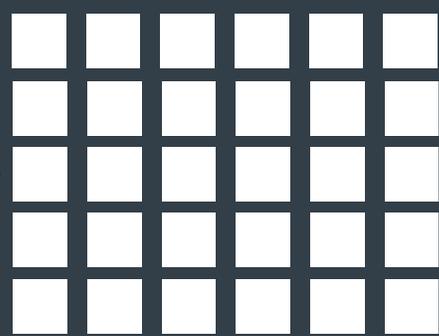


TYPS Sheet for Judges
March 2019

As judges, you play a critical role in shaping the lives of youth. A theme for nearly all participants in our study was that they felt their voices were not heard during their time in foster care. Given the influence you have over a youth's case, you can take concrete steps to welcome youth voice into your courtroom and hold other parties accountable for educating and engaging youth.

In 2017, we interviewed **30 young adults** formerly in Texas foster care for the **Texas Youth Permanency Study (TYPS)**.



Many youth in our study shared experiences about attending court, as well as reflections on the quality of their relationships with Court Appointed Special Advocates (CASAs), attorneys ad litem, and judges.

Recommendations from the TYPS Research Team:

Youth can provide useful information to help you make the best decisions possible during court proceedings and lessen further hardship for youth in care. Based on our discussions with youth, we have provided 3 recommendations to help you engage successfully with youth in the courtroom.

- 1** Facilitate relationship building between youth and their legal representation.
- 2** Allow youth to take ownership of their court case.
- 3** Inform youth about substantial changes in their court case.



1

Facilitate relationship building between youth and their legal representation.

- Recognize how the quality of the youth's relationships with their legal team can affect the information they share.
- Ensure attorneys are genuinely familiar with their clients.
- Support CASA efforts and visitations between CASAs and youth.

As a judge, you wield an enormous amount of influence over the lives of youth in foster care. Understandably, the information you receive from other parties involved in the case (such as the CASA worker, attorney ad litem, and CPS caseworker) are critical to shaping the decisions you make. However, the quality of the relationships youth have with these parties may affect the accuracy and validity of the information you receive. Youth who have strong and positive relationships with their CPS caseworker, CASA worker, or attorney, will feel comfortable in communicating openly and honestly about their needs and how they envision their future— all of which are imperative for making the best decisions possible in court. On the other hand, youth who do not have positive relationships with these parties will be less likely to express their input, which will complicate the effectiveness of service planning.

There are various ways you can assess the quality of these relationships during court proceedings. Asking about visitation frequency and testing what the individual knows about the youth, their interests, and their needs are both viable strategies to ensure that these individuals are genuinely familiar with the youth. A common theme shared by many young people in our study was that they did not know, visit, or communicate with their attorneys. These participants claimed that not being familiar with their attorney led to frustrating experiences and prevented them from voicing their concerns to the court. The quality of information obtained by attorneys will be influenced by the quality of relationships they have with their clients. Attorneys in particular may be motivated to take a more active role in a youth's case if they recognize that judges like you are closely monitoring their level of engagement with their client.

CASAs can also have an enormous impact on youth, in and out of court. Although not all participants reported having a CASA, many who did claimed that their CASA was an important person in their life, and that they could rely on them for advice even after leaving foster care. In order for these relationships to benefit young people, it is important that CASA visit the youth regularly to build the rapport necessary for a strong relationship. We encourage you to monitor the relationship a youth has with CASAs to ensure that the worker's engagement goes beyond the courtroom.

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Well, the relationship with my attorney was freaking awesome. She was a great attorney, and she helped me out a lot. She tried to get everything done that me and my sister wanted done.

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I remember going to court one time to try to be released, but there was some attorney or some lady who kept talking to the judge about me, and she was saying all these really great things about me, but I don't know who she was.

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I had two CASA workers. The first one – I really didn't really have a relationship with her because she was really only my CASA worker for a few months. But then I got a new CASA and he's been my CASA worker since I aged out. And I still keep in contact with him. He talks to me- 'How you've been?' He helps me out. Like, I was looking for a job and everything. He would help me out in looking for one. Or he would call me and be like 'Oh, these guys are hiring.'

2

Allow youth to take ownership of their court case.

- Understand how youth are affected by a lack of knowledge about their case.
- Offer opportunities for young people to make decisions, and negotiate when fulfilling requests may not be possible.
- Make sure youth receive adequate notice to participate in court hearings.

