

DISSERTATION

YOUTH ATTENDANCE AT DEPENDENCY COURT PROCEEDINGS: A MIXED
METHODS STUDY OF JUDICIAL OFFICERS AND YOUTH

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ABSTRACT

YOUTH ATTENDANCE AT DEPENDENCY COURT PROCEEDINGS: A MIXED METHODS STUDY OF JUDICIAL OFFICERS AND YOUTH

Children who have experienced abuse or neglect enter into the complex child welfare and legal systems. The court determines the needs and the consequences to the family members involved as well as the best interest of the child including, at times, where the child will reside. Dependency court is a complex process that involves many hearings as well as multiple child welfare professionals serving in differing roles. In all of this, there are very few legal protections for children or youth throughout the child welfare and judicial processes. Federal law was passed to support youth opportunity to be consulted with, in an age appropriate manner, regarding in permanency and transition hearings. (42 U.S.C. 675(5)(C)).

Currently, there are not consistent practices between dependency court judicial officers pertaining to youth participation in court proceedings. In addition to differing opportunities for youth to access due process participation, challenges to youth inclusion exist because of logistical barriers as well as concerns of the best interest of the youth. The purpose of this convergent mixed methods study was to both explore youth perceptions and experiences through individual survey and focus group discussion as well as, to gather in-depth interview information from dependency court judicial officers. The qualitative findings obtained from judicial officer interviews described judicial officer perspectives and considerations about youth participation at hearings.

The convergent study design supported compiling of feedback from two distinct groups to better understand and describe issues related to youth attendance at dependency court as well as obtain recommendations for future court practices. Both youth and judicial officers identified important benefits to youth inclusion in court proceedings. Both groups indicated that youth should be provided options for the manner that they would choose to participate in the court hearing and that the youth's wishes should guide how the youth make their opinions known to the court. Additionally, both youth and judicial officers recognized that youth inclusion in court proceedings has the potential to empower youth and to inform the court when implemented thoughtfully. However, if not implemented with care, some youth risk being further harmed through inclusion in court proceedings. Judicial officers identified the need for leadership and collaborative planning with child welfare professionals to advance practice changes that expand opportunities for youth participation at dependency court hearings

TABLE OF CONTENTS

ABSTRACT.....	ii
LIST OF TABLES	vii
LIST OF FIGURES	ix
DEFINITION OF TERMS.....	x
1. CHAPTER 1.1- INTRODUCTION.....	1
1.2 BACKGROUND	2
1.3 CURRENT CONTEXT	4
1.4 GAPS AND NEEDS.....	11
1.5 STATEMENT OF RESEARCH PROBLEM.....	16
1.6 RESEARCH QUESTIONS	18
1.7 DESIGN APPROACH.....	19
1.8 LIMITATIONS AND DELIMITATIONS	21
1.9 RESEARCHER PERSPECTIVE	26
2. CHAPTER 2- LITERATURE REVIEW	31
2.1 INTRODUCTION	31
2.2 BACKGROUND	31
2.3 SCOPE OF THE PROBLEM	32
2.4 INFLUENTIAL PERSPECTIVES SYNTHESIS.....	38
2.5 DEFINING CRITICAL VARIABLES FROM THE LITERATURE	44
2.6 IMPLICATIONS OF AVAILABLE RESEARCH	48
2.7 GAPS IN RESEARCH	52
2.8 THEORIES	54
2.9 RESEARCH QUESTIONS	60
2.10 SUMMARY	61
3. CHAPTER 3- METHODOLOGY	63
3.1 PURPOSE.....	63
3.2 STUDY DESIGN.....	64
3.3 METHODS FOR DATA ANALYSIS.....	66
3.4 RESEARCH QUESTIONS	69
3.5 METHODOLOGY	71
3.6 CONVERGENT ANALYSIS.....	81
3.7 SUMMARY	85
4. CHAPTER 4- FINDINGS	86
4.1 KEY VARIABLES.....	87
4.2 STUDY FINDINGS.....	90
4.3 SAMPLE CHARACTERISTICS	90
4.4 FINDINGS BY RESEARCH QUESTIONS	93
1. WHAT ARE THE EXPERIENCES OF YOUTH ATTENDANCE AT DEPENDENCY COURT HEARINGS?	93
2.1 WHAT FACTORS INFLUENCE YOUTH PERSPECTIVES ABOUT ATTENDANCE AT DEPENDENCY COURT HEARINGS?.....	103

2.2 HOW DO YOUTH PREFER TO COMMUNICATE ABOUT THE GAL REPRESENTATION?	108
2.3 WHAT ARE YOUTH RECOMMENDATIONS FOR ENHANCING OPPORTUNITIES FOR YOUTH ATTENDANCE AT DEPENDENCY COURT HEARINGS?	112
3.1 ARE JUDICIAL OFFICERS' FAMILIAR WITH THE ABA BENCH CARD RECOMMENDATIONS? IF SO, DO THEY PERCEIVE ANY OF THE STRATEGY RECOMMENDATIONS TO BE HELPFUL TO THEIR COURT PRACTICES?	122
3.2 THE DISTRICT PLAN USEFUL TO JUDICIAL OFFICERS IN THEIR PRACTICES WITH YOUTH PARTICIPATION IN DEPENDENCY COURT?	124
3.3 WHAT, IF ANY, MODIFICATIONS HAVE JUDICIAL OFFICERS MADE TO INCREASE YOUTH ATTENDANCE AT DEPENDENCY COURT PROCEEDINGS?	125
3.4 WHAT FACTORS INFLUENCE JUDICIAL OFFICERS' PERCEPTIONS OF YOUTH ATTENDANCE AT DEPENDENCY COURT HEARINGS?	133
4.WHAT ARE PARTICIPANTS' RECOMMENDATIONS RELATED TO YOUTH PARTICIPATION IN DEPENDENCY COURT? JUDGES? YOUTH? WHAT ARE THE PRIMARY DIFFERENCES AND SIMILARITIES?	138
4.5 STRAND ONE: YOUTH STUDY LIMITATIONS	146
4.4 STRAND TWO: LIMITATIONS.....	148
4.6 SUMMARY	150
5. CHAPTER 5- DISCUSSION	153
5.1 PURPOSE.....	154
5.2 DESIGN APPROACH.....	155
5.3 FINDINGS.....	155
5.3.1 DIFFERENCES IN FINDINGS	157
5.3.2 SHARED FINDINGS.....	158
5.4 LITERATURE SUPPORTING FINDINGS.....	161
5.5 RESEARCH FINDINGS AND THEORIES	165
5.6 LIMITATIONS	169
5.7 SOCIAL WORK POLICY RECOMMENDATIONS.....	172
5.8 SOCIAL WORK PRACTICE RECOMMENDATIONS.....	176
5.9 IMPLICATIONS FOR FUTURE RESEARCH	179
5.10 SUMMARY	181
5.11 REFERENCES	183
6. APPENDIX.....	189
6.1 APPENDIX A. INDEX OF HEARINGS	189
6.2 APPENDIX B. STRAND ONE YOUTH SURVEY.....	191
6.3 APPENDIX C. STRAND TWO JUDICIAL OFFICER INTERVIEW SCHEDULE	198
6.4 APPENDIX D. RESEARCH QUESTION TABLE.....	201

LIST OF TABLES

TABLE 3.1- YOUTH DEPENDENT VARIABLES	74
TABLE 3.2- ANALYSIS BY RESEARCH QUESTION	83
TABLE 3.3- CONVERGENT ANALYSIS	84
TABLE 4.1- YOUTH INDEPENDENT VARIABLES	91
TABLE 4.2- YOUTH GEOGRAPHIC DISTRIBUTION.....	92
TABLE 4.3- YOUTH DEMOGRAPHICS	92
TABLE 4.4- JUDICIAL OFFICERS' DEMOGRAPHICS.....	94
TABLE 4.5- YOUTH MAKING WISHES KNOWN.....	94
TABLE 4.6- YOUTH NOTIFICATION OF HEARINGS.....	95
TABLE 4.7- YOUTH PREPARATION FOR COURT	95
TABLE 4.8- YOUTH PERCEPTION OF BENEFITS.....	96
TABLE 4.9- YOUTH PERCEPTION OF COURT AS WELCOMING	97
TABLE 4.10- JUDICIAL OFFICER PERCEPTIONS OF YOUTH ATTENDANCE	99
TABLE 4.11- JUDICIAL OFFICER PERCEPTION OF COURT AS WELCOMING.....	100
TABLE 4.12- JUDICIAL OFFICER MODIFICATIONS SCALE.....	100
TABLE 4.13- MERGED BENEFITS TO YOUTH ATTENDANCE.....	102
TABLE 4.14- YOUTH BARRIERS TO ATTENDANCE.....	103
TABLE 4.15- RESEARCH QUESTION 2.1. FACTORS INFLUENCING YOUTH PERCEPTIONS OF ATTENDANCE	104
TABLE 4.16- RESEARCH QUESTION 2.2. FACTORS INFLUENCING YOUTH PERCEPTIONS OF ATTENDANCE	109
TABLE 4.17- RESEARCH QUESTION 2.3. YOUTH RECOMMENDATIONS FOR ENHANCING ATTENDANCE	112
TABLE 4.18- YOUTH RECOMMENDATIONS FOR JUDICIAL OFFICER ENGAGEMENT.....	113
TABLE 4.19- YOUTH RECOMMENDATIONS FOR ACCOMODATIONS.....	119
TABLE 4.20- YOUTH RECOMMENDATIONS FOR PROMOTING COMPREHENSION.....	121
TABLE 4.21- RESEARCH QUESTION 3.1. JUDICIAL OFFICER ENGAGEMENT STRATEGIES AND TOOLS	122
TABLE 4.22- RESEARCH QUESSTION 3.2. JUDICIAL OFFICER USEFULLNESS OF DISTRICT PLAN.....	124
TABLE 4.23- RESEARCH QUESTION 3.3. JUDICIAL OFFICER MODIFICATIONS	126
TABLE 4.24- JUDICIAL OFFICER MODIFICATION EFFORTS	131
TABLE 4.25- RESEARCH QUESTION 3.4. FACTORS INFLUENCING JUDICIAL OFFICER PERCEPTIONS.....	133
TABLE 4.26- RESEARCH QUESTION 3.4. JUDICIAL OFFICER BENEFITS TO YOUTH ATTENDANCE	136
TABLE 4.27- RESEARCH QUESTION 4. JUDICIAL OFFICER RECOMMENDATIONS.....	140

TABLE 4.28- MERGED YOUTH AND JUDICIAL OFFICER RECOMMENDATIONS.....	143
TABLE 5.1- OVERARCHING CONVERGENT THEMES	159
TABLE 5.2- SOCIAL WORK POLICY CONSIDERATION.....	173

LIST OF FIGURES

FIGURE 3.1- CONVERGENT PARALLEL DESIGN AND ANALYSIS	70
FIGURE 5.1- YOUTH AND JUDICIAL OFFICER THEMES.....	156
FIGURE 5.2- YOUTH AND JUDICIAL OFFICER RECOOMENDATIONS.....	158
FIGURE 5.3- BENEFITS TO YOUTH PARTICIPATION	160
FIGURE 5.4- BLENDED BARRIERS TO YOUTH ATTENDANCE AT COURT	161

DEFINITION OF TERMS

ABA Bench Cards: Technical assistance tools for judicial officers that provide strategies for engaging youth in court including: communications, observations, the court room environment, and documentation broken out by developmental age. The Bench Cards were developed by the American Bar Association in consultation with a child psychologist upon best practice research (www.americanbar.org. 2008).

Best Interest of the Child: The GAL does not work in the traditional attorney-client role where an attorney advocates on behalf of the client's expressed wishes; rather, the GAL must advocate on behalf of the child's health, safety, and well-being.

Dependency Court (D&N): A dependency court hears cases of dependency and neglect (D&N) in each judicial district. A D&N case is a civil action brought by a county department of human/social services (Department) and concerns whether a child is abused and/or neglected (www.coloradochildrep.org, Retrieved 3/30/15).

Dependent or Neglected Child: parent or guardian abandons, mistreats or abuses the child; parent or guardian allows another person to mistreat or abuse the child or does not take steps to stop the abuse or prevent it from happening; the child lacks proper care through the actions or inactions of the guardian; the child's environment is not safe; the guardian does not provide the child with necessary educational or medical care; the child is homeless or without care through no fault of the guardian; or the child runs from home or is beyond the control of the guardian.

GAL: Guardian ad Litem is the lawyer who legally represents the child's best interests. The GAL is responsible for investigating the allegations presented in the case, interviewing all

professionals working with the child and family, and making a recommendation to the court regarding the child's best interests. The GAL's advocacy is independent from all other parties to the action and the GAL's sole allegiance is to the child's best interests. The GAL's advocacy is governed by the child's interests and needs (www.coloradochildrep.org, Retrieved 3/30/15). The Court must appoint a guardian ad litem (GAL) to represent the best interests of the child throughout the proceedings. The OCR has oversight responsibilities for the GAL.

Judge/Magistrate: individual in charge of the case. The judge or magistrate oversees the court proceedings and makes determinations on behalf of the child which may include requiring evaluations or treatment, removal from home, or even termination of parental rights. The judge/magistrate ensures all parties do their job in the case (www.courts.state.co.us. Retrieved on 5/8/15) and makes final determinations over your case.

Model Courts: NCJFCJ (National Council of Juvenile and Family Court Judges) provides funding through OJJDP (Office of Juvenile Justice Delinquency Prevention), technical assistance and support to encourage collaborative strategies for improving outcomes for dependency court in local jurisdictions. Model Courts utilize best practices guides and collaborative approaches to improving outcomes such as timeliness and permanency goals (<http://www.ncjfcj.org/our-work/model-courts>)

Office of Child Representative (OCR): The state agency charged with providing competent and effective best interests legal representation to children involved in the Colorado court system (www.coloradochildrep.org. Retrieved 3/30/15)

Presumed Inclusion: The presumption that the youth will be allowed to attend court. This is the standard set forth, that all youth should be in attendance at all or part of transition and permanency hearings, or there should be an explanation of why the youth is not present.

Youth Attendance: The youth is present for all or a portion of the hearing or the youth meets with the judicial officer in chambers prior to the hearing. Attendance at a hearing may or may not result in a youth being actively engaged to participate in the court hearing.

Youth Participation: The youth chooses the means in which he/she participates in the court hearing. Participation encompasses notification of the hearing, opportunities to understand the hearing content, and being provided an avenue to have one's wishes heard. Youth participation may vary by youth and by judicial district to include the approach that the youth wishes to be heard by the court and all relevant parties. Examples of youth participation may include attendance in all or part of a hearing, the youth meeting with the judicial officer in chambers, a letter to the court, or representation of one's desires by an identified child welfare professional.

CHAPTER 1

INTRODUCTION

Every day in the United States, there are estimated 500,000 children in foster care (Casey Family Programs, 2009). While the child welfare and family court systems have been established to protect children from further harm, they, all too often, fail to include youth in the critical decisions affecting their lives. Decisions made in dependency court have lifelong implications for children and families. “No child or family should face the partial or permanent severance of familial ties without a fully informed voice in the legal process” (Pew Charitable Trust, 2003, p. 4).

The court’s role in handling cases of child maltreatment has focused on the needs of the family members and the consequences of offending caregivers. While the court has held the power to determine removal from home, placement into foster care, and even, termination of parental rights, the role of the child, as a victim in the case, had been virtually ignored until very recently. The law seeks to avoid breaking up a family whenever it is deemed safe and practical. Dependency and Neglect (D&N) hearings are legal proceedings for the adjudication of child abuse and/or neglect or abandonment of a child that are, in most states, conducted in a specialty court known as Dependency Court.

While there is not one consensual definition of child abuse and neglect, there are general agreements and federal laws that provide a framework for state specific legislation. Child welfare case workers and judicial officers (magistrates and judges) serve complementary roles in the assessment of allegations and risks presented by the child welfare worker and the determination of the plan for resolving the risk and rendering decisions by the judicial officer. Dependency

court involves a complex process of hearings with legislated timeframes for actions to be completed. The adoption of the Child and Family Services Improvement Act of 2006 (42 U.S.C. 675(5)(C)), was legislation enacted that offered tacit support to the rights of the child to be consulted with in transition and permanency planning hearings. However, the term “consult with” has a wide range of interpretations by local jurisdictions, ranging from notification by a GAL of the hearing, representation of the child’s wishes by a professional at the hearing, to required attendance at all hearings. Courts vary in their intent to insert the wishes of the child in dependency court proceedings.

This chapter introduces the policies and practices that have impacted youth participation in dependency courts in the United States. Included is relevant legislation and actions of advocate groups conducted in an effort to raise awareness of issues pertaining to youth’s roles and rights in dependency court proceedings. An analysis of differing stakeholder perspectives related to youth participation in dependency court, the varied interpretations of youth participation, and identification of gaps in the research are included. A summary of the intended research approach and the theoretical framework that supports the research design are also provided. Finally, the researcher’s background and biases will be explored to gain understanding of perspectives and experiences that influence the proposed study.

Background

Influential Legislation

The past twenty years have brought forth significant increases in reports of suspected child maltreatment, as mandatory reporting laws have become better understood and increased efforts to coordinate and streamline reporting have been implemented (Downs et al., 2009).

Child welfare practices are dynamic, with frequent changes in philosophies and mandates. In the past eight years, policies have been enacted that have influenced the participation of youth in dependency court hearings. While the policies have raised awareness, the practice of including youth in the court proceedings is uneven at best.

Congress sought to increase due process protections for youth in care through the 2006 passage of the Child and Family Services Improvement Act (CFSIA), which established a legal standard for youth participation in court proceedings. This legislation mandates that the court involve the youth in the creation and implementation of a permanency or transition plan through consultation in an age appropriate manner (42 U.S.C. 675(5)(C)). Implementation of specific interpretation of “consult with” and related policies are left up to the individual state or local jurisdiction for translation and operationalization. Some model court districts practice ‘presumed inclusion’ where it is understood that a child will attend all hearings, in part or in full, unless there are clear grounds to proceed without the youth. Other jurisdictions rarely have youth attend hearings, with the exception of the explicitly mandated transition hearings that occurs after 16 years of age. While unclear in the specific practices required by the legislation, CFSIA is a significant policy that overtly addresses youth inclusion in Dependency and Neglect (D&N) proceedings.

Guardian Ad Litem (GAL)

Four years after the passage of CFSIA, in 2010, Congress reauthorized the Child Abuse Prevention and Treatment Act (CAPTA), and at that time, set standards for states’ adherence in order to be eligible for federal funding. CAPTA addresses the role of the guardian ad litem (GAL) to ensure the best interest of the child is represented throughout the case proceedings. In Colorado, GAL’s are trained attorneys who are in a contractual relationship with the state Office

of Child Representative (OCR) to speak on behalf of the interest of children in the D&N court process. OCR ensures GAL's are appointed for all children who come under the protection and authority of the judiciary as a result of abuse or neglect. CAPTA defines the roles and duties of the GAL as, "to obtain first-hand" knowledge about each child's individual needs and circumstances, and to make recommendations to the court consistent with the child's "best interest" (<http://www.coloradochildrep.org/ocr-cases/dependency-and-neglect/>).

Advocacy groups endorsed the expansion of the Chafee legislation (Foster Care Independence Act of 1999) to improve outcomes for youth emancipating from care by providing a safety net of supports and funds. The Fostering Connections to Success and Increasing Adoptions Act of 2008 (often referred to as the Chafee Legislation), was enacted in response to the abysmal outcomes of young adults who had emancipated from foster care into a range of troubling circumstances such as homelessness and unemployment, while experiencing various health vulnerabilities (Dworsky & Courtney, 2005). Additionally, the Chafee legislation of 2008 ensured that a youth-directed transition plan was created and reviewed by the court within 90 days of a youth exiting foster care (42 U.S.C. 675(5)(H)). This legislation overtly stated the requirement for youth ages 16 and over to be included in the creation of the foster care plan, and explicitly required the plan be youth-directed. Thus, the Chafee legislation (2008) empowers youth 16 and over to engage in their future plans and services.

Current Context

The term "consults with" as the legal foundation for child participation in the dependency and neglect hearing is unclear and policy interpretations are still emerging. Thus, a clear expectation of the passing of CFSIA, the Chafee legislation, and the 2010 expansion of CAPTA

was to increase the rights and protections of children in care. Analyzed together, the three laws express a spirit of youth inclusion in the process without requiring many specific controls over local jurisdictions. Both CFSIA and CAPTA allow for local interpretation of policy. The intent seems to be an effort to continue to empower judges and magistrates to interpret laws in a manner that reflects the unique culture and values of each community

Practice

The problem of differing practice approaches to youth inclusion in dependency court proceedings has gained increasing attention since the passage of CFSIA of 2006. Even prior to the passage of this legislation, advocate groups explored the dilemma through survey research to gain insight into practices and perceptions of youth attendance at dependency court proceedings. The Pew Charitable Trust funded two national studies entitled “Home at Last” (2003). The studies, one with youth and the other with professionals, explored youth participation in court, including how often and when it might be appropriate for youth to attend their own proceedings. Findings highlighted some of the logistical barriers to increased youth inclusion in court. Additionally, findings revealed stakeholder concerns over the potential for unintended negative consequences upon the youth. The report revealed that perceptions varied widely with a common recognition that individual child and family situations impact perceptions and practices. Perceptions of youth attendance at court hearings depend largely on the child’s age, maturity and comprehension level (2003).

Best Interest

In dependency court proceedings, it is ultimately the role of the judicial officer to make a determination of the best interest of the child. In order to do this, the judicial officer must gather information from many parties including an attorney representing the interest of the accused, the

county attorney and a Guardian ad Litem (GAL) who is designated with the duty of representing the best interest of the child. The best interest of the child is often not what the child seeks for a resolution in a case. Thus, many argue that it is important for the judicial officer to be informed of both the best interest of the child and the child's wishes at a hearing.

In understanding the competing perspectives of youth participation in dependency court, it is useful to examine three complex issues: diverse definitions of youth participation in the court process, systemic burdens impacting judicial practices, and gaps in the laws that protect the due process rights of the child.

Due Process

Due process refers to the right of all parties to participate in court proceedings. A study conducted by the Pew Commission examined due process law and determined, that children are deserving of the same due process afforded their parents (Rotella & Donnelly, 2014). Advocates argue that the Dependency and Neglect (D&N) process is a life altering court action that, at the least, has disrupted a family system and may ultimately result in the permanent severing of parental rights. The stakes are high as reunification may result in the return of a child to a home that is unsafe. In contrast, a juvenile delinquency case alleges a child has committed a crime and the child is entitled to many of the same legal safeguards as an adult in the criminal system; a different standard than a child that has been a victim of maltreatment (Rotella & Donnelly, 2014).

Participation

Advocate groups argue for the position of presumed inclusion for a child in the D&N court proceedings. This is often interpreted as a child or youth in attendance at part or all of the proceeding. However, this may also be defined as the youth meeting with the judicial officer in

chambers as part of the record of the proceedings. A standard set by Colorado Office of the Child Representative (OCR) is that all youth should be in attendance at all transition and permanency hearings or there should be an explanation of why the youth is not present.

Attendance

Advocates for mandatory youth attendance at hearings argue that people who are appointed to speak for maltreated children bring their own opinions and biases, views that may sway their position and may also be inconsistent with what the child wants (Rotella & Donnelly, 2014). Thus, there is a perceived need to hold youth attendance as the gold standard of youth participation in court as a response to the all too often exclusion of youth being notified of hearings, understanding the content, or being provided an avenue for participation. Youth attendance at a hearing does not ensure the youth is actively engaged to participate in the court hearing.

Recent focus group research defined youth participation in court proceedings more broadly to include youth being informed of the proceeding, understanding the process, and choosing how his/her wishes and needs are represented (Miller-Updike, 2007). Colorado focus group research conducted with youth in foster care identified the theme that youth do wish to have a voice in court proceedings involving placement decisions. However, the manner in which youth want to have their voice heard varies (Miller-Updike, 2007).

ABA Bench Cards

The American Bar Association Center on Children and the Law created the Bare-Youth Empowerment Project to provide technical assistance to judicial officer and increase youth engagement strategies in court proceedings (American Bar Association, 2008). The Bench Cards are broken into developmental age categories (infant, toddler, school aged, pre-teen, adolescent)

and into useful strategies and considerations for the judicial officer in categories of: court room preparation, communications, observation, and documentation based on age (2008). The Bench Cards were developed, in consultation with a psychologist, as research-based principles based on child developmental stages, that judicial officer can use for engaging youth (Britton, L, by email 3/16/15). The Bench Cards have been adopted by the Colorado Office of Child Representative as standards to strive for in expanding the rights of youth through attendance at their court hearings.

Systemic Burdens

Despite policy efforts to improve and standardize child welfare practices, there are many fundamental challenges that plague the dependency court process that warrant attention. The lack of legislative clarity in the rights of a child or youth to meaningfully participate in dependency court is one of these problems. The lack of specific directives within state and across the country in outlining CFSIA, results in uneven practice approaches. Findings of a recent Colorado study on court practices of youth inclusion indicate that interpretations vary widely by judicial district and that practices are often not linked with Judicial District Court Plans (Rotella & Donnelly, 2014). Rather, judicial practices are often driven by time demands, youth's school schedules, transportation barriers, and the desire to buffer children and youth from continued hardship and harm (Rotella & Donnelly, 2014). Nonetheless, systemic barriers to greater youth participation in court proceedings are complex. For example, the court is deemed to be an intimidating setting for child welfare professionals, families and certainly youth. The lack of a youth friendly environment increases the likelihood that a youth's attendance at court may be a stressful and non-beneficial experience. In addition, current courts are overburdened and strained. Expanding the time on a docket to effectively include youth appears untenable to a system that is already experiencing time strains. Lastly, for a youth to experience benefits from

attending a court proceeding, it is necessary for the youth to understand before, during, and after the proceeding the content and process. Yet, findings indicate that youth do not comprehend the complex court proceeding, thus increasing fears about the potential detrimental impacts of content of D&N court upon the child (Pew Charitable Trust, 2003).

Implications To Social Work

Judicial leaders and child protection workers are cautioned by perceptions that a child over time does not necessarily comprehend what is in his or her best interest. The best interest of the child is of great debate. An argument made by those that oppose legislating presumed youth inclusion in court proceedings is that the child's interests are already represented by the GAL. Some report that many youths express that they do not want to attend a hearing and therefore, should not be required to do so as long as they are properly notified and provided an opportunity to express their wishes (Rotella & Donnelly, 2014). Therefore, some argue that a child or youth should individually identify their own definition of youth participation.

Similarly, concerns may exist about a child's ability to form good judgments in a complex situation filled with mixed loyalties and basic safety risks. Since the passage of the CFSIA legislation in 2006, there has been growing understanding of trauma-informed practice approaches to social work for youth and families (Children's Bureau, 2015). However, there is limited research that examines the potential negative impacts upon traumatized youth in attending court proceedings. Thus, some child advocates are cautious to avoid mandates that might prove to have detrimental impacts on individual youth. While limited, the research that has been conducted to examine the impacts of court attendance on children seems to indicate that there are often significant benefits derived from youth attendance. Court attendance appears to empower youth; an important experience following an out of control time of turmoil in the life of

the child. In a study of children's reactions to attendance at D&N hearings, Weisz et al. (2011) found that children's attendance at foster care hearings is not harmful to them especially when the judicial officer skillfully engaged the youth as an active member of the proceeding. There is a potential opportunity for empowerment when the decision makers show a willingness to listen to what youth have to say. Others argue that true empowerment allows the youth to define participation individually and the court should respond with a range of approaches to include: a letter to the court, participation by phone, meeting individually with the judicial officer in chambers and on the record, or expressing one's wishes in a timely manner to a case worker or GAL for representation. Resilience may be fostered if the youth feels like a partner in the legal process and less like she/he is being acted upon (Barnes et al., 2012).

Change Advocates

There is increasing acceptance that youth want and deserve to participate in court process that is directly impacting their lives (Jenkins, 2008). Some U.S. courts have begun to examine child attendance at D&N proceedings under the pressures and encouragement of active foster youth organizations and advocacy groups (Weisz et al., 2010). Groups such as the ABA (American Bar Association) and Pew Commission contend that it is in both the child and in the courts best interest to have children present for "significant court hearings" arguing that they have the right to meaningful participation in their cases (<http://www.americanbar.org>, 1996).

Gaps and Needs

Gaps In Research

Colorado's SB 07-226 requires that children age 12 and over be consulted with, in an age appropriate manner, regarding all placement and transitional hearings. Many logistical barriers

and child specific considerations exist that impede a simple solution to implementing this law in a consistent practice approach. Youth that experience maltreatment and enter the child welfare system are faced with complexities and challenges. A recent study conducted in Colorado examined child welfare professionals' perspectives indicated a lack of consensus among professionals (Rotella & Donnelly, 2014). Professionals agree that the judicial officer's perspective is the most influential factor pertaining to youth attendance at a court proceeding (Rotella and Donnelly, 2014). Greater research is needed to understand the perspectives of judicial officers regarding youth attendance and specific feedback pertaining to the barriers to attendance. Although best practice guidelines are set forth through the ABA Bench Cards, the recommendations must be examined in context of the reality of the identified barriers existing in daily court operations.

Youth participation was partially examined in a 2007 focus group study of youth with general results indicating that youth vary in their perceptions but agree on a desire for greater inclusion (Miller-Updike, 2007). To date, in Colorado, exploratory researchers provided youth feedback through focus groups. Elsewhere, studies examined impacts of court attendance upon youth immediately following hearings in California and in the Midwest (Block et al., 2010; Miller-Updike, 2007; Weitz et al., 2010). However, there was a gap in practical knowledge regarding youth feedback and judicial perspectives that informed youth inclusion in the court proceedings. The quantitative survey provided needed information to inform judicial officers and child welfare workers of youth perspectives and experiences.

A youth in a D&N hearing is represented by a GAL who advocates for the best interests of the youth. However, there is not currently a mechanism for the Office of the Child Representative to routinely collect youth feedback on their GAL experiences. This study elicits

youth feedback on developing a standardized approach to GAL feedback that can be gathered by OCR. The quantitative findings will be utilized by OCR to develop systematized processes for youth feedback pertaining to their GAL representation.

Furthermore, there exists a knowledge gap about the usefulness of technology between youth who are native users of electronic communications and judicial officers that are new adopters of technology communications. The sweeping influx of digital media has not only impacted the generations' cultural divide, but has also impacted the different generations' approaches to thinking and problem solving (Prensky, 2001). Attendance at a court hearing has been a standard set forth by advocates as promoting due process rights for youth while offering the judicial officer the most useful observable data about the youth. However, attendance was not consistently valued by youth or judicial officers as it has been by other stakeholders. The assumption of attendance as the most valued form of participation was examined in this study. Youth and judicial officers identified alternative means of participation in court proceedings that increased their comfort while still allowing for participation. Similarly, youth were provided a platform to propose approaches to participation in court that were not anticipated by the stakeholder groups' traditional definition of attendance at the court hearing.

This study sought to provide insight about how youth perceived their role as participants in the court proceedings. Additionally, data was gathered from youth regarding the role of the GAL as a legal representative of the child's best interests, and youth perceptions of attendance at the court hearing. The study examined factors that influence the judicial officers' ability to endorse youth attendance at the court hearing and associations between the ABA Bench Card recommendations and judicial practices. While findings were not generalizable, insights were provided regarding the recommendations and perceptions about youth participation in

dependency court. The study offered a means to communicate youth experiences and perceptions in Colorado to judicial officers and an avenue for the state's judicial officers to examine their current practices.

Knowledge Gained

Many of the proposed best practice approaches would require changes to the current dependency court system from: the judicial environment, training and skill building, court scheduling and increased practice evaluation (ABA Judicial Bench Cards, 2008; Pew Charitable Trust, 2012). Yet, the few studies that have gathered youth feedback on their perspective of inclusion in dependency court proceedings have resulted in mixed findings with some youth strongly opposed to mandatory participation, while others endorse the value of prioritizing their voice in the court proceedings. This study examined youth perspectives of participation versus attendance at court proceedings. Additionally, the survey asked youth to provide information about the role of the GAL and to propose avenues for ongoing feedback to OCR pertaining to their GAL representation. With growing value placed on youth perspective and youth-lead change in the child welfare process, there was both a need and an opportunity to gather youth recommendations for policy change.

Despite the support of national advocacy groups and access to technical assistance to encourage changes in court proceedings, many judicial districts have not implemented significant changes for youth participation in dependency court. Early adopters are judicial officers that have implemented components of the ABA Bench Card recommendations or other modifications for promoting youth attendance at court hearings. The in-depth interviews of both early adopters and traditional judicial officers provided insight into successes, concerns, and barriers to youth attendance at proceedings.

The convergent mixed methods design approach proposed allowed the researcher to gather survey research from both youth and judicial officers. The qualitative study of dependency court judicial officers provided context and understanding, while validating findings from earlier studies and the findings from the quantitative survey of the youth (Creswell, 2007). This study recognized the inherent existing relationship between the dependency court judicial officers and the youth that have experienced maltreatment. Additionally, the study sought to provide a context to empower youth to create avenues for practice feedback and potentially, for policy change, while gaining understanding into the opportunities and limitations existing for judicial officers.

Theoretical Framework

Systems theory provided a framework for the proposed research. Youth involved in dependency court interact between many complex systems including the legal, child welfare, and family systems. Systems theory describes the interconnection of the parts to the whole to gain understanding what has occurred (Jaccard & Jacoby, 2011). The court and child welfare systems are examples of interacting systems that exist with dynamic tensions and conflict to address the needs of maltreated children. Judicial officers were surveyed to gain insight into their priorities and approaches regarding youth inclusion in court practices. The quantitative study gathered youth perspective on feedback and communications both at court hearings and with OCR pertaining to GAL representation.

Human development is a high-level theory that explains individual changes and development over the lifespan and the priorities of healthy child development. Theorist Erik Erickson identified that human development occurs across the lifespan in stages that assist with identity formation. With each stage of development, new challenges are faced and, if successful,

individual competency is developed (Oswalt, 2008). Youth that have been in foster care are more likely to experience maladaptation prior to entering by Erickson's fifth developmental stage of identity vs. role confusion. Youth in care have experience traumas and disruptions that frequently impact their ability to successfully master the stages of development in early years.

