

## YOUTH AGES (16 AND OLDER)

### Conversation Topics

#### RELATIONSHIPS

- Mentorship experiences
- If there is anyone the youth can call for help
- Anyone the youth misses
- Likes or dislikes about placement
- Youth's contact with parents

#### EDUCATION

- Likes or dislikes about school
- Subject preferences
- Problems at school
- Transportation to and from school
- If the youth has a tutor or aid
- Resources the youth may need for school

#### INTERESTS AND ACTIVITIES

- Extracurricular Activities
- Hobbies and interests
- What the youth does on weekends
- Work experiences
- Driving experiences

#### FUTURE PLANS

- Youth's career interests
- Applications for college or tech school
- Graduation
- Plans after high school
- Military interests

Portions of these recommendations are adapted with permission from the American Bar Association's Bar-Youth Empowerment project. Special thanks to the Woods Charitable Fund for financial support of the project, the Lancaster County juvenile judges, and the Nebraska Through the Eyes of the Child Initiative.

### Additional Resources

#### Through the Eyes of the Child Initiative

[www.throughtheeyes.org](http://www.throughtheeyes.org)

- » Youth Court Form\*
- » Caselaw Updates
- » Online streaming of past trainings
- » Nebraska Data and Team Data Reports
- » Resources for child welfare professionals

#### Project Everlast

[www.projecteverlast.org](http://www.projecteverlast.org)

- » Resources and support for youths

#### American Bar Association The Bar-Youth Empowerment Project

[www.americanbar.org/content/dam/aba/publications/center\\_on\\_children\\_and\\_the\\_law/empowerment/withme\\_notwithoutme.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/publications/center_on_children_and_the_law/empowerment/withme_notwithoutme.authcheckdam.pdf)

- » Bench cards for involving children in hearings
- » Guides for youth
- » On Your Own, But Not Alone handbook for youth exiting care

\*Download at

[www.throughtheeyes.org/files/Youth\\_Court\\_Form\\_June2014.pdf](http://www.throughtheeyes.org/files/Youth_Court_Form_June2014.pdf)



RECOMMENDATIONS FOR JUDGES:



# Children Attending Hearings

Based on research with children ages 8-18  
Updated August 2014

**CHILDREN HAVE MORE POSITIVE PERCEPTIONS OF THEIR JUDGE AND ARE MORE COMFORTABLE IN THE COURTROOM WHEN THE JUDGE ASKS THEM QUESTIONS.**

*For questions or additional resources, please contact*

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# The Children in Court Initiative

Many U.S. courts, including those in Nebraska, have begun encouraging children’s participation in their hearings. This change was fueled by active foster youth organizations and advocacy groups (ABA, 2009). There is now a growing acceptance of the idea that children and youth desire and deserve a voice in legal proceedings that affect them. Further, recent federal legislation regarding foster care sets forth a requirement that “the court or administrative body conducting the hearing consults, in an age-appropriate manner, with the child regarding the proposed permanency or transition plan for the child” (Social Security Act, 2006 Amendment).



In 2008, Lancaster County’s Separate Juvenile Court participated in a study to address the effects of children’s participation in their dispositional review hearings on their experiences, perceptions of the legal system, and the court itself. These recommendations are based on the findings from that study

**Found online at**  
[www.throughtheeyes.org/children\\_in\\_court/child\\_in\\_court.php](http://www.throughtheeyes.org/children_in_court/child_in_court.php)

as well as from the American Bar Association’s *With me, not without me*: How to involve children in court by Andrea Khoury.

[www.abanet.org/child/empowerment/withme\\_notwithoutme.pdf](http://www.abanet.org/child/empowerment/withme_notwithoutme.pdf)

# Judicial Recommendations for Children in Court

- 1.** Allow children to identify themselves as present for the record and ask why children are not present when applicable.
  - Judges should follow-up on that information and address issues keeping children away from the courtroom.
- 2.** Keep language simple and age appropriate as often as possible, and especially when speaking directly to the child.
- 3.** Encourage children to submit information for the record, and refer to that information during the hearing (e.g., Youth Court Form, Young Child Court Form).
- 4.** Ask older children meaningful questions (e.g., Have you seen your case plan? Do you have any thoughts about it?).
- 5.** Provide a list of terms and definitions that children can refer to throughout the hearing.
- 6.** Provide children with copies of court reports and other documents, if they want them.
- 7.** Allow children to ask questions, and encourage them to do so.
- 8.** Observe the child’s appearance and behavior, as well as his or her interactions with others.
- 9.** Encourage the child and provide positive feedback when appropriate.
  - Encouragement helps children to feel more comfortable in the hearing, promotes engagement, and increases respect for the judge.
- 10.** Thank the child for attending the hearing and encourage them to attend hearings in the future.
- 11.** Consider the child’s schedule when choosing a time for the review hearing.
- 12.** Discuss visitation, placement information, permanency, family progress, and other important topics while the child is present.
  - Children want to hear what is happening in their families, good or bad. There is no need to censor the conversation in the courtroom.

- If a difficult or uncomfortable topic is brought up during the hearing that might not be comfortable for the child to hear, ask the child to approach the bench and ask if he or she would like to stay to hear the discussion, generally described (e.g. your mother will be asked about her drug treatment and she may get upset) or step out of the courtroom for a moment.

- 13.** Ask the child open-ended questions, and give them time to respond.
  - Use direct language when asking questions of the child, and only ask one question at a time.
  - Ask about preferences, likes, and dislikes.
  - Children feel more comfortable in the courtroom and are more involved when questions are

asked of them. Asking questions encourages children to pay attention, and they are more likely to want to come back when questions are asked.

- Sometimes children need a few minutes to organize their thoughts before they respond to a question the judge asks. It is okay to have a few moments of quiet to give the child the opportunity to respond.
- 14.** Explain the decision at the end of the hearing in a way the child can understand.
  - Children need to know what decision is made, and they may not have seen the court report to know what recommendations were submitted to the court. Taking a moment to explain what the decision was is extremely meaningful to the child.

## CHILDREN AGES (8-11) Conversation Topics

### RELATIONSHIPS

Child’s best friend  
 People the child may be missing  
 Likes or dislikes about placement  
 Child’s contact with parents

### EDUCATION

Child’s grade in school  
 Likes or dislikes about school  
 Favorite teacher  
 School problems  
 Transportation to and from school  
 Tutoring or aid services

### ACTIVITIES AND PREFERENCES

Child’s extracurricular activities  
 Hobbies or interests

## CHILDREN AGES (12-15) Conversation Topics

### RELATIONSHIPS

Child’s best friend  
 People the child may be missing  
 Child’s contact with parents and siblings  
 Likes and dislikes about placement

### EDUCATION

Child’s grade in school  
 Transportation to and from school  
 Tutoring or aid services  
 Problems at school  
 Likes and dislikes about school

### ACTIVITIES AND PREFERENCES

Extracurricular activities  
 Hobbies or interests  
 What the child does on weekends

### FUTURE PLANS

Child’s potential career interests  
 Child’s potential education interests

## Advice for Judges

When preparing for children being in your courtroom, keep the following in mind:

- A.** In general, children are not upset or nervous about having to go to court.
- B.** Children tend to have a positive view of the hearing and those involved in the hearing when they leave the courtroom.
- C.** Children want to talk to their judge, and report feeling comfortable answering questions during the hearing.
- D.** Children who attend their hearings view their judge as being more fair and trustworthy, and are more likely to believe the decisions made at the hearing were fair, understand the decisions, and understand the details of their case.