



# Youth in Court: In Their Own Words

**Comm'r Anton Jamieson**

Dane County Circuit Court

Madison

## Wisconsin Statutory Requirements

§ 48.299(3) – “If the court finds that it is in the best interest of the child, and if the child’s counsel or guardian ad litem consents, the child may be temporarily excluded by the court from a hearing on a petition alleging that the child is in need of protection or services. If the court finds that the child under 7 years of age is too young to comprehend the hearing, and that it is in the best interest of the child, the child may be excluded from the entire hearing.”

## Statutory Requirements – Permanency Hearings

§ 48.38(5)(bm)2. & § 48.38 (5)(c)2. – If the child’s permanency plan includes a statement indicating that the child’s age and developmental level are sufficient for the court to consult with the child regarding the child’s permanency plan or if the court determines that consultation with the child would be in the best interests of the child, the court shall consult with the child, in an age-appropriate and developmentally appropriate manner, regarding the child’s permanency plan and any other matters the court finds appropriate.

## Benefits of Children Attending Court

- All Children (including infants and toddlers)
  - ▶ Judge can see how the parent/caregiver interacts with the child and the strength of their relationship
  - ▶ Parent, child, and siblings have an opportunity to visit together if the child/siblings are placed outside the home
  - ▶ Judge can emphasize how quickly the child is growing up and importance of the parent’s behavioral changes are for the child to be returned home or obtain permanency
- Older Children
  - ▶ Helps youth feel their opinions matters
  - ▶ Lets youth know what is going to happen to them

## Research

- Children who attended their court hearings were more likely to report they trusted the judge to do what was best for them than children who did not attend their hearings
  - ▶ They also felt that the judge knew enough to make the right decisions
  - ▶ The children who did not attend their court hearings were not as convinced the judge knew enough information about their case

Weisz, V., Wingrove, T., Beal, S., Faith-Slaker, A. (2011). Children's participation in foster care hearings. *Child Abuse & Neglect*, 35(4), 267-272.
- New Jersey study of youth who attended court:
  - ▶ 64% of the time children and youth clarified their needs/wishes
  - ▶ 31% of the time children/youth provided new information to the parties

## Video Information

- The young adults featured in the video were involved in the child welfare system in Wisconsin
- The video was unscripted
- They were told to describe their experiences in court
- They were also asked what they would want to tell judges about youth participation at court hearings

Video link:

<mms://sc-media.wicourts.gov/sc-media/youth.wmv>

## Discussion

- Thoughts regarding video?
- Anyone have policies or best practices related to children attending court?

## Practice Considerations

- Who is responsible for providing transportation?
- Are there scheduling practices that can help support attendance?
  - ▶ Before or after school hours for school-aged children
  - ▶ School holidays or teacher in-service days
- If need to minimize contact with parent or sensitive information, can conduct parts of hearing separately
- Use of virtual attendance:
  - ▶ Communicating with schools regarding participation while at school
  - ▶ Ensuring child has opportunity to speak to attorney prior to hearing

## Judicial Bench Cards for Engaging Children in the Courtroom

- The American Bar Association developed Judicial Bench Cards to Engage Children in the Courtroom (see online materials)
  - ▶ 0-1 years old
  - ▶ Toddlers (1-3 years old) and Preschoolers (3-5 years old)
  - ▶ School-age children (5-11 years old)
  - ▶ Adolescents (12-15 years old)
  - ▶ Older Adolescents (16+ years old)
- <https://www.ncjfcj.org/bench-cards/engaging-youth-in-the-courtroom/>