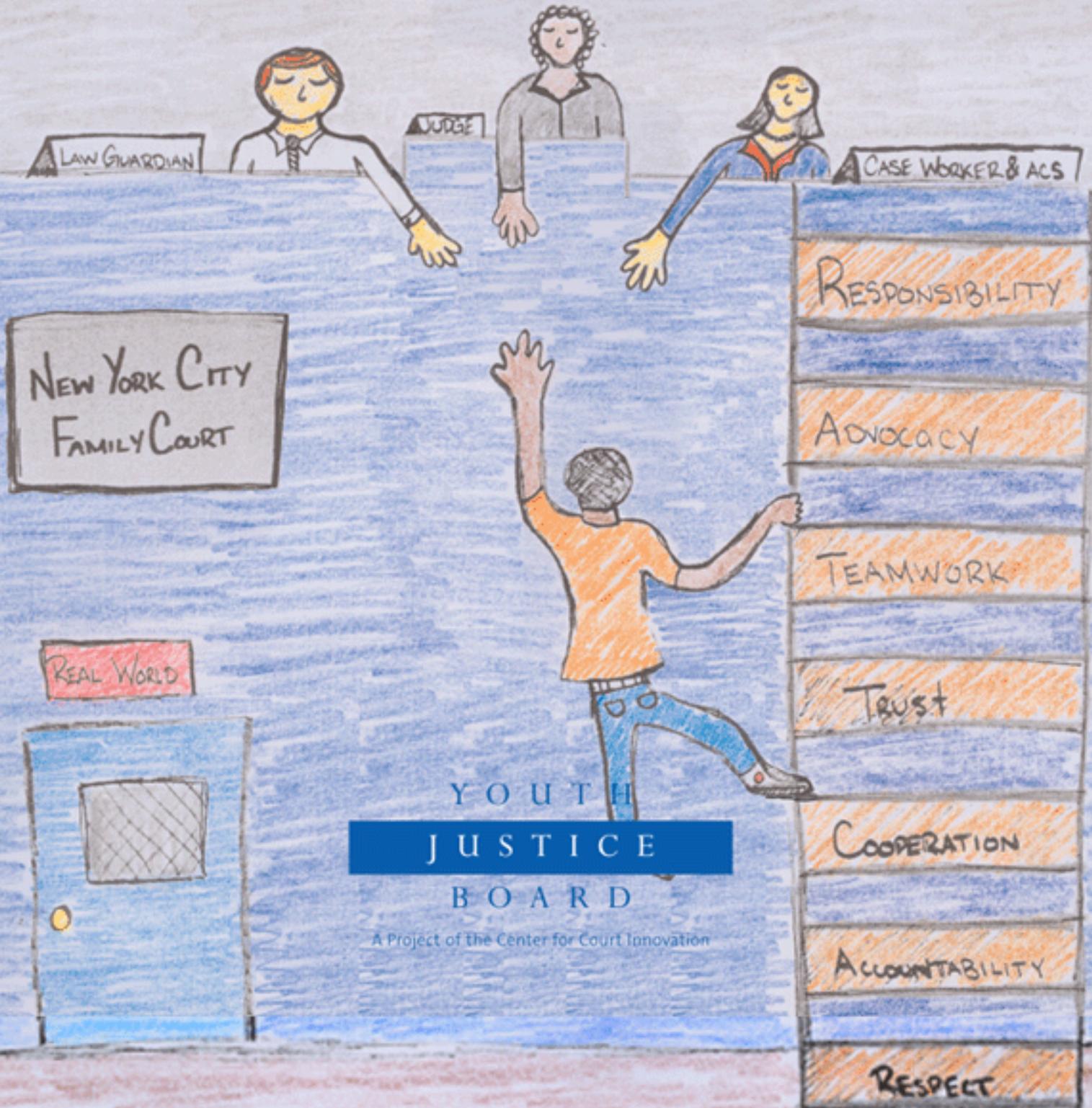


# STAND UP STAND OUT: RECOMMENDATIONS TO IMPROVE YOUTH PARTICIPATION IN NEW YORK CITY'S PERMANENCY PLANNING PROCESS



This publication was written by the Youth Justice Board members and staff. 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 recipient of an Innovations in American Government Award from the Ford Foundation and Harvard University, the Center is an independent, non-partisan think tank that works to reduce crime, aid victims, and strengthen neighborhoods. The Center's demonstration projects include the award-winning Red Hook Community Justice Center and Midtown Community Court.

The Youth Justice Board is supported by the Surdna Foundation, W. Clement & Jessie V. Stone Foundation, W.T. Grant Foundation, Helena Rubinstein Foundation, U.S. Department of Justice, Bureau of Justice Assistance, and New York City Council.

Points of view and opinions in this document are the opinions of the authors and do not necessarily represent the official position or policies of the Center for Court Innovation or the above-named foundations.

Cover artist: Michael, Youth Justice Board member. "This illustration shows my vision of how Family Court could be. For it to work well, you need everyone working together. And for that, you need fundamentals like teamwork, trust and responsibility. Court should not be a process where youth are at the bottom of the ladder—everyone in the process should reach out to youth, and youth can reach back. Youths' lives are at stake every time they enter that courtroom. We need to improve the court process, to prepare them to go out into the real world."

June 2007

Dear Reader,

Many youth in care believe that they don't have any say in what goes on in their Family Court cases. They don't know that they can attend their court hearings and therefore do not. Our goal is to get more youth involved in their court cases. We want youth to feel like they are included and can participate in getting their lives on track. Youth are completely affected by the court system and most don't even know it. Their lives are often planned out in the courtroom and though they will be the ones living out the decisions made in court, they are not always part of the planning. The courthouse is a very busy place with many important people, but youth have to be informed that they are just as important as everyone else in that room.

This report is a result of focus groups that we conducted with youth in care and interviews we conducted with judges, referees, clerks, lawyers, social workers and child welfare experts in order to find out everyone's opinions on the court process, youth participation and what challenges exist. Based on our research, we think that the court process is improving, but we need more youth involvement and some reinforcement of guidelines and principles that already exist.

We hope that our recommendations will help promote more youth participation, and help the court process run more smoothly for everyone involved. While we understand that our recommendations alone will not make the permanency planning system perfect, we believe that they can launch some things that need to be done in order to create positive change for everyone. We hope that you not only enjoy reading our report, but that you realize how improved youth participation change can positively affect not only youth, but judges, caseworkers, law guardians, referees, and all other key people in the court system.