Empowerment theory provides a theoretical framework for understanding issues of social inequality, and the lack of rights and differences in resource allocation in society (Radovic, 2008). Empowerment is not only a shift in resource allocation; it is also an individual process of gaining power and increasing one's sense of control. Empowerment theory provides context for prioritizing youth-centered practices in child welfare and these principles are reflected in this study. Youth that experience the child welfare systems have very little say over what happens to them. Therefore, empowerment strategies provide a framework for child welfare workers and judicial officers to encourage youth to develop a sense of confidence in their ability to make decisions about their lives (Gibson, 1993).

Studies have shown that children in foster care feel less secure about their capacity to cope with life as compared with other youth (Gibson, 1993). Children that have been placed in out of home care often present with gaps in psychosocial skill development and a need for reliable adult relationships (Downs et al., 2008). A theory that supports this skill building and buffering from the impacts of trauma is resilience theory. Resilience refers to the process of overcoming the negative impacts of being exposed to risks, while coping successfully with traumatic experiences, and avoiding potentially negative future experiences that are associated with risks (Fergus & Zimmerman, 2005).

Statement of Research Problem

Problem

Advocate groups and child welfare professionals alike understand that dependency courts play a critical role in the lives of children who enter the child welfare system (Pew Charitable Trust, 2003). Yet, children and youth are often absent from the complex court proceedings that can have lifelong impacts upon them. Children in foster care have experienced generations of discrimination as a group, and individually have survived experiences of abuse and/or neglect and, at times, removal from home. Compounding this situation, youth have experienced disempowerment through the confusion of the child welfare and legal systems and through the influence of well-meaning adults. CFSIA, Fostering Connections/Chafee, and the 2010 CAPTA legislation seek to improve a child's status while responding to a legacy of discrimination for youth in foster care. Nevertheless, these laws seem to be cautiously balancing the desire to promote youth inclusion in court and care planning, while maintaining local autonomy in court room practices.

Intent of the Study

This study addresses youth representation and attendance at dependency court proceedings. The purpose of this convergent mixed methods survey design study was to both explore with youth perceptions through individual survey collected and in small group discussions and to gather in-depth interview information from a sub-group of dependency court judicial officers. The qualitative findings gathered from judicial officer interviews described judicial officer considerations and perspectives of youth attendance and representation at dependency court hearings. Convergent design provides an opportunity to compile feedback

from the two distinct groups and blend the analysis to better understand and describe the issues related to youth attendance and representation in dependency court.

Recent research conducted in Colorado by the Office of the Child Representative (2014) indicates that, “By far, the practice mentioned that best facilitates youth attendance in the current landscape is open, amenable, friendly judges....the judge who champions youth attendance may be an effective, essential component of meaningful participation” (Rotella & Donnelly, 2014, p. 65). Thus, this non-experimental two-part study both compiled youth perceptions and recommendations, while also allowing judges and magistrates to describe their priorities, recommendations and restrictions to greater youth attendance at court proceedings. The desired outcome of this study was to understand and describe GAL representation at dependency court proceedings, clarify practice recommendations and promote greater likelihood of youth attendance at dependency court, if indicated by the findings. It is hoped that this study provided a vehicle for youth empowerment for those that are most impacted by their experience of maltreatment and subsequent emersion into the legal system.

Research Questions

The overarching research question is followed by two sets of research questions. The strand one questions will be answered with the youth survey. These are followed by questions answered with the strand two data derived from judicial officer interviews.

1. What are the experiences of youth attendance at dependency court hearings?

2. Strand One

- 2.1 What factors influence youth perspectives about attendance at dependency court hearings?

2.2 How do youth prefer to communicate about their GAL representation?

2.3 What are youth recommendations for enhancing opportunities for youth attendance at dependency court hearings?

3. Strand Two

3.1 Is there an association between judicial officers' priorities and the ABA Bench Card recommendations?

3.2 What, if any, modifications have judicial officers made to increase youth attendance at dependency court proceedings?

3.3 What factors influence judicial officers' perceptions of youth attendance at dependency court hearings?

4. Merged: What are participants' recommendations related to youth participation in dependency court? Judges? Youth? What are the primary differences and similarities?

Design Approach

The mixed methods research study utilized a convergent design approach that allowed for two strands of data to be gathered with two separate populations concurrently but separately. Mixed methods research has been gaining popularity in the past decade as an approach that combines qualitative and quantitative elements (Creswell, 2003). Marti and Martens (2014) examine the potential of mixed methods research as a means to promote social transformation. This approach served as a framework to support research that addressed social justice issues, particularly related to the needs and to the voices of underprivileged populations. Mixed methods approaches support intersubjective dialogue; thus, this study seeks to affirm the inherent relationship between judicial officers and youth.

The convergent mixed methods design approach simultaneously collects quantitative data with youth in Strand One and qualitative data with judicial officers in Strand Two. The research finding from the quantitative surveys with youth was entered into the SPSS (Statistical Package for Social Science) software system. The qualitative surveys with judicial officers and youth focus group feedback was transcribed and coded as text into tables. Youth survey data was gathered in small group settings utilizing questions developed by the OCR for focus groups they conducted with youth in February 2015. Following completion of individual surveys, the researcher facilitated small group discussion with the youth participants. This approach supported the gap in research to gain insight in individual youth perspectives held in a peer supported setting that is aligned with the developmental tasks and needs of adolescents.

The in-depth interviews with judicial officers were conducted by phone and recorded. The survey built upon the recent findings from research conducted by OCR in 2014 and added meaning, corroboration, and depth to better explain and understand the practice of youth attendance at court hearings. The approach held a transformative goal of informing policy advocates and stakeholders about the perspectives held regarding GAL representation and youth attendance at hearings. A mixed methods approach was indicated as it supported the goal of empowering youth's voice in research by involving them throughout the investigation toward useful ends (Marti & Martens, 2014).

Purposive sampling was used to recruit 22 youth/young adult participants from urban, suburban, and rural Colorado to participate in focus group surveys. Recruitment occurred through four primary gatekeeper sites: the state youth advisory board coalition, guardian scholar sites, basic needs centers such as Matthews House (Fort Collins), Pueblo County Youth Advisory Board, The Source (Boulder), and Bridging the Gap – Mile High United Way (Denver-

Metro), as well as county department of social services Chafee workers. Sampling criteria for Strand One was youth ages 16 – 21 that participated in dependency court in Colorado since 2010. Quantitative research typically necessitates a rather large sample group. However, youth that were accessible to the study who have not participated in the OCR focus group pilot study in February, and for whom consent can be obtained, impacted the total number of study participants. Youth that had participated in dependency court proceedings in the past four years were the individuals that could appropriately respond to the research questions.

Strand Two targeted a sample of judicial officers, including a subgroup of approximately three judicial officers that were identified by OCR as early innovators in court practices that foster youth attendance at court. Additionally, the in-depth interviews included three other judicial officers that have served in a dependency court rotation in the past 24 months. In all, strand two included six judicial officer interviews. Judicial officers that represented the districts of the youth serving agencies were specially recruited for the study. The researcher attended the statewide Court Convening in April 2016 as an opportunity for participant recruitment.

Merged Results

Data analysis of Strand One focus group findings and Strand Two was conducted separately using a constant comparison approach. Constant Comparison allows for ongoing analysis within a data set and between data sets and provides for theme development and refinement throughout. Following the separate analysis of each strand, the two strands were merged and blended interpretation allowing the researcher to identify areas of convergence, comparison, and divergence between the two groups. Because the Strand One and Strand Two data was gathered from different sample populations with dissimilar experiences, caution was taken in the final analysis of the merged results. Yet, this portion of data analysis provided in-

depth of insight and understanding regarding youth representation and attendance at court hearings.

Limitations and Delimitations

Limitations

Survey research provides an opportunity to gather individual perspectives from a large number of youth. The survey researcher, however, must consider the reliability and validity of the questions that are being asked. The instrument design utilized questions developed in February 2015 by OCR staff using a semi-structured focus group approach. Attention was given to ensuring that the OCR focus group questions were effectively interpreted into a survey instrument to elicit the responses that will answer the research questions proposed. The small group setting provided the researcher opportunity to clarify terms and meanings and to conduct group discussion. However, cognitive and/or behavioral challenges experienced by youth participants, as well as a perception that a survey may feel similar to school work were potential challenges to participant survey feedback.

The small group in-person approach to the qualitative data gathering with youth participants sought to provide a developmentally appropriate approach to gathering youth perspectives. The researched experiences challenges in facilitating a group with the outcome of completing the survey instrument and gathering group feedback accurately. The challenges of obtaining consent for minors was anticipated and proved to impact the age of study participants. Additionally, youth participant eligibility was based on self-report and the report of the staff at the gatekeeper agency. Thus, questions about the accuracy of the recruitment of the target population existed. Participants potentially struggled with accuracy in recall, particularly if they

also had participated in juvenile justice or other family court proceedings. Since the sample was comprised of youth that have experienced maltreatment, attention must be given to participants' safety, emotional needs, and comprehension throughout the study.

A limitation in this sampling approach was the challenge of ensuring maximum variation of participants, as some subgroups of youth were not accessible to the researcher. Variation in participant subgroups was prioritized through participant recruitment in diverse geographic communities including urban, suburban and rural groups and varied judicial districts in an effort to garner differing perspectives. OCR had designated three sites for their participant recruitment for focus groups (Mile High United Way Denver, Arapahoe County youth, and Youth Advisory Board members in Fort Collins). Participants of the OCR February 2015 focus group study were not appropriate candidates for participation in this study. Additional participant restrictions included the need to rule out youth that required an interpreter or had not been formally involved with dependency court.

Validity issues existed due to the limitation of perception of researcher bias and group dynamics. Audio recordings assisted in reducing the potential errors of coder bias during the final discussion portion of Strand One for half of the focus groups in which recordings occurred and during the in-depth interviews in Strand Two. Nevertheless, there were inherent limitations in interpretation of the content and context of the discussion. The Strand One instrument was designed for this study. Thus, reliability and validity issues were present. Efforts were taken to increase the reliability and validity of the instrument including the piloting of the instrument with subject matter experts. The instrument was piloted with young adult leaders who were not eligible for study participation for reliability checking and other pertinent feedback. Validity issues existed due to the small sample population and the restrictions in youth recruitment.

This study sought to explain and understand the judicial practices and was not seeking to establish causal relationships. Nevertheless, the findings from Strand Two in-depth interviews of six judicial officers were not generalizable due in part to the validity limitations that were present in small group survey. An additional challenge was that the researcher was interfacing with complex systems, such as legal and child welfare agencies, resulting in obstacles to participant access and data collection. Judicial officers experience extensive demands on their time as well as political constraints on their work. This potentially impacted the diversity in subjects that were willing to participate in in-depth interviews.

Delimitations

The researcher determined to include youth ages 16 - 22 in the Strand One small group survey completion and discussion. The inclusion of participants under the age of eighteen attempted to ensure that individuals who had recently participated in the court proceedings would be represented in the study. Child welfare has undergone changes that have increased youth roles in treatment planning and processes since 2012, and the study sought to capture current practice experiences. Secondly, there are very few avenues for youth to engage in leadership and to be heard in the child welfare system. This is particularly true for youth under the age of 18 involved in child welfare processes. There were challenges associated with engaging minors in a research study including issues of consent and custody. However, resilience theory seeks for opportunities to promote youth empowerment through situations that advance individual development of values, ideals and opportunities. At sixteen years of age, federal law necessitates that youth are actively involved in their care plans with goals that develop independent living skill acquisition. Participation in a study supports skill development and fosters independence. Twenty-two years of age has been designated as a maximum age for

participation in order to ensure that feedback encompasses recent child welfare practice changes. Additionally, young adults were recalling information from their past and memories can be inaccurate. The age cap sought to increase the likelihood of accurate recall by participants. Due to the study recruitment plan, the sample population included young adults that were still engaged in Chafee services and/or receiving community resources in other access locations.

A second delimitation was the determination of the study to target youth and judicial officers in Colorado. This geographic delineation supported the study's aim at gaining understanding of perceptions and to develop practice recommendations for Colorado courts. Colorado courts and child welfare systems are unique and operate differently than in other states. The structures and approaches to both the judicial and child welfare system differ by state. The study findings were not generalizable; however, it can be hoped that the findings may assist in highlighting perceptions and priorities in other regions of the country.

Research reveals that young adults that have past foster care experiences are over-represented in the homeless and health care service settings. However, this study may not capture the voice of the 'troubled to troubling' (Dworsky & Courtney, 2005); those youth that may be experiencing intermittent incarceration and/or hospitalization. This limits the diversity of the respondents as most participants will be engaged in community programs.

Unlike other recent studies that have examined perceptions of youth inclusion (Miller-Updike, 2006; Rotella & Donnelly, 2014), this study did not incorporate the perspectives of child welfare case workers, GAL's, respondent counsel or other case involved participants such as CASA volunteers. Evidence from the Rotella and Donnelly study (2014) suggested that these other critical players in dependency court can support youth participation in proceedings, but that it is fundamentally the values, policies and expectations of the judicial officer that drives the

practices of youth participation. Additionally, research suggested that the skills and engagement strategies of the judicial officer highly influence the perception of court attendance for youth that do attend (Rotella & Donnelly, 2014). This study prioritized the inherent relationship that exists between judicial officer and youth that is often and unintentionally an indirect relationship throughout judicial proceedings.

Potential Threats

The judicial and child welfare systems are complex. The strains that create burdened systems were also threats to this research. System engrained challenges included: agency workload strains, political climate impacts, and competing demands upon participants' time. In addition to systemic burdens, child welfare and justice systems frequently experience critical evaluation. A threat may have been a perception that the study was aimed at critiquing practices from a deficits perspective. Child welfare and judicial criticisms occur in the media, through research and data, and often through popular opinion. Due to the small number of potential judicial participants, it was useful to obtain the endorsement of OCR and other judicial leadership through clarifying the aim of the study and the intended use of the findings.

A threat was the consent and assent requirements for participant recruitment of minors (youth 16 – 17). Therefore, the study did not obtain a significant number of Strand One participants that are under 18 years of age.

Researcher Perspective

Biases and Assumptions

The researcher holds assumptions that are rooted in recent research and best practices recommendations about engaging youth in the dependency court process. Survey research

approach can be used to obtain information about the opinions, perceptions, attitudes, and beliefs of a group of people. Constant comparison data analysis requires that the researcher is aware of assumptions and biases that may impact the ongoing data analysis and refinement of findings. The researcher assumed that youth held differing perceptions of their court experiences that were based on both intrinsic and extrinsic factors. This researcher presumed that the findings would reveal a wide variety of experiences and perspectives held by youth. Past studies indicated that there were common themes pertaining to barriers to youth participation such as: limited comprehension, feeling heard, and barriers such as long waits, missing school and feeling ignored (Miller-Updike, 2007; Pew Commission, 2003). This researcher holds a bias that youth should not be mandated to attend court if it is not the wishes of the youth. Instead, an array of options should be made available for the youth to ensure that the individual's voice is present in the court room. Additionally, this researcher does not believe that the best-interest position held by a representative adult, such as a GAL, is equivalent to a youth's direct wishes being presented in a hearing. Rather, the best-interest position is inherently biased by the experiences and values of the adult deemed to represent the child.

Similar to the differing experiences of youth pertaining to dependency court experiences, existing research indicated a wide variety of perspectives among judicial officers. Nevertheless, there may be variables that impact a judicial officer's perspective such as region (urban vs. rural) and number of dependency court filings. Research indicated that child welfare professionals' perspectives are varied based on each unique situation and needs. Some common themes included concern about further trauma due to familial conflict, a child's wishes, flight risk, a child's age and functioning and the time demands placed upon the court (Rotella & Donnelly, 2014). A researcher bias was that similar themes may likely emerge in this study.

Epistemological assumptions require the researcher to examine one's relationship with those being researched including knowledge of the issue and bias considerations (Creswell, 2007). Interview and in person survey research require that the researcher collaborate with the participants, often in the field, to gain information. This researcher holds a transformative world view which encourages advocacy and participation by those that are marginalized. This world view is demonstrated in the research design that sought to provide a voice for youth as study participants (Creswell, 2007). Additionally, this world view is in-line with the field of social work in that it promotes prioritizing resources to those in need. A researcher bias of this study was that research can prioritize an action agenda for reform that may change institutions and impact lives (Creswell, 2007).

As a child welfare worker for eighteen years, this researcher developed a belief in the need for ongoing systems improvements. There is a presumption that the child welfare system is often more harmful than helpful for children and families that become entangled into the system. New approaches arise and funding priorities shift, but one aspect of practice that seems to prevail is that inspired local leaders can mobilize positive change and create practice shift. System-changing leadership may be positioned in judicial offices, the office of the district attorney, or even child welfare administrators. However, real change occurs when the practice values are genuinely held by many and resources are allocated to target that shared goal. Shared resource allocation toward targeted change has proven to shift systems. The child welfare system is mobilized around the value of permanency and maintaining children with family and kin in their own communities. Thus, practice shifts in child welfare must be interconnected with the values of achieving permanency through youth engagement and youth inclusion.

In order to effectively engage youth in their child welfare and judicial experience, the youth must perceive the opportunity to be safe and authentic. The individual youth must be provided with information and skills to support her/him in participation in the family court proceeding. Children that have experienced the disruptions and removal from home frequently have knowledge gaps that can be difficult to predict. The court process is complex and the youth do not have the content knowledge to know what to ask or how to advocate for themselves without role models, coaches, and trusted adults.

The Strand Two interviews with judicial officers provided access to potential agents of change. Judicial officers hold tremendous power and decision-making authority for families and children. The perception of power held by the judicial officers potentially impacted the researcher's approach to data collection and analysis. The child welfare and other supporting agencies and systems must adapt and accommodate to the authority and expectations of judicial officers. The researcher bias included a deferential obligation to judicial officers' position and power while also seeking their participation in the research. Therefore, attention was paid to this bias throughout data collection and analysis.

Researcher Experiences

I work as the Transition Age Youth Community Coordinator in Boulder County. I believe the pillars of my work are to: advance integration of child and adult serving systems, to develop supported young adult housing; to build shared strategic goals for those 17 – 24 across public serving agencies in the county, and finally to leverage opportunities for positive youth development and build youth leaders from the current community of youth in care or newly emancipated from care. In my position, I leverage county dollars, state grants, and non-profit

partner contributions to pay young adults who have experienced the foster care system in the past, to engage in leadership activities in Boulder County. I have mobilized resources to engaged young adults to serve on agency hiring committees, to serve as members of Colorado planning grants, to serve as advisors to the local system of care initiative, and to market and communicate with other youth to create a virtual community of support. My experience reveals that youth-led practice change is responded to by our legislators and judicial leaders and I have witnessed it in practice. Workers and judicial officers are often intimately involved in daily practice and it can be difficult to pull back to analyze systems' effectiveness. However, I have spent the last 14 months promoting practice audits and needs assessments in order to better serve our 16 – 24-year olds with a goal of impacting positive outcomes for young adults that have been involved in our systems. These values have propelled me to examine the very first opportunities that we have to engage children and youth; the moment of the initial court appearance. Thus, the research is structured within an approach that values youth-lead recommendations for systems enhancement. I believe the child welfare and judicial systems can change through coordinated approaches result in sustainable and meaningful change.

CHAPTER 2

LITERATURE REVIEW

Introduction

This chapter provides a review of the literature regarding youth attendance and participation in dependency and neglect (D&N) court proceedings. The chapter identifies the multiple dimensions of the challenges and considerations of youth attendance at court proceedings and related legal representation issues to gain an understanding of what is already known and the gaps in knowledge that necessitate this study. The literature review incorporates an analysis of theories that support youth attendance at court hearings and questions that are not yet answered from key research studies to date. In examination of some of the seminal studies associated with youth attendance at court, this chapter also explains the need for the study design approach proposed in order to answer the research questions.

Background

Children and teens that experience maltreatment enter into the dependency court system and may also experience removal from home. In Colorado, this represents an average of 10,000 youth in foster care annually (www.coloradochildrep.org). Children that are placed out of home may reside with relatives, neighbors, or placed into foster care or treatment settings. The experiences of potential removal from home and entry into both the child welfare and legal systems are complex and confusing. Decisions made in dependency court all too often have lifelong implications for youth and their families (Khoury, 2006). No child should experience the potential removal from home and termination of familial connections without being fully

informed of the process and without an avenue to express their wishes (Pew Charitable Trust, 2006). All too often children and youth report that the experience is unfamiliar and disempowering. Despite federal law that requires youth be consulted, in an age appropriate manner, during any permanency or transition hearing (42 U.S.C. 675(5)(c)), many, if not most youth that have experienced maltreatment never attend their dependency court hearings (Block et al, 2010).

Scope of the Problem

Review of Federal Policies

Child and Family Services Improvement Act (CFSIA) was enacted in response to congressional awareness that in 2004 there were 872,000 children who were abused or neglected and that \$700 million was spent annually on foster care programs. Despite the federal funding allocation, no state has been able to meet the federal child welfare standards (such as permanency timelines and benchmarks for reunification outcomes), and thus are tasked with ongoing performance improvement requirements (Davidson, 2008). Like other federal policy enacted to improve child welfare practices, CFSIA was a response to ongoing practice concerns, and was passed with the intended outcome of promoting safety and permanency goals for maltreated children (2008).

The vagueness of the language defining the federal CFSIA legislation leaves ample opportunity for variance in interpretation and differing perspectives on the youth's role in dependency court proceedings. As a result, these vulnerable children have limited opportunities to participate in court proceedings that so profoundly affect their future (Khoury, 2006).

The Department of Health and Human Services identifies the role of child welfare agencies as to foster safety and wellbeing for children involved in their systems (Wuczyn, Barth, Ying-Ying, Jones Harden, & Landwerk, 2005). Policy analysts criticize the child welfare system for all too often providing a one-size fits all approach to promoting safety and well-being for children. Federal policies guide child welfare work with state and local jurisdictions interpreting the policy into practices. Analysts express concerns over the immense amount of power that is held by child welfare agencies over the decisions made that impact families and youth. The D&N process is an experience of public intrusion into the private lives of families, and critics argue that the immense amount of discretion that is available outside the judicial process is enormous (Davidson, 2008). CFSIA is recognized as the first federal acknowledgement of the importance of youth involvement in the child welfare system and the value of all youth having a direct say in their permanency outcomes (Davidson, 2008).

Policy Critique

The federal law provides latitude for state and local interpretations of CFSIA. Colorado, like many states, enacted state law that is in-line with CFSIA. As with many child welfare policies, CFSIA has many critics who argue that funding prioritizes removal of children from their homes while underfunding services to support and stabilize families (2008). In addition to aligning funding with practice values that promote family reunification, advocates express the need for court reforms that increase the involvement of children and families in dependency proceedings. Strategists recommend the use of funds earmarked to encourage collaborative improvement efforts between child welfare and the judiciary to address systemic barriers to practice improvements (Davidson, 2008). Systemic challenges identified are complex and include the lack of resources and information, the adversarial relationships between key

stakeholders, and the lack of skills based training for judicial officers and other child workers (Outley, 2006). Federal policies such as CSFIA, seek to respond to concerning trends in practice.

CFSIA mandates that the court consult with the child, in an age appropriate manner, in the creation and implementation of permanency or transition plan before final case disposition (42 U.S.C. 675(5)(C)). As a result of the federal legislation, Colorado enacted SB07-226-Colorado's Child and Family Services Improvement Act in alignment with CFSIA. Colorado SB07-226 requires consultation with youth 12 years of age and over in the permanency and transition hearings (Miller Updike, 2007). In her analysis of the Colorado SB07-226, Miller Updike interprets the legislation as implied support for youth participation in dependency court. As with the federal legislation, Colorado SB07-226 provides room for local interpretation while expressing a spirit of inclusion for youth ages twelve and older. CFSIA and Colorado's SB07-226 seem to cautiously balance the desire to promote youth inclusion in court and in care planning with the desire to ensure local jurisdiction over policy implementation and practice approaches. While there are no specific requirements to ensure youth attendance at D&N proceedings in Colorado, provisions in the Colorado Children's Code promote and encourage increased participation (Miller Updike, 2007).

Four years after the passage of CFSIA, Congress reauthorized the Child Abuse Prevention and Treatment Act (CAPTA) and advanced the due process rights of the child in dependency hearings. In 2010, CAPTA required that for states to be eligible for federal funding, a Guardian Ad Litem (GAL) must be assigned to each case to ensure the best interest(s) of the child were represented throughout case proceedings. The GAL's duties are to obtain first-hand knowledge about each child's individual needs and circumstances, and to make

recommendations to the court consistent with the child's best interest (www.coloradochildrep.org).

Most critiques of child welfare policies address the debilitating barriers that exist due to the underfunding of important child welfare policies. The United States' framework of providing federal oversight of state and county implementation of child welfare practices are perceived to be some of the most advanced in the world. Yet, a major deficiency identified by critics is the drastic underfunding of federal support, which is commiserative with the scale of the child maltreatment problem that exists in the U.S. (Davidson, 2006). Underfunding of child services has been a persistent challenge to child welfare agencies. Advocacy organizations, such as the Casey Family Services and Jim Casey Youth Opportunities Initiative, have responded by funding innovative initiatives to better understand the most effective and efficient practices, with emphasis placed on research. Evaluation research conducted on youth attendance at dependency court proceedings, to date, have been process studies. However, there is little known about long term benefits of greater youth engagement in their court proceedings (Outley, 2006).

Home At Last

In 2003, The Pew Charitable Trust executed a landmark three-part policy initiative with the aim of moving children and youth from foster care settings into permanent family homes in a timely manner. The three-pronged initiative titled, Home at Last, included a non-partisan commission, an education and outreach effort, and grant funding for practice improvements. The commission prioritized five findings seeking to promote safety, address permanency in a timely manner, foster continuity and the protection of the child's needs and lastly, ensure children and families have an informed voice in decisions made about their lives (Outley, 2006). The commission found that systemic problems of the court system contributed directly to children

and youth languishing in foster care settings without obtaining permanency (2006). The child-centered values of the commission's recommendations were the platform of the education and re-training of key child welfare stakeholders. These priorities included better legal representation, enhanced child and family voice in decision making, incentives for systemic collaborations, and measurements of court performances to ensure ongoing analysis of the dependency court proceedings (Pew Commission, 2006). Of relevance to this study are both the quality of the legal representation and the perception of youth that they have a direct voice in their D&N court proceedings.

Colorado Policy Impacts

A 2007 focus group study was conducted with older teens and young adults who had experienced foster care in Colorado to gain insight into youth perceptions of the court process. The study found that youth involvement in court proceedings and in placement decisions is fraught with challenges and complexities. While the study lacked rigor in approach and had limitations in quantity and diversity of youth participants, the exploratory study is useful in identifying that youth desired opportunities to have their own voice represented in court proceedings with differing perspectives on the approach for including youth wishes (Miller Updike, 2007). The study supports the need and relevance for policies like SB07-226, which promote increased youth voices in relevant placement and planning decision. The youth focus group study was useful as findings underscore the variation in response with youth expressing differences in perspectives about how to ensure their direct representation in court proceedings.

In 2014, Colorado's Office of the Child Representative (OCR) undertook a three-part study to examine practices of youth attendance at dependency court hearings. The 2014 study included analysis of OCR data entered by GAL's following court hearings, an electronic survey

of child welfare professionals, and a review of the posted judicial district court plans to gain insight into Colorado's current practices of youth attendance at court hearings. The study examined attendance rates of youth ages 12 and over at permanency planning hearings to determine if districts were in compliance with SB07-226. The findings have significant limitations due to data entry errors and variance by GAL's who were newly required to enter data into an electronic system without standardized protocols. Nevertheless, the findings indicated that only 40.65% of youth ages 12 or older participated in their permanency planning hearing in Colorado, with wide variance based on judicial districts (Rotella & Donnelly, 2014). Of interest for this study is that in districts where there are large numbers of permanency planning hearings conducted throughout the year, attendance falls significantly, whereas in districts which hold fewer hearings, higher rates of court attendance were reported (Rotella & Donnelly, 2014). Judicial officer findings revealed a majority agreed that youth should not attend their parents' adjudication hearings, but were in support of youth 12 and over attending disposition and permanency hearings. Additionally, more than half agreed that youth should be able to participate in permanency hearings if they wanted to attend. Judicial officers identified approaches they use to consult with youth to include: talk to children in court, conduct an interview in chambers (with comments that this is for older teens), rely on a GAL or CASA to communicate with the youth, or the child submits a letter (Rotella & Donnelly, 2014). The findings are useful in developing the judicial officer survey instrument that builds from current survey findings. Refer to Appendix B: Index of Court Hearings.

Influential Perspectives: Synthesis

The work of many child welfare advocacy groups and legal organizations has assisted in propelling the conversation of greater consistency of youth participation in dependency court arguing both due process and best practices as reasons for change. Organizations such as the Pew Commission and Casey Family Services, as well as legal advocacy groups such as the American Bar Association (ABA), Center on Children and the Law (www.americanbar.org) and the National Council of Juvenile and Family Court Judges (NCJFCJ), are at the forefront of the call for changes in court processes to increase youth attendance at hearings. Inspired by the evolving data that demonstrates devastating outcomes for youth that emancipate from foster care, they argue for practice changes that may contribute to the collective impact of child welfare improvements. Thus, advocates endorse the research that has been amassed about youth attendance in dependency court proceedings which indicates that greater youth inclusion can improve buy-in to the court plan, fosters empowerment and, and has the potential to improve child welfare permanency and well-being outcomes (Pew Charitable Trust, 2004). However, to date, most research provides process findings (Outley, 2007). Research that engages youth is primarily limited to focus group studies and process responses following hearings.

ABA Bench Cards

The ABA-Center on Children and the Law developed Judicial Bench Cards in 2008. They serve as technical assistance tools for judicial officers to support child and youth engagement in the court room. While the Bench Card strategies are not rigorously researched, they are rooted in best practices of child development. The Bench Card priorities will be integrated into the in-depth interview of judicial officers.

Due Process Advocacy

Parents who are facing the potential loss of custody or even loss of their parental rights have due process rights and protections. Yet, youth involved in dependency court proceedings are not provided the same legal protections. While victims in criminal cases are provided rights and protections under the law, these victims' rights do not extend to the rights of children who have experienced maltreatment and enter into the dependency court proceedings (Rotella & Donnelly, 2014). On the contrary, youth are often unaware of the fact that legal hearings are scheduled that will directly impact their lives (Jenkins, 2007). Advocacy groups argue that those who are appointed to speak on behalf of the needs of abused and neglected children bring their own opinions and biases. The GAL's and the child welfare worker's perspectives are often going to be inconsistent with the youth's wishes (Rotella & Donnelly, 2014).

Opponents argue that children are not yet adults and thus are not capable of making well-developed decisions on their own. While advocates support a youth's need for self-determination, opponents challenge that a youth might not know what is in her/his best interest. The GAL, case worker and judicial officer are adults whose job it is to protect the best interest of the child with specific tasks assigned to a GAL to represent the child's best interest in a proceeding. Stakeholder survey research reveals some believe that a child's best interests are already represented by the GAL. Adding to the debate, children and youth often report that they do not wish to attend their hearings and should not be required to do so as long as they are properly notified and provided opportunities to express their wishes (Rotella & Donnelly, 2014).

Well-being Advocacy

Home at Last (Pew Commission) funded My Voice, My Life, My Future, the Home at Last Survey that was headed by the Children's Law Center of Los Angeles (2007). The aim of the study was to further investigate the challenges experienced by youth in foster care and to develop recommendations for improvements in practices. Home at Last's two landmark studies were credited with raising awareness of the poor outcomes for youth after foster care (Pew Charitable Trust, 2007). The first study was conducted with young adults age 18 and older who were previously in foster care to gain insight about their experience with dependency court proceedings, and perceptions of their ability to have a voice in the process. The national study included 89 youth still in care and 189 who were no longer in care. The second survey was distributed to child welfare professionals that work within the foster care system, including judges, attorneys, CASA's, GAL's and social workers. Study findings revealed that young adults who had left foster care experienced immense hardships as they moved into adulthood; one in four would be incarcerated within two years of leaving care, one in five would experience homelessness, and only 59% would have a high school degree by age 19 (Pew Charitable Trust, 2007). These findings served as a call to action for many states to improve outcomes for youth emancipating from foster care.

In addition to understanding well-being outcomes for youth that had foster care experiences, the studies were designed to gain insight into how often foster youth should or should not attend court proceedings and under which circumstances (Pew Charitable Trust, 2007). Almost three-quarters of both youth and child welfare professionals reported that attendance at court hearings occurred some or most of the time. The majority of youth respondents felt that youth should attend court some of the time, but fewer than half reported

attending hearings some of the time (2007). *My Voice, My Life, My Future* is effective in displaying the data findings side by side from two discreet populations to see the differences in perspectives between youth and child welfare professionals. Another strength of study is that the findings highlighted the variance in opinions from child welfare professionals surveyed, as demonstrated by findings that revealed that 59% of professionals felt a child should be present at court only some of the time and only 8% indicating that the child should always be present (Pew Charitable Trust, 2007). Of note is that child welfare professionals who have more experience in the dependency court systems are slightly more likely to advocate for regular youth attendance at court (2007). This finding gives indication that years of experience may influence the judicial officer's perspectives in the qualitative strand of this study. A study limitation is that the data is self-reported which presents with validity challenges. At the time of this study, no other data existed on how many times the child was present at the hearing. Another limitation is that there are groups that were not represented as the study focused on regional participant recruitment.

Voice of Their Own (2007) was a focus group study conducted with Colorado youth and young adults to gain understanding of court attendance and legal representation perspectives of youth involved in dependency court (Miller Updike). Findings affirm the variance in perspectives of youth preference in participating in the D&N court process. While study themes did not underscore attendance at the hearing, they did highlight that the majority of youth wish to have greater voice in the court proceedings that impact their lives (Miller Updike, 2007). Focus group studies have inherent limitations. Peer dynamics are highly influential in teen culture and the focus group, while effective at gathering preliminary themes, is limited in the ability to cull a range of experiences that may reflect the diversity and individual nature of dependency court experiences. Despite some inherent limitations, this exploratory study obtained some broad

themes that provided a foundation for follow up research and encouraged discourse on youth participation.

