

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



Colorado Office of the  
Child's Representative

# First, a little inspiration...

<https://youtu.be/kGusd0HKvtY>







# WHAT do we mean by engaging & empowering **YOU**<sup>th</sup>?



## Engaging **YOU**<sup>th</sup>

Helping youth  
become active  
participants in their  
cases & the systems  
involved in their  
cases

## Empowering **YOU**<sup>th</sup>

Helping youth  
become stronger &  
more confident in  
their cases & the  
systems involved in  
their cases



**WHY** do we want to  
**engage & empower YOU<sup>th</sup>?**





# E&EΨ 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).



# ...more federal law requiring **E&EΨ**.



**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).



# E&EΨ 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).

# E&EY 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).



## ... 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).



## ... 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).



# ... 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:

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

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



# E&EΨ is one of the bases of court observations.

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**.



**E&EY** is one of the bases of GAL evaluations.

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



# E&EΨ 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.**



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



# E&EΨ is good for **YOU**th.

Youth experience a **lack of control** when they are:

- **maltreated,**
- **placed** outside of their homes; &/or
- **decisions about them are made without them.**



# E&E **YOU**th gain:

- a **better understanding** of how & why decisions are being made about them;
- an ability to **trust decision-makers** to do what is best for them;
- an **increased sense of self-worth & diminished feelings of lack of control** when adults validate their positions &/or treated youth like collaborators with influence;
- the valuable skill of **self-advocacy**;
- an **investment in the process**, &
- **SO MUCH MORE!**



# E&EY is good for decision-makers.

Youth presence and/or participation:

- provides an opportunity for decision-makers to **observe** the youth interact with parents &/or caregivers;
- highlights **how quickly the youth is growing & the importance of speedy permanency**;
- **puts a face to a case**, which reminds decision-makers about the youth who is being impacted by their decisions;
- **increases the probability of success**, as invested youth demonstrate better compliance with & commitment to desired outcomes;
- provides an opportunity to obtain **first-hand information** from children/youth; &
- **SO MUCH MORE!**



# HOW, WHERE, & WHEN

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



# OCR EFFORTS

- Conduct **court observations** (which include questions regarding youth attendance, position, etc.), create a report reflecting the data, review data with attorneys during the renewal process.
- Create and disseminate **youth in court report** to GALs and the Bench.
- Conduct **youth focus groups**, collect and analyze data.
- Create, disseminate, and analyze data from **youth surveys**.
- Create and disseminate **post cards** for GAL/youth communication.
- Create and disseminate **“Bill of Rights”** for youth with D&N cases.
- Create and disseminate **“List of Safeguards”** for youth in foster care.
- Create **D&N advisement** for youth?
- Update **“What Happens Now”** booklets for D&N children who have been removed from their homes?

# DISCUSSION



# WHERE/WHEN have/can you **E&E** **YOUTH**?

## Hearings?

- Which hearings?
- When – before, during, after the hearing?

## One-on one meetings?

- Where?
- When?

## Professional meetings?

- Where?
- When?

## Other places?

- Where?
- When?



# HOW do you **E&E** **YOUTH**?

- What do you do to build rapport with youth – food, toys, coloring? Small talk – about what?
- How do you communicate with youth – telephone, text, mail, email, social media?



# WHO have you solicited support from to **E&E** **YOUTH**?

- Judges? Magistrates?
- Parents? RPC?
- Caseworkers? CASAs?
- Placements?
- OCR?
- Anyone else?



WHAT challenges have you had with **E&E**  
**YOUTH**?

WHAT successful strategies have you used to  
address those challenges?