Sincerely,

The Youth Justice Board

Theresa	Nadica	Jessica	Latanya
Michael	Candie	Kevin	Taquan
Renee	Yerina	Phyllis	Pamela
Rocina		Makeda	Charissa

## **Acknowledgements**

### **New York City Family Court:**

The Honorable Joseph M. Lauria and the New York City Family Court, especially Barbara DeMayo and Virginia Gippetti.

### **Everyone interviewed:**

Liberty Aldrich, the Honorable Stephen Bogacz, Stephen Byrnes, John Cairns, Dave Caputo, Jenny Crawford, the Honorable Susan Danoff, Referee Susan Doherty, Julie Dowling, the Honorable Monica Drinane, the Honorable Lee Elkins, Kara Finck, Lisa J. Friederwitzer, Catherine Friedman, Ronni Fuchs, Stephanie Gendell, Diane M. Goulding, Marilyn Henry Howell, the Honorable Douglas E. Hoffman, Johanna Jensen, Giselle John, Priti Kataria, Dr. Michael Katch, James Kenny, the Honorable Susan K. Knipps, Miriam Krinsky, Cynthia Lopez, Alexandra Lowe, Heather O'Hayre, Chrysetta Patterson, Erik Pitchal, Noah Powlen, the Honorable Edwina Richardson-Mendelson, the Honorable Gayle Roberts, Lou Sartori, Jane Spinak, Dodd Terry, Chris Watler, Andrew White, and youth in the focus groups\*.

### **Funders:**

The Surdna Foundation, W. Clement & Jessie V. Stone Foundation, W.T. Grant Foundation, Helena Rubinstein Foundation, U.S. Department of Justice, Bureau of Justice Assistance, and New York City Council.

### **Center for Court Innovation personal coaches:**

Jethro Antoine, Juli Ana Grant, Robin Berg, Sharon Bryant, Maggie Cassidy, Cynthia Cohen, Carol Fisler, Tushar Kansal, Amy Levitt, Jimena Martinez, Michelle Phelps, Veronica Ramadan, Jillian Shagan, Jacqueline Sherman, Lindsay Smith, and Chris Watler.

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### **At the New York City Administration for Children's Services:**

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### **At the New York State Office of Children and Family Services:**

Susan Mitchell-Herzfeld, Director, Office of Strategic Planning and Policy Development.

\*The names of the youth in the focus groups are withheld to protect their privacy.

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*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.<sup>1</sup> 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.

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<sup>1</sup> 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 study<sup>2</sup> 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

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<sup>2</sup> 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.<sup>3</sup> 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.”<sup>4</sup>

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.<sup>5</sup> Second,

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<sup>3</sup> 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](http://www.pewfostercare.org)

<sup>4</sup> *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.

<sup>5</sup> 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.<sup>6</sup> 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.<sup>7</sup>

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

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<sup>6</sup> 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/>.

<sup>7</sup> *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.”<sup>8</sup>

- **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*<sup>9</sup>, 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.<sup>10</sup>
- **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.

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<sup>8</sup> “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](http://www.nyc.gov/html/acs/html/support_youth/pub_youth_adulthood.shtml)>.

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

<sup>10</sup> *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 dispositions<sup>11</sup> for 2006 was 1663 cases per judge and referee.<sup>12</sup> 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

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<sup>11</sup> 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.

<sup>12</sup> 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 Gippet, 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*

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## **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.

## **1. Strengthening communication between law guardians and their clients to ensure that youth understand what's going in 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.

**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.

## **2. Making the public areas of the court more welcoming and supportive.**

The Youth Justice Board heard in focus groups and in conversations with peers that the court environment is quite hectic and can be stressful for youth and families. Two problems stood out in our research: youth find getting to their hearings confusing, and the waiting areas are stressful.

### **There should be clear information in every courthouse on where to go for hearings.**

First, youth find it confusing and difficult to know where to go for their hearings. In the New York County courthouse, for example, a person first has to get to a floor to know what court part is there—what if the person doesn't know what floor to go to? Signs are not noticeable and the cases are printed out on paper that is hard to read. In the Bronx County courthouse, there is one place where the parts are posted, and everyone crowds in front of the signs, causing congestion and confusion. The Kings County courthouse is a good example of a system that works: each floor is labeled and organized; there are signs on each floor with room numbers, directions, judges' names, cases, and times; and there are court personnel to direct people on each floor.

We know that court officers who work in the lobby have to focus on security. But the court officers and security are the first interactions youth and families have when they come to court, so we would like the court system to explore ways to improve that experience. The Youth Justice Board learned about a new approach to helping people when they first come into court that is being tested in New York County: a court clerk walks through the security line, helping to answer questions and directing people to where they need to go. We strongly support this idea.

### **We recommend:**

- Youth and families should be greeted when they enter the courthouse;
- Court personnel should direct people who look confused or lost by approaching them with a question, such as “Do you know where to go?”; and
- Court personnel should be available to answer questions.

### **Make the public and waiting areas of the courthouse more pleasant and cheerful.**

Second, waiting for a case to be called can be stressful, boring, and difficult for youth (and, we know, for adults). We observed, and heard in our focus groups, that waiting areas are crowded, loud, and uncomfortable and contribute to youth having bad experiences when they come to court. Many youth get frustrated that they have to wait for hours, sometimes through lunch, and don't have access to food or drink. They don't want to leave the building in case they are called while they are gone, especially when there are long waits at security and the elevators. We address the long waits in another recommendation to improve scheduling, but other changes would go a long way to making the waiting areas more pleasant.

**We recommend:**

- Add more colors, pictures, posters, and artwork to make the public areas of the courthouses more cheerful;
- Put more comfortable seating in the waiting areas;
- Provide vending machines with drinks and snacks on all courthouse floors; and
- Provide a way for youth and families to get updates on when their cases are likely to be called.

### **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.**

We recommend that a Youth Haven be put into the courthouses to help reduce the stress and anxiety youth feel when coming to court. They would lessen the emotional trauma of going to court and could increase the number of youth who attend their court hearings.

Youth Havens would fill many different needs. First, they would be safe spaces. Many youth we spoke to said that they dread seeing family members in the waiting room, and having to be in the same waiting area with them makes them nervous and upset. Second, youth need to be taken away from all the other drama that is occurring in Family Court. One youth waiting for her hearing saw another teen in handcuffs: "I shouldn't have to see that, it freaked me out." Even in the best situations, youth need something to ease the anticipation of their own experiences and help them relax. It is more comforting for youth to see and interact with other youth who are experiencing similar situations. Third, youth could receive information about court, their rights, and who's who in the courtroom through resources at the Youth Haven. Last, if there are more time certain cases and youth were in the Youth Haven awaiting their cases to be called, the waiting rooms would be less crowded.