Permanency Outcomes

The limited research that has taken place to understand the impacts and outcomes of youth attendance at court have presumed that children should be more involved in all aspects of their permanency planning and that the court hearing is an essential component of addressing and resolving permanency planning (Barnes, Khorey & Kelly, 2012). Permanency is the value that all youth deserve to exit foster care as part of a safe and permanent family and prepared with the needed skills for adulthood (Casey Family Services, 2005). The permanency value of an enduring family that provides legal and emotional connections over a lifetime was a priority of the Pew Charitable Trust, Home at Last commission (2004), resulting in youth-centered recommendations for practice improvements. Since that time, advocate groups such as Jim Casey Youth Opportunities have developed educational campaigns, training, and tool kits to foster youth-driven permanency in the No Time to Lose campaign and other relevant work. Examples of strategies supported by Jim Casey Youth Opportunities include individualized case plans that are youth lead and developmentally appropriate, skills development and training options that support youth to speak and advocate and, the creation of peer mentor programs. These youth-driven strategies are Jim Casey Youth Opportunities recommendations for programmatic reforms that promote youth-driven permanency

Empowerment Advocacy

There is a presumption by advocates for youth attendance at court hearings that has been somewhat supported by youth focus group feedback, that the experience of direct participation in a court hearing is empowering for a youth. One research finding pertaining to self-

empowerment highlighted that the willingness of professionals to listen to what youth have to say supports youth in feeling like collaborators of influence and less like they are being acted upon (Barnes et al., 2012). A few studies demonstrate results that seem to indicate that attendance appears to benefit the child in both promoting more positive perceptions of the court and in providing greater understanding of the child's own situation (Quas et al., 2009; Weitsz et al., 2011). The judicial officer's ability to actively engage the child in the court proceeding increased the child's report of a positive court experience (Weisz et al., 2011). The studies examined children's reactions to attending their hearing and found that attendance at the hearing is not harmful (Quas et al., 2009; Weitsz et al., 2011). These findings are endorsements of youth attendance at court. However, limitations exist to generalizing these findings as the studies were conducted in specialized model court setting in Los Angeles (Qual et al., 2009) and four jurisdictions in the mid-west (Weitz et al., 2011); counties that practice presumed inclusion for youth attendance at their court hearings. The studies examined only a few judicial officers' practices and did not account for many potentially impacting variables. The researchers acknowledge the low sample size and the need to duplicate the studies in various settings (Quas et al., 2009; Wetzts et al., 2011). Neither study had been duplicated. Despite these limitations, the findings support the small body of literature that indicates that attendance at a hearing is not harmful and seems to promote positive feelings about the process.

Borrowing from outcomes studies of youth determination in mental health service planning, research supports youth driven case plans in providing greater satisfaction as well as self-advocacy skills (Walker et al., 2016). However, research that identifies improved outcomes through youth driven approaches are limited. In a longitudinal of youth ages 17 – 22 who received mental health services, study findings indicate improved academic outcomes for young

people who actively participated in their care planning (Brennan et al., 2015). To date, there is an absence of research on attendance at the court hearings impacting child welfare outcomes for youth.

Defining Critical Variables from the Literature

Foster Care

For the purposes of this study, the definition of youth in foster care is a child or youth that has experienced an out of home placement. Out of home placements may include: congregate care, family-like settings, and a continuum of independent living arrangements supported by the child welfare system. The placement could be brief, even few days, or might occur across multiple years (Colorado Office of the Child Representative, 2014).

Presumed Inclusion

In 2012, the National Council of Juvenile and Family Court Judges (NCJFCJ) endorsed new best practices recommendations that incorporated youth attendance at court proceedings as the presumed practice (Barnes et al., 2012). From the framework of presumed inclusion, if the child is not in attendance at court, the stakeholders are responsible for providing the well-being or safety reason for the youth's absence (2012). A Colorado judicial district defined presumed inclusion as, the presumption that a child will be allowed to come to court. Additionally, the presumption can be rebutted by the caseworker or GAL for compelling reason, such as: the young age of the child, mental state of the child, developmental disability of the child, or preference on the child's part to participate in another way. This definition is endorsed by Colorado's Office of Child Respondent and will be used for the purposes of this study (District 11 Model Court Plan, Chafee County cited by Rotella & Donnelly, 2014).

In districts such as Los Angeles County that operate from a policy of presumed inclusion, adjustments have been made to enhance youth attendance. Examples of court modifications include scheduling hearings outside of school hours, child friendly waiting rooms, an identified party responsible for transporting the child, and when necessary, having more time for the proceedings (Khoury, 2006).

Approaches To Inclusion Of Youth

The Colorado OCR conducted survey research of child welfare professionals. The study results included descriptions from judicial officers of defining approaches to youth inclusion. For the purpose of this study, the judicial officer findings will be used to define current approaches to youth inclusion. These include talking to the child in open court, conducting in-chambers interviews with the child (on the record), relying on the GAL or CASA or other professional to report the child's wishes, and having the child submit a letter to the Court.

Child Perception Factors

A study was conducted with children and youth during and after their D&N hearing in a Los Angeles County to understand the impacts of attendance at proceedings on the child/youth (Block et al., 2010). In L.A. County youth are required to attend the hearing (presumed inclusion). The study results identified influential factors regarding a child's perception of their experience of attendance at a court hearing and found that a child's comprehension or understanding of the proceeding impacted the outcomes. A second impacting variable was the child's level of anxiety during the court experience. Variables that related to the impacts of attendance at court on the youth included: knowledge or comprehension of the court proceeding and knowledge was linked with a child's age. Additionally, the variable of attitude (about the proceeding) was related to the independent variables of age, abuse type, ethnicity, referral to

criminal court, participation, state anxiety. Comprehension was linked with the age of the child (Block et al., 2010; Quas et al., 2009). Additionally, the study found that a strong predictor of children's attitudes toward dependency court was their anxiety level. Children who were more anxious when they exited from court had more negative attitudes (Block et. al, 2010). Anxiety levels seem to be correlated with lack of comprehension about the proceeding. Neither study had the rigors of a control or comparison group nor both studies examined only a small number of cases in a specialized Los Angeles court. Nevertheless, study results, while not generalizable, indicated that youth may benefit from greater understanding of the dependency court process. Also, findings demonstrated that youth often wish to have greater influence in dependency court (Block et al., 2010). The study findings are useful in providing clarification of variables that may influence a child's or youth's comprehension and thus the child or youth's perspective including: age, anxiety level, court knowledge, abuse type and criminal court involvement (Block et al., 2010)

In addition to findings from the study of youth exiting court, survey research gathered the perceptions of child welfare professionals to understand their opinions of child attendance at a hearing. Study findings revealed child welfare professionals perceive the age of the child and the maturity of the child should be among the deciding factors as to whether the child should be present in court (Pew Charitable Trust, 2007; Rotella & Donnelly, 2014).

Barriers To Youth Attendance

Youth focus group research revealed some mixed response from youth about the reasons they site for not attending D&N hearings. Home at Last (2007) study results provided a list of variables for reasons a child/youth did not attend court: No one told me the date of the hearing (41%); no one told me I was allowed to go (39%); I didn't think anyone would listen to

me(24%); I didn't want to miss school (21%); I didn't want to go (18%); I had no way to get to the hearing (16%); I was angry at the system 16%); my social worker told me not to go (14%); I was afraid of what would happen (11%); I was not allowed to miss school (9%); I was afraid my parents would be there (8%); I didn't have anything to wear (6%); I was nervous about attending (5%), (Pew Charitable Trust, 2007).

Similarly, judicial officers in Colorado also identified impediments to youth attendance including: missing school, lack of transportation, exposing youth to information about his or her parents, docket schedule (long waits), youth not wanting to participate, open courtrooms, court facilities that are not youth friendly, and youth who are not prepared for court (Rotella & Donnelly, 2014).

Court Factors

Studies results support the findings that there actually seem to be some increased benefits to perceived satisfaction and buy-in through youth attendance at court. Additionally, attendance seems to be especially beneficial when the judge actively engaged the child or youth in the proceeding through direct questions and conversation (Quas et. al, 2009; Weitz et. al, 2011). These findings support focus group feedback that was collected with Colorado youth that identified a variety of perspective of how youth would like to be included and a general consensus that many would like greater input (Miller Updike, 2007).

Benefits To Youth Attendance

Judicial officers surveyed were asked to consider benefits to youth attendance and the summary included perspectives of: increased youth voice, empowering experience for the youth, increased information for the court about the youth's wishes, access to justice for the youth, practices that promoted youth-centered decision making, opportunity for youth to see what

happens in court, provides parents a chance to hear what the child wants, and permits a child who is mature enough to take ownership of her/his future (Rotella & Donnelly, 2014).

Implications of Available Research

Stakeholder Perspectives

The ABA-Law Center published a technical assistance bulletin in December of 2006 addressing the issue of involving children in dependency court (Khoury, 2006). The publication provides technical assistance for lawyers with an aim at promoting youth involvement in proceedings by examining how and to what extent children should participate in dependency court hearings. The publication encourages professionals to adopt strategies that facilitate children's participation. However, youth participation is not explicitly defined by the author. Study findings indicate that in the majority of jurisdictions youth are not in attendance at court. Often, they are not provided information about the hearing, lacked the means to attend, or there is a presumption that youth should not be present in most court hearings (Kourey, 2006).

Lastly, the position paper examines potential systems change recommendations to ensure child participation is possible. Nonetheless, critics argue that advocacy groups' self-published position papers are not peer-reviewed and thus present with limitations of rigor (Summers, Dobbin, & Gatowski, 2008). The position paper identifies barriers to inclusion while also making a call for changes that enhance youth participation.

Advocacy groups have been successful in calling attention to the barriers to promoting youth inclusion in dependency court processes. Groups such as the ABA and Pew Commission contend that it is both in the child's best interest and in the best interest of the court to have children present for significant court proceedings, arguing that youth have the right to

meaningful participation in their cases (American Bar Association, 1996). Additional support is derived from the recommendations and data produced by Casey Family Services and the Jim Casey Youth Initiative that include financial incentives and technical support to promote youth engagement in practice and in child welfare policy in general, but not specific to their own hearings.

The early research about youth participation in dependency court is useful in gaining an understanding about current practices, complexities of the issue and differing perspectives. A 2008 Technical Assistance Brief provided by the NCJFCJ (National Council of Juvenile and Family Court Judges) provides a comprehensive review of the literature of the state of juvenile dependency court (Summers et al., 2008). The study identified 76 published studies on the topic and three-fourths of those studies were non-peer reviewed. Many of the non-peer reviewed studies were funded and conducted by advocacy organizations or government agencies or collaborations between both. The lack of peer-reviewed studies demonstrates the gaps in research that is peer reviewed to guide practice change recommendations.

Screening Variables

In Adams County, Colorado, screening variables were identified and an instrument was developed to be administered by the GAL or Case Worker. Screening results were used to support a court approach of presumed inclusion unless screened out. Variables included: youth wishes, flight risk, developmental disabilities precluding attendance, school schedule and transportation issues (Adams County Courts, 2007). Adams County is an early adopter judicial district that has provided leadership in youth inclusion strategies in Colorado court proceedings. The screening variables will be useful in providing baseline variables for judicial officer in-depth interview questions.

Youth Variables

A research study that was peer reviewed identified two key components to youth perceptions of dependency court proceedings: lack of understanding and negative attitudes (Block et.al., 2010). Additionally, the study identified potential variables impacting youth attitudes: age, anxiety level, court knowledge, abuse type, and criminal court involvement. These variables may be useful in understanding youth survey feedback.

The Children's Court Questionnaire (CCQ) was an instrument developed for a Los Angeles County study to measure a child's court knowledge, attitude, and perception of her/his participation, including a series of 10 qualitative questions. The CCQ was developed for children ages 11 years and younger to gather perceptions immediately following their experience of attending court. The CCQ is useful in underscoring key variables to a child's perception of participation. Data is collected utilizing five questions: Did you get to talk to the judge? Did you get to tell the judge what you wanted? Did you talk with your attorney today? Did your attorney tell the judge what you wanted? (Block et al., 2010). These questions may be useful in survey instrument design for both the Strand One and the Strand Two instrument design.

Attendance Versus Participation

Advocate groups have established a child or youth attendance at a portion or all of permanency and transition hearings as a standard for D&N courts to aspire to for child-centered practices. This may include the youth meeting with the judicial officer in chamber. Other child-advocates argue that the child or youth should be allowed to choose a means of participation that might include a letter to the court, web or phone participation or for some even a timely discussion with a GAL who accurately reflects the wishes of the youth to the court. For the

purposes of this study, child attendance at court will be prioritized as a standard for child-inclusion in court proceedings.

The Colorado study conducted by The Office of the Child Representative (OCR) in 2014 both examined quantitative data on practices in the court room while also providing survey results from key child welfare professionals. Findings provided a summary of factors that impede youth participation in D&N hearings in Colorado. Survey results from judicial officer participants will inform the instrument design of this study. Questions from the judicial officer survey will be utilized in this Strand One youth survey to allow for opportunity to compare findings. Additionally, the OCR 2014 survey results will be utilized to help structure the judicial officer interview schedule to gain depth and expound upon the understanding into judicial officers' perceptions and variance in practices of youth inclusion at court hearings.

In the OCR, 2014 survey of GAL's, caseworkers, judicial officers, respondent parent council, and CASA's, respondents cited several logistical restrictions to youth attendance including: travel distance, understaffed child welfare teams, cumbersome caseloads, and barriers due to the scheduled time of court hearings that conflicted with school or other required activities (Rotella & Donnelly, 2014). A gap in the study is that if the youth was not participating in the court proceeding in person, youth participation was not captured in the study. This ruled out data tracking of participation by youth that may have phoned in, sent a letter, or met with an individual in advance of the hearing to explicitly state one's wishes. Nevertheless, the findings are useful in providing insight into current logistical barriers to youth attendance and will be utilized for survey development for this study.

Gaps in the Research

The NCJFCJ 2008 TA Bulletin provides a summary of seventy-six studies published between 1997 – 2008 which identifies several major gaps in the literature on the topic of juvenile dependency court. Relevant to this study are the identified gaps in the following areas: lack of research on judges; lack of research of minority over representation and dependency court attendance; limited studies completed that move beyond process outcomes to include outcomes pertaining to due process and to permanency; most studies demonstrated a lack of rigor but offered descriptive statistics; and few studies had an opportunity to link academic research with applied research. In summary, dependency court lacks rigorous research to guide practice improvements (NCJFCJ, 2008). From the perspectives of the judicial officers, an additional gap is the lack of research on judicial work load.

In their 2009 research, Quas et al. identified a gap in research based on their findings that knowledge of the court experience was correlated with the youth's age, time in dependency system and the youth's emotional state. They recommend further research to explore if participation in dependency court does increase the youth's positive perceptions of outcomes and planning over time as it relates to case resolution (2009). Block et al. (2010) study findings indicate that children may benefit from greater understanding of the court process and that children wish to have greater influence in the decision making. Also, findings indicate that children and youth may benefit from directly or indirectly (through their attorney) participating in proceedings in order to give voice to their wishes (2010). Taken together, these two studies (Block et al., 2010; Quas et. al, 2009) of children in Los Angeles courts reinforce the need for increased examination of youth perceptions of the benefits of involvement in the dependency court proceedings. Additionally, the 2014 Colorado study endorsed by OCR (Rotella &

Donnelly) indicates that child welfare professionals perceive that the judicial officer perspective is the most influential factor in the practices of a youth's attendance at court proceedings. This finding lends support to the need to incorporate judicial officers' perspectives in future research. Additionally, there is a need for long term research that examines the relationship between youth attendance at dependency court proceedings and long-term permanency outcomes.

Child welfare practices have increasingly prioritized youth perspectives into practice improvements (Downs et. al, 2008). There is a gap in research pertaining to alternative approaches to youth participation in dependency court. For the purposes of this study, presumed inclusion is defined as a child's attendance in the court room for a portion or all of the hearing. Advocate groups argue for the benefits to both the child and the judicial officer for a child's direct communication with the judicial officer. A second approach to youth participation has been the presentation of the child's direct wishes to the GAL or an attorney and that those wishes are presented by the attorney to the judicial officer. There is not any known research on other approaches to youth participation that might include use of technology or other approaches that youth may prefer.

A study examining child welfare workers effectiveness in their role within the court process found that case workers reported insufficient understanding and information about the court proceedings and about the roles of collaboration within the complex court systems. The study results found child welfare workers require increased comprehension and training in order to be effective advocates of child wellbeing within the court system (Greeno et. al, 2013). Stakes are even higher for the youth and family that are engaged in dependency proceedings. Study findings indicate that there is both a need for child welfare workers and for youth and families to have increased understanding and information about the court process in order to be effectively

empowered at hearings. Further research is needed to understand the specific skills and approaches that may effectively support court based knowledge for all parties.

Another area of limited research is in the domain of empirical research regarding potential risks and benefits of youth participation in the D&N court proceedings and the findings that exist are limited and not generalizable. Most of the research that does exist is conducted with small groups without comparison groups (Weisz et al., 2011). Data seems to indicate, but is not conclusive, that increased youth participation results in increased positive outcomes. This finding is reflected in research conducted for youth directed mental health services resulting in greater educational outcomes (Walker et al., 2016). Research reveals that increased knowledge, understanding and perception a youth was listened to does result in more positive perceptions by the youth about the court outcomes. However, there is not data that links youth participation in court proceedings with permanency outcomes. Thus, there is a need for greater data to either support or further clarify these findings in order to guide practice changes and improvements that impact long term permanency and wellbeing outcomes for youth.

Finally, there are few, if any, studies that solicit youth recommendations for policy and practice changes regarding their participation in dependency court proceedings. This may be due, in part, to the lack of quantitative data about youth participation at this time. In Colorado, steps are underway to increase the data reporting on youth inclusion in an effort to understand if there is a need for improvements utilizing a data tracking system monitored by OCR.

Theories

The proposed research is rooted in foundational theories of social work practice including systems theory, human development, empowerment and resilience theories. Research can assist

in developing theory or in supporting existing theories. This study supports existing theories and provides opportunity to examine the relationship between social work theories and practice.

Systems Theory

Systems theory provides a contextual framework for the proposed research. Systems theorists believe that an individual both influences the environment and that the environment influences the individual. Youth involved in dependency court interact between many complex systems. The court and the child welfare systems are examples of interacting systems that exist with dynamic tension and conflict with a shared aim at addressing the best interest of children that have experienced maltreatment. The interconnectedness between the child welfare and the court systems has increased significantly in the past 20 years due to policy changes. Policy analysts identify that there have been significant increases in the interface and interdependence between the courts and child welfare systems since the passage of the 1980 Adoption Assistance and Child Welfare Act and also the 1997 Adoption and Safe Families Act. Taken together, the two increase the requirements of judicial involvement in child welfare case oversight including mandating hearings a minimum of every 6 months (Greeno, et. al, 2013). While policy mandates greater systems interface, there has been little attention to ensure that these are effective and efficient systems integration efforts. There is a general perspective that changing complex systems is a herculean feat. Analysts identify that changing years of practice is extremely challenging. Additionally, research documents the difficulties between child welfare professionals and the court system that has existed over time (Greeno et al. 2013 & Khoury, 2006). Nevertheless, advocates argue that systems change must occur and further that funding needs to support these changes. Child welfare workers may view the judicial officer as the individual who holds power over a troubling situation, while a family and youth involved in

dependency proceedings may be seen as limited in some capacities or as victims that thus hold inferior status (Pindgerhughes, 1989). In child welfare practice actions are taken to protect the child that often results in increased disempowerment in the life of the child (Heger & Hunzeker, 1988). Power can be viewed from a systemic perspective and from an individual perspective. The courts are charged with ensuring that the basic rights of children and parents are respected when children are placed into the custody of the state and removed from the home (Pew Charitable Trust, 2007). Additionally, the court is tasked with ensuring that all other parties meet their required obligations.

The legal system is structured with multiple complexities from procedural aspects of the court hearing, to the complex relationship of the individuals involved in the case. The court case often requires a network of paid professionals and volunteer advocates including Court Appointed Special Advocates (CASA), respondent parent attorney, Guardian ad Litem (GAL), the child welfare case worker, treatment providers, foster or kinship providers, and judicial staff. As stated in the NJCFCJ, 2013 Technical Assistance Bulletin, “In child welfare cases, there are no bystanders. All of the parties to a case affect that child’s future, most especially the child in question” (2013, p. 1).

Often, child welfare workers view the courts as an adversarial system. Systems tensions are a job challenge for child welfare workers. A recent study where child welfare workers were interviewed found professionals who described themselves as uncomfortable with the nature of the court and legal proceedings. Further, child welfare workers described the formality of the courts and the practice of holding all parties accountable for actions were characterizations of the adversarial nature of the court process (Greeno et al. 2013). This perspective likely influences a case worker’s opinion pertaining to youth inclusion in the court proceedings, if the court system

is perceived to be an unsafe environment for the youth. While many professionals may be tasked with advising the child of court proceedings and interpreting outcomes, in most jurisdictions there is no one designated to perform this task. The diverse stakeholders bring varied systems perspectives and opinions, often with competing mandates. The court system is a social structure that is responsible for responding to the maltreatment of vulnerable children. The court system starts a process of increased confusion and strain for children and youth and their families all in an effort to prevent further harm to the child (Rotella & Donnelly, 2014).

The courts and child welfare systems are not the only complex environments that interconnect in relation to children involved in dependency court. Additional systems that interplay and impact each other include behavioral health, along with work force and educational systems. Research proves that academic achievement and work force success are two systems that youth who have experienced foster care encounter significant disadvantages. A study released in the last few months that examined data of Colorado high school students in foster care did not reveal much improvement in the last six years. Researchers from the University of Northern Colorado utilized a data sharing agreement between the Colorado Department of Education and CDHS and found that of those youth in foster care during their year of anticipated high school graduation; only 37% actually graduated or received a GED or other equivalency within four years of graduation of 8th grade. Of further concern, statewide data shows that the gap in graduation rates has increased in 4 years from 39.7% in 2008 to 46.7% in 2012. (Clemens, 2014). The study findings are useful as they reveal the systemic impacts of the foster care experience upon youth even after years of advocacy and change. Adolescents in social welfare systems have very little say over what happens to them. Advocates argue that child welfare professionals need to assist youth in developing a sense of confidence in their ability to

make decisions about their own lives (Gibson, 1993). This study is designed to foster the judicial officer's understanding of the importance of empowerment by providing the research participants with best practices recommendations (www.americanbar.org) and to provide tangible practice recommendations for youth attendance at court and/or participation in court proceedings.

Human Development Theory

Psychosocial theorist Erik Erickson provided insight into developmental milestones that allow a person to obtain psychological and mental assets that promote competencies. Erickson theorizes that before the age of 12, a child has most likely mastered or attempted to master four stages of development including trust vs. mistrust (0 – 18 mo.), industry vs. shame and doubt (18 mo. to 3), autonomy vs. guilt (3 – 5), industry vs. inferiority (5 – 12) to establish hope, will, purpose and a sense of competence for the future (Cherry, K., Retrieved 9/11/14). Children that have experienced maltreatment may be at greater risk for maladaptation during these developmental phases because of their experiences of trauma, loss and disruption during impactful developmental phases of life. The Colorado law identifies the age of 12 as the marker for youth inclusion in the dependency court proceeding. The law seems to recognize the cognitive and emotional demands of engaging in court proceedings upon a child. Jurisdictions have developed screening guides to assist in determining if a child possesses the cognitive and emotional assets necessary to benefit from the proceeding (Office of the Child Representative, 2012).

This study proposes to engage youth ages 16 – 22 in survey research in a peer group setting. Erickson identifies this as the stage of identity vs. role confusion (Cherry, K., Retrieved

on 9/11/14). Peer group based research supports the developmental phase of adolescents as it allows for exploration of one's opinions and identity in context with peers.

Empowerment Theory

Empowerment theory provides a framework for understanding issues of social inequality, lack of rights, and differences in resource allocation (Radovic, 2008). It is a shift in the process from disempowerment to an approach that allows the individual to gain power and increase the perception of self-control (Pindgerhughes, 1989). The aim of an empowerment-based practice approach is to help move individuals toward an increase locus of control and responsibility that ultimately enhances their belief and ability to impact the events in their own lives (Sue, 1981).

Empowerment principles are reflected in the child-centered principles that are promoted by dependency court change advocates and also by judicial officers that have been early adopters of court-based practice shifts that support youth voice. Youth in foster care are a disempowered group in our society. They are removed from their homes and separated from the life that they know, while often placed in the care of strangers for an undetermined period of time (Rotella & Donnelly, 2014). Advocates argue for approaches that encourage lawyers and judicial officers to consider inclusion of youth in the court proceedings as a step towards empowerment. The ABA (American Bar Association) has identified two positive empowerment outcomes of youth inclusion in court including: increased understanding of the process and the provision of timely testimonial information to the court (Koury, 2006). In addition to observational data gathered by a judge, youth attendance at a court hearing increases the inclusion of a child's needs, and wishes into the legal process (Koury, 2006).

Resilience Theory

Resilience refers to overcoming the negative effects of risks, developing skills for coping successfully with traumatic experiences, and ultimately avoiding negative outcomes associated with risk (Fergus & Zimmerman, 2005). Resilience theory recognizes that risks exist but seeks to enhance the factors that protect from harm. Resilience theory contends that the best way to avoid risk behaviors is to help youth achieve their potential (www.ncfj.com, 2001). Youth can help improve systems when they are successfully engaged in relationships that build their skills and foster their knowledge (Scannepiceo et al., 2007). This study sought to provide youth the venue for improving systems while also fostering their awareness of their knowledge and potential. Advocates argue that youth attendance at court proceedings builds resilience including the sense of control in one's own life (Koury, 2006). When a youth is removed from home, she/he generally has little control over that situation. Often, the youth does not know where she goes, or what may happen to siblings or parents. Feedback from youth reveals that being heard by the decision maker empowers them by providing them with a sense of control (Koury, 2006).

Research Questions

The theories described above have served as the conceptual framework in developing the proposed research questions for this study.

Research Questions

1. What are the experiences of youth attendance at dependency court hearings?

2. Strand One

- 2.1 What factors influence youth perspectives about attendance at dependency court hearings?

2.2 How do youth prefer to communicate about their GAL representation?

2.3 What are youth recommendations for enhancing opportunities for youth attendance at dependency court hearings?

3. Strand Two

3.1 Is there an association between judicial officers' priorities and the ABA Bench Card recommendations?

3.2 What, if any, modifications have judicial officers made to increase youth attendance at dependency court proceedings?

3.3 What factors influence judicial officers' perceptions of youth attendance at dependency court hearings?

4. Merged: What are participants' recommendations related to youth participation in dependency court? Judges? Youth? What are the primary differences and similarities?

Summary

The literature review of child and youth participation in Dependency court proceedings is evolving but early findings in a few discreet court settings indicates greater benefits to youth participation than negative impacts to attendance (Barnes et al., 2012; Quas et al. 2009; Weitz et al., 2011). In Colorado, recent studies indicate that there are significant variances in perceptions by child welfare stakeholders pertaining to age that attendance for youth is appropriate, the type of hearings, and circumstances. Additionally, of debate, is the manner in which a youth should be included in the hearing. Some endorse the power of youth attendance at the hearing while others endorse a more flexible approach to youth participation in the court proceeding that demonstrate that a youth has been consulted with about her/his wishes prior to the hearing

(Rotella & Donnelly, 2014). Beyond perception differences, findings indicate significant logistical barriers to youth attendance at hearings (Rotella & Donnelly, 2014). Both in Colorado and across the country, practices vary by judicial district and court room. This is due in part to the vagueness of the legislation that endorses youth participation in court (CFSIA and Colorado SB 07-226). There are innovative court practices that seem to be effective in enhancing youth attendance at court proceedings.

This study will build upon the current knowledge in the field by providing depth and clarification from the perspective of judicial officers and youth involved in Dependency court in Colorado. This study sought to understand judicial officer's experiences through interviews to better understand the current practices and perceptions of youth attendance at D&N hearings both by early adopters of youth attendance practices and by other judicial officers that operate from a traditional approach. The judicial officer interviews will draw from the ABA Bench Card best practices recommendations and the findings of the 2014 OCR survey results in order to gain depth of understanding of their perspectives. The 2014 OCR survey questions were slightly modified for the youth survey portion of this study (Rotella & Donnelly, 2014). The findings allowed comparison between the 2014 study with judicial officers and the perceptions of youth and young adults today. The method proposed fills a knowledge gap in the field by providing quantitative survey findings from the youth perspective. In addition to the OCR survey questions, data was gathered with youth participants to gain understanding about the role and representation of the GAL as well as their experiences with participation in court proceedings.

CHAPTER 3

METHODOLOGY

Purpose

Children and youth involved in dependency court proceedings all too often lack access to information or opportunity to directly be heard throughout the court process. The decisions made by judicial officers may have profound and enduring impacts on the lives of these youth from placement out of the home to potential permanent severing of parental rights. Laws established in 2006 promoted the inclusion of youth voice in court proceedings by requiring that a youth be consulted with, in an age appropriate manner at transition and permanency hearings (42 U.S.C. 675(5)(C)). Since the passage of this legislation, practices and perspectives on how youth were to be consulted with varied significantly. Investigation into youth inclusion in dependency court practices were limited, but some findings indicated that a judicial officer's priorities were a key factor that determined to what extent a youth would be included in proceedings. This study investigated youth participation in dependency court from the perspective of two different groups: the youth involved in the maltreatment case and the judicial officers that presided over the determinations of the case.

Survey research gathered qualitative and quantitative data utilizing a convergent mixed methods design approach (Creswell & Plano, 2011). Strand One survey included 22 youth ages 16 – 21 who had participated in dependency court. Youth study participants completed an independent survey in a small group setting and, following participated in a brief group discussion. Two youth participants were not part of a small group; rather they completed the

survey and discussion with the researcher. The Strand Two included qualitative data collected via in-depth telephone interviews with six (6) Colorado dependency court judicial officers.

Study Design

The study utilized a mixed methods design to explore youth participation in the dependency court process. Mixed methods is a growing field of research study that collects, analyzes and interprets both qualitative and quantitative data to investigate the same underlying phenomenon and find a workable solution (Johnson & Onwuebguzie, 2005). A convergent design method allowed the researcher to bring together the perspective of two different groups impacted by the same phenomenon using a qualitative and a quantitative approach. Convergent design occurs when the research is conducted with qualitative and quantitative strands of study concurrently. The study method allows for the strands to be independent during the initial analysis and then results are mixed in the overall interpretation (Creswell & Plano Clark, 2011). The study design supported the need to maintain separate analysis and ensured equal value for collecting and analyzing both strands.

Greater insight into the complexities and opportunities of the child welfare court process was obtained through analysis of findings from both youth and judicial officer through merging data in the final interpretation. The study results bridged information about identified barriers, benefits, experiences and recommendations of youth attendance at dependency court hearings through description and explanation of the practical experiences of youth and judicial officers.

The convergent mixed methods design included a two-strand study that was conducted with two differing populations simultaneously. The design approach allowed for data triangulation between the two sets of data findings to strengthen and reinforce the understanding

of the findings from each individual strand of findings. Triangulation provided cross verification of data from two distinct sources. The mixed methods approach allowed for the application of several research methods with a combination of data in the analysis phase. In the merged analysis data was synthesized to highlight the complimentary results from the two strands, youth and judicial officers, to support a deeper understanding of the phenomenon (Creswell & Plano Clark, 2011).

Previous research conducted in Los Angeles County indicated that children perceived that they did not feel believed or listened to during court proceedings (Block et al., 2010). In addition, youth often wished for greater influence in the decisions made about their lives (Block et al., 2010; Miller-Updike, 2007). Research conducted in Colorado in 2014 provided insight into the perspectives of child welfare professionals (case workers, attorneys, CASA's) that the priorities of the judicial officer were a driving factor influencing child participation in dependency court proceedings (Rotella & Donnelly, 2014). The growing priority placed upon youth-led child welfare practice changes (Downs et al., 2009) provided the necessary environment to support a two-part study that linked youth and judicial officers' perspectives and recommendations for youth attendance at dependency court hearings.

The design chosen was survey research. This was an effective method to explain and describe practices and perceptions of youth attendance at dependency court hearings from the perspectives of youth and judicial officers. Survey research is a proven method for examining if the approach to youth inclusion has been appropriate. Additionally, survey research provided context in understanding the phenomenon being studied.

The focus group approach to Strand One qualitative data was added to the study to allow youth to provide context to the data gathered. Recent research on emerging adulthood identified

that youth move through an extended period of adolescence and young adult development that is a period of interdependence, toward independence. Youth and young adults between the ages of 16 – 21 are highly reliant on peers to experiment with role identity and skill development (Arnett, 2007). Therefore, individual surveys were administered in small group settings whenever possible. The survey was followed by a brief discussion that was facilitated by the researcher to foster participant engagement. The focus group discussion questions were six semi-structured questions to illicit shared and unique experiences with the court system as well as to stimulate recommendations for practice modifications. Refer to the Appendix C, Youth Survey. The Strand One data collection approach sought to collect both qualitative and quantitative data from youth to gain information and capture individual experiences.

Survey research conducted by OCR in 2014 provided relevant survey results of Colorado judicial officers; and was useful in the instrument designs for further understanding of judicial officer perspectives in Strand Two (Rotella & Donnelly, 2014). The proposed two-strands of survey research evolved from the logical need to bridge between two groups with diverse roles in a shared phenomenon to gain greater insight into a complex social problem of child welfare involved youth and the impacts of the court process.

Methods for Data Analysis

Qualitative data analysis was conducted utilizing a constant comparison approach. Constant comparison data analysis occurred concurrently for Strand One and Strand Two in the convergent design approach (Creswell & Plano Clark, 2011). Each strands data was collected and analyzed separately before results are merged for further contrast and comparison and final interpretation.

Constant comparison has roots in a grounded theory approach (Glaser, 1967) as an inductive approach to qualitative research. Since then, the approach has been adapted to other data analysis approaches that necessitate flexible data analysis. Constant comparison is an iterative process that has been modified by other researchers to include open, axial and selective coding to promote a pragmatic approach to data analysis (Fram, 2013). Thus, the qualitative data strategies included field notes, qualitative transcripts, and supportive quotes. Constant comparison required the interplay between the data and researcher for gathering and analyzing the data (Boeije, 2002). The analysis included both fragmenting and connecting data in order to both separate different themes that emerge as well as to provide context to understand the findings (Boeije, 2002).

