

**ENGAGING**  
**YOU**<sup>th</sup>  
**EMPOWERING**



Colorado Office of the  
Child's Representative

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Inspiration...

<https://youtu.be/kGusd0HKvtY>



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Engaging <b>YOU<sup>th</sup></b>	Empowering <b>YOU<sup>th</sup></b>
Helping youth become _____	Helping youth become _____ & more _____
in their cases & the systems involved in their cases	in their cases & the systems involved in their cases




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## 1. **E&EY** is required by federal law.

**Child and Family Services Improvement Act of 2006** requires "procedural safeguards to be put into place to assure that in **any permanency hearing** held with respect to the child, including **any hearings regarding the transition of the child from foster care to independent living**, 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." 42 USC § 675(5)(c).




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## ...More federal law requiring **E&EY**.



**Fostering Connections to Success and Increasing Adoptions Act of 2008** states that 90 days prior to a youth's 18th birthday (or the age required by the State for aging out of care), the youth, his or her caseworker, and **other representatives of the youth's choosing must develop a transition plan**. Specific elements such as housing, education, employment, mentoring, and continued support services must be included. 42 U.S.C. § 675(3)(H) (2016).

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## ... More federal law requiring **E&EY**.



**Preventing Sex Trafficking and Strengthening Families Act** limits another/other planned permanent living arrangement (APPLA or OPPLA) as a permanency goal only for youth aged 16 or older and requires state agencies to implement procedures to ensure that, at every permanency hearing held with respect to such youth, the court (or administrative body appointed or approved by the court) conducting the hearing **asks the child about the desired permanency outcome for the child**. 42 U.S.C. § 675a(a)(2).

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## 2. **E&E** is required by state law.

Youth rights include:

- Having **persons they wish present** at their hearings. § 19-1-106(2), C.R.S. (2016).
- Being **informed of their rights** & providing **written consent** (if of sufficient age & understanding) to informal adjustments & deferred adjudications. §§ 19-3-501(1)(c)(I)(A)(C) & -3-505(5)(a), C.R.S. (2016).
- Receiving **notice** of their permanency planning hearings which contains their **constitutional & legal rights**. §§ 19-3-702(2), C.R.S. (2016).
- Being **consulted with by the court in an age-appropriate manner regarding their permanency plan**. § 19-3-702(3.7), C.R.S. (2016).

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## 3. **E&E** is required by Chief Justice Directive 04-06.

"A determination by a GAL or the Child's Legal Representative of a child's best interests must include **consultation with the child in a developmentally appropriate manner** and **consideration of the child's position** regarding the disposition of the matter before the court." (V)(B).




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## ... More Chief Justice Directive 04-06.

A GAL must "**state the child's position, when ascertainable.**"

However, "[i]f a child informs the GAL that s/he does not want the GAL to report his or her position to the court at a specific hearing, the GAL may proceed without directly stating such position."

(V)(D)(1).




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### ... More Chief Justice Directive 04-06.

"When ascertaining the child's position regarding issues before the court, the GAL shall endeavor to **maximize the child's involvement in the court proceedings, when consistent with the child's best interests**, by

- discussing the **court process**
- ascertaining whether the **child wishes to appear in court** and
- **identifying and advocating for the elimination of barriers to the child's attendance at court.**"

Commentary to (V)(D)(1) (Bullet points added).

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### ... More Chief Justice Directive 04-06.

#### Required contacts between...

... D&N GALs & children:

- During initial investigation, (V)(D)(4)(a) & Commentary;
- After change in placement, (V)(D)(5)(a) & Commentary; &
- Ongoing, (V)(D)(5)(b).

... Delinquency & direct file GALs & children:

- During initial investigation, (V)(E)(1) & Commentary; &
- Ongoing, (V)(E)(4) & Commentary.

... Other attorneys & children: (V)(F)(2)(a).




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### 4. ~~E&E~~ is recommended by major national organizations.

Here are just a few:

- The National Council of Juvenile and Family Court Judges (NCJFCJ)'s policy is that **children of ALL ages should be present in court** and attend each hearing, mediation, pre-trial conference, & settlement conference **unless the judge decides it is not safe or appropriate.**
- The American Bar Association (ABA) has a model act outlining **children's rights to notice & to attend & participate in ALL hearings related to their case.**
- The National Association of Counsel for Children (NACC)'s standards for representing children in D&N cases indicate that **in most circumstances, children should attend significant hearings.**

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5. **E&E** is part of GAL evaluations.

**Reference interviews** involve a discussion between OCR staff & at least one child identified by the GAL.



**D&N court observations** completed by OCR attorneys & staff consider whether the:

- child was present during the hearing,
- child was given a chance to address the court,
- GAL addressed the GAL's efforts to get to child to attend court, &
- GAL stated the child's position.

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...BUT WHY is **E&E** required and/or recommended?




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1. **E&E** **E&E** is good for **YOU**th.

Why? \_\_\_\_\_  
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## 2. **E&EY** is good for decision-makers.

Why? \_\_\_\_\_

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## HOW, WHERE, & WHEN

can we **engage & empower** **YOU<sup>th</sup>**?




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## 1. OCR EFFORTS

**SURVEYS**

**POST  
CARDS**

**BILL OF  
RIGHTS**

**LIST OF  
SAFEGUARDS**

**YOUTH IN  
COURT  
REPORT**

**FOCUS  
GROUPS**

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## 2. SOME GAL EFFORTS



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## 3. YOUR IDEAS?



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