***"For youth, the court experience can be confusing and emotional—something has happened in their family and now someone is making decisions for the family who is not a part of the family unit."***

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

#### **We recommend:**

- The Youth Haven should be supervised by a social worker who can help youth deal with the emotional difficulties of being at court, and who can provide information about the court and where to get resources. We think the Administration for Children's Services would be the best agency to provide staff and supervision. However, we know that resources for staff and services are tight; a partnership with another agency—similar to how the Children's Centers are run by Safe Horizon in partnership with the court system—is also an option;
- To pilot this idea, the Youth Justice Board would like to start with older youth who will require less supervision and, over time, expand the program to include younger youth. Since 19.0% of adolescents in care are between 16-17 years old,<sup>13</sup> we suggest starting with that age group; and
- We discussed whether or not the Youth Haven should be restricted to youth in care, or could be available to teen parents who have children in care and youth in court for juvenile delinquency cases. After a lot of debate, we agreed that no youth should be excluded from the Youth Haven. All youth who come to Family Court should have access to a stress-free

<sup>13</sup> "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](http://www.nyc.gov/html/acs/html/support_youth/pub_youth_adulthood.shtml)>.

environment and information that could help them. Also, our research and interviews show that youth in foster care frequently also have a juvenile delinquency case.<sup>14</sup> If the Youth Havens exclude youth who are in Family Court because of delinquency proceedings, they are just leaving out the youth who may need access the most.

**Information, resources, and features could include:**

- Resources produced by Legal Information for Families Today (LIFT), an organization that distributes publications on legal issues in New York City Family Court buildings;
- A library and/or magazine rack;
- A peer advocate—a youth in care who is trained to provide information to other youth in care. Peer advocates could be developed through the workshops described in our previous recommendation;
- Information about opportunities for youth, such as information from the Department of Education, about after-school programs, and job opportunities; and
- Private or semi-private spaces for youth to meet with their law guardians or caseworkers.

**Activities could include:**

- Computers with Internet access. We recognize that computers and Internet access cost money, but the Internet is an important resource for youth, and many youth in care don't have access to computers in group homes or foster boarding homes;
- Basic games and recreational activities such as cards and checkers;
- Vending machines for food; and
- The ability to make free local phone calls, limited to 15 minutes each.

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<sup>14</sup> Morris, Leslie. "Youth in Foster Care Who Commit Delinquent Acts." *The Link: Connecting Juvenile Justice and Child Welfare* 3 (2004): 1, 4, 8.

#### **4. Improving access to private spaces for youth and their law guardians to meet, and encouraging law guardians to use these spaces.**

It's important for law guardians to have their own special rooms or spaces to talk to youth about their cases privately. During court observations, we saw that waiting rooms are loud and law guardians often need to shout in order to be heard. There are some rooms for private conversations in the courthouses, but youth report that their law guardians sometimes don't want to go a different floor to use these rooms, or that the rooms are packed and they and their law guardians can't wait for space to become available. Unfortunately, waiting rooms are not places where important information should be discussed; there isn't a sense of privacy for the clients. Because some youth already have a hard time talking to people in authority, these impersonal settings make it more difficult for teens to broach important subjects. If there were spaces provided for youth and law guardians to discuss important information, it might be easier for youth to really bring up what should be talked about in the courtroom. They will feel more comfortable and know that confidentiality is in effect at all times.

##### **We recommend:**

- Making more private spaces available for youth and law guardians. We know that some courthouses already have some designated spaces and that more client-attorney offices are being planned for the renovations of the New York County Family Court building. However, we heard in interviews that when space is needed for other projects in the court, space for clients and attorneys gets whittled away. Client-attorney offices are important, especially for youth, and should be protected from being used for other purposes;
- Law guardians should be encouraged to use these private spaces whenever they are available.
- Cubicles should be built to make better use of space. Dividers require less money and space than individual offices and yet still keep a level of privacy that youth need; and

## **5. Scheduling court hearings so it is easier for youth to attend.**

Scheduling is a problem not just for the youth, but for the people who work in the courts. The calendars are packed, and people have to wait around all morning or afternoon before their cases are called. Right now, many cases are scheduled for the morning or afternoon court session, without a specific time. This means all parties for a morning session are supposed to show up at 9:00 a.m. and wait for their cases to be called. Some cases, however, are scheduled as “time certain.” This means they are set to start at a specific time, such as 10:30 a.m. We know that interruptions can happen, for example when there is an emergency removal of a youth and a hearing must be held immediately. However, we believe that improving the scheduling by using more time certain can go a long way in improving youth’s and families’ experiences in court.

### **We recommend:**

- **Calendaring more cases as “time certain.”** This would help reduce the number of people in the waiting rooms, and reduce the amount of time people spend waiting. It could also improve the chances that caseworkers and law guardians will be on time for hearings—if hearings are time certain and start on time, professionals have a better chance of getting to their next hearings on time. Another impact on youth is that they will be not missing as much time in school. Instead of missing a whole day of school, youth could go to court for a time certain hearing, and then go back to school for the rest of the day; and
- **Schedule some hearings in the late afternoon, and, when possible, consider the youth’s schedule in hearing scheduling decisions.** Some youth prefer to meet during the day, but others prefer later afternoon hours. Other youth might have conflicts with potential hearing dates that can’t be changed; for example, many youth in care have workshops or classes that are mandated by their agencies. For some youth, missing after-school activities, especially a job, is more of a problem than missing school. At the same time, some youth won’t come to court if it means missing school. The key is for there to be flexibility. Asking youth what time fits their schedules, and then trying to accommodate that, would be a great step forward. (And if the youth isn’t present to be asked, the caseworker should know the youth’s schedule, especially any important obligations like therapy.)

## **6. Promoting a courtroom environment in which all court professionals encourage youth participation.**

Youth we spoke to want judges and referees to understand them better—how they feel about their placements and services, what they think can be done to improve their situations—and for youth to feel comfortable with the tone and decisions in the courtroom. It is the youth’s life that is in the judge’s hands the judge makes decisions. If the youth does not feel comfortable, then the youth won’t say how he or she truly feels in front of the judge. This means that the judge and other people in the courtroom may not have all the information they need. Youth want judges to be able to make better decisions with more information.

