



Introduction to this Document:

Colorado Chief Justice Directive (CJD) 04-06 governs court appointments through the Office of the Child's Representative (OCR). Subsection (V)(d)(1) of that CJD states, "When ascertaining the child's position regarding issues before the court, the GAL shall endeavor to maximize the child's involvement in court proceedings, when consistent with the child's best interests, by discussing the court process, ascertaining whether the child wishes to appear in court, and identifying and advocating for the elimination of barriers to the child's attendance at court. The GAL should conduct a post-hearing follow up with the child regarding the outcome of the hearing and, if applicable, the child's experience at the hearing."

Similarly, one of the three goals identified in the 2017-2020 OCR Performance Plan is to "[p]rovide children a voice in the Colorado legal system through effective attorney services and advocacy" through means such as "[e]nsur[ing] children's voice & interests are paramount in the development of policy, law, & practice."

OCR's Engaging and Empowering Youth (E&EY) project assists GAL efforts to meet the above CJD requirements and furthers the above Performance Plan goals. Through E&EY, OCR has made the many efforts outlined on slide 21. One of those efforts is trainings. **This document is a PowerPoint used in OCR trainings of new GALs. It provides an excellent summary of some of the who, what, where, when, and why of engaging and empowering youth.**



This document provides a summary of some of the who, what, where, when, and why of engaging and empowering youth.



OCR's E&EY project assists GAL efforts to meet the below CJD requirements and furthers the below Performance Plan goals.

- CJD 04-06 (V)(d)(1): "When ascertaining the child's position regarding issues before the court, the GAL shall endeavor to maximize the child's involvement in court proceedings, when consistent with the child's best interests, by discussing the court process, ascertaining whether the child wishes to appear in court, and identifying and advocating for the elimination of barriers to the child's attendance at court."
- 2017-20 OCR Performance Plan Goal: to "[p]rovide children a voice in the Colorado legal system through effective attorney services and advocacy" through means such as "[e]nsur[ing] children's voice & interests are paramount in the development of policy, law, & practice."



Why do we engage and empower youth?





Colorado youth say...

My GAL is **really good**  
at **explaining** all the  
numbers the court  
uses.



Colorado youth say...

When representing the best interests of youth, GALs take into account **youth voice.**



Colorado youth say...

A GAL's job is to talk with youth about the **reasons why youth want what they want.**





Colorado youth say... **My GAL actually listens to me.**



Colorado youth say...

My GAL is amazing & **supportive** to me & is **vouching** for me.



Colorado youth say...

**She always treated  
me with respect and  
humanity.**



Colorado youth say...

**My GAL helped stick up for me & helped me get where I am now.**



Colorado youth say... **My GAL stayed with me for the long term.**



## 2. E&Y benefits courts and other decision-makers.

Youth participation creates greater:

- A greater **breadth and depth** of information;
- Greater **transparency and accountability**; and
- Improved **quality of decisions**, as decision-makers learn more about the youth and have a better understanding of what the youth needs/wants and why.

Youth involvement can put a face to the case for decision-makers – can convert a case from a fact pattern to a real family/child.



### 3. E&EY is required by federal law.

- Child and Family Services Improvement Act requires procedural safeguards to assure that in **permanency hearing** (including any hearing regarding the transition of a child from foster care to successful adulthood), the court or administrative body conducting the hearing **consults with the child in an age appropriate manner regarding the proposed permanency/transition plan.**
- Preventing Sex Trafficking and Strengthening Families Act requires courts to **ask children with OPPLA permanency goals about their desired permanency outcome.**
- Fostering Connections to Success and Increasing Adoptions Act requires **the youth**, the youth's caseworker, and other **representatives of the youth's choosing** to develop a **transition plan** at least 90 days prior to the youth's 18<sup>th</sup> birthday (or the age required by the state for aging of care). **Housing, education, employment, mentoring, and included support services must be included in the plan.**



#### 4. E&EY is required by state law.

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Youth rights include:

- Having **persons they wish present** at their hearings. § 19-1-106(2).
- Receiving **notice** of hearings. 19-3-502(7).
- **Being consulted with by the court in an age-appropriate manner** regarding their permanency plan. § 19-3-702(3.7).

See Youth in Court and Children's Rights Fact Sheets of the GRID for additional information.







## 5. E&EY is required by Chief Justice Directive 04-06.

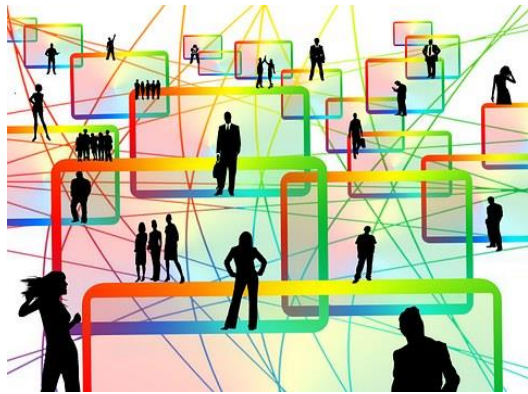
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A determination of a child's best interests must include **consultation with the child in a developmentally appropriate manner and consideration of the child's position regarding the disposition of the matter before the court.** (V)(B).

When ascertaining the child's position regarding issues before the court, the GAL shall endeavor to **maximize the child's involvement in the court proceedings, when consistent with the child's best interests,** by:

- discussing the **court process,**
- ascertaining **whether the child wishes to appear in court, &**
- **identifying and advocating for the elimination of barriers** to the child's attendance at court.

Commentary to (V)(D)(1) .



## 6. E&EY is recommended by national organizations.

- The National Council of Juvenile and Family Court Judges (NCJFCJ)'s policy is that children of all ages should be present in court and attend each hearing, mediation, pre-trial conference, & settlement conference unless the judge decides it is not safe or appropriate.
- The American Bar Association (ABA) has a model act outlining children's rights to notice & to attend & participate in all hearings related to their case.
- The National Association of Counsel for Children (NACC)'s standards for representing children in D&N cases indicate that in most circumstances, children should attend significant hearings.



7. E&EY is a part of GAL evaluations.

- Reference interviews.
- Court observations: child/youth present, GAL addressed efforts made to get child/youth to attend court, child/youth given a chance to address the court, & GAL stated child/youth's position.



How can we engage and empower youth?

# ENGAGING YOUTH EMPOWERING



Colorado Office of the  
Child's Representative

## 1. Some OCR Efforts

- a. Youth center on OCR website
- b. Youth in court report
- c. Trainings
- d. GRID – Children in Court and Children in Court fact sheets
- e. Litigation Toolkit resource page
- f. Bill of Rights for Children with Dependency and Neglect Cases
- g. Bill of Rights for Siblings Living in Foster Care
- h. List of Services for Children Living in Foster Care
- i. Youth focus groups
- j. Youth surveys

## 2. Some Contractor Efforts



- a. Fidget spinner business cards
- b. Children's books
- c. *What Happens to Me Now?*

### 3. WHAT ARE YOUR E&EY IDEAS AND PLANS?



Some ideas:

1. Tour of placement/facility – ask youth where they eat, sleep, go to school, etc.
2. Buy youth food. Youth frequently mentioned food during focus groups. OCR Billing Policies and Procedures page 12 authorizes actual costs of meals for children/youth whose vest interests you represent up to \$10.

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## E&EY Resources

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- Children in Court Fact Sheet in the GRID.
- Children's Rights Fact Sheet in the GRID.
- E&EY Resource page on the Litigation Toolkit.
- Staff Attorney Liaisons.