Youth in our study overwhelmingly wanted to be more engaged in their court case. We strongly encourage you to invite young people to participate in their court hearings, whenever possible. We recognize that transportation may be an issue, but other methods such as teleconferencing can be a viable option to ensure youth have some presence and ownership during their hearings. Leaving youth unaware of what is going on in their case can be harmful to their wellbeing. Youth are already dealing with trauma and the challenges associated with living in foster care. They need allies like you who can elevate their voice and incorporate it into court proceedings.

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I never once remember going to court or anything like that. I didn't have a CASA. I had no idea of what our situation was, like what was going on with our mom. Like, we were basically just left in the dark. We were in the system and just didn't know what was going on, why it was going on and, yeah, it was kind of scary actually now that you think about it. You're just taken away and nobody tells you anything.

Some participants had excellent experiences in court. These young people claimed that their lives were improved due to their judge offering them opportunities to share what they wanted in their life and how they envisioned their future. We recognize that not all requests made by youth can be fulfilled. However, there is an opportunity to negotiate with youth in an effort improve their stay in foster care. We encourage you to seek youth's input on what can be done to meet their needs. If it is unachievable, then offer alternatives in an effort to meet them halfway.

In order for these recommendations to be incorporated into your courtroom, youth must first be aware of court hearings. Our study revealed that youth were often unaware of court hearings, given mixed messages by their CPS caseworkers, or not provided notice at all. We understand that CPS caseworkers have a challenging job and that they may not be able to provide transportation, but not providing notice is likely to result in youth



experiencing greater frustration with life in foster care. While the choice to participate in court is up to the youth and the judge, youth should at least be aware of what is happening before the hearing occurs.

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But then later I found out whenever my lawyer calls me and tells me that why didn't I show up [to court]. And I'm like well, she told me that they weren't having [a court hearing], so I didn't need to go. And there was some of them where my lawyer wanted me to go, but my caseworker wouldn't let me. But my lawyer, she's real busy, and so I have to call like two weeks ahead before I could even talk to her.

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3

Inform youth about substantial changes in their court case.

- Ensure that attorneys and caseworkers educate youth on how their case is progressing.
- Spend extra time explaining what happens during critical junctures like termination of parental rights, adoption, or emancipation.
- Recognize that youth may be overwhelmed with negative emotions that could affect their behavior if not fully engaged.

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The biggest thing that I remember is that I overheard my foster parents talking one day in the van and they mentioned that my dad's parental rights were terminated, and I was very upset—not because his rights were terminated. I had to look up that word later on to figure out what that meant, but I was just upset because I found out that that was a huge deal and nobody—not even my caseworker—discussed that with me. I had to overhear my foster parents discussing it, and you know, again, this is my life that we are talking about, and even though I had that attorney that I saw twice in four years and that CASA worker one time, I mean nobody had ever mentioned that. So, I remember being very mad and disappointed.

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Youth in foster care must be educated about major changes in their case. In our study, participants shared examples of times where they were not told about important developments in their case. Participants detailed how placement changes, services, and other important decisions were made without their knowledge. They were often surprised with the changes, leaving them unprepared and resentful that they were not aware of what was going on.



Termination of parental rights is a particularly important time in the court process. While younger children may not fully understand what happens in this process, older youth in care do have some understanding, albeit incomplete. We encourage you to promote careful and considerate messaging to youth about what termination of parental rights means, how it will affect the case, and what changes should be expected after termination. Termination of parental rights can be a stressful time for youth in foster care. In fact, child welfare research has found that this moment is associated with a high risk of running away from care. Youth who are set to be adopted, reunified, or age out should also have explanations provided to them about what the future may look like and what resources they can access.