***“The court experience could be better for youth who want to come to court if we make it a meaningful experience, make them feel there is a purpose to their coming, that it makes a difference in their lives, and that they are listened to.”***

— Judge Monica Drinane

If a judge sets aside time for youth to speak in a hearing, the judge will better understand the youth, and the youth will feel taken care of and more comfortable because the judge is asking questions directly of him or her. We learned that youth should not say anything they haven’t already told their lawyers, and that law guardians might be holding back information from the court because it’s in their clients’ best interest. We believe that hearing information directly from youth, including getting more information on a topic already being

discussed, can help judges get a more complete picture of what’s happening in the youths’ lives.

### **We recommend:**

- If the youth is not present at the hearing, the judge should ask why. He or she should remind the caseworker and law guardian how important it is for youth to appear in court, and ask them to tell the youth about benefits of appearing in court. The judge could ask the law guardian and caseworker, “Does your client want to come to court?” or “Was your client invited to court?”
- There should be fewer interruptions in the courtroom and fewer sidebars. The Youth Justice Board has learned that interruptions are a symptom of too many cases on the calendar, and they are usually relevant to the previous, current, or next case. However, the Youth Justice Board has also observed and experienced unnecessary interruptions and distractions in the courtroom—not only do these delay the hearings, but more important, they communicate to youth and families that court is not focused on their cases;
- The judge and other people in the court should address the parent and the youth by proper names, not “the child” or “the mother;”
- In every hearing where a youth is present, the Youth Justice Board recommends that the judge or referee acknowledge the youth, and ask him or her, either directly or through the law guardian, for more information. Suggestions for questions and topics are:
  - “Do you have any concerns you’d like me to know about?”
  - “Are you comfortable where you are living? If not, why?”

- “How many times have you met with your caseworker and law guardian since the last hearing?”
- “Do you agree with your goal? Why or why not?”
- “How has your court experience been so far? What can be improved?”
- (After everyone presents their reports) “Do you agree with what was just said?” Give the youth the opportunity to disagree and provide alternative suggestions;
- Inform the youth that not every need or want can be met, but the system will do its best to try to meet those needs. Then, ask the youth what he or she wants;
- Compliment youth on progress and positive behavior and accomplishments; and
- If a youth’s permanency goal is independent living, the judge could ask his or her law guardian whether the necessary services are being provided. The judge can ask the youth directly “Are you prepared to age out? What steps have you taken so far to prepare?”

***“It is not the attorney’s life, it is my life. Don’t speak only to the attorney.”***

— Youth in care

Question to the focus group participants:

“How do you feel about people you don’t know who stand up in court and speak about your case?”

***“I don’t even know them. They act like they know me and they don’t, and sometimes the information is wrong.”***

***“They’re probably just saying what they read... They need to listen to us more, it’s not like we’re toys.”***

— Youth in care

## Conclusion

This year, the Youth Justice Board’s overall goal 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. We want youth to have a sense of responsibility and influence in their own cases. We want more youth to go to their hearings. We want the best decisions to be made for youth and families. We want to turn going to court into a positive experience for youth and we want to improve a youth’s chance of success after he or she ages out of foster care. This is only possible if we all work together to do all the good we can for as long as we can.

***“It’s sometimes necessary to measure success in small steps because small successes can build up and really make a difference.”***

— Stephanie Gendell, Senior Policy Associate for Child Care and Child Welfare Services, Citizens' Committee for Children of New York, Inc.

Thank you for considering our recommendations. We’ve put a lot of though, effort, and time into this project because most of us know from experience that while the permanency planning process has greatly improved over the years, it can use a few more adjustments in order to provide a welcoming environment for youth just entering into care and those already in care. Youth are the future but if we don’t nourish and nurture them now, then it’ll be difficult for them to get a handle on life when they enter into adulthood. The goal of this report is not to criticize the permanency planning process but to praise it for its improvements while highlighting areas that need some work.

Once again, thank you for reading our report and we hope that we can all work together to improve the lives of youth in care.

We would like your feedback on our report. What are your comments, suggestions, questions, or answers to any of the questions we ask? Please contact us at:

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## Members of the Youth Justice Board

### **Carrie**

My name is Carrie, I'm 17 years old and I'm from the Harlem area of Manhattan. I attend high school and I enjoy acting, hanging out with friends, movies, skating, crocheting, and poetry. I joined the Youth Justice Board because they needed me and I needed them, to experience the court process and to understand how I and other youth feel about our court cases. The Youth Justice Board helped me understand the court process so that when I attend court I can understand what the judge and the court players are saying. I am glad that I joined the Youth Justice Board—for some reason I am proud of myself, but you know I put in a lot of effort and dedication too. I would say I did it for myself, but I know I also did it for youth like me in foster care that are having a difficult time with the court process. I would like to thank Ms. Schatanoff, Sharon R. Bryant, Ms. Hack, Ms Vargas, Mr. Dakarae, Ms Dixon, Ms. Passmore, Ms. Parson, Ms Spears, Ms. Jordan, Belinda Bullock, Tamecca Bullock, Tamia Bullock, the Crisafulli family, Ms. Herskowitz, Lyris Mattis, Ms. Frances, my aunt Joyce Parks, Ms. Jones, and Maria.

### **Jessica**

Hey everybody, my name is Jessica and I am 18. I was born and raised in the Bronx but am now living in Queens. I am currently attending John Jay College and majoring in forensic psychology. I want to thank everybody for taking the time out to read our proposals. I am in foster care and on my way to aging out soon. I joined the Youth Justice Board because I know how it feels not to be heard by people of authority concerning OUR lives. I feel that with my knowledge and experience in foster care I could help make a difference. With this program, I have learned how to work with a team and learned more about foster care and, through what my fellow Youth Justice Board members have learned, we hope to spread the knowledge. My goal for this program is basically to spread the word and create a change in family court so the permanency planning process will go more smoothly for the families as well as the court players.

### **Kevin**

My name is Kevin, I'm 18 years old and I'm from Queens Village, New York. I joined the YJB because I wanted to make a difference in foster care and make it better for children that come in it after me. I like to watch TV, play video games, play football, and chill with friends. In the future, I would like to be a lawyer or an EMT. I want to thank my family and friends, my friend Alana, my teacher Ms. Mohari, and the many other teachers and people in my life.

