



QUARTER 3
PIP 5.1.3
(continued)

Table of Contents

Executive Summary	4
Introduction.....	8
Findings.....	15
The Goals of the Youth Justice Board	20
The Recommendations of the Youth Justice Board.....	21
Conclusion	49
Members of the Youth Justice Board.....	50
References.....	56
Appendix A: Overview of the New York City Permanency Planning Process	60
Appendix B: The Youth Justice Board Curriculum.....	63

Note: This report was written jointly by Youth Justice Board members and staff. The sections on goals and recommendations were written by Youth Justice Board members. The remaining sections were written by staff, but represent the work of the members.

Executive Summary

The Youth Justice Board, a team of 16 New York City young people, strongly believes that the New York City permanency planning process can be enhanced by improving the level and quality of youth participation in their own court cases, and thereby have a more positive impact on the lives of foster care youth. In their report, "Stand Up, Stand Out: Recommendations to Improve Youth Participation in New York City's Permanency Planning Process," the Youth Justice Board proposes 14 specific recommendations to improve the court experiences and outcomes for adolescents in foster care. The Board focuses on concrete steps that can be taken by New York City Family Court, the Administration for Children's Services, provider agencies, law guardians, and by young people themselves to make sure that youth in foster care play an active role in the court process and in the decisions that affect their lives

What is the Youth Justice Board?

Launched by the Center for Court Innovation in 2003, the Youth Justice Board is an after-school program that brings together 15-20 teenagers from around New York City to study and devise policy recommendations on an issue affecting youth in the city today. Through the program Youth Justice Board members acquire the knowledge, skills, and resources to develop credible policy recommendations. After a year of research, fieldwork and interviews, the young people present their findings directly to key officials who are asked to weigh their policy reform ideas as they would with any other good government group. In the past three years, Board members have presented their recommendations to the City's Schools Chancellor, the Mayor's Criminal Justice Coordinator, the Commissioner of the City's Department of Youth and Community Development, the Commissioner of the New York State Office of Children and Family Services, the Associate Commissioner for Family Court Services at the City's Department of Probation, various judges, and state and local elected officials, among many others.

In the first year, 2004, members studied the challenges of youth returning home after confinement for juvenile delinquency. The second year, the Youth Justice Board focused on safety problems in New York City high schools. This year, the Youth Justice Board has investigated how to improve the experience of youth who go through New York City Family Court's permanency planning division.

Why Address the Permanency Planning Process?

Young people in foster care face daunting challenges. The Youth Justice Board members, most of whom are or have been in foster care, have spent much of the last year thinking about the role that the courts play in the lives of foster care youth and what courts can do to increase the likelihood of success for youth in foster care. The Youth Justice Board has focused on this aspect of the foster care experience because all children in foster care have an active case in New York City Family Court's Permanency Planning Division—through the permanency planning process, the Court plays a critical role in ensuring that all efforts are made to find every child a safe and supportive permanent home. While a young person is in foster care, Family Court judges make key decisions about the young person: who they live with, whether they will be reunited with their parents, whether they see their parents and siblings while they are in care, when they will leave the system and where they will go once they leave foster care.

In New York City in recent years, the number of permanency hearings in Family Court has increased, and, while the number of youth in care has declined, more than 50% of youth currently in care are 13 years old or older.¹ The Youth Justice Board's focus on increasing youth participation in the court process comes at a time when there is increased national and local attention focused on the challenges faced by young people in foster care. The Youth Justice Board has found that there is a considerable interest from all parties in the New York City permanency planning system to increase youth participation. The Board feels that what is needed now are ideas for concrete actions that can turn intentions into practice; this was reinforced by the significant interest in their recommendations from their interview subjects, and demonstrated in particular by ongoing support of their work from the Administrative Judge of New York City Family Court, the Honorable Joseph M. Lauria.

The Youth Justice Board's Goal

Meaningful youth participation can bring real benefits to efforts by the Court and its partners to secure stable, supportive environments that will enable foster care youth to prosper. Lawyers will be able to represent young people more effectively and judges will be able to make better decisions if young people have the opportunity and motivation to give the Court a complete picture of their current circumstances and their wishes and opinions about who they should live with, services they should receive and the contact they would like with their parents, siblings and other family members. Participating more actively in their court cases would also help young people understand how and why key decisions about their lives are made, give them an opportunity to influence those decisions and increase their satisfaction and faith in the court process. The ultimate benefit of increased youth participation is that everyone—judges, law guardians, the Administration for Children's Services and young people themselves—will be able to make better decisions based on the best and most comprehensive information.

The Youth Justice Board's Research

With the support of Judge Joseph M. Lauria, the Youth Justice Board spent several months studying the permanency planning process in New York City Family Court. Over the course of five months, the group conducted interviews with over 40 child welfare and court professionals, conducted two focus groups of youth in care and observed Family Court proceedings in Kings County, Bronx County and New York County Family Courts.

Recommendations

The Board's 14 recommendations follow three themes. First, the Board created recommendations that help prepare youth to take a more active role in their cases. The second group of recommendations focuses on creating stronger partnerships between law guardians, case workers and young people. The third group of recommendations provides suggestions on ways to create a court environment that facilitates meaningful youth involvement.

¹ Preparing Youth For Adulthood. New York, NY: New York City Administration for Children's Services. 2006.

To prepare youth to take a more active role in their cases, we recommend:

What:

1. Providing current and easy to understand information on the permanency planning process and the rights of youth in foster care.
2. Conducting ongoing peer-led workshops to prepare youth to participate in their hearings.
3. Taking greater responsibility for the success of their cases.
4. Educating youth on how to get help if they are not getting the services they need.

Who:

The Administration for Children's Services and law guardian agencies

The Administration for Children's Services and law guardian agencies

Youth

Law guardians, caseworkers, and FCLS attorneys

To create stronger partnerships between law guardians, case workers and youth, we recommend:

What:

1. Strengthening communication between law guardians and their clients to ensure that youth understand what's going on with their court cases and permanency planning goals.
2. Helping youth overcome obstacles that stand in the way of attending their hearings.
3. Providing additional support to case workers to help them get permanency planning reports done and to help them communicate better with youth.
4. Encouraging law guardians and caseworkers to think of themselves as a team.

Who:

Law guardians and youth

Caseworkers

The Administration for Children's Services and provider agencies

Provider agencies, law guardian agencies, and FCLS attorneys

To create a court environment that facilitates meaningful youth involvement, we recommend:

What:

1. Creating an ongoing advisory board of youth who can identify problems and opportunities on behalf of all youth, and help Family Court develop youth-friendly programs and policies.

Who:

Family Court

- | | |
|---|---|
| 2. Making the public areas of the court more welcoming and supportive. | <i>Family Court</i> |
| 3. Establishing safe havens at the courthouse where teens don't have to worry about unwanted encounters with family members and can access resources. | <i>Family Court</i> |
| 4. Improving access to private spaces for youth and their law guardians to meet, and encouraging law guardians to use these spaces. | <i>Family Court and law guardian agencies</i> |
| 5. Scheduling court hearings so it is easier for youth to attend. | <i>Family Court</i> |
| 6. Promoting a courtroom environment in which all court professionals encourage youth participation. | <i>Family Court</i> |

Sparking a Conversation

The recommendations put forth by the Board are not meant to be static—they are intended to be a starting point for change. The Board hopes its recommendations will spark conversation with Family Court and its partners. Over the next year, the Youth Justice Board will make itself available to the Family Court and its partners in an effort to encourage the implementation of the ideas contained in this report.

The Youth Justice Board is a project of the Center for Court Innovation, a public-private partnership between the New York State Unified Court System and the Fund for the City of New York that works to improve public confidence in justice. The Youth Justice Board is supported by the Surdna Foundation, W. Clement & Jessie V. Stone Foundation, W.T. Grant Foundation, the Helena Rubinstein Foundation, the U.S. Department of Justice, Bureau of Justice Assistance, and the New York City Council.

Points of view and opinions in “Stand Up, Stand Out: Recommendations to Improve Youth Participation in New York City’s Permanency Planning Process” are the opinions of Youth Justice Board members, and do not necessarily represent the official position or policies of the Center for Court Innovation or the above named foundations.

