

Youth in Court
Policy and Procedures for Guardians Ad Litem

Presumption: Youth should attend every court hearing

Exceptions:

1. If the youth has been timely informed of the hearing and its importance and chooses not to attend.
2. If there is compelling reason why the hearing would be harmful to the child.

Team: GAL, social worker, youth, caregivers, therapist (if needed). Team determines:

1. Whether youth will attend court hearing.
2. Who will transport the youth.
3. What accommodations will be made.
4. Who the support person (if necessary) will be to accompany the child.
5. What, if any, compelling reason to exclude the youth exists and what accommodations can be made to address the reason.
6. If the team cannot agree, the judge will decide whether the youth should attend.

The team need only meet initially to determine a plan for involving the youth and then only if there is a change in the case to warrant a change in court attendance.

Determine whether the youth wants to attend court:

1. Explain the importance of the youth's input into decisions that will affect his life.
2. Address the youth's concerns or fears about attending court, if any.
3. Ensure that the school knows the youth has an excused absence for the hearing.
4. Consult with the youth's therapist to determine if there are any concerns with the youth attending the court hearing.
5. Provide your thoughts to team.

Prepare the youth for the court hearing:

1. Provide the youth with at least 2 weeks notice of the hearing.
2. Let the youth know that he may have to wait for a couple of hours and to bring school work or other things to occupy his time.
3. Discuss who will be present at the hearing and what their roles are.
4. Determine whether the youth wants a supportive person present during the hearing.
5. Explain your role as guardian ad litem and that you have to advocate for the youth's best interests.
6. Let the youth know what is in the GAL's report to the court.
7. Tell the youth that you will tell the judge what she wants.
8. Discuss what is expected to happen.
9. Let the youth read the child welfare agency's report to the court (or tell the youth the pertinent portions) and find out whether the youth has any responses.
10. Find out what the youth wants to the judge to know.
11. If the youth's position is different than yours, request alternative counsel be appointed.

12. Determine how and whether the youth wants to speak with the judge directly (i.e. during the court proceeding with parties present or in chambers (if possible)).
13. Include in the report to court whether the youth will attend the hearing and any accommodations that should be made.
14. Respond to the youth's questions about the hearing.
15. Decide whether the youth should attend the entire hearing or be excused for certain portions.
16. Decide with the youth whether he should speak directly to the judge during the hearing and discuss what he will say.
17. Ensure arrangements are made to bring the youth to the hearing.

During the hearing:

1. If applicable, as a preliminary matter, inform the court that the youth should be excused for certain portions of the hearing and explain why.
2. Allow the youth to speak to the judge
3. If the youth doesn't want to, be prepared to tell the judge what the youth wants him to know.
4. Advocate for best interests.
5. Tell the judge what your client would like to happen.
6. Ask the judge to explain her ruling so your client understands why the judge ruled in a certain way.
7. Ask the judge to accommodate the child's schedule when setting the next court hearing.

Debrief the youth after the hearing:

1. Spend time with the youth after the hearing to talk about what happened during the hearing.
2. Allow the youth to ask questions.
3. Ensure the youth understands what happened, when the next court hearing is, and what is going to happen between now and then.
4. Review the court order with the youth. If the order isn't available immediately after the hearing, make arrangements to contact the youth at a later time to review the order.
5. Contact the caregiver after the hearing to inform them of anything that happened during the hearing that may have impacted the youth.
6. Contact the youth's therapist to provide information that might be relevant to the youth's treatment.