### **Latanya**

Hi, my name is Latanya and I am 18 years old. I am currently living in Brooklyn and I'm in the 12<sup>th</sup> grade. I joined the Youth Justice Board because I felt the need to learn about the permanency planning process because I was a youth in care who did not know anything about it. I also wanted to help change the process so that other youth in care could understand it. Being in the Youth Justice Board means a lot to me because since I've been here I've developed many skills such as speaking in public, working in teams, being neutral, and improving my vocabulary. These skills are not only important in this program, but for other things too, like the real world. Without this program, my speaking wouldn't be up to par. Since I've been here, I've also learned

a lot about the court process and I'm glad I know all that I need to know. I just want to say thank you to a few people who motivated and supported me through this journey. Dory and Shamika, you two have most definitely helped me enhance my skills and didn't give up on me, all of the YJB members, my program manager, Ms. Elish Manning-Rubie, and all of my helpful staff at my group home like Ms. Shelly, Ms. Valerie, Ms. Kisha, Ms. Danielle, Ms. Brothers, Ms. Maynard, and everyone else who supported me through this exciting experience.

### **Makeda**

I joined the Youth Justice Board because I wanted to make a difference in the lives of youth in care. As a 17-year-old who resides in Brooklyn, I got to step out of my comfort zone during the fieldwork phase of the Youth Justice Board. As a member of the Youth Justice Board, I became more empowered about getting my voice heard and creating change for disenfranchised people, especially youth in care. I would like to thank Shamika Vargas, Dory Hack and YJB for empowering me. Legal Outreach, Mr. Craig Livermore, Heather Butts, Jason Klein, Karma Johnson, Summer Search, Einstein Charles, Diane and Aaron Sr. Saunders, Aaron Jr. and Dijon Saunders, and God for being strong forces in my life.

### **Martin**

Hello, my name is Martin, I am 17 years of age currently residing in the Bronx, and I'm a senior in high school. Besides the Youth Justice Board some of my other interests are law debates, reading, writing, and basketball. Some of my plans for the future are to go on to college and major in political science, I want to try and change the world but for now I will settle with becoming a lawyer. I joined the Youth Justice Board because I wanted to see a reform in the outcomes of kids dealing with the Family Court System and I knew this would be my best opportunity. Now one whole year later the Youth Justice Board has exceeded my expectations and turned out to be one of the best things that's happened to me in terms of achieving my goals and moving on into adult hood. First and for most I would like to thank God because without Him none of this would be possible. During the year I would like to thank everyone for their support, I would like to give a special thanks to my loving dad and also my harsh but caring mom because without them I would not be here. Last but not least I would like to thank Dory and Shamika for giving me the opportunity to enhance my experiences whether it's a Tuesday or Thursday workday or a long and intensive Saturday workshop. Once again thank you all for your time, effort, support, and your ears.

### **Michael**

Hi, my name is Michael, I'm 19 years old and I live in the Bronx. My hobbies are reading, writing, volleyball, dancing, and music. I hope to go to college, live on my own, and make the world a better place for all. I joined the Youth Justice Board because I wanted to improve the court experience for youth after I leave care. I always wanted to be remembered as doing something for my community and my agency. Being on the Youth Justice Board I can say has changed my life. I never really completed anything before and by being on the Youth Justice Board it showed me that I can do anything if I put my mind to it. Another thing I learned about myself is that I can't do everything on my own. Sometimes you just have to ask for help and work on a team. I would like to thank my parents; my brother Rasheem; my best "brother" Sammi; my best friend for life Alisha Gelman—thanks for being my rock; my best friends Beba, Francis, Dominique Anita, Nathalie, Josephine, Edwin, Eric, Adam, Lance, Melinda, and

Melissa; Chewy Thomas Hernandez; Gwenieve; the workers at JCCA; my mentors Brian and Allison; and of course everyone who is part of the Youth Justice Board. I love U All!!

### **Nadica**

My name is Nadica and I am 18 years old. I am from Manhattan, and I've lived in New York City for my whole life. This year I am going to be graduating from high school, and heading off to college this fall. I am going to major in criminal justice, which was part of my reasoning for wanting to join the Youth Justice Board. I was really excited by the idea of working with an organization that was affiliated with the courts. I really wanted to have hands-on experience with interviewing authorities and working with them to solve issues that affect youth like me. Besides the experience, the topic this year directly affected me, and I was anxious to learn more about it, and what the court experience was supposed to be like. Being a part of the Board has helped me stay on top of my law guardian and caseworker and advocate for what I need. It has also helped me learn what to do to get what I need and when something isn't going right what to do about it. I have become bolder, and now I have evidence to support my stance. This Board is helping my court experience and foster care experience feel a bit more together. Being here has also led me to realize that in my future I want to be in the court room, and I want to help people get everything that they need.

### **Panida**

My name is Panida. I'm 16 and from Queens. I joined the Youth Justice Board because I was looking for a program that would allow me to make a change. The Youth Justice Board was a great opportunity for me to meet and work with new people and learn a lot about family court, specifically foster care. The Youth Justice Board has been more than just learning about the system and its policies; I have been able to surround myself with people who have the same ambition about making a change, yet we all have startlingly different ideas. Not only have I learned and made friends that I want to see again every week, I have also improved my presentation skills. I am not as nervous when asked a question and I am willing to say all that I want to say while keeping in mind that my audience is the most important aspect, because without them, my ideas may never be heard. I want to thank all of the YJB members for making this experience and unique and memorable one. I want to thank all of the people that I interviewed for their willingness to pass on their knowledge and observations along with providing a comfortable, supporting place to ease us into the interview. I especially want to thank my best friend, Javier Caballero, for allowing me to bounce my ideas off him, for being patient, and a great listener even in my worse moments. Thank you again YJB, and I look forward to working with you next year!

### **Phyllis**

Hello, my name is Phyllis, I'm 16 years old, and I live in Brooklyn. I'm currently a high school junior and I enjoy reading and writing poetry and being involved in activism. I am a CORO Exploring Leadership graduate and am currently a member of the Young Women of Color against HIV/AIDS Coalition. I plan to enroll in a pre-med program in college and hope to become a psychiatrist. I also hope to release a collection of my writing in the future. When I first heard about the Youth Justice Board, I knew I had to be a part of the group. I wanted to be a part of the creation of a change in foster care that may not affect me directly, but affects my peers who are in foster care. Almost a year later, along with the YJB, I have increased my knowledge

of the foster care system through endless research. Not only that, but we have created a large family among ourselves which will last a lifetime. I would like to thank everyone who has supported my work with the Youth Justice Board throughout the year and also my Uncle June who passed away, rest in peace, I love you.