Introduction

Youth in Foster Care: Improving Lives by Improving the Court Process

In this report, the Youth Justice Board, a group of New York City teenagers who study and recommend reforms of public policies that affect young people, proposes specific ideas to improve the court experiences and outcomes for adolescents in foster care—youth who are under the care and custody of the New York City Administration for Children’s Services, often after they have been removed from their homes because of abuse and/or neglect.

Young people in foster care face daunting challenges. A recent study² of youth in or formerly in foster care found that, at age 19:

- More than one-third had received neither a high school nor GED diploma and only 18% of the youth surveyed were enrolled in a four-year college;
- Only 40% were currently employed and 90% had earned less than \$10,000 in the past year;
- Foster youth were twice as likely as other 19-year-olds to have been evicted and almost 14% had been homeless since leaving care; and
- Nearly half of young women in foster care have been pregnant.

The Youth Justice Board members, most of whom are or have been in foster care, spent several months thinking about the role the courts play in the lives of foster care youth and what courts can do to increase the likelihood of success for youth in foster care. The Youth Justice Board has focused on this aspect of the foster care experience because all children in foster care have an active case in New York City Family Court’s Permanency Planning Division—through the permanency planning process, the Court plays a critical role in ensuring that all efforts are made to find every child a safe and supportive permanent home. While a young person is in foster care, Family Court judges make key decisions about the young person: whom they live with, whether they will be reunited with their parents, whether they see their parents and siblings while they are in care, when they will leave the system, and where they will go once they leave foster care.

The Youth Justice Board’s Research

With the support of the Administrative Judge of New York City Family Court, the Honorable Joseph M. Lauria, the Youth Justice Board spent several months studying the permanency planning process in New York City Family Court. Over the course of five months, the group:

Conducted interviews with:

- The Administrative Judge, Chief Clerk, and First Deputy Chief Clerk of New York City Family Court;
- Family Court judges, clerks, senior staff, a referee, and a court attorney;
- Law guardians;
- Attorneys for parents and guardians;
- Administration for Children’s Services Family Court Legal Services attorneys;
- Social workers; and

² Mark E. Courtney, et al. *Midwest Evaluation of the Adult Functioning of Former Foster Youth: Outcomes at Age 19*. Chapin Hall Center for Children. May 2005.

- Various experts on the New York City child welfare system.

Examined youth perspectives:

- The Youth Justice Board members examined their own experiences in the child welfare system.
- The Board conducted focus groups of youth in care. With the help and support of the Administration for Children's Services and the New York State Office of Children and Family Services, the Board recruited participants through provider agencies, legal service organizations, service providers that work with youth in care, and the members' own social networks. The members planned and facilitated the focus groups, which asked participants a range of questions about their experiences attending their permanency hearings, and, if they haven't attended hearings, why not. The members also presented some of their early ideas for policy recommendations, and the focus group participants were asked for their feedback.

Observed Family Court proceedings:

- The Youth Justice Board observed three Family Courts: New York County, Bronx County, and Kings County. Members documented what they observed in the lobbies, the waiting rooms, and in court proceedings. In addition, after observing court, the members met with the judges and referees to debrief on the day's proceedings.

The Youth Justice Board's Interviews:

New York City Family Court

- The Honorable Joseph M. Lauria, Administrative Judge
- James Kenny, Chief Clerk, New York City Family Court
- The Honorable Stephen Bogacz, Supervising Judge, Queens County Family Court
- Stephen Byrnes, Assistant Deputy Chief Clerk, Kings County Family Court
- John Cairns, First Deputy Chief Clerk, New York City Family Court
- Dave Caputo, Court Clerk, Bronx County Family Court
- The Honorable Susan Danoff, Kings County Family Court
- Barbara DeMayo, Esq., Coordinator of Special Projects
- Referee Susan Doherty, New York County Family Court
- The Honorable Monica Drinane, Bronx County Family Court
- The Honorable Lee Elkins, Kings County Family Court
- Lisa J. Friederwitzer, Esq., Administrator of Education & Training
- Catherine Friedman, Esq., Alternative Dispute Resolution Coordinator
- Virginia Gippetti, Principal Management Analyst
- Diane M. Goulding, Assistant Deputy Chief Clerk, New York County Family Court
- The Honorable Douglas E. Hoffman, Bronx County Family Court
- Marilyn Henry Howell, Court Attorney, Kings County Family Court
- The Honorable Susan K. Knipps, Supervising Judge, New York County Family Court
- The Honorable Edwina Richardson-Mendelson, Queens County Family Court
- The Honorable Gayle P. Roberts, Bronx County Family Court

The Youth Justice Board's Interviews (continued):

The New York City Administration for Children's Services

- Ronni Fuchs, Director, Office of Youth Development
- Dr. Michael Katch, Senior Advisor, Family Support Services
- Cynthia Lopez, Family Court Legal Services Attorney, Queens Family Court
- Alexandra Lowe, Special Counsel, Division of Foster Care and Preventive Services
- Noah Powlen, Family Court Legal Services Attorney, Kings County Family Court
- Dodd Terry, Assistant Commissioner, Office of Youth Development

Law Guardian Offices

- Julie Dowling, Staff Social Worker, Lawyers for Children
- Johanna Jensen, Forensic Social Worker, Juvenile Rights Division, The Legal Aid Society
- Priti Kataria, Staff Attorney, Lawyers for Children
- Heather O'Hayre, Forensic Social Worker, Juvenile Rights Division, The Legal Aid Society
- Louis S. Sartori, Attorney-in-Charge, Juvenile Rights Division, Manhattan, The Legal Aid Society

Parent Representation

- Jenny Crawford, Client Advocate Supervisor, Family Defense Project, The Bronx Defenders
- Kara Finck, Project Director, Family Defense Project, The Bronx Defenders

Experts

- Liberty Aldrich, Director of Domestic Violence and Family Court Programs, Center for Court Innovation
- Stephanie Gendell, Senior Policy Associate for Child Care and Child Welfare Services, Citizens' Committee for Children
- Miriam Krinsky, Executive Director, Children's Law Center of Los Angeles
- Chrysetta Patterson, MSW, independent management analyst and training consultant for youth, child care staff, supervisors, social workers and foster parents
- Erik Pitchal, Director, Interdisciplinary Center for Family and Child Advocacy, Fordham Law School
- Jane Spinak, Edward Ross Aranow Clinical Professor of Law, Columbia Law School
- Chris Watler, Deputy Director, Technical Assistance, Center for Court Innovation
- Andrew White, Director, the Center for New York City Affairs, Milano The New School for Management and Urban Policy

Youth in care:

- 13 youth, ranging in age from 12 to 19 (their names are withheld to protect their privacy)

The Youth Justice Board's goal is to increase the level and quality of youth participation in their own cases.

After meeting with key stakeholders in the permanency planning process, speaking with youth in foster care, and observing court hearings, the Youth Justice Board strongly believes that the permanency planning process can be enhanced by improving the level and quality of youths' participation in their own court cases, thereby having a more positive impact on the lives of young people in care.

The recommendations of the Youth Justice Board focus on concrete steps that can be taken by New York City Family Court, the Administration for Children's Services, provider agencies, law guardians, and young people themselves to make sure that youth in foster care play an active role in the court process and in the decisions that affect their lives. Meaningful youth participation can bring real benefits to efforts by the Court and its partners to secure stable, supportive environments that will enable foster care youth to prosper. Lawyers will be able to represent young people more effectively and judges will be able to make better decisions if young people have the opportunity and motivation to give the Court a complete picture of their current circumstances and their wishes and opinions about whom they should live with, services they should receive, and the contact they would like with their parents, siblings, and other family members. Participating more actively in their court cases would also help young people understand how and why key decisions about their lives are made, give them an opportunity to influence those decisions, and increase their satisfaction and faith in the court process. The ultimate benefit of increased youth participation is that everyone—judges, law guardians, the Administration for Children's Services, and young people themselves—will be able to make better decisions based on the best and most comprehensive information.