Data was collected and coded and themes emerged. As additional data was added, categories were modified using comparison and contrast and themes were adjusted. At times, the researcher utilized count responses to describe and inform the analysis. In a convergent mixed methods design approach priority is frequently weighted on the quantitative data strand, while qualitative findings are used to better describe results. This study investigated two diverse target populations and thus, equal weight was given to the qualitative and quantitative results in the final data analysis. Emphasis was placed on themes of intersection between the two sample groups and themes that were only present for one study group.

Epistemologically Sound

Epistemology is the understanding of the relationships between the study participants and that which seeks to be understood. The convergent mixed methods design was a sound approach to support an efficient study design for greater descriptive understanding of the court participation experiences of youth and to gain insight into the perspectives and experiences of the

presiding judicial officers. The simultaneous quantitative and qualitative studies amplified the existing, and often indirect, relationship between two groups: judicial officers and youth.

To date, research conducted with youth in Colorado was limited to focus group inquiries. The quantitative findings from youth in Strand One expanded on prior survey research of other child welfare professionals, with an aim toward empowering youth as advocates for informing policy. The priority of youth voice in this study was a response to a child welfare system that had a history of actions and decisions made on behalf of youth that had profoundly effects on their lives. This hermeneutic research framework used collected qualitative data from diverse perspectives to understand what occurred with youth participation in dependency court processes. The study findings sought to understand past experiences from a value of transformation and change (Willis, 2006). The youth and the judicial officers offered expertise to the topic by sharing their experiences and recommendations.

Ontological Inquiry

Ontological inquiry investigates the nature of reality. An ontological assumption of this study was that reality was uniquely experienced by each individual and influenced by social structures, laws, and history. Systems, experiences and positions impacted individual's reality and experiences. As with the judicial officers and youth, the researcher came into the study with biases based upon her own reality and experiences. Efforts were made by the researcher to examine held biases throughout the research process. Following the completion of each strand one survey group, the researcher completed an audio recorded field note that included perceptions and observations. Similarly, the researcher utilized field notes following recorded interviews with judicial officers. Nevertheless, the study's design was an example of a researcher bias toward advocacy and empowerment of youth. Through participation in the study, the

researcher gained understanding into the complex challenges and depth of commitment of dependency court judicial officers. The Strand Two participant interviews transformed the researcher's perceptions from a court with great power and restricted information to a perspective of judicial officers as individuals held back by legal mandates who shared a passion and investment into ensuring the best interest of vulnerable youth.

Another bias of the researcher was the challenges of systems to meet the needs of individuals. While the court and child welfare systems exist to promote wellbeing for all, systems are challenged by regulations and unintended consequences to the individual youth and family. Thus, the study design reflects the researcher's bias that systems require ongoing monitoring and quality improvements.

Research Questions

The research questions investigated reflect the researcher's desire to understand the phenomenon to advocate to inform and to advocate for policy changes.

Research Questions

1. What are the experiences of youth attendance at dependency court hearings?

2. Strand One

2.1 What factors influence youth perspectives about attendance at dependency court hearings?

2.2 How do youth prefer to communicate about their GAL representation?

2.3 What are youth recommendations for enhancing opportunities for youth attendance at dependency court hearings?

3. Strand Two

3.1 Is there an association between judicial officers' priorities and the ABA Bench Card recommendations?

3.2 What, if any, modifications have judicial officers made to increase youth attendance at dependency court proceedings?

3.3 What factors influence judicial officers' perceptions of youth attendance at dependency court hearings?

4. Merged: What are participants' recommendations related to youth participation in dependency court? Judges? Youth? What are the primary differences and similarities?

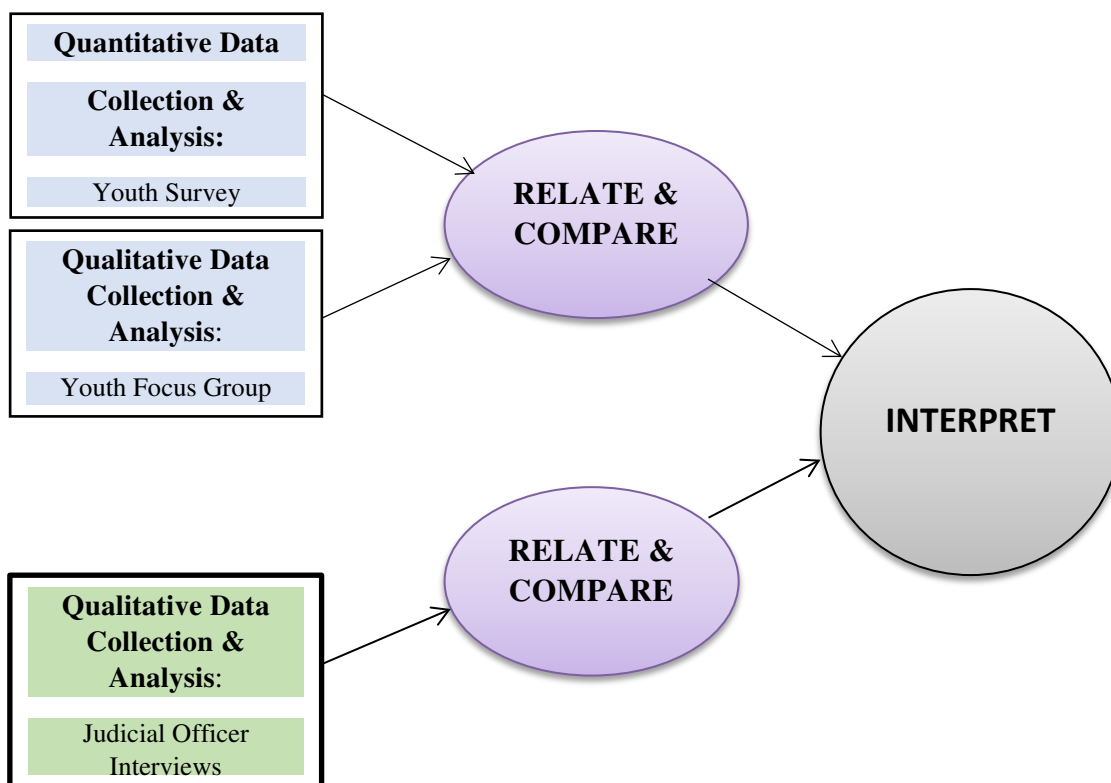


Figure 3.1. Convergent Parallel Design & Analysis

Methodology

Strand One Methodology

Inclusion/exclusion criteria. Research was conducted with youth ages 16 – 21. Rule out criteria included youth who did not have prior child welfare and thus dependency court experience as well as youth who were not affiliated with the host youth serving agency. The agency staff served as a secondary check for screening of youth with child welfare history, age restriction, and to ensure youth participants were voluntarily participating in the study. Additionally, the agency staff ensured there was a resource for support if a youth participant expressed distress or hardship due to participation in the study.

Participants. The sampling design was grounded in the literature for purposive sampling for the quantitative survey research approach. Purposive sampling relied on recruitment of a selected group of participants who had a shared experience of the central phenomenon (Creswell & Plano Clark, 2011). Strand One participants were a sample of convenience of youth with a shared experience of participation in dependency court. Youth with prior dependency court experiences were the appropriate audience to answer the research questions posed.

Purposive sampling was used to recruit 22 youth and young adults to participate in the survey from urban, suburban and rural Colorado. Eligible participants were individuals ages 16-21 who had experienced participation in dependency court between the years 2010 –2015. State advisors to the study identified significant changes and improvements in the dependency court proceeding in recent years. Thus, the study sample prioritized participants with recent experiences in dependency court.

Recruitment occurred through four gatekeeper youth serving agencies with resource sites that were located in five Colorado counties. Gatekeeper agencies served diverse functions for

youth including: foster care youth advisory boards, basic needs centers, and county Chafee workers. Permissions for recruitment were obtained in partnership with state advocates. For example, a state judicial leader and members of the Colorado Court Improvement Committee endorsed the study. The endorsement of state board representative and judicial leader was communicated to gatekeeper agency personnel to support the recruitment of potential youth study participants. Both electronic and print information was provided to gatekeeper agency personnel to disseminate to youth. The flyers and informational letters stated the purpose of the study, as well as the invitation for participation and opportunities for incentives. An eligibility screen was provided to gatekeeper's agency staff during the recruitment phase. Youth self-report was utilized to ensure participants met criteria for the study including: experiences with dependency court history and age criteria. The researcher was able to cross check enrollment criteria with agency staff when appropriate but was not able to verify the self-reported data through state data system. Nevertheless, the researcher received referrals for individuals that did not meet eligibility to participate in the study. For example, individuals outside of the age range or those without access to proper consents were screened out.

Participant consent was obtained and collected prior to the distribution of the survey and introduction by the researcher. The researcher introduced the purpose of the study, the commitment to confidentiality, and the lack of any other material benefits besides the stated incentives. Participants were informed about procedures for maintaining confidentiality and reminded that their participation was voluntary and they could opt out at any time. Agency staff and participants were provided information about how the findings would be utilized and were invited to receive a study summary and presentation at the conclusion of the study.

Sampling ethics necessitated that youth participants were informed that their participation in the study was voluntary and that their responses would be confidential. It was especially important to offer opportunities for empowerment and protections to youth who had experienced maltreatment. Thus, efforts were made to explain that participation in the study was not linked to achieving access to resources or other goods. Additionally, when inquiring about recommendations for improvements, participants were informed that the group recommendations were suggestions that may not be enacted upon. Participants were provided the incentives of food, drinks and \$5 gift cards to accessible quick cuisine restaurants.

Efforts were made to ensure variation in participant subgroups through the recruitment of gatekeeper agencies located in diverse regions and with different youth serving functions. However, a significant proportion of youth study participants had dependency court experiences in the Denver-Metro area and had relocated or been placed in the jurisdiction that the study was being conducted.

Data collection instrument. The written survey was developed for this study. The Office of Child Representative (OCR) had piloted a subset of the study questions with Denver youth utilizing a focus group format. The OCR focus group interview schedule was a useful template for the survey instrument. A second source for instrument design was the questions utilized by OCR in the 2014 survey of child welfare professionals (Rotella & Donnelly, 2014). For example, questions about notification, transportation and preparation were taken from the 2014 study of professionals and modified for youth response. The instrument was designed to address the research questions proposed with 4 sections. Section A included dichotomous yes/no as well as pick list questions and comment boxes asking about past experiences with dependency court.

Section B was 3 questions eliciting recommendations and benefits that included dichotomous with comment boxes. Refer to Table 3.1.

Table 3.1.

Youth Dependent Variables

<i>Variable</i>	<i>Defined</i>
Number of Placement types	Were you ever placed out of home (yes/no). If yes, select all that apply: Relatives House (family member or friend's house), foster care, group home, residential care, and hospital/detention. (Possible total of 5 placement types).
Perceived Court as Welcoming	Respondents were asked, "If you attended a hearing, did you feel welcome at court?" (Yes, no, I am not sure).
Benefit to Court Attendance	Respondents were asked, "Do you believe there were (or would have been) benefits to attending the court hearings? (Yes, no, I am not sure).

Section C gathered demographic information. Section D was the five semi-structured focus group discussion questions. The comment boxes were infrequently utilized by the study participants. In addition to the survey and focus group discussion recordings, the researcher utilized field notes to document observations. Refer to Appendix C: Youth Survey.

Data collection procedures. The quantitative data collection occurred with youth in groups of between three and seven. Two individuals met with the researcher separately. Youth surveys were conducted in the location utilized by the gatekeeper organization with one exception. One youth met the researcher in a fast food restaurant. Surveys were scheduled for 60 minutes and consisted of an introduction, the facilitated completion of the written survey, and a brief focus group discussion. A field test of the survey was conducted with two young adults that had dependency court experience but did not meet the criteria for participation in the study. The field test provided valuable information to ensure that the survey questions were collecting

the desired information and that the wording of the instrument was appropriate for the population. In many communities, the participants were known to each other due to membership/participation in the gatekeeper organization. Data collection protocols included observation of participants and documentation through researcher field notes.

Participants were informed about the purpose of the study and how the data would be utilized. They were provided opportunity to access the findings through the host agency. The researcher maintained field notes to document initial thoughts and to assist in the process of broad category formation (Creswell & Plano Clark, 2011).

This approach was useful for gathering feedback from youth. For example, the endorsement of agency staff members and peer participants promoted buy-in to the study. Additionally, the peer group approach reinforced the developmental priorities of adolescents who were familiar with classroom-like settings, valued peer activities, and were interested in identity exploration (Arnett, 2007).

The group setting allows the researcher to support respondents with survey content when necessary, clarifying meanings, and fostering connections for respondents. This was strategic for youth focus groups in order to stimulate participant recall and to generate interest in the topic in peer group setting. Participants were asked to recollect past experiences with dependency court that may have been recent or in some instances was a distant memory. The topic of child welfare and dependency court evoked emotions of frustration, sadness and, at times, positive memories of caring adults. The researcher was tasked with fostering a safe environment and utilized choice in the process. Thus, most youth focus group discussions were not recorded. Additionally, the researcher attended to the emotional needs of study participants through the presence and

availability of the host agency staff. On one occasion, the researcher did report prior abuse to a child welfare agency.

In addition to providing feedback about their past experiences with court attendance and participation, youth were asked to provide feedback on their experiences with their GAL representation. Following, participants were prompted to provide recommendations for child and youth attendance and/or participation at dependency court hearings. Validity issues existed with the measurement phase. For example, focus groups present with unique challenges regarding the effective use of the group dynamics to enrich the findings. In qualitative research threats of coder error exist. This is especially true in interview research where the researcher is facilitating the discussion, observing the participant, and attempting to transcribe feedback from the participants. The group facilitation was subjective and required skilled negotiation to maximize participant perceptions of their value and input as well as perceptions of participant safety. Gatekeeper agency staff assisted in setting a tone for the survey administration and this varied by agency. For example, a few agency staff were not notified of the study but were informed they were to be present for a group visitor.

Data analysis. Data was gathered through interviewer written notes, survey completion and researcher field notes to document aspects of small group discussion. Field notes were useful in capturing and recording data toward the process of broad category creation and to obtain observations over time (Creswell & Plano Clark, 2011). Youth focus group data was transcribed and preliminary content analysis generated the identification of emerging themes. This allowed for comparison within a single study group. As the study advanced comparison between interview groups was conducted. Thus, each small group survey collection assists in advancing the emerging themes into the development of initial categories. The coding of themes

progressed to the identification of interrelated themes. Themes were organized under research question and a code book was created.

Survey data was coded and entered into SPSS software system by the researcher at the completion of all youth surveys. SPSS software required that survey results be numerically coded for either: a) yes, no, I am not sure or b) multiple pick selections. Comments answered into open box responses were captured in SPSS code book.

In advance of the merged results, the Strand One findings were further analyzed. For example, counts by theme allowed for frequency data. Visual inspection of the data throughout the process was useful in identifying themes and patterns and avoiding errors. The methods were logical to provide preliminary analysis of the Strand One data. The approach conforms to the phenomenological qualitative research.

The methods for data analysis were logical to address the Strand One research questions of youth perspectives on their dependency court attendance, GAL representation feedback, and recommendations for future youth participating in dependency court proceedings. The survey research proposed did not seek to develop causal relationships but rather to explain and describe experiences and perceptions. Threats to validity existed due to restrictions in recruitment of participants, individual literacy levels, and comfort with completing a written survey. The researcher was an essential component of the data collection for the focus groups. Group facilitation required the researcher to attend to engagement, rapport building, written data collection and observer.

Strand Two Methodology

Inclusion/exclusion criteria. Research included in-depth interview survey research of dependency court judicial officers in Colorado. The qualitative survey research was conducted

with magistrates and judges that are currently serving in dependency court and/or judicial officers that have served in a dependency court rotation in the prior 24 months.

Participants. The researcher conducted in-depth interviews with dependency court judicial officers by phone. Strand Two included the purposive sampling of 6 judicial officers with diverse experiences of youth attendance at dependency court. At any time, there are approximately 23 magistrates and judges that serve in dependency court in Colorado. The judges and magistrates were the appropriate individuals to respond to the research questions pertaining to youth attendance practices at court hearings.

Participant recruitment was initiated by an emailed letter that introduced the survey, provided a statement of purpose, and requested participation. The researcher consulted with state advocates for youth inclusion including staff of the Office of the Child Representative (OCR) and the chairperson of the Judicial Permanency Advisory Group (JPAG). The judicial officer was an early leader in promoting youth attendance at dependency court proceedings and offered consultation and suggestion in recruitment and data gathering. The Colorado State Court Improvement Committee was comprised of judicial officers from across Colorado and has interest group members. The youth inclusion expert to the State Court Improvement Committee served as a study sponsor. The youth inclusion expert for SCIC lent her name and endorsement to the letter of request for participation in the study. Additionally, the researcher attended an annual convening of dependency court judicial to gather information and initiate in—person recruitment of potential study participants.

Through subject matter experts, efforts were made to request participation from both early innovators of youth attendance at dependency court, as well as traditionalists. Additionally, recruitment prioritized diversity in geographic locations in an effort to recruit

urban, suburban, and rural judicial officers. Subject matter experts provided names of potential study participants. The researcher sent an email request to both judicial officers in the jurisdictions that served as the youth recruitment sites in Strand One as well as the judicial officers identified by experts. Nine requests for participation were sent out via email and six participants agreed and scheduled with the researcher.

In-depth interviews were scheduled and participants were provided the option of in-person or telephone interview. All participants scheduled to interview by phone. All Strand Two participants gave permission for the recording of the interview. A confirmation email was sent to the study participant that included the consent forms and the reason for the study. Participants returned consent forms via email prior to the scheduled phone interview.

Data collection instrument. The survey instrument and consent was provided to the study participants in advance of the scheduled phone meeting. Data findings from the 2014 survey of child welfare professionals and ABA Bench Card guidelines were utilized to craft the semi-structured interview schedule (Rotella & Donnelly, 2014). The survey contained three sections. Section one utilized the research findings that identified benefits and barriers to youth attendance. The qualitative interviews provided opportunity to illuminate on prior findings and gain understanding into the complexities of challenges and opportunities. Colorado research conducted in 2014 and existing screening tools indicated that barriers to youth inclusion were: school conflicts, transportation challenges, youth not notified of hearings, conflict with family members present in the room, flight risk, disability restrictions, or that the child did not wish to attend (Adams Court Check List, 2007; Rotella & Donnelly, 2014). Section two of the survey gathered feedback on the ABA Bench Cards as resource to engaging youth in court in a developmentally appropriate manner (American Bar Association, 2008). Lastly, section three

elicited recommendations from judicial officers about youth inclusion practices in court proceedings.

Data collection procedures. The survey instrument was designed utilizing survey data gathered in 2014 by OCR as well as the priorities established by a resource guide put forth from the American Bar Association entitled Judicial Bench Cards. The interview schedule included three sections. Section A was 10 questions that included yes/no and open-ended questions. Section B was 5 questions pertaining to perceptions that elicited feedback from the results of the 2014 survey findings. Finally, Section C was demographic information. Refer to Appendix D: Strand Two Judicial Officer Interview Schedule.

The interview schedule was field tested occurred two court professionals who serve as GAL's in the 20th Judicial District. The field test was useful in highlighting concepts that may not be familiar to study participants as well as ensuring that the questions did elicit the desired information. Modifications were made to the study questions. Data was collected through in-depth telephone interviews conducted by the researcher. The recorded interviews ranged in time from 18 minutes to 56 minutes. The recordings were transcribed by the researcher.

Data analysis. During the telephone interview, the research recorded the interview. The recording was transcribed by the researcher and the audio recording was deleted. Data analysis of the qualitative findings occurred utilizing a process of constant comparison. Analysis occurred between each interview as initial data was coded into themes by interview question. The research question themes began to emerge following the completion of three interviews. However, the themes were modified and refined following each phase of analysis throughout the data collection process.

The dichotomous field questions were tallied. Due to the low number of respondents, the numeric data was added into the margin of the qualitative analysis throughout. The numeric findings provided descriptive information that informed the qualitative themes. The data collection approach of constant comparison was logical to address the Strand Two research questions of judicial officers' perceptions of youth attendance, practice experiences, and recommendations for youth attendance at court proceedings.

There were inherent threats to the interview survey research approach. For example, there was potential for participants to be concerned about confidentiality given the small sample population of six study participants. The intent of the study was not to find causality but rather, to explain and describe the judicial officers' experiences and perspectives regarding youth attendance at dependency court hearings. Nevertheless, it was difficult to mitigate for potential concerns but efforts were made to reinforce the priority of confidentiality.

Descriptive statistics were coded and counted to gain understanding of the potential influences to judicial officers' perceptions of youth attendance at dependency court hearings. For example, years on the bench and years in dependency court were descriptive data collected. The constant comparison approach was applied to Strand Two data analysis. Themes did not emerge until three interviews were conducted. After the completion of six interviews, coding was refined with fragmenting and connecting themes organized by research question.

Convergent Analysis

Strand One and Strand Two data was collected from different participant populations with differing experiences. Thus, caution was taken in the final analysis of merging the results. The merged analysis allowed for examination of findings in areas in which the youth and the

judicial officers converged and diverged in their perceptions and recommendations. The analysis of merged results informed where the two populations had intersection of experiences as well as areas unknown to the other population. Again, the data was visually inspected and analyzed to ensure that the data answers the research questions posed. Analysis included a common theme that had differing fragments or meanings within the theme.

Convergent themes were merged using a table to display the two strands of content in side by side columns. Frequency counts of Strand Two could be analyzed beside the SPSS frequency findings from Strand One for themes such as frequency of youth attendance. Data displayed in columned tables allowed the researcher to further explore the intersecting themes utilizing constant comparison to fragment and link the theme. The convergent theme often presented with differences in ongoing analysis. For example, a recommendation for training had different meanings for the two participant groups. Merged themes assisted in answering two of the proposed research questions: a) What are the experiences of youth attendance at dependency court hearings and, b) What are participants' recommendations related to youth participation in dependency court? Judges? Youth? What are the primary differences and similarities? Refer to Table 3.2.

Table 3.2.

Analysis by Research Question

<i>Research Question</i>	<i>Convergent Analysis</i>	<i>Key Variables</i>	<i>Analysis Approach</i>
What are the experiences of youth attendance at dependency court hearings?	YA.1 YA.9 YB.1.a JA.1 JB.2&3	<ul style="list-style-type: none"> • Perceived welcome • Open Ended • Perceived benefits • Perceptions of attendance 	Constant Comparison Descriptive Statistics
What are participants' recommendations related to youth participation in dependency court? Judges? Youth? What are the primary differences and similarities?	JA3 1 – 2 JB3.a JB.3b JC.1-4 YA.4 (9-10) YB. 1 (A-B)	<ul style="list-style-type: none"> • Benefits and barriers • Perceptions of youth attendance • Recommendations for attendance • Youth benefits & barriers • Youth recommendations 	Constant Comparison Descriptive Statistics Correlations

Data analysis included descriptive statistics with frequencies that were useful in comparison of the groups. SPSS data allowed analysis of Strand One youth to include independent t-tests to compare perceptions as well as correlations to test for correlations between variables. The sample size proved a limitation in the analysis of potential relationships among variables. Nevertheless, descriptive statistics collected utilizing SPSS analysis was verified by the responses of Strand Two judicial officers. For example, the frequency of youth participation in court findings from SPSS analysis of Strand One were reinforced from the data count of Strand Two study participants. Refer to Table 3.3.

Table 3.3.

Convergent Analysis Table

<i>Strand One Youth</i>	<i>Emerging Themes</i>	<i>Strand Two Judicial Officers</i>
YA.2 – SPSS frequency	Theme 1	JB.1 constant comparison
YA.4 – SPSS frequency YD.1 – (FG) constant comparison	Theme 2	JB.5 count and constant comparison
YB.2 – constant comparison (comment box)		
YB.1- SPSS frequency And constant comparison (comment box)	Theme 3	JA.10 count and constant comparison
YA.9 – SPSS frequency	Theme 4	JA.10 – rank count and constant comparison
YD.5 – constant comparison YB.2 – constant comparison	Theme 5	JB.1 – constant comparison JB.2 constant comparison

Methods of Data Summary

Data results were displayed using tables and figures. Respondent quotes were effective in enhancing themes and illuminating the differing stories and perspectives of participants. Additionally, tables and figures displayed areas of convergence between the Strand One and Strand Two study findings. Figures were useful in highlighting areas of data congruency. The data display provided a visual of potential opportunities for practice change priorities.

A written discussion of themes provided a summary of the essence of the findings as well as review of the findings in relation to research on the topic. The blended analysis of the convergent design enriched the meanings and implications of the findings from the individual strands.

The research findings were not generalizable. Limitations existed as the Strand One participants are young adults who may not have attended dependency court in past year and may be relying on memory and recall. Additionally, child welfare practice shifts are continuous with emphasis on family driven and trauma informed practices. Additionally, Strand Two of the study represents Colorado dependency court at this point in time and is not generalizable beyond Colorado or in a different point in time. Nevertheless, the findings provided meaning and implications that may be useful in informing child welfare professionals and related stakeholders about judicial recommendations for youth inclusion in dependency court.

Summary

The synthesis of the mixed methods design approach answered the research questions proposed including youth and judicial officer recommendations regarding youth attendance at dependency court proceedings. The study design was influenced by the researcher's bias toward a transformative research approach. For example, the convergent study design sought to give voice to an often-voiceless group of youth while also identifying areas of intersection between youth and judicial findings. The presumption existed that the intersecting data findings that were priorities for both Strand One and Strand Two provide opportunity for change.

CHAPTER 4

FINDINGS

The purpose of this exploratory study was to provide information and understanding into practices and recommendations for youth participation in dependency court proceedings. The research utilized a two-phase study design with qualitative and quantitative data sets. The study recruited two groups of study participants for judicial officer interviews, as well as the youth focus group discussions and survey results. True to a convergent mixed methods design approach, the results include merged data findings for the two groups of study participants to answer the research question of what are youth and judicial officers' experiences with youth attendance at dependency court. The merged results provide insight into shared youth and judicial officer recommendations for enhanced youth participation in dependency court proceedings.

Data collection occurred over a 10-month period. In Strand One, youth surveys were completed in small group settings, with follow up focus group discussion questions between March through September 2016. On two occasions, written survey and verbal follow up discussions were conducted as a one-on-one session due to youths' schedules and youth access to the scheduled group events. Youth participants were provided a \$5 gift card for their time and food was served at the scheduled sessions. In total six (6) youth surveys were not eligible to be included in the study due to consent issues for minors. This chapter provides the results of the survey and interview data obtained. Four separate agencies hosted youth survey sessions: participants were voluntarily recruited from two suburban drops in centers; one metro area youth organized board as well as a rural youth advisory board group. One agency served two different

Metro youth groups and thus separate review sessions were conducted. Another agency allowed the researcher to schedule two separate small group sessions. On two occasions, young adults that could not attend group sessions met with the researcher individually. Youth were asked by the researcher if the focus group discussions could be recorded and the majority of youth rejected this request with only 3 focus groups consenting to be recorded. Therefore, focus group discussion information was captured by notes taken by the researcher and transcribed following the group discussions.

In Strand Two, judicial officers were interviewed by telephone, with the duration of each interview ranging in time from 18 minutes to 38 minutes. Telephone calls were recorded and transcribed. In total, six (6) judicial officers participated in the study, representing three (3) judges and three (3) magistrates with three (3) male participants and three (3) female participants.

Key Variables

Perception

Both judicial officers and youth were asked to share their interpretation of their experiences of youth attendance and inclusion at court proceedings. Perception included the awareness they held because of the past experiences that they had pertaining to dependency court.

Experiences

Both judicial officers and youth were asked to describe past experiences of youth participation in dependency court. Experiences were events that happened to individuals or things that were done to or by individuals. Experiences required respondents to reflect back in time to recall specific situations regarding the dependency court process.

Youth Wishes

This may include a choice to participate in a hearing (e.g.: attend) or not. It may also include a youth speaking out about their recommendation for preferred outcomes to the court proceeding. This is distinct from the best wishes of the child that is presented to the court by a GAL, as this is only inclusive of what a youth has stated she/he would like to see occur.

Attended Court

For the purposes of this study, attendance was limited to a youth who was present at all or a portion of a dependency court proceeding and in the court room. In some jurisdictions, only youth 12 and over are entered into a data system as attending a court hearing. This does not include a meeting in chambers with parties to the case on the record.

Participate in Court Proceeding

Youth participation in a court proceeding encompasses attendance at a hearing, but may include other strategies for youth that allow them to feel that they were provided a venue to state their wishes (See Table 4.4.). This may include attendance at a meeting in chambers with parties to the case, on the record or providing a letter or phoning into a portion of the court hearing. For some youth and judicial officers, this includes a youth stating their wishes to their GAL and having the GAL represent the youth's wishes to the court.

Child Welfare Professionals

This encompassed the case worker, GAL, respondent parent counsel, a CASA, or other paid or volunteer professionals that work within the dependency court process and was assigned to serve a role in a particular youth/family court process.

Judicial Officer

Magistrate or judge that is presiding of the dependency court hearing.

(Judicial officer) Number of Years on D&N Rotation

Dependency and Neglect court is a civil case process. Unlike a criminal case, parents/caregivers in a D&N case are not prosecuted for a crime. Rather, caregivers are responsible for making changes to benefit a child's safety and wellbeing. Children are placed under the jurisdiction of the juvenile court for their best interest. In most districts, magistrates and judges serve a rotation on the D&N court docket or they are assigned to that court over time. In rural districts, a judicial officer may have oversight over D&N court as well as other types of civil cases at the same time.

(Judicial officer) Number of Years on Bench

This takes into account both the years of experience a judicial officer has in D&N court and all other courts serving as a judicial officer over her/his career on the bench.

Number of Court Filings

For the purposes of this study, the number of filings refers to the number of D&N cases that are active in one year requiring judicial oversight in juvenile court.

Benefit

Youth and judicial officers were provided a list of potential benefits for youth attendance at court that were derived from findings of a OCR 2014 study and they were asked to identify their top two benefits. The concept of benefits encompasses the information provided to the court, the opportunity for youth to be empowered and aspects of justice (Table 4.14.).

Welcoming

Through the process of data analysis the theme of a welcoming court experience was delineated by both judicial officers and youth into two categories: a) a welcoming judicial officer and b) the court process as welcoming. A welcoming judicial officer included demonstrating friendliness, listening skills and compassion. A welcoming court experience as included aspects of a court proceeding such as the building, the legal language and process, as well as comprehension of the court proceeding.

Modifications

Through the process of constant comparison in data analysis, a deeper understanding of the concept of judicial officer modifications emerged. The modifications for youth inclusion divided into a 3-point scale (Table 4.14.).

Study Findings

The findings are organized by research question. Sample population characteristics of Strand One and Strand Two are presented before the findings are discussed.

Sample Characteristics

Strand One

Data from 22 youth was collected. The age range of Strand One participants was between 16 – 22 years of age; with a mean age of 19.04 years old.

Table 4.1.

Youth Independent Variables

<i>Key Variable</i>	<i>M</i>	<i>SD</i>
Current age	19.04	1.588
Estimated age of first court involvement	11.05	4.399
Number of types of placement	3.05	1.588

Youth resided in both suburban and urban counties with 12 male and 10 female study participants in the sample. Table 4.2 displays the diverse county representation of youth study participants. The study sample included diversity of Colorado Counties for youth. In all, ten (10) Colorado Counties were represented as well as four other states with one respondent identifying as being from out of country. The largest representation was from suburban and urban counties. The transient nature of the population was represented in the diversity of judicial districts of respondents as surveys were conducted in five (5) county locations (Douglas, Arapahoe, Boulder, Larimer, and Pueblo).

Table 4.2.

Youth Geographic Distribution

<i>County</i>	<i>N</i>	<i>Type of Region</i>
Adams	4	urban/suburban
Out of State	4	unknown
Larimer	3	suburban
Boulder	3	suburban
Arapahoe	2	urban
Denver	1	urban
Garfield	1	rural
Douglas	1	urban/suburban
Pueblo	1	rural/suburban
Jefferson	1	suburban/rural
Weld	1	Suburban/rural
Out of Country	1	unknown

*One respondent identified 3 counties (n = 21)

Table 4.3. illustrates the youth-serving referral agencies, estimated age of youth entering the foster care and dependency court systems, as well as current age of the study participants.

Table 4.3.

Youth Demographics

<i>Agency</i>	<i>N</i>	<i>Mean Age (M)</i>	<i>Mean Age Youth Entered D&N Court System (M)</i>
Metro Agency 1.1	BTW.C (2)	18.5	8.5
Metro Agency 1.2	BTW.A (5)	19.2	9.8
Suburban Agency 2.1	AH.1 (2)	19	10.5
Suburban Agency 2.2	AH.2 (4)	20.75	11.25
Suburban Agency 2.3	AH.3 (1**)	23	11
Suburban Agency 3.1	MH.1 (5)	16.2	12.4
Rural Agency 4.1	PU.1 (4*)	20	10.66

*Missing all survey data for PU.1.G; however individual joined focus group discussions.

**Participant is 23 years old, over cut off for survey participation by 1 month.

Strand Two

Data was collected from six (6) judicial officers from diverse districts across Colorado. Respondents represented suburban (2), urban (2) and rural (2) judicial districts. Half of the respondents were magistrates at the time of the interviews and the other 50% were judges. Similarly, half of the respondents were male and half were female. Experience with dependency court rotation ranged from 2.5 to 23 years of work; 10.9 was the average number of years of D&N court experience of judicial officer respondents. Refer to Table 4.4.

Table 4.4.

Judicial Officers' Demographics

<i>Study Participant</i>	<i>Rural/Urban/Suburban</i>	<i>Number of Filings by District (N)</i>	<i>Years on Bench</i>	<i>D&N Years</i>
J.1	Suburban	70	13	13
J.2	Urban	1000	4.5	2.5
J.3	Rural	100*	25	23
J.4	Urban/Suburban	376	13	13
J.5	Suburban	missing	8	4
J.6	Suburban/Rural	140	10	10

* District represents 6 counties

Findings By Research Question

1. What Are The Experiences of Youth Attendance at Dependency Court Hearings?

Quantitative findings.

