

Youth Engagement State-by-State

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Bar-Youth Empowerment Project
Center on Children and the Law
American Bar Association

Alabama	Ala. Code 1975 12-15-129 Child has a right to be present at all hearings under this chapter, but can be temporarily excluded if Court determines it is in the best interest of child to do so.
Alaska	AS 47.10.080(f) Child has a right to be present and heard at the permanency hearing, but court may excuse a child not of "suitable age" or if the "testimony would psychologically harm the child.
Arizona	A.R.S. 8-847 Child has a right to be present for periodic reviews following the initial dependency hearing if the child is 12 years or older.
Arkansas	A.C.A. 9-27-325 Child is required to be present unless excused for good cause.
California	349; CA ST FAM JUV Rule 5.534 Child is entitled to be present at all hearings, and is entitled to address the court and participate in the hearing. If child is 10 or older and is not present, court must determine whether child received notice and, if not, continue the hearing to enable the child to be present, unless the court finds it is not in the best interest of the child to do so.
Colorado	Col. Rev. St. 19-3-503; 19-3-702(1) Court may order child to appear at a hearing. A hearing that is not open to the participation of the child, if appropriate, is not a permanency hearing.
Connecticut	CT.PB sec. 32a-5 (2013) Court is required to consult with child or youth at permanency hearings unless good cause is shown.
Delaware	Del. Code Ann. tit. 31, § 3814(f) Child is entitled to be notified of review hearings, "unless inappropriate", and above provision gives child of appropriate age and mental capacity right to a private interview with the Review Committee.

*District of Columbia	D.C. Code § 16-2316(f) (2012) This provision states the child may be excluded from a hearing when in the child's best interest, but does not affirmatively give a child a right to be present.
Florida	Fla. Stat. Ann. § 39.701(f) (2012); Fla. Stat. Ann. § 39.621(5) (2012) Child 13 years of age and older is entitled to notice, and right to be present at permanency hearings.
Georgia	15-11-19(a) Child has a right to be present but may be excluded if the Court determines it is not in the best interest of the child.
Hawaii	Family Court Policies for Youth Attendance in Court for H.R.S. Chapter 587 Cases Children aged 14 or older shall appear at all post-adjudication hearings unless court has determined it is against their best interest.
Idaho	I.C. 16-1613; ID R JUV Rule 40 Children 8 and older are entitled to notice and right to be heard after the adjudicatory hearing; child is entitled to be present, but "may be excluded from hearings at any time at the discretion of the court."
Illinois	705 ILCS 405/1-5; Ill. Admin. Code 89 § 316.50 Child 8 and older has a right to be present, but may be excluded from dispositional hearing at the discretion of the court, and may be excluded from adjudicatory hearing with consent of parent, guardian, counsel or a guardian ad litem. Administrative case reviews shall be open to participation of child 12 and older, and to younger child if caseworker and supervisor believe child can benefit from participation in the review process.
Indiana	IC 31-34-10-2 A child has the right to be present and opportunity to be heard during proceedings.
Iowa	I.C.A. 232.91 (2010) Child has right to be present and heard; if child of an age appropriate to attend the hearing does not attend, court shall determine if child was informed of child's right to attend hearing. Statutory presumption that it is best interest of child 14 and older to attend both court hearings and administrative meetings.
Kansas	K.S.A. 38-2236 Child has right to attend all hearings and right to give testimony if child is 10 years of age and of sound intellect.

*Kentucky	Child has no statutory right to be present or heard. See Ken. Rev. Stat. 610.125 (2013)
Louisiana	L.S.A. 623(C); 661(B); 679(C) A child 12 years and older shall be in court unless his presence is waived by the court upon motion of the child's counsel; a child below the age of twelve years shall be present in court upon the request of counsel for the child or the court.
*Maine	Me. Rev. Stat. tit. 22, § 4007 Child has no statutory right to be present or heard. Court may interview a child witness in chambers and may admit and consider oral or written statements or out of court statements.
Maryland	Md. Code, Cts. & Jud. Proc. § 3-823 Child's presence is required for permanency plan reviews unless child is likely to suffer serious physical, mental, or emotional harm to the child.
Massachusetts	In Care and Protection of Sophie, 449 Mass. 100, 105 (2007) Decision of the Massachusetts Supreme Court states that children in care and protection cases have the ability to exercise all the rights of a party.
Michigan	M.C.L.A. 712A.19 The court is required to obtain the child's views regarding the permanency plan in a manner that is appropriate to the child's age; additional language states, "the court in its discretion may excuse but not restrict children from attending the hearing".
Minnesota	Minn. Stat. § 260C.163 A child who is the subject of a petition has the right to participate in all proceedings on a petition, including the opportunity to personally attend all hearings.
Mississippi	Miss. Code Ann. 43-21-203 A child has a right to attend hearings but the court may exclude attendance if the child's counsel consents. A child may also be excluded from any portion of a dispositional hearing that would injure the best interest of the child.
Missouri	Mo. Sup. Ct. Rule 124.03 A child has the right to be present at all times during any hearing but the court may exclude a child if that serves the best interest of the child.