The Youth Justice Board's focus on increasing youth participation in the court process comes at a time when there is increased national and local attention on the challenges faced by young people in foster care. In May 2004, the Pew Commission on Children in Foster Care released a report on improving foster care systems.³ Among their many recommendations was the following:

"To safeguard children's best interests in dependency court proceedings, children and their parents must have a direct voice in court, effective representation, and the timely input of those who care about them. Courts should be organized to enable children and parents to participate in a meaningful way in their own court proceedings."⁴

In New York City in recent years, there have been three trends in particular that have impacted the New York City Family Court's Permanency Planning Division. First, after the tragic death of Nixzmary Brown, a seven-year-old girl in Brooklyn, in January 2006, the number of permanency planning filings in New York City increased as the result of an increase in reports of abuse and neglect made to the New York State Central Register of Child Abuse and Maltreatment.⁵ Second,

³ The Pew Commission, an independent, nonpartisan entity, was established in May 2003 to develop recommendations to improve outcomes for children in the foster care system, with a particular emphasis on the areas of federal financing and court oversight. For more information, visit www.pewfostercare.org

⁴ *Fostering the Future: Safety, Permanence and Well-Being for Children in Foster Care*. Washington, D.C.: The Pew Commission on Children in Foster Care. 2004.

⁵ White, Andrew, and Alyssa Katz. "A Matter of Judgment: Deciding the Future of Family Court in NYC". *Child Welfare Watch* 12 (Winter 2006):

since January 2006, the number of permanency hearings per case increased due to changes in New York State permanency planning procedures.⁶ Third, the Administration for Children's Services has reported that while the number of youth in care has declined in recent years, more than 50% of youth currently in care are 13 years old or older.⁷

While these trends have strained New York City's permanency planning system, several initiatives by Family Court, the Administration for Children's Services and other organizations have taken place to examine and improve the system, particularly for adolescents:

- **Passport to Adulthood:** In 2007, the Family Court and the Center for Court Innovation designed a comprehensive court tool for judges and referees to improve system-wide work with adolescents to ensure meaningful permanency outcomes. The tool, developed as a "Passport to Adulthood," is specifically designed to become a permanent part of the court file for adolescent subject children in the permanency planning division. The "Passport to Adulthood" functions as a checklist to ensure that all the key questions are asked throughout the adolescents' case, that relevant services are offered and obtained, and that adolescents in care are prepared for adulthood once the Family Court is no longer monitoring their cases.
- **Focus on Adolescents:** New York City Family Court and its partners have been working to implement new programs tailored to the needs of adolescent litigants in Family Court. To this end, Family Court and Child Welfare partners meet monthly to discuss innovative ways to serve adolescent populations more effectively. The "Focus on Adolescents" workgroup has organized and facilitated lunchtime trainings on adolescents in foster care. In addition, the committee plans special days that have been set aside in Family Court to hold permanency planning hearings for teenagers to encourage their participation in the court process. These "teen days" have already occurred in New York, Queens, and Bronx counties, with plans to expand to the other New York City counties in 2007. The "teen days" are designed to be resource rich and provide teenagers with information regarding educational scholarships, employment opportunities, housing resources, and information about other resources available to them.
- **A memo to Family Court judges:** On February 25, 2004, Judge Joseph M. Lauria wrote a memo to all Family Court judges encouraging them to include respondent youth in permanency planning hearings.
- **Preparing Youth for Adulthood:** In June 2006, the Administration for Children's Services Office of Youth Development launched a new initiative titled "Preparing Youth For Adulthood," in response to the high number of adolescents in care in need of permanent

⁶ In December 2005, New York State passed a new permanency law that changed the requirements for how the Family Court system processes the cases of youth and families in abuse and neglect cases. A new formula was designed for scheduling permanency planning hearings; in short, the new law effectively required a hearing approximately every six months for all permanency planning cases. This is a significant increase from the yearly hearings previously required by law. *Chapter 3 of the Laws of 2005 Governor's Permanency Bill*. New York State Office of Children & Family Services. 24 May 2007
<<http://www.ocfs.state.ny.us/main/legal/legislation/permanency/>>.

⁷ Preparing Youth For Adulthood. New York, NY: New York City Administration for Children's Services. 2006.

homes. The goal of the initiative is to “coordinate and strengthen the efforts of ACS and our provider agencies to create positive outcomes for all NYC youth transitioning from care.”⁸

- **Sharing Success IV:** Sharing Success IV, which took place in Albany, New York, September 12 - 13, 2006, was the fourth in an annual series of statewide trainings for court and local departments of social services personnel. Sharing Success represents an established partnership between the courts and the social services agencies and is made possible by Program Improvement Plan (PIP) funds from the New York State Office of Children and Family Services (OCFS) and Court Improvement (CIP) funds from the New York State Permanent Judicial Commission on Justice for Children (PJCJC). Each Sharing Success training focuses on a particular issue; the theme of Sharing Success IV was “Family Court and DSS: Giving Adolescents in Care a Voice.”
- **Child Welfare Watch:** The winter 2006 issue of *Child Welfare Watch*⁹, a joint publication of the Center for New York City Affairs and Center for an Urban Future at Milano The New School for Management and Urban Policy, reported on New York City’s Family Court. The issue focused on recent reforms, ongoing challenges, and the impact of an increased caseload following the death of Nixzmary Brown.
- **Youth summit:** On May 25, 2006, Fordham University’s Interdisciplinary Center for Family & Child Advocacy hosted a “youth summit,” jointly sponsored by the Stein Center for Law and Ethics and Home at Last (Home at Last, an effort designed to encourage action based on the recommendations of the Pew Commission, has sponsored several youth summits nationally.). The event brought youth and adults together to discuss why youth do not participate more in their permanency planning hearings, and to come up with suggestions on how to increase youth voice in these proceedings. The report of the summit, “New York City Youth Summit: Engaging Youth in Family Court Proceedings,” outlines recommendations and ideas generated during the event.¹⁰
- **Panel on Children in the Courtroom:** On February 13, 2007, the New York City Bar Association’s Committee on Family Court and Family Law hosted a panel titled “Children in the Courtroom,” that addressed the question of whether youth should have the right to attend permanency planning hearings.

⁸ “Support for Youth.” *ACS Plan for Preparing Youth for Adulthood*. June 2006. New York City Administration for Children’s Services. 17 May 2007

<http://www.nyc.gov/html/acs/html/support_youth/pub_youth_adulthood.shtml>.

⁹ White, Andrew, and Alyssa Katz. “A Matter of Judgment: Deciding the Future of Family Court in NYC.” *Child Welfare Watch* 12 (Winter 2006):

¹⁰ *New York City Youth Summit: Engaging Youth in Family Court Proceedings*. New York, NY: Fordham University Interdisciplinary Center for Family and Child Advocacy, Spring 2006.

Next Steps

The Youth Justice Board has found that there is considerable interest from all parties in the permanency planning system to increase youth participation. The Board feels that what is needed now are ideas for concrete actions that can turn intentions into practice; this was reinforced by the significant interest in its recommendations from interview subjects, and demonstrated in particular by ongoing support of the Board's work from Judge Joseph M. Lauria.

The recommendations put forth by the Board are not meant to be static—they are intended to be a starting point for change. The Board hopes its recommendations will spark conversation with Family Court and its partners. In making these recommendations, the Youth Justice Board does not aim to provide all of the implementation details, but hopes to identify key issues and concerns from the perspective of youth in care and to present potential solutions. The Board hopes Family Court and its partners will work with the Youth Justice Board in refining these proposed solutions so that the court and its partners can do a better job of serving the needs of young people in the permanency planning process. Over the next year, the Youth Justice Board looks forward to working with the Family Court and its partners to encourage the implementation of the ideas contained in this report.

Findings

Summary of research

Through the Youth Justice Board's interviews and focus groups, the members explored the different ways youth can participate in their permanency planning cases. The Board identified the most important forms of a youth's participation to be: understanding the process, being informed about his or her individual case, communicating with his or her law guardian, and attending permanency hearings. (For a brief overview of the New York City permanency planning process, please see Appendix A.)