Strand One. Youth were asked survey questions about their experience with attendance at court. The questions were close-ended yes/no/ not sure or respondents were asked to select all that apply with comment boxes provided. Questions were asked to gain insight into attendance, preparation, transportation and youth wishes. The survey included youth variables of (1) number

of placement types (2) perceived court as welcoming and, (3) benefit to court attendance. Refer to Appendix C: Strand One Youth Survey.

Youth were asked how they made their wishes known to the court. Youth could select all responses that applied. More than half of youth (59%) identified at least one strategy of making their wishes known to the court at some point in time. The respondents who identified another strategy wrote in responses of “I told my foster parent” and “I told my case worker.” Refer to Table 4.5.

Table 4.5.

Youth Making Wishes Known

<i>Source</i>	<i>Percent</i>
I told my GAL	59%
I attended court	50%
Unsure/ I don't know	18%
I wrote a letter to the court	13.6%
Other *	13/5%

* Table does not total 100% as respondents were instructed to select all that applied.

Youth were asked to identify who notified them of scheduled court hearings; the majority identified the case worker (72.7%) as the individual who told them about upcoming hearings.

Additionally, 45% stated it was their GAL who notified them of the hearing. Refer to Table 4.6.

Table 4.6.

Youth Notification of Hearings

<i>Source</i>	<i>Percent</i>
My caseworker	72.7%
My GAL	45.5%
Other	27.3%
The Judge	22.7%
My CASA	18.2%

* Table does not total 100% as respondents were instructed to select all that applied.

When asked to identify who prepared them for a court hearing, the largest response was GAL (22.7%). Respondents were instructed to select all answers that applied over time. When asked how they were prepared for a court hearing, a majority of respondents stated the case worker or another professional prepared them for the hearing (54.5%) and 36.4% stated they were not prepared for court. It should be noted that respondents were instructed to select all answers that applied over time. Refer to Table 4.7.

Table 4.7.

Youth Preparation for Court

<i>Source</i>	<i>Percent</i>
My caseworker or other professional	54.5%
I was not prepared for court	36.4%
I watched a video	4.5%
I don't know	4.5%

Benefits to court attendance. Participants were asked if they perceived benefits to attending court. The majority of the youth (70%) perceived benefits to attending whereas 30% of respondents did not perceive any benefits. An independent t-test was conducted to determine if there was a significant difference with increased age and the perception of positive benefits to court attendance. No significant difference was determined. The mean current age of youth who did not perceive benefits to attending court was 18.5 years (6 respondents). In contrast, the mean

current age of respondents who did perceive benefits to attending court was 19.86 (14 respondents). Refer to Table 4.8.

Table 4.8.
Youth Perceptions of Benefits to Court Attendance

Benefits Table				
<i>Response</i>	<i>N</i>	<i>Percent</i>	<i>M Court Age</i>	<i>M Current Age</i>
Yes	14	70%	10.29	19.86 (sd= 1.562)
No	6	30%	10.83	18.50 (sd = 1.870)

An independent sample t-test was conducted to compare the perceived benefits of youth attendance at court by respondents' current age, as well as by estimated age when entering the court system. The age of entering the system was an estimated age provided by youth respondent. Findings revealed that there was no significant difference by current age of respondents in comparing perceptions of benefits to court attendance. Similarly, there was no significant difference in comparison of estimated age of youth's first court involvement with perceived benefits or perception of court as welcoming. Refer to Table 4.8. Additionally, data was analyzed by categories of youth who experienced dependency court in Colorado, in comparison to youth who attended court in another state. No significant differences were found.

Perception of court as welcoming. An independent-samples t-test was conducted to compare perceptions of court as welcoming by age of youth. There was not a significant difference in perception of court as welcoming ($n = 7$) or unwelcoming ($n = 9$) and the age of the youth ($M=19.04$, $SD= 1.588$; $t = .552$, $p = 10.23$). Additionally, an independent-samples t-test was run to compare perceptions of court as welcoming by the estimated age that youth became

involved in the court process. There was not a significant difference in perception of court as welcoming and the estimated age of court involvement ($M = 11.05$, $SD = 4.399$; $t = .931$, $p = 13.199$). Refer to Table 4.9.

Table 4.9.

Youth Perception of Court as Welcoming

Perceived as Welcoming

<i>Response</i>	<i>N</i>	<i>Percent</i>	<i>M court age</i>	<i>M Current Age</i>
Yes	7	44%	10.86 (sd = 4.78)	19 (sd = 1.63)
No	9	56%	10.78 (sd = 4.89)	19.6 (sd = 1.17)

Youth were asked to identify the types of placements they experienced while in care with five (5) possible types of care: relative/kinship care, foster care, group home, residential treatment center, and detention/ hospital settings. Youth experience of types of care was calculated. The largest percentage of youth either experienced only one type of care (21.7%) or experienced all five types of care (26.1%). Of youth respondents, 39.1 % experienced only one or two types of care while 43.5 % experienced four or more types of care. A Pearson's correlation was conducted to analyze the relationship between the numbers of types of placement a youth experienced with perception of court as welcoming. There was no significance in the findings.

Perception of benefits to court attendance. An independent-samples t-test was conducted to compare perceptions of benefits to court attendance to youth's age as well as to youth's age of entering care. The perception of benefit to court attendance ($n = 11$) or no benefits to attendance at court ($n = 6$) compared by current age ($M = 19.04$, $SD = 1.588$; $t = .497$, $p = 6.54$).

Additionally, youth perceptions of benefits to court attendance was compared by the youth's estimated age of entering the court systems ($M = 11.05$, $SD = 4.399$). There was no significance found in perceptions of benefits to court attendance by age respondents entered the court system ($t = .857$, $p = 9.318$). A Pearson's correlation was conducted to analyze the relationship between the number of types of placement a youth experienced with perception of benefits to court attendance. There was no significance in the findings.

Data was re-coded to identify in-state ($n = 14$) and out of state ($n = 6$) youth as two separate response groups. An independent t-test was run to compare perception of benefits to court attendance by residence of Colorado during court involvement. No significance was found in comparing Colorado youth responses with out of state youth responses ($t = .341$, $p = 8.075$).

Qualitative findings.

Strand One. Youth respondents who had attended hearings identified reasons for attending court. For example, youth were motivated to attend court because a parent asked them to attend or an older sibling was choosing to attend. In some jurisdictions, it was a common practice for youth to attend hearings. A small subset of youth expressed that court went by quickly and was not all that intimidating or relevant to the youth. A sub-set of youth expressed a sentiment of "why bother" regarding court attendance. Youth who reported they did not attend court were more likely to believe that they were powerless to impact the court outcomes. Those that were provided opportunities to attend the hearing, but who opted out, spoke of the choice to not attend a hearing from an empowered perspective.

Strand Two. Judicial officers were asked if youth routinely attend hearings. Three (3) respondents stated that youth did not attend hearings, 2 respondents clarified that youth attended some, but not all hearings. Of those, one stated her objective was to have youth attend a

minimum of one hearing and ensure that it was welcoming. This respondent hypothesized that one positive court experience may be enough for a youth to feel that they had influence within the court process. One respondent reported that youth attended hearings in his court room, but attendance was not consistent within the court rooms in his District. The majority of respondents replied that youth did not routinely attend court hearings. Refer to Table 4.10.

Table 4.10.

Judicial Officer Perceptions of Youth Attendance

Do youth routinely attend hearings?	
<i>Response</i>	<i>Frequency</i>
Yes	1
Not all Hearings	2
No	3

Judicial officers were asked if court was welcoming for youth. Respondents' answers indicated that they made efforts for youth to feel welcome in court. However, a few identified that the court room was not set up for individuals to feel welcome and that there were constraints to ensuring youth felt welcome. They identified strategies, such as making eye contact or greeting the youth as soon as they were able, as efforts to let youth know they were welcome in court. Similarly, one respondent identified that she was able to support youth in feeling welcome during in-chambers meetings but was less successful at ensuring youth felt welcome in court. The two respondents that affirmed youth did feel welcome in their court room clarified that this was not true for other court rooms in their district. The majority of respondents (4) did not feel that court was welcoming for youth. Refer to Table 4.11.

Table 4.11.

Judicial Officer Perception of Court as Welcoming

Is Court Welcoming to Youth?	
<i>Response</i>	<i>Frequency</i>
Yes in my court room	2
Yes in chambers	1
Unsure/Mixed	1
No	3

Utilizing the responses from the judicial officers, a three-point Judicial Officers' Modifications Scale was developed to represent the practice modifications made by judicial officers to enhance youth inclusion in court proceedings. Refer to Table 4.12.

Table 4.12.

Judicial Officer Modifications Scale

Score	Defined	Frequency
1	Actively encouraging youth engagement with policies and/or protocols to support efforts for increased youth attendance. Respondent reports increased youth attendance.	2 (J.1, J.4)
2	BPCT currently addressing youth inclusion and plans for future modifications to remove barriers to promote youth attendance	2 (J.2, J.5)
3	Respondent expressed values of youth attendance or inclusion but has not instituted practice changes.	2 (J.3, J.6)

Findings indicated that the two respondents who received a score of 1 both had 13 years' experience with dependency court. Both respondents with a score of 2 had between 2 – 5 years on the dependency court rotation.

Strand One and Strand Two merged findings.

In the final phase of analysis, the merged findings were synthesized through the comparison of responses between Strand One and Strand Two. Youth and judicial officers indicated that there was no consistent approach to youth attendance at court hearings. Half of youth surveyed reported attending court at some point in time. The top two reasons for not attending identified by youth were: (1) self-choice not to attend (31.8%) and, (2) that there was information being presented in court about their parents that professionals did not want them to hear (31.8%). In contrast, judicial officers identified that the top two reasons youth did not attend court to be: (1) issues pertaining to transportation (100%) and, (2) missing school (66%).

Similarly, judicial officers indicated that attendance practices for youth in court hearings were uneven. The majority of judicial officers state that youth did not routinely attend court with only one respondent replying yes, “Do youth routinely attend court?” The respondent clarified that it was only in his court room; not district-wide. Youth responses indicated that only 50% made their wishes known to the court by attending the hearing (Table 4.4.). Both youth and judicial officer respondents valued youth choice and did not wish to see mandated attendance.

Both youth and judicial officer participants provided mixed responses when asked if court was welcoming to youth. Half of judicial officers stated that court was not a welcoming experience for youth. Forty-four percent of youth respondents did not perceive court as welcoming. Clarification was made by some respondents in both strands that the judicial officer demonstrated efforts to welcome youth, but the court experience was not welcoming to youth. Additionally, both youth and judicial officers acknowledged the benefits of alternative options to attendance at a scheduled hearing. In some districts, alternative inclusion processes included youth meeting in chambers with judicial officer, an invitation to write a letter, or efforts to

acquire technology to allow youth to call into the hearing on the record. Conversely, both groups recognized situations in which youth attendance did not occur in an effective manner and resulted in a negative perception of youth attendance. Both youth and judicial officers recognized that the court experience had the power to either empower youth or, when not executed thoughtfully, to potentially re-traumatize a young person.

Youth respondents identified the three highest values of attendance to be: (1) youth voice is heard (68.2%), (2) I feel like it is my right to attend (68.2%) and, (3) it allows me to see what is happening (68.2%). Judicial officers' three highest rankings for perceived benefits were: (1) benefits to the judicial process (50%), (2) youth empowerment (50%), (3) puts a face with the case (33%) and, (4) access to justice (33%). Overall, both judicial officers and youth identified positive benefits for youth attendance, when implemented appropriately and on a voluntary basis. Refer to Table 4.13.

Table 4.13.

Merged Benefits to Youth Attendance

<i>Youth Percent</i>	<i>Benefit Response Category</i>	<i>Judicial Officer Percent</i>
36.4%	Empowerment	50%
63.6%	About Them/Puts a face with the case	33%
68.2%	Youth Voice	16%
54%	Benefit to the Judge/ Benefit to the Judicial Process	50%
68%	My Right/ Access to Justice	33%

2.1 What Factors Influence Youth Perspectives About Attendance at Dependency Court Hearings?

Quantitative findings.

Strand One. Youth survey questions that provided insight into the factors that influence youth experiences include: youth attendance, barriers to attendance, and the number of types of placements the respondent experienced. Of the 22 youth respondents, 50% identified that they attended court.

Barriers to court attendance. Youth were asked to identify why they did not attend court hearings. Findings revealed that the top two reasons for not attending court was (1) information about their parents that professionals did not want them to hear and (2) they did not wish to go to court. Refer to Table 4.14.

Table 4.14.

Youth Barriers to Attendance

<i>Response Category</i>	<i>Percent</i>
Information about my parents that professionals did not want me to hear	31.8%
I did not want to go	31.8%
Missing school	22.7%
Transportation barriers	18.2%
Information about my parents that I did not want to hear	13.6%
Court is not youth friendly	13.6%
I was unsure how to participate in a court hearing	13.6%

Qualitative findings.

Strand One. Overall, results were highly mixed from youth respondents' both in focus group discussions and in written survey comments. Some youth expressed positive experiences with judicial officers and with the court experience, while others expressed frustration and hurt.

Additionally, some youth expressed being notified and informed of court proceedings and choosing whether to participate and in what manner, while others indicated they were not notified of hearings nor provided options to lend their voice to the process. Six themes emerged as factors that influenced this diversity of perspective: (1) judicial officer engagement strategies; (2) fairness to family; (3) unseen/unheard by system; (4) comprehension; (5) confidentiality and; (6) accommodations. Refer to Table 4.15.

Table 4.15.

Research Question 2.1. Factors Influencing Youth Perceptions of Attendance

<i>Theme</i>	<i>Categories</i>
Judicial Officer Engagement Strategies	Positive engagement Strategies Feeling ignored
Fairness to Family	Unfair treatment of Family
Unseen/Unheard by System	System is unchangeable One voice won't be heard
Comprehension	Confusion about findings Lack of preparation Understanding why
Accommodations	Continuum of options Logistical modifications
Confidentiality	Embarrassment of being overheard Fear of information heard

Theme 1. Judicial officer engagement strategies. A sub-group of youth participants identified the judicial officer's engagement strategies as potentially both positive and negative aspects to court experiences. In focus group discussions, six respondents identified that the judicial officer did not directly speak to them. They perceived that they stood in the court room

and experienced being talked about. This experience resulted in a negative impression of attendance at court.

“They would ask you a question; then you would answer. They would talk about it amongst themselves as if you were not standing there.”

“The lack of recognition and attention almost made it harder.”

In contrast, five focus group participants identified positive engagement strategies utilized by judicial officers including, allowing the youth to speak, speaking directly to the youth, demonstrating friendliness, recalling information about the youth over time, and using humor.

“One really friendly judge, he made all of the difference. He talked silly about my last name and used humor and was really friendly. A friendly judge makes a world of difference.”

“The judge listened to my feedback. It really made me feel understood.”

Theme 2. Fairness to family. A youth theme that emerged in focus group discussions was negative perceptions of the court experience due to feeling that their parents or family members were being unfairly treated or not respected. Refer to Table 4.15. Respondents described situations when their parents were being “set up to fail,” because they could not obtain the goals being set forth by the court. Other youth (3 respondents) stated that they deeply desired more sibling contact, but did not feel safe or able to advocate for this request.

“I have a hard time trusting the people in the system.”

“They just kept telling my parents that they were bad parents. But, all that I wanted to do was go home.”

Theme 3. Unseen/unheard by a system. A more frustrated minority expressed an experience where the system was against them and their families' success. An overriding majority expressed that the system is the system and one voice cannot impact the system. A respondent said that he would not like to share his opinions because the system is not going to change (BTW.A.7). The sub-theme that the youth opinion will not matter was prevalent in four of the larger focus group discussions. Despite the perceptions of not being seen or able to affect the system, the same focus group participants did share recommendations for systems improvements. Refer to Table 4.15.

“They never heard what I had to say. I was pretty fed up with what they had to say. It was frustrating to be honest with you.”

“I had and I have nothing to say. The system is the system. And, sometimes the system sucks.”

“Our opinions don’t matter. What I say won’t do anything.”

Theme 4. Comprehension. Categories emerged from the theme of comprehension: (1) lack of understanding or confusion about court findings (2) lack of preparedness in advance of the hearing and, (3) not being told the “whys” of the decisions made. Refer to Table 4.15. In survey responses, 36.4% of youth stated that no one prepared them for their court hearing. Refer to Table 4.7.

The focus group discussions consistently addressed the lack of understanding and experience of confusion for those who did attend court. Two respondents identified attending D&N court as refugees or immigrants from other countries with both content and significant language barriers that block understanding.

“I got some of it (court), but, more could have been explained.”

“My caseworker and GAL have all of the knowledge, so they have all of the say.”

“It is complicated because I am a refugee and I don’t understand. I don’t speak the language. There was no interpreter.”

Other respondents identified the lack of preparation to comprehend the court process in advance of attending. Youth respondents expressed a feeling that they had the least information but were surrounded by people who had a lot of knowledge and influence. For many respondents, the lack of understanding was coupled with the uncertainty of not knowing what to anticipate resulting in heightened fear.

“Help kids to understand court. Don’t have them go in blind like I did.”

“Court is always scary. They are just kids and they don’t know what to expect... or what’s happening.”

The third aspect of comprehension was the lack of understanding why the difficult decisions were made to separate youth and their families.

“Answer the why. Why are they making the decisions or saying what they are saying?”

Theme 5. Confidentiality. The theme of confidentiality was a high priority for youth as demonstrated by being highlighted in three separate focus group discussions. Refer to Table 4.15. This was not anticipated and was not recognized by judicial officers. Aspects of confidentiality included: (1) embarrassment of having their family issues heard by others, as well as (2) fears that resulted from overhearing difficult information about other families. An important aspect of the desire to have their matters kept confidential was that in overhearing other family court hearings, youth felt scared.

“If I hear other peoples’ business, then they are hearing my business. I don’t like that.”

“The first time I was at court, it was scary to hear other kids’ stories and what happened to them. I thought it was going to be like that for me. It was scary.”

Theme 6. Accommodations. The sixth theme coded was accommodations. Refer to Table 4.15. Accommodations included: (1) the flexibility to have a continuum of options for youth to express their wishes to the court, as well as (2) the adjustments made by the court in location and logistics to encourage youth attendance. Youth recognized that the court is set up to have the judicial officer sitting above the participants and this creates a feeling of intimidation. In contrast, a positive accommodation that was highlighted by respondents who referenced judges who gave time outside of the court room to eat fast food or to meet in chambers. A second form of accommodating options was alternative approaches to expressing their wishes such as writing a letter to the court. Another format of accommodating youth’s wishes was identified by a small group of respondents who referenced a youth-lead meeting (Permanency Round Table – PRT) in which the resolution from the collaborative meeting was used to inform the court. Broadly, accommodation encompassed modifications made to enhance youth comfort and access to the court process.

“Like basically give options; choices to write something down or to go to court.”

2.2 How Do Youth Prefer to Communicate About Their GAL Representation?

Youth were mixed in their preferences for providing feedback about their GAL representation. Overall, participants perceived communication about their GAL representation to encompass not only the GAL, but the caseworker, foster parent, and/or other parties associated with their case as well. Two categories emerged from the data. Themes were categorized as: (1) recommendations about preferred approaches to providing feedback and, (2) those that would

decline opportunities to provide feedback. For example, they wished to give feedback about all parties to their case, but feared retribution. Refer to Table 4.16.

Table 4.16.

Research Question 2.2. Factors Influencing Youth Feedback

<i>Theme</i>	<i>Categories</i>
Feedback Preferences	Face to Face Written Phone/electronic Trusted adult
Not interested	I already give feedback Not interested
Barriers to Giving Feedback	Can't change system Jeopardize case status Lack anonymity

Theme 1. Approach to providing feedback. Youth responses varied regarding the preferred approach to communicating about their GAL representation including: (1) face to face (2) written feedback immediately following the hearing (3) phone or electronic option or, (4) tell a trusted adult. Refer to Table 4.16. A subset of respondents would not likely be willing to respond to or speak to a stranger. A small subset of respondents stated they would struggle to express themselves electronically and would prefer a face to face meeting. A larger group would prefer to fill out a feedback form immediately following the hearing and drop the response in a box on the way out of court. A few youths stated that if they recognized a name or were provided compensation, they may respond to a text.

“I would tell a trusted adult or have some adult I know call me and ask me.”

“I would say in person is best.”

“I like the idea of writing it down, right there at court.”

Theme 2: Decline giving feedback. There was a small sub-set of respondents who did not wish to have a venue to give feedback for two identified reasons (1) they already provide feedback or, (2) not interested or comfortable speaking up. Refer to Table 4.16. Some identified that they already have a venue to share their opinion. For example, one youth described a very close, trusted relationship with a GAL. A few commented that they would not be inclined to speak up or give feedback.

“I already do. I tell my foster dad and other people stuff.”

“My GAL and I are tight, I tell her stuff.”

“I am quiet. I just answer what is asked of me, yes or no.”

Theme 3. Barriers to providing feedback. Study participants were asked what factors would keep them from giving feedback. Three categories emerged from the data. Themes were categorized as (1) it would not make a difference/ distrust system (2) jeopardize my case/status and, (3) a lack of anonymity. Refer to Table 4.16.

Theme 3.1. It will not make a difference. In focus group discussions, 55% of participants identified that the system is the system and their feedback will not make a difference. While respondents acknowledged that the professionals on their case are well intended, the system is big and unchangeable.

“My voice won’t shift the system.”

“No point in telling, the system is the system.”

Theme 3.2. It will jeopardize my case/status. A subgroup of respondents perceived that giving feedback would jeopardize their case or their status.

“I don’t want to tell how it is if it is going to come back on me.”

Theme 3.3. Lack of anonymity. In order for respondents to feel comfortable giving feedback, they would need a guarantee that the information would be confidential. Several participants acknowledged the importance of confidentiality in providing feedback. Despite concerns of jeopardizing one's case, a majority of respondents supported the concept of venues that allowed youth to provide feedback,

“Would people know it is me?”

“I want opportunities to give opinions about other people on my team without getting in trouble.”

In survey responses, youth identified if they had an email address, access to Wi-Fi, and frequency of utilizing email as a strategy for correspondence. Seventy-five percent of respondents indicated that they had an email address (17), with only 3 respondents stating that they do not correspond via email. Of those, 11 respondents checked email daily, 4 utilized email weekly, and 4 respondents indicate they utilized email monthly (2 no response). Respondents were asked if they had access to internet connectivity and 16 respondents confirmed that they did have routine access to the internet. Three respondents answered unknown to access to the internet. Based on follow up group discussion, some individuals did not have reliable access to the internet, as it may be determined by their status or level at a group home other setting. This information was gathered in an effort to gain insight into youths' frequency and access to email correspondence.

2.3 What Are Youth Recommendations For Enhancing Opportunities For Youth

Attendance At Dependency Court Hearings?

Five categories emerged from the data of youth recommendations to enhance attendance. Themes were categorized as (1) confidentiality, (2) judicial officer approach, (3) youth engagement skills, (4) accommodation, and (5) comprehension. Refer to Table 4.17.

Table 4.17.

Research Question 2.3. Youth Recommendations for Enhancing Attendance

<i>Theme</i>	<i>Categories</i>
Confidentiality	Ensuring information is not overheard Reduce fears from overhearing others Empowerment of requesting a closed hearing
Judicial Officer Approach	Ability to talk with kids Demonstrate listening/Recall Empathy Demonstrate fairness
Youth's Engagement Skills	Please the judicial officer Use humor Communication challenges
Accommodations	Options Logistics Atmosphere Support people
Comprehension	Pre-court preparation Comprehension in hearing Fair resolution/why

Theme 1. Confidentiality. The theme of confidentiality occurred both in the context of youth feedback about the GAL representation, as well as in regard to youth experiences while attending court hearings. Increasing assurances of confidentiality was a significant theme for

enhancing youth attendance at court hearings. There was a strong consensus that hearing the issues of other youth and families was an unsafe aspect of the court experience (BTW.C., MH.3. G, and AH.2). Refer to Table 4.16.

In addition to the embarrassment of having private matters overheard by others, there was an issue of increased fear when the court did not provide confidentiality. When a youth was attending court for the first time and was unfamiliar with court proceedings, hearing the punitive process that transpired with another youth heightened their fear about courts.

A third aspect of confidentiality emerged as a spirit of empowerment. Some youth participants expressed a desire to educate other youth about their right to ask for a closed hearing. Refer to Table 4.17.

“Other people should not hear my business... they should be outside the door.”

“Court should be confidential.”

“It was scary to hear other kids’ stories and what happened to them. That scared me.”

“Kids don’t know they can ask for it to be private.”

Theme 2. Judicial engagement. The judicial officer’s ability to communicate with youth was highlighted in many of the focus group discussions. Four categories emerged from the data regarding the skills of youth engagement. Themes were categorized as (1) the ability to talk with kids (2) demonstrate listening skills and ability to recall over time (3) skills of empathy toward youth and their families and, (4) employed decisions that were understood and perceived to be fair. Refer to Table 4.18.

Table 4.18.

Youth Recommendations for Judicial Officer Engagement

<i>Engagement Strategy</i>	<i>Supporting Statement</i>
Ability to talk to youth	<p>“Have people who know how to talk to kids.”</p> <p>“My judge was great. She talked directly to me.”</p>
Listening Skills	<p>“I would appreciate if the judge would listen more.”</p> <p>“The judge listened to my feedback. It really made me feel understood.”</p>
Demonstrate Empathy (youth)	<p>“Judges don’t be in a bad mood. Don’t bring your personal problems to court.”</p> <p>“Judges should put themselves in kids’ situations; don’t make rash decisions.”</p>
Demonstrate Empathy (family)	<p>“One really friendly judge made all of the difference.”</p> <p>“The judge was just like the GAL and it wasn’t fair. They didn’t understand why I wanted to go home...and why my parents were good parents.”</p>
Fair Use of Power	<p>“They just kept telling my parents that they were bad parents.”</p> <p>“He sits above me and has all the power.”</p>

Theme 2.1. Ability to talk with kids. The judicial officer’s comfort level in communicating with youth was captured in two areas: (1) perceived lack of engagement in past court experiences and, (2) in recommendations for the future. Many participants identified the judicial officer did not speak directly to them, but about them in front of them. For example, one youth shared, “The judge never spoke directly to me; he only talked to the CASA.” In contrast, a few respondents expressed positive court experiences (AH.2.T, MH.3.G). For example, “The judge always let me speak. She would not let anyone else talk until I spoke first.”

“Greet the youth. Make them feel welcome. Allow them to talk when needed.”

Theme 2.2. Demonstrate listening skills. Related to the ability to talk with kids, respondents identified the skill of listening as a high priority. For example, the ability to recall

information about a youth over time promoted youth feeling welcome and seen by the judicial officer. Youth referenced strategies that judicial officers had used that demonstrated they had listened to youth and remember what was important to them.

“Overall, the judge asks me to tell him. So, if something needs to be said, I can tell him.”

Theme 2.3. Demonstrate empathy. The theme included the judicial officer’s ability to demonstrate empathy toward the youth and their family members. Refer to Table 4.18. Empathy for youth included (1) the ability for the judicial officer to acknowledge that this happened to the youth and, (2) the impacts the incident of abuse/neglect had on their lives. For example, empathy was displayed by understanding that youth wanted increased visitation with family. A second demonstration of empathy was displaying compassion toward the offending parents. An example of a lack of empathy was the perception that adults did not understand the challenges of being removed from family and residing with strangers (AH.1.N).

Theme 2.4. Fair use of power. An example of fair use of power was the belief that decisions made was perceived to be fair to the youth; additionally, that the youth comprehended the courts’ findings. Respondents expressed understanding that the judicial officer held power over them. In order for youth to feel empowered through the court process, they expressed a need to understand the situation and to perceive that the decisions being made were fair. An example of judicial power was the placement of the judge sitting above the attendees in the court room. In addition to the intimidation experienced by the structured seating in the courtroom, youth identified the lack of power resulting from limited comprehension of the court process. Youth respondents expressed that it was the judicial officer’s duty to ensure youth gained understanding about the court proceedings.

“He decides what happens – even if I am doing good.”

“They have all of the knowledge, so they have all of the say.”

Theme 3. Youth engagement skills. Youth recommended that court involved youth use communication strategies to please the judicial officer. For example, a respondent suggested that youth should use humor to elicit a positive response from the judicial officer. Refer to Table 4.17.

“Make the judge laugh, that’s a good thing and helps. A judge in a good mood helps - Two things matter, the circumstances that you got yourself into and the judge’s opinion and mood.”

In contrast, respondents identified that they did not have the necessary communication skills to meaningfully participate in court. For example, respondents identified limitations with verbal communications. One expressed that, as an introvert, he would not wish to speak up at court or elsewhere. Additionally, language and comprehension was an identified barrier for a new refugee.

“I am quiet. I just answer questions asked of me, like yes or no.”

“I have a hard time expressing myself.”

Theme 4. Accommodations. The data was coded for the theme of accommodations and four categories emerged from the data. The accommodations themes were categorized as (1) options (2) logistics (3) atmosphere and, (4) support people. Refer to Table 4.17.

Theme 4.1. Options. A majority of youth recommended an option to attend a hearing or the choice of an alternative means of communicating their desires. Recommendations for how they would like to make their wishes known varied. For example, youth recommendations included: attending court, writing a letter to the judge, and preparing a trusted person for court. Youth valued being recognized and shared that it was important for the youth to inform the court

of their wishes. Findings indicated that the manner in which youth make their wishes known was varied, but that it was often left up to professionals on the case to determine.

“They should have choice to go to court. They need to know about it to choose.”

“I want to meet the judge in privacy not in a public court room.”

Examples of positive accommodations identified by youth include: informal meetings with judicial officers either in chambers or events when all parties to the case met at a fast food restaurant (AH.2.T; PU.02.A). The perception of options extended beyond the choice of how a youth would like to participate in the court proceeding to include the resolutions reached. Youth respondents advocate for youth to have choices in decisions reached.

“I like the judge that gave me options. It felt good to choose my options – like a safety plan.” (PU.2.A).

A significant number of youth suggested that a minimum range of options would be for youth to choose to attend, write a letter, or choose to opt out. Only one respondent referenced having the experience of writing a letter to the court. However, many youths recommended letter writing to be included in a range of options. Youth voiced that court attendance should not be forced or mandated, but an option

“I saw a lot of kids at court. I went because my dad asked me to go.”

“Talk, input, using my voice, writing stuff down – both options.”

Theme 4.2. Logistics. Youth highlighted the need for planned, safe spaces within the court house if they were to attend a hearing. Respondents provided concrete suggestions of meeting spaces that would-be youth friendly, available if a youth was feeling overwhelmed during a hearing or, needed a space to wait in during the court proceeding. For example, a youth recommended that the court provide a youth friendly break room.

“Maybe, have one of these rooms kids-oriented. Kids can go there and hang out if they become nervous before court or want to leave during court.”

A second logistical recommendation pertained to the seating of the judicial officer. For some youth participants, the power of the judicial officer’s position (sitting above them), resulted in a feeling of intimidation that impacted a youth’s ability to meaningfully participate in the proceedings.

“Like talking to people even – sitting at the same level. It feels like they are way up high and far away and more important.”

Theme 4.3. Atmosphere. Youth recommended modifications to the court atmosphere aimed at increasing youth perceptions that court was welcoming. For example, one respondent suggested soft background music.

“The (court) room is too quiet and that makes me scared.”

Theme 4.4. Support people. Youth recommendations concerning accommodations included the provision of support people throughout the court process. The theme of a support person entailed an individual selected by the youth to ensure the youth made her/his wishes known, while also providing the youth emotional safety and options during the hearing. Support people were recommended to provide youth with a visit to the court room in advance of a hearing, to offer support during a proceeding, as well as, to assist in comprehending the outcomes of the hearing. Additionally, it was recommended that a support person, selected by the youth in advance, could represent the youth during the proceeding to speak on her/his behalf. A majority of respondents did not perceive that the GAL’s representation of “best interest of the child” was equivalent to the youth’s own wishes being made known. A small sub-set of respondents felt that their GAL was able to represent their wishes to the court.

“Have a trusting person talk with me or speak on my behalf – like if a kid talks but says it in a private way. Sort of like a GAL that I pick and trust.”

“Before you go to court, they should have the opportunity to go to visit court and see where they are going to be.”

The recommendations for accommodations are displayed in Table 4.19.

Table 4.19.

Youth Recommendations for Accommodations

<i>Accommodations Sub-Theme</i>	<i>Supporting Statement</i>
Options	<p>“Sometimes you have something to say but don’t feel comfortable saying it; you need to go to a room and tell your people”</p> <p>“If court professionals think court is going to be too hard for kids – then let them write statements or something to state their opinion and have their voice heard.”</p> <p>“Choices – you should have options”</p>
Logistics	<p>“Maybe sit at a table, at the same level. They are sitting up high and far away.”</p> <p>“Have a room that a kid can hang out in if they feel nervous or want to leave court.”</p> <p>“They should have a playroom for the kids.”</p>
Atmosphere	<p>“Make sure the first few visits to court are positive”</p> <p>“Music would change the mood – classical music like Bach to calm things down.”</p>
Support Person	<p>“Somebody who will support them, to be there just for them.”</p> <p>“If you feel uncomfortable, you should have your person there.”</p>

Theme 5: Comprehension. Youth respondents identified that the court system was very complex and while they understood aspects of the hearing, they acknowledged there were some portions of the court process that children and youth did not comprehend. Three categories emerged from the data. The comprehension themes were categorized as: (1) preparation in advance of the hearing (2) comprehension and support during the hearing and, (3) understanding why decisions were made. Refer to Table 4.19.

Theme 5.1. Preparation. Respondents recommended preparing youth in advance of a hearing. Written survey findings revealed 36.4% of youth respondents were not prepared for a court hearing (Table 4.7.).

“They are just kids; they don’t know what to expect. Help kids understand court, not go in blind like I did.”

“Even though we are young and we do not necessarily understand all of it, the big picture.... this is happening to us.”

