consequences, teenagers seek excitement and act impulsively, especially when they are with peers.

Identity: While in the process of developing a coherent, stable identity, older youth may experiment with or “try on” several identities before finding the combination of characteristics that fit their needs. Older youth become more reflective and introspective as they mature and increasingly perceive situations or problems in relative terms using multiple dimensional thinking to assess how they and others fit into the bigger picture. By the time youth turn 21, they generally have a clear sense of identity, including their sexual identity, sexual preference and gender identity. They also have identified or chosen a direction for their future. If older youth continue to struggle with gender role and other identity conflicts into adulthood, the prolonged “identity crisis” stage increases their risk for depression and suicide.

Trauma: Exposure to acute or chronic trauma can interfere with older youth’s development or ability to control mood swings, impulsivity, irritability, anxiety and anger, which in turn lead to aggression, depression and dissociation. Suicide can be a perceived solution for older youth who have trauma-related feelings of stress, confusion, self-doubt and other fears. Using conventional age breakdowns, suicide rates increase dramatically between youth (ages 10 to 14 years) and older youth (ages 15 to 19 years) to the extent that suicide is the third leading cause of death for older youth in New York State and the United States as a whole.

Trauma can lead to disruptions in personal growth for older youth, causing ...

- ✓ Lack of emotional connections
- ✓ Feelings of rejection
- ✓ Confusion over roles
- ✓ No sense of belonging
- ✓ Suicidal feelings
- ✓ Depression disorders
- ✓ Affective disorders
- ✓ Anxiety disorders
- ✓ Attachment issues
- ✓ Personality issues
- ✓ Poverty



AGES 16 TO 20 YEARS

Relationships and Attachments

Connections: Older youth develop strong ties and a sense of belonging with numerous people and groups that extend beyond their family and peers. This network develops through their engagement in group activities, development of adult-to-adult relationships and membership in religious organizations, sub-culture

groups, and school or work-related groups. While the caregiver-child relationship matures and becomes more mutual, these other relationships provide youth a broad source of recognition for their accomplishments and contributions. At the same time, this broader involvement can cause older youth to become confused as to where to place their loyalties.

Siblings: Sibling relations change as children grow older. Teenage siblings are more apt to see each other as equals instead of when they were younger and

the older sibling had more authority. While older siblings become less dependent upon one another, their relationship can continue to be a valuable resource.

Dating: As older youth become interested in dating, opposite sex cliques that developed earlier often begin to “hang out” together thereby giving youth the opportunity to get to know and interact with one another. As romantic relationships develop, cliques and crowds decrease in importance. Early relationships tend to provide a source of recreation and peer status and a means of exploring their sexuality. Older youth tend to have more intimate relationships that provide a source of companionship, affection and support. For same-sex relationships, the overt development of these supportive relationships may be hampered by the fear of peer harassment or rejection and may cause youth to retreat to heterosexual dating or to feel isolated.

“ It seemed each time I went to court there was a person there that knew more about me than I knew about myself. I felt like my life was a folder that opens up every six months for changes that didn't happen easily.

Ace

”

AGES 16 TO 20 YEARS

Relationships and Attachments

Parenthood: In the United States, seven in ten youth engage in sexual intercourse by the time they reach the age of 19 and nearly one in three girls get pregnant before the age of 20. A recent study showed girls in foster care were more likely to become pregnant compared to girls in the general population (32.9% vs. 13.5% of girls by age 17, and 48.2% vs. 20% of girls by age 19, respectively). The study also showed girls who aged out of foster care at 19 were more likely to have become pregnant at least once, less likely to receive family planning services and less likely to use contraception compared to girls still in foster care at age 19 years.

The vast majority of teen pregnancies are unintended. Compared to older mothers and their babies, teenage mothers are more likely to drop out of school and live in poverty, and their babies are more likely to be low weight at birth, have health and developmental problems, experience abuse or neglect and have poor academic outcomes. Recent data show that more than 80 percent of births to teenagers are nonmarital.

Trauma: Older youth experiencing trauma are at increased risk of becoming detached from their support systems. While most youth are resilient, some are among the growing number of older youth who are isolated from two major support systems that are crucial in their transition to adulthood. These teenagers, called disconnected or idle youth, are not enrolled in school or employed. Disconnected youth are disproportionately minority and are concentrated in urban areas. Youth aging out of foster care are more likely to become disconnected than their peers as they have higher dropout rates and greater risk of becoming unemployed and homeless. Compared to their working or in-school peers, disconnected young women are more likely to rely on public assistance and disconnected young men are more likely to be incarcerated.

Trauma can lead to disruption in building healthy relationships for older youth, such as...

