

CHILD PROTECTION BEST PRACTICES BULLETIN

Innovative Strategies to Achieve Safety, Permanence, and Well-Being

MAXIMIZING THE INVOLVEMENT OF YOUNG PEOPLE

What is Maximizing the Involvement of Young People?

When children and young people enter the child welfare system, critical decisions about their lives and future are put in the hands of others. Judges, attorneys, child welfare professionals, and advocates contribute to safety, well-being, and permanency decisions about young people that profoundly impact their lives. Some decisions that are made are how long they will remain in custody, with whom they will live while in foster care, and how they will transition to adulthood if they remain in care until 18 years of age. Too often these decisions are made without enough input from the young people whose lives are directly affected. Young people need a louder and stronger voice.

In a nationwide survey conducted by Home At Last, a project that promoted action on the recommendations of the nonpartisan Pew Commission on Children in Foster Care, one-in-four foster youth reported that they never attended court hearings, and almost half of the respondents indicated that their experience in foster care would have been different had they been an engaged part of the court process. A survey conducted by the New Mexico Citizen Review Board (CRB) in 2003 produced even more dramatic findings, with over half of our young people reporting they had never attended a court hearing. Youth in foster care do not always know when legal proceedings are taking place or that they are allowed to go to court and have contact with the judge. Most young people who *have* participated in planning and legal processes indicate that being involved is extremely beneficial and gives them an opportunity to take an active role in decisions being made about their lives.

It is imperative that we involve young people in the legal proceedings and other events that affect them. Decades of research on youth development have demonstrated that involving young people in the decision-making process helps increase self-esteem, compassion, self-sufficiency, and improve health and well-being outcomes.

What is current practice?

Current practice varies across the state in terms of the involvement of young people in legal proceedings and other child welfare practices. To create more awareness and consistency, the Children, Youth, and Families Department (CYFD) has developed a New Mexico Foster Youth Bill of Rights that outlines the rights that are extended to young people in the foster care system (see page 4).

What is best practice?

Best practice requires all participants in child abuse and neglect cases to recognize and include young people, as age and developmentally appropriate, every step of the way. The following guiding principles are offered:

- For youth to meaningfully participate in child welfare proceedings, everyone involved in the case —Judges, attorneys, caseworkers, CASA volunteers, etc., - must work together to help the young person understand, in age appropriate terms, the purpose of the proceeding or staffing, the roles and responsibilities of the players, what issues might be discussed, what type of information might be helpful for them to share, what issues are suitable to raise in court, and what etiquette is appropriate during staffings, CRB reviews or proceedings.

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Child Protection Best Practices Bulletin

What is *best practice*? (continued from page one)

- “*Nothing about us without us.*” This is a phrase originally told to the Jim Casey Youth Opportunities Initiative by a group of youth in foster care as they were explaining the need and desire to be involved in the designing of their own destinies. *Nothing about us without us* means that young people should be in the room and at the table anytime their case is being discussed, or decisions are being made about their lives. Young people have the right to be at every court proceeding, staffing, IEP meeting, treatment planning, CRB review or other event that concerns them. They should be informed of the event in a timely manner, and provided transportation if needed.
- Keep in mind that young people are involved in the child welfare system because of real-life events that they have experienced. The information that will be discussed in proceedings is part of the reality of their lives. Including them in the discussion will only help them to better understand the situation and take an active role in shaping the future. Some key issues to address:
 - ◆ *What are the young person’s wishes?* The young person will have feelings about whether he wants to attend staffings, CRB reviews, meetings, and court proceedings. It may be helpful to arrange an advance visit to the courthouse or other locations where staffings and meetings may occur. This creates an opportunity to explain to the young person about the proceedings, where everyone sits, and what is expected of her.
 - ◆ *What is the developmental level or age of the young person?* Judges, attorneys, caseworkers, CASA volunteers, and foster parents will be able to work with the young person to ensure her participation at an age and developmentally appropriate level. For example, if the young person is an infant or toddler, his presence may give insight to the case through his demeanor, appearance, and personal interaction with his parents, while the older youth can be an information resource for the decision makers. Situations may arise in which a child should not be present for all or part of a hearing or meeting, but these should be addressed on a case-specific basis. A young person age 14 or older *cannot* be excluded from a court hearing unless the judge finds compelling reasons and states the factual basis for the finding.
 - ◆ *Will attending staffings and court proceedings disrupt the young person’s routine?* Generally, staffings, CRB reviews, meetings and court proceedings will occur during regular school hours. While it is a concern that the young person will have to miss class or extra curricular activities to be present during these events, it should not be viewed as different from juggling other commitments or responsibilities in the young person’s life. Ultimately, the benefit of involving the young person in the case may well outweigh the cost of missing school or other activities.

What are the *advantages to Maximizing the Involvement of Young People?*

- Young people will have an increased sense of control by taking an active role in making decisions about their lives. When a young person is removed from her home she may feel like there is little that she is in control of regarding the outcome. When a young person is involved in staffings, treatment planning, and court proceedings, regardless of the outcome, he will feel a sense of empowerment because the decision makers have listened to him and it will help give him a sense of control over what is happening. Gaining a sense of control will also benefit the young person’s self esteem and help her develop responsibility and decision making skills. When a young person feels like he is involved in the decision making, he will feel more invested in a successful outcome.
- Young people will better understand the process and how decisions are made. In an ideal situation, the young person has quality legal representation, the caseworker regularly communicates with the young person, the birth parents are honest with the young person about the situation, and the foster parents are present in court and openly discuss the case with the young person. However, research on learning styles suggest that most people develop a better understanding of situations if they experience it firsthand. When a young person attends staffings, meetings, and court proceedings he can ask questions, hear what others think, and express himself accordingly.