The Youth Justice Board identified several ways in which youths would benefit if they were more active in their court proceedings. They include:

- Having a better understanding of their cases;
- Having the opportunity to advocate for themselves;
- Feeling respected by the system;
- Feeling like they have some control of their own lives;
- Learning how to help themselves;
- Making sure everyone is doing their job, and holding them accountable if they are not; and
- Feeling that the system is fair, even if the youth don't like the outcomes.

In interviews with the Youth Justice Board, professionals who work in the system also discussed how they would benefit from increased youth participation:

- Law guardians would get more current and accurate information from their clients, and would therefore be better able to represent them;
- Judges and referees would get better information when they see youth on a regular basis and when they can ask youth (through their attorneys) for additional information; and
- Professionals who see youth "grow up" in care may be additionally motivated to reduce the length of time spent in care.

Reflecting on their fieldwork, the Youth Justice Board identified obstacles that prevent or affect youths' ability to participate meaningfully in their cases.

- **Youth don't know about or understand their cases or the ways in which they can participate.** The Board felt most youth lack adequate information and training about the permanency planning process. For example, many Board members and focus group participants didn't even know that there were court processes in effect when they entered care; many youth in the focus groups did not know their own permanency goals. Some Youth Justice Board members expressed shock at learning facts they believe should be common knowledge. For example, some members reported that before they joined the Youth Justice Board, they did not know how many court professionals were actually involved in a hearing: "I thought it was just the caseworker and the judge." The majority did not know that a permanency planning report was written for each hearing, or that they could request to see copies of it from their law guardians. Before learning about Family Court, most members believed a youth should be able to speak directly to a judge, even in private, because they did not see the judge as neutral, and didn't understand the role of the law guardian as their legal

representation. "I thought it would be okay since the parents were the 'bad guys,'" shared one member.

- **Youth don't know they are permitted to attend their court hearings.** Many members of the Youth Justice Board and the focus groups participants didn't know they might be able to attend their hearings. One focus group participant said that she had been told that she could not come to court if she was under 18. Of those who didn't know they could go to their hearing, most had never been invited by their law guardians or caseworkers.
- **Youth don't know why speaking to their law guardians or going to their court hearings might be of benefit to them.** Without a clear understanding of the role of law guardians, or what takes place in permanency hearings, youth are unable to understand how keeping in touch with their law guardians' or attending hearings could help them. As a result, youth don't return their law guardians phone calls and don't ask to attend their hearings. As one focus group participant stated, "It does not matter—if you go, if you don't go, it doesn't matter."
- **Caseloads are too large.** Several judges and law guardians interviewed reported that they have more cases than they should, and that many problems are the result of the high caseloads. The average caseload of permanency hearings and dispositions¹¹ for 2006 was 1663 cases per judge and referee.¹² The Legal Aid Society's Juvenile Rights Division attorneys, the primary provider of law guardian representatives for children in abuse and neglect proceedings, have an average pending child protective caseload of 225 clients per law guardian. The Legal Aid Society is currently lobbying for New York State legislation that would reduce the current average caseload from 225 clients to 125 clients per law guardian. Large caseloads limit the amount of time judges can spend on each case on their calendars, and hamper law guardians' abilities to work closely with each young person they represent.
- **Youth don't know what to do if they feel they are not getting adequate service from their law guardians or caseworkers.** While many youth feel their caseworkers and law guardians are doing a good job, most youth the Board spoke to don't feel like they have any recourse when there are problems. Reporting problems to a supervisor can be intimidating and difficult for youth—Board members and focus group participants shared that they assume that their caseworker would be angry at them for going "over their heads." Some youth also shared the belief that since supervisors and caseworkers work at the same agency, the supervisor would side with the caseworker. This can leave youth feeling they have way to improve their situations.
- **Youth anticipate court to be a negative experience, and therefore don't go.** Overall, Board members and focus group participants who had not been to court did not think their presence would make a difference, and in fact anticipated court would be a negative experience either because of mistrust of the court, negative experiences they had heard about from their peers, or because they did not want to see family members who might be there. Several youth felt that court was something to be avoided if all it did was upset them and remind them of the negative experiences that brought them into the child welfare system. For

¹¹ In this context, "caseload" refers to the number of annual dispositions plus pending cases at the end of the year. In other words, it includes all the cases handled by the judge or referee for that year.

¹² For 2006, the average caseload for judges was 1397 cases; for referees it was 320 cases, with the total judicial average being 920 cases. These numbers appear to be low because permanency hearings are no longer counted as dispositions. However, restating the numbers to include permanency hearings as dispositions produces a caseload average of 1663. Virginia Gippetti, Principal Management Analyst, Office of the Administrative Judge, New York City Family Court.

example, the youths shared that they did not want to go to court if it only felt like a reminder that their parents were not able to take care of them.

- **Youth who do attend court hearings often have unsatisfactory experiences.** Many members of the Board have attended their own hearings, as have participants in the focus groups. These young people reported that: they spent long periods of time waiting to get into the courtroom only to be in the courtroom for short periods; the experience of waiting was “uncomfortable,” “boring,” and “stressful”; they didn’t understand what was happening in the hearings; and they felt that their presence was unnecessary. Many youth interviewed reported that after having a negative experience going to court, they would probably not go to other hearings.
- **Youth feel like their voice is missing from their cases.** Youth want their needs and opinions to be heard, but they don’t always understand how to make that happen. For example, some youth don’t meet or discuss their interests with their law guardians. Some youth who go to court don’t understand why they can’t speak directly to the judge or even speak to the judge in private. The perception from the youth’s point of view is that many adults are talking *about* them, but not many are talking *to* them.
- **Youth don’t know who to get accurate information from, and often don’t feel like the professionals they interact with know what’s going on.** Youth on the Board and in the focus groups reported that they often feel as if the various people working on their cases are not working together. For example, one youth reported that he hears contradictory information from his caseworker and his law guardian, and therefore believes neither. Many focus groups participants reported that when they perceive that their caseworkers and law guardians are working together, it gives them a greater sense of confidence that their cases are being handled properly. In the courtroom, disagreement between parties that is expressed through argument or fighting is seen by young people as a sign of professionals not working together on their cases.
- **Youth feel frustrated and lose confidence in the system.** Youth on the Board and in the focus groups who had attended hearings reported that, too often, when they heard the judge or referee order services or other changes they did not see those orders carried out. The Board learned that often orders are given that can’t be fulfilled due to lack of resources, and that the lack of follow-through doesn’t automatically mean that people being irresponsible. But youth who only know that something was ordered but did not take place are left feeling frustrated and believing that their needs are not being taken seriously.
- **Youth don’t understand the decisions made in their cases.** Board members and focus group participants felt that, often, they learned about decisions made during hearings but didn’t understand why they were made. Also, some youth said that some decisions lead them to think they have done something wrong. The youth who had been to hearings felt that being able to hear the decisions of the judges directly helped them understand and deal with the information better. As one focus group participant said, “Hearing stuff from the judge makes it feel better, cause you hear the reason why from the judge—hearing it from your social worker, you don’t understand...[Decisions you don’t like] affect you more when you don’t have a good understanding.” A few youths expressed feeling that going to court meant “[The caseworkers, lawyers, and judge] can’t talk about me behind my back.”

