Tools for Engaging Children In Their Court Proceedings



Dear Reader:

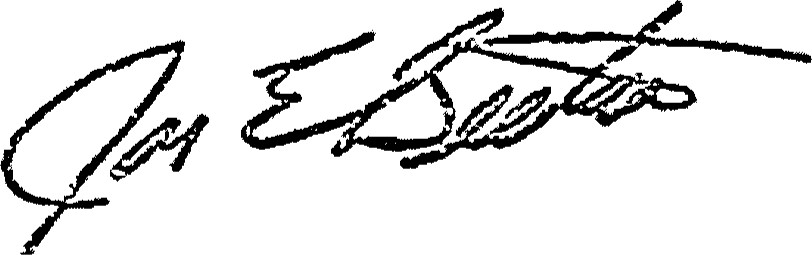
Welcome to Court! That admittedly seems like an unusual greeting, particularly to a place no one really wants to visit. However, as the decisions that I have to make are critically important to the kids you serve, I want them to feel welcome. Welcome to attend, welcome to speak up and welcome to ask questions. I ask your help in making them feel welcome.

Social science research, validated by my own experience first as a GAL for 14 years and now as a juvenile court judge for the last 12 years, clearly demonstrates that involving kids directly in the decisions affecting their lives leads to better results. One of the most identifiable sources of trauma to kids (that we do to them) is to dis-impower them. We remove them from their homes, we place them with strangers, and we don't involve them in the process.

I want kids to come to court, particularly those who are 12 and older. I want any kid that you think is mature enough to understand the process of court to come if they are under 12 years of age. I have two exceptions. The first would be illness or safety, which I would then want to reschedule promptly or make other arrangements such as video conferencing with them. If I can help in any way to facilitate a kid's appearance, please let me know. The second is where going to court makes a kid miss something that they really need to do (like an exam) or something them really want to do (like a field trip or class party). No kid should be penalized för being in the system.

If they are comfortable with talking, by all means prepare them to present their message. If they are uncomfortable, they can write a letter, or you can speak for them. I need to hear from them.

It is my hope that this booklet will provide you with better tools to help you communicate the kids on your caseload about court and to better serve them overall.



Jon E. Beetem, Circuit Judge Juvenile Division

INTRODUCTION

The New York State Permanent Judicial Commission on Justice for Children was established in 1988 to improve the lives and life changes of children involved in New York courts. The Commission is chaired by Chief Judge Judith Kaye, and its members include judges, lawyers, advocates, physicians, legislators, and state and local officials.

As a means to promote the safety, permanency and well-being for all New York State children in out-of-home care, the Commission is working to increase the participation of children in permanency hearings-special court hearings where the health, well-being and future steps for children in out-of-home care are reviewed and determined with the goal of achieving permanency for these children. Their meaningful participation in these hearings will empower children, help to ensure that professionals and advocates consult with children in an age-appropriate manner at all permanency hearings, and ultimately produce better fact-finding that will lead to better decisions and better outcomes for children and their families.

This handbook highlights the developmental stages of school-age children (ages 5-20 years), provides tips on how to engage children in their court proceedings and offers a series of age-appropriate questions. Considering the numerous biological, physical, social and cultural factors that contribute to a child’s developmental trajectory, the developmental highlights are not intended as rigid guidelines but as tools to help understand why children act the way they do and to assist judges and other professionals interact with children in court. Materials can be adapted to fit the individual needs of the court and child.

The intention of this handbook is to provide basic knowledge, in an easy to understand format, related to children in court along with highlighted tips and guidance regarding developmental stages. Age-appropriate questions are provided to both assist in preparation of children for their court proceedings and as a starting point for judges. The goal of this handbook is to encourage child participation in court proceedings and make the court experience easier, more comfortable and more productive for all participants.

Capital City CASA thanks the New York State Permanent Judicial Commission on Justice for Children for allowing us to use and adapt to Cole County, Missouri the *Tools for Engaging Children in Their Court Proceedings, A Guide for Judges, Advocates and Welfare Professionals*.

INVOLVEMENT IS GOOD

Children in foster care often feel disconnected by adult decisions that have not been fully explained or explained at all to them. Involving children in their critical life decisions helps build self-efficacy skills. Self-efficacy, a person’s own belief in his/her capabilities to organize and execute the courses of action required to produce a given goal, provides the building blocks for motivation, well-being and personal accomplishments throughout one’s life course. Giving children in foster care the opportunity to share their feelings, ideas, needs and desires will help them gain a sense of control over their lives, practice the art of advocating for their well-being and develop the decision-making and negotiating skills needed to be self-reliant. Child involvement also enhances the perception held by adults of children’s competence, heightens adults’ commitment and energy, makes adults feel more effective and confident and makes adults more aware of the needs and concerns of children. Seeing the children involved in the complex cases before the court reminds all participants of the importance of their work.

We know from a national survey of current and former youth in foster care that a large proportion of youth in care never attended (25%) or infrequently attended (60%) their court hearings. Nearly one out of four youth who did not attend or attended infrequently thought no one would listen to them. Nearly two out of five youth did not know they were allowed to go to court. More than 40 percent of youth did not know their hearing dates.

“Based on my experiences, I think it’s important for youth to be in court so you know what’s going on and what’s being said about you. If you don’t understand something you can ask questions and if you don’t agree, you can speak against it.”

Nunzio

HANDBOOK STRUCTURE

This handbook is intended for professionals and advocates involved with children in court. We focus on children ages 5 to 20 years (this is not intended to minimize the importance of infant and toddler development). By having preteen and teen-age children attend court, the judge is able to visually assess their physical and emotional well-being and their developmental progress. The judge could also observe if the child shows a bond with the birth parents.

While the handbook separately categorizes information about personal development, relationships and attachments, and behaviors, these domains are interdependent. The cognitive, social and emotional growth that is expected during childhood is dependent upon numerous factors. A discussion about “normal” development is relevant only within the context of each child’s individual characteristics and social and cultural environments. In addition, children can experience chaos, unpredictability, fear and other trauma. Children of all ages, and adults, use defense mechanisms to deal with these types of situations. In the short term, these mechanisms are protective. If prolonged, these mechanisms, like trauma, can interfere with child development.

Encouraging children’s involvement in their court hearings requires thoughtful planning. It is a win-win situation for the professionals and children when children know what to expect when they attend their hearings and know what is expected of them. **Children, regardless of age, need to be prepared to attend their court hearings and should be debriefed after their hearings.**

“ Youth should understand that Judges are the key to getting what we want or need. And Judges should understand we are more than those statements; we could possibly be the next them.”

Ace

This handbook examines three age groups: 5 to 11

years, 12 to 15 years and 16 to 20 years. The term

“children” is used when referring to all age groups,

the term “youth” is used in the two older age group sections

and when referencing older children. Each age group

section includes age-specific tips on how to engage

children in court and highlights age-specific developmental

aspects related to personal development, relationships,

and attachments, and behaviors that are relevant to

appearing in court and participating in permanency hearings. The materials are intended as guidelines that are flexible and can be adapted to fit the individual needs of the court and child. We hope this handbook will encourage you to engage the child in court proceedings and make the court experience easier, more comfortable and productive for judges, advocates, child welfare professionals and children.