Montana	Mont. Code Ann. 41-3-115, 41-3-445 A child 12 years and older has a right to notice of review hearings; the court is required to consult with a child in an age-appropriate manner at all permanency hearings.
Nebraska	Neb. Stat. 43-1314 A child 14 years and older has the right to attend and participate in all court reviews.
*Nevada	A child has no right to be present.
New Hampshire	N. H. Rev. Stat. 169-C:14; see also 2012, Children and Youth in Court Protocols A child has the right to be present and to participate in proceedings, and the 2012 protocols encourage him/her to do so.
New Jersey	N.J. Stat. Ann. § 30:4C-61.2 A child has the right to be present and to participate in permanency hearings, but a court may order that a child not be present if it is in the child's best interest, unless the child's testimony is necessary for the determination of the matter.
New Mexico	N.M. Stat. Ann. § 32A-4-25.1 A child has the right to be present and to participate in permanency/review hearings.
New York	N.Y. Fam. Ct. Act § 1089 (McKinney) A child has the right to be present and to participate in permanency hearings.
North Carolina	NC 7B-506(b), 901; N.C. Gen. Stat. Ann. § 7B-906.1 A child 12 years or older has the right to attend and participate in review hearings.
North Dakota	ND 27-10-27; 27-20-36 A child is entitled to be present and to participate in hearings.
Ohio	Ohio Rev. Code Ann. § 2151.417 A child is entitled to be present and to participate in hearings.
Oklahoma	10 Okla. Stat. Ann. 7003-4.1; 7003-6.2A A child has a right to testify in hearings if competent; and has the right to be cross-examined, if the child is age appropriate.

Oregon	OR 419B.875; OR 419B.873 A child has the right to attend hearings and to participate in them. The court may order a child to be present.
Pennsylvania	PA ST JUV CT Rules 1601, 1608 The court may direct the child to receive notice and opportunity to be heard, and may decide to include testimony from the child at permanency hearing.
*Rhode Island	R.I. Gen. Laws Ann. § 40-11-12.1 Notice is to be given to "all parties in interest". Statutes do not define any rights for the child.
South Carolina	SC Code 63-3-590 A child has the right to attend and participate, but the court can waive that right at any stage of the proceedings.
South Dakota	26-7A-30 A child is to be advised by the court at their first appearance of statutory and constitutional rights. Statutes do not define rights for the child at court hearings.
Tennessee	37-2-409 A child shall be present for the permanency hearing unless child is under a doctor's care or is out of state.
Texas	263.302, 263.501, 263.306 (2013) A child shall attend each permanency/review hearing, at age 10 or older, unless specifically excused by the court, and has the right to present evidence. A younger child may attend and participate if court believes it to be appropriate. The court shall consult with the child in a developmentally-appropriate manner, if the child is age 4 or older, and if the court believes that to be in the child's best interest. The court shall insure at each permanency hearing that the child has the right to express opinions about his/her medical care.
Utah	U.C.A. 78A-6-306, 317 A child has a right to be present at each hearing, subject to the discretion of the guardian ad litem or the court regarding any possible detriment to the child.
Vermont	33 V.S.A. 5110, 5307 A child, unless under the age of 10 and with the waiver of the child's attorney, shall be present at the temporary care hearing. A child has the right to attend and participate at all hearings.

Virginia	16.1-263 A child is required to be present at proceedings if age 12 or older.
Washington	RCWA13.34.070 A child is required to be present in court at age 12 or older unless developmentally disabled.
West Virginia	W.V. Code Ann. 49-6-8 A child 12 years of age and older is entitled to attend permanency/review hearings and is entitled to participate there. The child's presence may be waived by the child's attorney at the request of the child or if the child would suffer emotional harm.
Wisconsin	2013-2014 Wisc. Legis. Serv. Act 170; W.S.A. 48.299 A child has the right to attend hearings but may be temporarily excluded if it is in the child's best interest and the child's attorney consents. A child under 7 may be excluded from the entire hearing if the court finds the child to be too young to comprehend the hearing and that it is in the best interest of the child to do so.
Wyoming	14-3-409(b); 426(a); 424(b) A child shall be present at all hearings, unless temporary exclusion is found by the judge to be in the best interest of the child.