One important way youth can participate in their cases is by attending their court hearings. Too often, however, young people have negative experiences when they go to their hearings. However, those youths on the Board and in the focus groups who had positive experiences saw a

real value to their participation, as captured in these quotes:

- *It helped me, I started doing better with my life and the judge could see it.*
- *I spoke to the judge. I felt like it was all about me—it felt good.*
- *I was around important people—it made me feel important.*
- *When I go there and state my statement, things go faster.*
- *They [the people in the courtroom] see your face, they have more understanding. They felt the emotion. I think it goes quicker when they see your face.*
- *I wanted to see if whatever I said was put into action.*
- *My presence really matters.*
- *You can stand up for yourself, if they say something that is not true.*
- *I heard about other siblings; [the hearings were] keeping me up to date.*

On the other hand, the Board learned through their interviews and at the New York City Bar Association's panel on "Children in the Courtroom" that professionals in the permanency planning system have concerns about youth attending their hearings. Below are the most frequently heard concerns, and the Youth Justice Board's responses:

- Professionals in the courtroom might feel restricted from speaking freely about the cases in an effort to protect the youth from sensitive information either about the youth themselves or about their parents, such as clinical diagnoses or histories of criminal activity. Similarly, professionals are concerned that youth may be upset by some things they would hear in court.
 - The members agreed that this can be an issue. For example, members acknowledged that youth might have difficulty learning that their parents are not following court-ordered requirements for reunification, or that the agency is filing for a termination of their parents' rights. However, the Board members and youth they spoke to strongly believe that adults too often use this as an excuse to avoid inviting young people to hearings, and that youth—especially adolescents—should be consulted before these decisions are made. Many youth interviewed believed that they would eventually find out the information anyway (or may already know about it), and that hearing it talked about in a court setting might actually help them understand and process it better. Also, the Board feels that, while there are some exceptions, by preparing youth properly before hearings and providing sufficient support after hearings adolescents can handle a lot of the information discussed in hearings that adults assume would be difficult.
- Given that the court calendar is already overwhelmed, there is a concern that if everything that takes place in a hearing has to be explained to the youth during the hearing, it could slow down the proceedings.
 - The Board proposes to address this by preparing youth to understand hearings before they happen, through sufficient preparation, better information and improved communication with law guardians and caseworkers.
- Many people the Board interviewed expressed the concern that youth would be missing school by attending hearings.
 - While this is a concern for some youth, the majority of young people on the Board, in the focus groups, and in their peer groups felt strongly that attending court was an important responsibility and worth missing one day of school. Most agreed that youth—including youth not in care—often miss school for much less important reasons. However, for those youth whose circumstances (for example, an exam) make missing school difficult, the Board recommends taking the youth's schedule into

account when calendaring court appearances. Several youth on the Board and in the focus groups shared that they were more willing to miss school than after-school activities, including jobs.

- Some court professionals argued that whether it is appropriate for a youth to attend his or her hearings should be decided on a case by case basis.
 - The Board agreed that for individual cases maturity level, a youth's ability to handle him- or herself in a potentially stressful situation, and the information that may be discussed at the hearing should be considered, but that adults frequently underestimate an adolescent's ability to handle difficult information. The Board learned from caseworkers and law guardians that, in order for them to make informed decisions about whether a youth should attend his or her hearing, the caseworkers or law guardians need to have a sufficient understanding of the youth. The Board proposes recommendations to increase the communication between caseworkers, law guardians, and youth to help those professionals have the information they need to make informed decisions. Overall, while there may be some cases where a youth should not be at his or her hearings, the youth feel that this does not apply to the majority of permanency planning cases.

The Youth Justice Board attempts to address these concerns through its recommendations, recognizing that while youth participation in hearings raises real and valid issues, they can be overcome or mitigated through a variety of solutions.

The Goals of the Youth Justice Board

The overall goal of our recommendations is to increase youth participation in the permanency planning process—whether it is by going to court, speaking with their law guardians, or knowing their rights. In our work, we thought about what an improved Family Court would look like, and used those ideals to guide us in developing our recommendations. Our goals are:

- 1. We want youth to have a sense of responsibility and influence in their own case.** Youth should have a sense of both responsibility and power in their own cases because they are the ones most affected by the decisions court professionals make for them. Imagine that you are a youth in care, and you felt important and wanted at your hearing. Maybe that would help you feel more involved and make you come back next time. Even if it's just showing up to court twice a year, it will make a difference.
- 2. We want more youth to go to their hearings.** We know that not all youth will want to go to their hearings, and we don't think any youth should be forced to go. But we do think that all young people should be getting the message that going to court hearings can help them and their cases, and that if youth want to go, they should get the support they need to have positive experiences.
- 3. We want the best decisions to be made for the youth and family.** When youths' voices are heard it can help everyone make the best decisions with the full picture. Youth are key players in their court cases because they often know about details that other court players might miss, such as whether they are getting money they need for school materials and clothing, frequency of sibling visits, and the quality of care being provided by foster parents.
- 4. We want to turn going to court into a positive experience for youth.** Being in foster care is very emotionally difficult for young people. They are away from their families and may feel that the whole world is against them. Some youth have been to court and have had good experiences—they feel they know more about their cases, that they are being listened to, and that they know what to do if there is a problem. Though being in care is still difficult, feeling that something positive is happening makes a big difference.
- 5. We want to improve chances for success after youth age out of foster care.** Older youth who are aging out of care are at the stage when they can, and must, make more of their own decisions. Getting youth more involved in their court case will help them stay on top of things so that they will have better chances for success in the future.

The Recommendations of the Youth Justice Board

We have developed 14 recommendations towards our goal of increasing youth participation in permanency planning cases. In our research, Youth Justice Board members learned that there is never just one solution to a challenge; often it is important to start with small steps, piloting a new idea and making changes to the idea as you learn from experience. The Board's recommendations follow three themes:

A. To prepare youth to take a more active role in their cases, we recommend:

What:

1. Providing current and easy-to-understand information on the permanency planning process and the rights of youth in foster care.
2. Conducting ongoing peer-led workshops to prepare youth to participate in their hearings.
3. Taking greater responsibility for the success of their cases.
4. Educating youth on how to get help if they are not getting the services they need.

Who:

The Administration for Children's Services and law guardian agencies

The Administration for Children's Services and law guardian agencies

Youth

Law guardians, caseworkers, and FCLS attorneys

B. To create stronger partnerships between law guardians, case workers, and youth, we recommend:

What:

1. Strengthening communications between law guardians and their clients to ensure that youth understand what's going on with their court cases and permanency planning goals.
2. Helping youth overcome obstacles that stand in the way of attending their hearings.
3. Providing additional support to case workers to help them finish permanency planning reports and communicate better with youth.
4. Encouraging law guardians and caseworkers to think of themselves as a team.

Who:

Law guardians and youth

Caseworkers

The Administration for Children's Services and provider agencies

Provider agencies, law guardian agencies, and FCLS attorneys

C. To create a court environment that facilitates meaningful youth involvement, we recommend:

What:

1. Creating an ongoing advisory board of youth who can identify problems and opportunities on behalf of all youth and help Family Court develop youth-friendly programs and policies.
2. Making the public areas of the court more welcoming and supportive.
3. Establishing safe havens at the courthouse where teens don't have to worry about unwanted encounters with family members and can access resources.
4. Improving access to private spaces for youth and their law guardians to meet, and encouraging law guardians to use these spaces.
5. Scheduling court hearings so it is easier for youth to attend.
6. Promoting a courtroom environment in which all court professionals encourage youth participation.

Who:

Family Court

Family Court

Family Court

Family Court and law guardian agencies

Family Court

Family Court

A. To prepare youth to take a more active role in their cases, we recommend:

1. Providing current and easy-to-understand information on the permanency planning process and the rights of youth in foster care.
2. Conducting ongoing peer-led workshops to prepare youth to participate in their hearings.
3. Taking greater responsibility for the success of their cases.
4. Educating youth on how to get help if they are not getting the services they need.

1. Providing current and easy-to-understand information on the permanency planning process and the rights of youth in foster care.

Many youth in care don't know their rights, don't understand the court process, and don't know information is available or where to get it. And what is available is sometimes too difficult to understand. We believe that youth in care need this information in order to participate fully in their cases. Ideally, learning about the permanency planning process and permanency hearings would encourage youth to come to court, but even if this were not to happen, being informed in and of itself makes a difference.

"We need to educate young people – educate them about what to expect from the child welfare system and what they can do within it."

— Andrew White, Director, the Center for New York City Affairs, Milano The New School for Management and Urban Policy

We recommend:

- A. Creating an ad campaign that gets two messages out to youth in care: first, they can and should go to their permanency hearings; and second, where they can go to get information about the permanency planning process.
- B. Providing current and youth-friendly information in brochures, web sites, and other media.
- C. Developing a way for youth to get basic information about their cases online, or through a hotline.