Theme 5.2. Support during the hearing. Respondents linked comprehension and information to power and meaningful participation. For example, one respondent stated that the judges and lawyers understood court proceedings but youth did not. Several respondents suggested pre-court preparation strategies such as a visit to the court house or a preparation meeting in advance of the hearing. Overall, respondents identified that court was confusing. It seemed that, even for respondents who perceived they understood some aspects of court, there were other aspects of the proceedings that should have been further explained to youth. Refer to Table 4.20.

“Talk in a language that we understand”

“I get some of court, but more could be explained to me”

Theme 5.3. Fair resolution. In addition to a desire to have the proceeding content interpreted for their understanding, youth respondents wished to know that a fair resolution was reached. Findings indicated the lack of understanding about why decisions were reached increased respondents' distrust of the system. Additionally, the lack of understanding the resolution resulted in feelings of confusion and unfairness (AH.1.N; MH.02.G; BTW.C.2). Respondents recommend strategies to increase youth comprehension about why resolutions were reached. Additionally, limited understanding or information appeared to impact some respondents' perceptions of their GAL representation (PU.2.A; AH.1.J) with sentiments such as, "The judge was the same way as the GAL and it wasn't fair" (AH.1.J).

"Answer the why. Why are they making the decisions or saying what they are saying?"

The categories for youth recommendations for promoting comprehension in the court proceeding are depicted in Table 4.20.

Table 4.20.

Youth Recommendations for Promoting Comprehension

<i>Comprehension Sub-theme</i>	<i>Supportive Statement</i>
Advance Preparation	<p>"If I had the knowledge – that would be helpful."</p> <p>"Have someone draw a diagram and explain how it is all set up."</p> <p>"Visit court before they have to go for a hearing."</p>
Support During a Hearing	"Somebody to support them to translate what is going on and explain it."
Fair Resolution	<p>"Make sure they understand - not like adult talk."</p> <p>"Answer the why"</p>

Strand Two Judicial Officers

3.1 Are Judicial Officers Familiar With the ABA Bench Card Recommendations? If So, Do They Perceive Any of the Strategy Recommendations to be Helpful in Their Court Practices?

The American Bar Association (ABA) Bench Cards provide youth engagement strategies suggestions based on normal developmental stages of different ages of childhood and adolescents. The cards are intended to provide guidance to the judicial officers to engage youth in a developmentally appropriate manner.

Overall, respondents did not identify the ABA Bench Cards were a helpful tool in advancing strategies for youth engagement in the dependency court process. Bench Cards were either not familiar to respondents or not useful in daily practice. The Bench Card data was categorized and three themes emerged (1) mixed/limited familiarity with the Bench Cards (2) existing comfort in engaging youth and, (3) specific strategies used to engage youth. Refer to Table 4.21.

Table 4.21.

Research Question 3.1. Judicial Officer Engagement Strategies and Tools

<i>Theme</i>	<i>Category</i>
Knowledge of ABA Bench Cards	No familiarity Limited use
Existing comfort with engaging youth	I was a GAL I have children
Engagement strategies	Eye contact Take notes for future recall Contract with youth Give small item Speak last

Theme 1. Mixed familiarity with bench cards. Four respondents (67%) did not have familiarity with the Bench Cards. Two respondents expressed familiarity with the Bench Cards. Those familiar with the Bench Cards found the Bench Cards to be only somewhat useful. For example, the developmental indicators for healthy infant development were a useful reference for respondents.

“I don’t refer to them regularly, I review them. They are somewhat useful in working with babies. For little ones, I will remind myself what I should be looking for” (J.1)

Theme 2. Comfort with engaging youth. Eighty five percent of respondents stated they were comfortable engaging children. Respondents referenced their past experience serving as GALs (3 respondents) or, their own experience as a parent as the most useful training in engaging youth. Refer to Table 4.21.

“I used to be a GAL, so I am very comfortable with children” (J.2)

Theme 3. Youth engagement strategies. Judicial officers identified strategies they used to engage children and youth in the court proceeding. Strategies utilized were not derived from the Bench Card recommendations but from past experience. For example, they made eye contact with youth when they enter the court room (J.4 and J.6). Another took notes of topics meaningful to the youth to reference during future court hearings (J.5). One judicial officer established a court contract process with youth. The contract included a process for monitoring and celebrating achievement of goals (J.4). Another respondent preferred a process that ensured that the youth spoke, “So, I let them go first and have the last word” (J.2). Lastly, judicial officers identified age-based strategies they utilized. For example, they distributed age-appropriate books, stuffed animals or, ice cream voucher for children. Refer to Table 4.21.

3.2 Is the District Plan Useful to Judicial Officers' in Their Practices With Youth

Participation in Dependency Court Proceedings?

In general, respondents did not feel that the District Court plan was a useful tool in establishing court room practices for youth attendance at dependency hearings. District plans were reported to be infrequently updated and required procedural action to amend. Respondents did identify the existing Best Practice Court Team (BPCT) as an agile, responsive team that had assisted in advancing practice changes. Thus, two themes emerged (1) the District Plans was not useful for advancing youth participation practices and (2) The Best Practice Court Team was effective in promoting practice change. Refer to Table 4.22.

Table 4.22.

Research Question 3.2. Judicial Officer Usefulness of District Plan

<i>Theme</i>	<i>Category</i>
Not Useful	Infrequently updated Time delays
Best Practice Court Team	Collaborative planning Past success with protocols

Theme 1. Feedback about district plans. Unanimously, the judicial officers did not find the District Plan to be a useful tool in advancing youth participation in court proceedings. Respondents identified that the District Plans were reviewed infrequently and address broad court issues. Additionally, amendments to the plans require “huge community process” (J.1). Respondents stated that there were barriers of time delays in advancing updates to District Plans including requirements for authorization of changes. Thus, the District Plan was not identified as a document that should be utilized to respond to practice changes (J.4, J.4, J.3, and J.1).

Four respondents (66%) stated that District Plans were not updated with frequency. Of those, two respondents stated that the Plan was currently, “under review” (J.4 and J.1). One stated, “The fact that no one can put their hands on it right away suggests it is not a working document” (J.5). One respondent recommended that, with the support of leadership, the District Plan could be a useful tool if the aim was to create sustainable and consistent practice changes for youth participation at hearings (J.4).

Theme 2. Feedback about best practice court team. Colorado Court Improvement Program defined Best Practice Court Teams as “multi-disciplinary teams created by the lead Dependency and Neglect judge at the district level. Team goals very based on district need.” BPCT is charged with setting realistic goals that can affect system changes (www.courts.state.co.us, May 19, 2017). Several respondents identified that protocols or policies were established in the BPCT (J.1, J.2, J.5). Fifty percent of respondents identified that the Best Practice Court Team (BPCT) served as an effective platform for dependency court practice changes. For example, the collaborative buy-in of the multi-disciplinary team was essential for the successful implementation of practice change (J.1, J.4). Refer to Table 4.22.

“D&N court is more influenced by Best Practice Court Team (vs. the District Plan). The BPCT has made the changes along the way” (J.6).

3.3 What, If Any, Modifications Have Judicial Officers Made to Increase Youth Attendance at Dependency Court Proceedings?

Judicial officers’ identified modifications that were made to address the priority of youth inclusion at court hearings. Data was coded and five themes emerged: (1) OCR Priorities (2) Best Practice Court Teams (3) judicial officer engagement priorities (4) accommodations and, (5) barriers to accommodations. Refer to Table 4.23.

Table 4.23.

Research Question 3.3. Judicial Officer Modifications

<i>Theme</i>	<i>Category</i>
OCR Priorities	Gather and provide data Train and promote inclusion
BPCT	Experience with establishing protocols Multi-disciplinary collaboration GAL makes final determination
Judicial Officer Engagement Priorities	Requiring youth attendance Welcome youth Give youth reasons to attend
Accommodations	Logistical accommodations Youth preparation Options for participation
Barriers to Accommodations	Localization of leadership Professional perceptions Gaps in data Logistical barriers (e.g.: transportation)

Respondents identified that steps toward modifications had increased in the recent past due to the increased promotion of youth-inclusion practices by the Office of the Child Representative (OCR). OCR is responsible for hiring and contracting with GAL's. OCR has promoted this priority with the GAL's. A second identified influence was the work of The Best Practice Court Team (BPCT). The Colorado Office of Court Improvement provided funding and supports to coordinate the work of the BPCT in participating districts. GAL's are active members of the district BPCT. The priorities of both OCR and the work of the BPCT have enhanced opportunities for youth inclusion practice changes in court proceedings.

Theme 1. OCR priorities. OCR promoted youth attendance at court hearings as a best practice standard. OCR measured youth attendance at hearings through a data tracking system that GAL's were required to complete following hearings. Refer to Table 4.23. Since 2015,

OCR promoted youth attendance at hearings through presentations to judicial officers, dissemination of research and best practice findings, and by providing data reports to Judicial Districts to allow them to monitor district practices. Fifty percent of respondents identified that the prioritization by OCR influenced and encouraged practice examination (J.1, J.3, and J.4). Respondents referenced potential limitations of the data reporting processes as a barrier to measuring modifications.

“We established a protocol that really accounts for the huge push from OCR” (J.1)

“OCR only records attendance for 12 and over, but that does not make any sense. If kids of any age are at court, it should be recorded” (J.1)

“When OCR sent me the numbers, they were smaller than I expected - likely this is due to two factors: lower attendance than I thought and the data tracking challenges” (J.3)

Theme 2. Best practice court team (BPCT). The Best Practice Court Team (BPCT) is the judicial district’s Dependency and Neglect multi-disciplinary work team to promote practice improvements and respond to D&N court needs. In most districts, BPCT operate under the leadership of the D&N judge or magistrate and are comprised of representation from the GAL’s, child welfare, alternative defense counsel, CASA, foster care community and mental health providers. Refer to Table 4.23.

Findings revealed that BPCT’s were varied in their approach to modifications. For example, in one district, the BPCT established a formal youth in court protocol (J.1). In another, the judicial officer implemented an informal protocol for youth-driven contracts with the treatment team on the record (J.4). Two respondents (33%) identified that they had youth or young adult representation on BPCT at times (J.1 and J6). Two respondents identified that the BPCT had advanced to having protocols or policies related to youth attendance (J.1 and J.4).

Two respondents report that the BPCT are still in the process of removing barriers and improving operations to reach their goals pertaining to youth inclusion (J.2 and J.5).

“The best forum to address modifications is the BPCT. This is where we have all of the professionals gather and work things out” (J.1).

“We are still at the phase of getting over the barriers and getting buy-in from all of the stakeholders to commit to this. We have collected the barriers and now we have representation working on it” (J.2).

Fifty percent of respondents identified that it was the role of the GAL to make a final determination of assessing if it was appropriate and safe for a youth to attend court.

“The idea is that the GAL will make the final determination if the kid wants to come to court, that it is in their best interest to come to court. If the child wants to come but doesn’t want to attend a permanency hearing, they can meet with me in chambers” (J.1).

“I leave it to the case worker and GAL to decide if the children are significantly mature and able to participate” (J.6).

Theme 3. Judicial officer priorities. Respondents identified that the judicial officer played a critical role in setting expectations for youth participation in court. Two areas of influence were (1) requiring child welfare professionals to prioritize youth attendance and, (2) encouraging of youth to attend. Refer to Table 4.23.

“I encourage youth to attend. Before I had this rotation, it was the polar opposite. Youth attendance was discouraged” (J.4).

“Give them a reason to participate” (J.4).

“When they enter the court room, I make eye contact with them” (J.6).

Respondents shared strategies they used to promote youth attendance. For example, they asked professionals why a youth was not present at a hearing. A district established a check-list to guide the GAL and child welfare professionals for assessing reasons to screen a youth out of attendance. Otherwise, it was presumed that the youth would attend permanency hearings.

“There is nothing wrong with the judge just asking, why isn’t the child here?” (J.3).

“Once the expectation is set forth by the court with accountability, then it happens.

Everyone knows that is the expectation – the expectation that they must be there” (J.2).

“Attendance is on a case by case basis with youth, the GAL and others determining reasons for youth not to attend” (J.4).

Theme 4. Accommodations. Judicial officers identified accommodations that were made to promote increased youth participation at court. Refer to Table 4.23. The accommodations theme data was coded and three categories emerged (1) logistics, (2) youth preparation and, (3) options for youth. Refer to Table 2.24.

Theme 4.1. Logistical accommodations. An example of a specific strategy to support logistical accommodations was the district that obtained updated recording equipment for youth to phone into the hearing. In addition, the district obtained a smaller court room space to accommodate a youth in a less intimidating setting (J.5).

“Depending on where the child is placed, I will tell the child that they can call me and that they don’t have to miss school. Then, I will go on the record, in my court room and I will call the child and I will call the GAL. I always have the GAL on the record.” (J.1)

Another logistical modification identified by judicial officers was adjustments to the docket schedule (J.1, J.4). Other respondents noted special events in which off-site meetings were held with treatment teams and youth at a local fast food establishment (J.2, J.4).

“I set meetings at 8 am or at 3:30 or 4:00 pm so they don’t miss too much school” (J.1).

“We start with, ‘we are glad you came to court.’ I don’t wear a robe. I don’t sit on the bench. After 20 minutes on the record, we go to the park next to the court house... or we go to Wendy’s.” (J.4).

Theme 4.2. Youth preparation. Two respondents identified specific efforts that prepared youth to attend hearings. In one district, the Court Appointed Special Advocate (CASA) program provides an educational series in which older youth meet with the judge as a group (J.6).

Theme 4.3. Options for youth participation. Respondents identified the value of allowing youth to choose if they wish to attend court. Additionally, they advocated for offering alternative means for youth to participate in hearings. The most commonly identified modification was a scheduled meeting in chambers with other parties present identified by 83% of respondents (J.1, J.2, J.4, J.5, J.6). Several respondents identified the importance of ensuring all youth interactions included legal representation and were on the record (J.1, J.4, J.5).

“I do not force it – it is the discretion of the youth. But, I strongly encourage it” (J.4).

“There are other ways to make their wishes known. They always start with a meeting with me.... I also tell kids they can write a letter, but if they do write a letter, everyone gets a copy. But, mostly the other option is a phone call” (J.1).

“I started with meetings in chambers with youth and their CASA or case worker or GAL or whoever wanted to be there. I talked to other judges and they pointed out that it should be on the record” (J.4).

Table 4.24.

Judicial Officer Modification Efforts

<i>Modification</i>	<i>Frequency</i>	<i>Context</i>
Accommodation	5	"We are working on it"
Options:		"There are other ways to make their wishes known"
Logistics:		"We are working on a better physical space"
Judicial Encouragement	4	"I encourage youth to attend court. Before, I got here it was the polar opposite"
BPCT	3	"The best forum to address modifications is BPCT"
OCR Priorities	2	"We established a protocol that really accounts for the OCR push"

Theme 5. Barriers to modifications. Respondents identified barriers to youth attendance at court hearings. Refer to Table 4.23. The barriers data was categorized and four themes emerged: (1) localized leadership (2) perceptions of professionals (3) need for accurate data and, (4) logistical challenges.

Theme 5.1. Localized leadership. Youth inclusion practices were dependent upon the leadership of the specific judicial officer, but did not extend out to the entire district. There was not a specified approach to instituting practice changes that would ensure sustainable policy amendments.

"Accommodations have been made in my court room but not district wide" (J.4)

Theme 5.2. Perceptions of professionals. A second barriers to modifications was the perceptions of child welfare professionals were concerns for the child's wellbeing. Professionals who were charged with prioritizing the child's best interest held concerns regarding the negative impacts of court participation on a youth based on the child's age or other vulnerabilities. Changing the opinions of child welfare professionals who were not advocates for youth inclusion in dependency court was a barrier identified by 50% of respondents.

Additionally, respondents referenced research about the impacts of trauma on youth and concerns for re-traumatization. Another factor related to perception included the age of the

youth. Two respondents did not feel that age should be a consideration for youth attendance (J.1, J.4). The chronological age or developmental age of the child would be consideration for 83% of respondents in determining appropriateness of youth attendance in a hearing.

“Some believe that it is traumatizing. Some fear kids will get too far behind in school.

Some fear it will jeopardize the placement if we ask them to drive the kid to court” (J.2).

“It stuns me that they thought 12 or older counts. I met 7-year olds that have gone through more traumas and are more mature than some 50-year olds. For me, there is no age- they are just trying for excuses” (J.4).

Theme 5.3. Gap in accurate data. Judicial officers identified a need for accurate data about current practices of youth participation. Fifty percent of respondents identified that data was not gathered for children less than 12 years of age and for youth who participated in the proceeding utilizing alternative approaches to attendance at the hearing.

“If it is on the record - that is really why it should be counted as youth participation in the proceeding. In quantifying youth coming to court, they discourage inclusion of youth for example in chambers” (J.4).

Theme 5.4. Logistics barriers. All respondents identified the logistical barriers of transportation and missing school. Rural respondents described the unique geographical challenges to transporting youth great distances. For example, a GAL or case worker had several hearings scheduled in one day, with over 80 miles of commuting required to transport a child.

“My default refrain on this is that we have five county attorneys, five district judges hearing D&N cases, four different Departments (of human services). It makes it hard to suggest that we have a uniform practice” (J.3)

“There are always issues with transportation, but that can be addressed, overcome with a judge’s order” (J.2)

3.4 What Factors Influence Judicial Officers’ Perceptions of Youth Attendance at Dependency Court Hearings?

Two interview questions informed the findings to this research question: (B.2) What are your perceptions of youth attendance at dependency court hearings? As well as, (A.3) “Using the list provided, rank your top two benefits to youth participation in dependency court proceedings.” The data was coded for the question: What are your perceptions of youth attendance at dependency court hearings and four themes emerged (1) youth’s wishes (2) professionals’ perceptions (3) the type of hearing and, (5) perceived impact on the child. Refer to Table 4.25.

Second, data was coded for the question: What are the top two benefits to youth participation and six themes emerged: (1) benefit to the judicial process (2) youth empowerment (3) puts a face with the case (4) access to justice (5) it is about them and, (6) youth voice. Refer to Table 4.26.

Table 4.25.

Research Question 3.4. Factors Influencing Judicial Officer Perceptions

<i>Theme</i>	<i>Category</i>
Youth Wishes	Encouraged but not forced
Professional Perceptions	GAL makes final determination Screening by professionals
Type of Hearing	Not at adjudication hearing Permanency and transition hearings
Impact on Child	Assessing special needs Age of youth Avoiding re-traumatization

Theme 1. Youth wishes. All respondents identified that the most critical factor in youth attendance at a court hearing was a youth's wishes. Respondents stated that youth should not be mandated to attend dependency court. The priority of not forcing youth to attend any court hearing was shared by 100% of respondents. Yet, there was recognition that judicial encouragement for a youth to attend did positively impact youth perception of attendance (J.1, J.2, J.3, J.4).

"My review of the research is that kids should not be made to come to court if they don't want to come – a bottom line kind of thing. But, they should absolutely know they are welcome" (J.1)

"I do not force it. It is the discretion of the youth. But, I strongly encourage it" (J.4)

Theme 2. Perceptions of child welfare professionals. Another influential factor for judicial officers was the assessment and opinion of child welfare professionals, including GAL's and case workers. Refer to Table 2.25. Sixty seven percent of respondents identified the GAL was responsible for the final determination of youth attendance (J.1, J.3, J.4, J.5). Two judicial districts (33%) had a formally identified process (J.1, J.4). Additionally, the GAL was identified as the party responsible for requesting in-chambers meetings with the youth and the judicial officer (J.1, J.4, J.6).

"I usually leave it up to the case worker and the GAL to decide if the children are significantly mature to participate" (J.6).

"The idea is that the GAL will make the final determination if the kid wants to come to court, that it is in their best interest to come" (J.1).

Theme 3. Type of hearing. All respondents identified that the type of hearing impacted the appropriateness of youth attendance. For example, 50% identified that it was not appropriate

for a youth to be present for a parent's adjudication hearing. In contrast, 50% endorsed youth attendance at Permanency Hearings as well as, the specialized Benchmark Hearing. Two respondents (33%) identified that they held special dockets for youth 16 years and over to attend Benchmark Hearings (J.1, J.5).

"It may not be the best time for them to come to court, a pre-adjudication or disposition hearing. I don't think they should be sitting there while we are saying to the mom or dad – okay we need you to focus on your addition; or, we don't want you to beat your wife anymore." (J.4).

Theme 4. Impact on the child. Two respondents (33%) identified a child's functioning impacted her/his ability to participate. For example, respondents referenced the potential of re-traumatization upon a youth if court attendance was not thoughtfully implemented (J.1, J.4).

"If the child has some kind of physical or mental health limitation or some kind of safety risk, then obviously, we don't want to say 100% of youth participate" (J.4).

"We thought a lot about trauma informed practice and triggers on kids. We hear people say that they know it all anyway – but we have an obligation to be thoughtful" (J.6).

Age of the child was a variable identified by respondents. Respondents expressed mixed perspectives about age of the child and attendance. One respondent was a strong advocate for court attendance for children of all ages. Conversely, another respondent identified that there may be developmental barriers to youth attendance at certain ages.

"I have been doing this a long time, and one size does not fit all. Those middle kids (8 – 11ish) developmentally – there are issues with how much they can take in" (J.6).

3.4 What Factors Influence Judicial Officers' Perceptions of Youth Attendance at Dependency Court Hearings?

Judicial officers were provided a list of benefits. The data source for the benefits list was derived from the findings of a study conducted by OCR (Rotella & Donnelly, 2014).

Respondents were asked to identify the top two (2) benefits to youth attendance at court. Six respondents were asked to select their top two responses to perceived benefits of youth attendance at court hearings. The total responses did not equal 12 separate responses, as three respondents selected more than two benefits. The data was coded and themes emerged: (1) benefit to judicial process (2) youth empowerment (3) it puts a face with a case (4) access to justice and, (5) it is about them. Refer to Table 4.26.

Table 4.26.

Research Question 3.4. Judicial Officer Benefits to Youth Attendance

<i>Item</i>	<i>Percent</i>	<i>Content</i>
Benefit to Judicial Process:	50%	It informs decision making It reinforces direction of the court
Youth Empowerment:	50%	Empowered youth leads to better buy in and outcomes Youth have little other control; gives access
Puts a Face with the Case	33%	Somewhat empowering but not a magic bullet See emotion and get a feel for the person Gives context to what the parents are fighting for
Access to Justice	33%	Case filings are named after the children I like the concept of access to justice
About Them/ Youth Voice	16%	It is an opportunity for youth to see people are concerned for them Youth inform the case for sure

Theme 1. Benefits to the judicial process. Of respondents, 50% identified that the information provided by a youth did inform the decisions being made on the case. For example,

respondents stated they were better informed and thus, better able to make decisions (J.1, J.5, J.6). Respondents identified that youth input confirmed determinations that had been made.

“It is not so much about the main issues that I make determination on, but other things that are a concern for the youth. I will ask the GAL or case worker to follow up” (J.6).

“More often than not it confirms the direction that I think things are already going” (J.6).

“Today I set a review hearing based on input from the child...So, it really does change practice” (J.1).

Theme 2. Youth empowerment. Of respondents, 50% identified empowerment as a benefit to youth attendance. Refer to Table 4.26. A respondent identified that if a child can feel empowered in this experience, then the child will do better in school and in other life situations (J.2). A second respondent valued the experience of youth in court as empowering, but cautioned; “This is not a magic bullet. I have been around for a while and this will not be the answer” (J.5).

Theme 3: Puts a face with a case. Fifty percent of respondents identified putting a face with the case as a top benefit to youth attendance at court. For example, the opportunity to have met a youth in person, observed her/his emotions, contributed to gaining a sense of the youth’s personality. For 33% of respondents, the opportunity to put a face with the case was an aspect of enhanced information provided to the court (J.4 and J.6).

“I see it in their faces, in their expressions, and in their emotions - this matters” (J.4).

“It is great to see a kid here because I can see what a parent is fighting for” (J.1).

Theme 4. Access to justice. Access to justice was identified by 33% of respondents as a youth’s legal right. Refer to Table 4.26. For example, the youth was the named party to the case but did not have consistent information or access to the court proceedings.

“I like the concept of access to justice” (J.3).

“You look at the caption of the case - the first page of the filing; the cases are named after the children. Imagine any other case where a person named but is not attending” (J.4).

Theme 5. About Them. The 33% of respondents that prioritized “It is About Them” identified the opportunity for youth to see that child welfare professionals cared about the child’s best interest (J.2, J.4). Refer to Table 4.26. For example, one respondent identified that if a child perceived that this was about them, they were more likely to have greater buy-in to the decisions made (J.4).

“It is an opportunity for youth to see that people are concerned for them” (J.3).

Theme 6. Youth voice. Youth Voice was mentioned by 50% of respondents. While only one respondent listed Youth Voice as a top benefit, two respondents identified that their Best Practice Court Team had already embraced the value of Youth Voice (J.1, J.4). Both judicial districts that had protocols for youth participation identified the value of Youth Voice as a key component to initiating the work.

“It informs the court of what I will do with that case for sure” (J.6).

4. What Are Participants’ Recommendations Related to Youth Participation in Dependency Court? Judges? Youth? What Are the Primary Differences and Similarities?

Strand One. Data was coded and themes emerged regarding youth recommendations for promoting: (1) confidentiality (2) judicial officer approach (3) youth engagement skills (4) accommodations and, (5) comprehension. Refer to Table 4.17. Of those, three (3) themes emerged for youth that were absent from judicial officer findings: (1) confidentiality (2) comprehension and, (3) family fairness and system fairness.

Confidentiality. Data revealed that youth placed a high value on confidentiality. For example, they identified that in some court rooms, their family information was discussed in open court settings. Overhearing other youth/family stories promoted fear and stress about the court process.

Comprehension. The theme of comprehension was a priority for youth. Comprehension included understanding what to expect in advance of a hearing, being supported with comprehension during a hearing, as well as opportunities following the hearing to clarify the court findings. Data revealed that youth found court processes to be confusing and intimidating. For those working in the court daily, this may be a forgotten factor that directly links to the court experience fostering youth empowerment.

Family and fairness and unseen/unheard by system. The theme of fairness included the perception that one's family was treated with fairness and the system reached fair resolutions. For example, youth wished to have fair decisions reached regarding requirements of their parents. A component of family fairness was that youth wanted reasonable access to siblings, and for many these meant that siblings were not separated.

Strand Two. Data was coded and themes emerged regarding judicial officer recommendations: (1) engaging collaborative partners in thoughtful planning (2) identifying roles and responsibilities for removing logistical barriers (3) providing a continuum of options for youth participation (4) training and supporting judicial officers and youth and, (5) sustainable change through judicial leadership. Refer to Table 4.27. Of the themes that emerged for judicial officers three (3) themes were not identified by youth in Strand One: (1) collaborative planning (2) modifications to address barriers and, (3) judicial leadership.

Table 4.27.

Research Question 4. Judicial Officer Recommendations

<i>Theme</i>	<i>Content</i>
Engage Collaborative Partners	BPCT Trauma informed practices Managing risk
Accommodations	Options Youth wishes Protocols Transportation
Training and Feedback	Train judicial officers Train child welfare professionals
Sustainable Change through Judicial Leadership	Data tracking Role of state judicial and/or chief judge Youth feedback

Theme 1. Engage collaborative partners in planning. Judicial Officers recognized their wishes influenced court inclusion practices. However, in order for practice changes to be implemented successfully, 83% recommended leveraging child welfare partners in policy change efforts (J.1, J.2, J.3, J.4, J.6). Of respondents, 50% identified the Best Practice Court Teams (BPCT) as the collaborative group positioned to respond to practice changes within dependency court (J.1, J.2, J.3). Of those, 33% identified that youth participation in court was a goal of their BPCT (J.1, J.3). For example, Best Practice Court Teams established protocols and addressed logistical challenges to youth attendance (J.1, J.4, J.5). Respondents recommended that youth inclusion policies adopt a trauma informed approach to practice changes. For example, 50% of respondents identified that child welfare professionals had expressed concerns for the potential of re-traumatization through court attendance (J.1 J.4, J.5).

Theme 2. Accommodations. Judicial officer's recommended accommodations to court procedures. Refer to Table 4.27. Of respondents, 67% supported strategies that provided a

continuum of youth participation options that may not necessitate attendance at court (J.1, J.4, J.5, J.6). Options identified included: phone, letter, and in-chambers meetings (J.1, J.4, J.5). The value of prioritizing a youth's wishes to attend or to decline attendance was reflected by 83% of respondents (J.1, J.2, J.4, J.5, J.6).

Of respondents, 67% recommended that districts establish protocols to address the necessary accommodations for youth to attend and/or to participate in hearings (J.1, J.2, J.4, J.5). Eighty-three percent of respondents identified either a formal protocol (J.1, J.4) or less formal practice agreements that were already established to accommodate youth (J.2, J.5, J.6). For example, districts had developed youth attendance check-lists and protocols for requesting in-chambers meetings. Logistical accommodations that were recommended included: identification of the responsible party for transport of the youth (J.4), as well as the responsible party to inform the youth (J.6) of a scheduled hearing.

Theme 3. Train and support judicial officers. Of respondents, 33% recommended providing training to judicial officers (J.1, J.4). Refer to Table 4.27. Additionally, respondents identified resources to enhance youth engagement strategies such as a State Court training video and informational website (J.1, J.4).). Of all judicial respondents, 67% (J.5, J.6) cited their previous years as GALs and experiences as parents as useful in learning to engage youth (J.1, J.4, J.5, J.6). Nevertheless, they identified that there may be judicial officers that would benefit from training toward fostering youth engagement skills. Of respondents, 83% identified that the other parties may need training (J.1, J.2, J.3, J.4, J.5).

Theme 4. Sustain change through judicial leadership. Refer to Table 4.27. Of judicial respondents, 33% identified that the progress made to enhance youth inclusion in some court rooms may not be sustainable without policy change provided by judicial leadership (J.1, J.4).

For example, respondents recommended coordination from the chief judge within each district or from the Colorado State Judicial Office. The respondent cited the frequency of court assignment rotations in the medium and large counties as impeding the advancement of practice changes (J.4). Additionally, respondents recommended increased reliable data tracking. For example, 50% of respondents recommended improved data tracking of attendance practices as well as implementing data collection of youth regarding their court experiences.

Merged Findings.

Crossover Youth and judicial officer perceived benefits. Strand One and Strand Two data was merged and analyzed and five common themes were identified. The shared themes of perceived benefits were: (1) youth empowerment (2) opportunity to be seen/It is about them (3) youth voice (4) benefits to the judicial process and, (5) access to justice. Refer to Table 4.13.

Crossover youth and judicial officer recommendations. Strand One and Strand Two data was merged and analyzed and three common themes were identified for recommendations to enhance youth engagement in dependency court practices. The three common themes were (1) value youth inclusion (2) accommodations and, (3) judicial officer engagement. Refer to Table 4.28.

Table 4.28.

Merged Youth and Judicial Officer Recommendations

<i>Item</i>	<i>Youth</i>	<i>Judicial Officer</i>
Value Youth Inclusion	I know what's going on Gives me control in my life	It informs decision making Access to Justice/About them
Accommodation	Options Logistics Atmosphere	Options Logistics Atmosphere
Judicial Engagement Strategies	Ability to listen Ability to talk with youth Demonstrate empathy	Give youth reasons to participate Let kids know they are welcome

Theme 1. Value youth inclusion. Of youth respondents, 95% perceived benefits to youth attendance at court. Similarly, 100% of judicial officer respondents identified value and contribution to the court process through youth inclusion. Youth prioritized the opportunity to be informed, as well as the increased sense of control, as key benefits to youth inclusion. Judicial officers identified greater information for decision making and increased access to justices as the core benefits to youth inclusion.

Theme 2. Accommodation. Both youth and judicial officers recommended a continuum of participation options for youth to participate in the court process. Additionally, the two groups shared the value that youths' wishes (to attend or not to attend) should be central to the determination of attendance. For example, youth should not be forced to attend court. Both groups identified logistical accommodations that enhanced a youth's perception of court as safe and/or welcoming.

Theme 3. Judicial officer engagement. Both youth and judicial officers recommended strategies for judicial officers to increase a youth's feeling of being welcome at court. For example, youth identified positive engagement strategies such as (1) direct eye contact (2) being

spoken to directly and, (3) being provided opportunities to speak. Additionally, youth recommended that the judicial officer should demonstrate a friendly demeanor, display humor, and show empathy. Similarly, judicial officers recommended court engagement strategies: (1) making eye contact with a youth (2) taking notes about a youth's interests to be followed up on in the future and, (3) setting specific contracts and goals with youth. For example, both youth and judicial officers identified engagement activities that occurred outside of the court room, such as informal meetings in a park or at a fast food establishment.

Theme 4. Training. Youth respondents recommended that the youth should be better prepared before, during, and following a court hearing. Of youth respondents, 36.4% stated they were not prepared for court at any time. Refer to Table 4.7. Youth identified that increased training and comprehension would result in enhanced comfort with the court process. While judicial officers did not identify youth training as a theme, they identified training needs for judicial officers and child welfare professionals. Of judicial officer respondents, 83% identified that the GAL makes the final determination of a youth attendance at a court hearing. Thus, they identified the need for all parties to the case to be trained about the values and safety considerations to youth attendance.

Additional Analysis and Limitations

Limitations

Limitations of bias and sample size existed for both Strand One and Strand Two. Bias existed in participant recruitment for both groups. Targeted recruitment of judicial officers occurred within the jurisdictions that were shared by the youth serving agencies enlisted for the study. Judicial officers were recruited as a sample of convenience and the determination was

based on a willingness to respond to the researcher. Thus, the voluntary participation of judicial officers resulted in participant bias. Similarly, the youth serving agencies enlisted served youth who had been in foster care, but had left care or were preparing to leave care through the use of the agency's emancipation services. However, youth study participants were engaged in agency services. For example, recruitment targeted youth that were attending a regularly scheduled meeting at the host agency. Thus, study participants were a sample of convenience based on their experiences with dependency court and accessibility to the researcher.

A second limitation for both Strand One and Strand Two was sample size. The six judicial officer participants provided valuable qualitative information that expanded upon survey findings conducted in 2015 (Rotella & Donnelly, 2015). Nevertheless, the findings did not reach saturation, as the diversity of dependency court experience was varied by judicial district, region, and years on the bench.