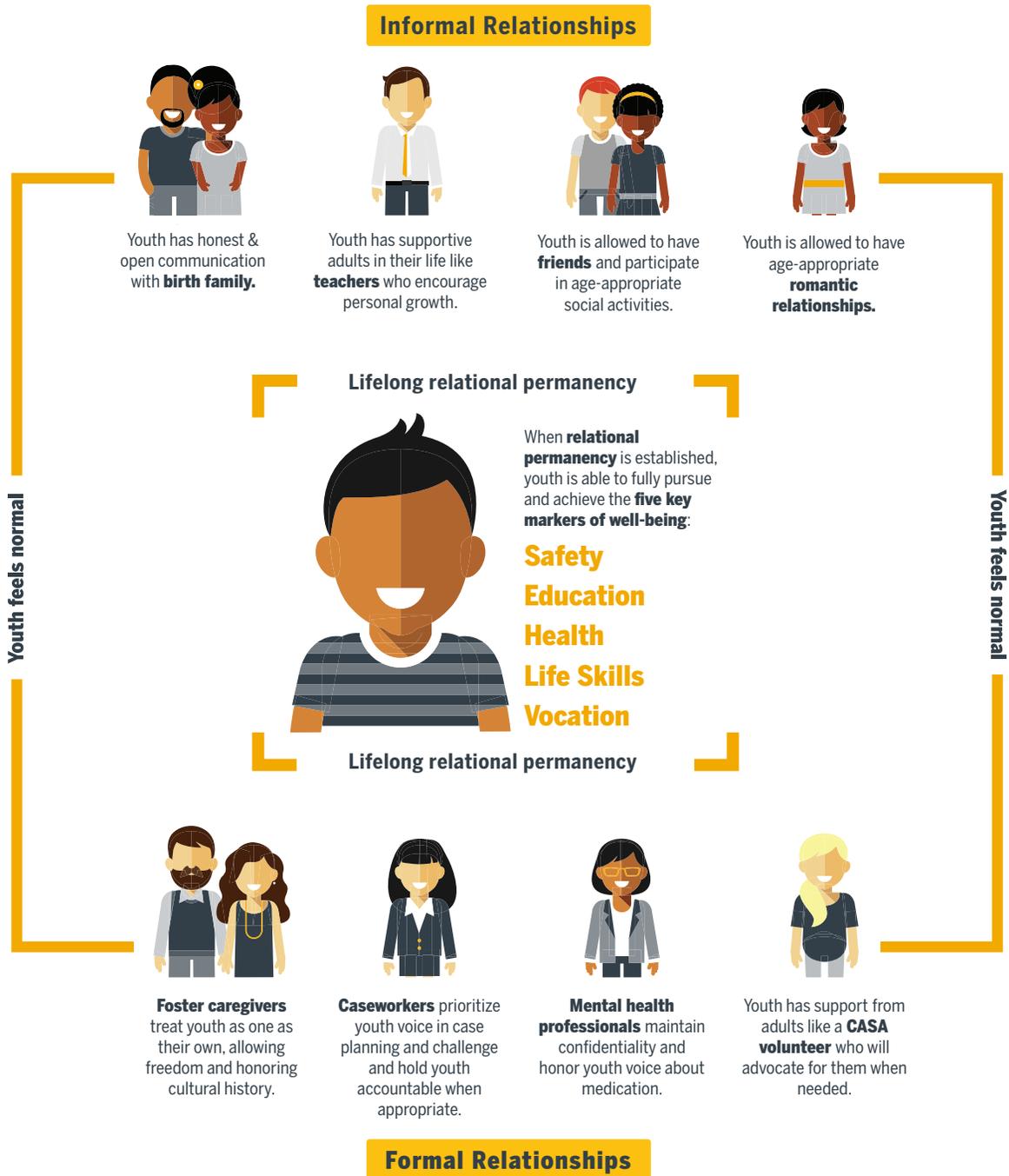
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I did [want to go to court]. I at least wanted the chance to see somebody, like my mom. She was in jail, but I didn't even get to see her. I wanted to tell a judge, 'Can I please talk to my family?' Most of the time, they wouldn't let me go to court dates. They said, if I went, it would 'set me off.' And I told them, 'Well, I'm really gonna have an episode if you don't let me go.' But they didn't listen, so I'm having an episode; a worse one, I guess.

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Authentic Relationships Matter Most

Based on the 2017 TYPS pilot study, we believe through **informal** and **formal** relationships youth can begin to feel normal which creates **relational permanency**.



About TYPS

The Texas Youth Permanency Study builds evidence to better understand the realities of former foster youth entering young adulthood. In doing so, we are finding new ways of understanding permanency that will create foundations for youth to thrive in young adulthood regardless of how they leave foster care. In our pilot study, we interviewed 30 former foster youth in 2017 and released the pilot study report in March 2018. The purpose of this pilot study was to: 1) gather preliminary information around our conceptualizations of legal, relational and physical permanence; and 2) test our survey and interview protocols. This study was approved by the Institutional Review Board, The University of Texas at Austin (protocol #2016-10-0140). Sponsored by the Reissa Foundation and The Simmons Foundation.