A. The Administration for Children's Services should create an advertising campaign for youth, letting them know how to get information and that encourages them to attend their hearings. The Administration for Children's Services has launched successful campaigns in the past to make New Yorkers aware of child welfare issues. For example, all the youth on the Board and in our focus groups reported seeing ads for the "Take Good Care of Your Baby" public service campaign, produced by the Administration for Children's Services in collaboration with the New York City Department of Health and Mental Hygiene. We believe using a similar approach to reach New York City's youth and families in the child welfare system would encourage youth in care to learn more about the system and be more active in their cases.

B. Youth need the following information:

- General information about the permanency planning process and the foster care system;
- Information about the different permanency planning goals for youth in care;
- The role of each person involved, especially the law guardian, the judge, and the attorney representing the Administration for Children's Services;
- Timetables showing what should be happening at each stage of the permanency planning process;
- Explanation of rights of youth in care;
- Explanation of the court process;
- A walk-through of a hearing;

- Who is in the courtroom?
- What is each person responsible for?
- What can the youth do and not do during a hearing?
- Can the youth bring anyone to court?
- How does the judge get information from each person in the courtroom?
- What should a youth wear to court?
- Directions to courthouses; and
- Phone numbers to call for information and help.

“[Before my first hearing] I had books, and I read about law and courts. I wanted to see what it looked like.”
 — Youth in care

The information should be available through a variety of media:

- **A website for youth in care.** We looked at the websites currently available, and even though these sites provide useful information, we feel that all of the information should be in one place, written for youth, and kept up to date. The adults interviewed also expressed frustration that the information available to youth is scattered among different websites, publications, organizations, and agencies.
 - The Youth Justice Board was excited to learn that the Administration for Children’s Services is working with Youth Communications (publishers of *Represent* magazine, a publication by and for foster care youth) to create a new comprehensive website for youth in care. Members will be working with the Administration for Children’s Services’ Office of Youth Development and Youth Communications to advise them on what content should be included about the permanency planning process.
- **The Administration for Children’s Services Office of Advocacy hotline.** This hotline should be supported so that callers never get sent to voicemail, so that the hotline operates in the evenings when youth are home from school, and so that the hotline staff includes older youth who have been in care and trained to provide help.
- **Publications created by and for youth.** These publications should be distributed to all youth when they enter care. Law guardians, caseworkers, and even guidance counselors at schools should be provided copies and encouraged to distribute them. The publications can be made available at the Legal Information for Families Today (LIFT) resource tables—LIFT (an organization dedicated to providing resources and support to people involved in Family and Criminal Court in New York City) distributes publications on legal issues in all New York City Family Courts. The publications should be available in multiple languages. Also, the Board recommends creating sturdy wallet-sized cards with important information—like phone numbers and websites—that youth can keep with them at all times.
 - The Youth Justice Board saw a preview of the Passport to Adulthood, one of Family Court’s new initiatives, described on page 12. We would like a version to be developed for youth in care, so that youth can use the document to track their own progress, and track whether they are receiving the services the court orders for them. For example, when members of the Board saw the Passport to Adulthood, they learned the judge or referee should be asking if all of youth’s medical needs are being met.

C. Youth should be able to get some basic, up-to-date information on their cases through a hotline or a web site.

- Names of their judges or referees, law guardians, and caseworkers, and contact information for law guardians and caseworkers;
- Dates of their next hearings;
- Services they should be receiving;
- Services that are available; and
- Updates on any changes that may affect their cases (changes in judges or referees, law guardians, caseworkers, etc.).

We learned that there are real concerns about the privacy of the information and about the resources required to keep this kind of information accurate. However, the Board strongly believes that this is an important suggestion, and would like to continue to explore the various ways youth can get this information through a hotline or web site.

2. Conducting ongoing peer-led workshops to prepare youth to participate in their hearings.

Peer-led workshops can help youth in care by educating them about the permanency planning system and how to navigate it, what they need to take care of, and what they are entitled to as youth in care. Based on our own experiences, Youth Justice Board members believe that youth can relate to other people their age who have gone through similar experiences. We think this will help many youth open up and pay more attention, and can help them become more motivated.

We recommend:

- Workshop topics should include:
 - What happens at a permanency hearing. We recommend using mock hearings and a video (similar to the video shown to people on jury duty) that explains the permanency planning process and shows a reenactment of a hearing.
 - How to cope with traumatic experiences in court.
 - How to speak in court and how to meet and greet people in court, especially the judge.
 - What youth have rights to in foster care and in the permanency planning process.
 - How youths can advocate for themselves through their law guardians and how they can present their needs in a convincing way.
 - What a permanency planning report is, a youth's right to ask for it, and how to get it.
- A legal services organization, such as Lawyers for Children or The Legal Aid Society, should work with the Administration for Children's Services to create and conduct peer-led workshops;
- The workshops could include "guest speakers"—law guardians, Administration for Children's Services attorneys, judges, referees, and other court personnel. This would help educate the youth, and would also help reduce the intimidation many youth feel around court professionals;
- Workshops should provide youth with a "care package" of things the youth will need to participate in court, including a date planner, a place to hold business cards, and a glossary of vocabulary used by the permanency planning system. The members feel strongly that youth should be provided with their own copies of the Passport to Adulthood (described on page 12) which they can then use to track their needs and the services they receive;
- Youth should work with youth development staff to design the workshops so that they are appealing to youth;
- The workshops should be mandatory for older youth, especially for teens 13 and older;
- The workshops should be age-specific, recognizing that different age groups need different kinds of information and learn in different ways;
- Using the Administration for Children's Services model for Independent Living and other workshops, incentives should be provided to participants, like a stipend or movie passes; and
- The workshops can be a training ground for developing peer advocates—youth who can be trained to help other youth deal with the system.

3. Taking greater responsibility for the success of their cases.

Everyone has a responsibility for improving the court process. This includes youth themselves. All professionals in the permanency planning system should be working together and youth should be working with them, too. While youth may understand how important it is for law guardians and caseworkers to advocate for youth, we also want to encourage youth to participate more actively in their cases and advocate for themselves. Youth may choose to participate in different ways, some more visible than others, but all should decide what they can do to assist more in their own situations.

"It's the youth's future that the law guardian is trying to help make better so why should the youth have no part in it or leave all the work for the law guardian? If there is teamwork between the youth and law guardian think how much more efficient the court experience would be."

— Youth in care

While it is the job of the caseworker and law guardian to contact the youth, the youth also has a responsibility to keep in contact with them. Because the law guardian is the youth's main voice in the courtroom, it is imperative that the youth maintain contact with his or her law guardian so that the youth is fully informed, the law guardian has the accurate information he or she needs, and a relationship develops that encourages the youth to talk to the law guardian when issues come up.

At the same time, we recognize that there are real reasons why youth may have trouble keeping in touch with their law guardians. Some youth may have no way to contact their law guardians because they don't have accurate names or phone numbers for their attorneys. For those who do have this information, a four minute call from a pay phone may not be enough to discuss what has been going on in the last six months. Sometimes foster parents don't allow their foster children to use their phones or have very strict limitations on phone usage. This may also happen in congregate care settings such as group homes and residential treatment facilities. We have to find a way to fill this gap.

Youth Justice Board question: "What can youth in care do differently to improve their court experience?"
"First, youth can take responsibility for their services plan; second, youth have to decide what they want to do in their lives; and third, youth can work with and communicate with the caseworker—that communication eventually gets to the judge."

— Judge Lee Elkins

We recommend:

All youth in care should try to:

- Contact their law guardians and caseworkers as often as needed;
- Know their court dates;
- Ask to come to court;

- Commit to showing up if they are planning on going to their hearings;
- Call their law guardians and caseworkers after the hearings and ask about what happened if they don't go to court;
- Speak up for what they want;
- Stay on top of people to get what they want;
- Speak up if law guardians or caseworkers aren't doing their jobs;
- Don't be afraid to talk to supervisors;
- Make a trip to their agencies—seeing people in person can make a big difference;
- Attend ILS (Independent Living Skills) meetings and sessions; and
- Learn about their rights.

What are youth's responsibilities with their law guardians?