Maximizing the Involvement of Young People

What are the *advantages to Maximizing the Involvement of Young People?*

- The experience of the young person will be highlighted and taken into consideration. While the young person may have many advocates to represent her best interests, the young person can best talk about what is happening and paint a vivid picture of the situation. If the young person is present, decision makers do not need to rely only on reports to understand how the young person is faring. If the young person is not verbal, decision makers can observe how he appears or interacts with others.

What is my ROLE...

As a *JUDGE*, you would request that young people be present and involved in a meaningful way in their court proceedings and the staffings and meetings that pertain to their case. You would also speak to children and youth about what they would like to have happen in their case, and in regards to the development of their treatment plan, transition plan, and permanency plan.

As a *CASEWORKER*, you would ensure that young people know about all hearings, meetings or events that concern them and facilitate their attendance. You would explain how legal and casework processes work, and the rights and responsibilities of all the people involved. You would help explain to the young person what the judge's decision means and how it will impact her life. You would ensure that the young person has an opportunity to express his desires to the judge. You would also let your supervisor know if you don't think that the child is receiving adequate representation.

As a *CHILDREN'S COURT ATTORNEY*, you would ensure the young person is notified of every proceeding and staffing regarding her case. You would help ensure that the young person is present at all legal proceedings. You would help the judge determine when material being heard at court would be harmful to the young person, and ask him to be excused if appropriate.

As a *YOUTH ATTORNEY or GAL*, you would ensure the young person is notified of every proceeding regarding their case. You would ensure that the young person's expressed wishes or preferences are taken into consideration, and that the young person has the opportunity to meet with the judge to discuss her case including her permanency plan. Additionally, you would provide opportunities for the young person to meaningfully participate in all proceedings.

AS A *RESPONDENT ATTORNEY*, you would advise your client of the child's right to be heard at all staffings, meetings and court proceedings.

As a *CASA VOLUNTEER*, you would help prepare the young person for court by explaining the legal process, who is in the courtroom and the roles and responsibilities of each player. You would make sure he understand the role of the guardian ad litem/youth attorney, and your role as a CASA. You would help prepare young people in regards to court etiquette, including proper court attire. You would also help remind young people that everyone in the courtroom is present because they are interested in ensuring their safety and well-being.

As a *CRB MEMBER*, you would inquire of the young person as to her needs, the services being provided, and her involvement in court proceedings, staffings and meetings. You would document observations and recommendations in the CRB report.

As a *PARENT*, you would request that your child be involved with treatment planning and other staffings.

As a *FOSTER PARENT*, you would encourage the young person in your care to attend all court proceedings, staffings and meetings and assist with logistics of attendance as possible. You would contact the caseworker when necessary to report your concerns about the child, his family, schools, service providers, and others and to inform the caseworker about your needs in order to continue to be responsible for the child.

As a *CHILD or YOUTH*, you would try to keep track of and attend the court proceedings, staffings, and meetings that pertain to your case. You would ask questions of the judge, GAL, youth attorney, caseworker, or CASA about decisions being made at court proceedings and other events to ensure your full understanding of the process. You would take an active role in decisions being made about your life, and talk with the judge about your wishes. If you were not satisfied with your representation, you would talk with the judge or your caseworker.

New Mexico Foster Youth Bill of Rights (DRAFT—PENDING APPROVAL)*

As a youth in foster care, you have the right:**

- To know your rights in foster care, to receive a list of those rights in written form and to know how to file a complaint if your rights are being violated.
- To be told why you came into foster care and why you are still in foster care.
- To live in a safe and healthy home where you are treated with respect, with your own place to store your things and where you receive healthy food, adequate clothing, and appropriate personal hygiene products.
- To have caring foster parents or caretakers who are properly trained, have received background checks and screenings, and who received adequate support from the agency to help ensure stability of the placement.
- To be in a stable placement.
- To be able to have a say in your choice of placement, including the right to request a placement change.
- To be placed in a home with your brothers and sisters when possible, and to maintain regular and unrestricted contact with siblings when separated (including help with transportation), unless ordered by the court.
- To attend school and participate in extracurricular, cultural and personal enrichment activities.
- To attend and participate in school meetings, including parent/teacher conferences, Individualized Education Planning (IEP) meetings, and Next Step planning meetings.
- To have your privacy protected. You can expect confidentiality from the adults involved in your case.
- To advocate for yourself. You can contact your worker’s supervisors and/or county office managers involved in your case, if you are not happy with a decision your worker has made.
- To report if you feel you are being abused/neglected.
- To refuse mental health services, unless court ordered.
- To have an immediate visit after placement and have regular visits ongoing with biological parents, siblings and other relatives unless prohibited by court or unless you don’t want to.
- To make and receive confidential telephone calls and send and receive unopened mail, unless prohibited by court order.
- To have regular contact from and unrestricted access to CYFD workers, attorneys, and advocates and to be allowed to have confidential conversations with such individuals.
- To be involved in the development of your treatment plan, transitional living plan, visitation plan and placement decisions and to receive honest information about the decisions the agency is making that affect your life.
- To be represented by a youth attorney in administrative or judicial proceedings with access to fair hearing and court review of decisions, so that your interests are shared and safe guarded.
- To attend all court hearings and speak to a judge (at a certain age, usually 12) about what you want to have happen in your case.
- To have a plan for your future, including a transitional living plan if appropriate (for leaving foster care when you become an adult), and to be provided services to help you prepare to become a successful adult.

* Excerpted from New Mexico Foster Youth Bill of Rights developed in part by the New Mexico Youth Advocates. Find a copy of the entire document at www.cyfd.org.

** Unless restricted by law or otherwise restricted by court.

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