- ✓ Lack of emotional connections
- ✓ Failure to launch
- ✓ Continuation of problematic family patterns
- ✓ Default to toxic relationships
- ✓ Inadequate social skills
- ✓ Feelings of rejection
- ✓ Lack of emotional connections



AGES 16 TO 20 YEARS

Behaviors

Reasoning: While coming to terms with wanting to be autonomous and also wanting to be connected, older youth can exhibit inconsistencies in both behaviors and communication. Their apparent “acting out,” while not intended to hurt others or waste time, is a means of coping with feelings of fear and insecurity, testing limits, distinguishing themselves from others and establishing independence.

Risky Behaviors: Older youth may be risk-takers and sensation-seekers. While these behaviors may not reflect their ability to make rational decisions, older youth often put different values on consequences than adults and may value the opinion of peers regarding potentially dangerous outcomes. In situations that are not emotionally charged, or when older youth are alone they may be better able to control their impulsivity. As noted earlier, the section of the brain that helps regulate impulsive and risky behaviors does not reach maturity until the mid-20s. Older youth are at greater risk of premature death from self-inflicted or unintentional injuries than younger children.

“ I ran away from the home feeling that was the only way I would ever get away. . . I began doing things out of character. I feel if I could have personally told the judge these things maybe my life could have picked up a lot sooner, but I couldn't and my life continued on a downward spiral. ”

Domonica

transmitted disease and driving while intoxicated and believing it would not result in a ticket, accident, injury or death.

Infallibility: With a false sense of invincibility, older youth minimize or deny the potential risks associated with their behaviors, thinking that “it can't happen to me.” Examples are having unprotected sex and believing it would not result in a pregnancy or sexually

AGES 16 TO 20 YEARS

Behaviors

Red Flags: Research shows that youth who do not feel safe or valued and lack a connection to their family, school and community have a greater likelihood of dropping out of school, engaging in disruptive, self-destructive, violent and criminal behaviors, and coming into contact with the juvenile or criminal justice system. Numerous red flags have been identified as risk factors, including history of child abuse and neglect; truancy; poor academic performance; poor family relationships; drug and alcohol use; living in poverty; teen pregnancy; peers engaging in risky behaviors; bullying or being the victim of a bully; feeling depressed, hopeless or suicidal; lacking a supportive caregiver or adult relationship; and gang membership.

Trauma: For the older youth, traumatic experiences can cause them to misinterpret events. Triggers related to their traumatic experiences, such as sounds or smells, can cause states of panic and hopelessness. Another person's trivial actions can cause youth to act out in what appears as unprovoked retaliation or withdrawal. If older youth experience chronic fear or anxiety, they are less apt to develop problem-solving skills and more apt to have difficulties processing new information. These heightened states of arousal interfere with accurately perceiving events and reacting appropriately.

Trauma can lead to behavioral issues for older youth, such as...

- ✓ Violent domestic relationships
- ✓ Criminal justice involvement
- ✓ Failure in the workforce
- ✓ Drug and alcohol problems
- ✓ Unsafe sex



RELATED COMMISSION EFFORTS

Curriculum: The Commission has developed a standard written curriculum for judges, advocates and child welfare professionals involved with children in court, which includes an in-depth look at developmental aspects of children in the context of their court proceedings and attendance.

Digital Stories: To ensure the youth voice – the youth perspective – is included in discussions on engaging children and youth in their court proceedings, the Commission working the New York State Office of Children and Family Services, the New York State Court Improvement Project and Youth In Progress,[†] developed digital stories, called *Hear Me! Hear Me! Hear Me! – Voices of Youth In Care Regarding Their Court Proceedings*. The DVD includes seven stories using voices and images of youth currently or previously in foster care in New York that underscore the importance of youth participation in their court proceedings. Eight amazing youth – from across the state – came together for four days to candidly share their foster care and court experiences. The DVD serves as a tool to include youth voice when youth cannot be present because of time, scheduling or resource constraints.

Teen Space: To make the court experience for youth less stressful and more meaningful, the Commission spearheaded the development of *Teen Space* – a designated, supervised waiting room within a courthouse – that is a hub of age-appropriate resources to assist youth in preparing for their court hearings, as well as a place to access information that is helpful in their everyday life and in their transition to adulthood, or to relax or to do school work prior to their court appearances. *Teen Space* not only creates an empowering atmosphere for youth who already attend their court hearings, but also demonstrates the importance the court places on child involvement and encourages those who currently do not attend their hearings to come to court.

[†] Youth In Progress (YIP), developed by the New York State Office of Children and Family Services, is the New York State Foster Care Youth Leadership Advisory Team.

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