CHILD DEVELOPMENT

The developmental progression of children sheds light on why they act the way they do in their everyday lives and in the context of appearing in court and participating in court proceedings. The field of child development examines changes from the time of conception and infancy through adolescence. This non-linear, interconnected path is influenced by many factors, including genetics; social, physical and emotional environments; nurturing; and the child’s own activity. Children can also become too mature-an issue that can jeopardize their health and development. Often times when an older child has been neglected or is the child of a parent with substance abuse or mental health issues, the child (called “a parentified child”) will assume the care giving responsibilities for family members.

The following highlights some of the expected developments during childhood (Table 1).

Table 1. Developmental Progressions: From Infants to Older Youth

|  |  |  |
| --- | --- | --- |
| **Development** | **Infant** | **Older Youth** |
| Sense of Control | * Desires control over immediate wants, needs and likes * Depends on caregivers to set limits and boundaries and gains perspective of self and others | * Desires control over most aspects of life * Understands limits to own control * Comes to terms with not having control over others, including authority figures |
| Independence and Authority | * Begins completely dependent on caregiver * Develops autonomy and independence with walking and talking * Wants to do things but also wants help on demand | * Begins taking care of self (e.g., financially and emotionally) * Wants to make own decisions and often believes he/she must do it alone * Wants input but does not always want others to know it |
| Self-regulation | * Requires caregiver to help regulate emotions and behaviors * Needs help to soothe distress, follow rules, and control impulses | * Develops ability to regulate emotions, impulses and behaviors * Continues to need help from others but can ask for this help |
| Empathy | * Begins to develop understanding of how others might feel | * Gains ability to put self in the shoes of others * Gains understanding of chain of events that lead to different life consequences |
| Thought Process | * Thinks in the here and now * Interprets words literally * Sees things as extremes with no middle ground * Begins to develop ability to consider different perspectives and meanings | * Grasps the “bigger picture” * Understands hidden meanings and agendas * Becomes more idealistic * Becomes more logical |
| Relationships and Connections | * Needs to physically connect with caregiver to feel safe and develop secure, healthy attachments * Develops understanding that people exist even if not physically present | * Struggles for independence can create conflicts with relationships but secure attachments serve as a foundation for future relationships within and outside the family |

DEFENSE MECHANISMS

For too many children involved in the child welfare system, their social, emotional and physical environments have exposed them to chaos, unpredictability, fear and trauma. Additionally, the very act of removal from home and placement into foster care is traumatic. People, regardless of age, use various behaviors to help deal with such overwhelming events, thoughts and emotions. These behaviors are called defense mechanisms.

In the short term, defense mechanisms are protective and help individuals maintain a sense of balance or control. If prolonged, they can interfere with development, daily functioning and the ability to relate to and get along with others. Children, including infants, often use defense mechanisms before and after they visit with their family. As children develop, their defense mechanisms become more complex. Less mature defense mechanisms (e.g., acting out) are supplemented or replaced by more complex defenses (e.g., idealization) that require cognitive developments beyond the functioning of younger children.

The following highlights are some common defense mechanisms (Table 2).

Table 2. Common Psychological Defenses

|  |  |  |
| --- | --- | --- |
| **Defense** | **Definition** | **Examples** |
| Acting Out | * Behaviorally expressing feelings or attitudes toward others and often involves lashing out, breaking rules, destroying toys or objects and showing aggression | * Child in foster home breaks new family rules to see if the family will “keep” or send him/her away * Child is angry at parents and breaks his/her toys |
| Denial | * Refusing to believe facts or accept real events and possibly accusing other of lying or failing to do their jobs | * Child does not think mother has been drinking even when the floor is covered with empty beer cans and mother cannot be awakened * Child blames police for taking dad away and “wrecking” things after arresting him for stealing and drug use |
| Dissociation | * Disconnecting with reality | * Child who is actual victim describes sexual abuse as if it happened to a best friend |
| Humor | * Focusing on the lighter aspects of situations and events | * Older child learns that brother is being moved to another home and jokes about not having to watch him eat with his mouth open |
| Idealization | * Believing someone or some “power” exists that is omnipotent | * Child believes parent or teacher knows everything or can do anything * Child believes parent can do no wrong despite mounting evidence of that parent’s wrongdoing |
| Projection | * Trying to hide own flaws by seeing them in others and denying them in self | * Child claims sibling is name-calling when the opposite is true |
| Regression | * Going back or retreating to a younger developmental level-often an attempt to return to an earlier stage that felt safer or more nurturing | * Child begins wetting bed, sucking thumb, waking during the night, becoming clingy, having toddler-like tantrums after progressing beyond those behaviors |
| Unlovable Attitude | * Acting in ways that portray self as aloof as a result of feeling unwanted and unworthy | * Child treats people rudely, puts self down, repeatedly picks the “worst” choice and uses behavior to push others away |
| Withdrawal | * Avoiding person-to-person interaction, including falling asleep, shutting down, using substances and running away | * Child refuses to talk or look at others * Teen refuses to leave his/her room * Child spends hours on the internet but does not personally socialize with anyone |

BEFORE CHILDREN ATTEND THEIR HEARINGS

Before attending their hearings, children need to receive information and support (Table 3). When they know what to expect, the experience is less intimidating for them and more productive.

Table 3. Everyone has a Role in Preparing a Child for Court

|  |  |
| --- | --- |
|  | **Role** |
| Attorney for the Child (GAL) | The attorney for the child makes certain the child is aware of the hearing and lets the child know he/she is encouraged to attend. The attorney is the point person for familiarizing the child with all aspects of the hearing, for explaining what is going to happen, and determining the child’s preferences and wishes so that they can be taken into consideration. Here are some things children will want to know:  **Initially**   * What does the courtroom look like? * Who will be in the courtroom? * What does each person in the courtroom do? * Where will the child sit? Who will sit next to the child?   **Ongoing**   * What is the purpose of the hearing? * Who will be attending the hearing? * Will the child be expected to speak? What if he/she does not want to speak? Can the child use other means of communication? * What should the child do if he/she has questions, needs to use the bathroom or feels scared? * How is the child expected to behave? What happens if the child misbehaves? * Can the child bring quiet toys to court? * Can the child bring a support person or item to court? * How should the child dress for court? Why is attire important? * How long will the hearing last? * How long will the child have to wait for the hearing? * Where will the child wait for the hearing? * Can Olive be at the courthouse and go in the courtroom with a child? |
| Caseworker | The caseworker is also a source of information and can answer questions about the purpose and expectations of the hearing. Discussing who will be in court, what the child will see and what is expected of the child will help alleviate stress and provide a better understanding of what to expect. |
| CASA | Court Appointed Special Advocates (CASA) volunteers are a resource for the attorney and for the child and can share insight with the child. The CASA for the child makes certain the child is aware of the hearing and lets the child know he/she is encouraged to attend. The CASA helps to familiarize the child with aspects of the hearing, explains what is going to happen, and determining the child’s preferences and wishes so that they can be taken into consideration. |
| Foster Parent | The foster parents should support the child and provide reassurance about the hearing, answer questions, encourage participation and support the child’s decision whether to attend court. |
| Birth Parent | Where appropriate, the birth parent(s) can speak to the child about the hearing, answer questions, encourage participation and support the child’s decision whether to attend court. |
| Judge | The judge can request the children attend their court hearings and can ask why a child is not in court. It is not the responsibility of the judge to prepare the children for court, but the judge can determine if a child has been prepared for court and proceed accordingly. |