- To know his or her law guardian and the law guardian's role;
- To make him or herself available to law guardians by phone, email, and/or in person and to stay in contact;
- To not wait for law guardians to call—to be proactive;
- To ask questions when confused or in doubt; and
- To contact law guardians when:
 - Their addresses change;
 - They have important concerns;
 - If services and changes ordered at the last hearing aren't in place;
 - There are changes to their education plans, their work plans, and/or if they are leaving care, their housing plans;
 - They have ideas about potential foster parents or visiting resources; and
 - They know beforehand that they can't be in court. They should write letters to the judges and give them to their law guardians. The letters should state any concerns that youth have or anything they want courts to focus on in their absence.

“One challenge for law guardians is reaching clients, especially teens. Quite often phone messages are left and never returned (this is true before court appearances as well).”

— Louis Sartori, Attorney-in-Charge, Juvenile Rights Division, Manhattan, The Legal Aid Society

4. Educating youth on how to get help if they are not getting the services they need.

Many times youth don't know what's going on in their cases or what agencies can do to help them reach their goals. Youth don't know what services they are entitled to through their agency. Youth sometimes feel "stuck where they are." For example, youth may need different papers signed on time for school, both high school and college. Or youth may hear rumors from their peers that they are entitled to money for a prom dress, but then hear from their caseworker that it's not true. We learned in our interviews that sometimes the best resource for information on services is the Administration for Children's Services Family Court Legal Services attorney on the case, referred to as the "FCLS attorney." But since the youth can't talk to the FCLS attorney directly—and most youth we spoke to didn't even know there was an FCLS attorney on their case—getting the right information first means making sure youth know how to get the right information.

Right now, if a youth is having problems with his or her caseworker or law guardian, he or she is supposed to contact that person's supervisor. It's difficult for youth to talk to someone higher up in an agency. Since the supervisors work for the same agencies, youth don't trust that anything will change, or that talking would be helpful. One youth we spoke to shared that she was afraid that if she went to her caseworker's supervisor, her caseworker would be angry and treat her differently. Also, youth know that everyone is busy and overworked—they don't expect to get attention from people higher up in the agencies. Youth need a way to communicate their concerns without worrying about getting into trouble for it.

"It's very hard for kids to get a voice, to feel heard, to feel like they have control in their lives."

— Judge Monica Drinane

We recommend:

- Making sure youth know they can:
 - Ask questions of their caseworkers and law guardians;
 - Speak to supervisors when they think they are not getting the services they need, and that they will not be penalized for doing that;
 - Call the Administration for Children's Services' Office of Advocacy hotline if they are concerned they are not getting all the services and benefits available to them;
 - Tell law guardians when they are not satisfied with the work of caseworkers;
 - Ask their caseworker to consult with the FCLS attorney on their case; and
 - Have their law guardian speak to the FCLS attorney on their behalf.
- The workshops we recommend for youth in care would be a good way to inform youth of their rights to seek help, and can even prepare youth on how to speak to a supervisor at their agency when there is a problem.

B. To create stronger partnerships between law guardians, case workers and youth, we recommend:

1. Strengthening communication between law guardians and their clients to ensure that youth understand what's going on with their court cases and permanency planning goals.
2. Helping youth overcome obstacles that stand in the way of attending their hearings.
3. Providing additional support to case workers to help them get permanency planning reports done and to help them communicate better with youth.
4. Encouraging law guardians and caseworkers to think of themselves as a team.

Group B: Create stronger partnerships between law guardians, caseworkers, and youth.

1. Strengthening communication between law guardians and their clients to ensure that youth understand what's going on with their court cases and permanency planning goals.

One problem Board members and the youth we spoke to identify in the court process is a lack of communication. We recommend building the communication between the youth and his or her law guardian so that the youth is fully informed, the law guardian has the information he or she needs to represent the youth's wishes and interests accurately, and a relationship is formed that encourages the youth to talk to the law guardian when issues come up.

The Youth Justice Board heard from youth that when their law guardians are changed, the youth are not told of the change by either their old law guardians or their new ones. Sometimes youth don't even know they have new lawyers until they get to court. Youth in care often have phone numbers and addresses that change; youth can be hard to reach. Caseworkers—because of turnover and the complexity of the regulations—and youth don't have all the information about what services they are entitled to; the law guardians should make sure youth are getting the legal support and assistance they should be getting.

"Law guardians should presume youth will be there unless the law guardians prove they shouldn't. This is a change in mindset."

— Jane Spinak, Edward Ross Aranow Clinical Professor of Law, Columbia Law School

Support from the law guardian should come before, during, and after the hearing—and between hearings. We know that many law guardians already try to support their clients as well as they can; their high caseloads can prevent law guardians from being able to give their all, for every client.

We recommend:

- Reducing caseloads for law guardians; and
- Providing youth with tools to understand the language used in court, such as pamphlets and websites. A frequent complaint from youth is that they don't understand the language used by judges and attorneys. For example, referring to legal statutes, medical terms or acronyms such as "TPR" (termination of parental rights) or "DOE" (Department of Education) can leave a youth feeling lost and confused. The Youth Justice Board learned in its interviews with judges that judges must use certain terms in the courtroom. However, the Youth Justice Board wants those words to be explained to the youth; law guardians should provide those explanations.

At the courthouse on the day of a permanency planning hearing:

- **Before the hearing, we want law guardians to:**
 - Review with youth what will happen in the courtroom, and tell them "If you don't understand something, don't be afraid to ask;"
 - Tell youth about the permanency planning reports written by caseworkers prior to every hearing, what kind of information the reports contain, and let youth know that

they have the right to ask their law guardians for a copy of their permanency planning report. If law guardians have concerns that the reports contain information the youth should not see, the law guardians can get parental permission for youth to get the reports and can cross out sensitive information; and

- Right before hearings starts, law guardians should introduce youth to the other people in the courtroom.
- **During the hearing, we want law guardians to:**
 - Recommend that the youth take notes during the hearings so they do not forget any questions they have.
- **After the hearing, we want law guardians to:**
 - Debrief youth on what happened in the courtroom: Make sure youth understand what happened, and what should be happening next—what was ordered, changed, and the next hearing date—and what steps are needed to complete the new tasks on time;
 - Provide letters for youth to bring to school excusing absences resulting from court dates. (Right now, youth often have to ask their law guardians for letters. If either party forgets, the youth is stuck.);
 - Make time and ask the youth to express their feelings and concerns—don't assume youth will automatically bring up questions and problems; and
 - Make sure youth have their contact information. They should give youth their business card, even if they think the youth already has it, and they should encourage the youth to contact them if they think of any questions or concerns later on.
- **If youth do not attend court**, the law guardians should call or e-mail them after court to inform them about what happened at the hearing.

Between hearings:

- **Law guardians should contact the youth any time one of the following happens:**
 - There are updates in the youth's case;
 - There is a change in goal;
 - The youth gets a new law guardian; and
 - They learn that the youth has moved to a new placement.
- **Three months after a hearing, the law guardian should contact the youth to:**
 - Check in;
 - Remind the youth of the next hearing date;
 - Ask if issues discussed in the last hearing are being addressed; and
 - Keep building the relationship.

"You hear 'we will handle the issue' but it's been like 4 months, the hearing is coming up in 2 months, but nothing's been done"

— Youth in care

- **Two weeks before the hearing, the law guardian should contact the youth to:**
 - Invite the youth to attend his or her court hearing. The law guardian should tell the youth what the hearing will be about and why it's important to attend;
 - Provide notice to the youth. The law guardian can send a fax to the youth's caseworker. The fax should tell the youth the next court date, location, and directions, and should require a signature from the youth verifying whether or

not he or she is going to the hearing. If the law guardian or caseworker decides it is not appropriate for the youth to attend, then the law guardian or caseworker should sign it and explain why.

- Ask the youth if there are any concerns. Verify information from the agency, especially information that reflects negatively on the youth. This would help the youth feel that he or she is being a chance to voice his or her version of the problem, and also prevent the youth learning about it for the first time during the hearing; and
- If it is clear beforehand that the youth will not be at the hearing, ask him or her to write a letter to the judge and give it to the law guardian. The letter would state any concerns that the youth may have or issues he or she wants to be addressed at the hearing.