### **Renée**

My name is Renée. I'm a sixteen-year-old from Brooklyn. I heard about the Youth Justice Board from my mock trial captain at school, and even though I've never been in foster care, I was very interested in learning more about how the system worked and could be improved. Being in the Youth Justice Board has broadened my horizons and taught me a lot of valuable skills. I thoroughly enjoyed being a part of the Youth Justice Board and I hope that all of our recommendations will be implemented and will help foster youth through the court process.

### **Rocina**

Rocina is the name of a shy, reserved, talented, intelligent 16-year-old young lady who wants to succeed in life. I have a lot to say. Sometimes I just do not know how to say it. I am quiet; however the Youth Justice Board has opened my eyes to new things. Since being on the Youth Justice Board I have been speaking more in school and out of school. I am not afraid to voice my opinion about something that I feel strongly about. I joined the Youth Justice Board because I wanted to make a difference in the lives of youth in care who face problems during their process. The YJB has taught me more and expanded my knowledge on youth in care and permanency planning goals. As a youth who has not been in care this issue is important to me because learning about the many screws that are loose in the court process pushes me to tighten those screws. It's not affecting me directly but it affects my friends and family in foster care. With an open the Youth Justice Board facilitators accepted me just as I was and molded me into someone I've yearned to be—someone who speaks up for what she believes in. I would like to thank Dory and Shamika, who guided us every step of the way; Kathryn, who interviewed me; the YJB members for their hard work, teamwork and dedication; and my parents for giving me this opportunity and not letting me pass it up because they were not going to be there.

### **Shayna**

My name is Shayna, I'm 19 years old and I'm from the Bronx, New York. I joined the Youth Justice Board because I wanted to make a difference for those who come after me in foster care and, as a youth who's about to age out of care, I wanted to make the process better possibly for myself and for other people as well. I would like to thank Dory and Shamika for dealing with us through the whole year, and my mentoring specialist Ms. Burgos for introducing me to the Youth Justice Board and for pushing me to commit to the program.

### **Taquan**

My name is Taquan, I'm 17 years old, and I have seven brothers and sisters. I was born in the Bed-Stuy section of Brooklyn in the Lafayette Gardens Projects. The reason I joined the Youth Justice Board is because I wanted to help make a difference in the lives of my peers who have been affected by the foster care system. Being on the Youth Justice Board makes me feel that there are ways for us to help each other out. There are ways we can make a difference. I have learned how hard it is for youth inside of the foster care system. And that they are regular ordinary kids. If we work hard and stick together, we can do it. I would like to thank the

Williams family, the Pugh family, Deana Salomen, Jude Michelle, and the members and staff of the Youth Justice Board.

### **Theresa**

My name is Theresa, I'm 17 years old, live in Brooklyn, and I'm a senior in high school. I like to listen to rap, r&b, soca, hip-hop, reggae, and rock. I also like to read, write poetry, and hang out with my friends. My future plans are to attend a four-year CUNY college and then attend John Jay College to pursue a career in law. My sister and I are in foster care and even though this is a burden, it also has become a way out—a way to start a new life and focus on my dreams. One day my Independent Living worker gave me an application to apply for a spot on the Youth Justice Board and it was one of the greatest opportunities I ever got. We are all fighting for the same cause and there's nothing more powerful than a passionate youth. The main reason I chose to join the Youth Justice Board is because it presented an opportunity for me to try and improve a system that greatly affects thousands of youth each year. Being on the Youth Justice Board has meant a lot to me. I have matured a lot, learned new life skills, and evoked my passion about a very complicated system. I've learned that passion comes from within and kindness begets kindness, so do all the good you can while you can, for as long as you can.

### **Yesenia**

Hi, my name is Yesenia, I'm 17 years old and I live in Brooklyn. I go to high school in Manhattan and that's where I first found out about the Youth Justice Board. I was on my school's safety advisory board, which was one of the recommendations from last year's Youth Justice Board. I really thought that this new up-and-coming group could make a difference, so I applied; and look at me now—trying to make a difference to make the foster care system better. And I believe the recommendations we came up with show a lot of things that should be changed and that can benefit a lot of youth and that just makes me overwhelmed with joy because I know that this will impact many people on a positive level. There were many things I got out of this experience, but the one that stands out to me is meeting the remarkable members on this team. I would like to give a special thank you to the people that guided me: my mom Maria; my brothers Jonathan and Felipe; my sisters Elizabeth and Jackie; my friends Sara, Nelle, Tasha, Denise, Luis, and LuLu; and my teacher Mrs. Naughtan.

### **Youth Justice Board Staff:**

#### **Kathryn Ford**

Kathryn Ford, a social worker experienced in working with adolescents, advised Youth Justice Board staff on a variety of programmatic and member-specific issues. As a Senior Domestic Violence Associate at the Center, Ms. Ford addresses family violence issues through needs assessment research, dissemination of best practices, and the provision of training and technical assistance. She also conducts trauma-focused therapy with children and adolescents through the Child and Adolescent Witness Support Program located at the Bronx District Attorney's Office. Prior to joining the Center, Ms. Ford was a social worker in Safe Horizon's Supervised Visitation Program in the Bronx and an intern in the Kings County District Attorney's Office Counseling Services Unit. She received her Master's in Social Work from Columbia University.

**Dory Hack**

Dory Hack is the Project Coordinator for the Youth Justice Board. She is the lead planner and facilitator for the program, and is responsible for program design, curriculum development, fund raising, and collaboration with outside partners. Prior to her work with the Youth Justice Board, Ms. Hack was responsible for the planning, development, and user training of several technology applications used by the Center for Court Innovation's projects. Ms. Hack is a graduate of Wesleyan University.

**Jimena Martinez**

Jimena Martinez, Director of Youth Programming, is responsible for coordinating the work of the Center for Court Innovation's youth and juvenile justice programs. Her responsibilities have included launching the Youth Justice Board. Formerly, as the Project Director of the Harlem Community Justice Center, Ms. Martinez ran a community-based court. Ms. Martinez also served for three years as the Center for Court Innovation's Director of Technical Assistance, managing a team that provided assistance to hundreds of community justice projects around the country, including helping eleven cities open community courts. Before joining the Center, Ms. Martinez was director of development for Educators for Social Responsibility Metropolitan Area and a division manager at DRI/McGraw-Hill. She has a B.A. from Barnard College, Columbia University.