AGES 5 to 11 YEARS

***Communicating with Children***

* **DEFINE** the purpose of the hearing and identify who will be in the courtroom and their roles.
* **BUILD** rapport by talking with the child prior to the hearing.
* **ENSURE** the child understands why he/she is attending.
* **ASK** if the child has any questions. Answer one question at a time, using child-friendly terms.
* **ALLOW** breaks for emotionally intense or overwhelming situations.
* **CONSIDER** age-related attention spans: 30 to 60 minutes for a child 11 years of age.
* **ALLOW** alternative ways of communicating (e.g., pictures or notes).
* **USE** terms and language the child will understand.
* **ACKNOWLEDGE** even the smallest attempt at participation; this adds to a child’s sense of control and self-confidence.
* **ENSURE** the child understands what is being said and what is happening.
* **FOCUS** the child by asking what they hope to gain or if there is anything they want the judge to know.
* **EXPLAIN** to the child that an important rule is to tell the truth and that it is all right to change an answer or correct a mistake.
* **REASSURE** the child that he/she is in no way responsible for the court proceedings or events.
* **BE ATTENTIVE** for signs of frustration, being overwhelmed or being tired (e.g., squirming or shuffling).
* **AVOID** known conflicts.
* **REASSURE** the child that the judge values their voice in court or the court has received and noted his/her input, if submitted.
* **COMPLIMENT** the child on accomplishments and contributions.
* **ENCOURAGE** participation in court proceedings by asking the child to attend the next hearing.

AGES 5 to 11 YEARS

***The Court Connection***

**Building Confidence:** Talking with a child prior to the hearing can help the child feel more comfortable in court as well as providing insight into his/her level of preparedness, well-being and communication skills. The child should be told they may talk privately with the judge, communicate with him/her in writing or talk with him/her during court. They should also be told the judge will ask them questions about what is going on in their life and how things are going. Children will want to know who is in court and their respective roles, where to sit (if it is their first time in court), who to tell if they feel talking is “too hard” or what to do if they feel they need a break. Making the physical environment more welcoming can help children feel more comfortable in court. Children also need support after the hearing and the judge can inquire about the plans for debriefing.

**Reassurance:** Children need reassurance that the court is concerned about their best interests. They need to feel safe and understand that they can say they *don’t know*or *can’t remember*if that is the case. To help reduce anxiety and build confidence,

“ We had not been told why we were going to court or how to act and we had no clue what was going to happen.”

Kelly and Charlie

some children may benefit from the presence of a supportive

adult, favorite comfort item or Olive, the therapy dog.

**Framing Questions:** When a child articulates reasons for wanting to attend and what he/she hopes to gain, it provides context, structure and meaning to the hearing, which benefits both the child and the judge. To get to this point, the judge will need to ask questions and know how to ask the questions. Asking “how is school going?” is apt to get the response “good.” When asked, “What grades did you get on your last report card?” the same child could respond, “I’m failing two classes and have C’s in the other three classes.” Questions that start with “how” often elicit non-informative responses.

AGES 5 to 11 YEARS

***The Court Connection***

“ There have been times that I have been at court waiting and have seen things that I really didn’t want to see or hear, like my mom being upset and people arguing over what to do with me. I knew that I would be all right. Just as other youth will be when they experience these emotions in court.”

Antonio

**Difficult Discussions:** Children may be hesitant to speak about a caregiver when the caregiver is present. One way to make it easier is by exploring a non-threatening topic first (e.g., a pleasurable activity shared by the child and caregiver). Children can also hear or see things that are upsetting; however, their presence gives them opportunities to gain accurate insight into the situation, to see that the court is focusing on their best interest and to gain a sense of closure. If a particular part of the court proceedings is expected to be especially upsetting, children should be excluded from that part of the hearing.

**Attention Span and Cues:** Children provide a wealth of information through non-verbal expressions, such as showing affection, fear or dislike, which can assist in decision-making. Most children also signal it is time for a break by becoming squirmy or displaying other signs of distress or boredom.

Children have relatively short attention spans and may become distracted if their court appearance or waiting time lasts too long.

Generally older children can participate for as long as 30 to 60 minutes (11 years of age). Attention spans in court can be influenced by numerous factors, including the wait time before a hearing or issues in the case.

**More Perspective:** The following provides questions to consider asking children in court and further insight into the interrelated personal and social development behaviors of children ages 5 to 11 years.

AGES 5 to 11 YEARS

***Questions to Ask***

**Initial Questions**

* **Did I pronounce your name correctly? (If it is your first time meeting the child)**
* **Do you know who everyone is in the courtroom? (If it is their first time to court)**
* **Do you know why we are here today?**
* **How are you feeling?**
* **Tell me about something positive that happened to you since I last saw you.**

**Feelings**

* **What do you do when you are happy?**
* **What do you do when you are sad or mad?**
* **What worries you the most?**
* **What do you enjoy doing the most?**

**School**

* **What is your favorite part of school?**
* **Do you like to read? Do you have a favorite book?**
* **Do you have someone who helps you with your homework?**
* **What don’t you like about school?**

**Friends**

* **Do you have a good friend?**
* **What do you do after school? Who do you do that with?**

**Family**

* **How often do you visit your parents? Your brother(s)/sister(s)?**
* **What did you do during your last visit with your family?**
* **Do you talk, text or email your brother(s)/sister(s) or parents between visits?**

**Health**

* **Have you been to the doctor since I saw you last? The dentist?**
* **What do you do for fun?**
* **What games/activities/sports do you participate in or play?**

**Wrap-up Questions**

* **Did anyone use any words you didn’t understand today?**
* **Is there anything that we are missing?**
* **Do you have any questions about what was said or what will happen?**
* **Is there anything you wanted the judge to know that he didn’t hear in court?**

AGES 5 to 11 YEARS

***Personal Growth***

**Self-awareness:** The understanding that others, such as parents/caregivers, exist even when they are not present, allows children to enter school or participate in non-familiar activities without becoming overwhelmed or anxious. Some children have not experienced the routine cycle of separation and re-unification as they may not have attended preschool or daycare.

**Self-reliance:** Children’s increasing ability to depend upon themselves is influenced by their environments and school is a primary context of childhood. The school environment provides much more than academic opportunities as it encourages children to hone their ability to plan and follow directions, complete tasks independently, sharpen their language

skills and develop attachments beyond members of

“ My first placement I remember it being like a playground setting…I got tired of playing and wanted to go home. There was an uncomfortable silence around me. They then began to explain-I was going to be here longer than I thought.”

Antonio

their family and immediate community. Children gain

an increasing sense of self-pride that builds on their

successes.

**Cause and Effect:** Children tend to think in the present

about tangible things and events, they can observe. They

begin to develop an understanding of cause and effect.

For young children, their interpretation is generally concrete

and dichotomous (e.g., good vs. bad). As children approach

preadolescence, they are learning to reason, think abstractly

and negotiate, which gives them a more in-depth

perspective. Along with learning to take responsibility for their own actions and to accept the

consequences of their behavior, children also recognize when others do not accept

responsibility for their actions and behaviors.

AGES 5 TO 11 YEARS

***Personal Growth***

**Independence:** Children are gaining a sense of independence while achieving more self-reliance and control. They begin testing values and beliefs and recognize that parents and other authority figures are not always right.

