



# Youth in Court: In Their Own Words

**Comm'r Anton Jamieson**

Dane County Circuit Court

Madison

## Wisconsin Statutory Requirement

§ 48.299(3) – “If the court finds that it is in the best interest of the child, and if the child’s counsel or guardian ad litem consents, the child may be temporarily excluded by the court from a hearing on a petition alleging that the child is in need of protection or services. If the court finds that the child under 7 years of age is too young to comprehend the hearing, and that it is in the best interest of the child, the child may be excluded from the entire hearing.”

## Benefits of Children Attending Court

- Infant or Toddler
  - ▶ The judge can see how the young child interacts with parent/caregiver
  - ▶ Parent and child have an opportunity to visit together if the child is placed outside the home
- Child
  - ▶ The judge can observe the strength of the relationship between the parent and child
  - ▶ The judge can emphasize how quickly the child is growing up and how important the parent's behavioral changes are for the child to be returned home or obtain permanency
- Youth
  - ▶ Helps youth feel their opinions matters
  - ▶ Lets youth know what is going to happen to them

## Research

- Children who attended their court hearings were more likely to report they trusted the judge to do what was best for them than children who did not attend their hearings
  - ▶ They also felt that the judge knew enough to make the right decisions
  - ▶ The children who did not attend their court hearings were not as convinced the judge knew enough information about their case

Weisz, V., Wingrove, T., Beal, S., Faith-Slaker, A. (2011). Children's participation in foster care hearings. *Child Abuse & Neglect*, 35(4), 267-272.
- New Jersey study of youth who attended court:
  - ▶ 64% of the time children and youth clarified their needs/wishes
  - ▶ 31% of the time children/youth provided new information to the parties

## Video Information

- The young adults featured in the video were involved in the child welfare system in Wisconsin
- The video was unscripted
- They were told to describe their experiences in court
- They were also asked what they would want to tell judges about youth participation at court hearings

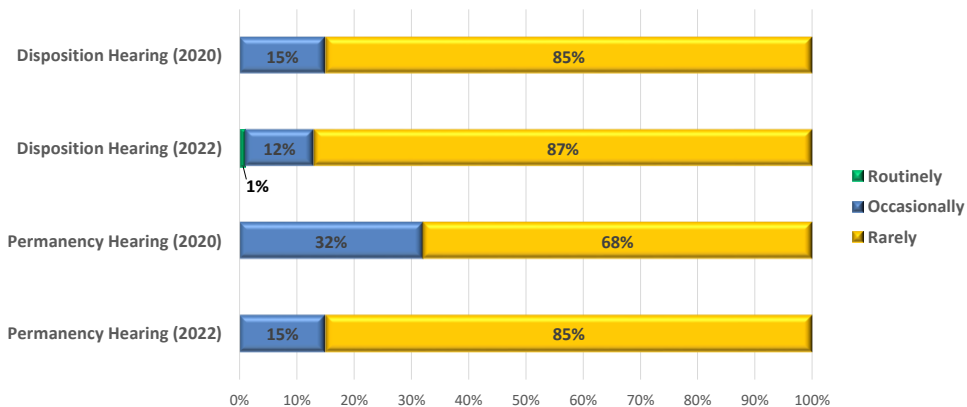
Video link:

<mms://sc-media.wicourts.gov/sc-media/youth.wmv>

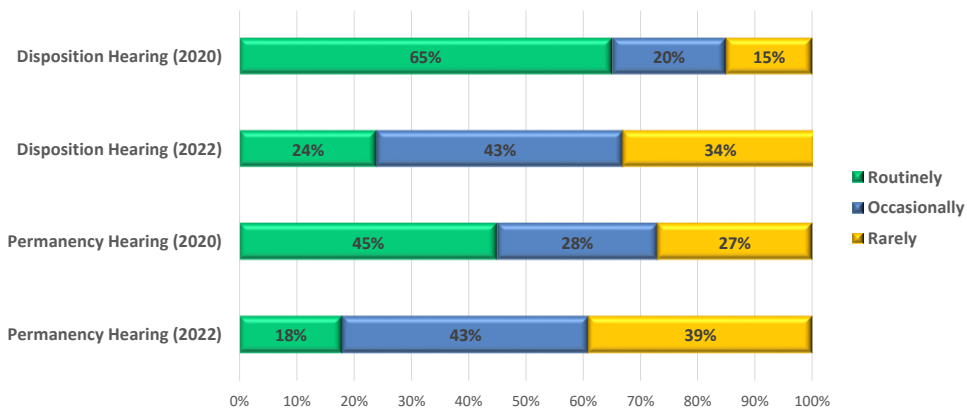
# Practice in Wisconsin

- Juvenile Court Practice Survey (December 2022)
  - ▶ Survey sent to juvenile clerks across the state regarding juvenile court practices
  - ▶ Received responses from 70 counties

## How frequently do children (under 12 years old) appear in court in CHIPS cases?



## How frequently do children (12 years or older) appear in court in CHIPS cases?



## Judicial Bench Cards for Engaging Children in the Courtroom

- The American Bar Association developed Judicial Bench Cards to Engage Children in the Courtroom.
  - ▶ 0-1 years old
  - ▶ Toddlers (1-3 years old) and Preschoolers (3-5 years old)
  - ▶ School-age children (5-11 years old)
  - ▶ Adolescents (12-15 years old)
  - ▶ Older Adolescents (16+ years old)
- <https://www.ncjfcj.org/bench-cards/engaging-youth-in-the-courtroom/>
- See online materials

## Discussion

- Thoughts regarding video?
- When should children attend court in CHIPS cases?
- Anyone have policies or best practices related to children attending court?