**Justine van Straaten**

Justine van Straaten is the Director of the Family Court Blueprint for Change initiative at the Center. The Blueprint for Change, in collaboration with the New York City Family Court, represents a coordinated vision for improving the processing of abuse and neglect matters in the Family Court by building upon reforms that are already underway. Prior to joining the Center, Ms. van Straaten was a policy analyst at the New York City Administration for Children's Services in the Division of Child Protection. Ms. van Straaten received a Bachelor of Arts from Johns Hopkins University and received both a law degree and a Masters in Social Work from Loyola University Chicago, where she was a CIVITAS ChildLaw fellow.

**Shamika Vargas**

Shamika Vargas is the Program Associate for the Youth Justice Board. Along with co-facilitating and planning sessions, she is responsible for developing curriculum, organizing workshops, and managing administrative tasks. Before joining the Youth Justice Board, Shamika was a child care worker at group home in Connecticut and a full time college student. Ms. Vargas has also worked in a variety of social service settings through internships including The Bronx Defenders, the Poughkeepsie Middle School, and Dutchess County Healthy Families. She received her B.S.W. from Marist College in Poughkeepsie, New York and her M.S.W. from Columbia University.

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**Websites for more information:**

Administration for Children's Services: <http://www.nyc.gov/html/acs/html/home/home.shtml>

New York City Family Court: <http://www.nycourts.gov/courts/nyc/family/index.shtml>

## Appendix A: Overview of the New York City Permanency Planning Process

In New York City, if a child (less than 18 years old) has been abused or neglected or is in danger of being abused or neglected, a petition can be filed in Family Court against the child's parent(s) or persons(s) legally responsible for the child. The court then holds a series of hearings to determine whether the allegations of abuse or neglect are true. If the allegations are found to be true, the court then determines what actions should be taken to protect the child.<sup>15</sup> The goal is to ensure that all efforts are made to return a child home safely wherever possible, and if that is not possible, to find every child a safe and supportive permanent home. The following is an overview of what happens when there is a suspicion that a child is being abused or neglected.

In New York State, if someone wants to report a suspicion of abuse, neglect or maltreatment of a child, he or she calls the New York State Central Register Child Abuse & Maltreatment Hotline.<sup>16</sup> If the family resides in New York City, the call triggers an investigation by the New York City Administration for Children's Services, (Children's Services) which investigates an average of 55,000 reports of abuse or neglect each year.<sup>17</sup>

If the agency's investigation reveals sufficient evidence that abuse or neglect may be occurring, the Children's Services Family Court Legal Services division may file a petition alleging abuse and neglect by the parent or guardian in New York City Family Court. The Administration for Children's Services, through its Commissioner, John B. Mattingly, files the petition on behalf of the City of New York.

The New York City Family Court is presided over by the Administrative Judge of the New York City Family Court, the Honorable Joseph M. Lauria. New York City Family Court is made up of five separate courts, one in each of the five counties of New York City—Bronx County, Kings County (Brooklyn), New York County (Manhattan), Queens County, and Richmond County (Staten Island). In turn, each Family Court is divided into divisions, each of which are responsible for different types of cases: (1) Child Protective and Permanency Planning; (2) Juvenile Delinquency/Designated Felonies/PINS<sup>18</sup>; (3) Domestic Violence/Custody/Contested Paternity; and (4) Support/Paternity. Currently, 25 judges and 18 full time equivalent referees hear child protection cases. (Referees are officers empowered by the court to hear and determine proceedings in Family Court upon referral by a judge and consent of the parties. Referees and judges work together as part of a judicial team.)

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<sup>16</sup> "Child Protective Services." *New York State Office of Children & Family Services*. New York State Office of Children & Family Services. 4 Jun 2007 <<http://www.ocfs.state.ny.us/main/cps/>>.

<sup>17</sup> "Mission and Organization." *New York City Administration for Children's Services*. 4 Jun 2007 <<http://www.nyc.gov/html/acs/html/about/mission.shtml>>.

<sup>18</sup> "PINS" stands for Person In Need of Supervision, and in this context refers to those cases that originate from a parent or guardian filing a petition requesting that the City become the legal guardian of a child.

From the moment of initial investigation onwards, the Administration for Children’s Services may decide whether it is in the child(ren)’s best interest to be removed from the home, or whether services can be put in place to allow the child(ren) to remain safely in the home. Independent agencies, known as “provider agencies,” are contracted by the Administration for Children’s Services to provide such services, including housing and other services for youth in the City’s care. Whenever a child comes under the care of a provider agency, he or she is assigned an agency case worker.

When a petition of abuse or neglect is filed in Family Court, the court assigns an attorney, known as a law guardian, to the youth (referred to as the “subject child” in court). The law guardian is to make sure that the best interests of the child are taken into consideration in every decision that the court may make, particularly if the child is not old enough to express his or her own wishes. Parents or guardians against whom the petition is filed (referred to as the “respondents”) are represented by either public defenders, assigned by the court at no cost, or by private counsel. In child protection proceedings, the City is represented by an attorney from the Administration of Children’s Services Family Court Legal Services (FCLS) division, referred to as the “FCLS attorney.”

When a petition is filed by the Administration of Children’s Services, the court holds a fact-finding hearing during which a Family Court judge reviews evidence about the case and decides whether abuse and/or neglect has occurred. If the judge decides that there has been abuse and/or neglect, he or she may order more reports in order to determine what services can be provided to help the family in moving forward.

This information is then used in a dispositional hearing at which the judge determines, among other things, which services should be provided to the family and, where the child or children have been removed from their home, whether their current housing—referred to as placement—in foster care is appropriate, or whether the children can safely be returned home. The judge also approves a permanency plan for these children. In fiscal year 2006, 9,234 children were in court cases filed by the Administration for Children’s Services for foster care placement.<sup>19</sup>

In New York City, there are four housing, or placement, options: kinship care (placement with a relative other than the respondent(s)), congregate care (including residential treatment centers), foster boarding home (commonly referred to as “foster home”), or return to the family with supervision by the court. The “permanency goal” refers to the desired long-term outcome of the case for the youth and family. There are five permanency goals which the agency may submit and the court may approve: reunification, placement with a fit and willing relative, legal guardianship, another planned permanent living arrangement (commonly referred to as APPLA), or adoption. According to recent data released by the Administration for Children’s Services, for youth 14 years of age or older a majority of cases have the permanency planning goal of family reunification<sup>20</sup>, and in 2006, the majority of youth released from care, regardless of age, was reunited with his or her parent(s)<sup>21</sup>.