**Identity:** As puberty approaches, children become more aware of their bodies and continue to develop their gender and sexual identity. They are apt to have periods of curiosity about the opposite sex but tend to focus more on the same-sex friendships. Their perception of themselves and their activities are influenced by family and societal norms and behaviors. Children are apt to imitate or reflect what they see and hear from adults, siblings, peers and the media.

Trauma during childhood can lead to disruptions in personal growth, causing…

Long-term grief

Attachment disorders

Inadequate coping skills

Suicidal feelings

Self- blame for the actions and decision of others

Lack of resolution or closure

Decrease sense of mastery and self-reliance

**Trauma:** Trauma can interfere with children’s

ability to bond and develop trusting relationships.

Children may blame themselves

for these unpleasant situations even when

they know the truth. To cope with

stressful situations, children may alternate

between reality and fantasy and use other

psychological defenses. Defense mechanisms

in the short-term can be protective; however,

if prolonged, they can interfere with physical

and social development and daily functioning.

Prolonged effects can lead to speech and

language difficulties and to behavioral learning

problems. Children may also tune out some

feelings as a means to deal with other feelings.

Since development is cumulative, it is crucial

for children to reach milestones that will in turn

be foundational for future growth and well-being.

AGES 5 TO 11 YEARS

***Relationships and Attachments***

**Thoughts and Emotions:** As children mature their emotions develop from feelings based on survival (such as pleasure, fear and sadness) into more complex socially-based feelings (such as guilt, envy, modesty, embarrassment and shame). By gaining an ability to distinguish between their feelings, thoughts and actions, children learn to control their behaviors and regulate their emotions. Children begin to communicate their feelings as they link words with emotions.

Children are still grasping and meshing concrete and abstract thought and often struggle with their understanding of events and situations. This age group is apt to take things personally and be particularly sensitive to criticism. Further, the onset of puberty and hormonal fluctuations can have a profound effect on emotions.

**Social Network:** This age group has a wider social

“ The judge would ask me how I was doing, how is school going and how was I doing in my current placement. By doing this the judge developed a relationship with me so that I actually felt comfortable going to court. This gave me the motivation to attend all of my hearings.”

Anthony

network than younger children. Their peers take

on a greater significance, with children often

developing a “best friend” relationship. Children

are also able to understand the relationship between

people and concepts, such as judges and their

authority. Children are able to reach out beyond

their family and use friends and other adults as

resources to meet their emotional needs. If their basic

needs are not being met at home, children will search

for other people who can provide a sense of being

cared for or feeling wanted. Research suggests girls

are apt to seek emotional support from their network

while boys are less apt to seek emotional support but

will share their feelings in response to a request for

information.

AGES 5 TO 11 YEARS

***Relationships and Attachments***

Positive peer relationships help children develop the skills needed for healthy social interactions. These relationships can increase self-esteem, reduce emotional stress and increase social competence in children.

**Trauma:** Children’s emotions and social interactions

Trauma during childhood can lead to disruption in building healthy relationships, such as…

Children assume parental role

Children develop inadequate social skills

Children show aggression toward others

Children have difficulty with peers

Children lose interest in friends, schools, exploration and age-appropriate interests

are affected by their thoughts and perceptions of the

world and their place in it. Trauma can have devastating

effects on that perspective as well as on the development

and maintenance of relationships. Children who

experience trauma may exhibit changes in their behavior,

social interactions or academic achievements, or they may

show no signs of their suffering. When children are

distressed, they often demonstrate defensive behaviors

and can strike out, sulk, withdraw or regress. Seemingly

minor provocative cues may lead to a “fight or flight”

reaction with the child using impulsive violence as a

defense.

The brain responds to the stimulation associated with fear

and trauma. The persistent activation of the fear response

plays a major role in the various behavioral and cognitive

problems associated with traumatized children. Considering

the normal emotional fluctuations during this stage of

development, trauma is apt to intensify mood swings or

provoke unexpected or exaggerated responses to

nonthreatening sights sounds or events.

AGES 5 to 11 YEARS

***Behaviors***

**Array of Behaviors:** Children’s behaviors reflect a culmination of not only their age and temperament but also societal and family norms and expectations, parenting styles, social relationships and their experiences. Children are eager to please adults and want to show off their knowledge and skills. They also tend to want to keep everyone happy. As a result, they may be slightly resistant to talk about difficult situations. While children are also gaining a greater sense of responsibility and independence, they may seem very competent and mature one moment and quickly regress to exhibiting toddler-

like behavior.

“ I entered foster care directly after entering this world…Initially I was placed with two of my siblings but then we were separated when I was still a baby…I was lucky because they were placed in a home that was nearby.”

Anthony

**Fairness:** Children begin to evaluate and judge

others- including friends, siblings, parents and

other adults. Their critiques are fueled by an

increased awareness of social norms and rules

that guide behavior. Children become concerned

with fairness and enforcing the rules, which may

result in tattling behaviors. At the same time, it is

not uncommon for children to act out behaviorally

with those they trust or to act in sneaky ways to

exert and maintain control.

**Friendship:** Children may identify a “hero,” adult or another child who they want to emulate or impress. In building stronger, more complex friendships and peer relationships, children choose a “best friend” or friends who may or may not share similar characteristics. Children can assume and fluctuate between reciprocal leader or follower roles and begin to experience more peer pressure. They are likely to imitate newly observed behaviors that can be limit-testing. Such experimentation helps children gain a better understanding of social norms while furthering their moral and conscience development. Ultimately, children gain a sense of security through limits and containment. Through this process, children learn to take reasonable risks, to deal with failure and to recover.

AGES 5 to 11 YEARS

***Behaviors***

**Physical Activity:** Physical activity not only helps children develop coordination and motor skills but also helps children release stress, develop social skills and build confidence. Physical activity helps children release pent-up energy and frustration while they are still gaining the capacity to communicate, understand and deal with feelings and emotions.

**Trauma:** When children need to focus their attention on safety and security issues, they

have little energy remaining for fun and games, exploration or schoolwork. Trauma can cause

children to experience what appears to be unrelated bodily aches and pains. Children can

also use behavioral “defensive” strategies, including regressive, passive or aggressive

behavior. These behaviors can further alienate children from their peers and family members,

which in turn separate them from their support and safety net for risk-taking.

Trauma during childhood can lead to behavioral issues such as…

Destructive behavior

Oppositional or defiant disorder

Acting out to try to control or get their way when they lack the words or ability to identify their feelings

Children have difficulty with peers

Children lose interest in friends, school, explorations and age -appropriate interests

AGES 12 to 15 YEARS

***Communicating with Youth***

* **Remember** youth generally can remain focused for 60-90 minutes.
* **Define** the purpose of the hearing and identify the roles of who will be in court.
* **Build** rapport by talking with them prior to the beginning of the hearing
  + - * **Acknowledge** that the youth may not want to be at the hearing. If they have

missed an activity to be there, inform the team and/or judge so the next court date can

be scheduled taking the child’s schedule into consideration.

* **Use** terms and language the youth will understand.
  + **Ask** for their opinions and input, keeping in mind youth may argue for the sake of

arguing.

* **Set** limits for youth as needed to provide structure and containment.
* **Use** open-ended, instead of leading questions to elicit detailed responses.
* **Reassure** the youth that he/she is in no way responsible for any of the court

proceedings or events.