2. Helping youth overcome the obstacles that stand in the way of them attending their hearings.

We heard from youth and law guardians that youth are not often encouraged to attend their hearings by their caseworkers or law guardians. There should be a change in mindset: all youth should be encouraged to go to their hearings unless there is a specific reason going would be harmful to the youth. Caseworkers can play an important role in this; they usually have the most contact with youth in care, and youth often look to them for advice and guidance on their cases.

"[The group home staff] don't tell me about court. They just ask me if I want to go and if I don't, then I won't."

— Youth in care

Caseworkers should make sure that youth are able to get to the courthouses.

"If youth want to come to court, it should be made easier for them—for example, we have heard from teens in residential treatment centers that the caseworker says he or she will take them to court and then doesn't."

— Johanna Jensen, Forensic Social Worker, Juvenile Rights Division, The Legal Aid Society

In addition to knowing about their hearings, and being encouraged to go to court, youth need to be able to get there. Transportation is one of the obstacles that youth coming to court often face. Youth may not know the locations of the court houses and how to get there. They may not have fare for public transportation. When youth do not know where their cases are being held or how to get there, that can be extremely stressful. Provider agencies should make sure youth can get to their hearings. This would show youth that someone

wants them to come to court and that their voices matter.

We recommend:

- If a youth can't travel by him- or herself to court, someone should take the youth; and
- Youth who can travel by themselves should get a two-ride MetroCard from their caseworkers. (Youth we spoke to reported having to use their school MetroCard to get to court, but youth are only supposed to use that card to go to and from school. At least one member of the Youth Justice Board has been stopped by a police officer for using a school MetroCard on her way to her hearing.)

Caseworkers should make sure youth have clothing they feel comfortable wearing to court. Caseworkers should be aware that the way they dress for court sends a message to youth about the importance of the court hearing.

Although image isn't everything, how people dress communicates a message. The clothing that someone wears affects how that person feels about where he or she is going, and it will affect how they are treated. The Youth Justice Board wants youth to have clothing they feel comfortable going to court in because it will help them feel confident in front of judges, referees,

and other people in the courtroom. Several youth we spoke to felt they looked at their caseworkers for guidance on how to dress when going to court; one youth said that caseworkers are often role models for their clients.

We recommend:

- Caseworkers and law guardians should encourage youth to dress in clothes that they feel good about, and that send the message they want to send to professionals in the court, especially judges and referees;
- Provider agencies should make sure youth have money to purchase clothing for their court hearings. Youth know that attending court can require special clothing that they would not wear in their daily lives—just as they know they need to dress up for job interviews; and
- Caseworkers should know that how they dress sets an example for youth. Caseworkers are role models for youth, and how caseworkers dress communicates to youth how serious and important the hearings are.

3. Providing additional support to caseworkers to help them finish permanency planning reports and communicate better with youth.

The new permanency law that took effect in January 2006 required caseworkers to write “permanency planning reports” for every hearing. These reports are meant to provide everyone on a case—attorneys, parents, and the judge or referee—any updates about the family and youth since the last hearing. We know that caseworkers have a lot of cases. But what Board members heard in interviews with judges and law guardians is that they are frustrated that caseworkers don’t prepare permanency planning reports properly or get them to the other parties on time. Youth know from experience that the caseworkers are busy, and may be hard to reach. Furthermore, some agencies send court liaisons to hearings rather than the youth’s caseworkers. We know this was intended to allow caseworkers more time in the field, but as a result, someone who doesn’t know the youth personally has to rely on the permanency report to bring information into the hearing.

“Caseworkers [in general] need increased education, smaller caseloads, support from supervisors, and the opportunity for ongoing training.”

— Heather O’Hayre, Forensic Social Worker, Juvenile Rights Division, The Legal Aid Society

We recommend:

- There need to be more caseworkers—a smaller caseload will help caseworkers do all the tasks needed and still maintain real contact with all their clients;
- Caseworkers have a set number of times to see or talk to youth each month; they shouldn’t assume everything is okay if they haven’t heard from the youth. This is not a new idea, but a matter of enforcing what should be happening; and
- There should be additional training and support for writing the permanency planning reports. The Youth Justice Board learned about the trainings that do take place, but because turnover of case workers is so high, and the reports so important, more trainings are needed.

4. Encouraging law guardians and caseworkers to think of themselves as a team.

Youth want caseworkers and law guardians to work together. Many members of the Youth Justice Board and focus group participants said that they didn't think their caseworkers and law guardians ever talked to each other. Some youth even said that their caseworkers didn't know the names of their law guardians. We learned that sometimes caseworkers and law guardians can't speak to each other directly, and must go through the FCLS attorney to communicate about a shared client.

"The people who work with us are a chain—if one link is broken, it won't work properly. If I know my law guardian and caseworker are working together, I'll feel better going to either one of them when [I have a question or a problem]."

— Youth in care

We learned through our research that both caseworkers and law guardians are busy and have high caseloads, and that there is a high turnover of both sets of professionals. This means that the "teams" change frequently and this makes it harder to work together. But, we think caseworkers and law guardians collaborating on how to help youth—especially supporting youth going to their hearings—would make a significant difference.

We recommend:

- Ideally, a law guardian and caseworker would be a team, with each caseworker working with one law guardian so they can get to know each other and support each other through their work. We recognize that this may be difficult to implement, however; other options should be explored that encourage law guardians and case workers to see themselves as a team;
- Caseworkers and law guardians should use the FCLS attorney as an intermediary whenever necessary to make sure they are sharing information about their clients;
- Law guardians and caseworkers should work together to decide whether youth should come to court. Unless there are specific concerns, youth should be invited to attend their hearings. But, if the law guardian or caseworker has a concern, like potentially hurtful information, then they should discuss the concerns with each other. The caseworker can then decide with the youth whether or not he or she should attend. This decision should also include foster parents or biological parents when possible; and
- Before and after the court hearing, the law guardian and caseworker both need to check in with the youth—neither should assume the other is doing it. After a hearing, either party—or both—may have to rush off to another case. Both the law guardian and caseworker should ask the youth if she or he has questions, and make sure the youth knows how to contact them afterwards if anything comes up. The most important thing is for law guardians and caseworkers to communicate with each other—either directly or through the FCLS attorney—and work as a team. Not only will this help youth get the support and information they need, but seeing law guardians and caseworkers work together can increase youths' confidence in the system.

C. To create a court environment that facilitates meaningful youth involvement, we recommend:

1. Creating an ongoing advisory board of youth who can identify problems and opportunities on behalf of all youth and help Family Court develop youth-friendly programs and policies.
2. Making the public areas of the court more welcoming and supportive.
3. Establishing safe havens at the courthouse where teens don't have to worry about unwanted encounters with family members and can access resources for youth.
4. Improving access to private spaces for youth and their law guardians to meet, and encouraging law guardians to use these spaces.
5. Scheduling court hearings so it is easier for youth to attend.
6. Promoting a courtroom environment in which all court professionals encourage youth participation.

Group C: Creating a court environment that facilitates meaningful youth involvement.

1. Creating an ongoing advisory board of youth who can identify problems and opportunities on behalf of all youth and help Family Court develop youth-friendly programs and policies.

The Youth Justice Board has worked hard over the past year to learn about the permanency planning system and understand the challenges from all different points of view. We feel strongly that our work—and the insights of other youth—can provide a lot of value to the professionals who work in the system. Creating an ongoing advisory board would bring youth voices to the discussion on how to improve the system; the board could work with Family Court not just to identify problems, but to help come up with strategies to address those problems. The advisory board would allow judges and other court personnel to stay connected with youth and youth issues.

We recommend:

- Before becoming a member of the advisory board, youth should go through a training process. The training would teach the youth about the permanency planning process, the responsibilities of all the different people involved, and how to work collaboratively with other youth and adults;
- Youth would be on the board as long as they were active participants and honored their responsibilities. New youth would be added to the board as needed—this would help make sure that the board’s ideas stay fresh, and that it’s not just older youth speaking on behalf of all youth; and
- The board should meet with representatives of all the key participants in the permanency planning system: judicial personnel, law guardian agencies, court operations, provider agencies, parent attorneys, and the attorneys who represent the Administration for Children’s Services. This is important, because each participant is a part of the team that must work together in order for the system to improve.