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<sup>19</sup> ACS Update, June 2006, FY 2006. New York, NY: New York City Administration for Children’s Services. 2006. <[http://www.nyc.gov/html/acs/html/statistics/statistics\\_links.shtml](http://www.nyc.gov/html/acs/html/statistics/statistics_links.shtml)>

<sup>20</sup> Preparing Youth For Adulthood. New York, NY: New York City Administration for Children’s Services. 2006.

<sup>21</sup> ACS Update, June 2006, FY 2006. New York, NY: New York City Administration for Children’s Services 2006.

Under the permanency legislation passed in December 2005, the case remains under the jurisdiction of the Family Court until the permanency goal is reached, or the child ages out of care. After the dispositional hearing, the next stage in the case includes permanency planning hearings, the first of which must occur no later than eight months after the subject child(ren) is removed from the home. After the first hearing, subsequent permanency hearings are held no later than six months after the last such hearing was completed. At these hearings, all parties in the case appear in court to review any updated reports on the youth and family, make adjustments to services as necessary, and check in on the family's progress towards the identified permanency goal.

At a minimum, hearing participants include the FCLS attorney, the agency case worker, the respondent's attorney(s), and the law guardian. Additional parties in attendance can include a lawyer for the provider agency, the respondent, the foster parent(s) if the child(ren) is in out of home care, a social worker working with the subject child(ren), and the subject child(ren). (Cases involving siblings are considered one case, although each child could have his or her own agency case workers, social workers, or law guardian.) At the discretion of the judge, the case may be transferred to a referee upon consent of the parties to do the permanency hearings.

Between hearings, the subject child(ren)'s well-being is monitored by the agency case worker. One month before a permanency hearing, the agency case worker writes a "permanency planning report" that contains current information on the subject child(ren) across multiple domains (e.g. physical health, mental health, education, and therapeutic services). The permanency report also includes information about the respondent(s), particularly his or her progress with any services required prior to reunification, such as anger management counseling. The permanency planning report is then reviewed by the assigned FCLS attorney. Upon approval, the report is distributed to all parties in the case, including the judge, the law guardian, the respondent's attorney, and foster parents, should the subject child(ren) be in out of home care. (The subject child(ren) are not required to receive a copy of the report, but can request one from the law guardian.) The report is then reviewed and discussed in the subsequent permanency hearings.

The family is no longer under the jurisdiction of the Family Court once the underlying neglect or abuse case has been disposed and after the permanency goal has been reached,. However, services may continue to be provided and/or supervised by the Administration for Children's Services after the court is no longer involved with the case.

For more information, please visit the New York City Family Court's web site at [www.courts.state.ny.us/courts/nyc/family/index.shtml](http://www.courts.state.ny.us/courts/nyc/family/index.shtml), the Administration for Children's Services web site at [www.nyc.gov/html/acs/html/home/home.shtml](http://www.nyc.gov/html/acs/html/home/home.shtml), and the references cited in this report.

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<[http://www.nyc.gov/html/acs/html/statistics/statistics\\_links.shtml](http://www.nyc.gov/html/acs/html/statistics/statistics_links.shtml)>

## Appendix B: The Youth Justice Board Curriculum

The Youth Justice Board curriculum follows five phases: training, fieldwork, recommendation development, and action:

- *Training Phase:* Participants receive intensive training in research, consensus building, interviewing, public speaking, and “New York Civics 101” to learn how policy decisions are made.
- *Fieldwork Phase:* Participants conduct intensive research on their issue, using structured interviews with local experts, focus groups with young people affected by the issue, observation, attendance at relevant public events, and relevant readings.
- *Recommendation Phase:* The Board crafts a set of recommendations, issues a report containing their findings and recommendations, and presents it to multiple stakeholders, including prominent policymakers and other youth.
- *Action Phase:* Board Members advocate for the implementation of their ideas by holding follow-up meetings, working to increase public awareness, and collaborating with other groups working on the issue. The ultimate goal is to pilot one or more of the Board’s recommendations.

### Training Phase

*Goal:* To develop skills needed throughout the program and to gain a solid foundation of knowledge about the topic.

*Activities include:*

- Introduction to the child welfare and Family Court systems of New York City
- Teambuilding activities including games, problem-solving challenges, discussions on group norms, and social activities.
- Initial exploration of personal experiences with the child welfare system.
- Lessons on interviewing techniques such as designing open questions, maintaining neutrality, and taking notes.
- Lessons on teamwork skills including sharing the floor, actively listening, and respecting differences of opinion.
- Lessons on the child welfare system and Family Court, including the organizational structure of the courts, how a case is filed and processed, the impact of recent state and federal legislation on court procedure, the roles of the various professionals in the system, and how a child welfare case moves from investigation to conclusion.
- Examination of the issues of disproportionate representation of minority youth in foster care.
- Introduction to a problem-solving process, a framework that is a backbone of the Board’s curriculum.
- Development of a goal statement.
- Development of a framework for the fieldwork phase by brainstorming questions and potential interview subjects.

### Fieldwork Phase

*Goal:* To research first-hand the permanency planning process in New York City.

*Activities include:*

- Members work in teams of four or five. The members are responsible for the entire interview process, including developing goals, drafting interview questions, and conducting the interviews.
- After each interview, the teams analyze the information to identify key points and how the research might inform the Board's recommendations, and then present their analyses to the rest of the group in written reports and presentations.
- Members plan, recruit for, and conduct focus groups of youth in care.

### **Recommendation Development**

*Goal:* To craft sound and credible policy recommendations, and to present those recommendations to key decision-makers and stakeholders.

*Activities and outcomes include:*

- Lessons on creative problem solving and policy development.
- Design and in-depth development of 10-12 public policy recommendations that would improve the experience of youth in the permanency planning process.
- Lessons on writing and public speaking skills.
- Design and writing of a report of the findings and recommendations, to be published by the Center for Court Innovation.

### **Release of recommendations**

*Goal:* To promote the recommendations with key decision-makers, to get one or more recommendations implemented, and to have the Youth Justice Board viewed as a credible and valuable participant in ongoing policy discussions.

*Activities and outcomes include:*

- Design and development of a presentation of the findings and recommendations.
- Presentation of the findings and recommendations to a large audience that includes judges, judicial personnel, attorneys, caseworkers, and the press.
- Distribution of the report to a large mailing list of court personnel, youth organizations, policymakers, child welfare experts, and politicians.
- Meetings with key decision-makers.
- Ongoing presentations of the findings and recommendations.
- Planning for continued advocacy of the recommendations.

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