* **Offer** to provide breaks if difficult situations arise; this gives youth a coping mechanism

and provides a sense of control.

* **Share** documents that are appropriate for the youth to read; this increases his/her

awareness and sense of control.

* **Acknowledge** even the smallest attempt at participation; this adds to a youth’s sense of

control and self-confidence.

* **Encourage** participation in court proceedings by asking the youth to attend the next

hearing.

AGES 12 to 15 YEARS

***The Court Connection***

**Building Confidence:** Welcome and talk to the youth before each court hearing, making sure he/she knows who is in the courtroom and clearly stating the purpose of the hearing. Knowing what will and will not happen can address preconceived ideas that might be based on the media or hearsay and encourage an interactive relationship with the court. Youth can and will tell the court their needs and opinions and how they feel, especially when they know their participation is valued. By acknowledging their contribution to the hearing, the court will build their confidence to participate. The attention span for youth is substantially greater than for younger children, but they still may become distracted if they have waited a long time for their hearing.

“ The judge spoke directly to the Department of Social Services representative using all kinds of legal terms that we didn’t understand.”

Kelly and Charlie

**Participation**: Simply having youth attend their

court hearing does not ensure their meaningful

participation. Even if they talk a lot in court, it

does not indicate meaningful participation. Youth

need to be acknowledged as real contributors, not just

stakeholders, in the decision-making process. Since the

age group likes to talk and may be argumentative,

it is important to provide instructions as to when the

youth may participate.

**Youth**-**friendly:** Preparing youth for their hearings starts long before entering the courthouse and requires a concerted effort by all professionals involved. Youth need to know what is being decided and have an opportunity to participate in court. Avoiding acronyms and unfamiliar legal terms will make the discussion more understandable. Once a decision is made, (even one contrary to their wishes) youth will see that many factors contributed to the decision, have a better understanding of the decision and its consequences and hear that the decision is based on their best interests. The attorney for the child is the point person for debriefing and ensuring the youth understands the meaning and consequences of the decisions. Youth also need their CASA, foster parent(s) and caseworker to be supportive, answer their questions, and provide ongoing support.

AGES 12 to 15 YEARS

***The Court Connection***

**Non-verbal Communication:** Even if youth opt not to speak in court, their presence alone is valuable. Non-verbal cues and communications can provide insight into the youth’s feelings

and reactions. Their demeanor can indicate a sense of well-being or raise flags. As youth observe what occurs during their hearing, they are able to gain a better understanding of

the court proceedings and the impact the judge’s decisions will have on their lives.

“ In my most recent permanency hearing my goal was to be independent living, but I didn’t really want to do that. I really wanted a family again…Youth should be able to speak at their court appearances because the child knows what he or she wants.”

Nunzio

**Difficult Discussions:** Youth might be exposed

to unpleasant information orconflict during

their court hearings, but it is their lives, their

experiences and their futures being discussed.

Youth may be more upset by being excluded

from the hearing. By hearing or seeing these

realities, youth are provided accurate information.

This firsthand experience can give them the necessary

information to understand and accept decisions made as

well as to provide closure. The court can also minimize

difficult experiences by taking a break, encouraging the

presence of a support person or splitting the hearing into

two parts in extremely difficult situations.

**Framing Questions:** To get reliable responses, questions need to be framed to elicit the desired information. For example, when asking youth in care if they want to be adopted, their response may be a quick “no.” If asked if the youth wants a family to go on vacations with, take care of him/her when he/she is sick and attend his/her sports activities, the response may be “yes” and the youth may be willing to continue a discussion about adoption. Youth participation not only empowers them but also provides the courts with better fact-finding that in turn produces better decisions and ultimately better outcomes.

**More Perspective:** The following provides questions to consider asking youth in court and further insight into the interrelated personal and social development and behaviors of children ages 12 to 15 years.

AGES 12 to 15 YEARS

***Questions to Ask***

**Initial Questions**

* **Did I pronounce your name correctly?** **(If it is your first time meeting the child)**
* **Do you know who everyone is in the courtroom? (If it is their first time to court)**
* **Do you know why we are in court today?**
* **How are you feeling?**
* **Tell me about something that has happened to you since I last saw you.**

**School**

* **What is your favorite subject?**
* **Are there any subjects with which you would like to have additional help?**
* **Have you changed schools during the school year?**
* **What would help you do better in school?**
* **Have you started to think about college or vocational school?**
* **What school or community clubs or teams do you belong to?**

**Friends**

* **What do you do for fun? Who do you do that with?**
* **Who do you go to for advice?**

**Family**

* **When was your last visit with your family?**
* **What did you do at your last visit with your siblings? Birth parents?**
* **What household responsibilities do you have?**

**Health**

* **Have you been to the doctor since I last saw you? Dentist?**
* **Who would you talk to about health issues?**

**Feelings**

* **What do you do when you are happy?**
* **When you think about the future, what concerns you?**

**Wrap-up Questions**

* **Did anyone use any words you didn’t understand today?**
* **Is there anything that we are missing?**
* **Do you have any questions?**

AGES 12 to 15 YEARS

***Personal Growth***

**Competencies:** Youth are beginning to think about their future and formulate their educational, career and family plans. In order to gain the confidence and skills to work towards and achieve those plans, youth need to develop competencies, being able to do

some things well and feeling a sense of accomplishment and effectiveness. By identifying

and building upon an existing success or talent (whether it is related to school, art, sports

or a hobby), there is an opportunity to help youth

“ The judge in all my permanency hearings has been the same person. This has helped because she’s caring and asks me what I want. This makes it easier for me when I go to court because we don’t have to start over every time. She makes sure everybody is on the same page before we get started.”

Nunzio

develop competencies. Each success in turn promotes

self-regulation, responsibility, pride and humility.

Youth need to know that others believe in them in

addition to believing in themselves.

**Physical Growth:** Youth experience rapid growth,

the onset of puberty and the physical changes that

accompany it. These changes affect their self-image,

sexuality, moods and relationships with adults and

peers. Not only do these physical qualities enable

youth to feel more autonomous, but they also change

adult perceptions that encourage adults to give youth

more independence. The actual timing of these physical changes for each youth is influenced by a combination of factors, including genetics, health and environmental influences. By having youth in court, the judge is able to do a visual assessment of the youth’s physical development and well-being.

**Belonging:** While searching for a sense of independence, identity and uniqueness, youth also strive to be the same as others and fit in. During this process, youth begin to identify their own morals and values, but their feelings of loyalty may affect their rational thought and their actions can be driven by their need to feel that they belong. Also, they are prone to excessive guilt feelings when things do not go as they expect.

AGES 12 to 15 YEARS

***Personal Growth***

**Reasoning:** Youth have a more advanced sense of moral reasoning than younger children. Younger children tend to base their sense of what is right and wrong on what they are told and tend to focus on the rewards or punishments that are associated with their actions. Youth tend to base their moral reasoning on how their actions will be judged by others. Wanting to gain social approval, they are apt to consider not only the consequences and benefits of their action but also the impact the action will have on their relationships. Youth may often choose to do or say things simply to impress their peers.