In total, there were 22 youth study participants. The smaller than anticipated numbers impacted the ability to reach statistical significance in the findings. Within the 22 study participants, there was over representation of individuals who were no longer in foster care services but, were still involved in supportive agency services. A sub-group of respondents were recruited from homeless resource providers while others were still participating in county funded services.

The rigor of the consent requirements for minors presented a challenge for recruiting youth under the age of 18 or currently in custody. All, but one of the youth agencies, estimated almost double the number of youth participants for the study. The transient nature of the homeless services population impacted youth study participants at some study sites.

Strand One: Youth Study Limitations

Limitations of Bias

Recruitment bias. The recruitment settings for study participants were youth serving agencies that resourced young people who had been foster care involved and participating in a youth leadership group or, youth who were utilizing homeless resource center services. As such, the mean age of the respondents was older than anticipated. Threats to validity existed because of some of the restrictions in recruitment of participants. The diversity in presenting circumstances between youth experiencing housing crises and those wishing to be part of a membership group supported efforts to recruit a diverse sample. Individuals who had access to the study were neither thriving (defined as living independently) nor were they residing in an institution (incarcerated or hospital). Thus, the demographic of the participating population was not inclusive of the diversity of youth who have experienced child welfare court involvement.

Recall and comprehension bias. For many youth respondents, the survey required reflecting back on past experiences. The gap in time from prior court experiences to study participation varied by respondent. For example, for some youth, dependency court involvement occurred several years prior and for others, a few weeks. For those at risk of, or experiencing homelessness, the distress of this housing crisis may have impacted perceptions and responses. Comprehension bias existed due to the literacy level and language acquisition of study participants. For example, the newly immigrated youth and youth with developmental disabilities may have experienced comprehension challenges.

Sponsor bias. The Strand One questions were derived from two sources: (1) the survey research conducted with child welfare professionals in 2015 as well as, (2) content important to OCR about youth feedback regarding their GAL representation. As such, the survey questions

may have been complex or logistically focused. For example, youth were asked to reflect back in time on topics such as transportation to court and preparation for a court hearing. Due to the diversity in responses, it was difficult to detect if sponsor bias was present in the results. The researcher was employed at a county child welfare agency and this may have influenced the sponsor bias. Youth results indicated respondents felt empowered to share both positive and negative experiences. The focus group discussions were useful in enhancing understanding and context to the formatted survey questions. Additionally, the group discussion provided a format for youth-driven discussion and peer reflection.

Data gathering bias. Youth were asked to recall back in time to provide information about types of placements and court experiences. Placement and court experiences were complex and often misunderstood. The experiences occurred over multiple developmental stages and during times of conflict and uncertainty. Specifically, it would have been useful to obtain youth placement history from archival data sources to ensure reliability. Additionally, detailed placement data would have allowed for additional analysis related to number of moves and types of care as it relates to perceptions. The researcher did not gather participants status with child welfare and court systems to analyze response differences between those still receiving child welfare services in contrast to those that are no longer involved with the formal systems.

Data management bias. Many of the Strand One study participants did not wish to be recorded. Youth expressed specific concerns about confidentiality and restricting the recording of the session enhanced their perception of study confidentiality. In those instances, the researcher was challenged to collect field notes while facilitating the discussion. Some content

was not captured. Following, the researcher transcribed data from the field notes following the administration of the survey and focus group discussion.

Sample Size Limitations

The small sample size impacted the study results. Statistical significance was not reached from data collection and analysis from 22 participants. In some instances, the number of study participants impacted ability to reach statistical significance. Additionally, the findings were not generalizable to a broader group of youth who have had dependency court experience.

Additional Analysis

Youth were asked how they would prefer to provide feedback about their GAL representation in order to inform future State agency efforts to elicit youth feedback. Participants were challenged by the request to delineate between feedback about their GAL representation separate from feedback about the judicial officer or other parties to the case. Findings revealed that youth wished to have venues to give feedback. However, it seemed there was a preference for the youth to be offered a forum for providing feedback on all parties to and aspects of their case. Additionally, youth responses were varied indicating a need for further examination or multiple options of preferred avenues for youth to provide feedback.

Strand Two Limitations

Limitations of Bias

Recruitment bias. Judicial officer study participants were recruited through nomination from content experts, or by voluntary response to the researcher's outreach and request. The researcher outreached to three (3) other judicial officers who did not respond. It is not known how those participants may have diversified the findings. The sample of convenience may have

had a favorable opinion of youth participation in court. There may have been bias toward study participants that were already submersed in youth engagement strategies or curious about the topic. Thus, the findings from six judicial officers could not be generalized to a broader group of judges and magistrates.

Sponsor bias. Two study questions derived from Office of Child Representative (OCR) priorities. Specifically, Bench Card strategies and use of the District Plan were questions that may have indicated a bias toward OCR priorities of youth attendance at court hearings. This may have resulted in acquiescence bias toward endorsement of youth inclusion.

Data gathering bias. Judicial officer respondents were provided a list of perceived benefits and challenges to youth inclusion in court that were gathered from a 2014 survey (Rotella & Donelly). However, providing pre-created lists may have influences responses. Similarly, they were asked to reflect on a list of the three most influential factors to youth attending court. The content within those three factors (youth wishes, age of youth, type of hearing) were significant priorities to study participants. In retrospect, all three of those factors warranted greater investigation. Rigor of strand two data gathering was that all six respondents allowed the researcher to record the phone session and transcribe the detailed conversations before data analysis.

Sample size bias. As stated above, the purposive recruitment of six study participants resulted in sample size bias. Results did not reach saturation to represent the perspectives of all dependency court judicial officers in Colorado. The study results had a gap in rural judicial districts representation. Only one respondent represented a dominantly rural region of Colorado. Each district identified differing resources and challenges.

Additional Analysis

The researcher utilized subject matter consultants to support participant recruitment. Additionally, the researcher attended a dependency court statewide conference to meet potential study participants in advance of formal recruitment. Nevertheless, there may have been benefit to greater assessment of current practices, modifications, resources and challenges in advance of the interviews. This may have required the researcher to create a dependency court assessment tool or search the literature for dependency court demographic assessment instruments. Upfront, specific demographic information may have strengthened the diversity of judicial respondent representation in the study. Despite the bias of a small sample size, diversity of findings was present within the study participant.

Summary

The researcher sought to understand the perspectives of the dependency court judge or magistrate that presided over the court process, while also gaining understanding into the perspectives of the youth who, through the experience of abuse and neglect, had been a highly impacted by dependency court. The judicial officers' interview data provided information that expounded on survey data that was gathered in 2015. The in-depth interviews provided a forum to gain deeper understanding into both experiences as well as recommendations for youth participation. Youth surveys were derived from the survey that child welfare professionals had participated in via electronic survey in 2015. Additionally, youth were encouraged to provide focus group discussion feedback on relevant topics of providing feedback.

The research sought not only to understand experiences of both with the dependency court process, but also recommendations for modifications or changes to advance youth

inclusion in dependency court. Both youth and judicial officers provided insightful information. For example, they identified practices that promoted youth inclusion in court. Findings revealed that judicial officers had given significant attention and consideration to the thoughtful inclusion of youth, in a manner that was mindful of a trauma-informed approach. Additionally, judicial officers were required to negotiate the workforce constraints of child welfare professionals, challenges with judicial leadership, as well as legal mandates.

In addition to gaining insight into current practices and recommendations, specific questions were asked of judicial officers regarding useful resources that informed their approach. Additionally, they provided insight into factors that influenced their perceptions about youth attendance at court. Similarly, youth were asked to identify factors that influenced their perceptions of court as well as recommendations for providing feedback about their GAL representation. The data findings illuminated existing concerns related to confidentiality, retribution, and comprehension.

While the study results indicated several areas for further investigation, the study was effective in examining the perceptions, practices and recommendations of youth and judicial officers involved in dependency court proceedings. Data analysis provided opportunities to identify shared themes that were identified by youth and judicial officers, as well as themes that were a priority for one group but not an identified priority by the other group. Both the shared themes, as well as the themes only named by one study group, offered insights and information for potential areas of practice change as well as cross-education.

The convergent mixed methods study design supported the opportunity to explore how the experiences, perceptions and recommendations of youth and judicial officers converged. The crossover themes highlighted common areas that inform future youth inclusion efforts.

Additionally, the themes that were absent for one group but, a priority for the other, provide insight into areas requiring cross-education and alignment.

CHAPTER 5

DISCUSSION

Youth who are victims of abuse and/or neglect have unclear access to the court proceedings that determine critical decisions about their lives. Increasingly, child welfare professionals are being encouraged to provide youth opportunities to attend hearings. Federal law now requires that youth ages 12 or over be engaged in a developmentally appropriate manner in permanency court hearings. In the State of Colorado, children age 12 and over must be consulted with, in an age appropriate manner, regarding all placement and transitional hearings (SB 07-226). The State Office of the Child Representative (OCR) has worked to educate judicial officers and child welfare professionals about the positive implications of youth attendance at dependency court hearings. Individual dependency court judicial officers are in the position of creating and promoting youth inclusion policies and practice within their court room, while balancing other competing priorities of ensuring appropriate judicial processes. Youth access to participation in court proceedings has been varied due to the lack of uniform protocols.

Child welfare professionals have been varied regarding their perspectives of youth empowerment through attendance at hearings, versus youth empowerment opportunities that may occur through other means of participation in court. For example, youth engagement strategies may include a scheduled meeting with the judicial officer, submitting a letter to the court, or calling into the hearing. For some child welfare professionals, the potential of the court experience to inflict further harm has been an additional concern.

The literature pertaining to potential harms of youth attendance at dependency court is limited. However, Block et al (2010) and Weitz et al (2010) found that youth participation in a hearing was not associated with reported distress to the child. The research was based on a need

to have clearer understanding of key stakeholder groups' perceptions prior to establishing mandated policies to youth participation in dependency court proceedings. There is a gap in the research that may inform policy changes. There are practices that are underway in some court rooms in Colorado that provide a start to gathering information about potential recommendations for youth attendance and/or participation in hearings.

A second significant consideration was the lack of consistency in practices within dependency court. The variance may result in youth from different regions, or in different court rooms, receiving differing levels of access to justice.

A third consideration was that prior research identified significant logistical barriers that must be addressed prior to advancing practice improvements to youth attendance at hearings (Donnelly & Rotella, 2014). In addition to logistical barriers for youth attendance at dependency court hearings, child specific considerations such as no-contact orders with parents or accommodations for disabilities were identified by child welfare professionals. Modifications have been made within different court rooms and judicial districts to increase youth participation in dependency court proceedings. Yet, the efforts have not been uniform with the federal mandates and state law, nor are the practices sustainable without systemic attention.

Purpose

The purpose of the study was to provide insight into perceptions and practices of both dependency court judicial officers and youth in Colorado dependency court system. Youth involved in dependency court processes often have a history of trauma and disruption and are an identified party to the court case. As such, it was imperative to explore how the perceptions of

judicial officers and youth differ and intersect in order to inform the evolution of youth inclusion in Colorado dependency courts.

Design Approach

A convergent mixed methods design approach consisting of qualitative and quantitative components was employed to understand the perceptions of judicial officers and youth involved in dependency court. The strand one collected information from youth in the form of a surveys, as well as focus group discussion, to gather information about court experiences, perceptions and recommendations. The constant comparison technique of reducing data to codes and themes was the primary analysis used for the qualitative data, in addition to descriptive and t-test data analysis for the survey.

The second strand gathered information from dependency court judicial officers. Data was obtained from a recorded telephone interview of open ended questions and a small set of demographic questions. Following, the results from Strand One and Strand Two were merged for integrated data analysis. Merged analysis provided data for the research question 1: What are the experiences of youth attendance at dependency court? As well as question 5: What are participants' recommendations related to youth participation in dependency court? Judges? Youth? What are the primary differences and similarities? Refer to Appendix E: Research Questions Table.

Findings

The study findings provided opportunities to examine priority themes for both youth and judicial officers to determine potential priorities for policy change efforts. Additionally, the

study identified themes that were present for only one of the two groups studied. Refer to Figure 5.1. This data offered insight into potential gaps of understanding between the judicial officers and youth.

The convergent design approach promoted the interconnectedness between the dependency court judicial officers and the youth experiences by highlighting findings that reinforced each other. Both sample groups identified the frequency of youth participation as half the time or less. Additionally, both groups reinforced benefits to youth attendance and accommodations needed to support the youth's wishes to participate. The two-phase of analysis assisted in providing a rich description of issues related to youth attendance with themes that were present for one study group but absent for another. Examples include youth priorities of confidentiality and comprehension that were not priorities within the data findings for judicial officers. Highlighting priorities for one group that were not identified by the other study group provided insightful practice improvements to advance youth participation in dependency court in the future.

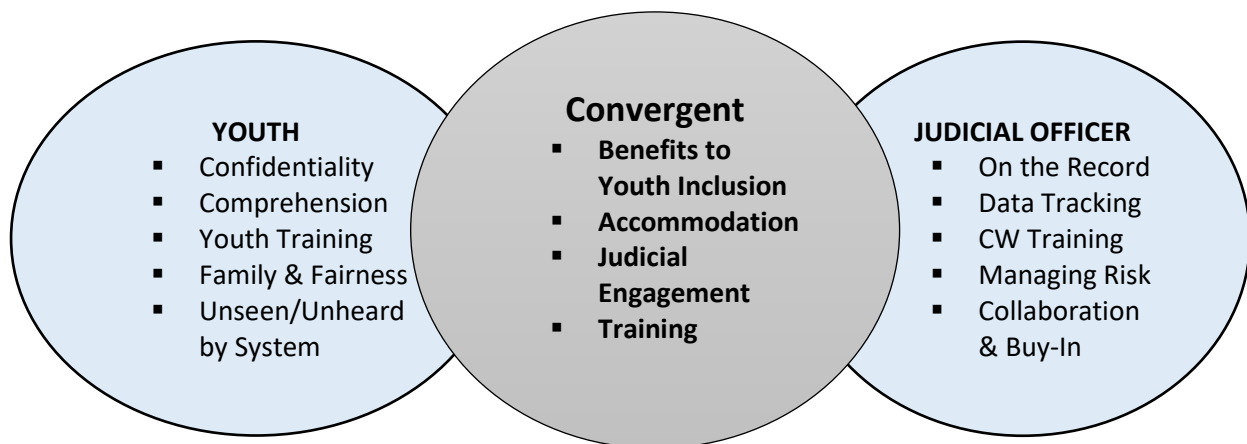


Figure 5.1. Youth and Judicial Officer Themes

Differences in Findings

Strand One. The absence of confidentiality and limited comprehension were two themes identified by youth that did not emerge from the judicial officer data.

Absence of confidentiality. Youth identified an absence of confidentiality during court proceedings. Youth stated that during the court hearings, parties unrelated to their case were present in the court room and, thus, heard their families distressing information. Second, they identified that overhearing other families' court proceedings heightened their fear and increased their confusion about the court process.

Limited Comprehension. A second theme that was identified by youth respondents that was not represented by judicial officers was limited comprehension. Youth respondents identified comprehension gaps in three stages (1) in preparing a youth in advance of a hearing (2) during the court proceeding and, (3) interpreting the court findings and the implications following the resolution of the hearing. Youth recommendations include specific strategies to enhance youth comprehension.

Strand Two:

As with the youth findings, three themes that emerged as priorities for judicial officers that were not recognized by youth respondents included (1) engaging collaborative partners to create modifications and changes (2) mitigating risk to youth using a trauma-informed approach and, (3) the need for judicial leadership to sustain changes.

Collaborative buy-in. Judicial officers identified those modifications that enhance youth access to the dependency court process required collaborative buy-in from child welfare professionals in order to address barriers.

Trauma informed approach to mitigate risk. Judicial officers identified that youth attendance at court proceedings must be thoughtfully approached. Several respondents stated that they leave the assessment of a youth’s ability to attend a hearing to the GAL in order to ensure that this will not cause further harm. An identified modification was the implementation of a screening form, completed by the GAL, to assess a youth’s appropriateness to attend court

Judicial leadership support. Judicial officer respondents identified that practice changes occurred within individual court rooms. Sustainable change would require state or district judicial leadership. Refer to Figure 5.2. Youth and Judicial Officer Recommendations.

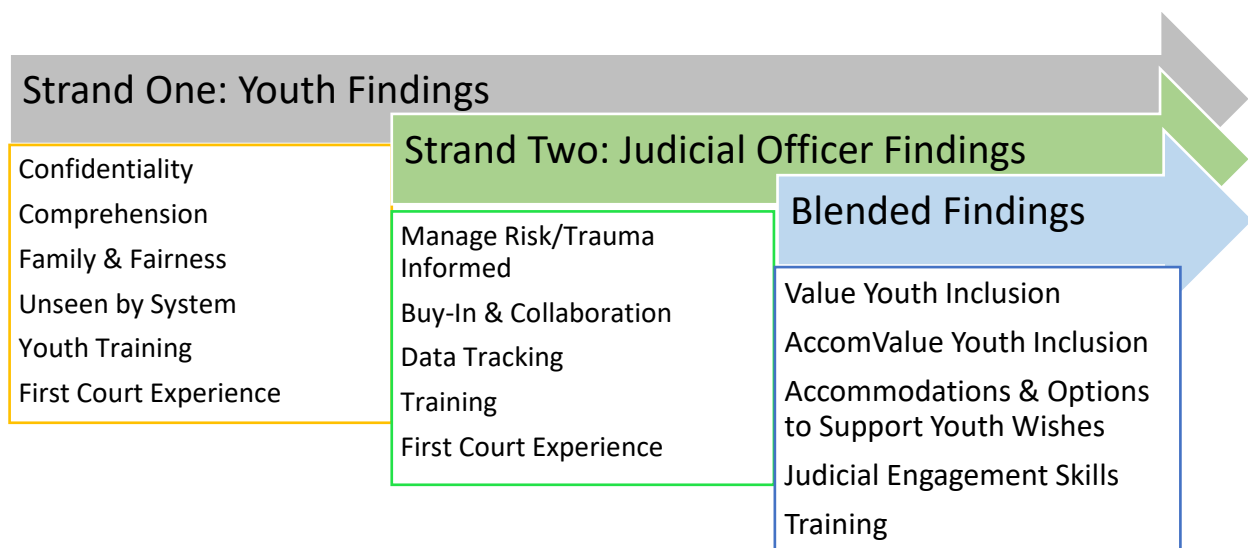


Figure 5.2 Youth and Judicial Officer Recommendations

Shared Findings

In addition to highlighting themes that were present for only one of the two study groups, there were recommendations identified by both youth and judicial officers. Three intersecting themes

recommended were: (1) the necessity for skilled judicial officer engagement (2) accommodations that offered youth various options to participate in court in the manner they wished and, (3) the identification of barriers to be addressed and benefits to be prioritized for youth participation.

Refer to Table 5.1.

Table 5.1.

Overarching Convergent Themes

<i>Intersecting Themes of Recommendations</i>
Skilled Judicial Officer Engagement
Benefits to Enhance and Barriers to Address
Accommodations that allow youth to participate in the manner they wish

Skilled judicial officer engagement. Both groups identified the necessity for judicial officers to demonstrate skills in engaging youth in a developmentally appropriate manner. Respondents within each group provided concrete strategies demonstrated by judicial officers' that fostered youth engagement including: eye contact, directed conversations, as well as special accommodations.

Benefits to enhance. Both youth and judicial officers identified benefits to youth inclusion in court proceedings. Respondents identified that there would always be situations when youth cannot have their wishes met due to the nature of the abuse and neglect allegations and safety concerns. Despite all of these complexities, both groups identified the benefits of empowerment, informing case determinations and access to justice when youth participated.

Refer to Figure 5.3.

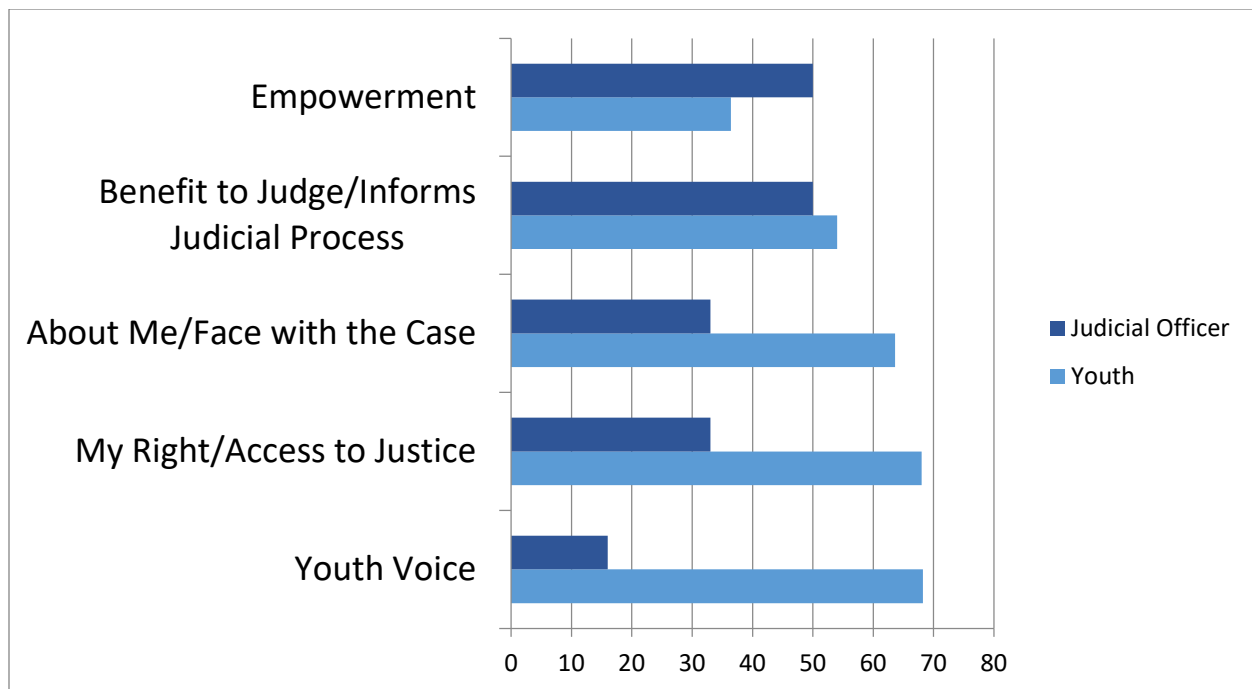


Figure 5.3. Benefits to Youth Participation

Barriers to be addressed. Both youth and judicial officers identified inconsistent access to information about hearings and access to attend hearings. In general, judicial officers reported more optimism about the ability to leverage resources such as the Best Practice Court Team and CASA office to address transportation, school absences and other barriers to attendance.

Accommodations: The definition of accommodation emerged from the study findings as modifications to allow youth to participate in court proceedings in the manner that they wished. Both groups prioritized a range of options for youth to make their wishes known with first priority given to the youth's preferences versus a prescribed approach such as mandatory attendance. Refer to Figure 5.4.

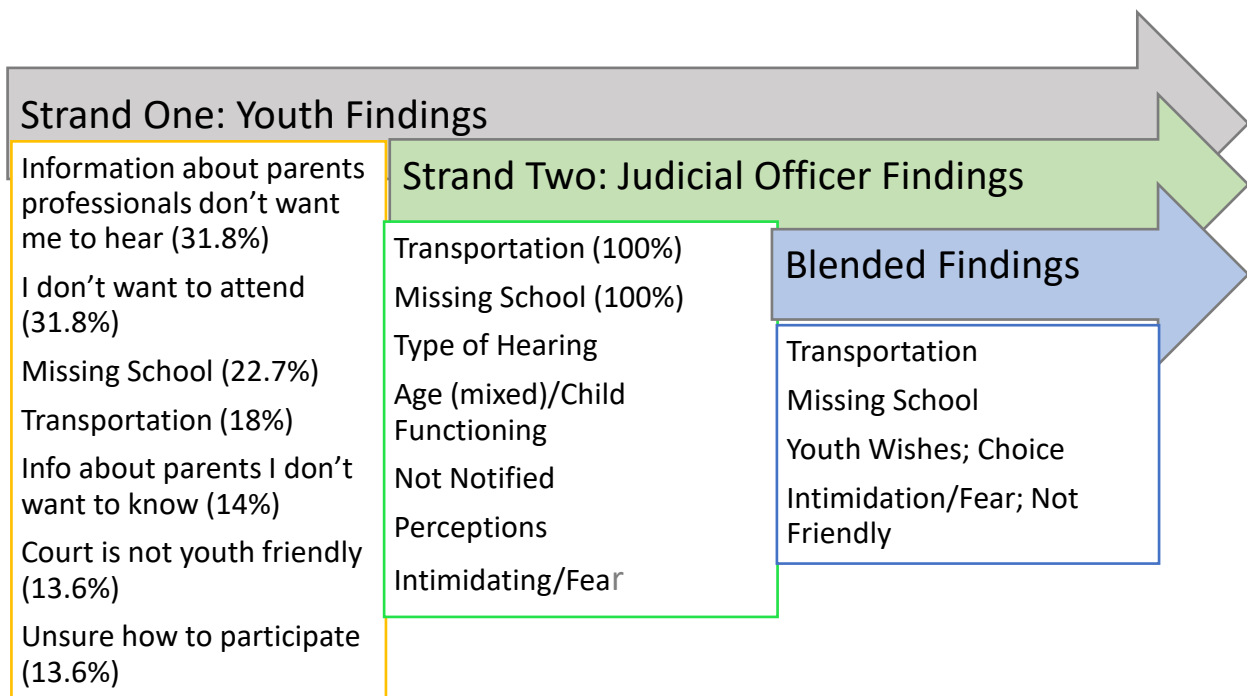


Figure 5.4. Blended Barriers to Youth Attendance at Court

Literature Supporting Findings

Previous exploratory researched collected youth feedback in Colorado utilized focus group formats. Studies that investigated the impacts of attendance at a dependency hearing upon youth utilized survey research and interviews with youth immediately follow a hearing. The studies were conducted in a few model court settings (Block et al., 2010; Miller-Updike, 2007; Weitz et al., 2010). The study findings both reinforced existing literature regarding considerations, barriers and benefits to youth attendance at dependency court proceedings, as well as it highlighted the necessity for accommodations to practice. Youth and judicial officers desire a range of inclusion options for youth participation. Neither group supports a mandatory attendance policy

Additionally, the study findings reinforced that youth and judicial officers do perceive positive benefits to youth inclusion, and modifications are underway in some court rooms to promote youth participation in court. Finally, the study supports the literature conclusions that youth attendance at dependency court hearings is varied by court room resulting in inconsistent access to justice for youth.

Literature Supports of Accommodations

The findings of this study reinforced the research that prioritized that youth who attended court should perceive court was a positive experience. Youth and judicial officers supported practice changes that offered youth a range of participation options. Accommodations included schedule modifications and technology adaptations.

Literature Support of Judicial Engagement

Research conducted in Colorado by the Office of the Child Representative (OCR) indicates that the best factor for fostering increased youth attendance at court is a friendly judge who champions youth attendance (Rotella & Donnelly, 2014). This finding was strongly reinforced by the Strand One findings of youth who identified strategies utilized by the judicial officer to welcome and engaged youth in the hearing.

Study results from Strand Two reinforced Rotella and Donnelly's (2014) findings that child welfare professionals perceived that the judicial officer's priorities about youth attendance were the most influential indicator for youth inclusion practices. The judicial officer respondents echoed that their mandates set an expectation for all parties to the case. Yet, they also identified that youth attendance requires collaborative buy-in from child welfare professionals involved with the youth in order to remove barriers to attendance, determine the youth's wishes, and implement this approach in a manner that is on the record and in line with judicial protocols.

Literature Support of Benefits

The OCR Study provided useful insight into child welfare professionals' perceptions of barriers and benefits to youth attendance at court (Rotella & Donnelly, 2014). Findings from the OCR Colorado study on court practices of youth inclusion indicate that interpretations varied widely by judicial district and that practices were not linked with Judicial District Court Plans (2014). Rather, judicial practices were often driven by time demands, youths' school schedules, transportation barriers, and the desire to buffer children and youth from further harm (Rotella & Donnelly, 2014). The findings of this study support the understanding that unraveling the systemic barriers for greater youth participation in court proceedings would be complex. However, this study reveals that efforts were underway in specific court rooms to develop and implement modifications to the court process that promoted youth inclusion. Successful efforts to promote accommodations toward youth participation required collaborative buy-in from Best Practice Court Teams and technical assistance from other sources. The study findings highlighted the shared priority that both judicial officers and youth recommended offering alternative means of youth participation that were outside of attendance at a scheduled hearing.

A Colorado Study, *Voice of their Own*, revealed that youth desired greater influence in their family dependency court proceedings (Miller-Updike, 2007). The Colorado study engaged Metro-Denver youth in focus group discussions and found that youth varied in how they wished to provide a voice to their case, but that overwhelmingly, youth want to make their wishes known. Miller-Updike's findings were strongly endorsed by a majority of youth in this study who prioritized benefits to youth participation. The results of this current study expand upon the understanding of perceived benefits to youth attendance. This study revealed that 70% of youth perceived benefits to court attendance (Table 4.9.). Youth perceived the top benefits to be that "it

is their right; it is about them,” and “youth voice.” Judicial officer respondents endorsed the benefits of providing youth opportunities to be engaged in the court proceeding. Judicial officers valued “benefit to the judicial process,” and “youth empowerment” as the top two benefits (Table 4.22.). While there were some differences, the shared perspective that the benefits to youth participation in court provides a foundation to promote uniform practice changes.

Literature Support of Barriers

Research conducted by OCR identified barriers to youth inclusion from study findings of child welfare professionals (Rotella & Donnelly, 2014). The barriers they identified were supported in this study. However, there was a division between youth and judicial officers regarding the most influential barriers. Uniformly, judicial officers identified that the significant barriers were the lack of transportation and missing school. Both of these barriers were supported in the research (Rotella & Donnelly, 2014). Additionally, judicial officers cited perceptions of impact upon the child based on age or trauma history as another barrier to youth participation (Table 4.20.). In contrast, youth identified different top barriers impeding their court participation (Table 4.8.). Youth ranked “There was information about their parents that professionals did not want them to hear” (31%), as well as “I chose not to attend” (31.8%), as their top two barriers. The barriers of missing school (22.7%) and transportation limitations (18.2%) were the secondary for youth. This study both reinforces the findings of perception of barriers by child welfare professionals as well as offering insight into youth perspective of child welfare practice determinations. Youth and judicial officers identified that a barrier to youth attendance may be the desire to protect youth from further trauma of difficult family information. This finding raises further consideration to challenge some of the presumed inclusion

philosophies of advocacy groups toward support of policies that provide a range of options to accommodate youth in a trauma-informed manner.

Research Findings and Theories

The theories identified by the researcher to support and inform the study approach and research questions were systems theory, human development theory, empowerment theory and resilience theory.

Systems Theory

The theory provided a framework for the research design as well as providing insight into the findings. From a systems perspective, two critical challenges of the dependency court experience are the intersection and divide of the child welfare and legal systems. These systems are extremely complex to navigate and often fail to consistently provide youth equitable access to justice in an age appropriate manner. Youth involved in dependency court interact between many complex systems including the legal, child welfare, and family systems. However, youth in this study perceived these systems as one larger system that is not easily changed, while judicial officers noted the challenges of creating sustainable change with policy, leadership, and data driven practices. Additionally, these systems are failing to provide a consistent approach to youth engagement in the dependency court process. Youth participation in court varies by court room, judicial district, and treatment team. This theory was supported by both the judicial officers and youth findings that illustrated not only the system disconnect, but also provided recommendations that were systematic in nature. For example, accommodations required to ensure a continuum of options for youth to make their wishes known would require both child welfare and justice system modifications.

Human Development Theory

The theory describes individual change and development over the lifespan with an emphasis on obtaining mastery of skills to advance growth. Youth in care have experienced traumas and disruptions that frequently impact their ability to successfully master early stages of social development. Youth in this study identified that court was a fearful experience. Three themes emerged from the data that were reinforced by human development theory were (1) judicial officer engagement (d) accommodations and, (3) the youth theme of limited comprehension.

Judicial officer engagement. Judicial officers identified specific strategies they utilized to engage youth at different ages. While many judicial officers were not familiar with the developmental engagement strategies set-forth by the Bench Cards, the judicial officers identified that they have past experiences as GAL's and/or as parents that enhances their ability to adapt their engagement strategies to match a youth's developmental stage. For example, a judicial officer reported a strategy of providing young children books and stuffed animals, while allowing older tens to meet outside of the scheduled court hearing with pizza.

Limited comprehension. Limited comprehension was a theme that emerged in the Strand One youth data that linked the developmental ability to comprehending the complex court content. Youth reported that court was unfamiliar and the lack of information and understanding created anxiety. Additionally, the formality of the court process was intimidating to respondents.

Accommodations. Both youth and judicial officers identified the need for accommodations for youth to engage in court in a manner that was in line with youth's preferences and developmental needs. Judicial officers identified modifications that they

adopted to accommodate youth in a developmentally appropriate manner. For examples, youth telephoned into a portion of the hearing to minimize disruptions to school, or scheduled a meeting in chambers in the morning or after school.

Empowerment Theory

The theory provides a theoretical framework for understanding issues of social inequality, including differences in resource allocation and rights (Radovic, 2008). Empowerment is the process of gaining power and increasing one's sense of control. Empowerment is not a consistent experience for youth who attend court. Yet, both judicial officers' and youth identified benefits to court attendance that reinforced the principles of empowerment theory including, "it is about them" and that the youth's contribution to the proceeding informs the judicial decisions. Youth respondents identified disempowering experiences. For example, when a youth was not greeted or perceived the professionals were talking about them, but not to about important decisions affecting their lives. Themes that supported empowerment theory include (1) comprehension (2) accommodations and, (3) judicial officer training.

Limited comprehension. Youth identified limited comprehension as compounding feelings of powerlessness. Youth also identified that the lack of knowledge about the court process and limited understanding of the complex legal language ensured that their caseworker, GAL, and other parties to the case were in a position of power over them. Youth recommended creating opportunities to increase their knowledge about the court process. Empowerment theory recognizes that building skills fosters strengths in individuals. Future efforts to increase comprehension, enhance youth participation, and gather youth feedback within the dependency court process would be in-line with empowerment theory principles.