Trauma can lead to disruptions in personal growth for youth, causing…

Desire to escape or avoid painful or frustrating situations

Lack of knowledge and ability for self-care

Disconnection

Anxiety disorder

Depression

Attachment disorders

Personality disorders

**Idealistic:** Having an idealistic point of view, youth can uphold

their principles with a vengeance and challenge social

conventions using those principles in ways that suit their needs.

**Trauma:** Youth having experienced trauma may have a

heightened consciousness of threats or perceived provocations.

Rather than confront perceived conflicts, they may attempt to

escape or try to avoid these painful or frustrating situations

altogether. The resulting isolation from adults, peers

and society in general can alienate them and make them

feel unsafe. Such isolation, stress and fears can have a

detrimental impact on their physical development and

decision-making capabilities and actions.

AGES 12 to 15 YEARS

***Relationships and Attachments***

**Expanding Relationships:** Along with gaining a greater sense of independence from adults, youth begin to recognize the shortcomings of their parents, caregivers and other adults and question authority. Peers, ranging from pairs to cliques to crowds, take on a greater importance and contribute to a sense of identity. Youth are also beginning to develop relationships while gaining an appreciation of the complexity of themselves and others. Relationships are also brought to the forefront by the curiosity and interest related to pubertal changes.

**Fitting In:** Along with having a strong desire to fit in and please others, youth want to appear “cool” and avoid embarrassment. They

“ My permanency plan changed from adoption to independent living. My judge and social worker stood by my decision to pursue independent living. My foster mother wanted to adopt me but at that point I didn’t want to be adopted because she was moving to a different state and I wanted to stay close to my friends and family.”

Anthony

need to feel like they belong, and their strong

sense of loyalty may make them act, say, dress

or do things that make them feel or look like their

peers. At the same time, youths are apt to test

their standing or influence in relationships especially

with adults. They may play people against one another,

manipulate people or see just how far they can push

someone.

**Peers:** Youth have a greater exposure to influences

outside of the home. They see approval and acceptance

from their peers and upon receipt they gain confidence,

social skills and a sense of fitting in. It is during the early

teen years that peer pressure is its strongest and tends to

be a greater influence for boys compared to girls. Failure to “fit in” with peers can lead to emotional distress and cause internal conflict (e.g., depression, anxiety, obsession or bodily complaints) or troublesome behaviors (e.g., aggressive or destructive behaviors or substance use and abuse).

AGES 12 to 15 YEARS

***Relationships and Attachments***

**Gang Membership:** If youth’s social and emotional needs are not being met at home or with friends, youth may turn to gangs to meet their needs. At the personal level, gangs can provide a source of recognition, excitement, money, advice, encouragement and a sense of belonging. At the social level, gangs can provide status, protection and “rules.” The gang’s guiding set of rules and codes can reduce independent thinking and the need to make decisions. Gang association can range or graduate from “wanna-be’s” to membership. Regardless of their level of involvement, youth may dress or exhibit gang-related attire or behaviors. Research has shown that gang membership contributes to delinquency to a great degree than associating with delinquent non-gang peers or having exhibited previous delinquent behavior.

**Trauma:** Youth having trauma-related experiences can develop a distrust of others, particularly adults. This perception of not being able to rely on adults can make them feel isolated and solely responsible for themselves. This sense of isolation, from adults and society in general, can lead to withdrawal that further limits their opportunities to develop trusting relationships and leads to antisocial behaviors. This isolation is not the same as demonstrating the independent behaviors that are so critical during the developmental progression of adulthood.

Trauma can lead to disruptions in building healthy relationships for youth, such as:

Lack of opportunity to connect and develop relationships with others

Mistrust of adults and authority figures

Inconsistent support with learning disabilities and mental health issues

AGES 12 to 15 YEARS

***Behaviors***

**Establishing Patterns:** Youth experience remarkable changes during this transitional period, both visible and invisible to the eye, that influence their behaviors. It is a period of increasing independence during which youth begin to make more choices, test limits and establish patterns of behavior.

Their lifestyle choices, including violence,

“ I once thought my life was a game and everyone but I was to blame for my pain. I made the decision to leave but it was you that caused that action from me.”

Ace

substance use and abuse, physical activity

and sexual activity, can have immediate

and long-term health and well-being

consequences. These choices and

subsequent behaviors that also influence

their immediate and long-term life chances.

**Brain Function:** With advances in brain imagery,

researchers have established that different parts of

the brain mature at different stages of development. During puberty, the part of the brain (the limbic system) that deals with emotion and social interactions becomes very active. Structurally, the part of the brain (frontal cortex) that regulates behavior, through rethinking and reasoning, is still maturing into early adulthood. While gaining capacity for abstract thinking and understanding the difference between right and wrong, youth may manipulate the logic behind decisions that in turn lead to rash decisions or risky behaviors.

**Risky Behaviors:** Increased risk-taking is normal for this age group. Characterized by being easily enticed, emotionally reactive and having an immature impulse control, youth like to have fun and are thrill-seekers. Simply making youth aware of the dangers related to their behaviors, ranging from tobacco, alcohol and drug use to guns and unprotected sex, does not significantly reduce their participation in these behaviors. Since the likelihood of engaging in risky behaviors is linked to pubertal maturation, early-maturing youth are more likely to engage in more risky behaviors earlier than average, or late-maturing youth.

AGES 12 to 15 YEARS

***Behaviors***

**Peer Pressure:** Research shows that youth are more likely to engage in risky behaviors when they are with peers than when they are alone. Research also shows that a greater percentage of crimes committed by this age group are done in groups rather than independently. This is in sharp contrast to the majority of adult crimes, which are committed independently.

**Trauma:** While youth are resilient, psychological trauma during this period can interfere with brain development that is crucial in regulating impulses and

Trauma can lead to behavioral issues for youth, such as…

Suicidal behavior

Drug and alcohol use and abuse

Pregnancy

Aggressive acting out

Truancy

School failure

Juvenile Delinquency

behavior. Schools can provide a social support system for

youth, but trauma-related behaviors, lack of connection

and an inability to focus on school can alienate

them from this support and contribute to school

failure, excessive absenteeism, truancy and dropping

out of school.

During this transition period, the risk of self-inflicted harm

or injury increases. Rejection and abuse are two leading risk

factors for youth who exhibit suicidal behaviors. Girls are

more likely to report suicidal attempts but boys are more likely

to die as a result of their attempt.

AGES 16 to 20 YEARS

***Communicating with Older Youth***

**Remember** older youth generally can remain focused for the entire hearing.

**Explain** the purpose of the hearing and identify everyone in the courtroom and their role.

**Build** rapport by talking with them prior to the beginning of the hearing.

**Communicate** directly with the youth.

**Avoid** using acronyms or legal terms.

**Maintain** eye contact when talking to the youth.

**Expect** avoidance with some older youth. They may want to attend but their ability to deal with intense emotion may not be as mature.

**Allow** for alternative ways of communicating (e.g., drawings, poems or letters).

**Repeat** decided actions of the permanency plan to be sure the older youth understands.

**Share** documents that are appropriate for older youth to read – this increases their awareness and their sense of control.

**Watch** for nonverbal cues that could prompt deeper discussions or assist in decision-making.

**Acknowledge** even the smallest attempt at participation- this adds a sense of control and self-confidence.

**Encourage** pre-planning for future meetings or hearings.

**Assure** the youth that the court received and noted his/her input.

**Coordinate** with the youth about the next hearing date.

**Encourage** participation in all court proceedings.

AGES 16 to 20 YEARS

***Court Connection***

**Sense of Control:** Older youth in out-of-home care, compared to their peers not in care, experience unique challenges as they assume increasing levels of independence and responsibility. Courts have a special responsibility to ensure that youth in care have the supports, skills and knowledge necessary to leave care as self-reliant, healthy and productive young adults. Through their participation in their court proceedings, older youth can gain a better understanding of the supports which are available to them as well as the challenges that face them. They may gain a sense of control over their lives, exercise their negotiation and decision-making skills, and develop the ability to advocate for themselves.

**Guidance and Permanency:** Older youth need a sense of control, but at the same time they can easily become overwhelmed. There is a fine line as they

desire independence but also want guidance and support.

This guidance and support is needed inside and outside of the

court. By having a youth present and able to provide

“ I have a judge who looks me in my eyes every court date and repeats my goals. He asks me if I agree before finalizing anything. He has seen me grow so much and I can tell he genuinely cares that my life has turned out positive.”

Domonica

information about supportive adults (e.g., teacher, coach,

employer, foster parent, extended family or friend’s parents),

the participants will be better equipped to identify a permanent

resource that will continue to provide this much needed

guidance and support throughout life.

**Youth-friendly Environment:** Participation is enhanced

by maintaining a “youth-friendly” environment – where

the judge and others acknowledge the youth, speak

directly to him/her, avoid acronyms and legal terms, and recognize the potential need for breaks or other supports that minimize stressful events and discussions. Some older youth will need encouragement to participate, and they may avoid involvement rather than risk exposing their emotions. Older youth, being peer-oriented, may prefer to be accompanied by a supportive friend rather than an adult. Preparing youth before their hearing and debriefing them after their hearing will make the court experience more productive. The court can inquire about and encourage these discussions.

AGES 16-20 YEARS

***Court Connection***

“ The judges should ask questions directly to me rather than asking adults in my life how I’m doing”

Jocelyn

**Aging Out:** The court should encourage all youth to remain

in care up to the age of 21. Research indicates that youth

who remain in care beyond age 18 are more likely to stay

in school, access health and mental health services and have

better educational, economic and well-being outcomes than

their peers who exit foster care earlier. The older youth,

while possibly feeling restricted by opting to remain in foster care, may feel more in

control and gain a better understanding of the benefits of remaining in care by discussing this option in court.

**Education:** As youth approach or reach the age limit of compulsory school attendance, the court can play a major role in the youth’s educational career by bringing education to the forefront of the discussion, identifying issues before they escalate, encouraging youth to complete high school and attend post-secondary school, identifying and providing the supports needed to succeed in school and monitoring the success of the interventions. Education is fundamental to self-reliance. Educational attainment is directly linked with income and well-being. People with more education, on average, have longer life expectancies, make more money and are unemployed less. While the GED might appear to be a viable alternative for youth in high school, getting a GED instead of a regular high school degree results in substantially lower earnings later in life.

**More Perspective:** The following provides questions to consider asking youth in court and further insight into the interrelated personal and social development and behaviors of youth ages 16 to 20 years.

AGES 16 to 20 YEARS

***Questions to Ask***

**Initial Questions**

* **Did I pronounce your name correctly? (If it is your first time meeting the child)**
* **Do you know who everyone is in the courtroom? (If this is their first time in court)**
* **Do you know why we are in court today?**
* **How are you feeling?**
* **Tell me about something that has happened to you since I last saw you.**

**School**

* **What is your best subject in school?**
* **Is there anything you need help with in school?**
* **Have you looked at colleges or vocational schools? Have you applied?**

**Friends**

* **Who do you hang out with?**
* **What do you do during your spare time?**

**Employment**

* **Where are you currently working? Do you enjoy that work?**
* **What plans do you have for future employment?**

**Family**

* **What did you do at your last visit with your brother(s)/sister(s)? Birth parents? Do you talk, text or email them?**
* **Do you know how to do laundry? Cook? Do you have a savings account?**

**Permanency**

* **For college students- Who will you stay with during school breaks?**
* **Who do you call to share your good news?**
* **Do you have an adult to go to for advice?**

**Health**

* **Have you been to the doctor since I saw you last? The dentist?**

**Feelings**

* **Who do you talk to when you are upset?**
* **Where do you see yourself in 5 years (10 years) from now?**

**Wrap-up Questions**

* **Is there anything that we are missing or that you would like to add?**
* **Do you have any questions?**
* **Do you understand what happened in court?**
* **Is there anything you want the judge to know that you were unable to tell him?**

AGES 16 to 20 YEARS

***Personal Growth***

“ The first time I really spoke up I was moved back to the area of my high school so I could continue going to school in the setting I was used to. This was a huge milestone for me because school has always been very important to me and I had a chance to excel in the way I wanted to.”

Domonica

**Independence:** Older youth consider themselves

adults as they take on more responsibility, assert

their independence and take a more proactive role

in decisions about their current and future plans.

Being able to drive and get a job augments this growing

social and financial independence. Yet an increasing

number of young adults who left home (and had not experienced out-of-home care) are subsequently returning home. Some are leaving and returning more than once. This return often follows a college graduation, a divorce, or a change in jobs, or when housing costs are beyond the young adult’s budget. They are called the “boomerang” generation.

While society once expected older youth to be self-reliant by the time they reached 18, caregivers are now extending their support, both emotional and financial, well into early adulthood. This newly defined developmental phase, called “emerging adulthood,” includes older teens and young adults in their mid-twenties who have not yet assumed the independence and responsibility associated with adulthood. This need for longer-term support for young adults underscores the importance of identifying a permanent resource for youth aging out of care and ensuring that they know what supports are available to them, including housing, education and health care.

**Cognitive Abilities:** Older youth are able to grasp abstract concepts and use abstract reasoning as well as anticipate and deal with problems, both real and hypothetical. These cognitive abilities and their physical appearance may make them appear mature, but it may be a pseudo-maturity as youth can easily become overwhelmed. As mentioned earlier, the part of the brain that regulates behavior, through rethinking and reasoning, is still maturing into early adulthood. Regardless of their ability to foresee harmful consequences, teenagers seek excitement and act impulsively, especially when they are with peers.

AGES 16 to 20 YEARS

***Personal Growth***

**Identity:** While in the process of developing a coherent, stable identity, older youth may experiment with or “try on” several identities before finding the combination of characteristics that fit their needs. Older youth become more reflective and introspective as they mature and increasingly perceive situations or problems in relative terms using multiple dimensional thinking to assess how they and others fit into the bigger picture. By the time youth turn 21, they generally have a clear sense of identity, including their sexual identity, sexual preference and gender identity. They also have identified or chosen a direction for their future. If older youth continue to struggle with gender role and other identity conflicts into adulthood, the prolonged “identity crisis” stage increases their risk for depression and suicide.

**Trauma:** Exposure to acute or chronic trauma can interfere with older youth’s development or ability to control mood swings, impulsivity, irritability, anxiety and anger, which in turn lead to aggression, depression and dissociation. Suicide can be a perceived solution for

older youth who have trauma-related feelings of stress, confusion, self-doubt and other fears. Using conventional age breakdowns, suicide rates increase dramatically between

youth (ages 10 to 14 years) and older youth (ages 15 to 19 years) to the extent that suicide is the third leading cause of death for older youth in the United States.