The identified accommodations reflect a value of empowerment theory. The theme that emerged that promoted empowerment through accommodation was youth wishes. For example, youth and judicial officers recommended providing youth a range of options for inclusion in court. Youth spoke to the appearance of a judge in a robe sitting above them as intimidating. Youth recommended having opportunities to sit at a table, eye-level to the other parties involved in their case.

Judicial officer engagement. Additionally, judicial officers identified efforts that focused on engaging youth in a positive manner, balanced with the need to attend to potential harm to youth in attending a hearing. Overall, judicial officers were highly attuned to that priority that if youth were going to be engaged in the dependency court process, the planning and implementation must promote an empowering experience for the youth.

Resilience Theory

Resilience theory encourages skill building and meaningful engagement of youth as strategies to buffer them from the impacts of trauma. Resilience refers to the process of overcoming the negative impacts of being exposed to risks through positive, empowering situations. Study findings provided specific examples of negative court experiences resulting in further frustration with the system. However, data also revealed situations in which youth felt seen and empowered through the court process. Themes that reinforced resilience theory included (1) youth wishes (2) confidentiality and, (3) training.

Youth wishes. Youth and judicial officers identified that court participation should be a positive experience whenever possible. For a small sub-set of youth, choosing not to participate in the court process was a demonstration of resilience. Judicial officers supported the value that

youth should determine if they participated in court, as well as their preferred method of participation.

Confidentiality. Resilience theory seeks to identify strategies that buffer individuals from the impacts of trauma. For youth involved in dependency court, an important aspect of buffering from risk was ensuring their family information was not overheard by others. Similarly, they did not wish to hear traumatic information about others. Confidentiality was a high priority for youth in attending a hearing and in providing feedback about their legal representation. In focus group discussion, youth identified fears of retribution for providing negative feedback about members of their treatment team. Yet many youths did wish to provide this feedback. Resilience theory supports the concept of having safe venues for youth to share feedback and advocate.

Training. Youth recommended opportunities to increase their court knowledge and preparation through training. Resilience theory supports the requested for training on the complex court language. Like youth, judicial officers identified benefits of training court professionals to ensure positive experiences of youth engagement in court proceedings.

Limitations

The study was impacted by limitations of design as well as instrument limitations.

Design Limitations

The convergent mixed methods study examined youth and judicial officers' experiences with youth inclusion in dependency court in order to gain insight into the practices and recommendations. The exploratory approach provided findings revealed priority themes. The study was successful in beginning to clarify priorities and describe practices and perspectives.

Exploratory research is useful in providing important insight into the current situation and to begin to inform about the issue of youth participation in court. However, future research with greater rigor is necessary in order to understand causal relationships between the findings or to generalize the findings toward theory development.

Sampling. A design limitation was the sample of convenience of youth and judicial officers who had experiences with the dependency court process. There were restrictions in diversity of recruitment of youth study participants in order to ensure compliance with participant consent. While efforts were made to recruit youth study participants from rural settings, many of the youth recruited in the rural study location had participated in dependency court in the Denver-metro area. Thus, a large number of youth participants experienced dependency court in the Front Range.

In addition to sample recruitment, study limitations of sample size existed. Youth under the age of 18 were excluded from the study when proper consent was not obtained. Additionally, the transient nature of the youth and young adult population limited the number of youth in attendance during the survey. Perhaps greater financial incentives would have encouraged greater youth attendance. The youth recruitment was dependent on the endorsement of host agency staff. In addition to competing demands by overburdened agency staff, there was staff turnover and leadership changes that limited access to youth study participants.

Youth were required to self-identify their past history of dependency court involvement, court attendance, as well as placement history. This was a potential limitation in trustworthiness of data. A final youth design limitation was the use of focus group surveys. Focus group provides a useful forum for obtaining data pertaining to shared group experience. Utilizing the group discussion to generate data was especially useful for teens seeking peer reinforcement.

Nevertheless, design limitations of the semi-structured focus group existed. For example, dominant voices influenced group data presenting a potential challenge to include a diversity of voices. Additionally, the moderator may have appeared to be a representative of the systems being discussed while attempting to facilitate unbiased discussion.

The Strand Two, in-depth interviews of up to six judicial officers presented with potential limitations. The diversity of responses indicated that data saturation was not reached by the number of study participants. The small sample size of judicial officer respondents proved a limitation in interpreting results.

The study recruited judicial officers serving in Colorado dependency court. Thus, the results of the findings from one state cannot be generalized to practices in other states. Due to sample size and diversity of experiences, judicial officer findings were not generalizable to all dependency court judicial officer experiences in Colorado. Similarly, all youth sample recruitment occurred within Colorado youth/young adult serving agencies and were conducted in Colorado. While a small percentage of respondents were from other states, the youth findings cannot be generalized to all experiences of youth participants in dependency court.

Instrumentation Limitations

The survey questionnaire was derived from prior survey research of child welfare professionals in Colorado with some threats to instrument reliability. The adapted survey was tested with two young adults who had aged out of eligibility for the study and small adaptations were made. Yet, instrumentation limitations were present. The court terms were defined for youth. Nevertheless, the terms were complicated resulting in a potential instrument limitation of comprehension. The quality of data may have been impacted. Additionally, many of the responses were dependent on youth recall of difficult past experiences. For crossover youth,

involved in both dependency court and juvenile justice court systems, there was potential confusion in recalling prior court experiences impacting the trustworthiness of the data.

Another instrumentation limitation was the definition of terms. Study findings indicated that the variables of: (a) youth placements and (b) the perception of court as welcoming required more concise definition. For example, the variable of court as welcoming may be broken into two separate variables of the judicial officer skills in making a youth feel welcome, distinct from, the variable of the court experience as welcoming.

This study asked youth respondents to indicate all levels of care they experienced from recall of their time in care. A limitation in definition of youth placement history included the levels of care experienced, as well as the number of overall placements. The most accurate source for this data is the TRAILS child welfare data system and would have offered data triangulation and accuracy. There were limitations to the credibility of data utilizing youth self-report. Ensuring a credible data source for the variable of youth placement history would be necessary to determine if there is was a correlation between perception of court as welcoming or perception of benefits to attending court with youth placement experiences.

Social Work Policy Recommendations

Social work policy considerations require an examination of the foreseen and unforeseen impacts of policies when considering a redistribution of power and resources for the empowerment of vulnerable groups. This study examined potential opportunities to empower youth through access and contribution to the dependency court process. One aim of the mixed methods study was to gather child welfare practice feedback to inform and influence policy

change. Additionally, the study provided information into the opportunities and barriers of youth inclusion in court proceedings.

The findings of this study provide context in examining potential changes to social work policy within the dependency court process. Some of these areas of policy examination include: (a) system changes balanced with maintaining necessary statutory structures (b) fear of retribution balanced with opportunities for empowerment through participation, (c) change through collaboration balanced with the necessity for strong judicial leadership (d) consideration of trauma informed approaches balanced with the desire to honor a youth's wishes and, (e) data driven priorities balanced with adaptive practices that allow for variations which reflect the local needs. Policy considerations require balancing diverse priorities when considering adaptations.

Table 5.2.

Social Work Policy Consideration

<i>Policy Recommendation</i>	<i>Practice Implication</i>
Systems change	Maintaining compliance with judicial process
Empowerment through participation	Fear of retribution
Collaborative approach to change	Need for judicial leadership
Youth wishes	Trauma-informed inclusion practices
Modifications that match local needs	Data driven practices

Systems

Study findings revealed that both youth and judicial officers identified opportunities for greater youth participation in dependency court. Youth respondents provided recommendations that addressed barriers to meaningful participation. Additionally, judicial officers highlighted

modifications that have been made to enhance youth involvement in court. Both youth and judicial officers identified that youth attendance was not consistent and that barriers to participation must be overcome in order to expand youth participation. Judicial officers identified that they must consider legal mandates, such as no contact orders and ensuring communications were on the record, when considering policy change. Youth identified legal issues of not receiving notification and limited comprehension. Youth access to court participation needs to be fair and equitable and not dependent on the priorities of the judicial officer or court team.

Empowerment

Youth and judicial officers identified the potential for youth empowerment through meaningful engagement in court. However, youth stated that they may be reluctant to speak out or give feedback for fear of negative consequences. Whether accurate or not, the fears of retribution are a significant concern for a subset of youth and warrant deeper investigation for social workers in the child welfare system. Youth placed in foster care may exhibit complex emotions as well as confusion about the system. Unseen fears of retribution about speaking up or expressing needs has the potential to create compounding distress upon a youth with a trauma history. Social work policy considerations must attend to perceptions of powerlessness and the fear of retribution. Additionally, youth identified the lack of access to interpreters and other limitations with comprehension. The social worker must consider the basic rights for individuals to understand decisions that may significantly impact their lives. Social workers must work to address gaps in knowledge in order to advance the value of client empowerment.

Collaboration

Judicial officers identified that sustainable policy change required buy-in and support of Best Practice Court Team (BPCT) members as well as state leadership. Judicial officers identified that they have influence over the youth attendance practices. However, effective and consistent participation of youth in court would require the support of all parties to the case. The social worker seeking to advocate inclusion must work in collaboration with the judicial team to advance practice changes.

Youth Wishes

Both youth and judicial officers placed a high priority on the youth's wishes to attend a hearing, meet in chambers, or participate in the manner that they choose. This priority requires that, when indicated, judicial officers have a range of options to offer and a willingness to support modifications to a traditional court appearance. Balanced with a desire for youth attendance protocols, is the priority of a trauma informed practice approach. Both a subset of youth and judicial officers identified that the court had the potential to create further trauma to a youth if youth engagement is not implemented in a thoughtful manner. Thus, a youth's desire to attend a hearing may not be perceived to be in the best interest of the youth. Therefore, policy consideration must include protocols for assessing risk to the youth while also ensuring a range of modifications when attendance is not indicated.

Modifications

Judicial officers identified modifications that would be necessary to advance policies of youth attendance at Dependency court. For example, rural communities had unique geographic and resource challenges. Mandatory youth attendance at a rural court hearing would require undo transportation hardships upon professionals. However, a policy modification for rural

communities maybe to use enhanced technology and recording devices to ensure youth participation was accessible and on the record. Similarly, youth respondents identified the need for flexibility in future youth attendance policies to accommodate a youth-driven practice approach. Study findings indicated a challenge in policy changes that would require a uniform approach to youth inclusion.

Reliable data and data tracking was requested to implement data driven policy changes. Data tracking accounted for attendance at permanency and transition hearings for youth 12 years of age and older. Other means of participation are not reliably tracked. Gathering data that tracked a range of youth participation strategies would inform policy change efforts.

This diversity of policy preferences between judicial officers and youth creates some tension in considering a uniform approach to youth inclusion across all jurisdictions in Colorado. Judicial officers have implemented accommodations to enhance youth attendance such as schedule changes or in-chamber meetings. These modifications may not be doable in an overburdened district or in a rural area with significant geographic distances without the use of technology. While the study findings inform the need for policy changes and leadership support for engaging youth in dependency court proceedings, findings indicate a need for flexible policies that respect local practice considerations.

Social Work Practice Implications

The study findings provided insight into social work practice recommendations. Four areas of consideration are (a) access to justice (b) comprehension (c) confidentiality and, (d) youth wishes.

Expanding Access to Justice

Study findings revealed inconsistencies in social work practices. For example, the due process rights of notification of a hearing are not reliable or routine for all youth. Both youth and judicial officers identified a lack of uniformity in notification of hearings, access to attendance, and preparation for court. Social work practice change recommendations should include the identification of a responsible party for issues of notification, transportation, preparation, and participation for youth to participate in a hearing.

A respondent identified a practice change in her court room. She aims to ensure youth have a minimum of one experience attending court and it is her responsibility to ensure it is meaningful. Similarly, youth respondents identified that the first time a youth attends court is the most important opportunity for setting a tone of a welcoming and positive experience. In considering practice changes, data indicates that it is important to prioritize a positive first court experience. Attending to the due process issues of notification, access and readiness for court attendance are necessary practice modifications to ensuring a positive court experience.

Comprehension

In addition to issues of due process rights and access, youth identified a lack of understanding about court. Legal language was unfamiliar and confusing to youth attendees, who were surrounded by professionals that maintained working knowledge of the complex court processes. Additionally, youth who are new to the country identified increased challenges when there was not a court interpreter provided. Data revealed that youth lacked understanding about limitations and restrictions that block a judicial officer, GAL or caseworker from being able to adopt a youth's wishes. The study results shine light on the need for professionals to attend to

the practice considerations of comprehension that assists youth in preparing, participating in, and interpreting court.

Confidentiality

In addition to concerns about a lack of court room confidentiality, youth identified that a lack of confidentiality impedes one's willingness to provide feedback about their GAL representation. Practice changes require considerations of ensuring confidentiality when seeking youth input. Despite a lack of uniformity as to the approach to providing feedback, the majority of youth respondents wished to provide confidential feedback in a voluntary manner about all parties and aspects of their case. Systematic youth feedback of child welfare experiences would require change in social work practices.

Atmosphere

Findings indicate that youth wish for modifications to the formality of the court experience. Recommendations include sitting at a table or at eye level with others as well as other strategies to reduce feelings of intimidation. Judicial officers identify that in-chamber meetings allow for greater accommodations to the court atmosphere. There is an opportunity for social work practitioners to consider modifications to the court atmosphere to promote a youth-welcoming climate.

Youth Wishes

Youth respondents advocated for policies that prioritized youth wishes in determining approaches to participate in court. Additionally, youth endorsed accommodations that ensured youth could select from a range of options. In considering social work practice modifications, it is important to recognize that, like the judicial officers, youth did not endorse a presumed attendance approach to court attendance.

Implications for Future Research

The study findings are useful in providing understanding into current practices of youth attendance and youth participation in dependency court proceedings. However, future research is warranted to expand the findings of this exploratory study. Additionally, themes identified by both judicial officers and youth warrant further investigation in future research.

Strand One

Benefits. Study findings indicate that youth who attended court were more likely to perceive benefits to court attendance. Future research may wish to examine if there is a strong correlation between prior attendance at a dependency court hearing and the perception of benefits to court attendance. Similarly, future research may examine if increased comprehension and accommodations increase youths' positive perceptions about dependency court.

Another variable that warrants further investigation is placement history. For example, the number of different placements and the levels of care a youth experienced. Perception of benefits to court attendance compared by the number and types of placement did not result in significant data findings. However, the data from this study indicate an opportunity for further examination of these variables with a large sample size. It may be useful to consider the total number and types of placements a youth experienced over time with perceptions of benefits to court attendance as well as the perception of court as welcoming

The study findings indicated that youth and judicial officers perceive benefits to youth participation. Yet, there is a need for further investigation to determine if youth participation in court proceedings improves permanency outcomes for youth over time. Additionally, there is a need to examine if there are differing benefits between youth attendance at a court versus alternative approaches to youth participation in hearings.

Confidentiality. The findings from this study raise questions to potential variables that may increase or decrease the likelihood of a positive court experience for youth. One example is the variable of lack of confidentiality. Youth identified a lack of confidentiality as a barrier to feeling that court is a safe and positive experience. Future research with a larger sample size may wish to examine if increased efforts to enhance confidentiality increases positive perceptions.

A macro-practice area of future research consideration is the impact of training for child welfare social workers. The State provides new workers comprehensive fundamentals training. It may be useful to examine if the workers perspectives of youth participation in dependency court are more positive for workers who have received fundamental trainings in the recent past.

Strand Two

Collaborative Planning. Recommendations from the study findings inform for future research. The study results indicated that the greatest advancements in removing barriers and enhancing modifications for youth inclusion were the result of collaborative efforts of Best Practice Court Teams (BPCT). There is opportunity to further examine the role of Best Practice Court Teams in collaborative systems change efforts.

Accommodations. A second opportunity for future research is the further examination of the judicial officers that have made accommodations and policy advancements. There is an opportunity to better understand the factors that promote practice advancements. Study findings lend indication to a potential correlation between the duration of time of a judicial officer in dependency court rotation with the successful efforts to develop court room specific approach to enhance youth attendance. Further research may wish to examine a more robust modifications

scales by including variables such as regional impacts, number of dependency hearings managed by the judicial officer, as well as potential indicators of history of successful collaboration.

Summary

Federal law that requires youth be consulted with, in an age appropriate manner, in the creation and implementation of permanency or transition plan before final case disposition (42 U.S.C. 675(5)(C)). As a result of the federal legislation, Colorado enacted new law to align with the federal regulation (SB07-226). Study findings indicated that youth were not consistently provided opportunities to be consulted with during permanency and transition hearings. However, in some districts, there were significant efforts underway for youth to engage in the dependency court proceedings. Barriers and inconsistencies regarding the means and access for youth participation in court existed. Additionally, findings indicated that while the judicial officer's priorities are highly influential to the court process, the GAL's and child welfare professionals played key roles in supporting youth access to court proceedings. This finding was reinforced by the judicial officer recommendations for collaborative buy in and support for sustainable modifications to dependency court.

The exploratory study sought to gain insight and understanding into current experiences of youth participation in court, as well as to identify recommendations for enhancing youth participation. Findings revealed that youth court attendance was varied by court room and occurring less than half of the time. Efforts to enhance youth inclusion at court were not limited to attendance at a scheduled permanency or transition hearing. Some youth and judicial officers identified preferences such as meeting in chambers, letters to the court, and phoning into hearings. Additionally, youth inclusion in court proceedings required coordination between

several parties to the case. For example, the GAL, caseworker, judicial officer, and care providers engaged in modifications to the court hearing to allow the youth to participate.

Both youth and judicial officers identified that youth attendance in a court hearing had the power to either empower a youth and inform the judicial process or, if not executed in a thoughtful manner, had the potential to risk further harm to the youth. Both youth and judicial officers recommended accommodations that prioritize the youth wishes and reduce risk of negative impacts to the youth. Judicial officers identified the need for judicial leadership to ensure the efforts were sustained and evenly accessible across all jurisdictions.

The study findings clarified the incredible attention and thought judicial officers have given to the issue of youth engagement in court and to court room specific efforts to foster youth engagement when appropriate. Additionally, youth attendance benefited the judicial officer as findings revealed youth participation informed the court's decisions. The finding lends strong endorsement to pursue efforts to provide youth access to dependency court proceedings and support collaborative approaches to judicial system modifications. Overwhelmingly, youth wished to have opportunities to participate in court proceedings.

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APPENDIX A

INDEX OF HEARINGS

Preliminary Protection Proceeding: At this hearing, the judge or magistrate must decide if the child should be temporarily removed from the home because the home is unsafe. The court may order the child to take a physical or mental health test. This hearing must take place within 72 hours after placement (removal from home) (Colorado Judicial Branch, 2008).

Filing a Petition: The petition states the Department of Social Services/Human Services' position on the facts of the case (Colorado Judicial Branch, 2008).

Adjudication Hearing: At this hearing, the court decides if the child is dependent or neglected, this is called adjudication. If the court makes this decision, the child can be ordered to remain in the custody of the Department of Human Services. The hearing should be held within 60 – 90 days of the date of service of the petition or if an expedited permanency planning case, adjudication must occur within 45 days (Colorado Judicial Branch, 2008).

Disposition Hearing: If the court finds that the child is neglected or abused, the court approves a case treatment plan for the family. The caseworker, GAL and attorneys and family are responsible for developing a recommendation to the court regarding the case treatment plan. If parties do not follow the requirements of the case treatment plan, the court may order a motion for termination of parental rights be filed. The law also includes other factors for the court to consider moving forward with motion for the termination of parental rights. At the disposition, the court may order: the child be placed in custody of a relative or the department of social services, order the child to receive a medical or mental health evaluation or treatment, order guardians to undergo evaluations and/or treatment, order guardians to provide the department of

social services names of family members or other relatives who have an interest in the child (Colorado Judicial Branch, 2008).

Review Hearings: The court will review the case regularly, as long as the child remains in custody or supervision of the department of social services. At each review hearing, the court is responsible for determining whether or not the requirements of the case treatment plan are followed. Guardians are required to attend all review hearings (Colorado Judicial Branch, 2008).

Permanency Planning Hearing: If the child remains in out-of-home care, the court is responsible for holding a permanency planning hearing within 12 months of child's removal from home. If the court decides that child cannot return home or to a relative, within a reasonable amount of time, the court is required to adopt a permanent plan for the child. Options may include: return home, court may order a filing of a motion for termination of parental rights and the child be placed for adoption, court may order long term placement for the child with relative or foster home, court may grant a legal guardianship for the child, the court may decide the child can live independently (Colorado Judicial Branch, 2008).

Termination Hearing: The State initiates a process to involuntarily terminate the parent-child relationship through a court hearing or a motion using the standard of the best interest of the child (physical, mental, and emotional health). The court must ensure that all lesser options have been exhausted.

APPENDIX B

STRAND ONE YOUTH SURVEY

Survey: Dependency Court Experiences for Youth and Young Adults

I would like your opinions on your experience with dependency court while you were involved in child welfare. I am also interested in your recommendations for increasing youth participation in the dependency court hearings.

Dependency and Neglect (D&N) court cases are ones that address abuse or neglect of a child. These are the court hearings with parents or caregivers because of concerns about mistreatment, such as neglect or abuse of a child. The court is concerned with the safety and best interest of children. In Colorado, children and youth may or may not be notified of D&N hearings or supported to participate in the court hearings.

I hope to learn more about your experiences and opinions about dependency court. I am distributing this short survey as a student at Colorado State University Department of Social Work in partnership with State organizations that wish to improve court practices.

The survey is anonymous and your participation is voluntary with no risks or direct benefits to you. The reason that I am asking you to complete this survey is because everything that occurs in D&N court affects the youth involved. I cannot assume that the professionals have the answers or that we are doing everything in the best possible way. So, we need to partner with youth to understand and to find your solutions to these important issues.

Your opinions are valuable for understanding how we are doing in supporting children and youth that are involved in Dependency and Neglect Court. (Please note: this is different from a juvenile delinquency case (JD) in which the youth is being charged with a crime. For the purposes of this survey, all questions will be about dependency court proceedings). Please know that some of the terms discussed are difficult for many people and often confusing, so do ask questions. I value your time and your opinions. For the purpose of this questionnaire, please complete the questions below.

After filling out this survey, we will have opportunity for a discussion about your thoughts and ideas.

Definition of Terms:

Dependency and Neglect Court Hearings: court case that addresses abuse or neglect of a child. A civil case against parents /caregivers who are alleged to have mistreated, abandoned or abused a child. (This is different than a JD case that is a filing against a youth that alleges a crime has been committed). For the purposes of this study, we will only be asking about dependency court hearings.

Court Participation: by a youth is varied by the judge or magistrate and often by the wishes of the youth. Participation could include: attending court, sending the judge a letter, meeting with the judge in private, calling into the court hearing, or expressing your wishes to your GAL or caseworker with assurances your opinions will be shared with the court.

Consult with: a term used in Colorado law that requires the inclusion of the youth's wishes in dependency court hearings. The law requires that all children ages 12 and older, be consulted with, in an age appropriate manner, about permanency planning and transition planning hearings. This varies in practice but it is usually the responsibility of the GAL and may include the forms of participation listed above.

Court Attendance: the child or youth is in the court room for a portion of the hearing or all of the hearing or meets with the judge or magistrate in chambers about the hearing

Judicial Officer: the magistrate or judge that presides over the hearing

Judicial District: The county or geographic area of Colorado that the court resides within. There are 22 judicial districts within Colorado representing 64 counties.

(GAL) Guardian Ad Litem: The lawyer who legally represents your child's best interest.

CASA: Court-Appointed Special Advocate: trained community volunteer who are appointed by the

QUESTIONNAIRE

A. Past Dependency Court Experience

My family was (or is) involved in the dependency court process:

Yes _____ **No** _____ **I am not sure** _____

(If No, Skip to part B. If Yes, Proceed with Part A)

1. Have you ever attended a hearing about your dependency court case?

Yes _____ **No** _____ **I am not sure** _____

2. If you have participated in dependency court on your case, how have you let the court know your wishes (select all that apply):

- ☐ I attended, Judge/Magistrate talked to me in open court
- ☐ Judge/Magistrate had an In-chambers interview with me
- ☐ The GAL, CASA or Caseworker reported my wishes to the judge

- I submitted a letter to the court
- Do not know/do not remember
- Other (specific)

3. If you attended a hearing, did you feel welcome at court

Yes **No** **I am not sure**

4. Who told you when you had upcoming court dates? (select all that apply)

- GAL
- CASA
- DHS
- Caseworker
- Court/ Judge/Magistrate
- Do not know
- No one told me/I was not notified
- Other (please specific)

5. Who helped you get ready to attend court? (select all that apply)

- GAL
- CASA
- Caseworker
- Foster parent/caregiver
- Do not know
- No one helped me prepare for court
- Other (please specify)

6. How were you prepared to attend court? (Select all that apply)

- ☐ I visited the courthouse before my hearing
- ☐ I talked with a professional on my case about what to expect
- ☐ I watched a video or met with someone who explained it
- ☐ Do not know
- ☐ I was not prepared to attend court
- ☐ Other (specify)

7. Who gave you a ride to court? (Select all that apply)

- ☐ GAL
- ☐ CASA
- ☐ Caseworker
- ☐ Foster parent(s)/caregiver/group home
- ☐ Do not know
- ☐ No one
- ☐ Other (please specify)

8. Were any of the following things reasons why you did not attend hearings? (Please select all that apply. If none apply, leave this question blank)

- ☐ Missing school or an appointment
- ☐ Transportation
- ☐ Information about my parents that I did not want to hear
- ☐ Information about my parents that professionals did not want me to hear
- ☐ The court schedule had too long of waits
- ☐ I did not want to go to court
- ☐ The court is not youth friendly
- ☐ I was unsure about how to participate in the court hearing
- ☐ Other (please specific)

9. Is there anything else you would like to share with me about your participation at D&N court hearings? (Open Questions)

Recommendations for Youth Attendance at Dependency Court Hearings

1. Do you believe there were (or would have been) benefits to attending the court hearings?

Yes **No** **I am not sure**

- If you answered Yes or Not Sure to the above, “Do you believe there are benefits to youth attending court hearings?” Do you consider any of the following to be benefits of youth attendance at hearings (Select all that apply):
- Your voice
- Empowering for you
- Provides information for the court about my wishes
- It feels like it is my right to attend
- Decisions that the judge makes include what I want
- Allows me to see what’s happening at court
- Other (please specify)

2. What could professionals do to help make court a welcome experience for youth that want to attend the hearing?

B. Demographic Information:

C.1 How old are you: _____

2 Do you have an e-mail account?

Yes **No** **Sort of**

3 If yes, how often do you check your e-mail account?

Daily **Weekly** **Monthly/Not often**

4. Do you have easy access to the internet?

Yes _____ **No** _____ **Sort of** _____

3. Estimate, how old you were when your family was participating in D&N court? (best guess at your age or age range) _____

4. Were you ever placed out of your family home?

Yes _____ **No** _____ **I am not sure** _____

If yes, (Select all that apply):

- ☐ relatives house (family member or friends house)
- ☐ foster care
- ☐ group home
- ☐ residential care
- ☐ detention
- ☐ hospital
- ☐ other

5. What County did your family attend court in? _____

6. Do you recall if you also had a juvenile delinquency court case (JD)?

Yes _____ **No** _____ **I am not sure** _____

C. Your Feedback – Open Discussion

1. What does having a meaningful voice in court mean to you?
2. How do you feel most comfortable communicating your opinion about your GAL and Court Experience?
3. What would keep you from giving your feedback about your GAL?
4. What would keep you from giving your feedback about your court experience?
5. What suggestions do you have for change?

Thank You! I appreciate your information and hope to make a summary to share with case worker professionals and judges. I will provide the study results to (Host Local Agency) when it is finished. If you would like to receive the survey results, do let them know.

APPENDIX C

STRAND TWO JUDICIAL OFFICER INTERVIEW SCHEDULE

Judicial Officer Interview Questions

Section A: Current Court Practices

Modifications

1. How would you describe current practices for youth participation in dependency court in your judicial district?
2. What, if any, modifications have you (your district) made to increase youth attendance at court hearings?
3. One strategy that has been used in child welfare has been the use of the ABA bench cards that support approaches to effectively engaging children and youth in D&N proceedings when appropriate. Are you familiar with the ABA Bench Cards?
☐ Yes ☐ No ☐ Other (please explain)
4. Are there tactics/strategies from the ABA Bench Cards that you perceive to be most useful?
5. What else would be helpful for judicial officers that are working to include children and youth participation in D&N hearings?

District Plan

6. Does your District Plan address children and youth participation in D&N court? If so, how?
7. Is your District Plan useful to you in your work with D&N court proceedings?
8. What, if any, barriers exist to implementing the District Plan?

Ranking Benefits and Barriers

9. These are the “whys” that we have heard about youth attendance at D&N hearings...of these, which seem the most true for you? (top 2)
☐ Youth Voice
☐ Empowering experience for the youth

-
- ☐ Provides the court with valuable information about the youth's wishes
 - ☐ Access to justice for the youth
 - ☐ Promotes 'youth-centered' decision making
 - ☐ Allows the youth to see what is happening at court
 - ☐ Other (please specify)

Comment:

10. These are some of the barriers identified to youth attendance at hearings, of these, which seem the most true for you? (top 2)

- ☐ Missing school
- ☐ Transportation
- ☐ Exposure to too much information about parents/family
- ☐ The court docket (long waits)
- ☐ Youth does not wish to participate
- ☐ Child's age and comprehension
- ☐ Open court room
- ☐ The court facilities are not youth friendly
- ☐ The youth are not prepared to attend court
- ☐ Professionals are not skilled/comfortable with speaking to youth
- ☐ Other (Please specify)

Comment:

Section B: Court Perceptions

Follow-Up from Survey Components

The Office of the Child Representative (OCR) collected survey data in 2014 and gathered data to barriers to youth attendance at dependency court hearings.

1. The study findings indicate that youth are not routinely attending D&N hearings. Does that seem true in your district:

- ☐ Yes ☐ No ☐ Somewhat

Comment:

2. What are your perceptions of youth attendance at dependency court hearings?

3. The study findings indicate that (1) the age of the youth, (2) the type of hearing, and (3) the youth's wishes are all factors for professionals in supporting youth attendance in court. Do those factors hold true for professionals in your courts?

- ☐ Yes ☐ No ☐ Somewhat

Comment:

4. Describe other factors that may influence child welfare professionals' perspectives on youth attendance?

Describe:

Perceptions of Youth Focus Group Feedback

Since the completion of the 2014 study mentioned above, youth in four districts participated in focus groups. Focus groups with youth found that youth did not find court to be welcoming.

5. Do you think that court is welcoming to youth in attendance?

6. What ideas do you have about increasing youth's positive perceptions about their experiences with dependency court hearings?

Demographic Information

1. What Judicial District(s) do you serve in at this time?

2. How many years have you served as a Magistrate/Judge?

3. Estimate for how long you have served on a D&N Court Rotation

4. Estimate the number of D&N filings in your district

Thank you very much for your time. I am working to gather feedback from both judicial officers and from youth and to develop a summary of the findings.

Would you be interested in receiving a copy of the findings?

Is there anybody else that you would recommend that I speak to?

APPENDIX D

RESEARCH QUESTION TABLE

Research Question Table

	Research Question	Data Source/ Location	Key Variables	Analysis Approach
1	What are the perceptions of youth attendance at dependency court hearings?	Merged YA.3 YA.9 YC.5 YC.7/JC.1 YB.1 - 2 YC.5-6 J1.B.2a-2.b JC.2-4	<ul style="list-style-type: none"> • Perceived welcome • Open Ended • Youth Age at time • Judicial District • Perceived benefits • Foster care type & age • • J. perceptions of attendance • J. years & experience 	Descriptive Statistics Constant Comparison
2	What are youth experiences with attendance at dependency court hearings?	YC.5 YC.7 YC.6 YA.8 YA.4-6 YA.3, YB.3 YC.1 YC.5 - 6 YA.9	<ul style="list-style-type: none"> • Youth Age • Judicial District • Youth Placement • Barriers to Attendance • Prepared & Informed • Perceived Welcome • Current Age • Foster care type & age • Open Ended 	Descriptive Statistics Constant Comparison
3	What factors influence youth perspectives about attendance at dependency court hearings?	YA.8 YB.1-2 YA.4-6 YC.1 YC.5 -6	<ul style="list-style-type: none"> • Barriers to attendance • Perceived Benefits • Prepared & Informed • Current age • Foster care type & age 	Descriptive Statistics Correlations
4	What are youth recommendations for ongoing feedback with OCR	YC.1 YC.2-4	<ul style="list-style-type: none"> • Age • Email Acct, Use 	Descriptive Statistics

	regarding their GAL representation?	YD.2 YD.3	<ul style="list-style-type: none"> • Comfort expressing opinion • Barriers to feedback 	Constant Comparison
5	What are youth recommendations for enhancing opportunities for youth attendance at dependency court hearings?	YB.1-2 YA.3,YB.3 YC.5-6 YD.5	<ul style="list-style-type: none"> • Perceived benefits • Perceived Welcome • Foster care type & age • Suggestions 	Descriptive Statistics Constant Comparison
7	Is there an association between judicial officers' priorities and the ABA Bench Card recommendations?	JA.1a-d	<ul style="list-style-type: none"> • Current Practices • Modifications • Familiarity with Bench Cards • Use of Bench Card Rec 	Constant Comparison Descriptive Statistics
8	What, if any, modifications have judicial officers made to increase youth attendance at dependency court hearings?	JA.1a JA.2 a JA.1.b JC.2-4	<ul style="list-style-type: none"> • Current Practices • District Plan • Modifications • District & Years of experience 	Descriptive Statistics Constant Comparison
9	What factors influence judicial officers' perceptions of youth attendance at dependency court hearings?	JA.3 – 4 JB.3a JC.1 - 4	<ul style="list-style-type: none"> • Benefits & Barriers to attendance • Perceptions of youth attendance • District, Years of experience 	Descriptive Statistics Constant Comparison
10	What are judicial officers' recommendations for youth participation in dependency court proceedings?	JB3.a JB.3b JC.1-4	<ul style="list-style-type: none"> • Perceptions of youth attendance • Ideas for improving attendance • District, Years of experience 	Descriptive Statistics Constant Comparison