Trauma can lead to disruptions in personal growth for older youth, causing…

Lack of emotional connections

Feelings of rejection

Confusion over roles

No sense of belonging

Suicidal feelings

Depression disorders

Affective disorders

Anxiety disorders

Attachment issues

Personality issues

Poverty

AGES 16 to 20 YEARS

***Relationships and Attachments***

**Connection:** Older youth develop strong ties and a sense of belonging with numerous people and groups that extend beyond their family and peers. This network develops through their engagement in group activities, development of adult-to-adult relationships and membership in religious organizations, sub-culture groups, and school or work-related groups. While the caregiver-child relationship matures and becomes more mutual, these other

relationships provide youth a broad source of

“ It seemed each time I went to court there was a person there that knew more about me than I knew about myself. I felt like my life was a folder that opens up every six months for changes that didn’t happen easily.”

Ace

recognition for their accomplishments and

contributions. At the same time, this broader

involvement can cause older youth to become

confused as to where to place their loyalties.

**Siblings:** Sibling relations change as children grow older. Teenage siblings are more apt to

see each other as equals, as opposed to when they were younger and the older siblings had more authority. While older sibling become less dependent upon one another, their relationship can continue to be a valuable resource.

**Dating:** As older youth become interested in dating romantic relationships develop and cliques and crowds decrease in importance. Early relationships tend to provide a source of recreation and peer status and a means of exploring their sexuality. Older youth tend to have more intimate relationships that provide a source of companionship, affection and support. For same-sex relationships, the overt development of these supportive relationships may be hampered by the fear of peer harassment or rejection and may cause youth to retreat to heterosexual dating or to feel isolated.

AGES 16 t0 20 YEARS

***Relationships and Attachments***

**Parenthood:** In the United States, seven in ten youth engage in sexual intercourse by the time they reach the age 19 and nearly one in three girls get pregnant before the age of 20. A recent study showed girls in foster care were more likely to become pregnant compared to girls in the general population (32.9% vs. 13.5% of girls by age 17, and 48.2% vs. 20% of girls by age 19, respectively). The study also showed girls who aged out of foster care at 19 were more likely to have become pregnant at least once, less likely to receive family planning services and less likely to use contraception compared to girls still in foster care at age 19 years.

Trauma can lead to disruption in building healthy relationships for older youth, such as…

Lack of emotional connections

Failure to launch

Continuation of problematic family patterns

Default to toxic relationships

Inadequate social skills

Feels of rejection

Lack of emotional connections

The vast majority of teen pregnancies are unintended.

Compared to older mothers and their babies, teenage

mothers are more likely to drop out of school and live in

poverty, and their babies are more likely to be low weight

at birth, have health and developmental problems,

experience abuse or neglect and have poor academic

outcomes. Recent data shows that more than 80 percent

of births to teenagers are nonmarital.

**Trauma:** Older youth experiencing trauma are at

increased risk of becoming detached from their support

systems. While most youth are resilient, some are

among the growing number of older youth who are

isolated from two major support systems that are

crucial in their transition to adulthood. These teenagers,

called disconnected or idle youth, are not enrolled in school or employed. Disconnected youth are disproportionately minority and are concentrated in urban areas. Youth aging out of foster care are more likely to become disconnected than their peers as they have higher dropout rates and greater risk of becoming unemployed and homeless. Compared to their working or in-school peers, disconnected young women are more likely to rely on public assistance, and disconnected young men are more likely to be incarcerated

AGES 16 to 20 YEARS

***Behaviors***

**Reasoning:** While coming to terms with wanting to be autonomous and also wanting to be connected, older youth can exhibit inconsistencies in both behaviors and communication. Their apparent “acting out,” while not intended to hurt others or waste time, is a means of coping with feelings of fear and insecurity, testing limits, distinguishing themselves from others and establishing independence.

**Risky Behaviors:** Older youth may be risk-takers and sensation seekers. While these behaviors may not reflect their ability to make rational decisions, older youth often put different values on consequences that adults and may value the opinion of peers regarding potentially dangerous outcomes. In situations that are not emotionally charged,

or when older youth are alone, they may be

“ I ran away from the home feeling that was the only way I would ever get away…I began doing things out of character. I feel if I could have personally told the judge these things maybe my life could have picked up a lot sooner, but I couldn’t and my life continued on a downward spiral.”

Domonica

better able to control their impulsivity. As noted

earlier, the section of the brain that helps regulate

impulsive and risky behaviors do not reach maturity

until the mid-20s. Older youth are at a greater risk of

premature death from self-inflicted or unintentional

injuries than younger children.

**Infallibility:** With a false sense of invincibility, older

youth minimize or deny the potential risks associated

with their behaviors, thinking that “it can’t happen to

me.” Examples are having unprotected sex and believing it would not result in pregnancy or sexually transmitted disease and driving while intoxicated and believing it would not result in a ticket, an accident, injury or death.

AGES 16 to 20 YEARS

***Behaviors***

**Red Flags:** Research shows that youth who do not feel safe or valued and lack a connection to their family, school and community have a greater likelihood of dropping out of school, engaging in disruptive, self-destructive, violent and criminal behaviors, and coming into contact with the juvenile or criminal justice system. Numerous red flags have been identified as risk factors, including history of child abuse and neglect; truancy; poor academic performance; poor family relationships; drug and alcohol use; living in poverty; teen pregnancy; peers engaging in risky behaviors; bullying or being the victim of a bully; feeling depressed, hopeless or suicidal; lacking a supportive caregiver or adult relationship; and gang membership.

**Trauma:** For the older youth, traumatic experiences can cause them to misinterpret events. Triggers related to their traumatic experiences, such as sounds or smells, can cause

states of panic and hopelessness. Another person’s trivial actions can cause youth to act out in what appears as unprovoked retaliation or withdrawal. If older youth experience chronic fear or anxiety, they are less apt to develop problem-solving skills and more apt to have difficulties processing new information. These heightened states of arousal interfere with accurately perceiving events and reacting appropriately.

Trauma can lead to behavioral issues for older youth, such as…

Violent domestic relationships

Criminal justice involvement

Failure in the workplace

Drug and alcohol problems

Unsafe sex

AFTER CHILDREN ATTEND THEIR HEARINGS

Just as children need to be prepared for their hearings, they should be debriefed after a hearing. Debriefing is a process that requires immediate and ongoing discussion to ensure the child understands what happened, what it means for the child and what are the next steps. Debriefing also provides an opportunity to identify any supports the child might need going forward. As with the preparation, the attorney and CASA for the child are the point people for the debriefing. Children also need their foster parent(s) and caseworker to be supportive, answer questions and provide ongoing support.

# QUESTIONS TO ASK TO KIDS **after** COURT

1. **Ask the child(ren) how they feel after attending court and if anything troubled them about the hearing.**
2. **Ask the child(ren) if they have any questions about what took place in court and if they need anything explained more clearly.**
3. **Ask the child(ren) if there was anything else they wanted to tell the judge and couldn’t.**
4. **Ask the child(ren) if they would like to speak with their Guardian Ad Litem (GAL) before the next court hearing.**
5. **Ask the child(ren) if there is anything that would make it easier for them to attend court next time (Olive, quiet sensory toy, book, etc.)**

July 2019